

## Editorial

*Religion in a Free Society*

There are two different, though not entirely exclusive, ways of understanding the rise of liberalism, capitalism, and democracy in Europe and its colonies in the seventeenth and eighteenth centuries. In one view, liberalism stands in opposition to what came before; it is a determined attempt to cast off the shackles of political and religious authoritarianism. In this narrative, the Catholic Church at least, and sometimes Christianity more generally, is an important, perhaps the chief, villain. In the other version of the story, liberalism, still a product of human yearning for freedom and fulfillment, is the natural offspring of the Judeo-Christian tradition, which provided essential concepts such as the dignity of the individual person, the distinction between church and state, and the limits of government power in the face of God-given human rights.

The battle between these two conceptions of the relationship between liberalism and religion continues, manifested in an array of conflicts that drive political and cultural divisions in Europe, the United States, and many other places. Are religious—often Christian—ideas a welcome contribution to public debate or a threat to the liberal order? Are current trends in jurisprudence, legislation, and government administration beneficial—ensuring a neutral (or secular) public space and government as intended by the nation’s founders—or are they detrimental—corruptions of constitutional guarantees to free exercise of religion? What is the best way to navigate between calls to constrain religious freedom for the sake of the common good and protests against the state’s violation of the rights of free exercise? To explore these questions and others, the Classical Liberal Institute at the New York University School of Law convened a conference in

November 2017, on “The Role of Religion in Free Society.” We are pleased to present here a selection of papers from that conference.

Samuel Gregg provides an excellent opening to the discussion by examining some of the critical ideas at the heart of debate over the role of religion in contemporary society: religion, reason, and freedom. A series of incisive analyses of neuralgic issues follows: John Eastman on the tension between free (public) exercise of religion and “sexual revolution laws”; Michael McConnell on government funding and religious institutions; Robert Miller on “compelling government interests” versus religious free exercise; and Teresa Collett on the rights of religious parents within public (government) schools. Charles Glenn continues on the topic by arguing that the “principled pluralism” common in many European countries offers a solution to perennial American conflicts over religion in schools.

The symposium closes with two explorations of the nature of religious institutions in different contexts. Richard Epstein applies Ronald Coase’s insights into the nature of the business firm to religious organizations and finds support for religious freedom. In a case study of religion’s role in society, Rachel McCleary examines Pentecostal churches in Guatemala and concludes that heavy reliance on kinship networks discourages a more active public religious presence.

The guest editors for this volume of the journal are Richard Epstein and Mario Rizzo of New York University School of Law, and Michael McConnell of Stanford Law School. We are grateful to the guest editors for their labor and collaboration. We thank also Laura Creste at NYU School of Law for her assistance throughout the process of collecting and editing the articles.

—Kevin Schmiesing, Executive Editor