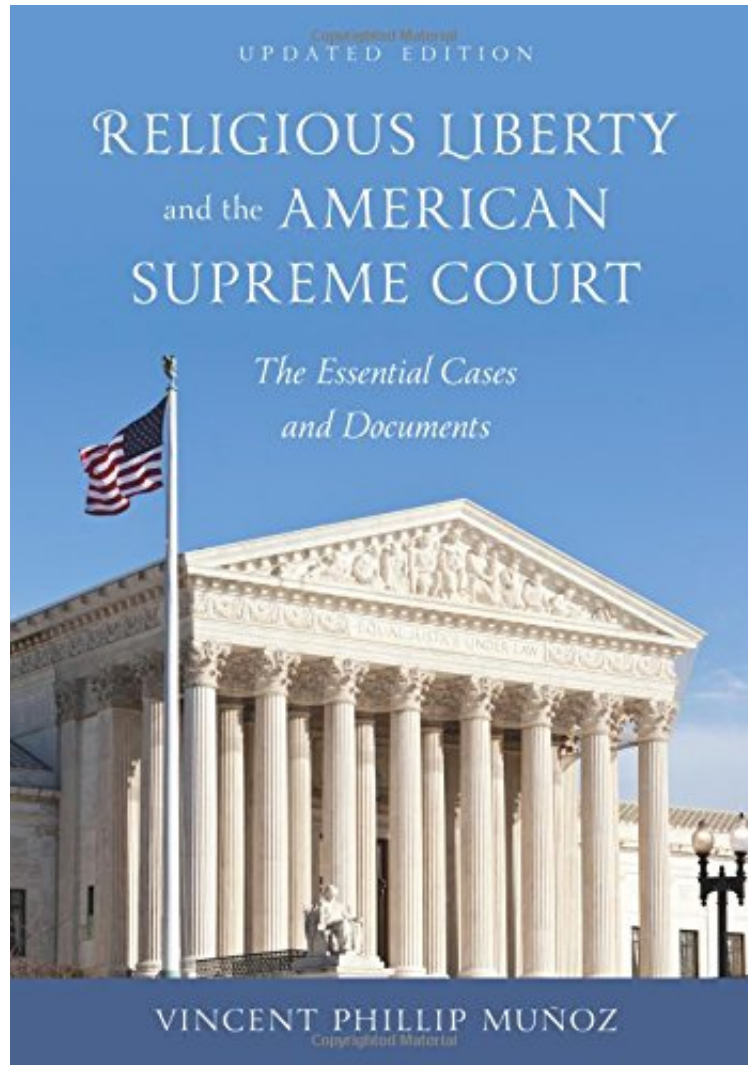


# Religious Liberty and the American Supreme Court: The Essential Cases and Documents

Vincent Phillip Munoz  
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#638271 in Books 2015-03-27 2015-03-27 Original language: English PDF # 1 9.89 x 1.62 x 7.111, .0 #File Name: 1442208287678 pages | File size: 19.Mb

**Vincent Phillip Munoz : Religious Liberty and the American Supreme Court: The Essential Cases and Documents** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Religious Liberty and the American Supreme Court: The Essential Cases and Documents:

0 of 0 people found the following review helpful. GoodBy Danny ColstonNeeded it for class, but it was well written, the cases chosen were apt and the opinions were shortened where appropriate.A bit expensive, but understandable because it is so new.0 of 0 people found the following review helpful. Five StarsBy Jacqueline DennisReceived

publication in great shape of 0 people found the following review helpful. Invaluable Resource By JaffaneseAmerican My review of the Munoz casebook can be found here. It's an important look at religious liberty, even though Ichabod Crane is missing. I explain here and below. [...] Originalism and Religious Liberty by Ken Masugi / 2 Comments Filed Under: Establishment Clause, First Amendment, Free Exercise Clause, Ichabod Crane, Originalism, Religious Liberty, Supreme Court, Vincent Phillip Munoz, Washington Irving 2 Print Friendly

