



# THE JACOB RADER MARCUS CENTER OF THE AMERICAN JEWISH ARCHIVES

*Preserving American Jewish History*

MS-603: Rabbi Marc H. Tanenbaum Collection, 1945-1992.

Series C: Interreligious Activities. 1952-1992

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Thank you for the opportunity to participate in the deliberations of so distinguished a group. My only qualification for speaking to you is that I am Chairman of the Interreligious Affairs Commission of the American Jewish Committee. I must disclaim even that authority. The views I will express are my own. I am thus left without any qualifications. You are therefore free to judge my words purely on their merits.

I do not propose to argue on the merits of either parochialism or abortion. I hope that my comments are valid without regard to my views on either issue. You are entitled to test that hope yourselves, so you must know my positions. I believe abortion to be immoral. I believe that private education, whether sponsored by secular or religious groups, should not be constitutionally barred from public support.

I do not intend to discuss the Supreme Court decisions in these areas as a constitutional lawyer. First, I am not an authority on constitutional law. Second, as will be apparent, I do not believe that dialogue is an adversary process, and litigation, even litigation on constitutional issues, is an adversary procedure.

The subtitle of this set of workshops is "Problems and Patterns for Interfaith Dialogue." Because I believe that interfaith dialogue on abortion and parochialism has been, in general, unsatisfactory, I would like to venture a few observations on the nature of dialogue.

Dialogue is an intellectual activity. Its successful practice requires observance of the intellectual virtues.

One does not win or lose a dialogue.

Dialogue is not a branch of propaganda.

Dialogue is not a political act in the narrow sense of politics.

Only figuratively do groups engage in dialogue. It occurs between individuals, and may indeed be impossible among more than two individuals at any one moment.

Dialogue demands civility.

Acceptance of the possibility of change is a precondition of dialogue. Further, actual change is likely to be a result of successful dialogue. This point cannot be overemphasized. I trust I will not offend the sensibilities of either Protestants or Jews with the observation that of the three religious groups, Catholics have in recent years been the ablest practitioners of dialogue as here defined. Of perhaps all social institutions, the Catholic Church has exhibited the greatest willingness to adopt changes during the same period. I mean to suggest that there may be a causal connection between those two phenomenon. It should also be observed that of these three religious groups, the organization of Catholics is the most structured, the most highly institutionalized. I suspect that all of us have heard it said that meaningful dialogue cannot be held with Catholics because they are too tightly organized, too rigid. Certainly no Jew can fairly hold that view today.

The fact of the existence of Supreme Court decisions in the areas of abortion and parochialism should not inhibit dialogue, or political action, about them. The doctrine of Plessy v. Ferguson did not inhibit either dialogue or political action on the subject of segregated public education, equal or otherwise. Brown v. Board of Education was the result of those processes. Constitutional history is full of proofs that the Court often recognizes and corrects its errors. Constitutional law is not static. The doctrine of judicial supremacy does not inhibit the Supreme Court itself, it should not inhibit other institutions from dialogue.

Having expressed these easy generalities, I cannot delay attempting some specifics. I would like to suggest some questions about which dialogue should center. I would further suggest the importance of dialogue on these questions regardless of the views of the participants on the ultimate questions.

In respect of the abortion issue, first take as a given an individual moral right to secure an abortion. Is the existence of such a right likely to affect attitudes toward the sanctity of life and the institution of the family? If so, are those effects undesirable? If so, how can we mitigate those effects, or are they impossible to mitigate?

Now, take as a given no individual moral right to secure an abortion. Should abortion be criminalized? If so, what are the social costs of criminalization likely to be? What have they been in the past? If there are such costs, can they be reduced or eliminated? How? As possible social costs of criminalization, deal with the following clinically unsafe abortion, unenforceability, selective enforcement, for example, against the poor.

Assume irreconcilable differences between those who favor and who oppose abortion on strictly moral grounds. Consider the effect on a functioning democratic system, assuming large numbers on each side. How should a democracy deal with the dispute? By legislation? By court decision on constitutional grounds? If by legislation, should it be pro or anti? If by legislation, should it be local or national? Do courts effectively deal with such questions?

Is it better that, if such differences are irreconcilable, they be withdrawn from the political arena? Does court decision on constitutional grounds do this to any extent?

In respect of all of the above, our answers should be compared with answers to similar questions regarding the institutions of drugs, gambling, prostitution and, perhaps, slavery.

Finally, consider whether interreligious dialogue on this issue, as herein defined, is useful. Or is it an issue with which interreligious dialogue cannot deal. If the latter, how is it to be dealt with? Or is it an issue which civility requires be simply left alone, where and as it is?

The last series of questions on the abortion issue leads directly to the question of state support for parochial education. The Supreme Court has told us that the parochial issue is one which civility and the survival of democratic institutions demand must be left alone. Political debate on this issue is too divisive to be tolerated in our democratic system.

