

# H-Net Reviews

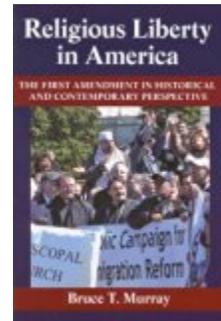
in the Humanities & Social Sciences

Bruce T. Murray. *Religious Liberty in America: The First Amendment in Historical and Contemporary Perspective*. Amherst: University of Massachusetts Press, 2008. xvi + 213 pp. \$80.00 (cloth), ISBN 978-1-55849-637-8; \$19.95 (paper), ISBN 978-1-55849-638-5.

Reviewed by Kurt Hohenstein

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## God and the Common Good: Religion and Constitutional Conflict in American Life

Recent disputes about the meaning of the First Amendment's religious clauses lead many observers to believe that the temperature of religious disputes in public life has only recently elevated. In fact, what Bruce T. Murray ably demonstrates in *Religious Liberty in America: The First Amendment in Historical and Contemporary Perspective* is that those disputes often have long historical ancestry and that the recent constitutional conflicts demonstrate the evolving nature of our civic understanding of the role of religious liberty in American life. Murray's book, which he admits takes but a "glance at the more than 200-year history of the First Amendment" (p. xii), offers an excellent blend of history and current controversy. His audience is beginners—students, journalists, and general readers—who have some passing knowledge about the controversies but find themselves in need of the constitutional and historical context to understand them. To that end, this book offers as good an introduction to the religious liberty component of the First Amendment as any available.

Organized thematically, the book would not work as well for a legal or constitutional history class intent on examining in depth how the First Amendment developed. Murray tells us that is not his goal. Instead, by compartmentalizing recent cultural-religious controversies, Murray is able to present snippets of that development without overwhelming the undergraduate student or novice scholar of the First Amendment. The book's most important success is how well Murray connects current contro-

versies with past events, always well positioned in the broader context of First Amendment religious freedom goals and objectives.

As an example of this approach, he presents in a serious way the very idea of people of faith as mainstream Americans seeking opportunities through their religious practices to understand and give meaning to their lives. By according those people serious examination, Murray sets the debate about religious freedom as part of larger American issues of liberty and freedom. While most books implicitly acknowledge this fact, Murray, unlike many other scholars who seem uncomfortable examining religious belief, makes serious religious practice the foundation for the debates over the role of religion in American society and how and why the Constitution came to protect that liberty so dearly.

In addition, Murray's book uses excellent sidebars to pin-point the most salient issues in each chapter. The writing is crisp, even spartan, and efficiently examines complex issues, but the sidebars add even more clarity to his chapter-by-chapter building of increasingly complex contextual evidence. In chapter 3, for example, Murray examines the difference between religion as commonly understood and what he calls "America's civil religion," which he describes as "a belief system that binds the nation's deepest-held values with transcendent meaning" (p. 41). For many contemporaries, there is no difference between the two, but Murray persuasively argues

that the misuse and marriage of religion with civil religion as described by Robert Bellah has led to much of our current controversy. Civil religion, properly understood, gives Americans a chance to see transcendent reality through the experiences, both good and bad, of the American people. He rejects notions of American exceptionalism, whose foundation he places in the hands of John Winthrop and his “City on the Hill” myth, but can, in this clear and important rejuvenation of the concept of civil religion, permit Americans to examine their history for examples of redemption and renewal. The chapter on civil religion should be required reading in every U.S. history and political science class.

At first, I was taken aback by the numerous references to Bush-era policies regarding religion, fearing too much emphasis and the overt possibility of presentism. However, by book’s end, it was clear that Murray had not overdone it, and his criticism was both fair and balanced. What he does with the more modern evidence is to allow his readers to find their historical port, a place they are familiar with, before he places those controversies in historical context. While any historian worth his salt would warn against that (how much of Bush II is yet history? ), Murray allayed my fears through his deft rendering of the nature of the controversy and his fluent contextualizing of the religious freedom issue. In fact, the book provides innumerable opportunities for use in any classroom where debating controversies is welcomed.

Finally, Murray is a myth-buster. In what I found to be his most persuasively argued chapter, he clarifies how

the “wall of separation” metaphor came to be, and how it has successfully confused the issues of First Amendment religious liberty ever since. In an entertaining point-counterpoint of Supreme Court quotes from religious liberty cases, taken years apart but often from the same justices, Murray uses the Court’s own words to indict them on at least the lesser-included charge of unintentional confusion. He fairly indicts both the originalists, like Justices Thomas and Scalia, and liberals, like Chief Justice Warren, for the offense. The wall of separation, one concludes, works well only as a metaphor for aspirations, and not so well as a specific principle for deciding cases. Murray examines the confusion that remains in the religious liberty field, but does not offer any final solutions, content to rely on Justice Breyer’s goal of a living constitution to arbitrate the disputes.

*Religious Liberty in America* is a well-written, concisely argued book. With short, succinct chapters suitable for reading in an undergraduate class, the book is as good an introduction to the controversies about First Amendment religious liberty and their importance to American history as I have found. The endnotes offer clear primary sourcing for further exploration. I heartily recommend this book to professors of history, political science, and religious studies, and to other readers trying to make sense of the confusion about the place of religion in American society and the role of the Constitution in its protection.

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