

Policy that doesn't consider humanity isn't just.

The Supreme Court did not explicitly consider the humanity of people of faith as its starting point for adjudicating California's Covid-19 restrictions for church gatherings.

The appearance of doing so is not the same thing.

The benefits that accrue to our participation in groups is the sole reason for society of any kind. People worship together, but necessarily, their practice of religion means the exclusion of belief in most, if not all others.

The Constitution grants, and religious freedom as a concept demands, that freedom exists when each group has the same ability as the next group to practice their beliefs. This freedom follows directly from the protections that society gives equally to each of its members.

As such, the question facing the Court shouldn't have been whether California could enforce such limits on gatherings.

It should have been that whether in doing so, the state considered and constructed necessary accommodation to ensure that the emotional, social, and intellectual benefits flowing from being a member of a congregation were retained to the highest practical degree -

while the protections required by the nature of Covid-19 infections were enforced.

Instead, the majority focused on the differences in human experience in American society rather than on our similarities and tried to prioritize a side. The minority made the same error.

The Court's consideration was framed as a binary choice between freedom of religious practice and the scope of society's elected leaders to make decisions that apply science to the protection of that society's health. The structure of this framing created the implication that churchgoers must choose between their health and their religious beliefs.

By misframing the nature of the decision, and not explicitly beginning with the human needs met by the participation in church services, the Court continued the errors of the parties to the suit.

It put the health and emotional well-being of both arbitrarily-defined groups, the church and the state (defined as independent of the parties to the case), at higher risk.

More broadly, this is the error that our national discourse has made in its consideration of lockdowns, school closings and federal financial support for affected groups. The quality of experience of life is the variable upon which we, as humans, measure success.

And yet, progress in our lives always occurs in the midst of new challenges. Our policy solutions to these challenges must accept that each of us faces these questions together, regardless of whether we face them directly as individuals.

Otherwise, what purpose does the promise of our society and the applications of its principles provide?

https://www.wsj.com/articles/supreme-court-hands-california-churches-partial-relief-from-covid-19-restrictions-11612599085?mod=searchresults_pos3&page=1