

## The Capitol Grounds: What Belongs and What Does Not

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For hundreds of years, our sages debated: Should the Ten Commandments be recited in each and every daily Jewish worship service? Similarly, rabbis for centuries disagreed about whether the congregation should rise for the recitation of the Decalogue. Those who argued against the daily recitation, and also against standing, feared that the “big ten,” would overshadow the 603 commandments they found in the Torah. Put another way, the rabbis were particularly concerned about one of the Ten Commandments: idolatry. The sages feared that the Ten Commandments would come to stand for Judaism itself, in place of the Torah, and even in place of our holy God.

They didn’t argue about whether one should stand for the *Shema*, the most sacred words of our faith, also found in this week’s Torah portion. Those words, they recalled, are to be recited “when you lie down, and when you rise up.” The *Shema* may be recited in whatever position one finds oneself when the time comes, which is why you may see people seated during the *Shema* elsewhere.

If we would not rise to proclaim the oneness of our God, perhaps we also should also not rise to hear the Ten Commandments.

Ultimately, our tradition mandates that the congregation does rise for the Ten Commandments, but that's only three times a year. We do not, however, recite the Ten Commandments in regular, daily, or weekly worship, but only on those three times annually when it occurs in the Torah reading.

Our rabbis recognized the power of symbols. Granting a symbol too much power, we risk idolatry. Failing to give a symbol its due, on the other hand, we may neglect the critically important value behind the symbol.

Earlier this year, our Arkansas Legislature invited the privately-funded erection of tablets of the Ten Commandments on the grounds of our State Capitol. The stated logic is that the Ten Commandments represent the western tradition of reverence for law. Many people view the laws of Moses as the model for all western law that has followed.

Unfortunately, the logic is flawed. The Ten Commandments are not entirely original. Our Decalogue is not the most ancient example of the legal tradition that evolved into Greek and then Roman law, eventually reaching these shores primarily from England. Hammurabi came before Moses, and he was not alone, as any fifth or sixth grader can tell you after a year of Ancient Civilizations.

Moreover, a fundamental difference separates mosaic legislation, on the one hand, from the laws of the United States, on the other. While the Ten Commandments are stated as the word of God, American law is explicitly human in origin. “We the people of the United States,” are the ones who “establish this Constitution for the United States of America.”

We may wonder how the Constitution even allows the erection of these tablets on our Capitol grounds. The Ten Commandments are particular to Judaism and Christianity, after all, and the First Amendment forbids state establishment of religion. The Supreme Court has ruled that the Ten Commandments on state property, like Christmas trees in December, may have a secular purpose.

As faithful Jews, we should be offended. We place tablets of the Ten Commandments above our Ark. Those Commandments are deeply moving, sacred motif of our Holy Ark's doors. To suggest that they are no more than a secular symbol of western law is to downgrade their importance from the transcendence of Divine word to the impermanence of human legislation.

Moreover, we have reason to be suspicious of the real motive behind the decision to erect tablets of the Ten Commandments on the Capitol grounds. The Legislature that invited this idol onto its lawn was the very same that adopted a so-called "Religious Freedom Restoration Act" to reestablish liberty that had never been restricted. We saw through the rhetoric, and we were appalled that our Legislature would attempt to use religion as an excuse for discrimination. Yes, that bill was called back from the brink, at the eleventh hour, thanks to some cool heads at Walmart and ultimately at the Governor's Mansion. An innocuous "Religious Freedom Restoration Act" was adopted instead, to no real purpose, but hopefully also to no real harm.

What was all the fuss about, really? Yes, the impetus was fundamentally a reaction to the supposed tyranny of creeping LGBT equality. In a larger sense, the fears of many were best exemplified not by House Bill 1182, but by the tablets of the Commandments. Like Columbus planting the Spanish King's flag on American soil, the Legislature was claiming Arkansas for Christendom. Our Legislature is fearful that a President they despise and crusaders for gay rights would turn America as secular as 21<sup>st</sup> Century Western Europe. Like ancient Israelites building a golden calf when they despaired of Moses's coming down from the mountain, our Legislature chose to erect tablets lest divine vengeance be unleashed upon America.

In preparation for this sermon, and for the statue to come, I took a walk around the Capitol grounds last week, to see what's there already. After the furor that has raged since mass murder in South Carolina, I guessed that I might find glorification of the Confederacy. We are fortunate; no Confederate Battle Flag flies on our Capitol lawn. Still, my report is not all positive. I'm happy to say it's not all negative, either.

Our Capitol belongs to all the people of Arkansas. One would hope, then, that the monuments there would make us all proud. Some should. A large installation honors fallen fire fighters, with the heroes depicted in a way that seems to represent the diversity of a 21<sup>st</sup> Century fire department. An appropriate memorial, very reminiscent of the one on the National Mall, recalls Arkansas' Vietnam War dead. A particularly detailed memorial was staked out during Governor Huckabee's tenure, honoring all who have received the Medal of Honor in service of our country – which, I hasten to note, is the United States of America. Included among those honored are three U.S. Civil War heroes from Arkansas: William Ellis, William J. Franks, and Henry W. Wheeler. We shouldn't take for granted that Union soldiers from our state are honored on our Capitol grounds. I imagine that's not the norm in states of the former Confederacy.

Sadly, but not surprisingly, monuments to the Confederacy are much more prominent. The two most prominently placed large memorials, flanking the front, that is the east, side of the Capitol, are one statue honoring Confederate soldiers and another memorializing the sacrifices of Confederate women. Yes, those

memorials do mark a part of our Arkansas history that we cannot wish away. Yes, death in war is always tragic, and I do not begrudge the Confederate dead their due. Still, we know the history. Those memorials weren't put there in the years following the war, remembering the recently slain with tears. Instead, they were placed there many decades later, when a segregationist south was asserting itself once again. Like the 2015 Legislature claiming Arkansas for Christianity, these monuments were political statements of a neo-Confederacy that found comfort in glorifying the Confederacy as they subjugated African Americans in Arkansas once again.

I searched for a memorial to the African Americans who lost their lives and their dignity to the scourge of slavery. I looked for a monument to the thousands upon thousands of lives lost, many more people over many more years than the four of Confederacy, killed and dishonored by generations of state-sponsored terrorism right here in Arkansas. I searched, but I searched in vain. Such a memorial does belong on our Capitol grounds. It belongs in the most prominent place. We must never forget.

Our Capitol lawn is not a place to pretend that the Ten Commandments are the secular foundation of American law. Nor should that hallowed ground glorify a past that is best remembered in the context of the terror it perpetrated. Instead, let our Capitol become a place that makes all Arkansans proud, because of what happens inside the Capitol and because of what we celebrate on the lawn. Let idolatry cease on our Capitol ground; and let righteousness prevail.

Amen.