That position seems to mean, if correct, that interreligious dialogue, except on issues narrowly religious, or even theological, is impossible, unless the participants are already in substantial agreement. That position, one would hope, is not one which would be accepted by anyone here.



That position is one which has important implications for the future of religious groups in our society. If political debate on issues in which religions qua religions have an interest is impossible, religions have no place in any issue which can also be termed secular.

That position is one which has important implications for the concept of pluralism as a social, political and economic organizing principle. To the extent individuals give their ethnic connection religious content, their ethnic group may be deprived of participation in political debate, and any issue in which that group is interested, in opposition to others, may be withdrawn from debate.

That position essentially defines the task that must be accomplished by interreligious dialogue. That task is to make that view untenable. Dialogue, as here described, is the only process by which that task can be accomplished.

The force of my objection to that position does not mean that I have not noted the history on which it is based. The parochial issue has been bitterly fought between contending groups on religious lines. It has been the source of bitter struggle within religious groups. There are, however, signs of change. Only five years ago, for example, it is unlikely that American Jewish Committee would have endorsed, as it recently did, a modest, indeed, I will venture, innocuous, Pennsylvania statute on auxiliary services.

Discussion on the issue has not sufficiently focused on a number of issues. Some of those issues follow.

What has been the function of public education in a democratic system - what has it really done? Has it really Americanized the immigrants, or is that view only a part of the old melting pot theory not consistent with our new emphasis on and understanding of pluralism? Were other institutions more important? Did the system work notwithstanding the public schools?

How have the results of public education compared with the results of private, including parochial education? Have opponents of parochialism believed that parochial education is inferior education? Are they right? Here, I must suggest that participants consider Andrew Greeley's recent book on American Catholics and review the history of Catholic education in the last 10 to 15 years.

Does a single educational experience for all foster respect for differences or does it foster intolerance of them? Does respect for and toleration of differences require instead a thorough understanding of one's own distinctive characteristics?

Have any participants in the dialogue on this issue done a comparative review of textbooks on, say American history, or civics, in use in typical public and parochial systems?

Can a single system provide the alternative types of education demanded or required?

Is competition between educational systems desirable for the same reasons as competition in the world of business? Is it undesirable for the same reasons?

Is opposition to parochialism in part a monopolistic device? Unfortunately, recent comments by the Superintendent of Detroit's public school system, as well as other obvious facts, require that this question be considered. One indeed may wonder how much of the opposition to public support for private education is, not religious strife, but the common reaction of threatened monopolists.

When millage proposals are voted down, can or should we assume that people are saying that public education is overpriced. Is it only that people are saying taxes generally are too high?

Is it possible that political decisions on the level of spending for public education result in less being spent in total than if a "free market" were operating? If "Yes" voters on defeated educational millage could do so, would they withhold all of their taxes which support education and use those funds, plus the amount of the defeated millage (or more) to provide non-public education for their children?

Is it correct to say that state payment for private, including parochial, education subsidizes religion if the payment is for secular content? Does the buyer of hides subsidize the buyer of meat? Vice versa? Does each subsidize the other? What can the economists teach of joint supply - the same animal supplying two products? Here, I refer you to West, "An Economic Analysis of the Law and Politics of Non-Public School 'Aid'," XIX Journal of Law and Economics, p. 103, April 1976.



What lessons can be learned from the busing debate? The divisiveness of some issues is not of constitutional significance. Public education is really a number of private systems. Entry to some is restricted, not by "tuition" but by a "tie-in" - to get better education, you must also be able to afford - and secure - better housing.

What lessons can be learned from the welfare debate? Is public education a device for keeping the poor in their place? Mr. Moynihan may be instructive here.

Should proponents of private, including parochial, education thank its opponents for protecting against public - bureaucratic - control? Are the problems of public education the necessary results of government financing and control?

What about voucher systems?

I must end where I began - with thanks for the opportunity of speaking to you. I said at the beginning that I was qualified to speak only by my association with the Interreligious Affairs Commission of American Jewish Committee. I said that I must disclaim that qualification and speak only for myself. But that disclaimer, I now realize, should not have been complete. My work with Marc Tanenbaum and his professional associates has brought me into contact with other dedicated practitioners of interreligious dialogue, Catholic, Protestant and Jewish. That contact convinces me that there is no group that engages in dialogue as I have defined it more effectively than they. It is humbling for me to note that irony and that hope. Religions, so long a source of hate, intolerance, political absolutism and violence, have become, for me at least, among the best servants of reason and process and toleration and civility and accommodation, of dialogue. We must continually test ourselves on the hardest problems. We need not, perhaps should not, expect solutions or even agreements. Regardless of today's answers on abortion and education, without those virtues, which survive only if used, there will be no life and there will be no learning. Let us then, with the good help of dialogue, get us hearts of wisdom. And may I say, Amen.