



Religious Freedom On Trial

Arthur M. Lee, Henry Bertram Hill

Religious Freedom On Trial:

Religious Freedom on Trial Otto Carroll Arnold, 1978 **To an Unknown God** Garrett Epps, Alan M. Dershowitz, 2001

Religion on Trial Phillip E. Hammond, David W. Machacek, Eric Michael Mazur, 2004 The free exercise of conscience is under threat in the United States Already the conservative bloc of the Supreme Court is reversing the progress of religious liberty that had been steadily advancing And this danger will only increase if more conservative judges are nominated to the court This is the impassioned argument of *Religion on Trial* Against Justices Scalia Thomas and Chief Justice Rehnquist the authors argue that what the First Amendment protects is the freedom of individual conviction not the rights of sectarian majorities to inflict their values on others Beginning with an analysis of the origins of the Constitution and then following the history of significant church state issues *Religion on Trial* shows that the trajectory of American history has been toward greater freedoms for more Americans freedom of religion moving gradually toward freedom of conscience regardless of religion But in the last quarter century conservatives have gained political power and they are now attempting to limit the ability of the Court to protect the rights of individual conscience Writing not just as scholars but as advocates of church state separation Hammond Machacek and Mazur make the strong case that every American needs to pay attention to what is happening on the Supreme Court or risk losing the liberties of conscience and religion that have been gained so far **To An Unknown God** Garrett Epps, 2001-03-15 Describes the peyote case in which Klamath Indian Al Smith an alcohol and drug abuse counselor was fired for distributing peyote as part of a Native American religious ritual and examines the constitutional issues the case raised **Religion on Trial: An Essay on Deliberalism** Astrid von Busekist, 2025-09-30 The book deals with three specific encounters between the law and religious commandments separationism composition and cooperation homeschooling circumcision the Get laws and how legal practitioners handle hard cases on a pragmatic basis Its distinctiveness might be summarized as follows The book is based on 3 empirical real life scenarios see Introduction involving confrontations between religious commandments and secular law conflicts between fundamental principles of different normative orders Instead of asking how the liberal constitutionalism should normatively handle these cases as the books and articles of my competitors listed below do I suggest that the threshold between permissible compatible religious practices is moving and should be treated contextually and pragmatically My main claim is that there is not one single version of secularism or *la cit* in the French context but a multiplicity of possible dialogues between representatives of faith communities and representatives of the legal political community My scenarios show that decisions are guided by a context specific balance between democratic values foremost equality and freedom Sometimes these cardinal values conflict and judges must rank them The articulation between religion and politics is not stable not written in advance not subsumable under a clear rule legal principles are not hierarchically ordered a priori as all my cases show even first order principles freedom equality must sometimes be weighed against each other I try to theorize each of these pragmatic interactions under

the umbrella concept of deliberalism and show that my scenarios display three different types of interaction between orders that range from a strong separation to outright cooperation The counterintuitive dimension of my book is to say that even in a very well documented field Church and state relations secularism is not a thick concept not a theory but a practice

Religion on Trial James John Jurinski,2003-12-02 From colonial times to the present an insightful examination of how courts have determined the extent to which religion is accommodated in American public life From the internationally renowned Scopes Monkey Trial of 1925 which pitted a public school teacher arrested for teaching evolution against the state of Tennessee Religion on Trial chronicles key court cases that have shaped the tumultuous relationship between church and state throughout U S history This volume chronicles such groundbreaking cases as the 1991 decision ordering blood transfusions for children of Christian Scientists in Norwood Hospital v Munoz and the infamous case Engel v Vitale that banned prayer in schools and ignited calls for Chief Justice Earl Warren s impeachment The work addresses such inflammatory contemporary disputes as prayer in schools allegiance to the flag and the display of religious symbols on public property and the impact they have had on American society

Faith on Trial David E. Guinn,2006-09-08 Faith on Trial explains how the Supreme Court s reliance on procedural liberalism hampers its ability to adequately address the reality of religion as a pluralistic social institution

Christian Science on Trial Rennie B. Schoepflin,2003 Tracing the movement during the late nineteenth and early twentieth centuries Schoepflin illuminates its struggle for existence against the efforts of organized American medicine to curtail its activities

