Preserving American Jewish History

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In Defense Of Religious Liberty

Foreword

DROBLEMS INVOLVING church-state relationships and religious freedom present the country with highly difficult and delicate issues. There can be no doubt that the traditional separation of church and state in America has contributed immeasurably to the strength of our democratic system and to the freedom and vitality of religion. During the past several years, however, there have been increasing attacks on the principle of separation. Unfortunately, the issues are frequently obscured; religious, political, social motivations are simultaneously in play. And to the usual pressures, there has now been added the impact of the popular thesis that the ills of our time call for more pervasive religious inspiration in our social and political life. To some degree, that emphasis has led to a legitimate and constructive consideration of the role of ethical and moral values in social affairs. In many instances, however, it has resulted in serious attempts to breach and discredit the principle of separation of church and state with consequences which may be highly unfortunate for both democracy and religion.

The attack is being pressed on many fronts: the introduction of religious instruction and observances in the public schools, public grants for private education, the use of the facilities or time of the public school system for religious instruction, the invocation of state censorship to ban the distribution of materials deemed offensive by some religious groups. In all of these areas, the American Jewish Congress, dedicated both to the advancement of American democracy and to the creative survival of the Jewish people and its values, has been deeply concerned with maintaining the principle of separation of church and state inviolate. Failure to meet the issue as it arises in any instance, however minor, may easily result in legal sanction for violation of the principle which may undermine the foundation on which religious freedom in this country rests.

One such instance is the Gideon Bible controversy. A few years ago, the Gideons International, a fundamentalist Protestant missionary society whose aim is "to win men and women for the Lord Jesus Christ," instituted a national campaign to distribute its Bible, consisting of the King James (Protestant) version of the New Testament and the Psalms and Proverbs of the Old Testament, through the public schools. Catholics and Jews expressed serious opposition to the campaign. As

a result, many local Boards of Education refused to grant the Gideons permission to enter the public schools.

In many communities, however, Catholic and Jewish objections were disregarded and the program was instituted. In Rutherford, New Jersey, following the request of the local rabbi and the Catholic priest, the latter acting with the approval of the diocesan authorities, and the former on the advice of the Synagogue Council of America, the American Jewish Congress brought suit in behalf of two parents for an injunction against the program.* After the local trial court dismissed the suit, an appeal was taken and the case was heard by the highest court in the state. The Supreme Court of New Jersey, in a unanimous and precedent-making decision written by Chief Justice Arthur T. Vanderbilt, reversed the lower court's dismissal of the suit and ruled unconstitutional the program of the Gideons International. The Chief Justice's scholarly and persuasive opinion reviews the history of the principle of religious liberty and the separation of church and state from the time of the rise of Christianity to the adoption of the American Constitution and the First Amendment.

We believe that this decision will stand as a landmark in the history of religious liberty in this country, and we are therefore reprinting the full text in this pamphlet.

One particularly reassuring aspect of the case was the cooperation of the local diocesan authorities of the Roman Catholic Church throughout the litigation. That cooperation had continued even after the Catholic child lost his technical standing to sue because of his transfer to a parochial school.

Perhaps the most important aspect of the case was the fact that it was the first instance in which competent scientific evidence as to the psychological and sociological consequences of the intrusion of sectarianism in public education was presented to the courts. Testimony to this effect was given at the trial by Dr. Dan Dodson of New York University, Dr. William H. Kilpatrick of Teachers College and Dr. Isidor Chein, formerly Director of the Commission on Community Interrelations of the American Jewish Congress. This testimony, which is discussed in the Supreme Court's decision, clearly played an important part in the final ruling. We hope that it will also prove helpful in convincing many persons, both in the clergy and laity, who are not fully persuaded of the importance of defending the public schools against sectarian encroachment, that such encroachments are likely to have serious divisive and harmful psychological effects on children.

DAVID W. PETEGORSKY

Executive Director

American Jewish Congress

^{*} Mr. Leo Pfeffer, who tried the case and argued the appeal, is Assistant Director of the Commission on Law and Social Action of the American Jewish Congress, and Messrs. Joseph Robison and Phillip Baum, who participated in the drafting of the brief amici, are staff counsel to the American Jewish Congress.

SUPREME COURT OF NEW JERSEY No. A23, September Term, 1953

BERNARD TUDOR,

Plaintiff-Appellant,

VS

BOARD OF EDUCATION OF THE BOROUGH OF RUTHERFORD,

Defendant-Respondent.

THE GIDEONS INTERNATIONAL, a corporation of Illinois,

Intervenor-Respondent.

Argued October 5, 1953; decided December 7, 1953

On appeal from the Superior Court, Law Division, certified by this court on its own motion.

Mr. Leo Pfeffer (of the New York Bar) argued the cause for the appellant (Mr. Archibald Kreiger, attorney).

Mr. Jacob Stam argued the cause for the respondents (Messrs. Kipp, Ashen and Somerville, attorneys for respondent Board of Education; Mr. W. Adriance Kipp, Jr., of counsel with both respondents).

A brief amici curiae was filed by the Synagogue Council of America and the National Community Relations Advisory Council (Mr. Harry Silverstein, attorney, Messrs. Philip Baum and Joseph B. Robison, of the New York Bar, of counsel).

The opinion of the Court was delivered by VANDERBILT, C. J.

I.

The Gideons International is a nonprofit corporation organized under the laws of the State of Illinois, whose object is "to win men and women for the Lord Jesus Christ, through . . . (c) placing the Bible — God's Holy Word — or portions thereof in hotels, hospitals, schools, institutions, and also through the distribution of same for personal use." In recent years it began a campaign to make available to pupils in the public schools of this country the so-called "Gideon Bible," which was characterized by the International in its pleadings as "a book containing all of the New Testament, all of the Book of Psalms from the Old Testament, all of the Book of Proverbs from the Old Testament; all without note or comment, conformable to the edition of 1611, commonly known as the Authorized, or King James version of the Holy Bible." In furtherance of this campaign it applied by letter to the Board of Education of the Borough of Rutherford for permission to distribute its Bible to the public schools of that municipality:

"Board of Education Rutherford, N. J.

Attention: Mr. Guy Hilleboe

Gentlemen:

The Gideons of Passaic and Bergen County, consisting of local business men, hereby offer to furnish, without charge, a volume containing the book of Psalms, Proverbs and the New Testament to each of the children in the schools of Rutherford from the fifth grade up through the eighth grade, and High School.

This offer is part of a national campaign conducted by the

Gideons International to furnish the Word of God free to the young people of our country from the fifth grade through the high school. If God's word is heard and heeded, if it is read and believed, we believe that this is the answer to the problem of juvenile delinquency. If your board approves this distribution, we will be glad to have our committee work out the details with the prin-

Yours very truly,

PASSAIC COUNTY CAMP OF GIDEONS

/s/ John Van Der Eems,
John Van Der Eems,
Treasurer"

The proposal was considered at a meeting of the Board of Education on November 5, 1951, at which time there was voiced some opposition to the proposal by a Catholic priest and a Jewish rabbi on the grounds that the Gideons' New Testament was sectarian and forbidden to Catholic and Jewish children under the laws of their respective religions. The proposal, however, was passed by the board with one dissenting vote, the resolution adopted providing that "the Gideons International be allowed to furnish copies of the New Testament, Psalms and Proverbs to those pupils who request them." Under date of November 21, 1951, the following request form for signature of the parents was prepared by the Board of Education and distributed to the pupils of the public schools of Rutherford:

"Rutherford Public Schools, Rutherford, N. J. November 21, 1951

To all Parents:

At the regular meeting of the Board of Education on November 5, 1951, the Gideon Bible Society, presented a request that the New Testament, Psalms and Proverbs be made available, without cost, to all children who wish a copy. The Board approved this request provided the distribution be voluntary. If you wish a copy of this Bible, will you please sign the slip below and return it with your child to the school he attends by Friday, December 21.

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Please request The Gideon Bible Society to provide my child....., with a copy of the New Testament; Psalms and Proverbs. This request involves no obligation on my part or on the part of the Board-of-Education.

Signed										
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On January 14, 1952, the Board of Education was advised by its counsel that the proposed distribution was in his opinion legal. At a principals' meeting on February 6, 1952, the following instructions were issued:

- "(a) Only names of pupils whose parents had previously signed for the Bibles should be used in any announcement.
- "(b) Pupils whose parents had signed for Bibles are to report to the home room at the close of the session and no other pupils are to be in the room when the Bibles are distributed.
- "(c) Any announcement of names for the purpose of reporting after school should not include a reference as to the purpose of reporting."

Prior to the distribution of the books the present action

was commenced demanding judgment as to the validity of the distribution under the Federal and New Jersey Constitutions and seeking an injunction against it. On February 19, 1952, the trial judge granted a temporary injunction and by order dated February 29, 1952, restrained the Board of Education from carrying out the terms of its resolution of December 10, 1951, until further determination of the action. By consent Gideons International was permitted to intervene as a party defendant. After a full hearing the trial judge on March 30, 1953, found in favor of the defendant and vacated the restraint and stay. By consent of the parties, however, the stay has been continued pending appeal. While the appeal was before the Appellate Division of the Superior Court, we ordered certification on our own motion.

The plaintiff Bernard Tudor is an adherent of the Jewish religion, while plaintiff Ralph Lecoque is a member of the Catholic faith, each being a New Jersey citizen and taxpayer of Rutherford and a parent of a pupil in Rutherford public school. Each contends that the Gideon Bible is "a sectarian-work of peculiar religious value and significance to members of the Protestant faith," Mr. Tudor claiming that "its distribution to children of the Jewish faith violates the teachings, tenets and principles of Judaism," while Mr. Lecoque states that "its distribution to children of Catholic faith violates the teachings, tenets and principles of Catholicism.' After this action was commenced, the child of plaintiff Ralph Lecoque transferred from the public school to a Catholic parochial school and to the extent that the complaint was based upon his status as a parent, the issue became moot. The State of New Jersey was originally named as a party defendant but the action as to it has been dismissed. The Synagogue Council of America and the National Community Relations Advisory Council have submitted a brief amici curiae:

II.

The American doctrine of the separation of Church and State cannot be understood apart from its history for it is the epitome of centuries of struggle and conflict. In 311 A.D. Christians were still being persecuted; but shortly thereafter the Fourth Century witnessed the toleration of Christianity in the Roman World. In 313 A.D. Constantine, the ruler of the West, and Licinius, the emperor of the East, met in Italy and proclaimed the Edict of Milan, which made the toleration of the Christian religion "a part of a universal toleration of all religions, and it established absolute freedom of worship," Innes, Church and State, p. 23. In 410 A.D. Rome was sacked by Alaric. Italy, as well as Spain and Africa, fell to the Teutonic barbarians, but these conquests did not spell defeat for Christianity. The attitude of the invaders is illustrated by the words of Theodoric, speaking shortly after the fall of Rome:

"That to pretend to a dominion over the conscience is to usurp the prerogative of God; that by the nature of things the power of sovereigns is confined to external government; that they have no right of punishment, but over those who disturb the public peace, of which they are the guardians; and that the most dangerous heresy is that of a sovereign who separates himself from a part of his subjects, because they believe not according to his belief." Innes, Church and State, p. 51.

After the collapse of the Roman Empire the Church remained as the one stable, permanent element in society. Gradually it came to claim not merely equality with the State, but actual superiority. Thomas Aquinas summed up the Church's attitude:

"The highest aim of mankind is eternal happiness. To this chief aim of mankind all earthly aims must be subordinated. This chief aim cannot be realized through human direction alone but must obtain divine assistance which is only to be obtained through the Church. Therefore the State, through which earthly aims are obtained, must be subordinated to the Church. Church and State are as two swords which God has given to Christendom for protection; both of these, however, are given by him to the Pope and the temporal sword by him handed to the rulers of the State." Bates, Religious Liberty: An Inquiry (1945), p. 140.

The Church's claim of supremacy did not go unchallenged. Charlemagne, who had been crowned by the Pope, deliberately crowned his own son as successor without consulting the Pope. The struggle for supremacy was on between Church and State, and the history of the Middle Ages in Europe is largely a history of this continuing conflict. The struggles between Pope Gregory VII and Emperor Henry IV in the Eleventh Century, and between the English kings, Henry II and John and Celestine III and Innocent III a century later were but phases of the conflict. The Church reached the height of its supremacy over the State in the Thirteenth Century, under Innocent III, who informed the Patriarch of Constantinople that "the Lord left to Peter (the Pope) the government not of the Church only but of the whole world," and advised Philip Augustus of France that "single rulers have single provinces and single kings have single kingdoms, but Peter, as in the plenitude, so in the extent of his power, is preeminent over all since he is the vicar of Him Whose is the earth and fullness thereof, the whole world and all that dwell therein." Bates, Religious Liberty: An Inquiry, supra, p. 140-141. During his rule Innocent was not only a spiritual leader but he was also the supreme temporal chief of the Italian State, the Spanish Peninsula, the Scandinavian States, Hungary, Bohemia, Poland, Servia, Bosnia, Bulgaria, and the Christian state of Syria. Encyclopedia Britannica, "Papacy," (14th ed.) XVII, p. 203.

The fourteenth century witnessed the growth of new ideas. In 1324 Marsilius of Padua in his Defensor Pacis denied the right of the Church to interfere in any matters which were not spiritual. He expounded the very ideas that centuries later were credited to Locke, Montesquieu, Rousseau and Jefferson. Marsilius was far ahead of his age when he claimed that "no man may be punished for his religion," Action, "History of Freedom in Christianity" in Essays on Freedom and Power, p. 65.

But the doctrines of religious liberty and the separation of Church and State were not established in Europe even with the advent of the Reformation. The Reformation brought forth the more prevalent Erastian doctrine of state supremacy and the use of religion to help carry out state policy. The peace of Augsburg in 1555 was a compromise between Lutherans and Catholics, based on the theory that the religion of a province was to be determined by the religion of its ruler (cuius regio, eius religio). To the same effect was the peace of Westphalia in 1648 ending a thirty year religious war which swept Central Europe:

"Each secular state in Germany was henceforth free to profess its existing religion, whether Catholic, Lutheran, or Reformed; but no other religion was to be 'received or tolerated in the Holy Roman Empire,' and the power of the reigning princes to 'reform' their states by driving out dissenters was restrained rather than abolished." Innes, Church and State, p. 157.

In England under Queen Elizabeth the Thirty-nine Articles of the Church of England were adopted and the supremacy of the Crown over the Church was clearly established. Bloody struggles between Anglicans, Catholics and Dissenters continued. By the Seventeenth Century Catholics were regarded with disfavor and in 1647 the Constitution established by Cromwell granted religious freedom to all except Catholics. In the Glorious Revolution of 1689 the Act of Toleration under William and Mary established religious toleration in England, but again Catholics were excepted.

By 1787 in Europe no nation had established complete freedom of worship or the mutual independence of religion and civil government. There had been steps in that direction and there were those who strongly advocated the separation of Church and State but the Erastian doctrine still prevailed. In almost every country there was a state-supported or at least a state-favored religion while the other faiths were treated with varying degrees of toleration. In Spain the Inquisition was still in existence in 1787 while at the other extreme Holland represented the utmost in religious toleration and freedom for all faiths. In 1784 James Madison summed up the centuries of bloody religious battles in Europe:

"Torrents of blood have been spilt in the world in vain attempts of the secular arm to extinguish religious discord, by proscribing all differences in religious opinions." Blau, Cornerstones of Religious Freedom in America (1949), p. 85.

While America has been free from religious wars, our history has had its dark pages of religious persecution.

III

Religion was a strong motivating force in the American colonies. People of all faiths flocked to the New World, many with the hope that here for the first time they could enjoy religious freedom. Unfortunately to America these early settlers also brought the Old World idea of a state established and state dominated religion. Many of the original charters granted by the Crown required the settlers to establish a religion that was to be supported by all, believers and nonbelievers alike. Thus in early Virginia all ministers were required to conform to the canons of the Church of England. Quakers were banished and Catholics were disqualified from public office, while priests were not permitted in the colony. In New York Peter Stuyvesant established the Dutch Reformed Church, which all settlers were required to support. Baptists who attempted to hold services in their homes were subject to fines, whipping and banishment. Quakers were unwelcome and subject to persecution. The Commission of New Hampshire of 1680 provided:

"And above all things We do by these presents will, require and command our said Council to take all possible care for ye discountenancing of vice and encouraging of virtue and good living, and that by such examples ye infidle may be invited and desire to partake of ye Christian Religion, and for ye greater ease and satisfaction of ye sd loving subjects in matters of religion, We do hereby require and command yt liberty of conscience shall be allowed unto all protestants; yt such especially as shall be conformable to ye rites of ye Church of Engld shall be particularly countenanced and encouraged." Poore, Constitutions (1878), Vol. II, p. 1277.

In New England generally the Calvinist Congregational Church was the established religion.

Religious freedom in the colonies was far from an established fact. In the Massachusetts Bay Colony Anne Hutchinson in 1638 was tried and convicted as a blasphemer and seducer of the faithful and as a teacher of erroneous doctrines, because she held meetings in her home where she advocated the direct intuition of God's grace and love instead of obedience to the laws of the Church and the State. Roger Williams was banished because "he broached and divulged divers new and dangerous opinions, against the authority of the magistrates" Stokes, Church and State in the United States (1950), Vol. I. p. 195. Catholics were persecuted and in 1647 the General Court ordered that:

"No Jesuit or spiritual or ecclesiastical person ordained by the pope or see of Rome shall henceforth come into Massachusetts. Any person not freeing himself of suspicion shall be jailed, then banished. If taken a second time he shall be put to death." Pfeffer, Church, State and Freedom (1953) p. 68.

Despite these instances of intolerance and persecution there were successful examples of religious freedom. In 1649, largely due to the efforts of Cecil Calvert, the second Lord Baltimore, Maryland granted toleration to all Trinitarian Christians. In Rhode Island through the efforts of John Clarke, a follower of Roger Williams, Charles II granted a charter in 1663 which provided for complete religious freedom. In 1683 Pennsylvania received from William Penn its "Frame of Government" which stated that all who believed in "One Almighty God" should be protected and all who believed in "Jesus Christ the Savior of the World" could hold civil office.

The history of religious freedom in the province of New Jersey was not fundamentally different from that in the other colonies, although Stokes states that we "had a better colonial record in the matter of toleration than most of the colonies." Church and State in the United States, supra, Vol. I, p. 435. The grantees of the Concessions of 1665, Lord Berkeley and Sir George Carteret, offered liberty of worship as an inducement to settlers. This was continued under the Quakers by a Law of 1681 in West Jersey and in East Jersey by a Law of 1683. Nevertheless, despite what appeared to be the establishment of religious freedom in the Province of New Jersey, Learning and Spicer, Grants and Concessions of New Jersey, 1664-1702 (2nd ed. 1881, p. 14), there was strong anti-Catholic feeling in the colony, and holders of civil office were required to take an oath against the Pope, ibid, p. 92. By the king's instructions to Lord Cornbury (ibid, p. 633) in 1702 he was to permit a liberty of conscience to all persons except Papists. Our Constitution of 1776 provides:

"XVIII. Free Exercise of Religion.

That no person shall ever within this colony be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatsoever, compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person within this colony, ever be obliged to pay tithes, taxes or any other rates, for the purpose of building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform."

But the very next article of this same Constitution, after providing that there shall be "no establishment of any one religious sect in this province in preference to another," goes on to guarantee civil rights and the right to hold civil office to all who are of the "protestant sect." The exclusion of Catholics from this guarantee of civil rights and from holding civil office was not eliminated until the Constitution of 1844.

Generally speaking it can be said that religious toleration varied from one province to another with very few approaching a system of full religious freedom. Pfeffer reviews the religious atmosphere in the colonies:

"Summarizing the colonial period, we may note that the proprietary regimes permitted a considerable degree of toleration, at least in comparison with the other colonies.

This difference may be explained partly by the idealism of the proprietors and partly by the economic necessity of attracting large numbers of settlers in order to preserve and make profitable the proprietor's substantial investment.

"Even in the proprietary colonies, however, the death of the idealistic founder, Calvert, Williams, or Penn, resulted in considerable backsliding, and the imposition of restrictions on civil and religious rights, particularly of non-Protestants. The limited tolerance which did exist did not include Catholics, Jews, Unitarians, or Deists. The variety and degree of discrimination against them varied. Primarily, the discrimination was political-the non-Protestants could not vote or hold office. But the restrictions were not always limited to political disabilities. Public performance of Catholic worship was prohibited almost everywhere, and as late at 1756 the colony which had been founded by the Catholic Calverts enacted a law subjecting Catholics to double taxation. Perhaps the incident that most ironically illustrates the turnabout after the death of the idealistic founder is the action of a Rhode Island court which in 1762 denied the petition of two Jews for naturalization on the ground that to grant the petition would be 'inconsistent with the first principles on which the colony was founded." Church, State and Freedom, supra, p. 79.

It was left to Virginia to lead the struggle for religious freedom, and the separation of church and state. In 1784 there was proposed in its House of Delegates, a "bill establishing provisions for teachers of the Christian religion." Action thereon was postponed until the next session in order that the bill could be publicized and distributed to the people who could then make known their views. The issue was fought on a very high plane of principle with Thomas Jefferson, James Madison and George Mason aligned with the opposition. It was then that James Madison wrote his famous A Memorial and Remonstrance in which he presented his views that religion was not a matter within the scope of civil government. For complete historical background and full text reference is made to Mr. Justice Rutledge's dissenting opinion in People ex rel, Everson v. Board of Education, 330 U. S. 1, 28, 91 L. ed. 711, 730, 67 S. Ct. 504 (1942). At the next session the proposed bill was defeated and in its place an Act "for establishing religious freedom" drafted by Thomas Jefferson was passed, the preamble of which stated: "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propogation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty." The bill further provided "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." In his opinion for the court in Reynolds v. United States, 93 U. S. 145, 163, 25 L. ed. 244, 248 (1879), Mr. Chief Justice Waite states that "in these two sentences is found the true distinction between what properly belongs to the Church and what to the State."

It was a little over a year later that the Convention met in Philadelphia to draft the Constitution of the United States. The Convention failed to include in the proposed Constitution any Bill of Rights or any provision concerning freedom of religion. Although adopting the Constitution, several states did so only on the understanding that a Bill of Rights would be added including a provision for a declaration of religious liberty. At the very first session of Congress the first ten amendments, or Bill of Rights, were proposed and largely through the efforts of James Madison were adopted, the First Amendment providing that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It took us over fourteen centuries and an incalculable amount of persecution to gain the religious tolerance and freedom expounded in 313 A.D. by the rulers of the Roman world.

The First Amendment, of course, applied only to the federal government, but it has been held that upon the adoption of the Fourteenth Amendment the prohibitions of the First Amendment were applicable to state action abridging religious freedom, Cantell v. Connecticut, 310 U. S. 296, 303, 84 L. ed. 1213, 1217, 60 S. Ct. 900 (1940).

IV

The charge here is sectarianism. The defendant Board of Education is accused of showing a preference by permitting the distribution of the King James version of the New Testament, which is unacceptable to those of the Jewish faith and, in fact, in conflict with their tenets. This violates the mandate of the First Amendment, as incorporated into the Fourteenth Amendment, prohibiting the making of any law "respecting an establishment. of religion" and the requirement of Article I, paragraph 4 of the New Jersey Constitution that "there shall be no establishment of one religious sect in preference to another." By its very terms the New Jersey constitutional provision prohibits any such religious preference, while the First Amendment to the Federal Constitution has been judicially interpreted as so providing. As stated by Mr. Justice Black in his opinion for the majority of the Court in People ex rel. Everson v. Board of Education, supra, 330 U.S. 1, 15:

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . .

"That Amendment (First) requires the state to be a neutral in its relations with groups of religious believers and non-believers." (at 18)

In Zorach v. Clausen, 343 U. S. 306, 314, 96 L. ed. 954, 962, 72 S. Ct. 879 (1952), Mr. Justice Douglas in his opinion for the majority of the court stated:

"The government must be neutral when it comes to competition between sects."

In Fowler v. Rhode Island, 345 U. S. 67, 69, 97 L. ed. 491, 493, 73 S. Ct. 526 (1953), a minister of Jehovah's Witnesses was convicted in the state court for violation of a municipal ordinance prohibiting the addressing of a

religious meeting in a public park. The evidence showed that the ordinance had not been construed to prohibit church services of Catholics and Protestants. The court set aside the conviction, saying:

"For it plainly shows that a religious service of Jehovah's Witnesses is treated differently than a religious service of other sects. That amounts to the state preferring some religious groups over this one."

We are well aware of the ever continuing debates that have been taking place in this country for many years as to the meaning which should be given to the First Amendment. There are those who contend that our forefathers never intended to erect a "wall of separation" between Church and State. On the other hand, there are those who insist upon this absolute separation between Church and State. The plaudits and the criticisms of the various majority, concurring, and dissenting opinions rendered by the United States Supreme Court in People ex rel. Everson v. Board of Education, supra, 330 U. S. 1, People ex rel. McCollum v. Board of Education, 333 U. S. 203, 92 L. ed. 648, 68 S. Ct. 461 (1948), and Zorach v. Clausen, supra 343 U. S. 306, still continue.

But regardless of what our views on this fundamental question may be, our decision in this case must be based upon the undoubted doctrine of both the Federal Constitution and our New Jersey Constitution, that the state or any instrumentality thereof cannot under any circumstances show a preference for one religion over another. Such favoritism cannot be tolerated and must be disapproved as a clear violation of the Bill of Rights of our Constitutions.

This brings us to the heart of our problem here—namely, whether the resolution of the Board of Education displays that favoritism that is repugnant to our constitutions. By permitting the distribution of the Gideon Bible, has the Board of Education established one religious sect in preference to another? Although as to the Catholic plaintiff this action has become moot due to the withdrawal of his child from the public schools of Rutherford, some testimony was presented at the trial as to his claim of sectarianism so we will at times refer to such testimony in our opinion. Our decision, however, is based upon the claim of the Jewish plaintiff that the resolution of the Rutherford Board of Education constitutes a preference of one religion over the Hebrew faith.

A review of the testimony at the trial convinces us that the King James version or Gideon Bible is unacceptable to those of the Jewish faith. In this regard Rabbi Joachim Prinz testified:

"The New Testament is in profound conflict with the basic principles of Judaism. It is not accepted by the Jewish people as a sacred book. The Bible of the Jewish people is the Old Testament. The New Testament is not recognized as part of the Bible. The teachings of the New Testament are in complete and profound conflict with what Judaism teaches. It presupposes the concept of Jesus of Nazareth as a divinity, a concept which we do not accept.

"They are in complete and utter conflict with what we teach, for we teach the oneness of God, which to our—and in accordance with our belief, excludes the existence of a Son of God. We accept Jesus of Nazareth as one of the figures of Jewish history, a Jew, born a Jew, died as a Jew, but we do not accept Jesus of Nazareth as the Christ. . . .

"No, it is certainly not a nonsectarian book. It is a book that is expresses the view of one denomination among the many religious denominations of the world."

Dr. Bernard J. Bamberger, rabbi of the West End Synagogue in New York City and former president of the Synagogue Council of America, stated:

"Well, the New Testament, of course, is itself a complex document which contains a great many different writings, and so forth. Some of the passages and some of those writings are in themselves not necessarily in conflict with Judaism, but a very great many of them are in conflict with Judaism, first because they teach certain doctrines which are contradictory to doctrines taught by Judaism, and also because in certain passages the New Testament writers directly attack certain Jewish beliefs which are very sacred to Jews."

He concluded that the King James Version was "completely not a nonsectarian book." Rabbi Irving Schnipper, in answer to a question whether the teachings of the New Testament are in conflict with his teaching of the children of the plaintiff Bernard Tudor, testified:

"Definitely, the New Testament itself is in direct opposition to the teachings of Judaism."

Nor is there any doubt that the King James version of the Bible is as unacceptable to Catholics as the Douay version is to Protestants. According to the testimony in this case the canon law of the Catholic Church provides that "Editions of the original text of the sacred scriptures published by non-Catholics are forbidden ipso jure."

The defendant refers us to various statements by legal scholars and others to show that the Bible is not sectarian, but rather is the universal book of the Christian world, but in many of these statements the question of the New Testament was not discussed. In *Doremus v. Board of Education of the Borough of Hawthorne*, 5 N. J. 435 (1950), appeal dismissed 342 U. S. 429, 96 L. ed. 475, 72 S. Ct. 394 (1952), relied on by the defendant, the issue was whether R.S. 18:14-77 and 78, providing for compulsory reading in the public schools of five verses of the Old Testament and permissive reading of the Lord's Prayer violated the Federal Constitution. In upholding the constitutionality of the statutes we specifically stated at page 453:

"We consider that the Old Testament and the Lord's. Prayer, pronounced without comment, are not sectarian, and that the short exercise provided by the statute does not constitute sectarian instruction or sectarian worship. . . ."

We adhere to the *Doremus* case, but its holding does not apply here, where clearly the issue of sectarianism is present. Here the issue is the distribution of the New Testament. The uncontradicted evidence presented by the plaintiff reveals that as far as the Jewish faith is concerned, the Gideon Bible is a sectarian book, the teachings of which are in conflict with the doctrines of his religion as well as that of his child, who is a pupil in the Rutherford public school. The full force of the violation of both the state and federal constitutions is revealed when we perceive what might happen if a single school board were besieged by three separate applications for the distribution of Bibles - one from Protestants as here, another from Catholics for the distribution of the Douay Bible and a third from Jews for the same privilege for their Bible.

We find from the evidence presented in this case that the Gideon Bible is a sectarian book, and that the resolution of the defendant Board of Education to permit its distribution through the public school system of the Borough of Rutherford was in violation of the First Amendment of the United States Constitution, as incorporated into the Fourteenth Amendment, and of Article I, paragraph 4, of the New Jersey Constitution. It therefore must be set aside.

V.

The defendant contends that the distribution of the Gideon Bible in no way injects any issue of the "free exercise" of religion, that "no one is forced to take a New Testament and no religious exercise or instrument is brought to the classrooms of the public schools." In other words, it asserts the arguments of Zorach v. Clausen, supra, 343 U. S. 306, 315, that the "accommodation" of religion is permissible. This argument, however, ignores the realities of life. In his concurring opinion joined in by three other members of the Court, Mr. Justice Frankfurter stated in People ex rel. McCollum v. Board of Education, supra, 333 U. S. 203, 227:

"Religious education so conducted on school time and property is patently woven into the working scheme of the school. The Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interests of religious sects. The fact that this power has not been used to discriminate is beside the point. Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally.

That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend. Again, while the Champaign school population represents only a fraction of the more than two hundred and fifty sects of the nation, not even all the practicing sects in Champaign are willing or able to provide religious instruction. The children belonging to these nonparticipating sects will thus have inculcated in them a feeling of separation when the school should be the training ground for habits of community, or they will have religious instruction in a faith which is not that of their parents. As a result, the public school system of Champaign actively furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care. These are consequences not amenable to statistics. But they are precisely the consequences against which the Constitution was directed when it prohibited the Government common to all from becoming embroiled, however innocently, in the destructive religious conflicts of which the history of even this county records some dark pages."

In State ex rel. Weiss v. District Board, 76 Wis. 177, 44 N. W. 957 (Sup. Ct. 1880), it was stated:

"When . . . a small minority of the pupils in the public school is excluded, for any cause, from a stated school exercise, particularly when such cause is apparent hostility to the Bible which a majority of the other pupils have been taught to revere, from that moment the excluded pupil loses caste with his fellows, and is liable to be regarded with aversion and subjected to reproach and insult. But it is a sufficient refutation of the argument that the practice in question tends to destroy the equality of

the pupils which the constitution seeks to establish and protect, and puts a portion of them to serious disadvantage in many ways with respect to others." (at 44 N.W. 975)

Prof. Isidor Chein, Supervisor of Psychology and Acting Director of the Research Center for Mental Health at New York University, testified on behalf of the plaintiff:

- "... I would expect that a slip of this kind, distributed under the authority of the school, would create a subtle pressure on the child which would leave him with a sense that he is not quite as free as the statement on that slip says; in other words, that he will be something of an outcast and a pariah if he does not go along with this procedure."
- "... I think that they would be in a situation where they have to play along with this or else feel themselves to be putting themselves in a public position where they are different, where they are not the same as other people, and the whole pressure would exist on them to conform."

Dr. Dan Dodson, professor in the School of Education of New York University and director of curriculum and research in the Center for Human Relations Studies, when questioned as to the divisive effect of the distribution of the Gideon Bible stated:

"I would say that any instance of this kind in which a document that has the importance that this has to certain religious groups, including my own, would be distributed or used as a means of propaganda or indoctrination by official channels, such as the school system, would create tensions among the religious groups; there would be a controversial problem.

