

Introduction

IN THE SUMMER OF 2000, the government of McCreary County, Kentucky, posted the following language in the county courthouse:

I the LORD thy God am a Jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me.

This is a surprising sentiment for an overwhelmingly Christian government that had earlier described Jesus as the “Prince of Ethics.” But the government was not really endorsing this biblical passage. They were posting it because it is part of the Ten Commandments.

The Ten Commandments contain important teachings and a good deal of wisdom. But those who would post the commandments in courthouses and public buildings around the country are not really interested in studying the passages in Exodus and Deuteronomy where the commandments appear. They are posting a symbol.

The Ten Commandments have become the Nike Swoosh of religion. They are a casualty of the war to push religion into the public square. This is a war where the victories are more dangerous than the defeats. When religion wins, the vague and confusing symbols that enter public view do not stir anyone’s soul.

It is a sign of weakness—an admission that religion needs artificial life support—to push religious symbols into the smothering embrace of government. If the push succeeds, religion is weakened further when it is distorted to fit governmental desires. Public recognition of God has been a part of American political life from the beginning of our country, and that is not going to change. But in recent years, an effort to present religion as a set of clumsy symbols has caused more harm than good. In American culture today, religion is inevitably watered down

or distorted beyond recognition when its symbols are forced into the public square. The courts sometimes require this distortion, but even when they do not, our political culture does. America is home to many faiths with divergent teachings and ardent followers, and to a society that protects those of every faith and those with none at all.

I am delighted to live in a diverse and open culture where no one faith can or should dominate public life. But my focus in this book is on a different point. If religion is to have any real impact in America—if it is to serve as a source of moral values in a materialistic, scientific culture—it must have real content. That content emerges in hearts, homes, houses of worship, and in the private sector, not in government bureaucracies.

We will begin by looking at the odd fate of the Ten Commandments in America. In an endless series of bitter and costly legal battles, courts have sometimes allowed the display of the Ten Commandments on public property and sometimes forbidden it. But the commandments have gotten lost in the process. Christians have lost sight of the Jewish origins of the commandments and of what Jesus said about which commandments really matter. Jews have forgotten that in the Jewish tradition, the Ten Commandments do not even apply to non-Jews. The Seven Commandments of Noah apply to the Gentile world, but reference to the Seven Commandments generally leads to blank stares.

Moreover, in those areas where the distinctive teachings of the Ten Commandments have been upheld by the United States Supreme Court, Christians and Jews alike have run away from those teachings. When Jehovah's Witnesses in the 1940s interpreted the commandments' ban on graven images to forbid them from pledging allegiance to the flag, voters reacted with fury. Only the Supreme Court protected the Witnesses.

Even more remarkable is the history of Sunday Closing Laws, which were inspired in large part by the Ten Commandment's call for Sabbath observance. In the decades after the Supreme Court's 1961 decision upholding those laws, legislatures, responding to the public's love of shopping, repealed virtually all of them. Today, whether your traditional Sabbath is Saturday or Sunday, you are likely to spend that day

like every other day of the week. Apparently posting unread copies of the Ten Commandments in government hallways is more popular than following them.

We will turn next to the debate over teaching intelligent design in the public schools. Intelligent design has few supporters among mainstream scientists, a status it richly deserves. Courts have generally viewed it as a transparent effort to put Genesis in the classroom. But intelligent design poses a far greater threat to religion than it does to science or the law. The strange desire to depict God as a second-rate engineer has little resemblance to the teachings of any faith.

Intelligent design puts God in a witness protection program, speaking of an unnamed “intelligent agent” who limits himself to performing minor tasks, such as the construction of a bacterium’s flagellum. By reducing the Almighty to “the God of the gaps,” it removes religion from the realm of faith and values, the precise areas where science is inadequate.

Intelligent design, since it has to pretend to be science, is an unfaithful version of the more serious argument from design, a venerable religious argument that has inspired millions. Indeed, whether they believe in traditional religion or not, modern scientists from Einstein to superstring theorists express a faith in the order and beauty of the universe that puts advocates of intelligent design to shame. The faith of scientists should not be taught in a public school biology class any more than Genesis should be. But it is a telling commentary on the empty state of much modern religion today that there is more inspiration to be found in the science section of a bookstore than in the religion section.

