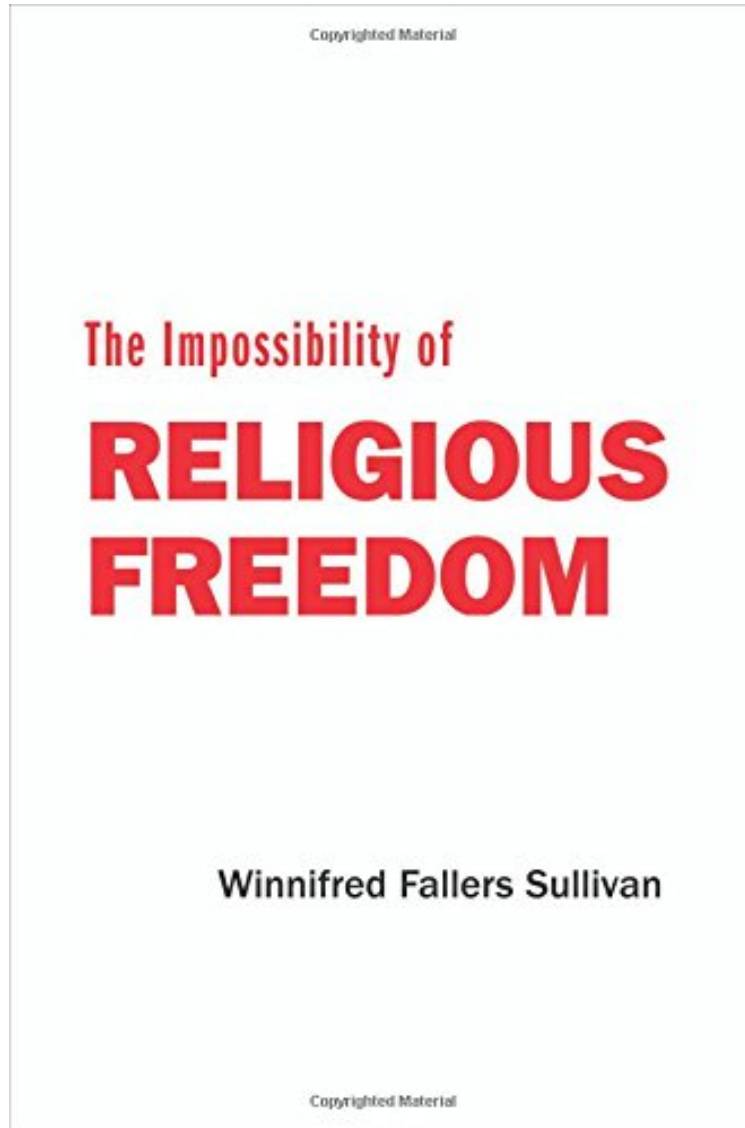


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The Impossibility of Religious Freedom

Winnifred Fallers Sullivan

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#733675 in Books Winnifred Fallers Sullivan 2007-04-23Original language:EnglishPDF # 1 9.21 x .70 x 6.14l, .98 #File Name: 0691130582320 pagesThe Impossibility of Religious Freedom | File size: 28.Mb

Winnifred Fallers Sullivan : The Impossibility of Religious Freedom before purchasing it in order to gage whether or not it would be worth my time, and all praised The Impossibility of Religious Freedom:

8 of 9 people found the following review helpful. A diferent look at the separation of church and state in AmericaBy J. MichalskiDr. Sullivan gives a new look at what the Establishment Clause and the Free Exercise Clause mean in America. The case in Boca Raton clearly shows that the judicial system is at odds protecting our religious liberties and trying to sustain the idea that the state can not endorse any religion. We also get a look at the bias that some judges

have against religions that are not of their own. A great read for students of law, religion, and the humanities.⁷ of 17 people found the following review helpful. Raises Important Questions By Peter P. Fuchs This book seems to raise important practical questions about what might be called the push-comes-to-shove end of religious freedom. The author's reasoning is very interesting and clear. It is not a question of the well established rights to believe and act in non-harmful ways in society based on one's creed or philosophy. It concerns the more particular question of how religion can be defined, and whether the state can really do it. Hence, the title is not quite as much a sop to shock-value effort as it seems. Of course, one of the signs that the book contains some significant reasoning, instead of one more book of legal philosophy that treads water for hundreds of pages, is that reactionaries don't like the obvious conclusion the author draws from it. Namely, equality. Reactionaries are all for freedom and pluralism, as long as their point of view is in some way ascendent and proscriptive of law. If not, they find a way to argue against it. And you have to give some of the Catholic reactionaries, such as those at the *Mirror of Justice*, points for creativity, There they are all in cahoots with Rick Garnett's "Natural Law Manifestos" the dude's flamboyant sense of things still makes me chuckle) to implement a conservative Catholic agenda for a society that charmingly clearly has little interest in it, at least explicitly. Further, they are supporting and representing a legal theory for an institution that not only had precious little interest in any form of religious freedom for most of its history, but fought it in every single way. This was not just in the distant past, but even quite recently --even after Vatican II had made clear a often different public presentation for the Church-- in parts of Latin America, where the most blindingly revanchist politics were undertaken in the name of the Church. And with all this, these are the same people who will have the gumption to lecture others on religious freedom!! It takes your breath away. Not only that, with admittedly great cleverness they are now working to provide their own unique conceptual circumscription of the very workability of religious freedom. Robert John Araujo, a brilliant Catholic apologist, whose mental dexterity is only matched by his utter lack of even-handedness and ultimate intellectual ethics, is now defining religious freedom as completely prior to the state. The same sort of argument they make to try to keep gay people from marrying. It is all so predictable. They use the simple fact that the practical issues vis-a-vis this complex matter are not utterly clear to swindle by another attempt to circumscribe the very ambit of real freedom with their Aristotelian schema. They get points, as I said, for cleverness, even though they always seem to have the same tactic. But they are vastly rude to their fellow citizens, and very naive about the vigor of those who oppose their arrogance, and the now vast predictability of their project. Here is Araujo, in his own words: "In the context of Catholic legal theory, the right of religious freedom is important. But it is more than that. This right prompts the question in CLT regarding the role and authority of the state. In the context of the *Mirror of Justice* project, religious freedom is a right--like the human person, the family, and the non-derogable rights--that precedes the state. [Though the question is complicated admittedly, for this guy to pretend that he does not know that it was ONLY the modern liberal secular state that made these rights and freedoms possible, often fighting Araujo's church tooth and nail, is just the most funny bit of unconsciousness in a person I have ever heard!!] For the state to construct a theory of the right as one based on equality is an ultra vires exercise of its proper and limited authority. At most, the state is its protector by obligation, not its definer by right. With people like Robert John Araujo one almost wants to write a book with the shock-title: *The Impossibility of Catholic Freedom*