"I would say that it would raise questions among the children as to who is and who isn't, in terms of receiving the Bible. It would also create problems as to why some accepted it and others didn't. That would be divisive."

See also People ex rel. Ring v. Board of Education, 245 Ill. 334, 92 N. E. 251 (Sup. Ct. 1910), where the court maintained that the fact that pupils could request to be excused from religious exercises did not make the requirement of sectarian Bible reading constitutional, and Miller v. Cooper, 52 N. M. 355, 244 P. 2nd 520 (Sup. Ct. 1952), where the plaintiffs brought an action seeking, among other things, an injunction against the dissemination of allegedly sectarian literature among the public school pupils in violation of the provisions of the Federal and State Constitutions. The court there granted this relief, saying:

"The charge that the defendants were using the school as a medium for the dissemination of religious pamphlets published by the Presbyterian Church presents a different situation. It is true that the teachers did not hand them to the pupils or instruct that they be taken or read. The pamphlets were, however, kept in plain sight in a school room and were available to pupils and the supply was evidently replenished from time to time. We condemned such practice in Zellers v. Huff, supra, and condemn it here and hold that the trial court was in error when it failed to enjoin such acts. . . ." (at 244 P. 2nd 521)

We cannot accept the argument that here, as in the Zorach case, supra, the State is merely "accommodating" religion. It matters little whether the teachers themselves will distribute the Bibles or whether that will be done by members of the Gideons International. The same vice exists, that of preference of one religion over another. This is all the more obvious when we realize the motive of the Gideons. Its purpose is "to win men and women for the

The text of the decision of the Supreme Court of New Jersey in the case of Bernard Tudor vs. the Board of Education of Rutherford and the Gideons International, holding the distribution of the Gideon Bible in public schools unconstitutional.

IN DEFENSE OF

AMERICAN JEWISH ARCHIVES

Lord Jesus Christ, through . . . (c) placing the Bible -God's Holy Word . . . or portions thereof in hotels, hospitals, schools, institutions, and also through distribution of same for personal use." The society is engaged in missionary work, accomplished in part by placing the King James version of the Bible in the hands of public school children throughout the United States. To achieve this end it employs the public school system as the medium of distribution. It is at the school that the pupil receives the request slip to take to his parents for signature. It is at the school that the pupil actually receives his Gideon Bible. In other words, the public school machinery is used to bring about the distribution of these Bibles to the children of Rutherford. In the eyes of the pupils and their parents the Board of Education has placed its stamp of approval upon this distribution and, in fact, upon the Gideon Bible itself. Dr. Dodson further testified:

"I would say it would leave a lefthanded implication that the school thought this was preferential in terms of what is the divine word, and that the backing of the State would inevitably be interpreted as being behind it."

Dr. William Heard Kilpatrick stated:

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"The Protestants would feel that the school is getting behind this thing; the Catholics would feel that the school

is getting behind a Protestant affair; the Jews would feel that the school is getting behind the Protestant religion as opposed to their religion; and the people who don't accept any religion would feel that the school is actually trying to teach religion through this means."

This is more than mere "accommodation" of religion permitted in the Zorach case. The school's part in this distribution is an active one and cannot be sustained on the basis of a mere assistance to religion.

We are here concerned with a vital question involving the very foundation of our civilization. Centuries ago our forefathers fought and died for the principles now contained in the Bill of Rights of the Federal and New Jersey Constitutions. It is our solemn duty to preserve these rights and to prohibit any encroachment upon them. To permit the distribution of the King James version of the Bible in the public schools of this state would be to cast aside all the progress-made-in-the-United-States and throughout New Jersey in the field of religious toleration and freedom. We would be renewing the ancient struggles among the various religious faiths to the detriment of all. This we must decline to do.

The judgment below is reversed and the resolution of the Board of Education of the Borough of Rutherford under review is stricken.

QUOTE FROM A PAST TEXT OF CURRENT INTEREST:

Were Muslims, Jews and Christians to spell out their visions of life and the values whose realization, in their opinion, would please God, a large area of agreement might be discovered.

To love one's neighbor, for instance, is the Islamic duty for a Muslim, the Christian duty for a Christian, and the Jewish duty for a Jew. In some respects each one's vision of loving the neighbor would differ from the others, but there doubtlessly will also be significant points of agree-

"If some sensitive Muslims, Christians and Jews feel that there are areas of agreement among them, they should also face the question: Will it not be more pleasing to God if they were to strive for value realization more vigorously by developing cooperation with men who despite their different religious convictions share with them some of their values and concerns?...

"Our sensitivities have been molded by religious traditions which have a common origin, spiritually as well as historically, with the result that our reactions to a given set of circumstances are similar. if not identical. When religiously committed and sensitive Jews. Christians and Muslims find modern cities inundated with hideous pornography, they react more or less alike in feeling repelled by this brazen debasement of humanity. When we note an increasing incidence of criminal offense against man's life, property and honor, we feel distressed because, thanks to our religious backgrounds. our souls are saturated with respect for man's person and property and honor.

"If Jews, Christians

Information on federal energy-assistance programs is included, along with copies of especially helpful publications and a list of local social service agencies.

This packet, it seems to me, is a concrete illustration of how Christian and Jewish congregations can act to address the here-and-now of the energy situation. It is practical, it is relatively straightforward and it leads people to confront both the short-range and long-range problems that the depletion of the world's oil reserves entails.

There are certainly other actions that religious agencies - local, judicatory and national — can take as well. Our buildings should be made more energy-efficient. We should purchase fuel wherever possible in an economical fashion, through agreements among clusters of congregations. We should consider investing church funds in the development of innovative technologies for conservation and renewable power. We should offer our good offices in negotiating solutions to conflicts involving power-supply companies and consumers. When communities lay plans for the future, representatives of the churches and synagogues should take part, offering suggestions that take the energy situation and its potential impact on the poor into account.

The list could be extended indefinit but there is little point in doing so here to Let me conclude by returning to what stri me as the central point. The religicommunity must take the energy cr seriously and must help the nation put it i proper perspective.

If Americans are to handle inevitable transition to renewable sources energy wisely, they must not confine the thinking to cents per kilowatt-hour and bar: of oil a day. They must think also in terms radiation and acid rain and the greenho effect and the impact of decontrol on the pe They must think of what scarcity and infla

prices mean for people.

Here is a booklet recently published the Department of Housing and Uri Development. Do you know what it says advises people on what to do when the hea turned off. It says, among other things, you should wrap newspapers around your be to avoid freezing to death! That's what energy crisis really means. If the religicommunity can succeed in getting that mess across, if it can call forth a moral response that urgent message, it will serve both God: neighbor well.

ORIGINS Jan. 24, 1980 VOI. 9, NO: 32 Christianity, Judaism, Islam: A Shared Faith in One God

Christianity, Judaism and Islam share a basic unity of faith in the God of Abraham so important "it allows us to consider our differences with serenity and with a sense of perspective," according to Cardinal Sergio Pignedoli, president of the Vatican Secretariat for Non-Christians. The cardinal addressed a session sponsored by the Islamic Studies Group of the American Academy of Religion during the academy's annual meeting Nov. 15-18 in New York City. While it would be "dishonest" not to acknowledge past difficulties among the three religions, the cardinal said the best approach "is that of sharing sorrow for what has happened in the past and of choosing resolutely, all of us, to open ourselves not only to dialogue and encounter, but to mutual love I am convinced that the best way to make amends for the past is to renew our minds and hearts in that spirit of love which is at the very foundation of our faith and to strive in this spirit with all our strength." Judaism, Christianity and Islam have much to offer a world which has become "spiritually impoverished," he continued. But in a true spirit of religious liberty, they must respect those

outside their religions who "are often really". truly friends of God." He spoke of two "c. obligations to men and women who do not sl: our Abrahamic faith or who have no religi faith": 1) "to open the way to a clear and he dialogue with all of our fellow men"; and 2) do what can be done so that those who believers in God may attract and inspire other and especially non-believers to find faith him." It is not a question, he stressed. making 'a solid front of believers aga unbelievers.' That would...damage the very si of religion itself. The dialogue and encounter...must be a joining of hearts be becoming a meeting of minds." His addi follows.

It is an honor for me to have been as to give this address by the American Acade of Religion. I am happy to give it, not because the invitation comes from since "friends of God," but also because I convinced that the theme on which I have be invited to speak corresponds to a deeply

need in the world of today: namely, the question of the presence of God and of religious values in the history of individuals and entire peoples.

The faith of Abraham, who is rightly considered by our three religions as "the father of our faith," will be the subject of my reflections. I shall remain within the limits of its essential values and not enter into a consideration of the differences of these religions, united as they are in their acceptance of Abrahamic faith and in their considering it to be a source of inspiration and a guide for human life, capable of giving a satisfactory response to the essential problems of man.

I think it is superfluous for me to say that since our purpose is to consider in its substance this faith which so happily unites us, there is no need for me to go back over past history with its tale of mutual misunderstandings, injustices, faults, lack of generosity and so on. It would have no point, since the purpose of our meeting is that it

should be one of friendship.

Certainly we must study the past and learn from it, but life must above all look to the present and to the future. The Christian mystic, Meister Eckhart, said: "If a man has turned away from sin and left it behind him, then the good God looks on that man as if he had never sinned...If he finds him well disposed, God does not consider what he has been: God is a God of the present; as he finds you, so he takes you and accepts you. He does not ask what you have been, but what you are now."

1. Our Faith in God

The faith we have inherited from Abraham has as its central pivot a monotheism free from uncertainties or equivocations: We profess one God, a God who is personal, the creator of the world, provident, active in history but separated from it by an infinite gulf, the judge of men's actions, and who has spoken to men through the prophets. The sacred books and the traditions of our three religions admit no shadow of doubt on this fundamental point. This basic unity of faith is of such importance that it allows us to consider our differences with serenity and with a sense of perspective: It does not mean that we minimize these differences and still less that we renounce the points that separate us. But it does mean that we can speak together in an atmosphere of understanding and friendship, because we are all "believers in the same God!"

Without rejecting the word "dialogue," so rich in meaning and in the spirit of brotherhood, I would prefer to use the word "encounter" since it seems to express more vividly the fact that all of us, as individuals and as communities (Jews, Christians and Muslims), are vitally "committed" to giving absolute priority of respect, submission and love to the one God who accompanies us with his providence and who, at the end of time, will judge us "according to the law of right and wrong which he has written in our heart" (Newman).

Throughout the centuries our three religions of prophetic monotheism have remained unswerving in adherence to their faith, in spite of the dissensions and differences regarding points to which we will refer later. It is sufficient here to recall explicit expressions as given in key texts:

"Hear, O Israel, the Lord is our God, one Lord, and you must love the Lord your God with all your heart and soul and strength.

"These commandments which I give you this day are to be kept in your heart; you shall repeat them to your sons, and speak of them indoors and out of doors, when you lie down and when you rise. Bind them as a sign on the hand and wear them as a phylactery on the forehead; write them up on the doorposts of your houses and your gates" (Dt. 6:4-9).

Even the Romans, jealous of the imperial authority that they regarded as invested with divine power, had to accept Jewish insistence that to God alone was reserved a name "which had no equal." This name was above any sovereignty, including that of Caesar, and the Roman insignia with the Capitoline gods were not allowed into the holy city of Jerusalem. Every attempt to flout this norm was vigorously resisted; no persecution succeeded in breaking it.

The identical phenomenon was found in Christianity: Its fidelity to the one God, with the exclusion of any other divinity, was the fact that revealed to the Roman authorities the true nature of Christianity and its irreconcilability

with paganism.

As regards the faith of Islam, we have only to read again that wonderful list of the "99 most beautiful names of God" (Asma Allah-alhusma) to be forcibly aware of the unshakable and jealously guarded Muslim faith in the one God of Abraham.

If what C.S. Lewis asserts is true, namely that "the geography of the spiritual world is different from that of the physical world: in the physical world contact between countries is at the frontiers, in the spiritual world contact is at the center," then we can say that the Jewish-Christian-Muslim worlds make contact and meet at the very heart of a common faith. This religious affinity has always met with difficulties and it would be dishonest not to acknowledge this. However, there have always been through the centuries, thanks to the merciful God to whom we lift up our hearts, examples of mutual understanding and even collaboration.

We can think, for example, in the high Middle Ages of the Toledo conversations and of those at Cordoba where, in the very palace and Muslims were not to confine their response to God by adhering to what they feel are correct credal formulae or observing religious rituals and a code of conduct restricted to a narrow sphere of life, but respond to him by striving to construct structures conducive to godly. righteous living, and concern themselves with values realization, they would see undreamt of vistas of agreement and cooperation open up for them.

"There is so much

evil in our world alongside the tremendous potentiality of good that the aloofness of sensitive and sincere people of the world appears an unjustifiable tragedy. How can those who believe in God's justice and mercy and are committed to the ideas of universal brotherhood of man and to the duty to be the keeper of their brother, remain religiously insensitive to the revolting exploitation of the poor by the rich, the heartrending oppression of the weak by the strong and the utterly inhuman discrimination and indignity to which large sections of humanity are being subjected because they belong to a certain race, religion or geographical area, or were born with the wrong complexion? Does the problem of creating structures of life based on justice and righteousness not appear to us religiously significant enough to call for a mutual exploring of our intellectual resources as a first step toward developing fruitful cooperation for actualizing justice and righteousness?

(From, "An Islamic Perspective on Dialogue with Christians and Jews," by Zafar Ansari, vol. 7, quote on p. 45)

During his trip to Turkey last November, Pope John Paul II addressed the small Catholic community of Ankara, the Turkish capital. The pope took the occasion to discuss the role of Christians in a predominantly Moslem country such as Turkey. (In Ankara, which has a population of nearly 2 million, there are some 500 Catholics.)

"Taday," the pope said, "for you Christians living here in Turkey, your lot is to live in the framework of a modern state - which provides for everyone the free expression of his faith without identifying itself with any - and with persons who, in their great majority, while not sharing the Christian faith, declare themselves to be 'obedient to God.' 'submissive to God, and even 'servants of God,' according to their own words which match those of St. Peter... They have, therefore, like you, the faith of Abraham in the only all-powerful and merciful God ...

"It is therefore in thinking of your fellow citizens, but also of the vast Islamic world, that I express anew today the esteem of the Catholic Church for these religious

"My brothers, when I think of this spiritual patrimony and of the value it has for man and for society, of the archbishop, Christians, Muslims and Jews met together in discussion. We could think too of the writings of Maimonides, Averroes and Al-Farabi, and of St. Thomas, writings that influenced one another and contributed not a little to the forming of medieval civilization.

For a time during the Middle Ages, Arabic was the language most commonly used among Jewish writers. A significant example is "The Introduction to the Duties of the Heart," by Bahya ibn Paquda. It was written in Arabic, translated into Hebrew and, at a later time, was also to come to the attention of Christians. It is in this work that we find a quotation, evidently taken from the Gospel of Matthew, 5:33-37, and with reference to Jesus: "A wise man said to his disciples: The law permits us to swear the truth in the name of the Lord, but I say to you never swear either for the truth or for falsehood. Let what you say be simply yes or no."

Raymond Lull understood in depth the common platform of the three religions and the good that could derive from it: We see this in "The Book of the Pagan and the Three Wise Men" (1277). Nicholas of Cusa in his work, De Pace Fidei, wrote of the harmony of the three great religions and of its possible influence for the peace of the world. It should be noted that he wrote this work immediately after the fall of Constantinople, a time when others were thinking of launching a crusade to recapture it!

It is probably true that these "happy instances" were not typical but rather singular and isolated events, while over many years and even centuries there were reciprocal misunderstandings and suspicions, conflicts and persecutions, in which it is difficult, or better, impossible to determine the responsibilities of the different sides.

It is my sincere and humble opinion that the best road to follow is that of sharing sorrow for what has happened in the past and of choosing resolutely, all of us, to open ourselves not only to dialogue and encounter, but to mutual love. We must look ahead, and at what better point to begin than by affirming our faith together in the one true God, and to walk together with him, as your Academy of Religion has chosen to do. Allow me for a moment to express my warmest thanks to you all, and especially to those of you who are officers of this academy.

The sacred books themselves exhort us to set out resolutely on the open roads of encounter. They speak to each of us who consider the cornerstone of our religious encounter to be Abrahamic faith in the one God. Let us reflect again, with joy, on some of the most positive and encouraging of these texts.

Israel rejoices in the title, "the people of God," segullah, and it is in no way my

intention to diminish this honor given to it by the eternal God. At the same time the prophets did not cease to urge them not only to respect those timentes Deum, "the worshippers of God," to whom the New Testament refers (e.g., Acts 16), but to remind them that they are called to fulfill the mission of Abraham of whom God said: "I have appointed you to be father of many nations" (Gn. 17:4; Rom. 4:17).

It is perhaps in the prophecies of Isaiah that this theme is carried furthest: "When that day comes Israel shall rank with Egypt and Assyria, those three, and shall be a blessing in the center of the world. So the Lord of Hosts will bless them: A blessing be upon Egypt my people, upon Assyria the work of my hands, and upon Israel my possession" (Is. 19:24-25). And, in his glorious vision of the future, he continues with joyful certainty: "Enlarge the limits of your home, spread wide the curtains of your tent; let out its ropes to the full..." (Is. 54:2).

The book of the prophet Jonah, vividly and with gentle irony, presents the eternal God as desiring the salvation of all peoples, even those most at enmity with Israel, and portrays him as using an Israelite as the instrument to express this, putting himself in dispute with the Israelite in order to combat Israel's temptation to isolationism.

The robust monotheism of Islam is well known. It leads the Muslims to reject Christian belief in the Trinity, in the incarnation of the word of God, and in salvation through the mediation of Christ. They do not accept the complete Bible, judging there to be falsifications and distortions in it. Yet they consider Christians as faithful monotheists according to the faith of Abraham and use expressions in their regard which I should like to quote here: "Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best who have strayed from his path and who receive guidance" (Qur-an, Sura XVI, 125). Again: "Those who believe (in the Our-an), and those who follow the Jewish (scriptures), and the Christians and the Sabians, and who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord; on them shall be no fear, nor shall they grieve" (Qur-an, Sura 2:62).

Almost as a logical consequence of these assertions, the Koran also has these others: "If God had so willed, he would have made you a single people, but (his plan is) to test you in what he has given you: to strive as in a race in all virtues. The goal of you all is to God; it is he that will show you the truth of matters in which you dispute" (Qur-an, Sura 51). "For us (is the responsibility for) our deeds, and for you for your deeds. There is no contention between us and you. God will bring us together, and to

him is (our) final goal" (Qur-an, Sura 42:15). "To each is a goal to which God turns him; then strive together (as in a race) toward all that is good. Wheresoever you are, God will bring you together. For God has power over all things" (Qur-an, Sura 2:148).

There may be those who object that some of these verses are abrogated by a particular type of exegesis. I would reply to them, if it were necessary, that there is a wider exegesis that is no less orthodox and that according to this exegesis the abrogation theory only applies to verses of a normative nature considered in strict relationship to precise factual events.

"The sacred books themselves exhort us to set out resolutely on the open roads of encounter. They speak to each of us who consider the cornerstone of our religious encounter to be Abrahamic faith in the one God."

When we come to Christianity we see that in principle Christian doctrine, as seen especially in the Gospels, is unequivocally open to those having faith in the God of Abraham. In fact, however, there have been, on the part of Christians and the churches, deplorable instances of intolerance and persecution that were in direct contrast with the doctrine of Christ.

As I said regarding Judaism and Islam, even though I feel deep sorrow (indeed, I would say deep shame) for what has happened—and let us pray that it may never happen again—I am convinced that the best way to make amends for the past is to renew our minds and hearts in that spirit of love which is at the very foundation of our faith and to strive in this spirit with all our strength. Men like Pope John XXIII, like Paul VI and John Paul II, scholars like Jules Isaac, Massignon, Cardinal Bea and thousands of others from each of our monotheistic religions, have shown us the road we should walk.

The Second Vatican Council expressed clearly and authoritatively the attitude that we Catholics should have in regard to our Jewish and Muslim brothers and sisters. If I read these texts, taken from the Second Vatican Council's declaration Nostra Aetate, I do not think further words will be necessary. Here is what is said on the relation of the church to the Jewish faith:

"As this council searches into the mystery of the church, it recalls the spiritual

bond linking the people of the new covenant with Abraham's stock.

"For the church of Christ acknowledges that, according to the mystery of God's saving design, the beginnings of her faith and her election are already found among the patriarchs, Moses and the prophets. She professes that all who believe in Christ, Abraham's sons according to faith (cf. Gal. 3:7), are included in the same patriarch's call, and likewise that the salvation of the church was mystically foreshadowed by the chosen people's exodus from the land of bondage.

"The church, therefore, cannot forget that she received the revelation of the Old Testament through the people with whom God in his inexpressible mercy deigned to establish the ancient covenant. Nor can she forget that she draws sustenance from the root of that good olive tree onto which have been grafted the wild olive branches of the Gentiles (cf. Rom. 11:17-24). Indeed, the church believes that by his cross Christ, our peace, reconciled Jew and Gentile, making them both one in himself (cf. Eph. 2:14-16)

"Also, the church ever keeps in mind the words of the apostle Paul about his kinsmen, "who have the adoption as sons, and the glory and the covenant and the legislation and the worship and the promises; who have the fathers, and from whom is Christ according to the flesh" (Rom. 9:4-5), the son of the Virgin Mary. The church recalls too that from the Jewish people sprang the apostles, her foundation stones and pillars, as well as most of the early disciples who proclaimed Christ to the world...

"Since the spiritual patrimony common to Christians and Jews is thus so great, this sacred council wishes to foster and recommend that mutual understanding and respect which is the fruit above all of biblical and theological studies, and of brotherly dialogues" (n. 4).

And here is what is said in the same document regarding the relationship of the Catholic Church to the Muslims:

"Upon the Muslims, too, the church looks with esteem. They adore one God, living and enduring, merciful and all powerful, maker of heaven and earth and speaker to men. They strive to submit wholeheartedly even to his inscrutable decrees, just as did Abraham, with whom the Islamic faith is pleased to associate itself. Though they do not acknowledge Jesus as God, they revere him as a prophet. They also honor Mary, his virgin mother. At times they call on her, too, with devotion. In addition they await the day of judgment when God will give each man his due after raising him up. Consequently, they prize the moral life and give worship to God especially through prayer, almsgiving and fasting.

"Although in the course of the centuries many quarrels and hostilities have arisen between Christians and Muslims, this

of its capacity to offer, especially to the young, a direction in life to fill the void left by materialism, to give a sure foundation to social and juridical organization, I wonder whether it is not urgent, precisely today when Christians and Moslems have entered a new spirit of history. to recognize and develop the spiritual bonds which unite us in order to 'safeguard and foster, on behalf of all mankind' - as the council invites us to do - 'social justice, moral values, peace and freedom'

"I would like to take advantage of this meeting and of the opportunity which the words written by St. Peter to your predecessors give me to invite you to consider each day the profound roots of the faith in God in whom your Moslem fellow citizens also believe, to draw from it the principle of a collaboration with a view to the progress of man, to emulation in doing good, to the extension of peace and brotherhood in the free expression of the faith proper to each."

The complete text of the pope's address appeared in the current volume of Origins, on p. 419.

For some past texts in Origins which treat interreligious dialogue, -Basic Theological Issues of the Jewish-Christian Dialogue, by the Central Committee of Roman Catholics in Germany, vol. 9, p. 375; -Overcoming Difficulties of the Past, remarks of Pope John Paul II. vol. 8, p. 690; -Cooperation and Conflict. Issues in Jewish-Catholic Relations, by Archbishop Joseph Bernardin, vol. 8. p. 566: -Christian-Jewish Dialogue Continued, by Rev. John Pawlikowski, vol. 8, p. 406; -Developments in Christian-Jewish Relations. an annotated bibliography by Eugene Fisher, vol. 8,

most sacred council urges all to forget the past and to strive sincerely for mutual understanding. On behalf of all mankind, let them make common cause of safeguarding and fostering social justice, moral values, peace and freedom" (n. 3).

2. The Enormous Spiritual Force of the Religions United in the Faith of Abraham

If we now come to consider from the point of view of their relations with the world of today the three great religions of Judaism, Christianity and Islam, we can recognize the enormous impact they could have on the world. The modern world, even if it has been enriched with many exterior values (which one would not wish to despise in any way) has nevertheless become spiritually impoverished to a disturbing degree.

The Orientals would say: It has become a world "of having" at the expense of the world "of being." One can observe that while the means for securing well-being and an easier, more comfortable and pleasurable existence increased, human happiness has not automatically increased. Indeed, in many cases it has diminished to a preoccupying extent. One of the reasons for this human condition of dissatisfaction (to which we could add the wide arc of problems stretching from misery to injustice, to hatred, to denial of liberty), indeed, we would say the fundamental reason from which man's profound unease and dissatisfaction and those other problems follow, is that the world of today has, to a great extent, turned away from God and from his law and considers that it is sufficient to itself.

In a world where "God is absent" man finds himself fearfully isolated and, as it were, abandoned down a blind alley. Only in God, the God of Abraham, is man able to find his true measure and to live his existence in time to its fullness, opening himself to the certainty of eternal life. "When I turn away from you," says Juda Halevy in his poem Kuzari, "although I live, I am dead; but when I draw near to you, even if dead I am alive." In his book, The Primal Vision, John Taylor gives this view of the African peoples: "The African myth does not tell of men driven from paradise, but of God disappearing from the world."

While Judaism, Christianity and Islam are at one in their affirmation that God is "wholly other," they are also agreed that he is the "wholly near." As a powerful Muslim expression puts it, God is closer to man than his own jugular vein. Man is not a lost and practically useless fragment of the cosmos, but a creature of God, made in his image and consequently worthy of respect and love. Man is called to live a moral life, bound to his fellow human beings by the ideal of peace and brotherhood. If man gives way to the temptation of "liberating" himself from God,

he ends by becoming the slave of those petty but terrible "gods" called power, wealth, pleasure, etc. Only too often these "gods," these "idols," hide under noble names such as progress, social concern, and even freedom. Yet only as a creature of God does man receive the right to subject the earth, to till it and keep it, le'avdah welesharah, (Gn. 2:15). The Koran says that creation is subject to man because he is the representative of God (his Kalifa).

All of us here feel the awesome but marvelous responsibility of being "friends of God" and we are sure that by being such we are thereby authentic friends of our fellow men. We have never separated, and even less have we seen an opposition, between the world as such and the religious world. We have never seen them as two separate kingdoms: They both come from God! "The word methistemi, in the sense of transference out of one realm into another, is only once used in the New Testament (Col. 1:13). The typical New Testament word is metanoia, which means turning about. The emphasis is entirely on a change of direction, not on a change of position" (John Taylor).

I think it would be useful here to recall the words of Martin Buber: "One does not find God if one remains in the world. One does not find God if one goes out of the world...Certainly, God is the 'wholly other,' but he is also the 'wholly same,' the all present. He is indeed the mysterium tremendum, at the sight of whom we are terrified, but he is also the mystery of presence who is closer to me than myself." William Temple once made this seemingly paradoxical observation: "Christianity is the most materialistic of all religions in the world. It does take the terrestrial realities seriously." The author is saying that it takes terrestrial reality seriously because it takes God seriously. I think the same could be said of the Jewish and Muslim faiths.

At this point I should like to make a personal observation that comes to me spontaneously from my work in the Vatican Secretariat for Non-Christians. Side by side with the Jews and Muslims, namely the brothers and sisters who share my personal adherence to the faith of Abraham, there exist millions of men and women (I do not hesitate to say hundreds of millions) belonging to non-Abrahamic religions — such as Hindus, Buddhists, Shintoists, Confucianists, etc. — whom I feel to be practically united to me by their belief in divine and religious values.

There are others who state that "they have no religion" (as I have often heard young friends of mine say to me, be they from Hong Kong, Singapore or Los Angeles). But if we push a little further we often find that what they mean is that they do not belong to a Christian church, or that they are not part of what God called "his people," or that they are not part of the *Umma* or, in other words, that

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they do not belong to any religion organized as an institution. Yet they are often really and truly "friends of God," and thus in a way form part of our community of religious believers. Maritain said: "Men only become one by their spirit." I would say that around us and together with us there are millions of such men of the spirit. Sometimes they are of such spiritual depth that they give the impression of being "true mystics": their eyes and hearts are turned toward the eternal God.

This is a reality that gives us enormous encouragement. Not that it is our intention to form a stronger and more compact "front" to set against the "front" of the non-believers. No. This would be an offense against the God who loves us, all of us, and whom we would wish to see loved by all. We are happy because we see that the family of believers in God is a large one, and we pray to the Most High that all of humanity may come to be part of this family. Only he has the power to achieve it.

3. What Should We Do So That Others May Come To Our Faith or Near It?

All of us here today are well aware that while we share a commitment to the faith of Abraham, there are nevertheless considerable differences in the way our three religions envisage the relation of God with man.

Judaism recognizes a covenant between God and his people. Unlike the Christians, however, Judaism does not accept Jesus Christ as the mediator between God and man. Islam, while recognizing Jesus as a prophet, does not accept him as a mediator. Indeed, a Muslim holds that he needs no intermediary between himself and God. Every Muslim believer addresses God without an intermediary, as is clearly expressed in the rites of the prayer ritual (la Salat) and in those of the pilgrimage to Mecca.

Islam is, however, a "missionary" religion in which each of the faithful has the duty of proclaiming the message of God (dawa). The Christian religion is likewise missionary, in which between God and man there exist bonds of filial love. While not excluding an openness to conversion, Judaism would not, I think, normally consider itself missionary in the same sense. But whatever the difference in approach between our religions, I would like to say just one thing on the matter of the proclaiming of the religious message: Accepting the right of each of our religions of Abrahamic faith (and naturally, the right also of other religions) to proclaim their message freely, we must do it in such a way that the freedom of the other is always respected. God is a God of freedom and he does not ask for an adherence extorted by violence.

"Let the man who wants to follow me..." was the formula used by Christ. He refused to invoke fire from heaven as some of his disciples one day asked him to do. He said to them: "You do not know of what spirit you are." When he has honestly given witness to his faith and reached the frontier of the human conscience, the apostle (be he Christian, Muslim or whatever) must leave to that conscience the full right of decision, excluding any form of constriction, be it open or hidden. There have been examples of the opposite in the past; it is better to put these behind us and not repeat them. The essential norm and condition for accepting a religion or not should be based on the human person's freedom of conscience.

My dear friends, there is not time for me to develop this point. I only mention in passing that the Declaration on Religious Freedom, published in 1965 after two years of intense debate and reflection, remains one of the major texts of the Second Vatican Council. It expresses clearly in what way the church to which I belong is able to respect the freedom of other churches and religions without thereby diminishing in any way her commitment to the faith of Abraham and the Gospel of Christ. I hardly need add that in the United States this principle of religious freedom is well understood since your founding fathers, when framing the First Amendment in 1791, clearly affirmed the right of the person and of communities to the free exercise of religion in society.

But let me return to our main discourse. We do, I believe, have two clear obligations to men and women who do not share our Abrahamic faith or who have no religious faith at all. And it seems to me that these duties could be accepted and practiced not only by those of us who are Christians, but also by our Jewish and Muslim brothers:

A. The first duty is to open the way to a clear and loyal dialogue with all of our fellow men. To open does not, of course, mean to impose! The substance of the book of Martin Buber, Life in Dialogue, from which I quoted above, is summed up in the phrase: "In the beginning there is relationship." This reminds me of two proverbs on a similar theme. One is the Arab proverb: "Man is the enemy of what he does not know," and the other is an African proverb of the Wolof people which says: "When you begin by dialogue, you reach a solution."

Between our religions there have been too many periods of separation and silence. Our Vatican secretariats, one for Christian unity, another for non-Christians (with two commissions, one for relations with Judaism, the other for relations with Islam, both of them established on the same day, Oct. 22, 1974), another secretariat for non-believers, together with the World Council of Churches and so many other international organizations (among which I limit myself to mentioning the Kennedy Institute, the Interreligious Peace Colloquium that is our host, the Standige

-Survey of Issues in Catholic-Jewish Relations, by Rev. Jorge Mejia, vol. 7, p. 744; -Future Agenda for Catholic-Jewish Relations, vol. 7, p. 737; -What Motivates Jewish-Christian-Muslim Dialogue? by Rev. Arthur Gouthro, SA, vol. 7, p. 48; -An Islamic Perspective on Dialogue with Christians and Jews, by Zafar Ansari, vol. 7, p. 40: -Toward Successful Jewish-Christian Dialogue, by Miles Jaffe. vol. 6, p. 747; -The Religious Basis for Pluralism, by Rabbi Jakob Petuchowski, vol. 6, p. 741; -Statement of the 1976 Conference of Moslems and Christians in Tripoli, Libya, vol. 5, p. 616.