Next we will turn to the remarkable saga of how Christmas and Chanukah have suffered in public life in America today. We will begin with the disputes over holiday displays on public property, where pitched courtroom battles are fought every December over the right to place crèches and Chanukah menorahs alongside Santa Claus and the Christmas tree. The only certainty in these cases is that to win the dubious honor of appearing on a city hall lawn, a holiday display has to be

emptied of any real religious content. In one case, the public authorities chose to put a four-foot-tall plastic Frosty the Snowman in the holiday mix in a successful effort to pass judicial muster. Here, as with the Ten Commandments, a victory in court is a defeat for religion.

The current fate of these holidays in America is depressing. Chanukah, a minor celebration not mentioned in the Bible, has become the most public Jewish festival. The real story of Chanukah celebrates an effort by Jews to avoid assimilation, but because it falls near Christmas on the calendar, Chanukah has been entirely assimilated, complete with an imitation of Christmas gift giving.

The Chanukah menorah, a nine-branched candelabrum, has become a leading symbol of Judaism in America. Today, many Jews are puzzled when they see depictions of the ancient menorah fashioned by Moses and his followers in the desert, the menorah that is the oldest symbol in Jewish history. They are puzzled because the biblical menorah has seven branches. In modern American Judaism, Chanukah's symbols have replaced those of far greater meaning.

Christmas has suffered as well. For over a hundred years, Christians struggled with the commercialization of the holiday, as the birth of Jesus sometimes took second place to shopping sprees. But only in recent years have matters reached the point where prominent Christian spokespersons and religious groups have argued that Christmas is not commercial enough—it is now said to be vital that “Merry Christmas,” not “Happy Holidays,” be the slogan for profit-making stores. The law certainly permits Christmas to be a marketing tool in the private sector, but there was a time when this was resisted by Christians, not applauded. Caught between empty symbols in the public square and the profit motive in the aisles of Wal-Mart, the spiritual side of Christmas is being squeezed out of existence.

We will conclude with a survey of the legal and political environment in which battles over the Ten Commandments, intelligent design, and the public celebration of religious holidays take place. The message here is clear, and surprisingly uncontroversial. The freedom of religion

we enjoy in the United States, both as a matter of law and practice, is extraordinary by any measure. We can practice our faith at home and in houses of worship, we have a constitutional right to private schooling that can be pervasively religious, and we can profess our beliefs and seek converts to an extent that we should never take for granted. If American religion becomes a watered-down broth that is indistinguishable from consumerism and science, we will have no one to blame but ourselves.

The strength of real religion in America today is not undercut by the limits on government-supported religion in public settings. The true power of religion flows from restricting the embrace of government while protecting free exercise. We are neither France, where secularism reigns supreme, nor Iran, where one faith rules the roost. In France, students in public school cannot wear the Muslim head scarf; in Iran, they must. In America, the American Civil Liberties Union and the religious right agree that every public school student has a right to wear religious garb if and only if he or she so desires.

We will look at what would happen if the American government were to turn the tables and require that every church post the Magna Carta on its walls or that Sunday School references to Jesus' teachings be accompanied by a disclaimer saying that the Gospels cannot explain "scientific proof" that love is simply a biochemical reaction. These tactics would be fruitless and counterproductive displays of insecurity that would undermine support for real political and scientific goals. It is hardly surprising that few bureaucrats or scientists favor such ridiculous measures. Yet this is exactly what religious leaders do. Their efforts to force their symbols into public buildings and to add their disclaimers to the teaching of evolution have the precise embarrassing effect that no secular leader would ever seek.

I come to this enterprise as someone who stands outside the camps of the resolutely secular and the resolutely religious. Or perhaps I have a toe in each camp. My father was a physicist, and I have considerable respect for the explanatory power of science, although I do not believe it can tell us how to live our lives. I am a Jew who is not very observant, yet I

have a strong Jewish identity. I confess that I have celebrated Chanukah with my family, including gift giving, more than I have celebrated most other Jewish holidays. But I do feel that I benefited from religious school and Hebrew instruction, and I have concluded from my reading in the Book of Job and elsewhere that religion can provide me with a sense of humility, faith, and values that science and secularism cannot.

I try in this book not to go beyond what I understand. In particular, I limit myself to the dangers to Christianity and Judaism caused by misguided policies because I simply lack the knowledge to discuss the many other faiths that are so important in modern America. I hope adherents of those faiths will speak out on how the issues raised here affect them. In the end, I do believe that, from where I stand, the danger to American religion comes not from its failure to be recognized in the public square but from the costs that come with that recognition.

I am certain of one thing. My opposition to pushing religion into the courthouse and the biology classroom does not stem from hostility to religion. I am opposed to bleached faith—the empty symbolism that diminishes the power of real belief.