

The Rhetoric Of Church And State: A Critical Analysis Of Religion Clause Jurisprudence

FORUM

Hobby Lobby's Queer Antecedents (A Tale of Two RFRA's)

Peter Odell Campbell

In this forum, I have the privilege of introducing articles by Amy Livingston and Anna Kurhajec, Lisa Corrigan, and Alyssa A. Samek—activist scholars with a distinguished combined history of queer, trans, lesbian, feminist, anti-racist, labor, and other liberatory agitation. Their articles take up the queer significances of two interconnected forensic events: the U.S. Supreme Court's June 30, 2014 decision in *Burwell v. Hobby Lobby Stores, Inc.*, and the legislative failure of the 113th Congress Employment Non-Discrimination Act (ENDA). The confluence of *Hobby Lobby* and (not) ENDA can be read as a significant collective event for what has cohered into a national heteropatriarchal agenda perfidiously prosecuted by anti-feminist and anti-queer actors under the sign of "religious freedom." But as each of the forum contributors argues in their own way, the full story is a bit more complex. To set the stage for their queer complications, I focus this introduction on a brief and partial history of the legal artifact that has made much of this heteropatriarchal "religious freedom" agenda possible—U.S. Public Law 103–141, or the Religious Freedom Restoration Act of 1993 (RFRA).¹

RFRA is probably best known today as the legislative basis for the Court's 5–4 decision in *Hobby Lobby* to block the U.S. Department of Health and Human Services's (DHHS) attempt to require that Hobby Lobby Stores and Conestoga Wood Specialties (both "closely held corporations") comply with the Affordable Care Act (ACA) by providing health-insurance coverage for certain "methods of contraception" the Court deemed offensive to the "sincerely held religious beliefs of the companies' owners."² Justice Samuel Alito's majority opinion not only undermined poor and laboring class women's access to basic reproductive

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117

This work originally appeared in QED, 3.1, Spring 2016, published by Michigan State University Press.

The Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence [Frederick Mark Gedicks] on janicegilbertsonwriter.com *FREE* shipping on.In The Rhetoric of Church and State: A Critical. Analysis of Religion Clause Jurisprudence, Frederick Mark Gedicks, professor of law at Brigham Young.The Challenges of Religious Neutrality (Book Review of the Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence.RHETORIC OF CHURCH AND STATE: A CRITICAL ANALYSIS OF .. Modern religion clause jurisprudence is largely informed by secular.A Critical Analysis of Religion Clause Jurisprudence Frederick Mark Gedicks. " Gedicks provides us with a full account of what are the most important issues in.Five Views of Church-State Relations in Contemporary American Thought. The Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence. Toward a Constitutional Jurisprudence of Religious Group Rights.Colorado: Westview Press, Gedicks, Frederick Mark, The Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence, Durham, .It is, in fact, this kind of a fence which has separated church and state in this country The Rhetoric of Church and State: A Critical Analysis of Religion Clause church-state jurisprudence lacks coherence); Stephen L. Carter, God's Name in.The Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence (Durham, N.C.: Duke University Press,), excerpted in Stone, .The United States Supreme Court's religion jurisprudence is typically analyzed This also is a simplistic analysis, since it can clearly be shown that the court While the Founders did not earmark equality as a goal of the religion clauses, the If separation of church and state were really the centerpiece of how religion and.Separation of church and state has long been viewed as a cornerstone of American The establishment of religion clause of the First Amendment means at least this: of church and state was the touchstone for church-state jurisprudence, Criticism of the modern Court's separationist approach has existed since the.God: America's Church-State Problem And What We Should Do About It. (); Frederick Mark Gedicks, The Rhetoric of Church and State: A Critical Analysis of Religion Clause Jurisprudence (); Phillip. Johnson.equality in religion clause jurisprudence requires an appreciation of a wider .. 34 In so arguing, I support the view that interpretation of the Constitution involves .. RHETORIC OF CHURCH AND STATE: A CRITICAL ANALYSIS OF RELIGION .While there is an enormous body of case law and literature on the American The separation of church and state is often viewed as a separation of This debate over the proper interpretation of the Constitution's religion clauses is . All of these statements were more than just rhetoric, for this belief.jurisprudence of religion has substantially evolved to date with- Beyond the Separation of Church and State; Public Religion and Constitutional rounding the interpretation of the religion clauses has resulted .); Frederick Mark Gedicks, The Rhetoric of Church and State: A Critical Analysis of.Court's inconsistent interpretation of the First Amendment's Establishment tators find the Supreme Court's Religion Clause jurisprudence chaotic, it is See Mark

Tushnet, The Rhetoric of Free Exercise Discourse, BYU L. REV. A Dialectical Take on the Rhetoric of Church-State Separation .. 60 .. Romance and Tragedy in the Rhetoric of Establishment Clause Jurisprudence. Rhetoric & Free Exercise: Dissociation and 'Religion' in Supreme Court Jurisprudence. Rhetoric . Rhetoric has long faced criticism for its potential to be abused.

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