The Dutch synod opened in Rome Jan. 14. It was scheduled to last two weeks. According to a Vatican announcement shortly before the opening of the synod, the closing date was to be Jan. 26. Nineteen churchmen were listed as participants in the synod: -Pope John Paul II: -The Dutch bishops who head the seven dioceses in the Netherlands: -Archbishop Godfried Danneels of Maline-Brussels, Belgium, who along with Cardinal Jan Willebrands of Utrecht serves as a president-delegate of the synod; -Two representatives of Dutch religious orders: Father Adrien van Luyn, provincial of the Salesian Congregation and president of the Dutch association of priests and religious, and Father Pierre van den Biesen. prior of the Benedictine Abbey in Oosterhout, the Netherlands; -Father Joseph Lescrauwaet, a Dutch priest who is a liturgy professor at the Catholic University of Louvain, in Belgium; he serves as secretary of the synod: -Archbishop Jozef Tomko. the Czechoslovakian archbishop who is current head of the Vatican's Synod Secretariat; -And six officials of the Vatican curia. Rules for special synods allow the appointment of Vatican officials who can vote in their respective areas of competency. The six officials are: Cardinal Franjo Seper, prefect of the Doctrinal Congregation; Cardinal Sebastiano Baggio, prefect of the Congregation for Bishops; Cardinal James Knox, prefect of the Congregation for Sacraments and Divine Worship; Cardinal Silvio Oddi, prefect of the Congregation for the Clergy: Cardinal Eduardo Pironio, prefect of the Congregation for Religious and Secular Institutes; Cardinal Gabriel-Marie Garrone, prefect of the Congregation for Catholic Education.

Konferenz von Juden, Christen und Muslims in Europa, etc.), are all bearing fruit in the exchange of ideas and in friendship. As one of the final statements of the Broumana Colloquium, organized by the World Council of Churches in 1972, put it: "The common search for the will of God is growing."

What will be the fruit of these increased meetings and dialogues? It is difficult to say. What is certain is that they are not without value. As Father Michel Lelong has observed in his recent book, *Deux fidelites, une esperance*, "however serious political conflicts may be, it is unacceptable that faith in God should aggravate them." Even if the religions themselves provide no solution, they must nevertheless always be elements helping toward true and just peace.

B. The second duty is to do what can be done so that those who are believers in the one God may attract and inspire others, and especially non-believers, to find faith in him. It can never be repeated sufficiently that it is not a question of making "a solid front of believers against unbelievers." That would, basically, damage the very spirit of religion itself. The dialogue and the encounter of our three religions of Abrahamic faith, and of these with other religions, must be a joining of hearts before becoming a meeting of minds.

The Koran reminds Muslims that "the closest in friendship are those who are not puffed up with pride" (Sura 5:82), and "Be courteous when you argue with the people of the book" (Sura 29:46). A famous hadith says: "No one among you will be a true believer as long as he does not desire for his brother what he desires for himself." As far as Christians are concerned, St. Paul warns us: "Let us cease judging one another" (Rom. 14:13), and again: "Leave no claim outstanding against you, except of mutual love" (Rom. 13:8).

I should like to close with a final wish, a final hope. But rather than doing this with my own pedestrian words, let me quote to you from three different sources, each of them touching different aspects of our theme.

First, a rabbinical teaching: "What in all of human speech is the most fundamental phrase? I did not hesitate for a moment before crying out with all my voice: 'Listen, Israel: The eternal is our God, the eternal is one!' Is not this the highest phrase of all, the phrase without equal in heaven and on earth? Then I asked myself: But what in this sublime phrase is the most fundamental word? I replied to myself that without any doubt it is the word ekhad, meaning one. Finally, I asked myself: And of all the words in human speech, which would be the most eminent among those whose letters, when added together, have the same numerical value as the holy word ekhad, whose value is 13? I did not have to search for long: At my fingertips, deep in my heart, at the center of my soul, there was the word ahavah: love."

Second, a poem by the Senegalese poet and journalist Niaky Barry. It expresses the desire to draw together, at least in the heart, our religions of Abrahamic faith together with the other religions of mankind. I shall quote it in French and then hazard a translation in English:

"Ah frere de l'universel — c'est dans le noyau central de ton ame — que j'erigerai le Sanctuaire du Dieu Ultime — d'ou Synagogue, Temple, Eglise et Mosquee — seront en harmonie — dans les flots mouvants de ton elan vers l'Infini." (Ah, brother of all things — it is in the central reaches of your soul — that I will build the sanctuary of the everlasting God — where synagogue, temple, church and mosque — will dwell in harmony — amidst the surging waves of your longing and search for the infinite."

Third and last, a poem by Edwin Markham. In his desire to unite all in understanding and brotherhood, he has written these words, with which I close:

"He drew a circle that shut me out,

"Heretic, rebel, a thing to flout.

"But love and I had the wit to win;

"He drew a circle that took him in."

The Dutch Synod Begins: Pope's Homily

In a Jan. 14 homily during a Mass opening the special synod in Rome of the Dutch bishops, Pope John Paul II urged participants in the synod to turn their thoughts toward Christ the pastor. The pope asked: "Is there anything more wonderful than this image of the pastor, of the good pastor who has manifested himself as

the model to imitate?" Those who are pastors and bishops of souls must watch over the word, must watch over truth, the pope told the synod participants. He said: "In our difficult times, in our 20th century, this church has given, in the teaching of Vatican Council II, a particularly full expression of the truth about itself. This

The right to religious liberty

- its essential elements
- the active and the negative part of public authority.

Mgr. Francis Biffi Regensburg. 25.X1.79

"The Vatican Council declares that the human person has the right to religious liberty" (Dig. Hum. 2,a)

This is the most solemn assertion of the document which is one of the most important of Vatican II, that which expresses perhaps 'the indisputable novelty of which the real name is development' (Congar); that which marks both progress within the Catholic Church and a step forward in human civilization.

A. The essential elements of the right.

Preliminaries:

We must distinguish carefully between religious liberty and

- religious indifferentism which regards all religions as equalwhether they be true or false.
- <u>doctrinal relativism</u>, a philosophical idea which which denies there is any objective criterion of truth.
- the autonomy of conscience, a mistaken idea that the human conscience is under no obligation to seek the true religion, and hence is subject to no divine law but may confine itself to the moral rules which man has created for himself.
- Religious liberty is not a synonym for religious/moral detachment: on the contrary as Dig. Hum. says (1,b.c.) ,

"all men are bound to seek the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it. This sacred Synod likewise professes its belief that it is upon the human conscience that these obligations fall and exert their binding force. The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power"

The meaning is "a duty and a responsibility in religious liberty conformable to the dignity of the human person".

- 1. A Natural Right D.H.2 = is not concerned with some positive right conferred on the citizen by the state, but with a natural right which the state must acknowledge (in such a way that it constitutes a civil right) in the citizens because it is already theirs as persons: it belongs to all, today and always, everywhere.
 - 2. Its Basis: the dignity and responsibility of the person "The Synod further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself".

This dignity is considered from three points of view

a) First in its historical manifestation (D.H.1) The growth of civilisation is grounded in the recognition by all human beings of their dignity: an awareness which leads them to demand to be regarded and treated not as instruments but as free and responsible subjects.

Secondly, the dignity of the person is considered from the point of view of his inescapable personal responsibility to establish relations with God, and above all to find answers to the great questions about existence. When he comes to distinguish true from false, good from evil, he becomes the arbiter of his own eternal destiny, to achieve which is a gift of God but remains at the same time a personal conquest, sign of a great dignity.

This decision and this conquest should be exempt from external pressures, which could do nothing positive to establish personal relationship with God, - on the contrary they could hinder it.

The right to religious freedom is then a guarantee of the duty the person has to look for the ultimate answer to life: Pavan says that the 'impossibility for any human being to withdraw from the responsibility and hence the duty to establish personally his relations with God is the deepest root of the right to religious freedom'.

In the third place the dignity of the person is considered as it results from man's relation to truth. Man is made to search for truth; to adhere to it, to translate it into action. to know, to love and to live the truth - it is through these three that man recognises, develops and fulfils himself as a person.

But the truth cannot be known except ' in the light of truth'. External force cannot furnish interior evidence.

Adherence to truth involves an act of love and love cannot be imposed.

Coherence in life has no value if it is not the manifestation of a free personal decision. Without that it would be no more than hypocrisy and outward formalism.

For many believers this free opening to truth means an opening to subsistent, personal transcendent truth which proposes a free adherence (D.H.3) For us Christians, this truth is revealed in Christ.

3. The Object of the Right: immunity from constraint

It is generally admitted that the 'subjects' or depositaries of rights are not, immediately and formally, spiritual values, as, for example, truth, moral good, justice etc. because the subjects of rights are persons, and only persons, physical or moral (i.e. various associations).

Consequently relationships between persons and spiritual values are not juridical relationships but metaphysical, logical or moral ones as the case may be.

Juridical relationships are always and only between 'subjects' that is person-to-person and never person-to-value.

Hence the basis of the right to religious liberty is not the idea (very widespread before the Council) that only truth has rights' since 'error can have no right'. From this it followed that only those who 'possess' the truth had to right to communicate and spread it; those who are in error should not have the right to communicate it. Hence the appeal to the civil power that it should put its force at the service of

truth and at most 'tolerate error. In the course of history this has made room for 'structural violation' of the rights of persons and of groups.

More precisely, in religious terms, the thinking current in Catholic circles was that only the Catholic religion, being the 'true and unique' religion should have rights in society: this was the meaning given to the term religious freedom.

The great change of outlook then consists in the 'rediscovery' that religious freedom is not concerned with the content of religion nor with the relations of human beings to truth or to error, nor, above all, with their 'existential' relations (metaphysical and moral) with God - but solely with the social exercise of religions by the human person, i.e. religious liberty is concerned with relations between citizens from the point of view of freedom - in interior acherence to religion

- in its external practice
- in its presentation to others
- in its influence on temporal structures.

 The right to religious freedom is an immunity from constraint

 (in religious matters in social life). This has a double sense:
 - No one in religious matters can be forced to act against his conscience
- No one can be prevented from acting according to his conscience Conscience means in the first place responsibility so that the assertion should run as follows: "no one, in religious matters can be forced to act in a way different from that which he has himself decided." In the second place it means moral rectitude,

so that the assertion takes on another sense, i.e. "no one in religious matters can be forced to act in a way different from what he considers his <u>duty</u>." But it should be clear that the right to religious freedom does not concern problems of true or false, right or wrong conscience. These are problems about man's relation to truth = religious freedom is concerned with person-to-person relations.

The object of religious freedom then is exemption from constraint in religious matters for individuals, corporate entities and public powers.

as a safety belt guaranteeing the inviolability of a certain zone within which a person can fulfil his duty of ordering his relations with God and with truth, beyond all external pressure. It is the guarantee that society will stop at the sacred threshold where man makes the most important decisions of his life.

It is the guarantee that he will be neither forced nor hindered from without.

4. The 'subjects' (depositaries) of the right to religious freedom

a) first of all, <u>human beings</u> as persons or individuals.

It is a right which concerns everybody, believers and unbelievers. The atheist gives a negative answer to the religious question, but all the same, he comes under the heading of 'religious matters'.

It is a right which interests each in private form or in public, individual or collective (cf. D.H.3)

- b) Secondly, religious collectivities are subject to this right: "The freedom or immunity from coercion in matters religious which is the endowment of persons as individuals is also to be recognized as their right when they act in community. Religious bodies are a requirement of the social nature both of man and of religion itself." (D.H.4)
- c) Thirdly, <u>families</u>, in which the religious life normally derives from the parents: to them accordingly belongs the right of deciding the religious education of their children, and so of choosing schools and other means of education.

 Public authority is bound to recognise and respect this right and also not make its exercise too burdensome. (D.H.5)

 The council text is very firm when it says that:

"the rights of parents are violated if their children are forced to attend lessons or instruction which are not in agreement with their religious beliefs. The same is true if a single system of education, from which all religious formation is exluded, is imposed upon all" (D.H.5)

The right to religious liberty obviously postulates that within the family parents cannot impose religious faith on their children. They ought to take care that the children have the possibility of assimilating religion with a growing awareness.

5. Extent of the right to religious freedom

a) General principles: All possible liberty should be given to individuals and groups, and it should not be restricted

except in case of necessity. On this cf. explanations given under \underline{B} .

- b) Since what is in question is a natural right of the person, it is from within the right itself and from the dignity of the person that we should derive its extent. We have spoken of this right as a safety-belt: not in the sense of tying down the person, but in the sense of giving an inviolable breathing-space to the person or group. The inviolability of a space within which each becomes conscious that he cannot escape the need of acting on his own responsibility, and hence requires that no obstacles be put in the way of his decisions by external agencies.
- c) The extent of this space should be deduced from what we have said about the relations of person to truth and person to God. (cf. 3 c)

The ground of religious freedom is that no obstacle must be put to each human being acting responsibly in establishing relations with God and carrying out the duties which derive from those relations.

d) For each <u>individual</u> the required extent of the right will follow from this principle:

"The right to religious freedom should guarantee the inviolability of sufficient space so that he is not compelled to act against his conscience or hindered from acting in accordance with it -

- 9 -
- 1) in acts of worship, private or public, individual or community:
- 2) in manifesting or diffusing religious truth
- 3) in relating all his activities (including those which have temporal or earthly purposes) to religious principles. (Pavan) (cf. also Doc. of the 1971 Synod "Justice in the World")
- e) For communities the extent of liberty should relate
 - 1) to the religious life proper
 - 2) to the internal organisation of the group
 - 3) to the diffusion of beliefs
 - 4) to giving a religious vitality to temporal activities and institutions. This is clear in D.H.4

6. Taking account of the social reality

- a) In totalitarian states
 - 1) we see the pretension to <u>dictate</u> what the citizen is, what he ought to <u>think</u>, what he ought to <u>do</u>: this flows from the totalitarian conception that man is an instrument, i.e. the contrary of a person. (cf. D.H.1)
 - 2) as a consequence we see the pretension to confine religious freedom to acts of private worship, or at most to public individual acts, and this on the assumption that religion will in the end die out among individuals and society.

- 3) But it is written in the nature of things that failing to recognise the right to religious freedom means opening up a gulf between people and power, whence follow reactions (dissent etc) and violence.
- 4) To prevent man from manifesting his religious convictions and from giving meaning to his life through them is to violate man's dignity. For all are agreed that personal identity results from a close connection between the three stages I have indicated: man is made to know the truth; truth once known demands to be loved; once loved, it demands to be embodied in patterns of living. This is the deisgn for harmonious personal development. We need this coherence. If this continuity is broken there is a violating of the dignity of the whole person.
- b) In democratic social states in general
 - 1) It is agreed that religious freedom is admitted
 - in its full breadth and
 - according to its nature.
 - 2) It is evident that the free exercise of religious liberty is the root of all rights. Religious liberty in fact signifies the maximum exercise of responsibility that towards ultimate ends; when a person is free in these decisions, he insists on and practices all other freedoms and respects the liberties of others. This is the foundation of democracy
 - 3) But it must also be acknowledged that in some democratic states religious liberty lacks its true élan; respect for its place is not genuine. Such are <u>laicist</u> or <u>neutralist</u> states which confine themselves to the negative side of their duties (cf. infra).

c) Our realistic survey forces us to consider also some very closed or even intolerant religious groups.

It is enough to say

- 1) that their conduct is analagous to that of totalitarian regimes: they take over from the person the settlement of his relations with God and with truth.
- 2) they forget that force or violence is never a convincing argument
- 3) they do harm to "their own" religious truth by implying that it is incapable of imposing itself.

B RELIGION, FREEDOM AND PUBLIC AUTHORITY

General Principles

- a) Civil powers should never forget that religious activity transcends of its nature the domain of earthly and temporal purposes, so that the competence of public powers in the religious sphere is restricted. The state takes account of all sides of citizenship, but the spiritual side is that in which the citizen wishes to have full autonomy.
- b) All the same, religious freedom is exercised in a social context, that of the common good, for which public authority is above all responsible. The general ruling principle which it should follow in the matter is indicated in the encyclical "Pacem in Terris" no.60

It is agreed that in our time the common good is chiefly guaranteed when personal rights and duties are maintained. The chief concern of civil authorities must therefore be to ensure that these rights are acknowledged respected, coordinated with other rights, defended and promoted, so that in this way each one may more easily carry out his duties. For to safeguard the inviolable rights of the human person, and facilitate the fulfilment of his duties, should be the essential office of every public authority."

2. "Acknowledge and respect" Religious freedom

The states should bow before the right to religious freedom.

This right does not come from the state. The citizen bears its imprint in his inviolable personal dignity. It is this that, in part, even withdraws the citizen from civil power.

The state should 'acknowledge and respect' this natural right, i.e. abstain from intervening to direct or hinder religious acts (D.H.3) so as not to go beyond its competence. (cf. D.H.6)

3. Protection of Religious freedom by the state.

D.H.6: "The protection and promotion of inviolable rights of man ranks among the essential duties of government". Public authority is then bound, the decree goes on " to assume the safeguard of the religious freedom of all its citizens." The juridical structure of states cannot therefore be deemed conformable to justice if it does not offer to citizens effective legal instruments for vindicating their rights.

It is rightly stressed that, given the nature of man and the facts of life, it is almost impossible for personal rights to find effective legal protection if the fundamental powers of the state are concentrated in the hands of one person or one group of persons. A clear delimitation and even a suitable division of powers is therefore desirable, as Pacem in Terris insists (67-8)

4. Promotion of religious freedom

Public authority is bound to promote religious freedom and facilitate its exercise. (D.H.66) It is bound also to take care that the means to fulfil their religious duties are not wanting to its citizens. In fact the only justification for public power is the realisation of the common good, i.e. the creation of a social environment in which men find the means and the stimulus to achieve their whole development. Now the religious side is a fundamental component of this flowering and its fulfilment has a beneficial influence on social life.

The civil powers would go beyond their competence if they tried to determine the content of belief or the ways of worship: but this does not mean that they can renounce interest in the means (e.g. land for building a church should be provided for in any planning scheme).

5. No Discrimination

In general we live in a period of religious pluralism and separation of Church and State. This does not prevent this or that political community giving a special civil standing to a particular religion (cf. D.H. 6c) History is full of examples of this kind and they are not lacking even in our day; nor can we be sure that the Catholic Church would never again envisage such a situation.

In such a case " it is imperative that the right of all citizens and religious bodies to religious freedom should be recognised and made effective in practice" (D.H. 6c)

In a situation of this kind it is natural that there should be rather more social pressure tending to prejudice the equality of all citizens before the law: this is why the Council declaration calls for greater attention to the problem by public authority (D.H.6d)

6. The problem of limitations to the right of religious liberty.

We know that men can abuse the right to religious freedom as they can abuse any right. It is the business of public authority both to prevent and to remedy these abuses. (D.H.7c) But interventions for this purpose should not be arbitrary in manner. It is a tricky matter to determine the criteria for deciding if and when there is a duty and right to intervene.

- a) Two opposite dangers must be avoided:
 - that individuals should under the pretext of religious freedom do things infringing the rights of others or harmful to the welfare of society as a whole.
 - that government, pretending that justice demands it, should arbitrarily restrict the right to religious freedom.
- b) the Council declaration adopted the criterion of <u>public order</u> and laid down precisely the necessary elements in it:
- (i) The fundamentals of common good, such as the effective protection of rights, the defence of public morality, the safeguarding of the public peace.
- (ii) this public peace requires that life be lived in common on a basis of true justice.
- (iii) above all a coexistence should be aimed at which is inspired by the demands of objective moral order.

It should not be forgotten that by preventing abuses of religious freedom the attention of citizens is directed to the true <u>nature</u> of religion which should be professed for the elevation of the human spirit, not in violation of the rights of others or at the expense of society.

7. The basic criterion

- a) Wisely, having enumerated the constituent factors of public order
- D.H.7 adds "These norms arise out of the need for effective safeguard of the rights of all citizens and for peaceful settlement of conflicts of rights. They flow from the need for an adequate care of genuine public peace, which comes about when men live together in good order and in true justice. They come, finally out of the need for a proper guardian—ship of public morality. These matters constitute the basic component of the common welfare: they are what is meant by public order.

For the rest, the usages of society are to be the usages of freedom in their full range. These require that the freedom of man be respected as far as possible, and curtailed only when and in so far as necessary."

b) It is desirable then that religious freedom should develop not within an absolutist or totalitarian state but rather in a legal democratic and social state. Better still if it be neither a laique-neutralist state nor a confessional one. What is really desirable is a democratic model which restricts itself to the duty and right of developing positive action towards religious belief, an action corresponding to the nature of religion. This is what we have tried to bring out here.

F.Biffi 7th. October 1979

Breiner

Education for Dialogue in a Pluralistic World

0. Introduction

0,1 I begin with a situation. Alfred Hirsch, a Mannheim Jew, stood at the tram-stop Lange Rötterstraße in Mannheim on a Sunday in January 1939. He was forced to emigrate and was facing four years as a fugitive in Belgium and France. Then he was brought from Gurs, a camp in the south of France to Auschwitz.

Only some hundred yards from that tram-stop is St.Boniface, a Catholic church, where during those weeks the instruction for first Holy Communion had begun. The children were taught the mystery of the Communication of God with man in Jesus Christ. The instruction, however, was without any reference to the prevailing situation preparing: it did not help to appreciate that there were other Christian children for the Lord's Supper in their own churches and it did not make the children realize that there were Jewish chidren whose families in their Pascha still celebrate the feast of unleavened bread just as Jesus did with his disciples (cf. Edith Stein).

I myself belong to that age-group of first communion children in Mannheim. It was only now after 40 years later that I came to know of Alfred Hirsch's still unpublished correspondence that made me aware of this terrible coincidence. That generation of Christians did not succeed in coming to a dialogue with Alfred Hirsch, who was murdered in Auschwitz. ²

0,2 Disposition

The subject "Education for Dialogue in a Pluralistic World" has to try to illustrate ways and means of enabling children, young people (and adults) to commit themselves in a Jewish-Christian dialogue.

For a lecturer in religious education this is not a problem to be solved by applying pedagogical methods in a technical way Dialogue cannot be achieved by the ways and means of cybernetics and behaviourism. A child's and a young person's ability for dialogic behaviour is rooted in the process of developing identity. I shall begin with this aspect (1), then deal with

the problem which arises when teaching absolute religious values in a pluralistic society (2 and 3), and finally the consequences for a practical side of both communities of faith have to be considered (4 and 5).

1. The ability for religious Dialogue in a Pluralistic World can only be acquired in a context of interaction where principles supporting identity are in force.

> The multiple problem of how a human being acquires the faculty of speech or dialogue in the field of religious language in Jewish or Christian faith will be illustrated by the theory of symbolic interaction as it has been adopted in recent theory of religious instruction. Religious socialisation can be understood as a process. In this process the child in his interaction with the adult contact person does not only come to know the meaning of the world on the background of the religious traditions of his own denomination. The child also finds out who he is and who he is meant to be. This interaction conveys not only the religious symbols of the parents and the knowledge of certain roles, e.g. that of praying in a divine service etc. ..., but also an identity of a religious dimension is built up. The child feels what Israel felt with Isaiah and still feels today: "... I have called thee by thy name; thou art mine when thou passest through the waters, I will be with thee ... Fear not: for I am with thee:" (43, 1b;2a;5a).

A well-known central example of Jewish religious education is the Pascha which I quote according to Isaak Breuer: "Every year in a Jew's lifetime the night returns, when Jewish father explains to hischildren what it means to be a Jew ... the questioning eyes of the child go over the brightly lit table and meet the father's: what does all this mean? Then he begins to tell themwhat happened as is written in the Haggada, this ancient bill of freedom of the nation: we were the Pharao's slves in Mizrajim ... Then God, our Lord, led us from there with his strong hand an outstretched arm."(Ex 15) 3

By identifying themselves with the Israelites of the Exodus the children participate in their faith and hope. They learn "what it means to be a Jew" as Isaak Breuer puts it. Such a development of indentity in its religious dimension is a fun-

damental precondition for a dialogic behaviour. Thus significant terms or symbols are given to the children. It is important that these do not come out of a religious tradition only. The father's realisation shows that they are also personally experienced and defined. Exodus, Pascha, the father, as a Jew, and above all God become in this "learning process as living interaction" a personal and existential acquisition. And this is of great importance in the acquisition of religious rites and symboles.

More open than a ritual situation of communication is the following example of a conversation. Here also support of identity, acquisition of religious symbols and religious ability for dialogue can be found. A young religious education teacher tells us about his son: "4-year-old David asks me why I cannot help the dead bird which he has seen lying on the side of the road on his way to play-school for some days. When I answer that nobody but the good Lord can help, David asks me how great and strong the good Lord is and why I am not the good Lord. I try to explain to him that I am just a man and will have to die myself some time and that is why only the good Lord can help the dead bird. By interpreting my admission not to be able to help and my self-explanation the child finds out a new meaning for himself.

The father cannot help the dead: if God can help, then he must be stronger than the father. This is born out some weeks later. The teacher goes on: "David can just prevent his two-years-old brother Manuel from being run down by a car. In the evening when he tells about the incident he addresses Manuel: "If I had not pulled you back you would be dead now. Then Daddy cannot help you, only the good Lord because he is much stronger than Daddy." 5

For the child religious learning takes place in open communication. With his cognitive structure he can take an active part in the acquisition of religious symbols and thus of religious language. This is why he can apply the symbols 'God', 'father','death', etc., of his own accord in the right way. If we try to sum up how the ability is conveyed in both ritual and free conversation we find the following two constitutive aspects: 6

- a) The father, the child's partner, who is personally involved and bears witness to his own faith and hope, gives a warrant for action: The framework for orientation is that the father's talking and doing fit together.
- b) Trusting in communication for the explanation of the situation. It is only a trust in advance that raises the child's question and makes him accept the symbols. And the exposition of the father's identity, his admission that he cannot help the dead, depends in return on the same trust.

Only where these two principles of responsibility and the two reciprocal kinds of trust make up a safe setting for interaction, acquisition of language and ability for dialogue can be achieved. It is only through acting and through processes of interaction that children find a fundamental orientation. Theoretical instructions are inadequate for practical abilities.

 In a pluralistic society religious education teaching God's absolute demand is often questioned and challenged.

From Lessing (who postulated that the revelation should be transformed into reason in order to give it a wider plausibility) onwards Biblical faith with its demand for absolute truth has been confronted with many challenges. The most important of these are: Ludwig Feuerbach's theory of projection which then was formulated for the sociopolitical sphere by Karl Marx; the relativism of Barthold Georg Niebuhr and David Friedrich Strauss, according to which the truth of historical statements is conditioned; the questioning of psychical processes by Sigmund Freud's psychoanalysis, the negation of the validity of religious thinking by different rationalistic systems of modern scientific logic etc. The challenge to Biblical faith with its absolute claims has reached its culmination in the sociological hypothesis that reality is a social construction that truth can only be found in what can be tested. 7

It is in many different ways that theologians have reacted to the challenge of modern 'enlightened' thinking. They tried to point out how the claim for the absolute truth of Biblical faith need not be formulated in a philosophical-metaphysical way only, but can also be made evident in actual history and in the context of everyday life.

I shall restrict myself to Karl Lehmann's suggestion to present the absolute values of the Biblical-Christian in the category of the effectiveness in history (Geschichtsmächtigkeit). ⁸ The situation of religious education at schools in different countries of the western world seems. to be symptomatic for the problem of religious education faced with the claim for relativism of the pluralistic society. For instance, religious education in Great Britain, the USA, the Federal Republic of Germany, etc. It is in the state school that the plurality of society is reflected and where religious education as a subject has to find a new legitimation. 9 Religious education was critically challenged by the pupils themselves who asked about its usefulness and its context and partly by the criticism of the mass media and by party policies. Teachers of religious education reacted in many different ways. At any rate they tried to point out the importance of religion for the individual, for the meaning of life, for the understanding of the religious traditions of other cultures, and for responsibility in society.

The results of this discussion are as follows: Theory and practice of religious education at schools are becoming aware of a wider responsibility in society. For example, better curricula on the religions of the world, including Judaism, have been drawn up. Another result: In the catechesis outside the schools one tries to find a new language for the teaching of faith appropriate to the challenge in a pluralistic society. Above all this situation makes all those who believe in the one God of Abraham aware of their common needs and tasks.

Are they not all challenged by what the speaker of Psalm 42 experienced: "Where is thy God?" (42,3). 10 It does not seem presumptuous to me to hope that in this difficult time for our faiths and for religious education Christians can find the way towards a dialogue with Jews after a long history of hostility. As far as this question is concerned I am above all aware of what Metz has said to Catholics about "oecumenîsm after Auschwîtz": "It îs a Chrîstîans' moral obligation to listen to what Jews have to say about their experience of their faith in our time." 11 There is an incomparable test of hope and faith in those who believed in the one God in Auschwitz. It is one of the roots of the Judaeo-Christian dialogue for all future to attend to their legacy and to establish it together in this society and not just to be concerned. Religious education needs Israel's faith as a standard. A faith which does not separate "da ath' Adonaî" from the Emunah - in J. H. Newman's words: In faith "talking is nothing compared with doing". 12 If we take these considerations and combine them with the ability for dialogue the following revisions concerning symbolic interaction will be neccessary from a theological

a) The 'effectiveness in history' - to use Lehmann's phrase of the central symbols of the Biblical-Christian and
the Biblical-Jewish faiths, - i. e. the history of
their evolution and effectiveness makes it evident
that these symbols enjoy a transcendent status and
are somehow independent of their acceptance both
by individuals and by whole peoples or cultures.

point of view:

b) It is evident that the content of our faiths is not something we can determine. On the one hand this may he seen in the conditioned way that individuals, peoples, and cultures accept his content. But on the other hand only those come to a right understandig who are prepared to respond to the call without reservation. Samuel's response is a model case: "Speak Lord, for thy servant heareth." (1 Sam 3,10)

- c) The formation of symbols in interaction has to coincide with the formation of symbols within the individual. Abraham's faith, the Exodus (with Moses), and prophetic speaking and acting in general, can only be understood in this way.
- 3. Although there is no substitute for what a family can do in a pluralistic society, families need the help of the congregation or communion of faithful in the socialisation to faith.

Sociological studies during the last 30 years proved that both the function of the family and esteem and respect for it are still remarkably strong among young people. ¹³ The studies and analyses, however, show that religious interaction or discussions seem to be of relatively low importance. 21 % of Germann young people discuss "religious problems at home a couple of times a month" ¹⁴.

Another observation which describes the situation of religious education in the family is essential at least as far as Catholics are concerned. When transmitting systems of religious values and norms the modern small family clearly tends to be private and individualistic; religious values of the Church are passed on in a subjective selection. 15

According to publications in pastoral theology families taking an interest in the religious education of their children, and above all children from indifferent Catholic homes, need the help of the congregation of the faithful. A clear example is the Eucharistic instruction as it has become customary with the Confraternity of Christian Doctrine and in the Federal Republic of Germany during the last few years. In many parishes the instruction is neither held as an individual preparation nor as teaching whole age-groups. It is held by mothers in small groups under the parish priest's supervision. In such a situation not only the parents's views and attitudes are important for the child, but also the comitment of the

lay catechists, the priest, the religious education teachers and of the witness for faith of the whole local parish.

4. Inspite of the different relationship of the Church towards the Jews (in Vatican Council II and in the Vatican guidelines) the practice of religious education has not yet found the desirable and possible new . orientation (cf. Peter Fiedler's analysis of religious education books, 1979). In his analysis, which will be published early in 1980, Peter Fiedler (who is lecturer for New Testament exegesis and religious education at Lörrach's College of Education) studied all officially licensed religious education books and instruction models including the School Bible and curricula for Catholic religious education from the time of the decree "Nostra Aetate IV" of the Vatican Council II up to the present. I shall only quote some of Fiedler's findings summed up and listed according to the five central categories of the Jewish faith which we worked out in our , preparation for the two symposia of Catholics and Jews. The categories are: God) (Covenant), land, people, (hope/future)

"As far as the Israelite idea of God is concerned (in religious education books), it is still not the rule to give God the features of fatherly/motherly mercy, of love and of redemption. It is insinuated and claimed repeatedly above all with regard to Jesus' teachings that these features were added by him to the idea of God as it is found in the Old Testament and in early Judaism. God's covenant with Israel is mostly represented with a great deal of understanding, but as soon as the New Covenant is approached, the former is viewed increasingly negatively. This even goes so far as to say that it ceases to exist. Israel is generally acknowledged as the

'land of the Bible'. There is, however, a certain shyness in mentioning the religious dimension which the land has for Judaism by combining the present with the ancient Israel. An essential feature of the God's of Israel loyalty to his promise of the land is thus concealed". The religious education books show "that the acknowledgement of Israel as God's chosen people is not questioned for the pre-Christian era. In most cases, however, there is no room for Judaism after the New Testament because now the Church constitutes 'God's chosen people' ... One also gets the impression that the presentation of the ministry of Jesus is too generally aimed at his failing in Israel. As far as Israel's messianic hopes are concerned, religious education books give the impression "that everything was lined up straight towards Jesus as the hoped for Messiah. On such a background the rejection of Jesus which went — as for as the crucifixion can only mean serious guilt, even though this is not stated expressedly." 15

As far as books on history of the Church are concerned, it can be said that the presentation of Judaism and its relationship to Christianity ends with the time of the New Testament.