The first day of teaching undergraduate constitutional law, I (not a lawyer) would take a well-regarded law school casebook, and I would ask a student to find the Dred Scott case in it. It was only referred to. Law schools have practical purposes, so why teach a case that is (mistakenly) regarded as completely irrelevant to contemporary law? Yet, unless one knows what the Reconstruction Amendments were presumably repudiating, how can one know what they stand for? When done well, the study of the law strives to articulate a realm where the passions would be conquered and only the logic of the law would rule. High purposes like this informed Tocqueville's nomination of lawyers as the American aristocracy. The originalist understanding of law would tame democratic majoritarian passions as well as anti-democratic ones. Whether this vital enterprise can be accomplished without recourse to the Declaration of Independence and other founding documents is highly problematic. Vincent Philip Munoz's casebook, *Religious Liberty and the American Supreme Court* (Rowman and Littlefield, 2013) offers a way for professors (including those who teach undergraduate political science and law courses) to teach the law in accord with true originalism. At just over 600 large-type pages of cases and documents, the book's distinctiveness is its chronological ordering. Tracing the fate of religious liberty requires we develop the categories such as "Free Exercise Clause: Direct Burdens," Indirect Burdens, Free Exercise/Free Speech Clause, Establishment Clause in the Public Square, government and religious schools, and public schools. Skillful editing and selection of cases reinforce our impression that a founding consensus was lost, dissolved into bizarre sideways such as the Lemon test. His first book, *God and the Founders: Madison, Washington, and Jefferson* noted the founders' disparate views on religion. His scholarship serves, among other purposes, the practical need for contemporary partisanship to pay heed to the diverse views of religion in our founding. One would of course wish with Munoz that he might have added more documents to his deftly assembled 23-page compilation. Washington's Thanksgiving proclamation, Lincoln's Second Inaugural, and the Blaine Acts might have been included. But a personal favorite for inclusion would be the ending of Washington Irving's *Legend of Sleepy Hollow*. We all recall from childhood the hilarity of poor Ichabod's terror at his nocturnal pursuit by a headless rider, but in our maturity we need to study the aftermath. In one account, we hear that the headless horseman victim, having fled Sleepy Hollow after his frightening encounter, "had kept school and studied law at the same time, had been admitted to the bar, turned politician, electioneered, written for the newspapers, and finally had been made a justice of the Ten Pound Court." The credulous fool, fleeing his disgrace (as have other, more recent New York politicians), had sought redemption in politics, having become a lawyer, a journalist, politician, and finally a judge! Crane seems a model for the judicial activist judge--a combination of his earlier arrogance and obsequiousness, fueled by superstition. In deriding Crane's religious sentiment, did Irving, with Hobbesian humor, underrate its importance for democratic life? Did Dutch Calvinism require considerable reform before it could be made safe for democracy? Did Crane become a proto-Holmesian? He stands as a version of the theologico-political question that remains at the center of political life. Yet, despite Munoz's omission of the Irving story from his small list of documents, they are certainly well-chosen, as are his cases (especially those obscure, early ones he reminds us of). His work is not only a worthy addition to the teaching of religious liberty but to future compilers of casebooks who might duplicate his originalist approach.

Throughout American history, legal battles concerning the First Amendment's protection of religious liberty have been among the most contentious issue of the rights guaranteed by the United States Constitution. *Religious Liberty and the American Supreme Court: The Essential Cases and Documents* represents the most authoritative and up-to-date overview of the landmark cases that have defined religious freedom in America. Noted religious liberty expert Vincent Philip Munoz (Notre Dame) provides carefully edited excerpts from over fifty of the most important Supreme Court religious liberty cases. In addition, Munoz's substantive introduction offers an overview on the constitutional history of religious liberty in America. Introductory headnotes to each case provides the constitutional and historical context. *Religious Liberty and the American Supreme Court* is an indispensable resource for anyone interested matters of religious freedom from the Republic's earliest days to current debates.

From Booklist The First Amendment to the U.S. Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; and most citizens take this amendment very seriously. This volume looks at 64 Supreme Court cases, from 1879 to 2012, where the separation of church and state comes into question. Each entry opens with the vote and a narrative description of the case, followed by excerpts from primary sources. Seven additional historical documents include Thomas Jefferson's A Bill for Establishing Religious Freedom in Virginia, from 1786, and George Washington's Letter to the Hebrew Congregation at Newport, from 1790. A thorough index and a supplemental table of contents of cases by subject matter offer easy navigation. Recommended

