

Should Religious Freedom be Limited during the COVID-19 Pandemic?

Learning Objectives

The students will:

1. Examine the limits of religious freedom found in U.S. constitutional law.
2. Utilize the *compelling interest* argument in assessing religious freedom claims.

National Council for the Social Studies Themes

- NCSS Thematic Strand 6: Power, Authority, and Governance
- NCSS Thematic Strand 10: Civic Ideals and Practices



National Council for the Social Studies - Religious Studies Companion Document for the C3 Framework

- D2.Rel.8.9-12: Interpret how beliefs, behaviors, and experiences of belonging to various communities affect and are affected by other social, political, and cultural forces.
- D2.Rel.9.9-12: Give examples of how beliefs, behaviors, and community experiences shape and are shaped by one another in particular social and historical contexts.

Essential Questions

- What are the limits of religious freedom in U.S. constitutional law?
- Should religious freedom be limited during times of crisis?

Plan of Instruction

Engage

1. At start of class, have students watch [3-minute clip](https://youtu.be/RC9uqHtnvzo) on religious freedom by the History Channel. (<https://youtu.be/RC9uqHtnvzo>)
2. After referencing First Amendment for students for use with journal question, have students write a response to the question from the lesson title, "What should be the limits of religious freedom during the COVID-19 pandemic? Engage with journal responses as class as appropriate.

Explore

1. Divide students into groups of four.
2. Assign each student an article on possible conflicts of religious freedom caused by COVID-19 pandemic from articles below. Teacher can provide students either link or copy of one of the articles.

- [Louisiana pastor holds services despite gatherings ban](#)
- [NYPD, FDNY disperse Orthodox Jewish groups amid COVID-19 outbreak](#)
- [Defying Virus Rules, Large Hasidic Jewish Weddings Held in Brooklyn](#)
- [Florida Pastor Arrested After Defying Virus Orders](#)
- [Can Religious Freedom Survive Covid-19?¹](#)

3. Each student reads his/her assigned article creating a short summary of the article describing the possible religious freedom conflict.
4. After all students have read and summarized assigned article, they share information with each other on articles associated with religious freedom conflict so that they will have an understanding of all of the possible conflicts.

Explain

1. Teacher details the U.S. Supreme Court case *Sherbert v. Verner* and *compelling interest* relating both to religious freedom and COVID-19 crisis. Summaries of *Sherbert v. Verner* case and *compelling interest* are located below.

- [Oyez Law Project: Justia US Supreme Court](#)
- [The First Amendment Encyclopedia: Sherbert v. Verner \(1963\)](#)
- [The First Amendment Encyclopedia: Compelling Interest](#)

Elaborate

1. Arrange classroom into a Socratic circle. Review the rules for civil dialogue in the classroom with the students which including the following:
 - Always listen carefully to what others are saying
 - No interrupting when someone is speaking
 - Respect other views, even if you disagree
 - Do not insist that people agree with your views
 - Disagree with the idea, not the person
 - Always try to be positive
 - Remember your body language and manners (don't get angry)
2. Teacher should explore each news media example with class in Socratic dialogue asking the following questions.
 - Should this religious group be accommodated?

¹ Use this article if you do not have enough students to cover all of the articles. Ben Marcus of Freedom Forum Institute summarizes and highlights the cases in his blog article.

- What accommodations could be made?
 - Does the government have compelling interest in this case to curtail religious liberties?
3. Once the new media examples have been reviewed in the Socratic dialogue, the teacher should reintroduce the essential questions or variations of the essential questions to the class if they haven't been discussed in the opening dialogue.
- What are the limits of religious freedom in U.S. constitutional law?
 - Should religious freedom be limited during times of crisis?

Evaluate

1. To assess student learning, students write a blog entry in which they answer the following question.
Should religious freedom be limited during the COVID-19 pandemic?
2. The student blog entry should include cited statistics, quotations, anecdotes, and reliable media links to express point of view and provide evidence for central assertions.
3. Teacher should provide the following [blog entry scoring checklist](#) to students to self-assess their blog.
4. **Extension:** Students can optionally exchange blog entries multiple times to solicit blog comments from peers. Good student guidelines for blog comments are located [here](#).
5. Students submit blog entry with optional blog comments and rubric.
6. Teacher should return to essential questions and solicit student responses focusing on changes in perspectives from initial journals to close the lesson.

Sources

Video:

- The First Amendment: Freedom of Religion in the U.S. - <https://www.youtube.com/watch?v=RC9ugHtnvzo&feature=youtu.be>

News Media Articles:

- Louisiana pastor holds services despite gatherings ban - <https://apnews.com/21cb04e62aba8144ee0672883dc6eddb>
- NYPD, FDNY disperse Orthodox Jewish groups amid COVID-19 outbreak - <https://www.fox5ny.com/news/nypd-fdny-disperse-orthodox-jewish-groups-amid-covid-19-outbreak>
- Defying Virus Rules, Large Hasidic Jewish Weddings Held in Brooklyn - <https://www.nytimes.com/2020/03/17/nyregion/coronavirus-hasidic-weddings-brooklyn.html>
- Florida Pastor Arrested After Defying Virus Orders - <https://www.nytimes.com/2020/03/30/us/coronavirus-pastor-arrested-tampa-florida.html>
- Can Religious Freedom Survive Covid-19? - <https://www.freedomforum.org/2020/03/26/can-religious-freedom-survive-covid-19/>

Sherbert v. Verner and Compelling Interest

- Oyez Law Project: Justia US Supreme Court - <https://www.oyez.org/cases/1962/526>
- The First Amendment Encyclopedia: Sherbert v. Verner (1963) - <https://mtsu.edu/first-amendment/article/755/sherbert-v-verner>
- The First Amendment Encyclopedia: Compelling Interest - <https://mtsu.edu/first-amendment/article/31/compelling-state-interest>

Blogging Assessment:

- Digitally Speaking Wiki
 - Blog Entry Scoring Checklist - http://digitallyspeaking.pbworks.com/f/Handout_BlogScoringChecklist.pdf
 - Leaving Good Blog Comments - http://digitallyspeaking.pbworks.com/f/Handout_LeavingBlogComments.pdf

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