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“How to Think about Religious Freedom”
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The Bill of Rights' First Amendment aims to prevent the government from restricting the freedom of individuals to believe and worship as they see fit. It says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This does a good job of keeping federal, state and local governments from interfering with the rights of individuals, but it does not keep individuals from interfering with one another's rights. In order to prevent that interference, and to provide balance between the religious freedoms of different individuals and groups, government has been forced to pass laws about religious matters.

In response to the increasing legality of gay marriage, many states have established laws based on the 1993 federal Religious Freedom Restoration Act (RFRA), bipartisan legislation signed by President Bill Clinton.

These state laws purport to protect businesses from being forced against their beliefs to provide services to gay couples. This is especially contentious for those who supply cakes, photographs and wedding services to couples getting married. A Christian baker in Colorado recently refused to bake a cake for a gay couple because he considered homosexuality a sin.

Rather than debate the specifics of the various cases and positions on them, which have already received extensive public argument, I want to lay out what I see as four main issues to consider when thinking about religious freedom. These differences identified may not have a legal status, but they will help us reflect on the degree of compromise necessary to maintain the most religious freedom in our society.

First, what level of religious practice is being considered? Practice can stretch from private, silently held beliefs to their vocal or written expression to actions that put beliefs into practice or worship. It is one thing, for instance, to believe that homosexuality is a sin; it is another thing to wave placards stating that belief.

And what kind of beliefs are being put into practice? Beliefs about worship, about how one relates to one's god, differ from beliefs about morality, which are about how one relates to other people.

Second, how visible are religious activities? Some religious activities, like prayer, can be done in the privacy of one's room, shared with family, performed communally in a church or out among the general public. Does one's right to pray differ among these locations? Should it?

Third, do the religious activities cause harm? One's religious activities, by and large, should not hurt other people, prevent them from relying on public services or in any other way restrict their rights. Should a Christian doctor refuse to treat a Jewish or Hindu patient because the latter believes in the wrong god(s)? Can a hotel clerk refuse to rent a room to an unmarried couple because he or she believes in the sanctity of marriage?

Fourth, are individuals acting as themselves or as representatives of governments or corporate entities? People play different roles in society. The same individual can be a parent, a child, a friend or a boss. The First Amendment already makes clear that government officials cannot show preference to a religion.

So, Kelvin Cochran, the Atlanta fire chief who recently passed out his religious book to everyone in his department, was violating this rule. However deep in his own convictions, he was supposed to act as a government official, not as a religious individual. There is a difference between his self and his role.

Furthermore, people who work for a company represent that company when they are on the job. They are expected to follow the company's policies, even down to the dress code, and present the company's interests in the best light, interacting with their customers in accordance with company guidelines. While on the job, they are not supposed to act in accordance with their own beliefs.

Each of these four areas needs to be considered when thinking about whether and how an individual, or a group of individuals, can act in accordance with their religious beliefs. When the four considerations are brought together in different situations and circumstances, the results will differ, sometimes allowing individual religious freedom and sometimes not. It is the complications in trying to evaluate a specific action in light of these four potentially conflicting concerns that cause so much confusion about religious freedom.