

# H-Net Reviews

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Thomas L. Krannawitter, Daniel C. Palm. *A Nation Under God? The ACLU and Religion in American Politics*. Lanham: Rowman & Littlefield Publishers, 2005. xiv + 247 pp. \$24.95 (paper), ISBN 978-0-7425-5087-2.

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## A Straussian Reading of Church-State Separation

In this book, Thomas Krannawitter and Daniel Palm argue that the American Civil Liberties Union (ACLU) exemplifies a liberal American establishment bent on removing religion from the public square. In particular, the authors argue that since its founding in 1920, the ACLU has worked methodically to convince the American judiciary to abandon the “intentions” of the framers of the Constitution and to implement instead a philosophy of moral relativism. The authors are particularly concerned about religious jurisprudence in the present book, but their argument could be broadened beyond the first amendment’s religion clauses, as they at times suggest.

The book is quite timely in light of the recent vacancies on the U.S. Supreme Court, which have raised questions in many circles regarding the future of church-state separation in the era of the Roberts Court. This is not a book that proceeds from a normatively unbiased point of departure, and readers must take that fact into consideration before even opening it. Rather, the authors’ intention is to join the normative debate regarding the proper line of separation between church and state. They are unabashedly conservative in political orientation and unapologetically Straussian in philosophical approach.

Krannawitter and Palm quote extensively from the work of their teacher, Harry Jaffa, who studied with Leo Strauss himself. Straussians eschew reinterpretation of original texts, so Krannawitter and Palm devote much of the first half of their book to analyzing the original writ-

ings of the framers of the Constitution on the subject of church-state separation. (They also include a very useful, if lengthy, appendix of primary documents from the founding era.) Throughout their analysis of the framers’ intentions regarding church-state separation, the authors speak with an irksome degree of certitude about the intentions of the framers: “With an historical understanding of religion, the American Founders’ understanding of religion becomes clear” (p. 11). Readers who share the authors’ conservative, Straussian point of departure will enjoy this analysis, but readers seeking a more balanced accounting of the centuries-old debate about the framers’ intentions will likely find the book frustratingly dogmatic.

Krannawitter and Palm are clearly very uneasy about many philosophical innovations since the time of John Locke, even though they place Locke—a philosophical maverick in his own time—on a rather high pedestal. They assail the concept of “progress” throughout chapter 3, arguing that twentieth-century thinkers and policymakers from John Dewey to Franklin D. Roosevelt misread—and laid waste to—the framers’ intentions for civil society. According to the authors, “Religion and the principles of the American Founding are inimical to progressivism, since both represent absolute truth and eternal, unchanging principles” (p. 54). This conclusion will be music to the ears of conservative readers, but will undoubtedly be greeted with much less enthusiasm both by liberal readers and those seeking a balanced treatment of the issues at hand.

The authors' discussion of the ACLU seems to me to place an enormous amount of blame for the advancement of moral relativism on this one organization alone. Even if we accept the authors' contention that American society has lost its moorings and that the framers' intentions are systematically being trampled, it is difficult to leap to the conclusion that one interest group—albeit a very powerful one—should shoulder so much of the blame. Of course for Krannawitter and Palm, the ACLU exemplifies “the theory of modern liberalism.... [in which] human freedom means doing whatever one wants, whatever feels good, with little or no regard to the distinction between right and wrong or the social consequences of one's behavior.... [and which] stands in direct opposition to the view widely accepted by the Founding generation of Americans” (p. 7). Indeed, the authors argue, “advancing the agenda of modern liberalism is the primary work of the ACLU, not protecting the Bill of Rights” as the organization itself claims on its official website (pp. 64-65).[1] The ACLU is nearly portrayed as a crucial cog in what could be termed a “left-wing conspiracy.”

For a reader seeking a balanced treatment of the subject (which I take to be the role of the ACLU in recent religious jurisprudence), the most satisfying portion of the book will be the solid treatment of recent case law and legislation surrounding the concepts of religious establishment and religious free exercise. The discussion of the cases and laws is, of course, interspersed with the normative judgments of the authors, but it is solidly and clearly done nevertheless. It is also up to date, including a lengthy discussion of the Court's 2005 rulings in the “Ten Commandments cases,” *Van Orden v. Perry* and *McCreary County v. ACLU of Kentucky*.

I must say that I find the book's title and the titles of

its chapters somewhat misleading. For example, chapter 2 is not a broad treatment of “Religion and Politics in Historical Perspective,” but is rather a basic statement of the relevance of Straussian natural law principles to questions of church-state separation. The two halves of the book could also be fit together more seamlessly. The first half of the book scarcely mentions the ACLU, focusing instead on the Straussian reading of the framers' intentions regarding church and state. The second half does not link the natural law framework to recent case law and legislation quite as thoroughly as I think it could. Specifically, the theoretical linkage between natural law principles and recent religious jurisprudence could be strengthened, particularly in the concluding chapter.

This book should be viewed as a solid contribution to the debate about the future of church-state jurisprudence in the United States, but readers must accept the fact that the authors depart from a strong (but transparent and honest) normative vantage point. This book could be viewed as a foil to Isaac Kramnick and R. Laurence Moore's more liberal treatment of the subject of church-state separation.[2] *A Nation Under God?* does become a bit high-handed at times in its normative judgments, and some contentions are not well supported, but the argument presented by Krannawitter and Palm will nevertheless hold water for readers who agree with their basic premise.

#### Notes

[1]. American Civil Liberties Union, “About Us,” <http://www.aclu.org/about/index.html>.

[2]. Isaac Kramnick and R. Laurence Moore, *The Godless Constitution: A Moral Defense of the Secular State*, 2nd ed. (New York: W.W. Norton, 2005).

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