

Duquesne University

Duquesne Scholarship Collection

Hallowed Secularism

The Collective Works of Bruce Ledewitz, Adrian
Van Kaam C.S.Sp. Endowed Chair in Scholarly
Excellence and Professor of Law

11-25-2008

November 25, 2008: Pleasant Grove City v. Summum

Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

Follow this and additional works at: <https://dsc.duq.edu/ledewitz-hallowedsecularism>



Part of the [Constitutional Law Commons](#), and the [Law and Philosophy Commons](#)

Repository Citation

Ledewitz, B. (2008). November 25, 2008: Pleasant Grove City v. Summum. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/218>

This Article is brought to you for free and open access by the The Collective Works of Bruce Ledewitz, Adrian Van Kaam C.S.Sp. Endowed Chair in Scholarly Excellence and Professor of Law at Duquesne Scholarship Collection. It has been accepted for inclusion in Hallowed Secularism by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact beharyr@duq.edu.

Title: Pleasant Grove City v. Summum

Date: 2008-11-25T08:32:00.001-05:00

Since it now appears that the following letter to the editor will not be published by the New York Times, I can publish it here. The Pleasant Grove case, Pleasant Grove City v. Summum, was argued in the United States Supreme Court on November 12, 2008. The case arises out of a lawsuit in which a religious movement, Summum, sued a municipality to either remove a display of the Ten Commandments or allow it to put up a display on the same public land honoring its religious wisdom. The argument before the Supreme Court, however, did not involve the right of the City to display the Ten Commandments under the Establishment Clause. It only involved the right of Summum to put up its own display in the same area. The New York Times took an editorial position in favor of Summum. As the following critical letter indicates, this is a little hard to take seriously. In the case's current posture, I don't see how Summum can possibly succeed. To the Editor: Your editorial position on the Pleasant Grove City case is incoherent. You suggest that the case is a matter of religious discrimination since the City elevated Christianity over another religion in allowing a Ten Commandments display but not a display by Summum. Logically, your objection should not be to any discrimination but to the elevation of Christianity in the first place. Summum originally did object to the Ten Commandments display on Establishment Clause grounds, but the case is not before the Supreme Court in that posture. In the current posture of the case, Summum cannot possibly succeed. Either the original Ten Commandments display endorses Christianity--or Judeo-Christianity--in which case the proper relief is to remove it, not to add another religion--or the original display is speech by the government that endorses a secular ideal that the Ten Commandments merely symbolizes. If the latter is the case, the Ten Commandments display is not an endorsement of any religion, but is a kind of argument for the transcendent foundations of law similar to the commitment in the Declaration of Independence to unalienable rights. Either way, the proper answer is not to add a display by Summum.