These results concern the average of the religion education books and are not true for some of the most recent publications in religious education. ¹⁷ The discrepancy between the Vatican guidelines of 1975 and the overwhelming majority of Catholic religious education books, however, shows that the introductory steps towards an ability for dialogue of children, young people and adults have hardly been taken. - The guidelines state: "The Old Testament and the Jewish tradition based on it must not be seen in such a contrast to the New Testament that it only seems to be a religion of justice, fear, and lawfulness without any appeal to love for God and the neighbour." (cf. Deut 6.5; Lev 19.18; Matt 22.34-40) and "The history of Judaism does not end with the destruction of Jerusalem."

- Teaching an ability for Jewish-Christian dialogue demands comprehensive structures for all the different ages in the fields of education and learning of the family, of the catechesis in the parish, of religious education at schools and of adult education of the church. The following orientation for the practice primarily refers to the situation of religious education in the Federal Republic of Germany.
- 5.1 Of decisive importance for the education for attitudes to values in early childhood up to the age of six are above all the attitudes of the child's adult partners in the family and the Kindergarten. W. G. Allport found that prejudices (as social attitudes towards other groups) are developed by children from their fourth year, when they discover their own ego-identity and their belonging to a group. The stories about Jesus, for instance, are very important for building up or preventing anti-Jewish prejudices. These publications in religious education for the different age-groups are important because parents who take an interest in religious education are often looking for appropriate help.

Therefore it is not irrelevant when a bible for children presents Pontius Pilate as a sensitive man with sympathies with Jesus, who did not know "that the people were so angry with Jesus. They all shouted: 'Away with Jesus! Set Barabbas free!'" ²¹ Another example: The impression is given that Jesus was no Jew, that the Pharisees were "offended and irritated" by his compassionate thinking, and that Caiphas sentenced him to death. ²²

We can call it a fundamental didactic rule for the education to faith during early childhood that already the central theological content determining the relationship between Jews and Christians is valid. We summed up this content with the term "Jesus as a Jew": Jesus' Jewish origin, Jesus' authority and the problem of the responsibility for his death.

This task of education and information in its most simple form concerns first and foremost parents, pedagogues in Kindergartens and authors of books for children. They are the people where the change for a new curriculum, in line with the new determination of the relationship of Cahtolics towards Jews, has to begin, as it has been expressed by the Vatican Council II and later publications of the Teaching Office of the Church. Parents and pedagogues in Kindergartens are doing basic work here because they either hand down the prejudices they were taught themselves or change to new attitudes or information.

Although I agree with Janucz Korczak, who holds that everything depends decisively on the teacher's positive attitude towards the child and that blunders in education will eventually correct themselves ²⁴ there can be no doubt, however, that in teaching the ability for dialogue between Christians and Jews the general attitude of the child's parents is of decisive importance. This task is also relevant for theological details which have to be formulated and taught specially (in the form of adult education in the Church). ²⁵

5.2 In late childhood (R. Oerter) both religious education in schools and catechesis in the parish are in most countries decisively relevant for the children's religious education.

I shall stress three main points as examples of the encounter with Jewish faith in past and the present. Teaching the eucharist: it is one of the most important aspects of theology and religious education concerning eucharist classes that the institution of the Lord's Supper by Jesus has to be explained in accordance with the Paschal meal and its context in the history of salvation.

A certain aloofness and strangeness is found in this text which does not make clear, either to the children or the instructor of the eucharist classes, what Edith Stein wished for in her diary: "The first communion children" should learn "that the feast of 'the unleavened bread', the remembrance of the exodus of the children of Israel out of Egypt is still celebrated today just as Jesus did with his disciples ... since the destruction of the temple in Jerusalem the Paschal lamb is no longer slaughtered. But the master of the house while speaking the prescribed prayers still distributes the unleavened bread and the bitter herbs which are meant to recall the misery of the exile. He still blesses the wine and reads the account of the people's liberation out of Egypt." 27 We should therefore pay special attention to Eugen Fisher's suggestion that descriptions of the Paschal Feast of the Jewish congregations of today be made available to children and adults in eucharist instruction. 20

The instruction for the sacrament of penance and reconciliation: God's Spirit who calls man to repentance on the way to the divine instruction and salvation is active with the prophets of ancient Israel and with the Believing Jews of today in their faithfulness to the Tora, God's instruction and grace. (cf. Z. J. Werblowski)

In the context of pointing out the activity of God's Spirit (as it is usual in preparing the children for the sacrament of penance and reconciliation and together with the impressive presentation of the prophets' call to repentance) the Spirit's working, his call to do "Teschuva", in the Israel of today has also to be shown.

With eight-year-old children this is of course limited for psychological reasons. But it can be continued in the instruction for comfirmation. ²⁹ For religious education in the primary schools in the Federal Republic of Germany we find in the "Zielfelderplan" a very important and praiseworthy aim: the fourth-year children have to

know about "the connexion between the Jewish faith of today and that of the Old Testament" (Zielfeld 424). If, however we take a look at the suggestions in the "Grundlegung" we find that this aim is not mentioned at all among compulsory intentions and among the compulsory contents at the very end. We must therefore suspect that it will be neglected for reasons of time, if the teacher is not particularly interested in it. In "Exodus 4", a text-book for children, there is a paragraph entitled "From the History of Israel", but strangely enough it ends with the title "The Destruction of Israel by the Babylonian Kings" 30. In the same book, when the religious traditions of different cultures are treated, Muslims and even Hindus are named, but not the Jews. 31

5.3 In the age-group 10 to 16 years earlier training has to be continued and attitudes have to be revised. In the time of the puberty, where according to Erik H. Erikson the integration or transformation of the different forms of the ego-identity takes place, the "Zielfelderplan" specially treats the religions, and leaves ample space for the presentation of Judaism and its relationship to Christianity. 32 Here I shall not try to revise the suggestion for the curriculum or criticize the scarcely illustrated chapter of this text-book "Zielfelder RU 7/8" 32, but I want to stress that both the children and the religious education teacher have to treat this subject fundamentally, in a time where an important phase in the development of the personal autonomy Begins for young people. In the instruction for confirmation - at the age of 12 to 15 - the importance of God's Spirit for Israel in the past and the present has to be mentioned again, just as I pointed out for the sacrament of penance and reconciliation. In this context the eschatological

aspect is also very important, the common future of the people of the Covenant and the Church, although expected in different ways. Both want to be lead by God's Spirit through history as the history of salvation or by the Spirit of Jesus Christ in their own special way. In the text-book for confirmation published by the Munich Ordinary 34 it is suggested that dialogue with the neighbouring Protestant parish he arranged as a part of the instruction for confirmation. I suggest that a dialogue with the local Jewish community - if it is possible or with a representative of present Believing Judaism also be arranged. With him the young people preparing for confirmation could discuss their hope in God in this world. In this context what Hans-Jochen Gamm said as early as 1966 is right. Antisemitism can only be overcome by living information and better knowledge. This knowledge can only be stabilized in a dialogue and the possibility to identify oneself with individual destinies. For young people this is a much better way. to come to an understanding of the "Holocaust". All this, says Gamm, "can only be achieved in class, group or individual talks, where mutual respect and partnership in the social and historical situation can be found. Removing prejudices depends on the teacher's style of leadership.

5.4 For young people of the "Sekundarstufe II" in High Schools and Colleges for Further Education a fundamental and systematic treatment of the problem of the relationship between Jews and Christian has to be undertaken. With adolescence the development of the personality "begins, so that attitudes and notions of this crucial period are of special importance" and can have an effect on the entire life of the pupils.

(In this phase of the fundamental discussion of the significance of the Jewish religion I want to point out that already the Jerusalem Targum tradition understood and explained the Jewish Paschal Feast under four aspects:

not only as remembrance of the Exodus out of Egypt, as I said before, but also as the feast of commemoration of the creation, as the mystery of Jishak's Aqedah and as the mystery of the eschatological salvation.

Thus the connexion with the meaning of the Christian "Mysterium paschale" becomes evident. Very encouraging is the curriculum for the 11th year of the "Gymnasium" in Baden-Württemberg, where a special course of six months on Judaism can be chosen from the existing learning units. ³⁹ And now well-founded teaching-aids are available for it.

An open field for the establishment of a new relationship between Jews and Christians is provided on Catholic Youth Activities. Three aspects at least are favourable for it: Young people are particularly open for the confrontation with Auschwitz. This is not only born out by the reaction to the filmabout Holocaust, but also by the participation and the concern of young people at the congresses of the Catholics in Freiburg in 1978 and of the Protestants in Nuremberg in 1979. From the experience of ecumenical youth activities the same open-mindedness can be expected, if the good example of popes Paul VI and John Paul II can inspire the young generation.

The decree "Youth Activities" of the Common Synod states that "the ecumenical character of our Church ... today is taken for granted by young people." 41 And especially here one can rage with the other aims and tasks of the youth activities of the Church to understand Jews as "our elder brothers and sisters in faith". The high interest both in the world religions and in the destructive cults of a part of our young generation indicates that it is looking for acceptable ways of living, in our pluralistic world where values are being questioned. Here they can come to an essentially new perspective and also to a better understanding of the roots of our own faith by being confronted with the Jewish religion which was put to the test in an extraordinary history of suffering.

This may result in a new effort on the part of Christians to try to avoid the faults and crimes of the past.

6. In accordance with J.H.Newman's principle of "personal influence as the means of propagating (revealed) truth" it has to be postulated that those responsible for education are themselves experienced in dialogue:

It is of decisive importance that those responsible for the ability for dialogue, mothers and fathers, teachers and priests must be experienced in dialogue themselves.

What J.H. Newman said in his fifth Oxford University Sermon (of 1832) about personal influence as a means to propagate truth, was primarily aimed at the necessary reforms of the Anglican Church and at the preparation of Anglican Christians for this work in the service of Revelation. His principles, however, can be transferred to what Jewish-Christian dialogue is about. In both cases it is important service to God's will for men. In both cases human reason and ideas for the overcoming of existing difficulties are not sufficient. And in both cases it is not only a question of intellectual truth, but also of the attitude towards ethical truth. 42 Newman formulates the principle of teaching existential truth when he says about revelation:" ... it did not preserve itself in the world as a system, not by books, arguments, and not by wordly power, but through the personal influence of those men who are teachers and examples of truth at the same time."43 The propagation of revelation depends not (only) on intellectual understanding, but also on a change in man's heart. Therefore mere information is not sufficient. What men need is example. This is also true for the education to dialogue between Jews and Christians. Here teachers cannot exclude

a personal involvement and restrict themselves to teaching facts only. This aim can only be achieved if the teacher is willing and able to become personally involved in this process." Teachers have to be witnesses to the faith i.e. to verify God's witness." 44

As far as Newman's reference to the moral implications necessary for a change in the heart is concerned, we see the problem of prejudices mentioned here which can only be shown adequately in a broader explanation. I can only refer to A.Mitscherlich, who quotes W.G. Allport: " ... preliminary prejudices will become prejudices if they cannot be abandoned after new information has become available."45 If it is right that only those can give up prejudices who are ungrudging and well-balanced (Max Horkheimer 46), then believers see themselves faced with an ambivalent case. On one hand the membership in groups, and also in religious groups, is disadvantegous whenever the relation to the group in unbalanced. 47 On the other hand, it is quite impressively true what Hans-Bernhard Kaufmann has discovered. One specific aspect of the spiritual work of a believer is to abandon his own prejudices: " the last prejudice which hardens man against God is that man clings to the world as it is and opposes its creative regeneration and transformation". 48 The overcoming of hidden anti-Semitism is a basic step of the "transformation" of the Christian and the Church. 49

The correct Christian attitude towards Jews can only be taught by the personal influence of teachers and these have to do spiritual and of course intellectual work. These persuppositions make it necessary to give important and clear impulses to courses in the field of Adult Education of the Church in the near future. I think it is best to include the relationship between Jews and Christians and especially the Jews' experiences of faith in their history and present in the much asked for subject of religious education for children. It is important for the Adult Education of the Church that both a cognitive

and an emotional widening of the horizon is achieved. Cognitive - by showing how antijudaistic and polemical texts in Holy Scripture can be handled when they are related or heard in services. I know from my own experience that St. John's Passion as it is presented everywhere on Good Friday raises questions of prejudices among young people. The change has also to be emotional in so far as those taking part in adult education courses acquire a new attitude towards the Jews as the elder brothers and sisters of the faith in the one God and Father. They also have to be made conscious of the fact that the instructions for love and mercy are common to both. They have also to know about common notions of hope, even though Christians and Jews partly give different reasons for it.

I shall end with a situation. In March 1979 twenty-one 7. lecturers and students of the theology department of Freiburg University went to Jerusalem to spend a week of personal contact and study at the Hebrew-University. They sought dialogue about the determination of relationship. between Christians and Jews. With the help of Interfaith-Committee a series of lectures was arranged. It was hard intellectual and physical work, but all those taking part were prepared to undertake it. Most of them were confronted for the first time with the Jewish view on antijudaistic statements in the New Testament and the importance of the Hebrew Bible for the present faith of the Jews. Moreover a visit to the Sinai Desert and the sunny Sea of Tiberias were an important existential impression of the Promised Land of Israel's Eretz. The time in the Kibbuz Sde Nehemia meant meeting Jewish people of deep sensibility and energy. 50

When the groups met two months after returning from Israel it was evident that their ideas about Israel and their attitude towards Israelis had changed, and that their Christian view of the determination of the relationship

to Judaism was more precise and detailed. As religious education teachers they will be able to see antijudaistic polemics in historical texts critically from their own experience. They will show their solidarity with Israel's faith and hope in the salvation. The experiment of university didactics, which was difficult to organize, had accomplished one of its purposes: In a different way than past generations these teachers of religious education will present a positive view of Jews and the Jewish faith and initiate an ability for dialogue in their teaching.

AMERICAN JEWISH ARCHIVES

AMERICAN JEWISH

RELIGIOUS LIBERTY: A JEWISH PERSPECTIVE

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I

It is a privilege to participate in so significant a Consultation as our for the line as it does with fundamental issues of concern to two great faith-communities, the origins of which go back to the ancient world have survived the centuries of medievalism and now in the modern era still possess the power and to guide, instruct and inspire mankind, and the survival to the consultation as our formation as our great faith-communities, the origins of which go back to the ancient world have survived the centuries of medievalism and now in the modern era still possess the power and to guide, instruct and inspire mankind, and the survival to the consultation as our factor of the cons

These Consultations possess an additional dimension of importance deriving from the spirit of candor and caritas binding us all together. The great Hasidic rabbi,

Levi Yitzhak of Berditchev was wont to say that he had learned the meaning of love from a drunken peasant. The rabbi had occasion to visit the owner of a tavern in the Polish countryside. As he walked in, two peasants were seated at a table far gone in their cups, putting their arms around one another and protesting how much they loved each other. Suddenly, Ivan said to Peter, "Peter, tell me what hurts me?" "How do I know what hurts you?" Peter asked. Ivan's answer was swift, "If you don't know what hurts me, how can you say you love me?" That, said Rabbi Levi Yitzhak, is the true definition of love. It is in this spirit of candor and caritas that we are met here today. The carity is in the spirit of candor and caritas that we are met here today. The carity is a specific to the special age that a valight is likely the carrier as a special specia

exulted ethical teaching known to humanity. Yet nowhere is religious liberty, however interpreted, set forth either as a right of the individual or as an obligation of society toward its members. Great classical works in Medieval Jewish philosophy from Saadia to Maimonides and Crescas and, I believe, the imposing theological treatises of the Church Fathers and the Christian scholastic theologians, do not offer any discussion or analysis of the concept. The repositories of religious law, the Talmud Talmud and the Codes in Judaism, and the great repositories of Catholic canon law do not deal with this concept except indirectly in referring to heretics. I know no traditional ethical treatise, in which Judaism is particularly rich, which includes

religious liberty as a virtue, and I would imagine that the same situation prevails in Catholic ethical literature.

The ideal of religious liberty is essentially a gift we ove to the secularists;

It is proper to animal edge this gift, but it is impostent to recognize that the original of the correct constitute one of the problem it encounters in the world today.

To be sure, there were individual great-souled believers who had recognized the ideal of freedom of conscience before the modern era. History also knows of a few religiously motivated communities which had established religious freedom before the eighteenth century.

Perhaps the earliest instance of such societies is the Chazar kingdom in Central Russia, between the Volga and the Don rivers, which lasted from the sixth to the tenth century. The Tartar rulers and upper classes of Chazaria had adopted Judaism as their faith in the eighth century, and they accorded full religious libert to Christians and Moslems as well. The Dutch kingdom established by the Protestant William the Silent in the sixteenth century adopted the principle of toleration, though there were limitations on the doctrime in practice. The Puritan dissenter Roger Williams established the colony of Providence Plantations, or Rhode Island, in the New World, making full freedom of conscience the basis of the commonwealth. The Catholic Lord Baltimore extended the right of worship to Protestants. But these were isolated and exceptional cases.

By and large, the principle of freedom of conscience became widely held and increasingly operative only with the Age of Reason. This revolutionary epoch shook both Jews and Judaism to their foundations through the impact of two related yet distinct forces, the Emancipation and the Enlightenment. In the wake of the libertarian ideals of the new age, the Emancipation broke down the walls of the ghetto throughout Western and Central Europe and admitted the Jews of Europe to full-fledged citizenship in the lands of their sojourning. In the process, the structure of the Jewish community and its authority over its members

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were all but completely dissolved, the only bonds remaining being purely voluntary on the part of individual Jews.

Even before the Emancipation was complete, the Enlightenment had begun to undermine many of the presuppositions of traditional religion. Christianity had met major challenges before and was therefore able to fend off these attacks with a fair measure of success. Judaism, which for centuries had been isolated from the mainstream of Western culture, found itself almost helpless before the impact of the Enlightenment, particularly at the outset. The various schools of thought in contemporary Judaism represent different efforts at meeting the challenge of the modern world.

Yet, however unsettling the ideas of the Enlightenment proved to traditional

— I am tempted to say, compelling—
religion, they had the positive influence of creating/a spirit of mutual telerance
among the great faiths. Lessing's famous drama, Nathan der Weise, highlighted the
new spirit. The drama, which had a Mohammedan Sultan and a Jewish sage as its protagonists, contained the famous parable of "the Three Rings." These rings, which
were identical in appearance, had been fashioned by a father for his three sons,
because he could not bear to give his priceless ancestral heirloom to any one of
them. The overt message of the parable was clear. The three rings symbolize the
three monotheistic religions, Judaism, Christianity, and Islam, all of which represent of God's love for His creatures and of the reverence they
owe Him in return. Scarcely beneath the surface was another implication—none of
the three faiths can reasonably insist that it alone represents the true revelation of God and should therefore be granted a privileged position in a free society

While there were individual saints and sages who had found it possible to unite tolerance of diversity with a fervent attachment to their own vision of God, for most men freedom of religion was the fruit of the rise of secularism. With the weakening of religious attachment among large segments of the population came the conviction that "one religion is as good as another." This pronouncement is,

in many cases, a euphemistic restatement of the unspoken sentiment that one religion is as bad as another. But whatever its motivations, secularism is to be credited with making freedom of religion not only a working principle but also an ideal goal for modern men. In this sense, if we may adopt a phrase of Horace M. Kallen, secularism may be described as the will of God.

II

While we may be truly grateful for this gift of the spirit, it is exide the ideal of religious liberty on secular foundations suffers from several grave limitations. Its first obvious weakness is that, given its secular origin, the principle of religious liberty would work best where religious loyalty is weakest or nonexistent. If the soil from which freedom of conscience grows is religious indifference, that regards all religions as equally lack- in the contract of the ling in value, it is obvious that the street of the principle will lose most of its effectiveness for those who regard religion as possessing/significance in be unable to command the allegiance of human life. Above all, it will /those who look upon their own religious tradition lacking in all others. as possessing a unique measure of truth/ Yet the history of mankind has shown that the doctrine of freedom of conscience is most essential in instances where religious loyalty is fervent and the danger of hostility to those outside the group is correspondingly greater. Thus a secularly motivated doctrine of religious liberty can serve least where it is needed most.

Moreover, liberty of conscience in a secular framework can create, at best, only a truce and not a state of peace among the religious groups. This truce is dependent upon the presence of a secular policeman, be it the State or a society in which religious loyalties are weak. On the other hand, if the members of a given social order hold their religious commitments fervently, neither law-enforcement agencies, nor official opinion, nor even a constitution is likely to sustain religious liberty in practice for long. If/Supreme Court Justice William about America,

O. Douglas is right in his now famous dictum/ "We are a religious people whose institutions pre-suppose a Supreme Being," freedom of religion will be in grave

jeopardy when Americans take their pretensions to religiosity seriously, if the doctrine remains rooted only in a secular world view.

This threat to religious liberty is not merely theoretical. The past few years have witnessed the rapid growth of religious commitment on many levels among the American people. There has been a massive increase in the number of "born aga: Christians" primarily in Evangelical Protestantism, but not limited to these denominations. In Judaism, a marked increase of Ba alei teshuvah, "repentent Jews returning to the tradition," has been noted primarily in Orthodoxy but also in the other interpretations of Judaism. In addition to these Establishment churches, there has been a proliferation of cults, Oriental and pseudo-Oriental, and newly invented "spiritual" movements all promising relief from the modern ills of alienation, loneliness, frustration and anomie, generally by demanding unquestioning obedience to some charismatic leader and the severing of all links to parents, general society and secular culture. For them, a secular theory of religious liberty is suspect, if not meaningless, ab initio. The only hope that they will arrive at a modus vivendi in a pluralistic society lies in the articulation of a religious basis for religious liberty.

Finally, even if religious believers accept the practice of religious liberty but do not relate it to their religious world view, it will have no binding power upon their consciences. They may extend freedom of religion to those who differ with them, but it will be, at worst, a grudging surrender to <u>force majeure</u>, and, at best, a counsel of prudence, limited in scope and temporary in application.

Unless a nexus is established under the religious tradition to which the believer gives his allegiance and the doctrine of religious liberty, he will still be in danger, even if he takes no overt act in that direction, of violating the divine commandment, "You shall not hate your brother in your heart" (Leviticus 19, 17).)

Thus the integrity of the ethical code by which he lives will be gravely compromise

In sum, a secular doctrine of religious liberty suffers from all the liabilit to which secular morality as a whole is subject. It can deal only with gross malfeassance and not with the subtler offenses of attitude and spirit - what the Talma

"matters entrusted to the heart." Nor can it supply the dynamic for an enduring allegiance to the ideal, even when it is within the power of a given group to impose its will on others.

For all these reasons, it is necessary for each religious tradition which takes seriously its obligation to live and function in a pluralistic society to go back to its own resources in order to discover what it can contribute to a religiously oriented theory of religious liberty. This article seeks to explore the bain Judaism for a doctrine of freedom of conscience.

These theoretic weaknesses inherent in a doctrine of religious liberty derivi from secularism are not theoretic. Many of the acute danger-points on the earth's surface today are deep-seated conflicts among groups who are passionate in their adherence to their religious beliefs. It is from their faith that they draw the seemingly endless energy for enternecine conflict and in the name of their religion that they justify their unwillingness to lay down their weapons and seek a peaceful solution to their problems. We have only to call to mind the Catholic-Protestant civil war now going on for decades in Ireland, the tragic bloodletting between Chritian and Moslem Arabs in Lebanon and the unending series of judicial murders being perpetrated in Iran by adherents of the Ayatoullah Khumeini in the name of the Prop of Islam. The slightly older agony of Bangladesh and the continuing strife between Hindus and Moslems in India supply additional proof that where religious conviction are fervently maintained the concept of religious liberty is tragically difficult t inclucate. Here secularism is totally irrelevant, indeed meaningless. If religiou liberty is to be established as an ideal to which men will give their allegiance, each religious tradition must take seriously its obligation to live and function in a pluralistic society and go back to its casty sources in order to discover what it can contribute to a religiously-oriented theory of religious liberty. This paper seeks to explore the bases in Judaism for a doctrine of freedom of conscience.

III

At the outset, it should be noted that the concept of religious liberty possesses three distinct yet related aspects. Like so many ethical values, its roots lie in the instinct of self-preservation. In other words, the first and

oldest aspect of religious liberty is the right which a group claims for itself to practice its faith without interference from others. The extension of this right to other individuals and groups is a great leap forward both in time and insight, which requires centuries to achieve and has all too often remained unattained to the present day. Indeed, even in our age, instances are not lacking of groups in virtually every denomination who define the right to religious liberty as the right to deny religious liberty to those who differ with them.

In this respect, religious liberty is no different from any basic right, such as freedom of speech or assembly, which is first fought for and achieved by a group in its own behalf. Only later - and often half-heartedly - is freedom of conscience extended to other groups who differ in belief and practice. Finally, the third and most difficult stage in religious liberty emerges - and it is far from universal - when a religious group, dedicated to its belief and tradition is willing to grant freedom of thought and action to dissidents within its own rank

The Jewish people have played a significant role in the emergence of religious liberty in its first aspect. With regard to the two other aspects, we believe that Judaism and the Jewish historical experience have some significant insights to offer all men. Finally, no other large religious group has as great a stake in the present and future vitality of the doctrine as has the Jewish community.

It is true that virtually every religious group finds itself a minority in one or another corner of the globe and, unfortunately, can point to infractions of its right to worship and propagate its faith. Protestants were long exercised over / the situation in Spain and parts of Latin America. Catholics are troubled by the status of the Church in communist lands. Christians generally find themselves in difficult positions in parts of Africa and in Moslem autocracies in the Middle East.

Jews have had the sorry distinction of being a minority almost everywhere and always. In the thirty-six hundred years that separate Abraham from David

ben Gurion, the Jewish people have been master of their own destiny as an independent nation in Palestine for a small fraction of their history. This status prevailed less than five hundred years during the days of the First Temple, for eighty years during the Second Temple, and now during the thirty-one years of the State of Israel in our day. These six hundred years constitute no more than one-sixth of the recorded history of the Jews. Moreover, even during these periods of independence and autonomy, there were large Jewish communities outside Palestine, more populous by far than the Jewish population in the homeland. The survival of these Diaspora communities was directly dependent on the degree of religious liberty they enjoyed. Hence, the curtailment of religious liberty may pose a major problem for all denominations; it is an issue of life and death for the Jewish group.

There is, therefore, historic justice in the fact that the people for whom religious liberty is so fundamental were the first to take up arms in defense of this right. The earliest recorded war for religious liberty is the struggle of the Maccabees against the Syrian Greek King Antiochus Epiphanes, which broke out in 169 B.C.E. The Maccabean struggle was launched not for the sake of political liberty, territorial aggrandizement, national honor, or booty. It represented the armed resistance of a group in Palestinian Jewry who were resolved to protect their religious faith and way of life in a world where a determined effort was being made to impose the uniform pattern of Hellenistic culture and pagan religion on the entire Middle East.

Had the Maccabees not fought, or had they fought and lost, the Hebrew annihilated Scriptures would have been destroyed, Judaism would have been / Christianity would not have been born, and the ideals of the Judeo-Christian heritage, basic to Western civilization, would have perished. There was, therefore, ample justification for the practice of the early/Church, both in the East and West, which celebrated a festival on August 1 called "the Birthday of the Maccabees," testifying to the debt which Christianity, as well as Judaism, owes to these early, intrepid defenders of freedom of conscience.

Thus the long struggle was launched for the first and oldest aspect of came into being.

the concept of religious liberty/ From that day to this, there have been communities which have conceived of religious liberty almost exclusively in terms of their right to observe their own beliefs and practices. For such a group, the degree of religious liberty in a given society is measured by the extent to which it, and it alone, is free to propagate its faith. Religious liberty is defined as "freedom for religion" and "religion" is equated with the convictions of the particular group.

This limited conception of religious liberty has a long and respectable history behind it. It is noteworthy that the only instances of forcible conversion to Judaism were carried out by descendants of the very same Maccabees who had fought for religious liberty. The Maccabean Prince, John Hyrcanus (135-104 B.C.E.), forced the Idumeans, hereditary enemies of the Jews, to accept Judaism. His son, Aristobulus, Judaized part of Galilee in the northern district of Palestine. These steps were dictated less by religious zeal than by practical considerations, a universal characteristic of mass conversions to our own day. It was not the only time that politics was wrapped in the garb of religion, nearly always to the detriment of religion.

For centuries, the doctrine that "error has no rights," unmitigated either by intellectual subtlety or by practical considerations, continued to hold sway. Heresy, that is to say, dissident views within dominant religious organisms, could be suppressed either individually or collectively, by peaceful persuasion or physical force. For heresy was viewed as illegitimate and sinful and hence worthy of the heaviest penalties. With the rise of Protestantism, which emphasized "private judgment" and the reading of the Bible as the unmediated Word of God, a multiplicity of sects emerged. What was equally significant, their legitimacy was, at least in theory, not open to question by the State. Religious liberty now became a practical necessity for the body politic as well as a burning issue for minority sects. Basically, it is to these minority groups that the world owes a debt for broadening the concept of religious liberty.

DB

liberty is not being truly safeguarded if it is purchased at the cost of religious vitality. Frequently the position of the Jewish community on questions of Church and State is misunderstood, because it is attributed solely to the desire to avoid religious disabilities for itself and other minority groups, including secularists. It is true that the position of minorities in regard to freedom of religion may parallel that of nonbelievers who also oppose utilizing the power and resources of the State to buttress the claims of religion. But there is another and at least equally deep motivation for the Jewish position: a sincere concern for the preservation of religious vitality. Here majority groups have as direct an interest as the minority.

There is one additional element essential to full religious freedom: religious

Well-meaning efforts are made in some quarters to create a "non-denominational religion" that will be acceptable to all. Some years ago, a school board in New Hyde Park, Long Island in New York, created a new text for the Tem Commandments which was neither Jewish, nor Catholic, nor Protestant, but one undoubtedly superior to them all. In their version the First Commandment read, "I am the Lord thy God who brought thee forth out of the house of bondange." With one fell swoop, the entire historic experience of Israel, which lies at the basis of the Judeo-Christian tradition, was eliminated.

V

We have dealt thus far with the first aspect of the ideal of religious liberty: the right which every religious group claims for itself to practice its faith freely, without restriction or interference from others. With regard to the two other aspects of the ideal of religious liberty - more theoretic in character - we believe the specific Jewish historic experience has significance for other religious groups and for the preservation of a free society itself.

As we have noted, there is, theoretically at least, no problem with regard to the doctrine of freedom of conscience for those who maintain that all religions are equally good - or bad. Years ago, when communism was making substantial inroads among American college youth, the writer participated in a symposium on "Communism

Yet, by and large, the ideal to which the various sects gave their loyalty continued to /be religious liberty for themselves. When the Puritans left England and later emigrated from Holland to Massachusetts, they were actuated by a passionate desire for freedom of conscience, but in this limited sense only. Protestant dissenters, Catholics, Jews, and nonbelievers could expect scant hospitality in the Bay Colony, and when any appeared within its borders, they were given short shrift Various disabilities for non-Protestants survived in some New England states as late as the nineteenth century. Religious liberty began as a practical policy designed to establish articles of peace between opposing sects. Only slowly and painfully did it emerge as an ideal to which men have given their loyalty quite distinct from ulterior considerations.

Freedom of religion in an open society must necessarily presuppose two elements which were less obvious in the stratified societies of earlier days. It must include religious equality, for there can be no true religious liberty if the formal freedom of worship is coupled with legal, psychological, social or economic liabilities that is the situation that prevails in Soviet Russia today. To be sure, the minority group cannot reasonably expect the same level of importance in society as the majority, but it has the right to demand that there be no restrictions or liabilities placed upon it by the State. In other words, full religious liberty means that the State will recognize the equality of all believers and nonbelievers, even though in society the relative strengt of various groups will necessarily impose disadvantages upon the poorer and less numerous sects.

