

Religious Liberty Essentials for Ministry Leaders (1 credit)

Thursday, January 22, 6:30 p.m. – 9:30 p.m.; Friday, January 23, 6:30 p.m. – 9:30 p.m.
Saturday, January 24, 9 a.m. – 5 p.m.

Instructor: Eric W. Treene, J.D.

Overview

This course will survey the legal principles that safeguard religious freedom, including their theological, philosophical, and historical underpinnings, as well as new developments affecting churches and ministries. It is designed to equip ministry leaders committed to maintaining a biblical confession with a greater understanding of the policy and legal environment so they can navigate shifting circumstances with wisdom and sound judgment.

Course requirements include assigned reading, writing a final paper, and active participation in class discussion.

Assignments

READ: Assigned readings include articles, book excerpts, historical documents, government publications, and legal case decisions. All readings are on the Canvas course page under “Files,” broken down by class session. The reading schedule is covered in detail below. Readings listed under each date should be read BEFORE that class session, INCLUDING THE FIRST CLASS, to facilitate discussion during class. There are a few legal cases in the assigned readings. Please read the memo “Reading a Legal Case for Academic Purposes” under “Files” in Canvas.

DISCUSS: Class will be taught in a discussion format and active participation by all students is expected.

WRITE: A final paper will be assigned asking students to explore in greater depth an issue addressed in the course, or a related issue (6 to 9 pages double-spaced). Instructor will provide several prompts for synthesizing issues addressed in the course. Students may choose to answer one of the prompts, or write on an area of particular interest instead. Instructor will work with students interested in writing on their own topic and will provide leads on additional materials to consult, but students must obtain topic approval in advance. The final paper will be due on Friday, March 13.

Contact

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Office hours on request

CLASS 1 THURSDAY

Theology of religious liberty

- a. John S. Redd, “The Earth is the Lord’s: A Biblical Theology of Religious Liberty,” *Set Free*, edited by Art Lindsey and Anne R. Bradley (Abilene, TX: Abilene Christian University Press, 2019) pp. 26-40
- b. E. Gregory Wallace, “The Religious Origins of Religious Freedom in Western Thought” in *Set Free* pp. 85-88, 96 (bottom) -107
- c. *Westminster Confession*, Chapter 20, “Of Christian Liberty and Liberty of Conscience,” and Chapter 23, “Of the Civil Magistrate” (as adopted by the PCA) and Chapter 23 (original)

Religious liberty and the founders

- a. John Locke, *A Letter Concerning Toleration* (1689) pp. 5-10; 21-23 (middle)
- b. *Virginia Bill for Establishing Religious Freedom* (1779) (text only; no need to read detailed historical notes at end)

Introduction to U.S. legal framework

- a. Michael McConnell, *The Establishment Clause: Co-Guarantor of Religious Freedom* (Constitution Center web article)
- b. MTSU Free Speech Center, *The Establishment Clause: Separation of Church and State* (web article)
- c. David J. Canupp, *The First Amendment’s Free Exercise Clause: Changes in Focus from the Collective to the Individual* (11th Circuit Historical News 2021)

CLASS 2 FRIDAY

Employment issues

- a. “Is Discrimination Evil?” in Luke Goodrich, *Free to Believe: The Battle Over Religious Liberty in America* (Multnomah 2019), pp. 69-81
- b. Equal Employment Opportunity Commission, *Compliance Manual on Religious Discrimination* (January 15, 2021), pp. 4-7, 10-11 (including endnotes 57, 60, 77, and 79 which are on pp. 49-52)
- c. Our Lady of Guadalupe (2020), read the syllabus (pp. 1-3), skim pages 14 to 19, and read pages 20-21 of Justice Sotomayor’s dissent
- e. *McMahon v. World Vision*, (W.D. Wash. 2023), pp. 1-6 (to end of section II.C); p. 7 (beginning of Section III) to p. 9 (end of Section III.A.1); skim remainder

Autonomy of religious institutions

- a. Doctrinal matters: *Payne-Elliot v. Roman Catholic Archdiocese of Indiana* (Indiana Supreme Court 2021)
- b. Church Discipline: *Richard Hammar, Pastor Church & Law* (Christ. Today), pp. 336-341

CLASS 3 SATURDAY (Double Session)

Free speech for pastors

- a. *Tax Guide for Churches and Religious Organizations* (IRS 2015) pp. 7-14
- b. Consent decree, *National Religious Broadcasters v. Long* (July 2025)

Religious speech in public fora

- a. Department of Education, *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools* (January 16, 2021)
- b. *Good News Club v. Milford* (2001), read case syllabus; Justice Thomas's opinion pp. 102-104; 107-112 (through fn.4)

Government funding and religious organizations

- a. *Guidance to Faith-based and Community Organizations Partnering with the Federal Government* (White House Office of Faith-Based and Community Initiatives 2006)
- b. Melissa Rogers, "Agencies Issue Final Rule Extending New Religious Liberty Protections to Beneficiaries" (White House Blog, March 31, 2016)
- c. *Trinity Lutheran Church of Columbia v. Comer* (2017) pp. 1-3, 6-11, 14-15; pp. 1-3 of Justice Sotomayor's dissent

Restrictions on religious gatherings and use of land

- a. *Department of Justice Report on the 20th Anniversary of The Religious Land Use and Institutionalized Persons Act* (RLUIPA) read pp. 1-11, skim remainder
- b. *Roman Catholic Diocese of Brooklyn v. Cuomo* (2020), pp. 1-5 of per curiam opinion, Justice Gorsuch's concurrence, pages 1-3

Child abuse reporting and clergy-penitent privilege

- a. Hammar, *Pastor, Church, and Law* p.90
- b. Virginia reporting statute

Conflicts between religious liberty and LGBT non-discrimination laws

- a. *303 Creative LLC v. Elenis* (2023) (majority)
- b. *Fulton v. Philadelphia* (2021) (syllabus, majority pages 1-4, 13-15)

Reading Report (Due March 6)

- Certify via the “Reading Report” entry under “Assignments” what percentage of the reading you completed by Friday, April 12 at 11:59 p.m.

Final Paper (Due March 13)

- 6-9 pages, double-spaced
- Due March 13, 11:59 p.m.
- Specifications and prompts will be handed out during class and posted on Canvas under “Assignments.” Please submit your final paper via the Assignments tab.

Grading

- Reading Report 20%
- Class Participation 20%
- Final paper 60%

RTS Grading Scale:

A	(97-100)	4.00
A-	(94-96)	3.66
B+	(91-93)	3.33
B	(88-90)	3.00
B-	(86-87)	2.66
C+	(83-85)	2.33
C	(80-82)	2.00
C-	(78-79)	1.66
D+	(75-77)	1.33
D	(72-74)	1.00
D-	(70-71)	0.66
F	(below 70)	0.00