

RELIGIOUS  
LIBERTY  
*and the*  
AMERICAN  
FOUNDING

*Natural Rights and the Original Meanings of  
the First Amendment Religion Clauses*

VINCENT PHILLIP MUÑOZ

# Right To Religious Liberty

**United States. Congress. House.  
Committee on the Judiciary.  
Subcommittee on the Constitution**

## **Right To Religious Liberty:**

Religious Liberty and the American Founding Vincent Phillip Muñoz, 2024-05-31 An insightful rethinking of the meaning of the First Amendment's protection of religious freedom The Founders understood religious liberty to be an inalienable natural right Vincent Phillip Muñoz explains what this means for church state constitutional law uncovering what we can and cannot determine about the original meanings of the First Amendment's Religion Clauses and constructing a natural rights jurisprudence of religious liberty Drawing on early state constitutions declarations of religious freedom Founding era debates and the First Amendment's drafting record Muñoz demonstrates that adherence to the Founders political philosophy would lead neither to consistently conservative nor consistently liberal results Rather adopting the Founders understanding would lead to a minimalist church state jurisprudence that in most cases would return authority from the judiciary to the American people Thorough and convincing *Religious Liberty and the American Founding* is key reading for those seeking to understand the Founders political philosophy of religious freedom and the First Amendment Religion Clauses *The Right to Religious Liberty* Barry W. Lynn, Marc D. Stern, Oliver S. Thomas, 1995 This revised and updated edition of *The Right to Religious Liberty* sets forth an individual's religious rights under present law offering suggestions as to how they can be preserved and protected The ACLU has diligently and vigorously advanced claims that the religious liberty of individual believers and religious institutions are infringed upon by government Written by two ordained Christian ministers and a former Orthodox Jewish rabbinical school student *The Right to Religious Liberty* represents the view that far from being militantly atheistic the ACLU's insistence on the separation of church and state is in the best interests of both church and state Like other handbooks in the ACLU series this volume is developed in the hope that Americans informed of their rights will be encouraged to exercise them Barry Lynn Marc D Stern and Oliver Thomas explain this shared conviction through the use of a question and answer format that addresses a broad range of issues dealing with church state separation and religious liberty In detail the authors discuss establishment and free exercise clauses religion and public education governmental aid to religious organizations religious displays the role of chaplains religion and family law accommodation of religion church autonomy conscientious objection refusal of medical treatment for religious reasons zoning and religious institutions clergy confidentiality religion in the workplace prisoners rights the Religious Freedom Restoration Act state constitutions and the controversial topic of deprogramming In presenting the material as objectively as possible the authors do not always concur with each of the cited decisions nor do they always agree with the specific solutions of a case Instead their goal is to give the interested reader a synopsis of the most current and relevant information and a general sense of the meaning and application of the law **Religious Freedom** Melvin I. Urofsky, 2002-04-03 This volume provides in a single source a thorough grounding in the origin development and current controversies surrounding the free practice of religion The first boatloads of European settlers did not come to America advocating religious tolerance They came seeking the freedom to practice their

own religion Other sects they believed were wrong at best and at worst not to be tolerated The question of what constitutes legitimate constitutionally protected religious practice has been debated ever since Does it include the use of peyote Polygamy Refusing medical care for a sick child Freedom of Religion follows the evolving understanding of the concept of religious freedom from Great Britain to the New World through hundreds of U S courtrooms to the volatile modern day issues of school prayer and faith based initiatives The thorough responsible and cool headed analysis presented here offers readers a solid grounding in the constitutional issues behind the headlines