Toleration on Trial Ingrid Creppell,Stephen Macedo,2008-02-12 Toleration on Trial offers the only multidisciplinary study available on the issue of toleration bringing together political psychologists philosophers sociologists Islamic scholars and political theorists to examine the most pressing debates in the field The volume addresses the toleration question from a number of angles toleration and its application to gay rights Islam and toleration institutional ideological and psychological preconditions for its practice and philosophical and conceptual arguments for the principle of toleration The common thread running throughout the volume is the core question Is toleration primarily a product of institutional arrangements or is it an attitude of individuals To answer this adequately the authors believe that a contemporary analysis of the possibility significance and requirements of toleration must be fully cognizant of the democratic or more accurately politically mobilized background in which toleration becomes a difficult issue Conflicts between deeply divided groups within nations and between groups across political boundaries pose the issue of threat and risk to a practice or way of life that many peoples find difficult to accept Can the idea and practice of toleration manage these in politically and ethically defensible ways These essays address various aspects of the aim to establish or strengthen toleration among politically mobilized groups in a context of contemporary democratic challenges

Islam on Trial Chawkat Moucarry,2022-03-31 In an age of increased globalization Islam has found itself in crisis Extremism secularization and ever increasing encounters with the Christian gospel have raised fundamental questions about the nature

of Islam its development and the future of its relationship with the West Islam on Trial addresses these questions while avoiding the pitfalls of either hostility or naivety As an Arab Christian from the Middle East Dr Chawkat Moucarry has spent his life engaging with Islam both personally and academically In this book he provides non Muslims with a foundation for understanding Muslim faith and practice while offering insight into the complex relationship between Islam culture and politics The author addresses key controversial theological issues and highlights shared common ground between Christianity and Islam He challenges members of both religions to engage in genuine dialogue built on mutual understanding and respect and to work together for the common good of their societies **State and Religion** Renae Barker,2018-09-03

With its increasingly secular and religiously diverse population Australia faces many challenges in determining how the state and religion should interact Australia is not unique in facing these challenges States worldwide including common law countries with shared legal and religious heritages have also been faced with the question of how the state and religion should relate to one another Countries such as the United Kingdom Canada New Zealand and the United States have all had to grapple with how to manage the state religion relationship in the present day This book provides a comprehensive historical review of the interaction of the state and religion in Australia It brings together multiple examples of areas in which the state and religion interact and reviews these examples across Australia s history from settlement through to present day The book sets this story within a wider theoretical context via an examination of theories of state religion relationships as well as a comparison with other similar common law jurisdictions The book demonstrates how the solutions arrived at in Australia is uniquely Australian owing to Australia s unique legal system religious demographics and history However this is just one possible outcome among many that have been tried in common law liberal democracies **The Trial of Our Faith, and Other Papers** Thomas Hodgkin,1911 **Marriage on Trial** Lee Walzer,2005-03-25

An examination of how the U S court system has shaped the boundaries of a central building block of American society from the colonial era to the present day Marriage on Trial A Handbook with Cases Laws and Documents explores the evolution of marriage a seemingly static institution that in reality has been dramatically redefined over time An illuminating introduction tracing the reasons for ongoing controversies leads to a historical overview of the ways in which marriage has evolved with a particular emphasis on women racial minorities polygamists and homosexuals A review of significant court cases that represent key arguments regarding marriage legal identity of women polygamy interracial marriage rights of unmarried couples and same sex marriages illustrates how the legal system has shifted with the changing mores of society Will Americans ever tolerate polygamy Will gay marriages be legally recognized Scenarios of these and other possibilities for the future suggest that more change is in store Gay Rights on Trial Lee Walzer,2002-01-11

An in depth examination of the relationship between gay rights public opinion and legislation since the late 1800s In this comprehensive overview of how the American legal system has approached issues pertaining to sexual orientation and how the law has advanced or hindered

civil rights author Lee Walzer reveals that while the United States has the world's most developed lesbian and gay community it lags other countries on equality for sexual minorities **Gay Rights on Trial** focuses on four significant cases that have shaped the development of gay rights including detailed discussion of majority and dissenting decisions and analysis of their legacy and impact Also included are a chronology a section of key people laws and concepts a table of cases key legal documents such as the Defense of Marriage Act and the Vermont Civil Union Act and an annotated bibliography

