**Freedom from Religion or Freedom for Religion?**

**Religious Liberty & the American Founding**

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