

## The Side Of The Angels

It is remarkable how everyone is always on the side of the angels.

One of the latest examples can be found in the important federal court findings on the "human slaughter" law, as it applies to kosher slaughter.

The current federal law designates the methods of Jewish ritual slaughtering as humane. There is some controversy about whether it is really less humane to shackle the animal before instantaneously killing it -- or to make the animal unconscious before even shackling it. But that wasn't the controversy as it came before the court.

The case brought by opponents of the law said that the law was a violation of the First Amendment. And the supporters of the law said that to revoke the law would be a violation of the First Amendment. As the little old lady in Middletown once said to an interviewer: "How can you make up your mind on an issue when both sides say they are right for the same reasons? The opponents of the law argued that their First Amendment-rights were being trampled because they were being forced "knowingly or unknowingly" to eat ritually slaughtered meat. Injury was thereby being caused to *their* moral principles, and the government was entangling church and state.



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**The federal district court denied the case. It said, in effect that *accommodating to religious needs was not necessarily entangling church and state. In fact, if there was not some accommodation to religious needs, the subsequent entangling of church and state would be more serious. The court pointed to the fact that the Supreme Court has upheld the constitutionality of allowing religious exemptions to "Sunday Closing laws" -- for those whose Sabbath simply was another day. The Supreme Court has also upheld the constitutionality of exempting religious objectors to military service. It went on to say:***

"The lesson to be drawn from these Sunday closing and conscientious objector cases is this: that if Congress acted here out of deference to the religious tenets of many Orthodox Jews, it did so constitutionally and in substantially the same way as it accommodated the Sabbatarians and conscientious objectors by the exemptions in the applicable statutes."

This specific point might be kept in mind as we enter a new era of problems in a changing America. For example, there might need to be an *accommodation* to allow the Jewish Homes for the Aged to remain exclusively Jewish and still receive government funds for which it is otherwise qualified. At the moment, that is becoming more difficult.

But the more general point is that it is getting more and more difficult to make political judgments on the basis of instant cues. In this case, antagonists jumped on the same First Amendment and rode off in different directions.

**Nor will it work to try to cut through to find "good" and "evil" motivations to differentiate antagonists who use the same slogan. In San Francisco recently there was some controversy about whether Nazis should be denied free speech. Some said that those who would not deny free speech for the Nazis were not seriously against Nazism. Others said that those who would deny free speech to the Nazis were not seriously against Nazism.**

But it was an index of sheer foolishness for anyone on either of those sides to claim that it was "more" anti-Nazi than the other. They were both just as anti-Nazi, but had differing strategies, based on a different knowledge of history and a different understanding of what does or does not halt Nazism.

Perhaps we can assume that on these matters, most people are equally angelic, give or take a halo or two. Whether they are or are not has very little to do with whether they are right on any given issue. To be a good citizen requires more and more *thinking* and that is admittedly a strain. But people with bumper-sticker minds aren't going to be of much help in the difficult period ahead.