The Constitution may guarantee it. But religious freedom in America is, in fact, impossible. So argues this timely and iconoclastic work by law and religion scholar Winnifred Sullivan. Sullivan uses as the backdrop for the book the trial of *Warner vs. Boca Raton*, a recent case concerning the laws that protect the free exercise of religion in America. The trial, for which the author served as an expert witness, concerned regulations banning certain memorials from a multiconfessional nondenominational cemetery in Boca Raton, Florida. The book portrays the unsuccessful struggle of Catholic, Protestant, and Jewish families in Boca Raton to preserve the practice of placing such religious artifacts as crosses and stars of David on the graves of the city-owned burial ground. Sullivan demonstrates how, during the course of the proceeding, citizens from all walks of life and religious backgrounds were harassed to define just what their religion is. She argues that their plight points up a shocking truth: religion cannot be coherently defined for the purposes of American law, because everyone has different definitions of what religion is. Indeed, while religious freedom as a political idea was arguably once a force for tolerance, it has now become a force for intolerance, she maintains. A clear-eyed look at the laws created to protect religious freedom, this vigorously argued book offers a new take on a right deemed by many to be necessary for a free democratic society. It will have broad appeal not only for religion scholars, but also for anyone interested in law and the Constitution.

From Booklist The First Amendment is stirring second thoughts among scholars wary of the social and legal consequences of religious liberty. Herself a witness for the plaintiffs, Sullivan recounts the tangled courtroom drama in a Boca Raton case in which a group of Catholic, Protestant, and Jewish families unsuccessfully sought a religious exemption to city ordinances prohibiting any vertical cemetery memorials (including upright crosses, statues, candles, and Stars of David). What emerges from Sullivan's carefully documented analysis of the case is the irreducible diversity of American religions--and the profound difficulty of accommodating such a wide range of beliefs, especially

when individual convictions and practices diverge from official orthodoxies. Consequently, in reluctantly ruling against the Boca Raton plaintiffs, the judge voices perplexities now all too typical of American jurists trying to balance the rights of individual conscience against the demands of public order and democratic governance. Bryce Christensen Copyright American Library Association. All rights reserved "A smart-and in the present circumstances, sobering-little book."--Christopher Caldwell, Financial Times "Sullivan's book has the great virtue of placing abstract legal dilemmas in the concrete realities of everyday life."--R. Laurence Moore, American Scholar "Scholars or lay-people intrigued by the status of religion in contemporary developed nations will find Sullivan's study very useful."--John M. McTaggart, International of Modern Sociology "Drawing on her expertise in law and religion, Sullivan argues that religious freedom in America is impossible. . . . [She] succeed[s] in arguing that religious freedoms are not as free as one might think."--Library Journal "Sullivan's examination of the judicial process is only one important aspect her book. The most important contribution is her discussion of the problems of how law defines religion and through its definition impedes religious liberty."--Bryan K. Fair, Journal of Law and Religion From the Inside Flap "This is a remarkably fine work that discusses the way religion is perceived and dealt with in the United States. The subject is of great moment not only in America but also in the world at large, and Sullivan has treated it with considerable analytical skill and ethnographic detail. The result is a powerful and convincing argument."--Talal Asad, City University of New York Graduate Center "Provocative. Engaging. Valuable. Sullivan has created a kind of analytical triptych that captures some of the most important features of religions and law in the United States. It is a finely crafted portrait of an incredibly suggestive trial, a meditation on the political/legal status of folk religions in the United States, and a theoretical intervention into contemporary studies of religion jurisprudence."--Jason Bivins, North Carolina State University. "The Impossibility of Religious Freedom is an astonishing book. Winnifred Sullivan once again demonstrates her flair for extracting a big lesson from a seemingly small event--in this book, a controversy over the allowable style of grave markers in a public cemetery in Boca Raton, Florida. To the town, the issue was the ease of mowing the cemetery and making it look tidy; for the survivors of the dead buried in the cemetery the issue was the appropriate expression of religious faith. This case looks like a simple church-state controversy, but Sullivan (an expert witness in the case) deftly explains why the federal court and the First Amendment really cannot cope with the issues involved. Separating church and state requires defining what religion is. The devil here is in the definition. Sullivan offers an important challenge to the easy assumptions to the current propensity of federal courts to accommodate religion. What is religion anyway? Read this fascinating story to see how challenging that question is."--Stanley N. Katz, Princeton University "Sullivan's exploration of unofficial religion is elegant, moving, uncompromising, and profoundly important. By examining religion literally from the ground up, it challenges all of the familiar pieties about religious liberty in America."--Philip Hamburger, author of Separation of Church and State