To cite a hypothetical case, a Protestant worshipping in a modest dissenter's chapel or a Jew offering his devotions in a simple prayer room could not reasonably object to the presence of a magnificent Catholic church in the community. But they would have legitimate grounds for objecting to a legal ordinance forbidding the building of a large Methodist church or an elaborate Jewish synagogue in the area. So would a Catholic finding himself restrained from erecting a church, a monastery, or a parochial school in a given community.

and Religion." Among the panelists were a Methodist bishop, a Presbyterian Minister, two rabbis, and Earl Browder, then a leading spokesman for communish in the United States. As the various speakers for religion sought to develop their positions vis-a-vis communism, Mr. Browder turned to us and declared, to the manifest delight of the youthful audience, "The communists are the only ones who can establish peace and equality among all the religions - because we do not believe in any of them!" The history of twentieth-century



under communism and fascism. Religious bigots can learn many a lesson in practicing their craft from the anti-religious bigots of our age. The crude and brutal persecution of religion by atheistic regimes today makes the classic instances of religious intolerance of the past seem almost idyllic by comparison.

Nonetheless, it is true that the problem of evolving a theory of religious tolerance and practicing it is genuine and complex, particularly for those believers who are convinced that they are the repositories of religious truth and that their fellow men who differ from them are not so blessed. In this connection the attitude of Jewish tradition is particularly interesting. It arose possesses within a community that believes profoundly that it / the authentic revelation of God and that all other faiths contain, by that token, a greater or a lesser admixture of error. Since such a standpoint is widespread among communicants of most creeds, it should be useful to examine the theory and practice of religious liberty within Judaism - the approach of the Jewish tradition toward dissidents within its own community. Even more significant for the world at large is the theory and practice in Judaism of religious liberty toward non-Jews - the attitude of the Jewish tradition toward the rights of non-Jews seeking to maintain their own creeds, and the legitimacy of such faiths from the purview of Judaism.

In order to comprehend the Jewish attitude toward religious differences within the community, it must be kept in mind that Judaism was always marked by a vast variety of religious experience, which is given articulate expression in the pages of the Hebrew Scriptures. The Hebrew Bible contains within its broad and hospitable limits the products of the varied and often contradictory activities of priest and lawgiver, prophet and sage, psalmist and poet. It reflects the temperaments of the mystic and the rationalist, the simple believer and the profound seeker after ultimate truth. The reason inheres in the fact that the Hebrew Bible is not a collection of like-minded tracts, but is, in the words of

a great modern exegete, "a national literature upon a religious foundation."

This characteristic of the Bible set its stamp upon all succeeding epochs in the history of Judaism. It is not accidental that the most creative era in its history after the biblical era, the period of the Second Temple, was the most "sect-ridden." Even our fragmentary sources disclose the existence of the Pharisees, the Sadducees, the Essenes, and the Zealots, to use Josephus' classic tabulation of the "Four Philosophies." We know from the Talmud, which is a massive monument to controversy, that the Pharisees themselves, the domimant group in number and influence, were divided into various groups which held to strongly opposing positions, with hundreds of individual scholars differing from the majority on scores of issues. Although, unfortunately, were little is known about the Sadducees, the same variety of outlook may be assumed among them. With regard to the Essenes, the discovery of the Dead Sea Scrolls has indicated that the term, Essenes, is best used of an entire conspectus of sects who differed among themselves passionately. The Samaritans were also a significant group of dissidents, highly articulate in their divergence from a Jerusalemcentered Judaism. It was in this atmosphere that the early Jewish-Christians first appeared, adding to the charged atmosphere of vitality and variety in Palestinian Judaism. There were also countless additional patterns of religious nonconformity in the various Diaspora communities.

To be sure, all these groups of Judaism shared many fundamentals in their outlook, but there were important divergences, both within each sect and among them. The Talmud records that among the Pharisees, the differences between the schools of Hillel and Shammai were deep-seated and broke into physical violence at one point. Nonetheless, the Talmud declares, the Shammaites and the Hillelites did not hesitate to intermarry and "He who observes according to the decision of Beth Hillel, like him who follows the school of Shammai, is regarded as fulfilling the Law," because "both these and the others are the words of the Living God."

No such encomiums were pronounced on the Sadducees, who contradicted the funda-

mentals of normative Judaism. Those holding Sadducean views were stigmatized as "having no share in the world to come." In this world, however, it is noteworthy that neither the Sadducees nor any others of these sects were ever officially excommunicated.

In the Middle Ages a variety of factors combined to contract this latitude of religious outlook in the Jewish community. First of all, the constantly worsening conditions of exile and alien status required, it was felt, a greater degree of group-homogeneity. Thus, the standpoint of the super-nationalist Zealots was not totally meaningless, while that of the Sadducees, who centered their religious life in the Temple at Jerusalem, was completely irrelevant to the life of an exiled people. Therefore, the widespread emphasis on religious conformity imposed by the medieval world on its aberrant sects also proved a model and example. Father Joseph Lecler points out in his massive, two-volume work, Toleration and the Reformation, that St. Thomas Aquinas was "relatively tolerant toward pagans and completely intolerant toward heretics." As Father John B. Sheerin notes, St. Thomas explicitly stated that "to accept the faith is a matter of free will, but to hold it, once it has been accepted, is a matter of necessity."

No such precise and logical theory was ever elaborated in Judaism. The Jewish community lacked the power to compel uniformity of thought, even in the relatively rare instances when the leadership was tempted to embark upon such an enterprise. Nonetheless, some efforts were made to restrict religious liberty in the Middle Ages. The history of these undertakings is significant for the intrinsic nature of the Jewish tradition.

Somewhat paradoxically, the attempt to impose a measure of uniformity on religious belief was due to the emergence of medieval Jewish philosophy, which was nurtured in Aristotelianism, and to a lesser degree in Platonism. Maimonides, the greatest Jewish thinker of the Middle Ages, confidently proposed a set of Thirteen Principles, which he hoped would serve as a creed for Judaism. Though

his statement attained wide popularity, and was printed in the traditional prayerbook as an appendix, lesser men did not hesitate to quarrel with both the content and the number of articles of belief in his <u>Creed</u>, and it never became an official confession of faith.

An even more striking illustration of the enduring vitality of the right to religious diversity in Judaism may be cited. Uncompromisingly rationalistic as he was, Maimonides' declared that to ascribe any physical form to God was tantamount to heresy and deprived one of a share in the world to come. Nowhere is the genius of Judaism better revealed than here. On the same printed page of the Maimonides' Code where this statement is encountered, it is challenged by the remark of his critic and commentator, Rabbi Abraham ben David of Posquieres who writes: "Better and greater men _ than Maimonides _ have ascribed a physical form to God, basing themselves on their understanding of Scriptural passages and even more so on some legends and utterances, which give wrong ideas." The critic's standpoint is clear. Rabbi Abraham ben David agrees with Maimonides in denying a physical form to God, but he affirms the right of the individual to maintain backward ideas in Judaism without being read out of the fold on that account. The right to be wrong is the essence of liberty.

Nonetheless, it is clear that the spirit of medieval Judaism was far less hospitable to religious diversity than had been Rabbinic Judaism in the centuries immediately before and after the destruction of the Temple. Thus, while the Sadduce Oral Law were never who denied the validita of the/excommunicated, the medieval Karaites, who rejected the authority of the Talmud in favor of the letter of Scripture, were excommunicated by various individual scholars. At the same time, other scholars refused to invoke the ban against them and ultimately a more lenient attitude prevailed, him the earlier ban in Uriel Acosta by the Sephardic community of Amsterdam, though frequently cited were actually highly exceptional and the result of specific conditions.

Excommunication was involved again against religious diversity in the eighteenth century, this time against Hasidism, a folk movement, pietistic in character, which arose in Eastern Europe. Ultimately, the sect abated its hostility toward

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quantly cited, was actually at the exceptional case due to special efforms to two

fronts. On the one hand, the Jewish community in the Netherlands was living on

sufferance, so that harboring a heretic who attacked fundamentals of religion might

well jeopardize its status in the country. Second, the historic tradition of

Judaism, long isolated from the winds of modern doctrine, was felt to be too weak

to sustain the reasoned onslaught of secular rationalism.

AMERICAN JEWISH ARCHIVES Rabbinical Judaism. Today the Hasidim and their rabbinical "opponents," together with a mediating group, are all within the household of Orthodox Judaism.

In the nineteenth century, when the Reform movement first began to appear in Central Europe, some Orthodox rabbis in Central and Eastern Europe sought to stem the tide by invoking the ban against the innovators. It had proved largely ineffective in the field of ideas even in the Middle Ages; now it was completely useless. It served only to drive deeper the wedge between the traditionalists and the nontraditionalists, and was tacitly abandoned.

In surmary, religious liberty within the Jewish community exists <u>de facto</u>. It is recognized <u>de jure</u> by all groups in Reform and Conservative Judaism and by substantial elements in Orthodoxy as well.

It need hardly be added that divergences among the groups - and within them are often sharp, and the antagonisms among some of the advocates of different positions are, all too frequently, even sharper. The upsurge in some quarters of "religiosity," which followed in the wake of the irruption of Nazi savagery and the mass bestiality of World War II, had a powerful impact upon Jews as well as upon Christians. It has strengthened the tendency to withdrawal and insulation against the world among many survivors of the Hitler Holocaust and exacerbated their hostility to all those outside their particular group. This spirit is very much in evidence today, but it is a mood of the day, if not of the moment, and it will pass. If history is any guide, these attitudes of isolation and hostility will be softened with time and the impact of gentler experiences. The harrowing events of the last three decades cannot abrogate the tradition of three millennia.

An observation is here in order with regard to the status of religion and the State of Israel. The Israeli Cabinet includes a Minister of Religions (in the plural), who is charged with the supervision and the maintenance of the "holy places" of all the three great religions and with the support of their institutional and educational requirements. It is paradoxical, but true, that at present there is full freedom of religion in Israel for everyone - except for Jews!

Catholic and Protestant Christianity, Islam and Bahai, all enjoy the fullest freedom of expression, including the opportunity for missionary activity among Jews, a situation which has aroused not a little antagonism. In addition to the Minister of Religions, Israel has three Chief Rabbis who are of unimpeachable Orthodoxy, except for those Orthodox groups who deny their authority. In accordance with the legacy of Turkish and British law, the Chief Rabbi (like his Christian and Islamic counterparts), has authority in the field of personal status, notably marriage, divorce, and inheritance, and, to a lesser degree, in the maintenance of religious observance in the army and public institutions, and in the supervision of religious education.

At present, there exists a type of religion and state which in the State of Israel. To be sure, the effort is made to invest the contemporary situation with the halo of tradition. The historical truth is, however, that the very existence of the office of a Chief Rabbi in Israel represents not a return to Jewish tradition, but an innovation, the value of which is highly debatable.

With the Chief Rabbinate as its symbol, Orthodoxy is the only officially recognized religious group in Israel today. Yet here, too, the innate tradition of dissent finds uninhibited expression. Thus, when the new and magnificent head-quarters of the Chief Rabbinate was erected in Jerusalem, many of the leading Orthodox scholars announced that it was religiously prohibited to cross the threshold of the building! Side by side with these tensions within Israel Orthodoxy are various other groups, Reform, Conservative and Reconstructionist, representing a wide spectrum of modernism. In spite of harassment and opposition, they have already established several dozen synagogues and schools in the country and ditimatel will demand and receive full recognition.

religion and State of Israel. It is partial and subject to increasing strain and stress. Whether the ultimate pattern of religion-state relationships will approximate the American structure is problematic, though the American experience is

Dup The decree was greeted with embarrasomentexes by the Orth

frequently invoked as an ideal. The disestablishment of religion in any sectarian form is, however, inevitable.

The conclusion is unassailable that the nature of Judaism, buttressed by its historic experience, makes the freedom of religious dissent a recognized reality for virtually all members of the community <u>de facto</u>, even by those who would not recognize it <u>de jure</u>.

VI

The attitude of Judaism toward religious liberty for those professing other creeds derives, in large measure, from another unique characteristic of the Jewish tradition, one which is frequently misunderstood not only by those outside the Jewish community, but by many who are within it. This trait, deeply rooted in normative Judaism, is the balance between particularism and universalism.

The Jewish conception of freedom of religion is the resultant of two forces: the retention of the specific, national, Jewish content in the tradition on the one hand, and, on the other, an equally genuine concern for the establishment among all men of the faith in one God and obedience to His religious and ethical imperatives.

It is frequently argued that with the appearance of limits intolerance became a coefficient of religion. It is undoubtedly true that in a polytheistic world view, tolerance of other gods is implicit, since there is always room for one more figure in the pantheon, and the history of religious syncretism bears out this truth. On the other hand, the emergence of belief in one God necessarily demands the denial of the reality of all other deities. The "jealous God" Achieve 13:16/2 of the Grant who forbids "any other god before Me" therefore frequently became the source of religious intolerance. So runs the theory. In

It sometimes happens, however, that a beautiful pattern of invincible logic is contradicted by the refractory behavior of life itself. An apposite illustration may be cited. The French Semitic scholar, Ernest Renan, declared that the monotony of the desert produced a propensity for monotheism among the ancient

Hebrews, whereas the variety in the physical landscape of Greece, for example, with its mountains and hills, its valleys, rivers and streams, necessarily suggested a multitude of divinities indwelling in them. This plausible theory enjoyed considerable vogue until it was learned that the pre-Islamic nomadic Arabs, The trace of the Arabian Desert, possessed a very luxuriant polytheism, and that all the Semitic peoples, whose original habitat was the same desert, also had very elaborate pantheons. Thus the list of gods in the library of King Ashurbanipal contains more than 2,500 gods, and modern scholars have added substantially to the number.

Now it is true that Judaism was strongly entered to admit toward paganism. It insisted upon the uncompromising unity of God and refused to admit even a semblance of reality to other gods. Nonetheless, Biblical Judaism reckoned with the existence of paganism from two points of view. Though logicians might have recoiled in horror from the prospect, the fact is that Hebrew monotheism, the authentic and conscious faith in the existence of one God, did accord a kind of legitimacy to polytheism - for non-Jews. In part, this may have derived from a recognition of the actual existence of flourishing heathen cults. In far larger degree, we believe, it was a consequence of the particularist emphasis in Judaism. Dedicated to preserving the specific group character of the Hebrew faith, the Jewish tradition was led to grant a similar charter of justification to the specific ethos of other nations, which always included their religion.

Whatever the explanation, the fact is clear. No book in the Bible, not even Isaiah or Job, is more explicitly monotheistic than Deuteronomy: "You shall know this day, and consider it in your heart, that the Lord is God in heaven above, and upon the earth beneath; there is no one else" (4:39). Yet the same book, which warns Israel against polytheism, speaks of the sun, the moon and the stars... which the Lord your God has assigned to all the nations under the sky" (4, 19, compare 29, 25). Thus the paradox emerges that the particularist element in Judaism proved the embryo of a thory of religious tolerance.

The second factor that helped to grant a measure of value to non-Jewish religion is one more congenial to sophisticated religious thinkers. A broadminded exponent of monotheism would be capable of recognizing, even in the pagan cults agains which Judaism fought, an imperfect, unconscious aspiration toward the one living God Perhaps the most striking expression of this insight is to be found in the post-Exilic Prophet Malachi: "For from the rising of the sun to its setting, My name is great among the nations; and everywhere incense is burnt and pure oblations are offered to My name, for My name is great among the nations, says the Lord of Hosts" (1:11).

Centuries later, Paul, standing in the middle of the Areopagus, echoed the same idea in his words: "Men of Athens, I observe at every turn that you are a most religious people! Why, as I passed along and scanned your objects of worship, I actually came upon an altar with the inscription, TO AN UNKNOWN GOD." (Acts 17:22-2)

This is not the only instance of universalism in our biblical sources. The author of the Book of Jonah pictures the pagan sailors and the king and inhabitants of Nineveh in a far more favorable light then he does the fugitive Hebrew prophet. There is the warm compassion of the Book of Ruth for a friendless stranger. Towerin above all is the breadth of view of the Book of Job, which pictures the Patriarch no as a Hebrew observed the laws of the Torah, but as a non-Jew whose noble creed and practice i described in his Confession of Innocence (chap. 31). All these masterpieces of the human spirit testify to the fact that it was possible to maintain the unity and universality of God while reckoning with the values inherent in the imperfect approximations to be found in the pagan cults.

Thus the two apparently contradictory elements of the biblical world view the emphasis upon a particularist ethos and the faith in a universal God - served
as the seedbed for the flowering of a highly significant theory of religious tolerance in post-biblical Judaism. To this concept, known as the Noahide Laws, we shall
return.

At the same time, it was self-evident that a universal God who is Father of all men deserved the allegiance and loyalty of all His children. A steady and unremitting effort was therefore made to counteract the blandishments of paganism and to win all men for Jewish monotheism through the use of persuasion. The biblical Deutero-Isaiah, the Apocryphal Sybilline Oracles, the life-long activity of Philo of Alexandria - indeed the entire apologetic literature of Hellenistic Judaism were designed to win the allegiance of men for the one living God of Israel.

Holding fast to their conviction that Judaism alone represents the true faith in the one God, the Prophets had looked forward to its ultimate acceptance by all men: "For then will I turn to the people a pure language, that they may all call on the name of the Lord, to serve him with one accord" (Zephaniah 3:9). "And the Lord will be king over all the earth; on that day shall the Lord be one, and His name be one" (Zechariah 14:9).

This faith for the future did not cause Judaism to overlook the realities of the present of the did not deny the values to be found in the religious professions and even more in the ethical practices of many of their pagan fellow men.

From these facts there emerged one of the most distinctive concepts of monotheistic religion, a unique contribution of Judaism to the theory of religious liberty, the doctrine of the Noa hide Laws, which actually antedates the Talmud. The Apocryphal Book of Jubilees, written before the beginning of the Christian Era, could not conceive of untold generations of men before Moses living without a divine Revelation. It therefore attributes to Noah, who was not a Hebrew, a code of conduct binding upon all men:

In the twenty-eighth jubilee, Noah began to enjoin upon his son's sons the ordinances and commandments and all the judgments that he knew and he exhorted his sons to observe righteousness and to cover the same of their flesh and to bless their Creator and honor father and mother and love their neighbor and guard their souls from fornication and uncleanness and all iniquity. (7, 22)

This injunction is elaborated in the rabbinic tradition under the rubric of the Laws of the Sons of Noah. According to this rabbinic view, all human beings, by virtue of their humanity, are commanded to observe at least seven fundamental

religious and moral principles. These commandments include the prohibition of idolatry, sexual immorality, murder and theft; the avoidance of blasphemy and of cruelty to animals by eating the limb of a living creature; and the establishment of a government based on law and when these principles, upon which all civilized society depends, are observed, Judaism regards the non-Jew as worthy of salvation, no less than the Jew who observed the entire rubric of Jewish law. Hence, there is no imperative need for the non-Jew to accept the Jewish faith in order to be "saved."

These Laws of the Sons of Noah, it may be noted, seem to be referred to in the New Testament as well: "But that we write unto them, that they abstain from pollutions of idols and from fornication, and from things strangled, and from blood...That ye abstain from meats offered to idols, and from blood and from things strangled and from fornication: from which if ye keep yourselves, ye shall do well. Fare ye well" (Acts 15, 20, 29).

This doctrine of the Nos hide Laws is extremely interesting from several points of view. It represents in essence a theory of universal religion which is binding upon all men. Characteristically Jewish is its emphasis upon good actions rather than upon right belief as a the mark of the good life. Ethical living rather than creedal adherence is the decisive criterion for salvation. Its spirit is epitomized in the great rabbinic utterance: "I call Heaven and earth to witness, that whether one be Gentile or Jew, man or woman, slave or free man, the divine spirit rests on each in accordance with his deeds." In its all-encompassing sweep, this passage recalls the famous words of Paul:

"There is neither Jew nor Greek, neither bond nor free, there is neither male nor female, for ye are all one in Christ Jesus." Significantly, the equal worth of all men in the rabbinic formulation does not derive from common doctrinal belief, nor does it depend upon it; it requires only loyalty to a code of ethical conduct.

Many contemporary religious thinkers are now seeking a theory which will combine complete loyalty to a specific tradition while accepting wholeheartedly the postulates of a democratic society which is committed to pluralism as a reality and to religious liberty as a good. The issue is one which profoundly agitates citizens of the free world in our day because of its practical importance in government and politics.

There is more than academic interest, therefore, in this rabbinic adumbration of a theory of religious tolerance resting upon a concept of "natural law." This doctrine of the Noahide Laws, be it noted, was not the product of religious indifference. It arose among devotees of a traditional religion who not only loved their faith, but believed that it alone was the product of authentic revelation. Yet they found room for faiths other than their own, as of right and not merely on sufferance Elsewhere, I have sought to set forth the principles for an ethical system rooted in "natural law" and therefore accessible to virtually all of humanity. 23~

VII

The principle of the Noahide Laws had originated in a pagan world. It obvious proved even more valuable when two monotheistic religions, Christianity and Islam, replaced paganism. Both "daughter faiths" sought energetically to displace the mother and deny her authenticity. The mother faith sought to repulse these onslaughts as effectively as possible by calling attention to what she regarded as the errors. But she did not, on that account, ignore the elements of truth which her more aggressive offspring possessed.

The attitude of Judaism in the Middle Ages toward these two religions necessarily differed with the personality of each particular authority, his environment and his own personal experience. The proximity of the Christian and the Jewish communities in Europe, and the consequent economic and social relationships upon which Jewish survival depended, compelled the medieval rabbinic authorities to reckon with reality. In the Talmud considerable limitations had been placed upon Jewish contact with pagans, particularly at heathen festivals and with regard to objects of worship In the Middle Ages the rabbis

could not maintain the position that Christians were pagans and that all the Talmudic restrictions upon intercourse with idolaters applied to them. By and large, these modifications of Talmudic law were originally ad hoc improvisations and limited to specific practices upon which the livelihood of Jews depended. But what began as a practical necessity led to the rise of an appropriate theory.

Among the most painful features of medieval Jewish-Christian relations were the public religious disputations forced upon Jews, often at the instigation of Jewish converts to Christianity. Nonetheless, these debates led to one positive result. They gave the Jews the impetus to re-evaluate the general principles governing their attitude toward non-Jews and to recognize that there were significant differences between the pagans of antiquity, to whom the Talmud refers as "idolaters," and the Christians who were their contemporaries in the Middle Ages

Thus the tragic disputation, convened in Paris in 1240, involving the convert Nicholas Donin and four Jewish representatives, led to the public burning of twenty-four cartloads of Hebrew books. The chief Jewish spokesman was Jehiel ben Joseph of Paris, and he was assisted by Moses of Coucy. It is a tribute to the greatness of Moses' spirit that, in spite of this grim exhibition of fanaticism he developed a new insight into the character of the dominant faith, an insight undoubtedly stimulated by his participation in the debate. Time and again he called upon his brethren to maintain scrupulous ethical standards in dealings with Christians, basing himself on broad religious and moral considerations.

Not expediency, but regard for the honor of Israel and the avoidance of Hillul Hashem, "the desecration of the Holy Name," became the fundamental motivations.

The practical need of a <u>modus vivendi</u> between Jews and Christians could not be denied, since they lived in closest proximity with one another throughout Europe. Simultaneously, the outlines of a theory of religious tolerance were being laid by Jewish thinkers living in Mohammedan as well as in Christian countries. The teaching of the second-century Talmud Sage, Rabbi Joshua, "There are righteous

among the Gentiles who have a share in the world to come," was slightly but significantly broadened by Maimonides into the generalization, "The righteous among the Gentiles have a share in the world to come." Thus the principle that salvation was open even to those outside the Jewish fold remained normative and served as the basic principle underlying the Noa hide Laws. The medieval poet and philosopher, Judah Halevi, wrote, "These peoples [i.e., Christianity and Islam] represent a preparation and preface to the Messiah for whom we wait, who is the fruit of the tree which they will ultimately recognize as the roots which they now despise."

Rabbi Menahem Meiri, who lived in thirteenth-century France when several expulsions of Jews from that country took place, wrote, "Those among the heathen of the ancient days who observe the seven Noachide precepts, i.e., refrain from idol worship, desecration of God's name, robbery, incest, cruelty to animals, and have courts of justice, enjoy the same rights as Jews; how much the more so in our days, when the nations are distinguished by their religion and respect for law! We must, however, treat equally even those who have no systems of law, in order to sanctify the Name of God." He distinctly declares that "in our days idolatry has ceased in most places," and describes both Muslims and Christians as "nations disciplined by the ways of their religions."

Moreover, even the trinitarian concept of Christianity, which Judaism emphatically rejected as impugning the unity of God, was not generally regarded as sufficient to deny to Christianity the character of a monotheistic faith. The twelfth-century Talmudic commentator, Rabbi Isaac the Tosafist, set forth a legal basis for the view that belief in the Trinity was legitimate for Christians in his statement: "The children of Noah are not prohibited from shittuf, i.e., associating the belief in God with that in other beings." This utterance achieved such wide scope and authority that it was frequently attributed by later scholars to the Talmud itself.

Maimonides, with his penchant for systematic canons of thought, was strongly critical both of Christianity and of Islam. Living all his life in Islamic countries, with few direct contacts with Christians, Maimonides tended to react negatively to the trinitarianism of Christianity and to its Messianic claims for Jesus as the Savior. On the other hand, the uncompromising emphasis upon the unity of God in Mohammedanism, with which he was in constant contact, gave him a greater degree of tolerance for Islam, although he castigated the sensuality of the Prophet Mohammed. Even the adoration of the Ka'abah, the black stone of Mecca, was regarded by Maimonides as a vestige of polytheism which had been reinterpreted in Islam - a remarkable anticipation of modern research.

In a passage in his great code, <u>Mishneh Torah</u> (which appears mutilated in the printed texts because of the censor), Maimonides rejects the claim that Jesus was the Messiah, on the ground that Jesus failed to fulfill the Messianic function as envisioned in Scripture and tradition. Maimonides then proceeds.

The though of the Creator of the world is beyond the power of man to grasp, for their ways are not His ways and their thoughts are not His thoughts. All the words of Jesus the Nazarene and of Mohammed, who arose after him, came into being only in order to make straight the road for the King Messiah, who would perfect the world to serve God together, as it is said, "Then I shall turn all the peoples into a clear speech, that they may all call upon the Lord and serve Him shoulder to shoulder."

How is that to be? The world has already been filled with the words of the Messiah, and the words of the Torah and the commandments. And these words have spread to the furthermost islands among many people uncircumcised of heart or of flesh, who now discuss the Commandments of the Torah. Some declare that these commandments were true, but are now no longer obligatory and have fallen into decline, while others declare that there are secret meanings within them, not according to their obvious intent, and that the Messiah had come and disclosed their secret connotations.

But when the true King Messiah will arise, he will succeed and be raised to glory and then they will all return and recognize they had inherited falsehood, and that their Prophets and ancestors had misled them. 34 Maimonides elsewhere declares that Christians are idolaters because of their trinitarian beliefs. In this regard, he goes further than the warrant of his rabbinic sources. Nor was his attitude shared by most of his contemporaries. Thus, his great predecessor, Saadia (882-942), the first great figure in medieval Jewish philosophy and who also lived under Islam, declared that the Christians' belief in the Trinity is not an expression of idolatry, but the personification of their faith in life power and knowledge. In his negative view, Maimonides not only ignored the Talmudic passage quoted above, but was in sharpest variance with most Jewish scholars, such as Rashi and Meiri, who lived in Christian countries, knew Christians at first hand, and recognized their deeply-rooted belief in the One God.

Later such rabbinic authorities as Moses Rivkes, Hayyim Yair Bacharach (1638=1702), and Rabbi Jacob Emden (1697-1776) explicitly recognized a common tradition linking Judaism and Christianity when they pointed out that Christians believed in God, the Exodus, Revelation, the truth of the Bible, and creatio ex nihilo. 37

In the eighteenth century, Moses Mendelssohn wrote a famous reply to the Protestant minister, Johann Casper Lavater. Therein he expounded the traditional Jewish doctrine, speaking in the accents of eighteenth-century Enlightenment:

Moses has commanded us the Law; it is an inheritance of the congregation of Jacob. All other nations we believe to be enjoined to keep the law of nature. Those conducting their lives in accordance with this religion of nature and of reason are called "virtuous men from among other nations," and these are entitled to eternal bliss (sind Kinder der ewigen Seligkeit).

There was an obvious apologetic intent and a consequent exaggeration in his next statement:

The religion of my fathers, therefore, does not desire to be spread. We are not to send missions to Greenland or to the Indies in order to preach our faith to these distant nations. The latter nation, in particular, observing as it is the law of nature better than we do here, according to reports received, is in the view of our religious doctrines an enviable nation.

It is true that an active missionary campaign has not been carried on in Judaism ever since the pre-Christian centuries when Hellenistic Judaism won untold pagans for "reverence for God" and thus helped lay the foundation for the rapid spread of Christianity. In the Middle Ages the external facts of history united with the inner nature of Judaism to preclude large-scale efforts to win non-Jews to Judaism.

Today, some voices are being raised in the Jewish community in favor of a more active effort to bring the message of Judaism to religiously uncommitted non-Jews, though without employing conventional missionary techniques. A warm discussion on the question is now going on among Jewish religious leaders and laity. But both those who favor and those who oppose such an active effort are at one in recognizing the legitimacy of non-Jewish faiths, the availability of salvation to all who observe the basic spiritual and ethical principles embodied in the Noachide Laws, and the right of all men to the fullest liberty of religious practice and belief.

VIII

The attitude of Judaism toward religious liberty may now be summarized as follows:

- 1. Judaism insists on total freedom of religious belief and practice for itself, which will include full equality before the law and no attenuation of vital religious commitment freely given.
- 2. Judaism accepts the existence of differences within the Jewish community and accords to dissidents the right to their own viewpoint and practice, at least de facto.
- 3. Judaism recognizes the existence of other religions among men and their inherent right to be observed de jure.

There inheres a measure of oversimplification in Albert Einstein's utterance,
"I thank God that I belong to a people which has been too weak to do much harm in
the world." But more than mere incapacity

inheres in the Jewish attitude toward religious liberty. The balance between the universal aspirations of Judaism and its strong attachment to the preservation of its group-character have impelled it to create a theory that makes room in God's plan - and in the world - for men of other convictions and practices.

Moreover, the deeply ingrained individualism of the Jewish character, its penchant for questioning, and its insistence upon rational conviction have made dissent a universal feature of the Jewish spiritual physiognomy. As a result, all groups within the Jewish community have achieved freedom of expression and practice. Efforts to limit or suppress this liberty of conscience have not been totally lacking and undoubtedly will re-occur in the future. But such attempts are invariably accompanied by a bad conscience on the part of apostles of intolerance, who thus reveal their weak roots in the tradition that they are ostensibly defending and betray their predestined failure to achieve their ends.

Finally, the millennial experience of Jewish disability and exile in the ancient and the medieval worlds has strengthened this attachment to freedom of conscience among Jews. In addition, the modern world has demonstrated that the material and intellectual position and progress of Jews, individually and collectively, is most effectively advanced in an atmosphere of religious liberty.

Thus all three elements, tradition, temperament and history, have united to make religious freedom, both for the Jewish community and the larger family of mankind, an enduring ideal and not merely a temporarily prudential arrangement. Undoubtedly Jews have fallen short of the lofty standards of their tradition in this as in other respects. Yet it remains true that, by and large, they have maintained their loyalty to the ideal of freedom of conscience for themselves and for all men.

- 1. On the Chazar kingdom, see A.B. Pollok, Kahazaria (Hebrew), Tel Aviv, 1951; D.M. Dunlop, The History of the Jewish Khazars (Princeton, 1964). For a brief account, see M.L. Margolis and A. Marx, A History of the Jewish People (Philadelphia, 1927), pp. 525 f.
- 2. On the medieval community, see Salo W. Baron, The Jewish Community, Its History and Structure to the American Revolution, III (Philadelphia, 1942). The impact of the Enlightenment and the Emancipation is treated in all works dealing with modern Judaism. The reader may be referred to R. Gordis, Judaism for the Modern Age (New York, 1955), for a brief discussion of the refolutionary changes that followed in their wake.
- 3. Cf. his provocative book bearing the same title, Secularism as the Will of God (New York, 1954).
- 4. We have developed the theme of the relationship of ethics to religious faith in A Faith for Moderns (New York, 1960).
- 5. Instances are to be found, even today, in every religious group. Thus, several months ago, a furore was created in the State of Israel when members of the ultra-Orthodox community of Me'ah She'arim in Jerusalem sought to prevent vehicular traffic on the Sabbath by stopping and even burning the cars coming through the Mandelbaum Gate. When the police arrested the leaders of the group, their sympathizers in New York demonstrated in front of the Israeli consulate carrying banners in the name of the "Committee for Religious Freedom in Israel."

The New York Times (Dec. 18, 1964) reported that the Most Rev. Louis Alonso Munoyerro, titular Archbishop of Sion and Catholic Vicar-General for Spain's armed forces, gave an interview to the newspaper ABC in Madrid, in which he denounced full religious liberty for Protestants in Spain as part of an international conspiracy that was seeking "to make Catholic unity disappear from our fatherland."

