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Redefining The First Freedom

Hans J. Hacker



Redefining The First Freedom:

Redefining the First Freedom Gregg Ivers, 1993 For over two hundred years the First Amendment to the U S Constitution has prevented government from establishing an official religion and from supporting or inhibiting privately held religious beliefs Nonetheless agreement over the proper constitutional boundaries separating religion from the state remains elusive In this timely book Ivers demonstrates that recent trends emerging in the Supreme Court point toward a weakening of the constitutional protections extended to religious minorities and a widening breach in the wall separating church and state In the last decade Ronald Reagan who openly expressed his contempt for the Court s religious clause decisions appointed justices who shared his view that majorities should have greater control over questions involving the place of religion in public life This pattern has been continued by George Bush s appointments to the Court In rigorous and comprehensive terms Ivers examines the profound changes in the church state jurisprudence of the Supreme Court Rather than viewing law and politics in mutually exclusive terms the author explains how this Court s drastic departure from established precedent is not value neutral as claimed but represents a carefully crafted political jurisprudence designed to advance the interests of majoritarian religion In case after case Professor Ivers illustrates that the Court has abandoned its role as a countermajoritarian institution a posture that has had and will continue to have grave consequences for religious minorities not well positioned in legislative bodies Brilliantly argued and written in a lucid accessible manner *Redefining the First Freedom* will appeal to constitutional scholars political scientists and civil rights activists It will inject new vigor into the debate over the Court s role as guarantor of individual rights the meaning of the First Amendment religion clauses and the appropriate relationship between religion and government

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to have grave consequences for religious minorities not well positioned in legislative bodies. Brilliantly argued and written in a lucid accessible manner, *Redefining the First Freedom* will appeal to constitutional scholars, political scientists, and civil rights activists. It will inject new vigor into the debate over the Court's role as guarantor of individual rights, the meaning of the First Amendment religion clauses, and the appropriate relationship between religion and government.

The Religion Clauses of the First Amendment Ellis M. West, 2012-07-10 The First Amendment of the U.S. Constitution begins: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. The Supreme Court has consistently held that these words, usually called the religion clauses, were meant to prohibit laws that violate religious freedom or equality. In recent years, however, a growing number of constitutional law and history scholars have contended that the religion clauses were not intended to protect religious freedom but to reserve the states' rights to legislate on. If the states' rights interpretation of the religion clauses were correct and came to be accepted by the Supreme Court, it could profoundly affect the way the Court decides church-state cases involving state laws. It would allow the states to legislate on religion even to violate religious freedom, discriminate on the basis of religion, or to establish a particular religion. This book carefully, thoroughly, and critically examines all the arguments for such an interpretation and, more importantly, all the available historical evidence. It concludes that the clauses were meant to protect religious freedom and equality of the individuals, not the states' rights.

Encyclopedia of Religious Controversies in the United States Bill J. Leonard, Jill Y. Crainshaw, 2012-12-05 This book provides a thorough introduction to historical and contemporary issues in American religion, tackling controversial hot-button topics such as abortion, intelligent design, and Scientology. Surveying key aspects of the controversial issues, persons, and religious groups of today, *Encyclopedia of Religious Controversies in the United States*, Second Edition, is a thorough update and expansion of the first edition of this book. This two-volume work contains many new entries that reflect current 21st-century religious controversies. Written by a variety of scholars with varying specializations, the content covers major people, ideas, terms, institutions, groups, books, and events. The A-Z format allows for easy location of materials; a chronology of developments and events enables readers to trace the development of contentious topics over time; and a section of primary document excerpts gives readers further perspective on the issues.

To Build a Wall Gregg Ivers, 1995 *To Build a Wall* represents the first extensive study of the effect of Jewish interest groups on church-state litigation. Ivers carefully traces the evolution of the American Jewish Committee, the American Jewish Congress, and the ADL from benevolent social service agencies to powerful organized interest groups active on all fronts of American politics and public affairs. He draws extensively upon original sources and archival materials from each organization, personal interviews over a five-year period, as well as the personal files and papers of Leo Pfeffer, the lead counsel or amicus curiae in nearly every establishment clause case from the late 1940s through the early eighties. Ivers concludes that organized interests can and do have critical influence in the legal process, but that organizational needs and external demands result in a more ad

hoc less planned approach to law and litigation than much previous scholarship has suggested Ivers also argues that the ethnic economic and religious differences that led to the formation of competing Jewish organizations eighty years ago continue to drive a dynamic pluralism within the Jewish community manifest in part in divergent approaches to litigation and public affairs

