



Regulating Religion: The Courts and the Free Exercise Clause

Catharine Cookson

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Jurisprudence regarding the "free exercise of religion" clause of the U.S. Constitution is in a state of confusion. There has been a series of rapid changes in the standard used by the Supreme Court to determine when a statute impermissibly restricts free exercise. The trend is now towards greater acceptance of government claims about the importance of regulation over religious practices. Here, Cookson challenges the wisdom of this judicial drift, and its false dichotomy between anarchy and a system that respects religious freedom. In its place she offers a new, practical approach to resolving free exercise conflicts that could be used in both federal and state courts. Cookson shows the reader how violations of religious freedom affect the community whose values are at stake.

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