The Archbishop urged Spaniards to learn from history to be "circumspect" and not to "join the chorus of those champions of liberty who judge the success of the Vatican Council by whether it produced the enslavement of the conscience of Catholic peoples, and among them the Spanish people."

Fortunately, these attitudes are not representative of Catholicism or Judaism as a whole. Nor is religious intolerance rare among atheists. It is, of course, well known that the Soviet Constitution guarantees "freedom of religion and the right of anti-religious propaganda." This right to "freedom of religion" is felt to be entirely compatible with the heavy disabilities visited upon virtually all religious institutions and leaders, the prohibition of religious education, and all but complete suppression of Judaism.

- 6. Cf. the judicious comments on the subject of the role of the Maccabees in Christian thought in T.K. Cheyne, The Origin and Religious Content of the Psalter (New York, 1895), p. 29.
- 7. Cf. Josephus, Antiquities XII, 9, 1; 11, 3.
- 8. In Exodus, chapter 20, Jews reckon verse 2 as the First Commandment, verses 3-6 as the Second, and verse 17 as the Tenth. Roman Catholics and Lutherans consider verses 306 as the First Commandment, and verse 17 as containing the Ninth and Tenth Most Protestants count verse 3 as the First, verses 4-6 as the Second, and verse 17 as the Tenth.

- 9. Cf. our paper, "Educating For a Nation of Nations," in Religion and the Public Schools (Santa Barbara, Cal., Center for the Study of Democratic Institutions, 1961), and The Root and the Branch: Judaism and the Free Society (Chicago 1962), pp. 94 114.
- 10. Cf. A.B. Ehrlich, Die Psalmen (Berlin, 1905), p. vi.
- 11. The literature on the religious movements in the Judaism of the two centuries B.C.E. is enormous. For a brief presentation of some of the differences among the sects, see The Root and the Branch: Judaism and the Free Society, pp. 34 f.
- 12. Cf. B. Sanhedrin 88b, Shabbat 17a; P. Shabbat 1,4,3c
- 13. Cf. Mishnah Eduyot 4, 8.
- 14. Cf. Mishnah Sanhedrin 10, 1.
- 15. Cf. Maimonides, Mishneh Torah, Hilkhoth Teshubhah 3, 7.
- 16. On the uses of the ban in medieval Judaism, and the famous though atypical excommunications of Uriel Acosta and Benedict Spinoza, cf. Judaism for the Modern Age, pp. 292-306.
- 17. The tendency to extreme pietism reappears after major catastrophes with sufficient regularity, we believe, to be called a "law." The validity of the contention deserves to be examined by a study and analysis of the historical evidence.
- 18. On this fundamental aspect of Judaism, cf. The Root and the Branch: Judaism and the Free Society, pp. 23-27.
- 19. This contention has been a staple in the thinking of Arnold Toynbee, The same view is set forth by Leo Pfeffer, who cites the same commandment (cf. his paper "Church and State: A Jewish Approach" in Jacob Freid, ed. Jews in the Modern World New York, 1962 I, p. 210). This is particularly astonishing, since, aside from Pfeffer's general insight into Judaism, he himself cites Roger Williams who utilized the Decalogue (which includes this commandment), as the foundation pfor his theory of religious tolerance. Cf. Pfeffer, ibid., pp. 219 f.
- 20. Cf. B. Sanhedrin 56a-602; Tosefta, Abhodah Zarah 9, 4-8.
- 21. Cf. Yakqut Shimeoni on Judges, sec. 42.
- 22. Cf. Galatians 3, 38. 22a. R. Gordis, "A Basis For Morals: Ethics in a Technological Age" (JUDAISM, Vol. 25, No. 1, Winter 1976).
- 23. On the history of Gentile-Jewish relationships in Christian Europe, see the excellent study of S. Katz, Exclusiveness and Tolerance (Oxford, 1961). On religious tolerance in Judaism, see A. Altmann, Tolerance and the Jewish Tradition (London, 1957), and The Root and the Branch: Judaism and the Free Society, chap. 3, esp. pp. 47-52.
- 24. The texts of many of these disputations are assembled in J.D. Eisenstein, Otza Vikkukhim (New York, 1928), albeit in uncritical form. Cf. also Katz, op. cit., pp. 106 ff. and the bibliography there cited. The most recent study of the subject is that of O.S. Rankin, Jewish Religious Polemic of Early and Late Centuries (Edinburgh, 1956).
- 25. The modifications of the Talmudic laws of great legal authorities in the early Middle Ages are analyzed by S. Katz, op. cit., pp. 12-36.

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THE CIVIL RELIGION: IS IT A VIABLE CON CAPT?

by Dr. Elwyn A. Smith

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The debate about the "civil religion" — Rousseau devised the term and Robert Bellah reminted it nine years ago — is no ordinary academic cavil. It is the form in which some very worried scholars are expressing belief in the necessity and possibility of a "reconstruction of the American reality," as Richard Meuhausen puts it. 2 The best way of accomplishing this, they argue, is to bring to light and revitalize this democracy's civil religion.

The Matrix of the Civil Religion Concept

The notion of the civil religion is conspicuous today because of a bewildering succession of social distresses that has eroded American unity and self-confidence. This destructive period began with the Depression and was followed by the Second World War. There was a period of artificial stimulus and quick affluence during the fifties; then came the creeping catastrophe in Vietnam and the social disturbances and public murders of the sixties. Then, in the seventies, Watergate. At one point during this time it seemed that unbroken economic ascent had supplanted economic ebb and flow and we were well launched into the affluent society. John Kennedy was the symbol of great expectations, but this only worsened frustration under Johnson and deepened disappointment in Nixon.

The American people has been casting about rather confusedly for the means of grasping all this and recovering its poise. "One analyst returns to majority indifference and ignorance as the rock upon which a new America can be constructed," writes Neuhaus, reflecting on some

recently published books," another returns to the ethnic passions and prejudices of contrived nostalgia, yet another returns to the revivalist fundamentalism of Billy Graham, and [Arthur] Schlesinger (Jr.] returns to thinkering with the machinery of New Deal liberalism...."

Neuhaus then states: "There is yet another alternative and I believe it to be discovered in the civil religion of the american symbols of hope....We must project a new definition of national purpose capable of emlisting American consciousness ami conscience in the continuing trek toward the new community for which this 'almost chosen' people...was ordained; ordained, if not by God, at least by men prepared to gamble in hope upon divine intentions within history."

If it is a bit breath-taking to hear a modern scholar speak sotto voce of a new American theocracy, it is perhaps no more remarkable than the fact that this threatened Union once gave its vote to a president who could formulate the kind of judgment on the actional agony of civil war that Lincoln articulated in his Second Inaugural. Virtually no article on the civil religion can afford to omit the quotation that follows, and we shall have something to say about the reason for that.

The Almighty has His own purposes. 'Woe unto the world because of offenses, for it must needs be that offenses come, but we to that man by whom the offense cometh.'....Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of theLord are true and righteous altogether.'

The heart of Jew or Christian who is deeply pained by this nation's modern distresses responds to the moral splendor of that address and we

ardently wish to believe that the soul of the nation did truly speak in the voice of Lincoln.

A number of questions arise around the very complex idea of the "civil religion," and we shall be able to deal only with certain of them. For example, any concept designed to reconstitute the national spirit must be shown relevant to the precise nature of the present social crisis: but we cannot undertake a general social analysis preliminary to discussion of the civil religion. That would be useless in any case because the civil religion has still no determinate form. The particular phenomena brought together under the rubric "civil religion" are real enough, but it is altogether possible that these data would become more intelligible if arranged according to quite another comept than the civil religion. That, too, is a question we cannot penetrate here.

What is crucial for any concept of the civil religion is whether it is in reality what it professes to be, and indeed must be, if it is to function effectively in the midst of present American distresses.

What the civil religion professes to be and must be, we shall argue, is a purveyor of the sanction of the transcendent. The question raised in this paper is whether the civil religion possesses the integrity required to bring the sanction of the transcendent to bear on the American situation. Implicit in that question, inturn, is the question of whether it honors or damages the notion of religion itself.

The Civil Religion

The civil religion is a "social construction of reality," concedes

Professor Bellah, commenting in 1973 on his earlier article. "It was an
interpretation, to some extent a new interpretation, of various pieces of

evidence many of which were themselves first-order interpretations, first-order social constructions of reality.... The very currency of the notion of civil religion is the earnest of its reality.... Its reality depends less on the existence of certain things out there than on a consensus that it is a useful way of talking about things that are indubitably out there.... If another interpretation, another social construction of reality in the same general area, replaces the one I have offered... then the civil religion will cease to exist. "

At first Professor Bellah was somewhat less epistemological in his definition of the civil religion. "Few have realized that there actually exists alongside of and rather clearly differentiated from the churches an elaborate and well-institutionalized civil relligion in America," he wrote in 1967. "This religion — or perhaps better, this religious dimension — has its own seriousness and integrity and requires the same care in understanding that any other religion does." In 1967 he said, in effect: "Look! It has been there all the time and we didn't see it." In 1973, with more reserve, he said: "Look! Here is a concept that helps us understand." To which Neuhaus and others add: "Whatever it is, the country can be reconstituted by it."

What are the constituent elements of the civil religion?

Preeminent among them is transcendence. If the civil religion possesses, captures, communicates this, the term "religion" is justified. Sidney Mead has written: "The essential dogma of what I call the Religion of the Republic [is] that no man is God....A concept of the infinite seens to me to be necessary if we are to state the all important fact about man: that he is infinite."

In the terminological thicket that obscures this subject, no American value system which excludes the notion of the transcendent may be

identified with the civil religion. For example, Professor Herberg's notion of the American way of life. Hernerg cites a uniquely American corg eries of commitments - to democracy, a vaguely defined Supreme being, progress, idealism and moralism, affluence -- that go to make up the Mamerican way of life" - and there is no emd of dispute about just what that it. 8 In any variation, does that notion incorporate transcendence? The sort of transcendence most proponents of the civil religion have in mind is not a hard-working american's freedom to transcend himself by making good in a generally religious capitialism but the sort Lincoln was talking about in the Second Inaugural. A really transcendent transcendence, if you will. There is no shortage of religious rhetoric in American letters glorifying this country's great experiement but it may be doubted whether this confers u pon democracy anything more sacred than the emotions of a patriotic holiday. A most serious question a rises here, which we shall descuss in this paper: what are we to make of the difference between a romantic or philosophical vision of human and national possibilities which may be regarded as trascendent by some and that transcendent righteouesness of an autonomous God who judges nations, condems sin, invites repentance, and promises redemption?

Notions of transcamedence are articulated and conveyed through specific vehicles and the formative period of American culture is rich in myths affirming the destiny of new settlements and a new-born nation. Some early literature turns on the "Adamic myth" — the notion that the American is a new Adam, essentially innocent, called to implant a garden in a wilderness held empty trough the ages for God's new purpose. The theme of transcendence is embedded in the

notion of a special divine destiny — in this case, concentrated upon the American himself; in other myths, upon the nation. The new beginning conferred upon mankind in the American Adam is a gift of God comparable to the act of creation itself. It is something to be confirmed or lost according to the biblical laws that governed and eventually punished the first Adam.

Far more comprehensive, not only in concept but in its greater influence on American thought, is the myth of "God's new Israel." 10 On the model of ancient Israel, the American people is perceived as specially appointed to found a commonwealth essentially conformable to divine law. It will teach a corrupt and confused Europe the true will of God. The kinetic theme of this myth is the covenant: divine blessing contingent upon human obedience. The people must be cors tantly alert to the subtle intrusion of sin. The dangers of the Atlantic crossing, the strangeness of the new land, the threat of starvation, the savage inhabitants - against these God actively defends his people in this latter-day covenant drama. Thus the transcendent sanction of the divine will reaches every as pect of life, not only law and government. While the Enlightenment introduced less theological views of American destiny, the language of the Old Testament remained conspicuous in for example, Jefferson's utterances; and notions of natural law and self-evident rruth were furctionally analogous to the role of revelation in the biblical mythology. Thus the transcendent dimension was preserved as another faith begain to permeate the American mind.

The myth of the New Israel has had an important function in North American whenever depravity has threatened to corrupt the people

of the covenant. This was the weight of the Puritan jeremiad of the late 17th and early 18th centuries; Lincoln saw slavery as an American incubus; and one may say that crass commercialism obscured the obligations of the covenant once again when, after the Civil War, Lincoln's vision of the ways of God was lost in rampant economic advance. The problem, however, was that the mythod could be construed to justify worldly success as well as to recall the mation to obedience. What was the lesson of American prosperity? Was it not that God approved and rewarded its obedience? Then ought the will of an obviously blessed people be resisted? Certainly mot by Spaniards in Cuba and the Philippines!

In its American epiphany, the myth of the new Israel is not solely prophetic, as early notions of manifest destiny testify. Each American generation must decide what use it will make of the national mythology, and the notion of the new Israel may be worse than dead for lack of a prophet of divine transcendence — it has more than once lacked nobility. Without a Lincoh, it seeks a Carnegie. 11

There are other myths that operate in the American mind with great force and some have little or no religious rootage or history. Such is the concept of progress. The conviction that change is bound, on balance, to be for the better may be harmonized with barbeque interpretations of the myth of the new Israel but that is not its origin. The social gospel movement had an unblinking view of the crimes of industrial urbanism, yet it never doubted that these disgraces would be removed once the conscience of the nation was aroused, since progress itself was divinely ordained.

While a certain religious aura can be borrowed from the myth of the new Israel to enhance and legitimate the motion of progress, it represents a purely humanist commitment to mankind's potential for self-transcendence that contrasts markedly with Lincoln's sense of the all-right eous God judging the nation's deeds.

Civil religion depends very critically on its forms of expression. Without them, neither notions and feelings of transceadence nor myth and belidfecan become the property of the populace. The studies of Lloyd Warner, Bellah and others have concentrated on the deremonial and verbal expression of the vivil religion. Bellah concluded from his observation of religious allusions in public deremony that they contain enough consistency and functionality to justify their generalization as a civil religion with a distinctive his tory. He called it a "public religious dimension...expressed in a set of beliefs, symbols, and rituals...." 12

Public ceremony cannot be separated from belief and the myths that appear in presidential speeches are rich in specific belief content.

God is the Creator, man subject to his will, Christ is redeemer, this land is a garden, the people are his chosen, and the covenant is the metaphysical structure of American experience. Jeffersonians affirmed God as ultimate principle, nature as ground of law, truth as self-evident to reason, etc. All of this is widely varied as well as very specific and makes it difficult for the analyst of civil religion to establish its belief system. In the folk system, thebeliefs that have traditionally bulwarked the American social system are the doctrine of a personal God who knows what human beings are doing, belief that consequences of wrongdoing are ultimately inescapable, and belief that oaths are broken only at the risk of divine vengeance. These are not the principal points of the Christian religion but they occur within its system. There are other beliefs that Americans have

generally considered to rest on transcendent grounds: government may not expect obedience to "laws" that violate nature; majorities must prevail but not at the expense of the natural rights of dissenters; the right of revolution is inherent but only when basic rights are violated. In their own way, these beliefs articulate commitment to the transcendent as conceived by 18th century republicanism.

The civil religion is as substantially a world of belief as it is of tradition or ceremony. Bellah spells out a detailed the closy in analyzing the Inaugural address of John Kernedy and Head does the same with Lincoln's addresses. While Presidents usually refer to God without introducing blatently sectarian notions, their invocations of deity are futile if they do not motivate citizens to efforts constructive of the nation and deter them from actions hostile to it. For this there must be belief content in the civil religion. Nothing more vividly illustrates the union of definite belief with public motivation than the Battle Hymn of the Rorth, it invoked God as judge and identified the northern armies as divine avengers. Without this kind of quality and content, civil religion cannot function as public motivator, centroller, and guarantor.

Critique of the Civil Religion

The question of the viability of the civil religion as a concept may be reduced to a test of the adequacy of its grasp upon the transcendent. Clearly there are dangers. A nation's understanding of the transcendent must never be developed so that the nation sees itself as transcendent or sets national values in conflict with the interests of citizens (statism); nor impose American values and

interests on on-American peoples (imperialism).

While there exists no stable taxonomy of civil religions, we perceive distinct types. The first of these clearly identifies democracy as religion. J. Paul Williams in What Americans Believe and How They Worship Hirst cites the precent of Robin M. Williams that "every functioning society has to an important degree a common religion" and that "a society's common-value system - its 'moral solidarity! -- is always correlated with and to a degree dependant upon a shared religious orientation." He then calls upon the positive religions of the United States to recognize that "the spiritual core [and] heart of [America's] national existence" is a "democratic faith" and states: "democracy must become an object of religious dedication." Further: "government agencies mustiteach the democratic ideal as religion." There must be "an open indoctrination of the faith that the denocractic ideal accords with ultimate reality that democracy is the very Law of Life Recognizing the need for supporting public ceremonial, he cites the Mazi mass meeting as an effective model and equates communism, fascism, and democracy as ideologies equally suited to religious devotion."

The principal instrument for teaching the religion of democracy is, of course, the public school, which in Williams' system assumes the role of an American "state-church." Its principal doctrines Williams cites from A. Powell "avies: "...belief that man..can raise the level of his life indefinitely, making the world increasingly more happy, ore just, and more good; no fate has made him prisoner of his circumstances, no natural weekness has condemned him to be ruled by tyranny. The is meant to be free. Through the power of reason he can form intelligent opinions, and by discussion and debate can test them.

Knowing that trut h is precious above all things and the only safe guide to purposes and aims, the right to seek it must be held inviolate.

nature universal: that liberty is such a right, and that without liberty there cannot be justice; that, to ensure justice, the people should make the laws under which they live; that besides justice there should be benevolence and sympathy; that those doctrines of religion which beseech manking to practice brotherhood are right; that love must expel hate, and good will take the place of malice; that as well as zeal there must be patience and forbearance, and that persuasion is better than coercion; that none should hold the copie in contempt, or profame the sacredness of conscience, or deny the worth of human like; andfinally, that God and history are on the side of freedom and justice, love and right—courses; and nan will therefore, be it soon or late, achieve a world society of peace and happiness where all are free and none shall be afraid."

Professor Williams has done what his philosophy calls for: identified the right beliefs — and he does not recoil from the need to suppress beliefs and attitudes thus recognizable as hostile to the national values. This country has had its bouts with such problems; they have always been the test of liberty: the Mormon cases, refusals to salute the flag, thedebate of religion as a basis for conscientions objection. Precisely this debate over the right religion forced England to opt for religious toleration in the 17th century. And toleration was addpted in the name of one of Professor Williams' cardinal values, freedom of conscience.

War both North and South held specific doctrines which they believed had transcendent santion and soldiers on both sides proved willing to die

for them. To this conflict of religiously held civil values Lincoln spoke: "Both read the same Bible, and pray to the same God; and each invokes his aid against the other." But both prayers could not be answered. Lincoln concluded that the "Almighty has his own purposes." Worshippers of an autonomous God do not dictate to Him. To take God seriously is precisely to seek his will and obey it, not announce its correspondence with national or sectional cause. The powerful civil religions of the 1860's did not grasp the reality of God. He is not the guarantor of one side or another; is the judge of both and the vindicator of the oppressed. The paradox of the odern civil religion debate is that the supreme invocation of God in American public history precisely denied the civil religions then prevailing. Lincoln stood very much alone when he divorced himself from the clashing cause-religions and spoke of the divine on quite different grounds.

Robert Bellah, working from sociological assumptions, seeks to avoid the gross establishmentarianism of Williams. Bellah wrote in 1973: "Herbert Richardson argues persuasively for the importance, indeed the indispensability, of a notion of transcendence in a democratic polity. Such a notion provides the highest symbolic expression and legitimation for the openness of a genuinely participational publitical process. But it is essential that the transcendence which is a constitutive part of the democratic process remain symbolically empty, for particularity of content would operate to prevent precisely the openness it is meant to guarantee." Bellah commends Martin carty's distinction between civil religion and "public theologi" — varying beliefs expressed by specific religious traditions about national affairs which, notwithstanding their differences, are good for the country.

Bellah attempts to deal with the intolerable implications of .

Williams' government religion by denying it all specific content.

Against his background of oriental studies, Eellah remarks that the lahayana Buddhist concept of sunyata (emptiness) might serve America better than the symbol of the Biblical Jehovah. President Eisenhower is much congratulated by proponents of the civil religion for his presumed view that religion is important to the country but what people choose for religious doctrine is not. Such talk simply does not correspond with American historical reality. The American civil religion expounded by those who discern it is very much a matter of content. No civil religion in democracy can exist without at a minimum affirming that God being God and man being infinite, no authority can exist in human affairs for curcing free discourse.

The civil religion is built on the notion that religious beliefs have positive cash value for civil life. The Eisenhower principle means simply that any belief is acceptable provided its cash value for public affairs conforms to the national interest as judged, presumably, by existing custom, law, opinion makers, judges, and prosecuting attorneys. For example: belief in God cashes out to "democracy is sacred;" human finitude cashes out to "free speech is sacred;" God's justice cashes out to "minority rights must be vindicated."

American social history demonstrates, however, that numerous beliefs cash out negatively. The doctrine of creation has been nore than once cashed out to a ban on the teaching of evolution. The Genesis story of the creation of Eve out of the body of Adam has been cashed out to the precedence of man over woman. Belief that slavery isstaught in the Bible was once cashed to justify southern secession, and the northern

earth policy into God's vengeance on the sin of southern slaveholders.

One must conclude that since not every belief held among Americans is subject to politically favorable interpretation, government must define correct civil doctrines and repress teachings, eventhose of churches and sects, that foster harmful effects. The fantasy of contentless civil religion provides no refuge.

Any viable concept of the civil religion involves establishment. Williams

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candidly advocates curbs on religious freedom for the sake of
the benefits of a civilly oriented religion. Worse, from the
point of view of religion itself, is the debasement of transcendence
itself. That Lincoln rebuked in North and South, advocates of the
religion of democracy do: having decided what is true religion, they
call down the firestof transcendence upon it. But "the Almighty
has his own purposes." God is autonomous or he is not transcendent.

Professor Sidney Mead makes a more sensitive case than either Williams or Bellah, and his choice represents a second major option for civil religion. "These then are the fundamental beliefs on which the democracy rests: belief in God, belief in 'the people', belief in the woice of the people as the surest clue to the voice of God, belief that truth emerges out of the conflict of opinions....The only safeguard against [trespass of the majority on the rights of the minority] is the conviction that under God truth and right are no matters of majority vote. It is forthis reason that democracy without faith in God is likely to sink into demagogic mobocracy."

Mead denies Williams' proposition that "governmental agencies

must teach the democratic idea as religion." Democracy is not itself the destiny of man; it is good because it enables free people to "fulfil their destiny under God." Furthernore, democracy "rests upon faith in the God who is the only object of religious devotion — the Christian [sic] God of mercy and of judgment — the God of creation, of providence, and of history."

Mead notes that the reverence accorded the European state-church was directed by many immigrants toward the nation itself, since they could clearly not reverence the congeries of religions that made this nation different. This reverence, and its referent, Mead prefers to call the "Religion of the Republic:" the generally Christian religiousness which came to be associated with notions of American peoplehood and destiny. This must be clearly distinguished from the "civil religion" insofar as that term is equated with Williams and, to a lesser degree, Bellah. Head repudiates the consecrating role of civil religion; his religion of the Republic is prophetic and Lincoln is its archetype.

There is, however, a problem in Head's concept, whicht touches the central issue, transcendence. For Lincoln, the God who is above all gods, including the disputing sections of the American people, is the Transcendent, whereas for Head the transcendent is a dynamic national ideal operating in the minds of the people. It is no less prophetic on account of its immanence.

The 'worlds above the given world' are pictures in the great mythologies or dramas of thereligions, which hold before the people the ideals and aspirations which define their sense of destiny and turpose... The religion of this, our Republic, is of this nature. Therefore to be committed to that religion is not tobe committed to this world asit is, but to a world asyet above and beyond it to which this world ought to be conformed. The 'American religion,' contrary to Will derberg's much popularized an insunderstanding, is not the american way of life as we know anisomericance it... Seems thus the religion of the Republic is essentially prophetic, which is to say that its ideals and aspirations standing constant judgment over the passing shemanigans of the people....

The risks of public religion are clear to Lead: we must "assure ourselves that our attitude toward the nation does not become Holatrous; that the state does not become God; that the Republic does not become heteronomous vis-a-vis other nations."20 Mead speaks explicitly of a theology of the nation: "the theology of the synergistic and the onomous religion of the Pepublic stands against this idolatrous tendency equally with Christianity...." evertheless, Lead's own version of the theology of the public religion is derived from Whitehead, Tillich, and earlier republican views. In its own way, this reveals a characteristic of public religion in any form: it is a child of the American soul; it is a social and evolutionary phenomenon; it is not a child of revelation. Lincoln himself blended Biblical insights with republican commitments. It is certainly true that idealism may function to create powerful tensions in the mind of a people distressed with contemporaneous reality and this may be called "prophetic." The fact remains that there is a very wide difference between the Christian critique of transcendence idolatry of all sorts and that which proceeds from philosophical idealism. Transcendence is not exempt from the general truth that words can be given any meaning their users choose; but a specific religion with a stable "theology," even a religion of a "epublic, cannot equate the God of the Old Testament rision with the creature's of the republican age.

One cannot but return to Walter Lippmann with a certain sense of relief. Long distressed by the deterioration of public morale and polity, Lippmann analyzed and regretted the infidelity of America to its own "public philosophy:" his concern was with "the inner principles of [American

democratic] institutions." He never spoke of religion; for him, these principles had a power base of their own. Indeed, their power arose in part from their very immanence in the human mind. First among these immanent principles is the natural law and America's belief, derived from both the Enlightenment and medieval traditions that passed largely unquestioned into the Puritan heritage, that reality contains imperatives and sanctions which human beings violate at their peril.

A sort of "relative transcendere" characterites this view of reality.

Lippmann remarked that political ideas obtain legitimacy as they bind conscience. "Then they possess, as the Confucian doctrine has it,

the mandate of heaven.'" Lippmann is here a semantic breath away from contemporary expositions of the public religion, minus their claim on the sort of transcendence of which Lincoln spoke.

Lippmann is surely right in believing that the dissolution of an ennobling common philosophy of man and society puts any nation in danger of falling to pieces. But for all his steady telling of this truth, he awakened no power in the national soul to cure its sickness.

A new generation of scholars proposes to tap a traditional power source: the sense of transcendence that moved the New Model Army, Cromwell himself, and their successors in North America. The power of the transcendence they knew lies precisely in its "otherness" than anything known to human philosophy. For all the currency of early republican ideas in the New Model Army, its behavior was profoundly shaped by the notion that God disposes among the ambitions and whinsies of men.

This great mystery the proponents of the civil religion are attempting to recapture and apply on behalf of American national restitution. Such is the nature of the commitment, however, that it cannot be done by elevating the public philosophy of Lippmann

or any wersion of the civil religion to that plane of holiness which is required. If it were done, it would be a deception of ideas; and it would betray what we have learned from English and American history about the essence of religious liberty.

Public ceremonies may truly touch the mystic chords of American idealism but neither they nor the roblest public philosophy can be equated with the transcendence that stands forth in Lincoln's Second Inaugural: none other than the autonomous God who judges nations, causes, and religions in accordance with a will which, though often inscrutable, is always just and always vindicates the oppressed.

The transcendence for which the proponents of the public religion are reaching cannot be a characteristic of anything, whether doctrine or ritual. It is futile to promulgate something old or new and declare it transcendent. Transcendence is not "made in America." Noble themest and evocative ceremonies there are, but they are religion only as sociology defines it and possess a purely relative transcendence at best.

But God is not put to the uses of peoples and nations. All civil religions are intrinsically flawed because they would make use of God.

Such an intention extinguishes the fire that gives them life.

The discipline of religion, if not sociology, anthropology, and philosophy, is able to know that it is God who makes use of nations and that it is the part of the people to humble themselves.

I am fully aware that I speck from America's earliest Christian muth, as Lincoln did. On a sociological basis it is certainly possible to discern, devise, and even promulgate something that may be called a civil religion. The idea is postulated by that discipline.

Sidney Lead's thinking is finely tuned to the history of American

Christianity and its traditions of civility and liberty. But even he draws away from the religion that undergirded Lincoln's interpretation of the civil war and prefers, as civil religion inevitably must, the national idealism whose claim to transcendence is grounded in the theory of an immanent natural law. Yet between the natural law and the Creator and judge of the natural law there is fixed a great gulf. If American national restitution can be accomplished by a return of respect for the theory and myth of the natural law, well andgood; that is not a matter of religion, insofar as transcendence is constitutive of religion. But if it is true that the power to move nations lies with a God of ultimate and unconditional trarscendence, it would be more useful for scholars who seek the national restitution to help this not yet chosen people understand the judgment of God on the United States for its countless offenses against righteousness rather than promulgating the ritual and dogma of a religion of American denocracy.

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NOTES

- 1. "Civil Religion in America," Daedelus. 96:1 (Winter, 1967) pp. 1-21
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- 3. Op. cit., p. 33.
- 4. "American Civil Religion in the 1970's." American Civil Religion.

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- 5. "Civil Religion in America," loc. cit., p. 1.
- 6. "In Quest of America's Religion." Christian Century. 87:24.

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- 7. Protestant, Catholic, Jew. an "ssay in American Religious Sociology.

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- 8. Cf. John Dewey. A Common Faith. Terry Lectures, Yale University.

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- 9. Cf. R.W.B. Lewis. The American Adam. Chicago (Univ. of Chicago Press)
 1955. passin.
- 10. Conrad Cherry. God's NewIIsrael. Englewood Cliffs, N.J. 1971.
- 11. Andrew Carnegie. "Wealth." North American Review. 148 (June 1889)
 pp. 653-664.
- 12. Bellah, as cited in note 1. p. 4.
- 13. Bellah, "Civil Religion in America," as cited; Head, "Abraham Lincoln's 'Last, Best Hope of Earth': The American Tream of Destiny and Democracy." Lively Ecceriment. pp. 72ff.

- 14. What Americans Believe and How They Worship. Rev. ed. N.Y. (Harper and Rowe) 1952. pp. 484ff.
- 15. Man's Vast Future. Farrar, Strauss, and Cudahy. 1951. pp. 27ff.
- 16. American Civil Religion, p. 258.
- 17. The Lively Experiment. pp. 83, 86.
- 18. Toid., p. 83.
- 19. American Civil Religion, p. 60.
- 20. Ibid., p. 70.

AMERICAN JEWISH ARCHIVES Bicentennial Conference on Religious Liberty 1520 Race Street Philadelphia, Pa. 19102 Telephone: 215/563-2036

EMBARGO: NOT FOR RELEASE BEFORE DELIVERY 11:00 a.m., Friday, April 30

THE PROSPECTS FOR RELIGIOUS LIBERTY by Dr. Cynthia C. Wedel : President, World Council of Churches

We have thought about many aspects of religious liberty during this week -- what it means, how it has been enshrined in the laws and practices of this country, dangers to which we must be alert.

My assignment is to help us look to the future -- to see if we can doscern what life and society will be like during the third century of our history, and what place religious liberty may play.

Before looking to the future, I would like to put forward two propositions upon which my thesis depends. The first of these is a theological assumption -- that God made us free. As far as we know, human beings are the only part of the creation with freedom of choice. Everything else lives and operates according to built-in qualities or instincts. We alone can choose to do or not to do things. We can even decide to disobey, ignore or deny God. Since God (in the Jewish-Christian tradition) is both purposeful and good, there must be some reason for this unique gift of freedom. It is my assumption that God took the risk of creating a free being, knowing that we would almost certainly misuse our freedom, because the essence of God is love and he wanted to create love in the universe. Since love is not a "thing" but a relationship, the only way to create it was to create a being capable of love -- a being with whom God could enter into a relationship of mutual love.

God knew something about love which we human beings have difficulty learning or accepting. This is that <u>real</u> love, in the highest sense, can only exist in complete freedom -- when there is not the slightest element of power, force, or coercion. To make a love relationship possible, God had to limit his own power by

giving complete freedom to people.

With our limited understanding, human beings have always been desperately afraid of freedom. The God who made us and knows us better than we know ourselves, trusted us with freedom. But we do not trust one another. All of human history attests to this. From the beginning of time, human society has been organized with the powerful few making decisions and forcing the vast majority of humanity to accept and obey. The assumption that most people could not be trusted with freedom is very deep in most individuals and institutions. I believe that for this reason God has never been very pleased with the way we have structured our common life.

