All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (p. 100)

Citing Job, “Behold, he will slay me; yet I will defend my ways to His face” (Job 13:15), and the fact that Abraham dared question God about the justice of destroying Sodom, Konvitz concludes that,

Through conscience man transcends the state and its laws and passes judgment on them. But even more, through conscience man transcends even his religion, and still more, dares to judge even God himself. (p. 103)

* * *

Religion may enhance or degrade man; it all depends on what it is. But without conscience, man has no dignity; without it, man is not man. * * *

To protect religion fully, it is necessary to protect conscience, on which it is based and without which it could not long exist. One day the Supreme Court will feel itself compelled to recognize this fact and give it constitutional dignity. (p. 104)

TRENDS IN GOVERNMENTAL CONTROL

It appears that political authority is inevitable in a stable society, and the world trend is toward ever growing governmental control in the lives of men. Uncontrolled freedom of enterprise in commerce, religion, education, and even marriage has led to exploitation and oppression. So men turn to government, over which by the power to vote they feel that they have some control, for protection and assistance. The consequence is ever greater governmental controls, and costs. Newsweek, December 15, 1975, focused on the growing power, and threat, of big government playing its paternalistic role which has created a “revolution of rising entitlements” (quoting Daniel Bell) and shifted focus from the time-honored American belief in the right of all to pursue equal opportunity to a belief in the pursuit of equal outcomes and advantages as practically absolute rights of citizenship to the point that the stability of American society is threatened (p. 37). Government in America in 1975 employed 14.6 billion people and spent $523.2 billion, accounting for 37% of the gross national product, compared to 12% in 1929, and there is little likelihood that government growth is about to end. The voting public continue to demand big government.

As government assumes greater dominance in the lives of men, does it threaten freedom of religion? Trends in several areas where the state has exercised sovereign power will help to clarify the picture:

1. Medicine