

"Leveraging" religious liberty vs. simply supporting it

By [Steve Thorngate](#)

August 29, 2016

[Jeffrey MacDonald reports on an interesting development](#): left-of-center religious groups invoking religious liberty much as right-of-center groups have in recent years. A church wants to install solar panels despite the objections of a local historic district commission; elsewhere, groups serving the homeless are looking to faith-based partners to protect their ability to do so. The story provides a lens on the classic questions about what counts as religious exercise and who decides.

Yet it's a little odd that MacDonald's framing takes as given this very recent use of the term "religious liberty"—more strategy than principle, an argument to advance a cause. Here's his lede:

Religious liberty has often been a thorn in the side of progressives, especially when it's used by conservatives to defend everything from Christians-only clubs on campus to merchants who won't serve gays.

But progressives are now leveraging the First Amendment principle as a vehicle to advance causes of their own.

Of course, it wasn't so long ago that religious liberty was its own cause—one championed by liberals as well as conservatives, and motivated especially by concern for the rights of *minority* faiths, with their disproportionate share of free-exercise cases. (The original Religious Freedom Restoration Act, which a Democratic Congress passed with broad bipartisan support, was a response to a pair of Supreme Court cases involving Native American religion.)

It's not new for liberals or anyone else to advocate for religious liberty. What's come up recently is the use of religious liberty as the teeth for a wide variety of claims made by Christians—that is, by members of a majority faith that, in many of its expressions both conservative and liberal, has tended to identify more as the culture itself than as a group that needed its rights protected from it. Religious liberty always applied to us, but we used to take for granted that others needed it more.

Nowadays, the phrase “religious liberty” sometimes gets dropped into arguments that pre-exist the author’s interest in this issue du jour. The phrase is sometimes invoked by people who take it to mean “free exercise of Christianity” and take the establishment clause to mean nothing at all. And such abuses can distract from what is a genuine cultural shift: the more secular the wider culture grows, the less even members of the notionally majority faith can expect to be accommodated without a fight. American Christians’ religious liberty matters, too.

The question (or one of them) is whether all this growth in religious liberty talk will lead to any kind of [renewed consensus on religious liberty for its own sake](#)—on free exercise as a fundamental right of all Americans, not just a strategy for Christians to argue for this or that.