

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

---

3-3-2009

### March 3, 2009: Holy Hullabaloo Over a Ten Commandments Display

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. (2009). March 3, 2009: Holy Hullabaloo Over a Ten Commandments Display. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/258>

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](mailto:beharyr@duq.edu).

Title: Holy Hullabaloo Over a Ten Commandments Display

Date: 2009-03-03T22:46:00.003-05:00

3/3/2009--Jay Wexler, a professor of law at Boston University, and the author of the upcoming Holy Hullabaloo: A Road Trip to the Battlegrounds of the Church-State Wars, (Beacon June 1, 2009) left a comment on the online magazine Religion Dispatches to the effect that the Summum case last week demonstrates the mistake that the Supreme Court made in holding in 2005 that at least some government sponsored Ten Commandments displays do not violate the Establishment Clause. Summum's desire to put on its own monument shows that Ten Commandments displays are divisive, argues Wexler. Now, it is not fair to criticize Professor Wexler for having a sense of humor and wanting to lessen the anger over church/state issues. That is what he apparently does in his new book and that is a good thing. On the other hand, there is a fine line between good-natured humor over our litigious culture, and making fun of bonehead fundamentalist right wing Christians, which is not really so funny and is what many secularists are wont to do. These public religious symbols mean a great deal to many Americans. It is an odd starting point that says that banning them is not divisive but allowing them is. That is only the case if the Constitution clearly bans public religious displays to start with, which is the question, not an answer. Law professors have a tendency to view these religious disputes from on high because, frankly, many law professors are not particularly religious. If one is not pious, it is easy to imagine a world in which religion is not promoted by public expression. But if one is pious, such a world seems ominous. This sounds like a criticism of Professor Wexler, which it is not. I haven't read his book and I don't know him or his religious leanings. But I think church and state will be funnier when we have found an inclusive constitutional interpretation of the Establishment Clause.