**Religious Liberty and the Bill of Rights** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution,1996 James Madison on Religious Liberty Robert S. Alley,1985-07 This long overdue volume is the only one of its kind containing all of Madison s religious writings as well as new contributions by leading scholars Madison s writings assume even more importance to thoughtful Americans as the Supreme Court continues to decide issues of school prayer and as the Moral Majority tries to desecularize American public and private life Imagine an America without the Bill of Rights without the Constitution This image of our nation existing without these two foundations of freedom justice and inquiry assaults the imagination for these two documents are the fuel that runs the republic What is even more remarkable is that their primary author was one man James Madison James Madison On Religious Liberty is the definitive work of scholarship in its field and will lay to rest any questioning of Madison s enormous historical stature The essays are exhaustive in scope many appear here for the first time in published form and they include all of the available scholarship on Madison s religious writings Alley provides more than 65 pages of source material including Memorial and Remonstrance probably the single most important statement of religious liberty ever written the Virginia Declaration of Rights selections from his correspondence with Thomas Jefferson and William Bradford and other writings Among the distinguished contributors are Daniel J Boorstein the late Sam Ervin Jr Robert A Rutland A E Dick Howard Henry Steele Commager Lowell P Weicker Jr and Dumas Malone This volume makes clear the wisdom and courage Madison invested in his writings He was fully aware that all our freedoms flow from religious liberty as religious liberty is really the freedom of inquiry

*Religious Liberty in America* Louis Fisher,2002 It is often assumed that the judiciary especially the Supreme Court provides the best protection of our religious freedom Louis Fisher however argues that only on occasion does the Court lead the charge for minority rights More likely it is seen pulling up the rear By contrast Congress frequently acts to protect religious groups by exempting them from general laws on taxation social security military service labor and countless other statutes Indeed legislative action on behalf of religious freedom is an American success story but one that renowned constitutional authority Fisher argues has been poorly understood by most of us Taking in the full span of American history Fisher demonstrates that over the course of two centuries of American government Congress has often been in the forefront of establishing and protecting rights that have been neglected denied or unrecognized by the Court and that statutory provisions far outstrip in both number and importance the court cases that have expanded religious

rights In this concise and insightful book Fisher presents a series of important case studies that explain how Supreme Court rulings on religious liberty have been challenged and countermanded by public pressures legislation and independent state action He tells how religious groups interested in securing the rights of conscientious objectors received satisfaction by taking their cases to Congress not the courts how public uproar over a 1940 Supreme Court ruling sustaining compulsory flag salutes resulted in a court reversal and how Congress intervened in a 1986 ruling upholding a military prohibition of skullcaps for Jews By describing other controversies such as school prayer Indian religious freedom the religious use of peyote and statutory exemptions for religious organizations Fisher convincingly demonstrates that we must understand the political and not just the judicial context for the safeguards that protect religious minorities As this book shows the origin and growth of an individual's right to believe or not believe and the securing of that right has occurred almost entirely outside the courtroom Religious Liberty in America persuasively challenges judicial supremacists on church state issues and provides a highly readable introduction for all students and citizens concerned with their right to believe as they wish

**The Crisis of Religious Liberty** Stephen M. Krason, 2014-12-23 In The Crisis of Religious Liberty Reflections from Law History and Catholic Social Thought contributors consider a series of significant challenges to the freedom of religious conscience and expression in the United States today Such challenges include the mandate from the U S Department of Health and Human Services concerning contraceptive sterilization and abortifacient coverage in health insurance plans the question of health care institutions requiring medical personnel to participate in morally objectionable procedures contrary to their religious beliefs legal liability for individuals and businesses refusing on religious grounds to provide services for same sex marriages the prohibition on students from engaging in religious expression in public schools the use of zoning laws to block Bible studies in private homes and a variety of other issues that have surfaced in recent years with respect to religious freedom While some argues that religious liberty extends no further than the freedom to worship contributors suggest otherwise noting that the exercise of religious liberty is greater than a highly restrictive definition of the notion of worship The Crisis of Religious Liberty comprises eight chapters and an afterword that explore the nature and basis of religious freedom in terms of Catholic social thought They cover such topics as the Catholic Church's teachings from the Vatican II's Dignitas Humanae Declaration on Religious Liberty the decline of a historic rapprochement among different religious perspectives in the United States in the face of an increasingly aggressive secularism perspectives on religious liberty from the founding of America and how the religious liberty situation in the U S compares with the rest of the world The Crisis of Religious Liberty Reflections from Law History and Catholic Social Thought should appeal to a variety of professionals as well as a scholars lawyers and clergy health care professionals and Catholic business owners and researchers in the fields of religion law American politics and sociology