The Foundations of American Jewish Liberalism Kenneth D. Wald, 2019-01-17 Shows how American Jews developed a liberal political culture that has influenced their political priorities from the founding to today Changing and Unchanging Face of U.S. Civil Society Marcella Ridlen Ray, 2017-12-02 Ray has written a book that should be read by anyone interested in the current debates about the general health of civil society in the United States American Journal of Sociology The formation maintenance and well being of American civil society is a topic of intense debate in the social sciences Until now this debate has lacked rigor with the term civil society commonly used interchangeably and imprecisely with other terms such as civic engagement Today s discourse also lacks methodological discipline and relies too heavily on narrowly selected evidence in support of a particular argument In this invaluable contribution to the debate Marcella Ridlen Ray supplies an empirical study based on a theoretical model of democratic civil society one that posits high levels of communication diversity autonomy mediation and voluntary association In Ray s account the emergent story of U S civil society is that of a dynamic institution not necessarily one that is linear in its progression It is a tale of flux resilience and stability over the long term that is consistent with subtexts on political equilibrium she notes in the work of early political analysts such as Aristotle Machiavelli Locke Burke and later Tocqueville Ray dispels the widely accepted myth that Americans are increasingly apathetic and withdrawn from common interests The evidence reveals a persistence of long standing public spiritedness despite the fact that individuals use wider discretion in deciding if and how to attach to community and despite a historical lack of enthusiasm for performing civic duties in lieu of more pleasurable leisure activity This public spiritedness continues to reflect embedded religious cultural values that disproportionately influence how and when people dedicate time and money to associational life U S civil society has grown more inclusive and democratic as Americans venture at growing rates across differences in perspective *Social Issues in America* James Ciment, 2015-03-04 More than 150 key social issues confronting the United States today are covered in this eight volume set from abortion and adoption to capital punishment and corporate crime from obesity and organized crime to sweatshops and xenophobia

Creating Constitutional Change Gregg Ivers, Kevin T. McGuire, 2004 Because the justices of the U S Supreme Court interpret the Constitution their decisions can create constitutional change For quite some time general readers interested in understanding those changes have not had access to a concise volume that explores the major decisions through which those changes occur In order to make a wide range of decisions more comprehensible Gregg Ivers and Kevin T McGuire commissioned twenty four outstanding scholars to write essays on a selected series of Supreme Court cases Chosen for their contemporary relevance most of the cases addressed in this informative reader are from the last half century extending right

up through Bush v Gore and the 2003 Michigan affirmative actions cases Unedited summary from paperback cover

The Free Exercise of Religion in America Ellis M. West, 2019-02-05 This book explains the original meaning of the two religion clauses of the First Amendment Congress shall make no law 1 respecting an establishment of religion or 2 prohibiting the free exercise thereof As the book shows both clauses were intended to protect the free exercise of religion or religious freedom West shows the position taken by early Americans on four issues 1 the general meaning of the free exercise of religion including whether it is different from the meaning of no establishment of religion 2 whether the free exercise of religion may be intentionally and directly limited and if so under what circumstances 3 whether laws regulating temporal matters that also have a religious sanction violate the free exercise of religion and 4 whether the free exercise of religion gives persons a right to be exempt from obeying valid civil laws that unintentionally and indirectly make it difficult or impossible to practice their religion in some way A definitive work on the subject and a major contribution to the field of constitutional law and history this volume is key to a better understanding of the ongoing constitutional adjudication based on the religion clauses of the First Amendment

Searching the Law, 3d Edition Frank Bae, Edward Bander, Francis Doyle, Joel Fishman, Paul Richert, 2021-12-13

Faith in the Mosaic Bruce A. McDowell, 2017-06-13

[Encyclopedia of the United States Constitution](#) David Andrew Schultz, 2010-05-18 Covers the people court cases historical events and terms relating to one of the most studied political documents in schools across the country the United States Constitution

The Encyclopedia of Civil Liberties in America David Schultz, John R. Vile, 2015-04-10 Driven by the growing reality of international terrorism the threats to civil liberties and individual rights in America are greater today than at any time since the McCarthy era in the 1950s At this critical time when individual freedoms are being weighed against the need for increased security this exhaustive three volume set provides the most detailed coverage of contemporary and historical issues relating to basic rights covered in the United States Constitution The Encyclopedia of Civil Liberties in America examines the history and hotly contested debates surrounding the concept and practice of civil liberties It provides detailed history of court cases events Constitutional amendments and rights personalities and themes that have had an impact on our freedoms in America The Encyclopedia appraises the state of civil liberties in America today and examines growing concerns over the limiting of personal freedoms for the common good Complete with selected relevant documents and a chronology of civil liberties developments and arranged in A Z format with multiple indexes for quick reference The Encyclopedia of Civil Liberties in America includes in depth coverage of freedom of speech religion press and assembly as outlined in the first amendment protection against unreasonable search and seizure as outlined in the fourth amendment criminal due process rights as outlined in the fifth sixth seventh and eighth amendments property rights economic liberties and other rights found within the text of the United States Constitution Supreme Court justices presidents and other personalities focusing specifically on their contributions to or effect on civil liberties concepts themes and events related to civil liberties both

