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Redefining The First Freedom

David Andrew Schultz



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

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.

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.

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.

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.

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 *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 *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

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 **Green Liberalism** Marcel Wissenburg,2013-11-05 This is an agenda setting exploration of the relationship between green politics and liberal ideology Ecological problems provide unique challenges for liberal democracies This challenge is examined by the author who aims to fill the gap between short term ecological modernization and the politically infeasible longer term utopian approaches

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