"What are these... and whose are these?"

A comment on the Mass. Law of Religious Preference in Adoption Cases

I. The Hildy Jenkins Case (briefly).

II. Prominence of this case has given rise to great debate on the justice of the law of this Commonwealth. Giving preference to persons of some religion who are practicable. Some who deplore it attack it, others defend it.

III. The present complexity of debate something in this pattern:
   1) Protestants against it.
   2) Catholics for it.
   3) Jewish organizations wary uncommitted, but AM's express strongly against it.

IV. Incidental before discussing virtues this case - exhort:
   Don't automatically side with Protestants vs. Catholics. It's a bad habit of ours.
   2) Don't misunderstand me. I am no great champion of Catholic belief or stout defender of the church. But:
   3) Religiously, I am equidistant from both. If anything, we should appreciate and admire Catholics' pride in their religion & fact that they take seriously, often profoundly.
   4) Socially, not true that Catholics are always more reactionary & less liberal than Protestants. The reactionary RKKK is mostly Protestant in its constituency & the highly liberal intellectuals and journals "Commonwealth" is a Catholic publication.
   5) Another example: Protestant churches as such have not, to my knowledge, done as much as the Catholics down South to battle discrimination vs. Negro.
I. Case itself: Arguments of those who oppose law

a) Emmis case reveals its cruelty - separate child from my parents it's known

b) Democracy does not recognize child as necessarily of same religious affiliation - parent

c) wrong - democratically - to have religious action in public itself

d) I suggest that decision be left to judge vs. state official w/o instruction as to religious character w/o parents

II. What do we say? What should be view Torah Jew?

Unequivocally FOR the law & AGAINST any impair.

III. Hilder Emmis case proves reverse - that child should have been placed in Catholic parents in first place, place of course, situation as is usual is radically different - and would be inhumane, cruel, barbarean to separate etc.

IV. Reason No. one: Democratic argument - what say is true - but within limits. A woman is free to choose any religion or none, as she sees fit. Constitutional Right. But when we concerned with religious "right" of infant. Is it more democratic to give this right? If determination to same paid official - judged. Does democracy mean that it a woman another must give up her right because she is poor or widowed or unmarried. That the religious
education of her child must be forcibly taken from her and given
to a stranger?

No—is undemocratic! Is undemocratic to give state powers and privileges that belong to natural parents. Give the state administrative rights... And, what guarantee that offices will not be favorably disposed to fellow communally? Is this not?

Reason No. 2: (closely allied w. No. 1) Human reason. Forget questions of constitutional theories. Sans quid— we are dealing with concepts & facts, but w. mothers & w. children— w. human beings. In most cases, mother in distress— poverty, illness, social ostracism, rejected. Has normal maternal feeling to child, motherly love. Yet her life must be separated from her child forever. In a moment of desperation such as this, what comes to a parent & religion? Is it not a price of preeminent humanity to deny the poor, working mother even that one legacy she wishes to leave to that child her love?

Reason No. 3: Religious Reasons

a) Historically, we have sacrificed our fortunes for & threatened w. apostasy— & have given our lives & blood for

b) Vast word in our vocabulary is SWE


d) Even in regard to non-Jewish children— if who will adopt

ed by Jewish foster parents has option revolving in reaching majority.

e) In Sameness of a Jew is something so sacred that it is

worth laying our lives down for.
1. For law in three grounds:

a) Democratic - recognizes natural rights of Natural Parents and does not give autocratic power of religious determination to the State.

b) Humanitarian - recognizes the wishes of the mother as an underprivileged human being in trouble and respects her agency if being an acceptable act of abortion.

c) Religious grounds: Religion gives character to the human soul, that is man's most precious sacred possession.