



# David Saperstein

Rabbi



Rabbi David Saperstein is the Director of the Religious Action Center of Reform Judaism. Described in a profile in *The Washington Post* as the “quintessential religious lobbyist on Capitol Hill,” he represents the national Reform Jewish Movement to Congress and the administration. During his 30-year tenure as Director of the Center, Rabbi Saperstein has headed several national religious coalitions. He currently co-chairs the Coalition to Preserve Religious Liberty, comprised of over 50 national religious denominations and educational organizations, and serves on the boards of numerous national organizations including the NAACP and People For the American Way. In 1999, Rabbi Saperstein was elected as the first Chair of the U.S. Commission on International Religious Freedom created by a unanimous vote of Congress. Also an attorney, Rabbi Saperstein teaches seminars in both First Amendment Church-State Law and in Jewish Law at Georgetown University Law School. His latest book is *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time*. Rabbi Saperstein is part of a large rabbinic family.

**Shabbat Shalom:** Rabbi David Saperstein, you have been active as a lobbyist, as a lawyer, and as a rabbi in religious freedom issues for the last 30 years. Please tell our readers about any specific Jewish ethical principles that guide you in your work and in your defense of religious liberty.

**Rabbi David Saperstein:** There is moral value and historical lesson. On the moral value side, Judaism certainly had its core notion that we are all created in the image of God and also the respect for all people and respect for consciousness. That’s the way that tradition has been understood for 3,000 years in Jewish life. Secondly, we believe on the theological basis that there are different paths to God. That means that as long as people believe in the true God, there are different ways to heaven and people may approach God in their own religious tradition. That’s why Judaism has



not been the same kind of proselytizing religion that other faiths have been. It believes people can find God in their own way and worship God in their own way. On a historical level, because Jews in western civilization have been the quintessential victims of religious persecution, bigotry, and oppression for over 2,000 years, the lesson has been that Jews thrive best in a place where there is religious freedom and religious power. The combination of these three factors helps explain the passion that Jews have had in America for religious freedom.

**Shabbat Shalom:** As you work so vigorously with Christians and the Interfaith community on issues of religious freedom, do you find ethical principles held in common by Jews and Christians that are relevant to how we approach public policy?

**Saperstein:** Two of those three factors I mentioned are almost universally agreed upon, that is, all of us believe in the notion that humanity is created in the image of the divine and that we are charged by God to try to be like God, to love all of God's creation, to respect all of God's creation, and to allow the flame of the divine to flourish within people. The lesson of history teaches us that we have all been minority religions at one point. We all know what it means to be the victims of persecution and discrimination. We all thrive best where there is religious freedom. In America where there is the history of those who fled religious persecution including a country of such enormous religious diversity the lesson is similar. The best way to ensure that religious liberty will flourish is to separate church and state and to allow the church to flourish without government intervention and control. These are the central lessons that overwhelmingly the religious communities have agreed on.

**Shabbat Shalom:** Within Protestant America, within the Religious Right, there are groups that may have been a minority at one time but now seem to be the majority and press their religious views to the forefront. On the other side there has been a flood of anti-theocratic books

published recently, some by Christian authors, occasionally by a Jewish author. Is there a theocratic trend in American religion or politics that concerns you?

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**Saperstein:** There is. This is a complex issue in American life at this moment because different groups take positions but look similar. There are those who are more fundamentalist Christian communities. They are a small minority who truly want to create a theocracy in America, believing like the Puritans did which is one of the narrative traditions of America. This was created by people fleeing persecution to create a land based on God's laws. Here I would like to mention the books of laws and the books of the courts in the New England colonies. They are all biblical laws. And there is a minority in America who carries on the tradition and just don't care about others.

There are others from the Religious Right, more fundamental communities, who have absorbed much of the diversity of life in America. They want to use the government to impose their views on others, because they think they are right, but still believe that there has to be more tolerance for religions in America. Some of these folks talk about Jews as being people who should not be targeted by evangelistic activities, which is a real break in the historic pattern and would actually secure minority rights. I believe they do it in a way that actually undermines religious freedom in America, but I honestly don't think that this is their intent. Then you have a significant majority of Americans who don't want the government telling people what to do religiously. They believe that the best way to protect religion is to keep the government separate. They don't agree over symbolic things like the postings of the Ten Commandments or a prayer before a football game. But on the core issues like whether the government should be funding religion, imposing religious views on others, or telling people what to do religiously, there is an overwhelming consensus in America that says no—that's bad for America and bad for religion.

**Shabbat Shalom:** What you are saying is certainly encouraging, but recently a high number



of Americans (77 %) voted that the Ten Commandments monument should have been allowed to remain in the Alabama State courthouse.

**Saperstein:** That's exactly my point. What happened for a long time was that the Religious Right tried to impose their core issues on America—in the establishment cause and the constitution—seeking to have a constitution amendment to impose school prayer in America, to allow direct government funding, to end abortion rights for women, and to teach scientific creationism. The Religious Right may have had minor victories here and there, but ultimately over the sweep of the last thirty years they hardly brought a single major victory on any of those counts. Only in the last five to six years can some of the strategists say, "let's go to symbolic issues where we will enjoy the support of Middle America, like the posting of the Ten Commandments or saying a prayer at a graduation or at a football game or something that benefits the churches of Middle America like a charitable choice that would pay for the social service program." On those issues there is majority support, but on the core issues there really is, and there will be a couple of national poles coming out that are stunning in reaffirming how strongly Americans want to keep government out of religion.

**Shabbat Shalom:** This leads to another question: I attended a supreme court symposium at Pepperdine Law School last week and heard Erwin Chemerensky, another First Amendment scholar and law professor, expressing deep concern that the present Supreme Court will erode the Establishment Clause in the First Amendment protection for religious freedom. Looking at a changed Supreme Court where as you have observed the Religious Right has not made real headway when it comes to core issues, do you see a seat-change coming?

**Saperstein:** I actually saw a part of Erwin's superb talk. Yes, in other words, until now there is at least a five to four vote to prevent any of the

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core issues going through—there couldn't be the posting of the Ten Commandments, it couldn't be organized school prayer, there couldn't be government funding of parochial schools or of churches and synagogues directly for their activities. Particularly on the funding issues the vote had narrowed to a five/four in which Senator O'Connor was the swing vote. On the more symbolic issues the vote actually broke 6/3, mostly on the prayer issues. Not all of them depended on the religious

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symbol issues. So, if both of those things switch, this country will feel very different for our children and our grandchildren than it felt for us. It will be much more Christian, much more the majority religious group in communities deciding whose prayer is going to be heard, who will get the money and who will not get the money from the government, which religious group will get it and which will not, whose religious symbol will appear on government property. That will be a different America. What we are trying to do is on a legislative level. Any of these things going through will reduce the number of cases going out to the court.

This interview was conducted by Allan Reinach.