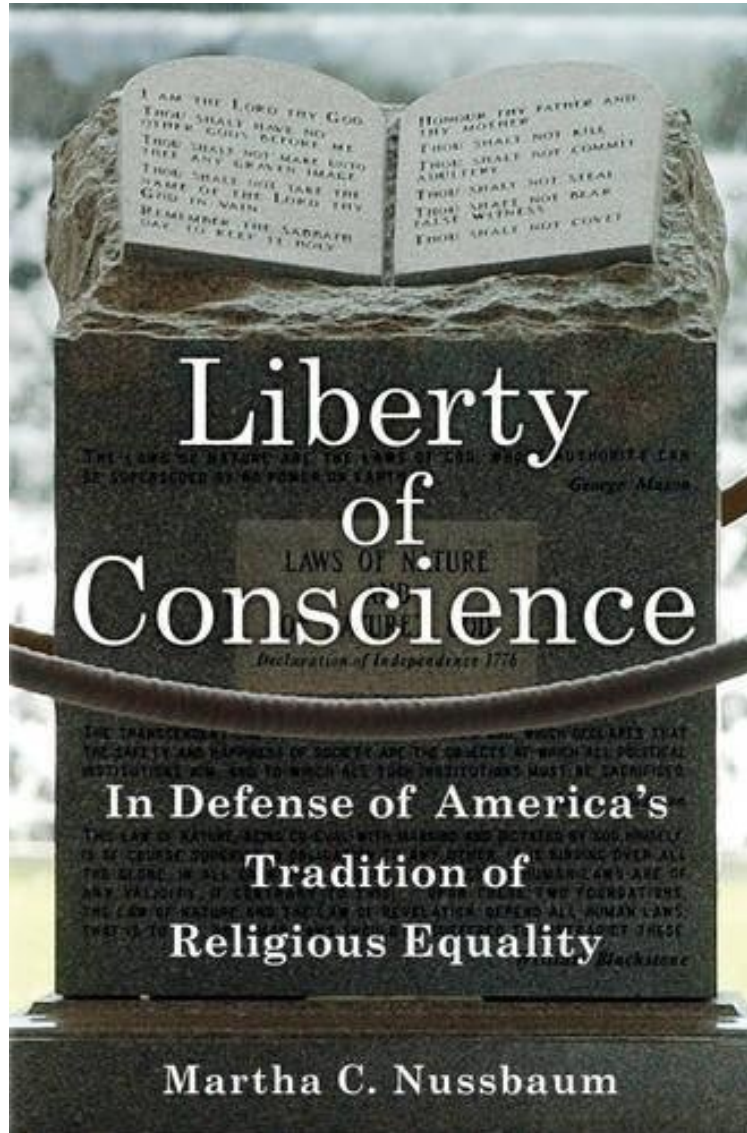


(Free) Liberty of Conscience: In Defense of America's Tradition of Religious Equality

Liberty of Conscience: In Defense of America's Tradition of Religious Equality

Martha Nussbaum

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#1115036 in Books Martha Nussbaum 2010-01-05 2010-01-05 Original language: English PDF # 1 9.25 x .88 x 6.25l, 1.18 #File Name: 046501853X416 pages Liberty of Conscience In Defense of America s Tradition of Religious Equality | File size: 34.Mb

Martha Nussbaum : Liberty of Conscience: In Defense of America's Tradition of Religious Equality before purchasing it in order to gage whether or not it would be worth my time, and all praised Liberty of Conscience: In Defense of America's Tradition of Religious Equality:

