

Judging the judge: Roy Moore's salvo in the culture wars

From the Editors in the [September 6, 2003](#) issue

The case of Judge Roy S. Moore, chief justice of the Alabama Supreme Court, has become the cause célèbre of the Christian right. He has refused to obey an order from a U.S. district judge to remove a display of the Ten Commandments from the rotunda of the state judicial building. Two years ago Moore took it upon himself to install the 5,300-pound granite monument. After losing his case in a federal appeals court, Moore, a Southern Baptist, announced: "I have no intention of removing the monument."

A "Restore the Commandments" rally was staged on the steps of the Alabama State Supreme Court at which Jerry Falwell invoked the example of Martin Luther King Jr.'s civil disobedience: "We may have to visit [Moore] in jail someday," said Falwell. "Like Martin Luther King and his army of a generation ago, we shall overcome." The use of King's example is curious, since many conservative Christians didn't support King or his cause when he was alive. Moore's defiance of the federal court order is much more reminiscent of Alabama Governor George Wallace's defiance of federal orders on desegregating schools in the 1960s.

Moore's activity could conceivably generate a genuine conversation about the moral code that orders public life. Certainly the nation needs a common moral code with regard for life, truth-telling, promise-keeping, respecting property, and caring for the young, the aged, the poor and other vulnerable people. If not the Ten Commandments, then what? It is also important to consider whether morality ultimately needs a divine sanction. Ivan Karamazov's question in Dostoevsky's *The Brothers Karamazov* is as pertinent as ever: "If there is no God, is not everything permissible?" In terms of the Decalogue, the second tablet of the law ordering human relationships is clearly dependent upon the first tablet dealing with human relationships with God.

However, Moore does not seem interested in such moral reflection. His public embrace of the Ten Commandments is at best a salvo in the culture wars, at worst a publicity stunt designed to advance his political career. He failed to pursue several legal steps in defense of his own case, apparently in order to set up a showdown with a federal judge and thereby cast himself as a heroic defender of Alabama's "right to acknowledge God." His curious argument entirely ignores the First Amendment, which clearly protects people's right to acknowledge God while preventing government from endorsing religion.

The Ten Commandments, it should be noted, were given to a specific people as a consequence of their covenant with God. We would ask the judge: In what sense is the American nation or the people of the state of Alabama a covenant people in relationship with God? Can a covenant relationship be imposed on the unwilling or the unbelieving?

We also wonder how Judge Moore and his supporters might respond if a Muslim judge were to post injunctions from the Qur'an in his courtroom. Would they see that act also as a legitimate public acknowledgment of God? Somehow we doubt it.