

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

Stephen M. Krason



Right To Religious Liberty:

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 Liberty and the Bill of Rights* United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 1996 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 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 argue 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 *Dignitatis 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

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

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 Mu oz 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 Mu oz 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

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

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

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

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