Free Speech On Trial Richard A. Parker, 2003-07-21 Describes landmark free speech decisions of the Supreme Court while highlighting the issues of language rhetoric and communication that underlie them At the intersection of communication and First Amendment law reside two significant questions What is the speech we ought to protect and why should we protect it The 20 scholars of legal communication whose essays are gathered in this volume propose various answers to these questions but their essays share an abiding concern with a constitutional guarantee of free speech and its symbiotic relationship with communication practices **Free Speech on Trial** fills a gap between textbooks that summarize First Amendment law and books that analyze case law and legal theory These essays explore questions regarding the significance of unregulated speech in a marketplace of goods and ideas the limits of offensive language and obscenity as expression the power of symbols and consequences of restraint prior to publication versus the subsequent punishment of sources As one example Craig Smith cites *Buckley vs Valeo* to examine how the context of corruption in the 1974 elections shaped the Court's view of the constitutionality of campaign contributions and expenditures Collectively the essays in this volume suggest that the life of free speech law is communication The contributors reveal how the Court's free speech opinions constitute discursive performances that fashion deconstruct and reformulate the contours and parameters of the Constitution's guarantee of free expression and that ultimately reconstitute our government our culture and our society

Human Rights on Trial Justine Lacroix, Jean-Yves Pranchère, 2018-05-31 The first systematic analysis of the arguments made against human rights from the French Revolution to the present day Through the writings of Edmund Burke Jeremy Bentham Auguste Comte Louis de Bonald Joseph de Maistre Karl Marx Carl Schmitt and Hannah Arendt the authors explore the divergences and convergences between these classical arguments against human rights and the contemporary critiques made both in Anglo American and French political philosophy **Human Rights on Trial** is unique in its marriage of history of ideas with normative theory and its integration of British North American and continental debates on human rights It offers a powerful rebuttal of the dominant belief in a sharp division between human rights today and the rights of man proclaimed at the end of the eighteenth century It also offers a strong framework for a democratic defence of human rights

Peyote Vs. the State Garrett Epps, 2012-11-19 The story of the constitutional showdown over Native Americans' religious use of peyote With the grace of a novel this book chronicles the six year duel between two remarkable men with different visions of religious freedom in America Neither sought the conflict Al Smith a substance abuse counselor to Native Americans wanted only to

earn a living Dave Frohnmayer the attorney general of Oregon was planning his gubernatorial campaign and seeking care for his desperately ill daughters But before this constitutional confrontation was over Frohnmayer and Smith twice asked the U S Supreme Court to decide whether the First Amendment protects the right of American Indians to seek and worship God through the use of peyote The Court finally said no Garrett Epps tracks the landmark case from the humblest hearing room to the Supreme Court chamber and beyond This paperback edition includes a new epilogue by the author that explores a retreat from the ruling since it was handed down in 1990 Weaving fascinating legal narrative with personal drama *Peyote vs the State* offers a riveting look at how justice works and sometimes doesn't in America today **Trial and Error** Edward John Larson, 2003 The debate over teaching evolution in schools remains one of the biggest controversies in 20th century America This study which ranges from before the Scopes trial of 1925 to the creationism disputes of the 1980s offers an account of the battles erupting from this persistent belief **Trial of Religious Freedom** Arthur M. Lee, Henry Bertram Hill, 1948 *The Democratic Rule of Law on Trial* Sonja Grover, 2022-06-23 This book examines selected high profile U S First Amendment cases occurring during the Trump era as a vehicle for exploring a possible fundamental commonality in understanding the democratic rule of law globally In each of these cases the adjudicating body's analytical legal strategy is discussed in terms of how it reinforces or detracts from the democratic rule of law It was and continues to be highly internationally anticipated as to what legal examples are being set by this established democracy when confronted by legal contests between the former Trump administration and those alleging their rights were somehow violated by the executive of that time Thus the book is instructive for an international audience on the essential role of the courts in protecting democracy through providing where supported by the law and the facts a remedy for the aggrieved comparatively powerless The book will be essential reading for academics and researchers working in the areas of constitutional law politics and human rights

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