

Maciej Potz

**Granice wolności religijnej.
Kwestie wolności sumienia i wyznania oraz
stosunku państwa do religii
w Stanach Zjednoczonych Ameryki**

(Summary)

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SUMMARY

LIMITS OF RELIGIOUS LIBERTY

ISSUES OF FREEDOM OF RELIGION AND RELIGION-STATE RELATIONS IN THE UNITED STATES OF AMERICA

The American society is both strongly religious – some 90% of Americans declare religious faith – and religiously diversified. In order to facilitate harmonious co-existence between people of different faiths and denominations it has been necessary to establish the meaning of religious liberty and to set up the appropriate model of relations between state and religion. It has been done – and the process will continue infinitely – by both the government institutions, such as courts, with special emphasis on the U.S. Supreme Court, the Congress and the President, and various social groups, lobbies and other civic society structures.

Religious liberty, one of the fundamental constitutional protections of the Americans, enjoyed a changing status throughout history. Initially, it merely precluded state from activities, legislative or administrative, directly aimed at freedom of religion of an individual or a group of believers. Since the half of the 20th century the scope of religious liberty has been extended to all state activities that violate freedom of religion even indirectly, as a side effect of otherwise valid acts, unless they are justified by compelling state interest. Since the last decade of the past century the meaning of religious liberty has been limited again, despite protests of the majority of religious groups and the Congress.

The American model of state-religion relations has evolved, too – from theocracy of the Puritan and Anglican colonies of the 17th century, religious toleration of the pre-revolutionary period, church-state separation and equality of religions in the Constitution to strict separation between state and religion enacted by the Supreme Court in the second half of the 20th century, which is now gradually being transformed into a non-preference or accommodationist model.

Despite legal separation of state from church and even from religion as such, religion remains present at the public forum and in the political life of the United States. Religious symbols dot public space, voters take their religious beliefs into consideration while making their decisions and the last three decades of the last century saw the political activation of conservative Christians. It remains the concern of American political philosophy to determine how these developments fit into the framework of American liberal democracy.