3 of 5 people found the following review helpful. Not impressed. By drosel I had to purchase this book for a college religion course, and I have been gravely disappointed. Nussbaum draws comparisons that are unfounded; criticizes more than she analyzes; and uses irritatingly un-scholarly phrases and generalizations. If I wasn't enraged, I was incredibly bored. I hope that this next generation of religion scholars who are my cohorts will produce more substantive, respectful, and less predictable work. 17 of 26 people found the following review helpful. Surface-Level Scholarship By Kevin Currie-Knight For years, I have been fascinated by the legal and political questions involved in religion/state affairs. What do the religion clauses of the first amendment permit and rule out? How can the state be neutral towards religion while respectful of it? I have read many books on these questions from all different sides of the "spectrum" and I must say that Nussbaum's "Liberty of Conscience" is easily the weakest and most surface-level analysis I have thus far read. Her goal is to show that our religious tradition of nondiscrimination towards, and non-establishment of, religion(s) is based on a vision of human equality that finds embodiment in the Stoic philosophers and Roger Williams, founder of Rhode Island. I have never heard this point before and after hearing it, I can understand why. It is a tenuous view at best. Most scholars argue, with evidence, that the libertarian-ish view towards religion stems from sources such as John Locke (who Nussbaum swears copied Williams's ideas), to a Montesquieuian skepticism towards National government. Not so, says Nussbaum! Even though Williams was scarcely read in the New World and the Stoics were never quoted in the founders writings on religion, she finds ways to interpret the writings of Madison, Mason, Jefferson and the like through her desired lens. Her next main concern is to argue for the rightness of the 'accommodationist' view towards religion. If a law or policy (you can be called to testify in court on Sundays) puts an undue burden on some religious folks, the state can accommodate (within reason). Nussbaum does succeed in showing that the Court HAS done this on many occasions, but does not show that they do it with any consistency (the cases that decide against accommodation are brushed off as "wrongly decided" without much explanation. Also, Nussbaum fails to see that while she wants state neutrality towards religion AND accommodation of religion, she just cannot have both. The more you issue religious exemptions to the law, the less you are neutral towards religion. While she repeats many times her disagreement with Justice Scalia on this issue, she has certainly failed to convince me, as she does not put forward ANY CASE AT ALL that accommodations obliterate state neutrality towards religions. (She also fails to explain why she is very much against religious students being able to learn about Intelligent Design in science class and how this contrasts with her zeal for religious accommodations). A side issue of Nussbaum's is the question of whether the religion clauses were meant to apply to the states. Of course, this should be obvious, as the original draft of the first amendment, applying it to states, was swiftly struck down in the Senate. Nussbaum, as is usual, ignores the significance of this fact. The fact that she does not so much as MENTION Montesquieu's name ("Spirit of the Laws") is embarrassing here, because the Federalist papers make very Montesquieuian arguments about why localities should be free to govern themselves (and against the Federal government trumping state governments on all things. And, unlike Roger Williams, we KNOW that Madison read and appreciated Montesquieu. Normally I would not give such a long and drawn out review of a book, but I wanted to do so here so as to emphasize Nussbaum's embarrassing and facile scholarship. She avoids hard arguments, gets tons of facts wrong, and reads things through her own very distorted lens (her "Roger Williams" interpretation is unjustified as it is pervasive). If you are interested in religion/state issues, I am sure that you can find a better 363 pages than this. 7 of 14 people found the following review helpful. Great Read By Robert Lawler This is a very detailed and comprehensive report on the establishment and free exercise clauses in our constitution. It is very eye opening and thought provoking in its possible applications. It is very timely given our recent presidential campaigns and the focus on religion/patriotism/flag lapel pins etc. A very excellent book.

The respect for religious difference has formed the bedrock of our nation and made equality possible. Yet today we are told that moral values code for a government shaped by religious concerns must be the keystone of our social compact. A rich and compelling chronicle of an essential idea, *Liberty of Conscience* tells the story of America's great tradition of religious freedom. Philosopher Martha Nussbaum's ambitious book is both a work of history and a pointed rejoinder to conservative efforts to break down barriers between church and state.

From Publishers Weekly Starred . In this engrossing history of the religion clauses of the First Amendment, Nussbaum (*Cultivating Humanity*) makes a strong, thoroughgoing case for America as a haven of religious liberty for believers of all stripes. Beginning with an illuminating rehabilitation of Rhode Island founder Roger Williams as America's earliest defender of religious equality, Nussbaum continues by examining how Williams's ideals have been both upheld and abandoned throughout the nation's history. After detailing the adoption of the establishment and free exercise clauses, Nussbaum comments at length on how these fairly general, vague clauses have been fleshed out by more than two centuries of case law. Refreshingly, Nussbaum does not add to the acrimonious cacophony around the idea of separation of church and state. Rather than pushing for strict separation, she argues for what philosopher John Rawls calls overlapping consensus, which echoes Williams's belief that citizens who differ greatly on matters of ultimate meaning can still agree to respect each other's liberty of conscience. Nussbaum writes engagingly and with generosity;

her critiques, particularly those of opinions written by Justices Scalia and Thomas, are pointed but respectful, and she demonstrates warm regard for Supreme Court plaintiffs who have braved persecution as they have followed the dictates of conscience. (Feb.) Copyright Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. From Booklist Despite codification in the Declaration of Independence and the Constitution, the U.S. has long struggled with the concept of freedom of religion. Nussbaum, ethical philosopher at the University of Chicago, plumbs the historical, political, philosophical, and legal debates surrounding religious freedom. She recalls troubling times in U.S. history when, fueled by xenophobia, Americans even the Supreme Court acquiesced in some curtailment of the religious freedom of others, including suspicions and attacks against Catholics, Jehovah's Witnesses, Mormons, Seventh Day Adventists, and atheists. She explores issues surrounding the word God in the Pledge of Allegiance, gay marriage, prayer in school, the influence of Christian fundamentalism, and fear of Islamic fundamentalism. Nussbaum documents the ways, large and small, that the Bush administration has actually subverted religious freedom, from faith-based initiatives that flirt with favoritism to actual proselytizing by prominent officials. At a time of unprecedented religious diversity and tension within the U.S., this is a thoughtful and penetrating look at religious freedom. --Vanessa Bush

About the Author Martha Nussbaum, one of the leading moral philosophers of our time, holds appointments in the Law School, Divinity School, and Philosophy Department at the University of Chicago and is a board member in the university's Human Rights Program. She is the author of twelve previous books on philosophy and ethics. Her book *Cultivating Humanity* won the Grawemeyer Award for Education. The recipient of twenty-two honorary degrees from universities around the world, she lives in Chicago, Illinois.