Out of this first proposition grows the second one. It is that religious freedom is the basis of all freedom. Human freedom comes from the fact that God made us free. Tragically, through most of history, the forces of religion have been as dominating and fearful of freedom as have governments and other institutions. Since God entrusted even the structure of man's relationship with him to his human children, we responded in a typically human way -- by a few seizing the power of religion and coercing everyone else through laws, rules, and even through persecution and force, to worship God in one or another specific way.

Religion has often been used also to reinforce the power of the state.

The fact that religion itself has been perverted by human beings to limit religious freedom may be responsible for the severe lack of freedom which has marked most societies in history. If and when the forces of religion come to understand and proclaim the God-given freedom of every human being, there may be hope for real liberty. It is no coincidence, but rather the operation of this principle, that the majority of the founders of this country were

"believing" people. Many of them were devout Christians. Some -like Jefferson -- could not accept the strictures of the churches of
that time, but were strongly deist -- believing with certainty that
there was a power operating above and beyond the life of this world.

A belief in a supreme being is clearly written into the Declaration of Independence, and into the Constitution which grew out of it.

Looking back over 200 years, we can marvel at the fact that the often intolerant religious people of the revolutionary era could take the bold step of forbidding the establishment of religion in the new nation, and to provide for liberty of individual conscience. It is hard for us, at the present time, to realize what a bold action this was. Everywhere else in the world they knew, religion and government were the same. The churches were supported by taxes, and clergy and people had to conform.

Through the past two centuries there have been many efforts by "religious" people to undermine the principle of separation of church and state. Many kinds of legislation have been proposed which would require Americans to conform to one religious point of view or another. Prohibition, prayers in the public schools, anti-abortion legislation are only a few of such efforts.

As we look to the future, it behooves the leaders of religion to consider carefully the requirements of true religious liberty. If any one of our religious groups had any hope that it might be able to become the established religion of the country, it might be tempted to try to achieve this status. The idea of being supported by tax money, and having special privilege and status, might look alluring, especially in times of economic recession. This is obviously impossible. But I believe that any church with sense would not choose that role even if it were possible.

With our freedom, and our almost frightening plurality of religious bodies in the U.S., we have also a far more viable religious sector of the population than any nation with an established church. Even our diminishing church attendance is spectacularly larger than that of other countries. The only places where religion is increasing rapidly today is in some of the developing countries who, like us, have freedom of religion written into their laws.

I suggested earlier that freedom of religion is basic to other freedoms. If this is true, we who are part of the religious establishment of this country have a major responsibility for protecting and extending religious liberty, in order to protect all of our precious freedoms. We cannot expect anyone else to do this for us. Nor -- in our pluralistic society -- can any one religious group do it alone. We must work together far better than we have ever done in the past.

What can we do to insure that the prospects for religious liberty will be good in the future? I will list seven things whih I have thought of. No doubt you can think of others.

- the God-given freedom of every individual to act according to his or her own conscience. Conscience -- a sense of right and wrong -- has to be cultivated, through experience, through the example of others, through teaching. The "content" of conscience depends on some sense of order and reason in the universe -- something beyond the rule of might or "the law of the jungle". How are our churches and synagogues handling the religious education of adults, parents, and children to ensure the development of "conscientious" citizens?
- 2) As religious bodies, we must pay more attention than we have in the past to learning to know and respect one another. We must encourage our diverse religious groups to develop, preach and

practice their own beliefs. We have seen some good examples of this in recent years when churches have come to the aid of other churches in trouble, even when they held stronly contrary beliefs -- because of concern for the principle of religious liberty. Many of our churches for whom pacifism is not a matter of doctrine, strongly support the "peace" churches in their witness.

- freedom of every human being, the religious people of this country must be the leaders in fighting for the rights of the poor and oppressed in our own and other lands. We had a short-lived moment of glory in the civil rights struggle of the early 1960's. But where are we now as we see educational, health and welfare programs -- which offer hope of freedom to the needlest citizens in our land -- being dismantled and destroyed? And where are we as our nation supports oppressive regimes around the world, and reduces aid to other countries except for armaments? If individual religious people and groups of Christians and Jews are not speaking out and acting for freedom and justice for others, we will have no right to claim help if our religious liberties are threatened.
- 4) We must be in the forefront of those who are working for humane and rational systems to maintain reasonable law and order. Individual liberty, in a mass society, cannot be unbridled license for everyone to do exactly what he or she pleases. There have to be <u>some</u> controls. But these must be fair, impartial, and compassionate. What are we religious people doing to improve our systems of justice? How much do we care about children who get into trouble (as long as they are not our children), or people who cannot afford to fight unjust arrest? How vigorous is our

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ministry to those in prison or -- almost more crucial -- to those released from prison ?

- 5) Arms and weapons are the basic tools of repression. Recognizing that a case can be made for the carefully controlled use of them by law enforcement officers or the military, how active are we in working for reasonable gun control laws? And how much is our voice being heard by the Congress as it votes far higher amounts for armaments than were spent in time of war? Surely, for every gun or bomb which may protect freedom, a hundred are used to destroy the freedom of others.
- 6) The founders of our country gave us a framework of freedom, and a remarkably flexible method of keeping our nation up to date. They were people of their time. They could not see, then, the need for freedom for slaves, or for the poor, or for women. We have begun to expand the areas of freedom -- and must continue to press on until freedom for these groups is real. And we must realize that we, too, are people of our time. With our religious concern for all of God's children, we need to be ready to stretch the boundaries of our imaginations to encompass other groups now the victims of discrimination or oppression -- the physically handicapped, for example, or the mentally retarded, the aged, or those who deviate from traditional sexual roles.
- 7) We may also need -- together -- to look critically at our own freedom as religious groups within the framework of our government. We enjoy our tax-exempt status, and like to think of it as a friendly gesture from a benevolent government. I do not question the motives of those who provided this benefit. They knew that churches and synagogues were vital for the moral and religious standards of the country, and wanted to help them. But the law which gives us the exemption also prohibits us -- and other

voluntary public interest organizations from any efforts to influence legislation, even though trade associations and other
special interest groups have no such restrictions. Some thoughtful legislators are trying to do something about this. Are we
aware of their work? Have we decided what we need and want?
Should we not be consulting together about this, seeing it as
a step forward in our own religious liberty?

Finally -- and basically -- our task of helping to form the conscience and sense of value of the American people must be taken much more seriously than we have taken it in the recent past. For without such individual responsibility on the part of informed citizens, no liberties are safe. Edmund Burke said it very well two hundred years ago:

"There must be a curb on human will and appetite somewhere.

The less there is within, the more there must be without. It is contrary to the eternal constitution of things that men of intemperate minds can be free."

Bicentennial Conference on Religious Liberty 1520 Race Street Philadelphia, Pa. 19102 Telephone: 215/563-2036

EMBARGO: NOT FOR RELEASE BEFORE DELIVERY Monday, 9 a.m., April 26, 1976

The Protestant Tradition of Religious Liberty

by Robert McAfee Brown

Professor of Religious Studies, Stanford University

Both the greatness and the limitations of the Protestant tradition of religious liberty can be encapsulated in the comment on an anonymous seventeenth century writer: "I had rather see coming toward me a whole regiment with drawn swords, than one lone Calvinist convinced that he is doing the will of God."

T

The greatess of this tradition is that the one who believes that God's will is being done through him or her is indeed freed up, liberated, to take risks, even to the point of death, for the sake of the convictions that inspire the action. No power, whether of the state, the church, or the conspiring forces of fate, need daunt such a person. Success or failure is not the ultimate tests; the ultimate test is fidelity to God's will, whatever the consequences. The Christian, as Christopher Fry has somewhere remarked, is one who can afford to fail. The will of God will be done; receden of expression and of action is given to the "one lone Calvinist," who acts not for the sake of self but ad majorem glorian Dei.

The <u>limitations</u> of this tradition are perhaps more readily apparent to non-Calvinists than are the advantages. The freedom the Calvinist has is not something the Calvinist easily grants to non-Calvinists, and the assurance of being the purveyor of God's will leads to an arrogance and intolerance that history has recorded with balefully complete documentation. The "one lone Calvinist," in fact, has sometimes called upon the "whole regiment with drawn swords," as a way of persuading others that he is not only the

instrument of the divine will, but that others had better acknowledge that instrumentality or be prepared to pay the consequences. Not all the heretics were burned in Spain.

when the one lone Calvinist is, in fact, the doer of God's will, he can still pervert that will by the unGodly way he exercises it. And there is always the possibility (sometimes hidden from the Calvinist) that he only the drep from the is doing the will of God, and is actually expressing nothing but his own will which he seeks to clothe with divine authority. If a Calvinist in full posession of the truth could summon fear, the Calvinist in error was positively terrifying.

The greatest danger in such a position is that those who believe themselves in posession of the truth will feel justified in imposing that truth by force upon those less fortunate, and will be unwilling to make the relationship reciprocal. Calvinists and Lutherand were not notable champions of religious liberty for others. Much of the recognition that such liberty belonged to all, and not just to a few, came from the small sectarian groups, the 16ft wing of the Reformation, who had the added incentive that being in the minority made it a matter of self-interest for them to insists on the rights of religious liberty for those in the minority. A principle, when compounded with a survival impulse, is a powerful principle indeed. So one must not try too leatly to create a case for historic Protestantism as the vehicle on which religious liberty rode into the arena of modern civilizat-Indeed, as Rabbi Gordis has argued elsewhere (cf. Scharper, ed., Torah and Gospel, Sheed and Ward, New York, 1966, pp. 99-133), religious liberty is more a gift of the secular tradition than of the religious one, and this is a salutary warming against claiming too much for one's own tradition, particularly when the latter (whether Protestant or Catholic) has been studded with instances of intolerance.

Many today would argue that our modern pluralistic situation is the

situation most conduicive not only to religious liberty but to civil liberty as well; since no single tradition can make exclusive claims for itself, there must be a liverand-let-live attitude on the part of all traditions. Such a foundation is premarious, however, to the degree that indifferentism is hardly a way of building enduring or significant loyalties. Its atmosphere, moreover, paves the way for the intrusion of fresh idolatries that are willing to capitalize on indifferentism, and impose themselves on unsuspecting peoples and nations before the latter are really aware that they have signed away by default the liberties they sought to espouse. The history of modern totalitarian systems is an eloquent illustration of this contention.

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The above remarks have seemed necessary to introduces a certain healthy circumspection, before proceeding to a discussion of the theological case for religious liberty that can be made from a Protestant perspective. I offer a preliminary comment and a substantive reply.

The preliminary comment is a reminder of what might be called the negative power of Protestantism at its best, i.e. its consistent warning against idolatry. In this insistance, Protestantism has drawn heavily upon the prophetic tradition of Judaism and upon a constant reiteration of the commandment, "You shall have no other gods before me." Whenever an uncritical allegiance is demanded for an institution, an ideology, a person, or whatever, such allegiance must be disavowed. This is the point Paul Tillich emphasized in the stress on "the Protestant principle" - the assertion that only to God can ultimate allegiance be given. All else can and must be challenged, criticized, attacked, examined, repudiated if need be. If an institution claims that its structure or its doctrine is an unambiguous expression of God's being or will, the claim must be denied, for the institution is not God. (This is the source of much of the historical Protestant vehemence against papal infallibility, though, curiously enough, some of the

those same Protestants gave allegiance to what could be called paper infallibility, i.e. that a given book, Holy Scripture, was beyond the possibility of error.) This principle serves as a bulwark against inordinate and idolatrous demands of the state, for, as the Westminster divines put it, "God alone is lord of the conscience." The signers of the Barmen Declaration of the Confession Church in Germany made clear in 1934 that to say "yes" to Jesus Christ meant saying "no" to Hitler.

This means also that one's jown statements of the truth, one's own institutional structures, must come under similar scrutiny and judgment, and this is the part of the Protestant tradition on religious liberty that has been most historically flawed. But this can be a self-correcting/resource to which appeal from within can always be made, even though those within apparently often need strong nudging from those without.

III

Let us turn now to the more substantive response to the problem. Here I shall use a statement of the World Council of Churches, which, since it km includes such a deverisity of Protestant and Orthodox groups, has to deal constantly with the issue of religious liberty. In addition to being an important statement in its own right, the quotation I offer is a safeguard against the "one lone Calvinist" syndrome.

At its first assembly in 1948 in Amsterdam, the World Council established various guidelines for religious liberty, on the basis of which discussion continued through the second assembly at Evanston in 1954, leading at the third assembly at New Delhi in 1961 to a clear statement of the theological rationale for religious liberty:

Christians see religious liberty as a consequence of God's creative work, of his redemption of man in Christ, and his calling of men into his service. Accordingly human attempts by legal enactment or by pressure of social custom to coerce or to eliminate faith are violations of the fundamental ways of God with men. The freedom which God has given in Christ implies a free response to God's love and the responsibe ility to serve fellow-men at the point of deepest need.

(in 't Hooft, ed., New Delhi Report, p. 159)

Several things in this compressed statement are worth comment:

- 1. The case is made in <u>positive</u> rather than negative terms. If is not said, "We really have the right to act coercively if we wish, but we will refrain from doing so." Rather, it is said, "BEcause of certain positive affirmations about how? God deals with us, a positive affirmation emerges about how we are to deal with one another." This position is a necessary consequence of the Christian faith, rather than a grudging concession to be extracted from it.
- 2. The case has <u>universal</u> rather than partial application. It is not said, "Under certain circumstances, we believe in religious liberty, i.e. when we are too few to be assured of it for ourselves, or when we are so many that we can afford to let the crazies sound off." Rather, it is said, "Under all circumstances, the claim to religious liberty is valid."
- 3. The case is based on the <u>central affirmation</u> about God, rather than on a peripheral theological affirmation. It is not said, "Because items a, b, c, and d are so, there is an inferential likelihood that item e, dealing with religious liberty, can be defended." Rather it is said directly and explicity, "Since God deals non-coercively with us, we must deal non-coercively with one another." To believe that god's pattern is one of freely affered love, and then seek to communicate that belief by a forced option, would deny the integrity of the entire enterprise. If God's will is not imposed by fiat, neither can ours be.
- 4. The case makes <u>demands</u> on those who affirm it. Religious liberty is not only liberty to proclaim, but also "responsibility to serve," and, indeed, to serve those "at the point of deepest need." Arrogance, superiority, condescension, are all ruled out.

This basic affirmation implies certain specific consequences, among

which are at least the following:

- 1. Religious liberty is a fundamental human right that should be universally recognized.
- 2. The state should not only recognize religious liberty but help to protect it.
- 3. No group, and particularly no church, can rightfully employ force or violence to propagate its point of view.
- 4. The right <u>not</u> to believe is also a right that must be acknowledged and safeguarded.
- 5. Each person not only has the right to interior conviction and private worship, but also to public expression of that conviction.
- 6. Freedom to give corporate expression to one's faith in voluntary public assocation, and in corporate acts of witness, proclamation, and teaching, must be protected.
- 7. One must be free to change one's religious convictions, if one so chooses, without fear of social, economic, or political reprisals.
- 8. The freedom one claims for onesself and one's group is a freedom that must likewise be extended to all other individuals and groups.

 (this list is a compilation of themes from a variety of World Council of Churches statements, conferences, resolutions, etc. It appears in the above form in Brown, The Ecumenical Revolution, Doubleday, New York, revised edition, 1969, p. 239)

IV

Further clarifications of the Protestant tradition of religious liberty are still needed in a number of areas:

liberty. Are there any such? How <u>much</u> can one claim as a right, in the name of religious liberty? If my exercise of that liberty involves the infringement of another's liberty, we have a problem. I may not invoke a Markan passage in defense of snake handling, claiming that the right is inherent in my understanding of revelation, when such an action jeopardizes the life expectancy of those in my immediate vicinity. More importantly, must a society grant religious liberty to a group or individual whose point of view would involve denying religious liberty to others if it had enough power to do so? (This was an earlier Protestant fear concerning Roman Catholicisma that Vatican II has safely put to rest. It may be a more real consideration in the future of the followers of the Rev. Sun Moon continue their present rate of conversion.) How much power should the state have in protecting religious liberty for its constituents, when the state might feel an

understandable reluctance to support those who claim that "God alone and not the state] is lord of the conscience"?

- 2. Another unfinished item of business has to do with the relation—ship of religious liberty to civil liberty. Is it enough to say that if we opt strongly for religious liberty, this will provide an umbrella under which concerns about civil liberty can be guaranteed? To claim the right to speak freely on behalf of Jesus Christ ideally ought to entail the right for someone to speak freely on behalf of a political candidate, or an unpopular viewpoint or a minority cause. De facto, of course, that is not always the case, and many in civil society may feel very uncomfortable with such a formulation.
- 3. This suggests, therefore, another item of unfinished business. A basic issue of theological methodology, with important practical consequences, may be at stake. Third world liberation theologiabs, for example, have required been argument forcefully in recent years that theological assertions grow out of engagement in the here-and-now, as "critical reflection on praxis," rather than being initiated by truths somehow handed down from on high.

 They might be very critical of the World Council statement as starting from the wrong end, and prefer the approach of Vatican II, which in its affirmation of religious liberty appealed first to claims that could be accepted by all thinking people, before stating a distinctively Christian position. Perhaps there needs to be more two way traffic on this street; statements about guarantees of civil liberties might also buttress claims about religious liberty. In a shrinking world, as WEXER more and more cultures and traditions must live together, the widest possible concensus on these issues must be sought.

Bicentennial Conference on Religious Liberty Eriends Meeting House, 4th and Arch Sts. Philadelphia, Pa. April 25-30, 1976

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ISSUES STILL CONFRONT PROTESTANT TRADITION OF RELIGIOUS LIBERTY

For release Monday, April 26, after 9 a.m.

PHILADELPHIA -- April 26 -- Further clarifications of the Protestant tradition of religious liberty are still needed in a number of areas, according to Dr. Robert McAfee Brown.

Dr. Brown, professor of religious studies at Stanford University who is joining Union Seminary in New York City as professor of ecumenics and world Christianity, was one of four theologians who addressed the opening session here today of the Bicenténnial Conference on Religious Liberty.

As one item of "unfinished business," Dr. Brown cited the "vesing problem" of limitations to religious liberty, and asked "must a society grant religious liberty to a group or individual whose point of view would involve denying religious liberty to others if the grop or individual had enough power to do so?"

Dr. Brown said this was "an earlier Protestant fear concerning Roman Catholicism that Vatican II has safely put to rest," but he warned that "it may be a more real consideration in the future if the followers of the Rev. Sun Moon continue their present rate of conversion."

The relationship of religious liberty to civil liberty poses another unfinished item of business, he said, "asking "is it enough to say that if we opt strongly for religious liberty, this will provide an umbrella under which concerns about civil liberty can be guaranteed."

- "To claim the right to speak freely on behalf of Jesus Christ," he observed, "ideally ought to entail the right for someone else to speak freely on behalf of a political candidate, or an unpopular viewpoint or a minority cause."

Still another item of unfinished business which "may be at stake" was described by Dr. Brown as "a basic issue of theological methodology, with important practical consequences."

Third world diberation theologians, he pointed out, have been arguing in recent years that "theological assertions grow out of engagement in the here-and-now... rather than being initiated by truths somehow handed down from on high."

"Perhaps there needs to be more two-way traffic on this street; statements about guarantees of civil liberties might also buttress claims about religious liberty," he said.

"In a shrinking world, as more and more cultures and traditions must live together, the widest possible consensus on these issues must be sought."

Dr. Brown told the conference participants that "the negative power of Protestantism at its best" is found in "its consistent warning against idolatry."

"Whenever an uncritical allegiance is demanded for an institution, an ideology, a person, or whatever, such allegiance must be disavowed," he said...

"If an institution claims that its structure or its doctrine is an unambiguous expression of God's being or will, the claim must be denied, for the institution is not God."

This is the source, he noted, of much of the historical Protestant opposition yo papal infallibility, although "curiously enough," he added, "some of these same Protestants gave allegiance to what could be called paper infallibility, namely, that a given book, Holy Scripture, was beyond the possibility of error."

Dr. Brown quoted a statement adopted by the World Council of Churches at its Third Assembly at New Delhi in 1961 as "a clear statement of the theological rationale for religious liberty." It said:

"Christians see religious liberty as a consequence of God's creative work, of his redemption of man in Christ, and his calling of men into his service. Accordingly human attempts by legal enactment or by pressure of social custom to coerce or to eliminate faith are violations of the fundamental ways of God with men. The freedom which God has given in Christ implies a free response to God's love and the responsibility to serve fellow-men at the point of deepest need."

The case, he said, "is made in positive rather than negative terms, has universal rather than partial application, is based on the central affirmation about God, makes demands on those who affirm it."

According to Dr. Brown, Calvinists and Lutherans were not "notable champions" of religious liberty for others, and "much of the ecognition that such liberty belonged to all, and not just to a few, came from the small sectarian groups, the left wing of the Reformation."

They had, he said, "the added incentive that being in the minority made it a matter of self interest for them to insist on the rights of religious liberty for those in the minority."

"A principle, when compounded with a survival impulse, is a powerful principle indeed," Dr. Brown stated. "So one must not try too neatly to create a case for historic Protestantism as the vehicle on which religious liberty rode into the arena of modern civilization."

Bicentennial Conference on Religious Liberty 1520 Race Street Philadelphia, Pa. 19102

PRESS EMBARGO: NOT FOR RELEASE BEFORE DELIVERY 9 a.m., Tuesday, April 27, 1976

BICENTENNIAL CONFERENCE ON RELIGIOUS LIBERTY

ARCHIVES

CONTEMPORARY AMERICAN EXPERIENCE OF CONSCIENCE AND DISSENT:

THE PEACE TESTIMONY

Dr. Edwin B. Bronner Librarian and Professor of History Haverford College

CONTEMPORARY AMERICAN EXPERIENCE OF CONSCIENCE AND DISSENT: THE PEACE TESTIMONY

As we commemorate the bicentennial of the American Revolution, we should not forget that there were a goodly number of religious objectors to the War for Independence. A testimony against involvement in war and violence, based upon the New Testament, was an important article of faith and belief in several churches, and most of the members of these denominations supported a pacifist position. So far as I know, the descendants of these sturdy opponents of military action have not created a social organization called the Descendants of Revolutionary Pacifists, or DRIPS, comparable to the DAR or the Soms of the American Revolution.

Two centuries ago pacifists were almost entirely limited to members of the German speaking pietistic sects, such as the Mennonites, Dunkers or Brethren; Schwenkfelders, and Moravians, and to the Religious Society of Friends or Quakers. While the different sects expressed their opposition to the American Revolution in various ways, they all took a stand against bearing arms, and many of their members suffered from the government and from their neighbors. Some were cast into prison, many paid heavy fines, and those who refused to pay fines had their property and goods seized by the authorities.

Some of the new state governments understood that the issue of religious liberty was at stake, and made efforts to respond to the consciences of the pacifists, but others were so caught up in the war that they ignored the rights of religious minorities. It was easy to confuse non-cooperation with disloyalty, and the pacifists who attempted to keep from being involved in the struggle were frequently labelled "Tories."

Members of the various sects, called collectively the Historic Peace Churches, made efforts to aid their fellow humans during these years; they were not content with merely opposing war. Some were active in nursing the sick and wounded, and the Quakers, aided by the German speaking sects, sent money and supplies to relieve the suffering of the people in Boston during the British occupation. The Quakers were also involved in efforts to find a solution to the crisis between Britain and the colonies, until negotiations were abandoned in favor of violence and talk of war.

Generally speaking, the practices followed by the states during were the American Revolution/continued by the national government in succeeding wars. When members of the Historic Peace Churches took a stand against participating in war, the government made efforts to recognize the rights of religious minorities by offering some concessions. There were always a few pacifists who were unable to accommodate themselves to the government's policy, and such persons suffered fines and imprisonment.

Between the wars various peace movements sprang up. Some of these organizations grounded their pacifism in religious beliefs while others were secular in spirit, basing their position on natural rights and humanitarian grounds. Although the latter movements were often more radical than the former, they shared one common characteristic: they tended to fade away in wartime. It was not until World War I that we see some sign of continued support for the peace testimony, even in wartime, outside the Historic Peace

Churches.

Three organizations which came into being during that period have made important contributions to the peace movement for more than half a century. The Fellowship of Reconciliation, created in England early in the war as an organization for Christian pacifists, was paralleled by the War Resister's League which tended to draw together pacifists outside the conventional religious movements. The Women's International League for Peace and Freedom, founded like the others on the European side of the Atlantic, sought to unite women from all backgrounds, including the Historic Peace Churches.

A vigorous peace movement developed between the two world wars, rallying large numbers of persons in organizations far greater than the three noted above. After the invasion of Poland in 1939, and especially after Pearl Harbor, the mood of the country changed, and pacifism became extremely unpopular once more. It has been estimated that approximately a half-million persons, or less than one-half of one per cent of the American people were committed to the pacifist position during the war years.

The efforts of the pacifists in the American Revolutionary period to prevent the outbreak of that conflict, and to provide for the victims of war were continued by the Historic Peace Churches, and later by other pacifist organizations. The Quaker leader George Fox set an example for others when he said in 1651 that he "...lived in the virtue of that life and power that took away the occasion of all wars." The efforts to deal with the causes of wars, as well as the devastation caused by them, were institutionalized by the creation of the American Friends Service Committee in 1917. The Mennonite Central Committee and the Brethren Service Committee were formed in the following years, and similar bodies have been created by members of other religious faiths.

The relief and reconstruction work of the various service bodies is well known, and would not need to be enlarged upon here except for one issue. Pacifists have refused to distinguish between the two sides of a conflict, they have helped the suffering on both sides. During the war in

Vietnam peace groups repeatedly had trouble with the government of the United States over providing medical supplies and other relief goods to suffering civilians of both South Vietnam and North Vietnam and her National Liberation Front allies. The unauthorized sailing of the Phoenix for Haiphong in 1967, loaded with medical supplies, drew worldwide attention to the conflict between the conscientious concern of pacifists for all humanity, and the policy of the state. A similar confrontation between the American Friends Service Committee and the U.S. government over sending relief goods to North Vietnam took place as recently as November, 1975.

Pacifists have also been active in attempting to "take away the occasion of wars" through a variety of efforts. They have organized conferences to discuss particular issues, especially the Diplomats Conferences for junior level diplomats from various countries. On many occasions they have formed missions to go to a troubled spot to explore the issues and help in seeking solutions. Working parties have spent months studying conflict situations and they have published their findings in books such as Speak Truth to Power (1955), and A New China Policy (1965).

Such projects are part of a conscious effort to say something constructive, and to do something useful to help avert war and violence before it occurs, instead of waiting to bind up wounds afterwards. Today pacifists struggle with the dilemma of how to change exploitive, despotic societies by non-violent means. For example, they are looking at conditions in Latin America and elsewhere which cry out for revolutionary change, and seek to find creative, non-violent solutions.

Nor do those who endeavor to put their peace testimony into practice

turn their backs on evil in American society. The areas in which work is being undertaken include education, environment, race relations, and individual freedom. Pacifists today, like those of other generations, are caught up in a whole list of social concerns, and seldom limit themselves to the issues of militarism and war. The American Friends Service Committee is currently undertaking a project called "Government Surveillance and Citizen's Rights" which is aimed at protecting the rights and privacy of individuals. Even though Quakers are reluctant to go to court, they have joined in lawsuits against the F.B.I, the C.I.A., and other government agencies.

The Atomic Age, which is now in its fourth decade, has brought about a decisive change in the peace movement in this country and around the world. Ever since the bombs were dropped on Hiroshima and Nagasaki in 1945, countless human beings have sought ways to end the armaments race and to create an enduring peace. The proliferation of nuclear armaments has intensified the desire to persuade governments to lay aside both nuclear and conventional armaments and evelop a community of nations. Non-violent direct action at experimental stations and at testing sites in these years drew crowds of demonstrators and large groups of supporters. The National Committee for a Sane Nuclear Policy (SANE), and the Committee for Non-Violent Action (CNVA) were two of the organizations which sprang into being as people sought ways to make their feelings known. Civil disobedience, as a powerful way to express opposition to government policies, including nuclear testing, became more common than before. When the Colden Rule sailed into the South Pacific in 1958, invading the waters of the zone restricted for nuclear testing, the news media around the world carried the story of pacifists defying their government for conscience' sake.

The war in Vietnam was a unique experience in the history of the

United States; it created a series of new issues, intensified some old ones, and continues to generate difficulties long after our involvement was supposedly ended.

Because the war was unpopular with a majority of the American people, the climate in which the peace movement operated was entirely different from anything the nation had ever experienced. All sorts of peace organizations sprang up, many more radical than the older, established bodies. Hundreds of thousands of persons gathered on a single day for demonstrations in Washington, New York or San Francisco. Millions of letters were written to Members of Congress, to the Defense Department and to the White House, Dozens of members of the Senate and House openly denounced the government policy in Vietnam, a far cry from World War II when Jeanette Rankin was the sole Member of Congress to voice opposition to that conflict.

Traditionally, pacifists had only broken the law when they felt compelled to take such action by a "higher law," the law of God, and they were prepared to accept the punishment meted out by the government for their action. Because this was the case, many found it difficult to understand young men opposed to conscription, who resisted the military by disappearing into the underground, or by migrating illegally to some other country. They disagreed with those who argued that an immoral government, fighting am illegal war, had no right to make claims upon them. Nor could traditional pacifists condone the policy of cheating on taxes on the grounds that an individual need not feel obligated to pay an immoral tax, levied to cover the costs of an illegal war.

They were often critical of those who perpetrated acts of violence while expressing their opposition to the war. The tactics used by some war opponents, such as physical attacks upon persons and property drew censure from others. When a few resisters resorted to bombings, some of them fatal, members of the peace movement felt called upon to disassociate themselves from such actions.

Where there had been a few thousand conscientious objectors to World War II, there were hundreds of thousands of men who resisted being drawn into the Vietnam war. While a large proportion of the CO's in the 1940's were willing to do alternate service, now the vast majority refused to cooperate in any fashion. Draft cards were returned to the government or they were burned, often at public occasions, as men from many walks of life refused to serve. Tens of thousands deserted from the armed forces, once they had been enrolled, and many others undertook to obtain recognition as conscientious objectors by legal means. There is no agreement to this day on the number of young Americans who deserted from the armed forces, who failed to register for the draft, or who refused to appear for induction; nor do we know how many fled from the United States to avoid involvement in the war.

While many in the peace movement agreed that the government of the United States needed to be changed, needed to be made more responsive to the citizens and less beholden to powerful interests, they were not ready to tear down the existing government and enter a condition of anarchy.

Neither were they prepared to support the North Vietnamese and their N.L.F. allies, the stance taken by some radical opponents of the war. Pacifists did

recognize, however, that the seeds of anarchy, of near treasonable support of the other side, were to be found in a wicked war, waged by an evil government, with the acquiescence of a sick society.

If war resisters sometimes resorted to illegal actions in their efforts to oppose the war, the same can be said of government officials. They often violated the rights of persons seeking to protest in a peaceful manner. They used various illegal means to accumulate information about both individuals and organizations opposed to the war. The government tended to confuse opposition to the war with disloyalty, and the fact that a few war resisters appeared to favor North Vietnam heightened this feeling. Pacifists sometimes felt that their treatment at the hands of the government was reminiscent of conditions during the American Revolution two centuries ago.

After the Vietnam agreement had been signed, most of the persons who had joined in the protests turned to other issues such as ecology and the protection of natural resources, to political reform through Common Cause, or to the struggle against poverty and racial discrimination.

The peace movement shrank back to something like its normal size, namely quite tiny. Today it finds that most Americans do not hear what it is trying to say, and have no desire to listen.

The public is tired of hearing about the dangers of an atomic cataclysm, and nothing which anyone can say about this danger seems to make any difference. The proliferation of atomic weapons in the hands of more nations would seem to increase the probability of catastrophe, but few heed the warnings.

Suspension of the draft in 1973 took most of the fire out of

resistance to conscription, and the announcement that a new registration would not take place in March of this year was another step in the same direction. Some effort against the volunteer army continues, as does opposition to the creation of junior ROTC units in the high schools, but these projects elicit little public support.

A spirit of internationalism has always permeated the peace movement, and one important manifestation of this spirit is support of the United Nations. In a period when there is much criticism of the U.N., for a variety of reasons, most pacifists continue to support this international organization as a step in the right direction, despite its weaknesses. The American Friends Service Committee, which has maintained a strong U.N. program for a quarter century, has just issued a new publication, The United Nations and Human Survival, in am effort to explain what it is accomplishing, especially in non-political areas, and to rally public support.

A few pacifists continue to refuse to pay that portion of their taxes which go for the military program, and the government has continued its campaign to bring tax violators before the federal courts. But tax refusal has never caught on with very many persons, even many who regarded themselves as pacifists continued to pay, albeit reluctantly, and the average citizen never really understood the position of tax resisters.

