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Religious Liberty & the American Founding

Acton University
Grand Rapids, MI

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June 20, 2023

- I. Introduction
 - a. Recent Cases
 - i. *Kennedy v. Bremerton School District* (2022)
 - ii. *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)
 - b. Freedom From vs. Freedom for Religion?
 - i. Progressive Left – freedom from religion
 - ii. Socially Conservative Right – freedom for religion
- II. America’s Founding Fathers’ Approach to Religious Liberty
 - a. Religious Liberty as a Natural Right Endowed by the Creator
 - b. An Inalienable Natural Right: the Right to Worship According to Conscience places Categorical Limits on State Authority
 - c. Jurisdictional Boundaries: Fixed Limits on State Power and Authority that are Narrow in Scope
- III. Leading Supreme Court’s Approaches to Religious Liberty
 - a. Religious Liberty as a right managed by the judiciary
 - i. Expansive Notion of Freedom from Religion, i.e. the Separation of Church from State
 - ii. Expansive Notion of Freedom for Religion, i.e. religious exemptions
- IV. The Founders’ Natural Rights Approach to Religious Liberty
 - a. No authority over religious exercises as such
 - i. State may not punish acts of worship or their absence
 - b. State may not act like a church
 - c. State may not delegate its authority to churches
- V. Conclusion
 - a. Natural Rights Approaches Moderates Excesses of Freedom from Religion and Freedom for Religion
 - b. Emphasizes Legislative Compromise, Not Judicial Intervention
 - c. Equality Under the Law, which is Necessarily Limited in Its Scope