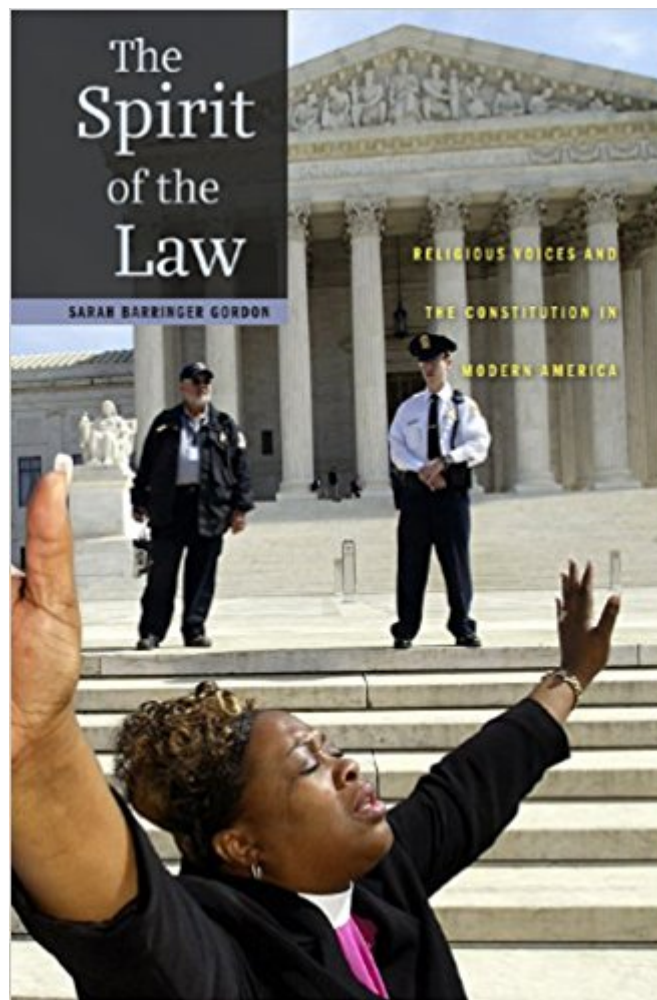




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# The Spirit Of The Law: Religious Voices And The Constitution In Modern America



## Synopsis

A new constitutional world burst into American life in the mid-twentieth century. For the first time, the national constitution's religion clauses were extended by the United States Supreme Court to all state and local governments. As energized religious individuals and groups probed the new boundaries between religion and government and claimed their sacred rights in court, a complex and evolving landscape of religion and law emerged. Sarah Gordon tells the stories of passionate believers who turned to the law and the courts to facilitate a dazzling diversity of spiritual practice. Legal decisions revealed the exquisite difficulty of gauging where religion ends and government begins. Controversies over school prayer, public funding, religion in prison, same-sex marriage, and secular rituals roiled long-standing assumptions about religion in public life. The range and depth of such conflicts were remarkable—and ubiquitous. Telling the story from the ground up, Gordon recovers religious practices and traditions that have generated compelling claims while transforming the law of religion. From isolated schoolchildren to outraged housewives and defiant prisoners, believers invoked legal protection while courts struggled to produce stable constitutional standards. In a field dominated by controversy, the vital connection between popular and legal constitutional understandings has sometimes been obscured. *The Spirit of the Law* explores this tumultuous constitutional world, demonstrating how religion and law have often seemed irreconcilable, even as they became deeply entwined in modern America.

## Book Information

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## Customer Reviews

A masterful study—insightful and provocative, well-written and entertaining. I know of no other

book like it. (Mark Silk, author of *One Nation, Divisible: How Regional Religious Differences Shape American Politics*) This dazzling book explores the Jehovah's Witnesses, Black Muslims, white evangelical Protestant women, and others who, beginning in the 1940s, made law crucial to religious life. It is a wonderful read that brilliantly illuminates the creative tension between law and religion in recent American history. (Laura Kalman, Professor of History, University of California, Santa Barbara) Gordon puts flesh and blood on the most heated law and religion disputes of the last seven decades. Looking at these disputes primarily through the religious eyes of colorful activists committed to making a constitutional difference, she makes legal and religious history come alive in an important and engaging way. (Steve Shiffrin, author of *The Religious Left and Church-State Relations*) Gordon demonstrates how the dazzling variety of religious expression in America since the 1930s has outpaced the capacity of judges and legal theorists to construct a stable constitutional law of religion. By implication, the book also raises questions about whether any constitutional theory can keep pace with the dynamic pluralism of American constitutional argument. (William E. Nelson, Weinfeld Professor of Law, New York University School of Law) By exploring the odd and interesting lives and lawsuits of dissenting twentieth-century believers, Sarah Barringer Gordon provides us with a novel and compelling modern constitutional history of American religion. (Hendrik Hartog, author of *Man and Wife in America: A History*) Sally Gordon turns the accepted wisdom neatly on its head by demonstrating that it is the extraordinary power of the religious impulse that has shaped--and continues to shape--American law, not the other way around...[An] excellent book. (Burt Neuborne Forward 2010-06-11) The Spirit of the Law subtly suggests that the era of strong evangelical influence in America culture may be at least temporarily over. (David Skeel Books & Culture 2010-06-01)

Sarah Barringer Gordon is Arlin M. Adams Professor of Law and Professor of History, University of Pennsylvania.

I read this work and was present at a lecture by author through a corporate presentation of seminary and Rice University. At the end of lecture I still am trying to find a center for the view presented both in book and lecture. The book and lecture were required by professor as a part of the class.

This is THE book on the subject of church and state.

My husband read this book. He was very satisfied with the book. Good book. Would recommend it.

Thank you much.

The Spirit of the Law traces the constitutional boundaries between religion and government through the 20th century. One of the main themes of the book is how the law has become a staple of religious life over the past seven decades. Sarah Barringer Gordon examines court cases involving the Jehovah Witnesses, the Nation of Islam, Protestants devoted to separation of church and state, conservative evangelical women, and progressive clergy. One has to admire the wisdom of the framers of the US Constitution. Within the "establishment" clause of the first amendment the founders established an inherent tension: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Over the past century there has been a give-and-take between the government and those who use the courts to further their own religious views (anti-secularism) or to seek protection from those with differing worldviews (anti-sectarianism). The book is well researched and includes numerous footnotes. Although this makes it somewhat academic, as a layperson I found it an approachable and enjoyable read. I highly recommend this book to those seeking an understanding of today's difficulties of constitutional interpretation in this important area of American life. Interestingly, in our world today, to even say precisely what should be defined as religion for legal purposes is a difficult and perilous task.

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