



The Free Exercise of Religion Clause: The First Amendment (Bill of Rights Series)

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"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;...."

—From the First Amendment

Religious freedom is often designated as America's "first freedom," and securing religious freedom as a constitutional right is one of our nation's greatest contributions to the world. In part because of the First Amendment's Free Exercise Clause, in tandem with its prohibition on the establishment of religion, American religious life has been among the most energetic and varied in the Western world. But the scope of "the free exercise of religion" has always caused controversies, from Mormon polygamy in the late 1800s to a 1990 case involving peyote use by Native American worshipers. Religious freedom has thus become a remarkably rich subject for students not only of religion and law, but of American history and political institutions.

This superb volume presents key excerpts from a range of scholarship on issues concerning free exercise of religion. The selections cover the historical background of religious freedom in the founding period; the challenges of drawing the proper boundary between religious freedom and legal duties; the protection of religious freedom by legislatures through statutes as well as by courts through judicial decisions; the challenges of defining "religion" in a pluralistic society; and much more.

Because the recent story of religious freedom and the law involves questions concerning which institution should act to protect that freedom – legislatures or courts, states or the federal government – this book will be of great use for classes not only in religion and law or civil rights, but also in political institutions and governmental structure. The accessible essays can also give interested lay readers a valuable education in a key provision of the U.S. Constitution.

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