



# Religion, Law, and the Constitution (Concepts and Insights)

*Daniel Conkle*

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## **Religion, Law, and the Constitution (Concepts and Insights) Daniel Conkle**

This creative and tightly reasoned book brings a measure of coherency to this controversial and seemingly chaotic field of law. It begins by recounting the history of American religious liberty, from its Lockean origins to the First Amendment to the present day. Drawing upon that history, it identifies a set of embedded and evolving constitutional values: religious voluntarism, respect for religious identity, religious equality, and freedom of religious speech, as well as broader structural values such as preserving tradition, protecting government from religion, and protecting religion from government. The book returns to these values time and again as it explores and evaluates the Supreme Court's contemporary First Amendment doctrine under the Free Exercise and Establishment Clauses, as well as its protection of religious speech under the Free Speech Clause. A separate chapter discusses other important sources of religious freedom, including the Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

The book provides comprehensive and up-to-date coverage of all of the major facets of the Supreme Court's decisionmaking, including the Court's general doctrinal tests as well as its rulings and reasoning in particular areas, for example, concerning prayer and religious instruction in the public schools, religious symbolism in other settings, legislative prayer, financial aid to religious schools and organizations, and claims for religious exemptions under RFRA and RLUIPA. It provides selective coverage of lower court decisions as well, for instance, under the land use provisions of RLUIPA. It also includes references to leading academic works. In its concluding chapter, the book highlights ongoing developments in the American religious landscape and explains how they might affect the future of religious liberty in the United States.

Offering clear exposition combined with creative and sophisticated analysis, this book will be of value not only to students but also to scholars, lawyers, and judges.

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