for most public and academic libraries. --Rebecca Vnuk The First Amendment to the U.S. Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; and most citizens take this amendment very seriously. This volume looks at 64 Supreme Court cases, from 1879 to 2012, where the separation of church and state comes into question. Each entry opens with the vote and a narrative description of the case, followed by excerpts from primary sources. Seven additional historical documents include Thomas Jefferson's 'A Bill for Establishing Religious Freedom in Virginia,' from 1786, and George Washington's 'Letter to the Hebrew Congregation at Newport,' from 1790. A thorough index and a supplemental table of contents of cases by subject matter offer easy navigation. Recommended for most public and academic libraries. (Booklist)Religious liberty has become an increasingly contentious issue in the US in recent years. Most works that address the issue though, take the form of polemic from one perspective or another. In this volume, however, editor Muoz, a professor of political science and law at the University of Notre Dame, presents a very exhaustive compendium of large excerpts from the actual landmark Supreme Court cases on religious liberty. The introduction largely concerns the two parts of the First Amendment, the Establishment Clause and the Free Exercise Clause. It discusses important cases bearing on both aspects of the Amendment such as *Everson v. Board of Education* (1947) where the concept of the 'wall of separation' between church and state originated and *Employment Division v. Smith* (1990), which tested the limits of the Free Exercise Clause. After this, the book is divided into two sections. In the first there are 64 cases, arranged in chronological order from *Reynolds v. United States* in 1879 to *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission* in 2012. For each case there is a brief introduction which begins with the names of the justices involved, how they voted, and the authorship of the various opinions on the case. There is also a discussion of the background and context of each case here. The second section presents seven vital historical documents on religious liberty by authors such as Thomas Jefferson, James Madison, and George Washington. There is also a helpful table that lists every case categorized by subject matter. This volume is an essential reference on the way the view of the Supreme Court on religious liberty has evolved through time. Both lawyers and the layman will find it valuable. (Book News, Inc.)Religious liberty in the American constitutional tradition has been shaped by not only the text of the U.S. Constitution, but also by a rich body of historical documents written by influential founders and U.S. Supreme Court case law. Vincent Phillip Muoz has expertly compiled and edited the key historical documents and judicial opinions that have defined the prudential and constitutional principles of religious liberty and church-state relationships in the American experience. (Daniel L. Dreisbach, American University, author of *Thomas Jefferson and the Wall of Separation between Church and State*)Professor Muoz, one of our most perceptive scholars of religion and government, has assembled an outstanding compendium of the cases and controversies that have created the distinctly American approach to church-state constitutional issues. This volume is an ideal resource for both classroom and reference use. (Donald L. Drakeman, Chairman of the James Madison Program, Princeton University, and author of *Church, State, and Original Intent*)Religious Liberty and the American Supreme Court is a contribution of surpassing significance. For the first time between two covers all the relevant Supreme Court cases are generously excerpted, organized chronologically and edited to show the historical influences upon and the sequential development of the Courts caselaw. The selection is just right, as one would expect from one of the countrys leading scholars of the Religion Clauses. Vincent Phillip Muoz has wisely decided to limit his own commentary to concise but marvelous introductions to the cases. For these materials speak for themselves, and most professors will welcome relief from the turgid and tendentious commentary so characteristic of other books in the field. Muoz deep understanding of the founding and of the judicial corpus nonetheless suffuses the whole work. (Gerard Bradley, University of Notre Dame)Religious Liberty and the American Supreme Court is an important addition to the literature on American church and state by a leading scholar. It is an excellent text for undergraduate and law school courses on church and state and a handy resource for anyone interested in how the Supreme Court has struggled to address this controversial issue. (Steven K. Green, Fred H. Paulus Professor of Law, Willamette University and former Legal Director and Special Counsel for Americans United for Separation of Church and State)Finally an up-to-date and accessible reader of essential Supreme Court cases on religious liberty and church-state jurisprudence. This text provides judicious excerpts of the major cases, including important concurring and dissenting opinions, making it the ideal resource for undergraduate and law school courses alike. Indeed, I would be hard put to teach my own course on religion and the Constitution without this splendid work. (Allen D. Hertzke, University of Oklahoma)I have known Professor Muoz for nearly a decade. Although, at times, he and I come out on different sides of the debate regarding religious freedom, I have always greatly admired both his superlative scholarship and his clear and concise writings. Religious Liberty and the American Supreme Court is an invaluable reference work that will aid students, professors, and practitioners in making sense of the often confusing jurisprudence that exists in regard to America's First Freedom.' (Michael Newdow, Appellee in the Pledge of Allegiance case *Elk Grove School District v. Newdow*)Vincent Phillip Muoz has produced the best collection of cases on the religion clauses now in print. His editing is deft, his introductions concise, fair, and enlightening. Highly recommended for both undergraduate and graduate courses in government or law. (Michael M. Uhlmann, Department of Politics, Claremont Graduate University)A superb collection. Vincent Philip Muoz has collected and deftly edited all the important Supreme Court

religious liberty cases. If you are teaching a class on religious liberty in the United States, here is your text. (Bryan McGraw, Wheaton College) In *Religious Liberty and the American Supreme Court*, Vincent Phillip Munoz provides an indispensable guide to a highly controversial topic: religious freedom and American law. With his comprehensive, up-to-date coverage of the most salient cases, and strong historical background, Munoz adeptly conducts readers through the twists and turns of church-state jurisprudence. (Thomas S. Kidd, Baylor University) About the Author Vincent Phillip Munoz is the Tocqueville Associate Professor of Religion Public Life in the Department of Political Science at the University of Notre Dame. Dr. Munoz writes and teaches across the fields of constitutional law, American politics, and political philosophy.