**Free to Believe** Luke Goodrich, 2019-10-22 A leading religious freedom attorney the veteran of several Supreme Court battles helps people of faith understand religious liberty in our rapidly changing culture why it matters how it

is threatened and how to respond with confidence and grace WINNER OF THE CHRISTIAN BOOK AWARD THE GOSPEL COALITION S BEST BOOK OF THE YEAR PUBLIC THEOLOGY CURRENT EVENTS NAMED ONE OF THE BEST BOOKS OF THE YEAR BY WORLD MAGAZINE Many Americans feel like their religious freedom is under attack They see the culture changing around them and they fear that their beliefs will soon be punished as a form of bigotry Others think these fears are overblown and say Christians should stop complaining about imaginary persecution In *Free to Believe* leading religious freedom attorney Luke Goodrich challenges both sides of this debate offering a fresh perspective on the most controversial religious freedom conflicts today With penetrating insights on gay rights abortion rights Islam and the public square Goodrich argues that threats to religious freedom are real but they might not be quite what you think As a lawyer at the Becket Fund for Religious Liberty Goodrich has won several historic Supreme Court victories for clients such as the Little Sisters of the Poor and Hobby Lobby Combining frontline experience with faithful attention to Scripture Goodrich shows why religious freedom matters how it is threatened and how to protect it The result is a groundbreaking book full of clear insight practical wisdom and refreshing hope for all people of faith

*A Plea for Religious Liberty and the Rights of Conscience: An Argument Delivered in the Supreme Court of the United States (1886)* George Ticknor Curtis, 2008-06 This scarce antiquarian book is a facsimile reprint of the original Due to its age it may contain imperfections such as marks notations marginalia and flawed pages Because we believe this work is culturally important we have made it available as part of our commitment for protecting preserving and promoting the world s literature in affordable high quality modern editions that are true to the original work

**The Blessings of Liberty** John Witte, Jr., John Witte (Jr.), 2021-11-04 A robust defense of the essential interdependence of human rights and religious freedom from antiquity to the present

**Taking Liberties** Robert Boston, 2014-03-04 A concise and lucid explanation of what religious freedom is and isn t Increasingly conservative religious groups are using religious liberty as a sword to lash out at others In this forcefully argued defense of the separation of church and state Robert Boston makes it clear that the religious freedom guaranteed in the First Amendment is an individual right the right of personal conscience not a license allowing religious organizations to discriminate against and control others The book examines the controversy over birth control same sex marriage religion in public schools the intersection of faith and politics and the war on Christmas among other topics Boston concludes with a series of recommendations for resolving clashes between religious liberty claims and individual rights

**The Sacred Rights of Conscience** Daniel L. Dreisbach, Mark David Hall, 2009 This compilation of primary documents provides a thorough and balanced examination of the evolving relationship between public religion and American culture from pre colonial biblical and European sources to the early nineteenth century to allow the reader to explore the social and political forces that defined the concept of religious liberty and shaped American church state relations from publisher description

**Congress' Constitutional Role in Protecting Religious Liberty** United States. Congress. Senate. Committee on the Judiciary, 1998

**Congress**

**Constitutional Role in Protecting Religious Liberty** Orrin G. Hatch, 2001-11      **The Rise of Corporate Religious Liberty** Micah Schwartzman, Chad Flanders, Zo? Robinson, 2015-12-11

What are the rights of religious institutions Should those rights extend to for profit corporations Houses of worship have claimed they should be free from anti discrimination laws in hiring and firing ministers and other employees Faith based institutions including hospitals and universities have sought exemptions from requirements to provide contraception Now in a surprising development large for profit corporations have succeeded in asserting rights to religious free exercise The Rise of Corporate Religious Liberty explores this corporate turn in law and religion Drawing on a broad range perspectives this book examines the idea of freedom of the church the rights of for profit corporations and the implications of the Supreme Court s landmark decision in *Burwell v Hobby Lobby* for debates on anti discrimination law same sex marriage health care and religious freedom

**Religious Liberty Protection Act of 1999** United States. Congress. House. Committee on the Judiciary, 1999      **A Christian Approach to Corporate Religious Liberty** Edward A. David, 2020-09-21

