

Menora v. Illinois High School Association

Name

Institution

Menora v. Illinois High School Association

In the case *Menora v. Illinois High School Association*, the plaintiff is Moshe Menora and others while the defendant is Illinois High School Association. The plaintiffs, who are two high schools in Chicago and members of the interscholastic basketball team sue the Illinois High School Association for prohibiting their male Jewish basketball players to wear yarmulkes when playing. The plaintiff argues that that this amounts to infringement of their religious freedom as provided for in Orthodox Jews religion, which means the action of the defendant forces the students to choose between participating in interscholastic games and religious observance. The Illinois High School Association's rules prohibit players from wearing hats or any other headgear apart from a headband, which is wider than two inches, to avoid injuring players who might trip if it falls. Jewish religion does not prescribe the nature of a headgear or the precise way in which it should be fastened. The district court upheld the suit stating that the defendant is an arm of the state that should not make rules that violate exercise of freedom of worship. However, the Court of Appeal 7th Circuit argued that plaintiff did not prove any violation of their First Amendment rights but proposed that the plaintiff should liaise with the defendant to find a more secure way of covering the head while playing.

The primary issue in this case revolves around religious freedoms as provided for in the First Amendment. The plaintiff sought the court's intervention in determining whether prohibition of wearing yarmulkes amounted to infringement of Jewish freedom of religious worship. The second issue concerned safety as the plaintiff sought court's intervention in determining whether wearing a yarmulke was enough safety hazards because the Illinois High

School Association forbade them on grounds that they were not fastened enough and were likely to come off during play, increasing the risk of fall to other players. Therefore, the plaintiff was filed under constitutional law because the plaintiff sought the intervention of the court to determine whether the actions of the Illinois High School Association emerged as infringement of the freedoms granted in the First Amendment.

Both plaintiff and defendant advanced different arguments in the case. The plaintiff argued that Orthodox Jewish males are always required to cover their heads except for when they are unconscious, in water, or faced imminent danger of death. Jewish religious code does not provide exemption when playing, which means the Jews who played basketball comply with their religious requirement by wearing a yarmulke fasted with bobby pins. By forbidding the wearing of yarmulkes, the Illinois High School Association is therefore forcing them to choose between obeying their religion and playing basketball. This prohibition met the requirements of the First Amendment because the rule by the association negated enjoying freedom of worship. On the other hand, the defendant argued that it had the duty to ensure the safety of players in the field, and the rule prohibiting wearing hats or headwear wider than two inches was meant for safety reason. The foremost concern is that there is a high risk of the headwear falling off and players might trip or slip on it and get injured.

Reference to previous jurisprudences was made in this case. In making the ruling, the court argued that the principles of the First Amendment were relevant to the case. The Illinois High School Association is a rule setting organization, and cannot make rules that negate the rights under the First Amendment. By prohibiting wearing f yarmulkes, the association was forcing the religious observant (the Jewish basketball players) to give up government benefits

(interscholastic games). This argument was supported by the previous ruling in *Wisconsin v. Yoder* (1972) where the court ruled violation of religious rights by forcing Amish children to attend school, and in *Sherbert v. Verner* (1963) where a Seventh Day Adventist was denied unemployment compensation for failing to attend work on Saturday.

The Seventh Circuit vacated and remanded arguing that the plaintiff should have propose to the defendant a headwear that met the requirements of both Jewish law and safety during play. The ruling stated that the defendant's argument for the risk of insecurely fasted yarmulke for safety was not convincing because they could not prove any authentic incidence of injury resulting from fall of yarmulke. This means safety concern was not enough to place a burden on religious observance. The plaintiff also could not prove that their First Amendments rights were infringed, but the complaint could not be dismissed. Therefore, both were required to come to agreement and design a headwear that was well fastened to avoid fall during play.

This ruling is important in the contemporary world of sports because it provides guidelines that can be followed to ensure safety in sports and conformation to the rights advocated for in the First Amendment. It means there must be a balance between safety concerns and religious rights as provided in the constitution. This situation could be applied a case of requiring Muslim women to play without hijabs considering they are likely to obscure their vision by flapping from behind. However, this can be prevented in future by finding a way to fasten the hijab from behind so that it does not flap into the player's face.

References

Menora v. Illinois High School Association, 683 F.2d 1030 (7th Cir. 1982).

Sherbert v. Verner, 374 U.S. 398, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963).

Wisconsin v. Yoder, 406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed.2d 15 (1972).