practical and theoretical court cases and their impact on civil liberties *Encyclopedia of Religion in American Politics* Jeffrey Schultz, John G. West, Iain Maclean, 1998-12-14 Today such issues as abortion capital punishment sex education racism prayer in public schools and family values keep religion and politics closely entwined in American public life This encyclopedia is an A to Z listing of a broad range of topics related to religious issues and politics ranging from the religious freedom sought by the Pilgrims in the 1620s to the rise of the religious right in the 1980s **The Culture of Conservative Christian Litigation** Hans J. Hacker, 2005-05-05 Over the past decade conservative Christian public law firms have been some of the most active and aggressive litigators in the nation Their efforts have impacted important policy areas including religion in the Public Square school prayer gay rights family values and abortion policy But the Fundamentalist Christian Evangelical social movement is not monolithic In this probing and judicious work Hacker explores and clarifies the influence of ideology on the goals and behavior of three leading conservative Christian law firms and how they differ in agendas and approach He provides rich interview narratives that shed light on interest group behavior and how it is influenced by internal group characteristics The Supreme Court and Religion in American Life, Vol. 2 James Hitchcock, 2009-01-10 School vouchers The Pledge of Allegiance The ban on government grants for theology students The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system the relationship between the state and religion in this country is still fluid and changing This the second of two volumes by historian and legal scholar James Hitchcock offers a complete analysis and interpretation of the Court's historical understanding of religion explaining the revolutionary change that occurred in the 1940s In Volume I The Odyssey of the Religion Clauses Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority Despite the Founding Fathers' ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed This view was seldom questioned until the 1940s notes Hitchcock Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld

Surviving Diversity Jeff Spinner-Halev, 2003-04-01 While liberal advocates of multiculturalism frequently call for tolerance of those with diverse views this tolerance is often not extended to members of religious groups This lack is perhaps

not surprising since the liberal ideals of autonomy equality and inclusiveness are the very ones that many religious groups particularly the more conservative ones reject Yet as Jeff Spinner Halev argues in *Surviving Diversity* any theory of multiculturalism that fails to take religious groups into account is incomplete Spinner Halev proposes three principles on which accommodation of exclusive religious groups should be based First they must provide their children with a basic education and allow adults to leave the community if they wish Second with some exceptions they should be welcomed to participate in the public sphere since such participation often bolsters citizenship Third they should be free to exclude others from their institutions except when doing so substantially harms the citizenship of others While not condoning such extremist groups as the Branch Davidians or the Christian Identity movement Spinner Halev stresses that most religious conservatives have chosen to live a life that in a permissive Western democracy requires considerable restraint and thought He concludes by demonstrating how the ideals of multiculturalism can be extended to such citizens creating a society tolerant of even greater diversity

Contemplating Courts Lee Epstein, 1995-01-01 Seventeen thought provoking essays in this sophisticated yet accessible reader demonstrate how political scientists conduct research on law courts and the judicial process and at the same time answer interesting substantive questions Illustrating the breadth and depth of judicial politics studies the essays convey to students the array of contemporary thinking both theoretical and methodological at work in the field The book's five parts cover subjects taught in most judicial politics courses Because each chapter stands alone instructors have the flexibility of assigning less than the whole book or chapters in a different order Topics examined range from information used by voters electing judges to the credibility of victims of sexualized violence Accessible to both undergraduate and graduate students *Contemplating Courts* offers fascinating views into both the law and courts field and the research process itself Epstein provides in the first chapter an overview of the key elements of judicial process research and defines key terms Technical notes and methodology appendices offer students additional guidance

Religion in the Public Sphere: A Comparative Analysis of German, Israeli, American and International Law Winfried Brugger, Michael Karayanni, 2007-08-10 How closely connected should church and state be May a state endorse the role and meaning of religion at all Can it treat distinct religious groups differently This book addresses these questions and more through a portrayal and comparison of the legal systems of Germany Israel France and the United States This thought provoking book brings the often opposing demands of religious and secular freedoms into clear focus

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