This book addresses one of the most urgent issues in contemporary American law namely the logic and limits of extending free exercise rights to corporate entities Pointing to the polarization that surrounds disputes like *Burwell v Hobby Lobby* David argues that such cases need not involve pitting flesh and blood individuals against the rights of so called corporate moral persons Instead David proposes that such disputes should be resolved by attending to the moral quality of group actions This approach shifts attention away from polarizing rights talk and towards the virtues required for thriving civic communities More radically however this approach suggests that groups themselves should not be viewed as things or persons in the first instance but rather as occasions of coordinated activity Discerned in the writings of Saint Thomas Aquinas this reconceptualization helps illuminate the moral stakes of a novel and controversial form of religious freedom

*The First Liberty* William Lee Miller, 2003-03-07

At a time when the concept of religion based politics has taken on new and sometimes ominous tones even within the United States it is not only right but also urgently necessary that William Lee Miller revisit his profound exploration of the place of religious liberty and church and state in America For this revised edition of *The First Liberty* Miller has written a pointed new introduction discussing how religious liberty has taken on deeper dimensions in a post 9 11 world With new material on recent Supreme Court cases involving church state relations and a new concluding chapter on America s religious and political landscape this volume is an eloquent and thorough interpretation of how religious faith and political freedom have blended and fused to form part of our collective history and most importantly how each concept must respect the boundaries of the other Though many claim the United States to be a Christian Nation Miller provides a fascinatingly vivid account of the philosophical skirmishes and political machinations that led to the wall of separation between church and state That famous phrase is Jefferson s though it does not appear in the Declaration of Independence nor in the Constitution But Miller follows this seminal idea from three great standard bearers of religious liberty Jefferson Madison and Roger Williams Jefferson who wrote the Virginia Statute for

Religious Freedom the precursor of the First Amendment of the Constitution James Madison who was politically responsible for Virginia's acceptance of religious liberty and who a few years later helped draft the Bill of Rights and the even earlier figure the radical dissenter Roger Williams who propounded the idea of religious freedom not as a rational secularist but out of a deeply held spiritual faith Miller re-creates the fierce and vibrant debate among the founding fathers over the means of establishing public virtue in the absence of established religion a debate that still reverberates in today's passionate arguments about civil rights school prayer abortion Christmas crèches conscientious objection during warfare and demonstrates how the right to hold any religious belief has dynamically shaped American political life

**Religious Liberty and the Secular State** John M. Swomley, 1987 This book examines the political and religious context in which the Constitution and The Bill of Rights were adopted Swomley reasons that those who wrote and adopted the Constitution and First Amendment intended a strict separation of church and state a government that would neither aid nor impede religion Religious Liberty and the Secular State refutes Chief Justice Rehnquist's position that the framers of the Constitution did not intend to ban all religious aid only preferential aid Swomley also refutes Rehnquist's claim that the Establishment Clause in the First Amendment was intended to prevent the establishment of a single national church Swomley concludes that the Constitution was intended to prevent the federal government from establishing one or more churches and to prevent the tax support of churches on any basis This book exposes the Supreme Court's erosion of the Establishment Clause while emphasizing the Free Exercise Clause Swomley also explores civil religion secular humanism and the current counter revolution against separation of church and state led by some religious and political conservatives who would profit from government aid He also lists the benefits churches would realize under a secular government

*Law, Religion, and Freedom* W. Cole Durham, Jr., Javier Martínez-Torrón, Donlu D Thayer, 2021-02-22 This book examines major conceptual challenges confronting freedom of religion or belief in contemporary settings The volume brings together chapters by leading experts from law religious studies and international relations who provide perspectives from both sides of the Atlantic At a time when the polarization of culture wars is aggravating tensions between secular and religious views about accommodating the conscientious claims of individuals and groups and when the right to freedom of religion itself is facing misunderstanding and erosion the work provides welcome clarity and depth Some chapters adopt a primarily conceptual and historical approach others analyze particular difficulties or conflicts that have emerged in European and American jurisdictions along with concrete applications and recommendations for the future The book will be a valuable resource for students academics and policy makers with an interest in law religion and human rights



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