There has been an increase in the number of persons who decided to oppose the system by withdrawing into life certers or communes to live the simple life as a testimony against the extravagance, the waste, and the selfishness of the contemporary scene. While one can honor such persons for their intentions, it seems clear that they are not succeeding in

persuading many others to join them.

Those who have long held firmly to the peace testimony continue to call for ammesty for war resisters, and this is one area in which they have some chance of success.

Even though pacifists did not always agree with the actions of many of the war resisters, they are united today in demanding that they be given amnesty. It is obvious that many have suffered a great deal for their stand, and it is also clear that no positive good can be achieved by refusing to grant them amnesty at this time.

The granting of ammesty is an American tradition. The Tories of the American Revolution were granted ammesty, and many settled back into their old patterns of life; some returned from exile in Canada or Britain. President Washington was quick with offers of ammesty after the Whiskey Rebellion in 1793, and both Lincoln and Andrew Johnson offered ammesty after the Civil War. More recently, ammesty was granted after World War I and World War II.

The limited program of ammesty offered by President Ford in 1974 looked grudging indeed, compared with the magnanimous pardon extended to Richard Nixon a few weeks earlier. Nothing more has been accomplished in this direction, although there has been a great deal of discussion about the issue. There have been nineteen bills introduced in the 94th Congress, but debate has concentrated upon H.R. 9596 introduced by Congressman Robert Kastenmeier of Wisconsin, While this bill does not go far enough to satisfy all ammesty groups, it is fairly liberal, and has a chance of being passed. Other bills, providing general and unconditional ammesty have been introduced by Representative Bella Abzug, by Representative Ronald Dellums, and by others.

Most of the major religious groups have issued statements on this vexing issue, but, as one would expect, the positions taken by various bodies differ in content. However, all of the statements recognize the need to settle the ammesty question as soon as possible, for as long as up to one million men live under a cloud created by the Vietnam War, the nation will not be able to put that traumatic period behind it.

If this Conference feels ready and able to issue any statements at the conclusion of this week, it might well consider a resolution calling for a general amnesty.

The men and women who proclaim their support of the peace testimony are faced with many challenges, and look forward to future years of effort to persuade their fellow citizens and their government that the way of non-violence is the only and best way. They continue to oppose the great military budgets, and especially the new projects, such as the B-l bomber. They continue to defend the rights of individuals against a powerful state. They continue to believe that human beings are capable of living in harmony with one another through the power of the Divine Presence. Like their spiritual ancestors of 200 years ago, they are working to bring about the Kingdom of God on earth as quickly as possible. Faced with some of the dangers which threaten humankind, they can do no less.

Edwin B. Bronner
Haverford College
Professor of History

Release BC - 2

PRESS ROOM - Erik Modean, Dorothy Rensenbrink William Epstein, Donn Mitchell

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SOCIAL INEQUALITY THREAT TO AMERICAN DEMOCRACY

For release Wednesday, April 28, after 9 a.m.

PHILADELPHIA -- April 28 -- America has developed into "an immensely unequal society" and has moved "far along the path to becoming a nation of the few, by the few, and for the few."

That warning was sounded here today by Dr. John C. Raines, associate professor of religion at Temple University, at a session of the Bicentennial Conference on Religious Liberty devoted to contemporary issues of church-state relations.

Dr. Raines told some 400 participants in the conference that "we were never so much an open society as a wide-open society, consolidated not by distributive justice but by expanding the field of available opportunities."

"We enlarged the pie; we didn't change the way the pie was divided up," he said... "The pie grew for everyone -- not just those in the middle, and the top two percent had about the same size piece to divide as the middle 70 percent of us."

As a result, Dr. Raines noted, the top one percent of our population holds fully 28 percent of all the personally owned wealth, while the top two percent owns 44 percent and the top 10 percent owns 56 percent of all the wealth.

"The Land of Promise has become a land where 1.5 percent of us leave estates averaging \$135,000," he said, "while the rest of us 98.6 percent leave an average estate of \$7,900."

Dr. Raines said he cited the figures "not to beget pecuniary envy" but to "sound a warning about our threatened democracy."

"Concentrated wealth translates easily into concentrated social power," he observed, "power than can be, and has been, used to pay for elections, to buy friends in Washington, and to purchase income tax and estate tax laws that benefit the few at the expense of the many."

Charging that "as a nation we have purchased decency for the many by expanding our economy, but without attending to the just distribution of its fruits,"
the speaker said "the result is today we have nearly lost our democracy."

As originally conceived, according to Dr. Raines, religious liberty "had to do with religion; but it also had to do with politics," and, like the right to free speech and free assembly, "said something about how we chose to govern ourselves as a people."

"Today, he added, "it is fast becoming simply a pious sentiment, a private practice dwelling upon the outskirts of society, with little of what was once its immense social impact and importance."

"At one time religious liberty did have public power. In fact, it was the very cradle of our public freedoms. Church and synagogue were where we formed and protected that pluralism of conscience which guarantees lively public discourse. Church and synagoguge — the companionship of fellow believers — broke open society, encouraging that inner dialogue of conscience, that complexity of loyalty, which alone produces a vital people and a vital democracy."

Asserting that religious liberty and political liberty "are inextricably intertwined," Dr. Raines said that without the former "there is no complexity of loyalty, no dialogue of conscience." And without the latter, he added, "religious liberty is reduced to a sideshow...then becomes only a private consolation, while all around it the public disaster continues."

[&]quot;And what is that disaster?" he asked his audience, "Are we not told that Watergate proves our Constitution still works?"

[&]quot;Watergate is in fact alive qud well in Washington," he asserted. "The bigtime flim-flam of buying political influence continues. And it flourishes as well
amongst Democrats as with Republicans. Let us make no mistake. Let us take no
false comfort. Our Constitutional crisis lies not behind us, but ahead."

Warning that "we have come perilously close to the destruction of our political democracy," Dr. Raines concluded:

"Religious liberty has to do with religion. But it also has to do with the way we have chozen to govern ourselves as a people. Those of us who prize and would preserve our heritage of religious liberty have been drawn into a time of fundamental testing. We are back where we were 200 years ago. We have yet to secure the right to be free."

The Bicentennial Conference on Religious Liberty, is the only national conference concerned with the study of Constitutional guaranteea of religious liberty and the rights of the independent conscience scheduled during the Bicentennial year of 1976.

The conference is sponsored by the Metropolitan Christian Council of Philadelphia, representing area Protestant and Orthodox churches; the Roman Catholic Archdiocese of Philadelphia, and the Board of Rabbis of Greater Philadelphia.

THE THE PARTY

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GAY RELIGIOUS LIBERTY

The Philadelphia Gay Religious Caslition, including gay cascuses from within the Protestant, Roman Catholic, and Jewish traditions, will participate in The Bicentennial Conference On Religious Liberty this week in Philadelphia. A panel of representatives from The United Church Of Christ, Integrity (Gay Episcopalians), Dignity (Gay Roman Catholics), Beth Ahavah (Gay Synagogue), and Metropolitan Community Church (nondenominational) will dialogue with people from the floor on the question: "Why is there a necessity for gay religious organizations in 1976?" These discussions will take place on Wednesday April 28th from 2:00-3:15 p.m. and 7:30-9:00 p.m. in Room 3A-B on the second floor of the Friend's Meeting House, Fourth and Arch Sts. in Philadelphia. These discussions will be preceded by the 30 minute film "Position Of Faith", which describes the recent struggle within the United Church Of Christ over the ordination of William Johnson. He is the first avowedly homosexual person to be ordained by a major religious body. All delegates and the public are invited to these discussions.

Literature on the major gay religious caucuses in the Synagogues and Churches will be available at the main literature table at Fourth And Arch Sts. Representatives from these organizations will be present throughout the Conference to foster understanding of gay Christians and Jews in the context of religious liberty.

Bicentennial Conference on Religious Liberty 1520 Race Street

Philadelphia, Pa. 19102 Telephone: 215/563-2036

EMBARGO: Not for release before delivery 9 a.m., Wednesday, April 28,1976

-- Religious Liberty and Social Inequality --

by John C. Raines
Associate Professor of Religion
Temple University

In New York harbor on the base of the Statue of Liberty we find this familiar inscription:

"Send me your tired, your poor, your huddled masses yearning to breathe free, I lift my lamp beside the Golden Door."

Notice, it was a golden door, not a wooden one.

The "shot heard round the world" was not fired at British troops at Concord, Massachusetts. It was, instead, the promise of the Land of Promise, the promise of the American Dream. And it was heard round the world! Millions came to our shores seeking freedom from religious and economic oppression. In the hundred years between 1800 and 1900 our country grew more than ten times: from 3 million to over 35 million people. In that hundred years we became a nation of many nations, held together by a dream.

The American Dream began as an explosion of self-confidence. It was the boistrous and proud proclamation of a New World. Unlike the old world, where privilege came with birth, and everyone knew where they belonged, in America people were to be unshackled from the bondage of previous generations. Ours was to be a land not of family fate, but of individual freedom. No one was to have the unfair advantage of simply being who they were--by birth, by name, by the accident of parental status. In America everyone was to be only what they could become.

This set loose an amazing expansion of self-esteem. It broke through the sedentary and determined quality of old world societies, where heart and vision were tamed early. It set loose the energy of a vast yearning--the promised chance

of everyone to find a place in the sun. Yes, there was a freedom to our land which in the eyes of much of the world made us, and still makes us, vastly appealing.

Yet, it was an ironic freedom. Permitted to be only what we could become we were never secure with who or where we were. We pursued our hopes. But in some curious way we were also pursued by our hopes of what someday we might yet become. There was a nervousness in it all which swelled our need to consume, billowing and bulging our economy.

Indeed, it was only this rapidly expanding economy that made the Dream work. The truth is that the Land of Promise sought to keep its promise not by a relative equality of belonging. No, over the years the shares of wealth remained highly concentrated and essentially unchanged. Rather, we made room for our restless millions expanding the field of economic opportunity. We enlarged the pie; we didn't change the way the pie was divided up. Which is to say, we were never so much an open society as a wide-open society, consolidated not by distributive justice but by expanding the field of available opportunities.

In a way, this worked well enough. Over the years and generations people improved their life styles. But it also didn't work. As a nation it led us into this fundamental contradiction. Our expanding economy provided relative decency for the many. But this same economic growth amassed immense wealth at the top of our society. The pie grew for everyone — not just those in the middle, and the top 2 percent had about the same size piece to divide up as the middle 70 percent of us. Meanwhile, we average citizens lived-up into our slowly rising incomes. Over the generations we bought a house, moved to the suburbs, got a second car, and started sending the children to college. But a very few got wealth beyond their need to consume, wealth that could be used massively to beget more wealth.

The result is that today the top 1 percent of our population holds fully 28 percent of all the personally owned wealth. The top 2 percent owns 44 percent and the top 10 percent owns 56 percent of all the wealth. The Land of Promise has become a land where 1.6 percent of us leave estates averaging \$185,000; while the rest of us 98.6 percent leave an average estate of \$7,900. We have become, you can see, an immensely unequal society.

I draw our attention to these figures not to beget pecuniary envy, not to berate the wealthy. No, many of the wealthy got their wealth by hard work and, often enough, by lucky timing. Rather, my purpose is to sound a warning, a warning about our threatened democracy. Concentrated wealth translates easily into concentrated social power, power that can be, and has been, used to pay for elections, to buy "friends" in Washington, and to purchase income tax and estate tax laws that benefit the few at the expense of the many.

This is the message of Watergate--not the personal moral failure of certain individuals. No, Watergate displays the massive "You-scratch-my-back-and-I'll-scratch-yours" that goes on routinely between big money and big politics. Officers of International Telephone and Telegraph Company offering \$400,000 to help finance the Republican Convention in 1972, hoping thereby to buy-off, a Justice Department probe--and they succeeded. The American Dairyman's Association promising millions in campaign contributions if favored by legislation that would line their own pockets while gouging the American housewife--and they succeeded!

As a nation we have purchased decency for the many by expanding our economy, but without attending to the just distribution of its fruits. The result is that today we have nearly lost our democracy. In 1966, 45 percent of us agreed with the statement "the rich get richer and the poor get poorer". By 1973, 76 percent of us agreed with that statement. And still the politicians

do nothing, except, of course, to help themselves to the gravy...

Yet some might ask, "What does all this have to do with religious liberty?" "So long as we can gather to praise the God of our choice, so long as we can come together to air our complaints, aren't we still free?" Yes, I answer, we are free to say. We are free to sing and pray. The only thing We The People are not free to do is to govern.

As originally conceived, religious liberty had to do with religion; but it also had to do with politics. Like the right to free speech and free assembly, originally religious liberty said something about how we chose to govern ourselves as a people. Today, it is fast becoming simply a pious sentiment, a private practice dwelling upon the outskirts of society, with little of what was once its immense social impact and importance.

At one time religious liberty did have public power. In fact, it was the very cradle of our public freedoms. Church and synagogue were where we formed and protected that pluralism of conscience which guarantees lively public discourse. Church and synagogue--the companionship of fellow believers--broke open society, encouraging that inner dialogue of conscience, that complexity of loyalty, which alone produces a vital people and a vital democracy.

All this is now threatened. To talk about religious liberty and the rights of a free conscience means, necessarily, to address the underlying social fabric within which these rights must take hold if they are to be real. Where that underlying social fabric, because of concentrated wealth and power, is effectively closed to the participation of the people, religious liberty becomes a kind of shadow of its intended meaning. It loses its foothold in the world of human affairs.

That is our situation today. Concentrated wealth and power move effectively behind the scenes to undermine and fictionalize the people's participation in electoral politics. Influential interests advance their cause through the insider's game, through the pressure system, a system of organized interest groups to which 90 percent of us have no access. The result is that religious liberty suffers a profound deformity. It loses its social referent.

This was not how it was meant to be. Like freedom of speech, religious liberty was viewed by our Constitution makers as essential to our other public freedoms, to our whole way of governing ourselves. As the cradle of the dissenting conscience, religious liberty, our founding fathers believed, required a sufficient distribution of social power for that dissent, if persuasive, to take hold and become politically effective.

Today, the concentration of decision making power--both economic and political--undermines all this. It leave religious liberty a kind of abstraction, a fertile seed without receptive ground to fall upon. It makes religious liberty into something merely private and religious. Of such an eventuality, the prophet Amos has warned us.

"I take no delight in your solemn assemblies,

Take away from me the noise of your songs;
to the melody of your harps I will not listen.
But let justice roll down like waters,
and righteousness like an ever-flowing stream." (Amos 5:21ff.)

Religious liberty and political liberty are inextricably intertwined. Without religious liberty, there is no complexity of loyalty, no dialogue of conscience. Everything becomes a monologue. And as Albert Camus has seen, the very essence of tyranny is to "reduce everying to a monologue," to establish the rule of the single voice.

On the other hand, without political liberty, religious liberty is reduced to a sideshow. It is tolerated, indeed even encouraged, only because

it has ceased to be politically significant. Religious liberty then becomes only a private consolation, while all around it the public disaster continues.

And what is that disaster? Are we not told that Watergate proves our Constitution still works? Well, I am here to say that Watergate is in fact alive and well in Washington today. The big-time flim-flam of buying political influence continues. And it flourishes as well amongst Democrats as with Republicans. Let us make no mistake. Let us take no false comfort. Our Constitutional crisis lies not behind us, but ahead. We are far along the path to becoming a nation of the few, by the few, and for the few.

In the Land of Promise we were promised "the chance to become somebody."

But we purchased that chance at the price of our public freedom. We expanded our economy without attending to the just distribution of its fruits, with the result that we have come perilously close to the destruction of our political democracy.

Religious liberty has to do with religion. But it also has to do with the way we have chosen to govern ourselves as a people. Those of us who prize and would preserve our heritage of religious liberty have been drawn into a time of fundamental testing. We are back where we were 200 years ago. We have yet to secure our right to be free. Bicentennial Conference on Religious Liberty Friends Meeting House, 4th and Arch Sts. Philadelphia, Pa., April 25-30, 1976

Release No. BC-6

PRESS ROOM -- Erik Modean, Dorothy Rensenbrink, William Epstein, Donn Mitchell

Phones: 923 - 4412/13

WOMEN'S FREEDOM SUBMERGED IN PATRIARCHAL RELIGION

For release Tuesday, April 27, after 9 a.m.

PHILADELPHIA --April 27--The Bicentennial Conference on Religious Liberty began here by commemorating the six million Jewish martyrs of the Holocaust, but there is another holocaust which very few memorialize," a feminist scholar told participants in the interfaith event.

"What happened to thousands of women in Europe from the 5th to the 17th centuries has been historically expendable," asserted Janice Raymond, assistant professor of women's studies and medical ethics at Hampshire College in Amherst, Mass.

The lowest estimate of the number of witches burned in Europe during these years is 300,000, she said, the highest nine million, and, she observed "Salem disposed of twenty."

"Moreover, in Europe, witches were persecuted just as fiercely in Protestant territories as they were under the Roman Inquisition and Counter-Reformation," she added. "Where has this history gone?"

Dr. Raymond said the witches, established by res arch as the remnant of an earlier pagan religion that was female in origin, were persecuted by both faiths because "they constituted a religious threat to Christianity and a woman-centered religion specifically."

While many women have participated in the founding of the nation and played an historical part in the nation's evolution of religious liberty, according to the speaker, "until recently, these women have been almost buried in the annals of patriarchial history."

All of them, she noted, "essentially adhered to a Christian framework, albeit an unorthodox and often-branded heretical version of Christianity."

Dr. Raymond denied "any passion for fitting such women into the mainstream of patriarchial religious history or even its rebellious left-wing" as this "has been and will be eminently done by others in this time of bicentennial absorption."

"There will be many events, celebrations, and writings," she said, "which will attempt to say that women were really there, that women did their part too, and that it is time 'we' recognize, assimilate, legitimize their religious disseent. Patriarchy has burned its Joan of Arcs only to canonize them when history needed to be adjusted."

Dr. Raymond pointed out that religious liberty "has consistently meant freedom to worship a male god...has often meant the domestication of women's energy by false inclusion...(and) has had little to do with autonomous woman-centered religion where the whole framework has essentially changed."

Referring to the recent First National Conference on Women's Spirituality in Boston, she said it became clear in the various sessions that many, if not most, of the 2,000 women present had been "non-believers in both western and eastern androcentric religion."

"Many of the sessions during the conference made profound connections," she declared, "between spirituality and politics, pointing out that the basic power of the social and political institutions and patterns thave have oppressed women has been its 'religious' ability to grip us at ultimate levels of power and worth."

In Dr. Raymond's opinion, "many feminists perceive the oppression of patriarchal religion and culture as a battle with principalities and powers."

"There is no other adequate way of explaining the hatred of women by men that has permeated such religion and culture," she said, "and which has, in turn, generated the rape of our bodies, minds, and willso"

Many women, the speaker told conference participants, "are beginning to realize that a profound religious vision is needed to exorcise the social and political demons of patriarchy."

Recent developments, she added, "are demonstrating that the religious dimensions of the Women's Movement are beginning to surface" and the "women are recognizing that without such a vision, the radical potential of our movement is cut off."

"Many woman are finally realizing that 'the destiny of the spirit is the destiny of the social order,' and that it is profound religious energies which will generate the genuine politics needed for liberation," Dr. Raymond concluded.

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Philadelphia, Pa. 19102 Telephone: 215/563-2036

EMBARGO: NOT FOR RELEASE BEFORE DELIVERY Tuesday, 9 a.m., April 27, 1976

WOMEN'S HISTORY AND TRANSCENDENCE by Janice Raymond

Assistant Professor of Women's Studies & Medical Ethics, Hampshire College
There were many women who participated in the founding of this nation

and, more specifically, who played an historical part in the nation's evolution of religious liberty. Until recently, these women have been almost buried in the annals of patriarchal history. There was, for one, Anne Marbury Hutchinson, leader of the Antinomians in Boston, banished from the Massachusetts Bay Colony, and generally referred to by the Puritan "orthodoxists" as a woman out of place. Or Ann Lee could be cited. Mystic, seeker, and founder of the Shaker society, she believed in equalitarianism and the rights of conscience, both of which make her a likely candidate for examination at this conference. Another example is that of Sojourner Truth. Ex-slave, abolitionist, and reformer, she traveled the eastern and western parts of the country preaching and speaking her message of black rights and women's suffrage. The list is much longer, of course. Yet all of these women essentially adhered to a Christian framework, albeit an unorthodox and often-branded heretical version of Christianity.

My commitment to speak at this conference, however, does not include any passion for fitting such women into the mainstream of patriarchal religious history or even into its rebellious left-wing. This has been and will be eminently done by others in this time of bicentennial absorption. There will be many events, celebrations, and writings which will attempt to say that women were really there, that women did their part too, and that it is time "we" recognize (assimilate, legitimate) their religious dissent. Patriarchy has burned its Joan of Arcs only to canonize them when history needed to be adjusted.

I have no heart for this task, since I do not wish to fit any woman into her now-designated appropriate place within patriarchal history. Performing cosmetic touch-up jobs of this nature can only lend support to an historical affirmative action program in which women and other excluded groups, at best, fill in the gaps and, at worst, are given the illusion of inclusion.

Since the recent wave of feminism, the <u>illusion of inclusion</u> has become a sort of sophisticated science, largely due to tokenism. As Judith Long Laws has demonstrated, tokenism is an institution in itself, "... a form of patterned activity generated by a social system as a means of adaptation to a particular kind of pressure." However, since the token is the person or group assimilated under the dominant group's own terms, the token is always destined for "permanent marginality." Women who are now being included within men's history, within men's institutions, are destined for this same marginality - never <u>real centrality</u>. The token can only be central as the <u>exceptional</u> woman, the woman who made it in spite of the obstacles. Thus what becomes central is her having made it. Such a focus becomes obscene, because by fixating upon the uniqueness of the woman who made it by surmounting her difficult milieu, it leaves that obstacle course intact, while shifting the focus away from its oppressiveness.

Realizing the futility of the token-inclusion approach, many feminist scholars are beginning to think and write about a gynocentric theory of history and society. In spite of all the academic quibbling about the use of words such as matriarchal, matrilineal, matrilocal to describe such woman-centered societies, alternative views of history are beginning to emerge history and the beginning to emerge history are beginning to emerge history and the beginning to emerge history

Many historians will attempt to discredit such theories and will argue that they are based upon the doubtful foundation of the historicity of myth. Take the notion of the historical existence of Amazons, for example. The actual historical facticity of Amazons is unprovable, but it is not beyond the realm of possibility that exculsively female societies existed. Herodotus alludes to them, as does Homer in the Iliad, as does Plutarch in the Life of Theseus. Legends (or history) abound about their fighting capacity and the many Greek male warriors who matched strength against them. Representations of such battles, as Sarah Pomeroy has pointed out, appear frequently in the visual arts. These portraits, called

Amazonomachies, were scattered throughout the Greek world. However, as Emily Culpepper has remarked,

...there is another way in which Amazons really exist in addition to the open question of possible 'factual-historical' existance. And that is the direct truth that we know about Amazons. Ask almost anyone. They've heard the word. They may even have a specific image they could describe. Someone may tell you she is one.

The point of all this is to say that new images and symbols are arising out of feminist culture which may well be a mixture of historie (scientific history) and geschicte (story). There are good precedents for such a view of history. Geschicte has had a predominant place in the formation of western civilization. Judaeo-Christian religion has been built upon the historicity of myth. Hebrew Bible scholars have constantly debated the distinction between historie and geschicte. For many biblical theologians, most notable von Rad, the important thing was Israel's geschicte, its story, not its scientific history. Thus we have the term heilsgeschicte, or salvation history. Many biblical commentators have been extremely skeptical about the factual-historical reliability of Israel's traditions but have nevertheless proceeded to develop Jewish and Christian history based upon the faith and credos of a people who believed in their history. Likewise, New Testament scholars and other theologians have constantly debated the actual existence of Jesus Christ in delineating between the historical Jesus and the Jesus of faith. Tillich, for example, states that "Historical research has made it obvious that there is no way to get at the historical events which have produced the Biblical picture of Jesus who is called the Christ with more than a degree of probability." Yet Tillich concludes that "Faith can say that the reality which is manifest in the New Testament picture of Jesus as the Christ has saving power for those who are grasped by it, no matter how much or how little can be traced to the historical figure who is called Jesus of Nazareth."5

Yet there is a curious double standard where women are concerned. Feminist

research about earlier woman-centered societies, about goddess images and worship, about Amazon representations, about the witch movements in Europe and America is often trivialized and dismissed as non-historical. Perhaps the real reason behind this dismissal is the male fear that such images and events will generate a more authentic salvation history for women which will burst the bonds of traditional patriarchal frameworks. On a deep level, this is what is happening for many women. Many of us see these above-mentioned events and images as having revelatory power, as intimations of transcendence which, aside from grasping the female mind on an investigative level, are creating a community in which these intimations can express themselves in feminist culture and social action.

Female myth has always been accepted as salvific and/or as historical when the myth has been sufficiently patriarchal to warrant its acceptance; i.e., when it can be easily accepted into patriarchal tradition. Thus the Virgin Mary became incorporated into Catholic Christianity as an acceptable female presence. In contrast, the witch was, at worst burned and, at best, blamed for her own fate.

This Bicentennial Conference on Religious Liberty began by commemorating the six million Jewish martyrs of the Holocaust. But there is another holocaust which very few memorialize. What happened to thousands of women in Europe from the 15th to the 17th centuries has been historically expendable. The lowest estimate of witches burned in Europe during these years is 300,000; the highest estimate is 9 million. Salem disposed of twenty. Moreover, in Europe, witches were persecuted just as fiercely in Protestant territories as they were under the Roman Inquisition and Counter-Reformation. Where has this history gone?

On the one hand, the reality of the witch has been trivialized and transformed into the popular stereotype of the witch. Less harmless descriptions project her as the woman on the broom, the old hag who has provided Halloween material for youngsters. More recently, witchcraft has come to be associated with repulsive black magic and the occult. History has summed up has personhood and activity

by portraying her as harmless, yet hysterical and thus provering her own persecution. Most recently, the young girls who accused the Salem witches of diabolical deeds are said to have suffered from convulsive ergotism, an LSD-like agent. The "show" at the Salem witch museum enhances these perspectives. In this year of bicentennial travels, many people will visit the Salem witch museum. What they will see will be a photographic and artistic representation of the witch as hysterical and her accusers as irrational young girls. Thus the witch and her female accusers become objects of psychopathological interest. As Thomas Szasz notes, in this way medical and psychiatric historians have come to treat the witches as proof of the transhistorical and transcultural "reality" of mental illness.

Thus, once more "history" distracts attention from the oppressors and turns it on the victims. Patriarchal history has deleted the judges and churchmen of medieval and Reformation Europe and of 17th century Salem almost completely from the picture. It is hard to imagine the Jews who were persecuted and killed during the medieval inquisition, the Russian pogroms, and the Nazi era being represented in history as hysterical, and therefore as eliciting their own oppression.

If Margaret Murray and other scholars of the witch-movement in western Europe are correct - and there is good evidence to show that they are - the reason that witches were persecuted so systmatically by both Catholicism and Protestantism is that they constituted a religious threat to Christianity and a woman-centered religion specifically. Murray concluded, from examining the legal records of the witch trials and the writings of the Inquisitors, that the witches of western Europe were the remnant of an earlier pagan religion that was female in origin. 7

What the witches incarnate, the ultimate analysis, is the false naming of women by men; specifically the false naming of female religious power and energy. The religious reality of witchcraft was defined by the Christian victors. Thus, as Murray notes, divination when done in the name of the deity of an established

male religion is called prophecy. When done in the name of a pagan god or goddess, it is called witchcraft.

Although there are many women today who are working within Judaeo-Christian religion, many others feel that there can be no essential integrity to this. What many women are saying is that there were earlier woman-centered religions which have been lost to our memory. The point is <u>not</u> to romanticize goddess worship or the witches or to return to these earlier forms - but to realize that <u>they were there</u>.

Bicentennial time commemorates, memorializes, and remembers. This Bicentennial Conference calls to memory traditions of religious liberty in this country. But religious liberty has consistently meant freedom to worship a male god. Religious liberty has often meant the domestication of women's energy by false inclusion. Religious liberty has had little to do with autonomous woman-centered religion where the whole framework has essentially changed.

This month I participated in the First National Conference on Women's Spirituality held in Boston. Two thousand women were in attendance from across the country. Some of them had at one time, adhered to Judaeo-Christian tradition. But it became clear, in the various sessions, that many, if not most of them, had been non-believers; i.e., non-believers in both western and eastern androcentric religion. The conference was not a camp meeting, although it had genuine enthusiastic and revivalist dimensions. There was no fixation upon prophets or gurus who uniquely manifested the divine. Nor, in this time of social and political retrenchment, was it a retreat into mysticism and the cult of personality. Many of the sessions during the conference made profound connections, between spirituality and politics, pointing out that the basic power of the social and political institutions and patterns that have oppressed women has been its "religious" ability to grip us at ultimate levels of power and worth.

It is significant that the conference took place during the bicentennial year.

It is also significant that no session of the conference directed itself to patriarchal religious traditions, western or eastern. Many feminists perceive the oppression of patriarchal religion and culture as a battle with principalities and powers. There is no other adequate way of explaining the hatred of women by men that has permeated such religion and culture and which has, in turn, generated the rape of our bodies, minds, and wills.

What many women are beginning to realize is that a profound religious vision is needed to exorcise the social and political demons of patriarchy. The National Conference on Women's Spirituality and much recent feminist literature are demonstrating that the religious dimensions of the Women's Movement are beginning to surface. Many women are recognizing that without such a vision, the radical potential of our movement is cut off.

Many of the major movements for social justice in modern times have been anti-religious, and legitimately so. In part, they have exposed and opposed otherwordly religions which distracted their members from concrete social oppression. Yet none of these movements, until the Women's Movement, opposed religion precisely as patriarchal. Thus none have gotton to the roots of the religious problem.

The loss of transcendent energies in our society and the secularization of culture over the past two centuries have hardly been experienced as losses at all. Rather, they have been viewed as historical necessities which enlightened people regard as marks of evolutionary maturity. What is emerging, however, in the Women's Movement, is a spiritualization of vision which goes beyond opposition to and loss of patriarchal religion (Antichurch) to more genuine religious consciousness - what Mary Daly has called "Sisterhood as Cosmic Covenant." Many women are finally realizing that "The destiny of the spirit is the destiny of the social order," and that it is profound religious energies which will generate the genuine politics needed for liberation.

Footnotes

- Judith Long Laws, "The Psychology of Tokenism: An Analysis," <u>Sex Roles</u>, I (1975), 51.
- Sarah Pomeroy, Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity (New York: Schocken Books, 1975), p.25.
- 3 Emily Culpepper, "Female History/Myth Making," The Second Wave, IV (Spring, 1975), 16.
 - Paul Tillich, <u>The Dynamics of Faith</u> (New York: Harper & Row, 1957), p. 87 <u>Tbid.</u> p. 88.
- Thomas Szasz has an acutely perceptive analysis of witchcraft and its modern counterparts in The Manufacture of Madness (New York: Dell Publishing Co., Inc., 1970).
- 7cf. Margaret Murray, The Witch-Cult in Western Europe (London: Oxford Press, 1921).
- 8 cf. Mary Daly, Beyond God the Father: Toward a Philosophy of Women's Liberation (Boston: Beacon Press, 1973); especially note Chapter 6, "Sisterhood as Cosmic Covenant."

Bicentennial Conference on Religious Liberty Friends Meeting House, 4th and Arch Sts. Philadelphia, Pa. April 25-30, 1976

Release BC - 3

PRESS ROOM - Erik Modean, Dorothy Rensenbrink William Epstein, Donn Mitchell Phones: 923 4412/13

JUDAISM HAS VITAL STAKE IN RELIGIOUS LIBERTY

an poste

For release Monday, April 26, after 9 a.m.

PHILADELPHIA -- April 26 -- "No other large religious group has as great a stake in the present and future vitality of the doctrine of religious liberty as has the Jewish community," Professor Robert Gordis claimed here today.

Prof. Gordis, who teaches Bible and the Philosophies of Religion at Jewish Theological Seminary in New York City, spoke at the Bicentennial Conference on Religious Liberty, in session this week at the Friends Meeting House, 4th and Arch Streets.

While "virtually every religious group finds itself a minority in one or another corner of the globe, Jews have been a minority almost everywhere and always," he pointed out.

Dr. Gordis reminded the 400 participants in the conference that religious liberty has been recognized as an ideal only within the past 200 years and that it became widely held only with the Age of Reason and the spread of the ideas of the Enlightenment.

Religious liberty, he said, possesses three aspects: the right which a group claims for itself to practice its faith without interference from others, the extension of this right to other individuals and groups, and the granting of freedom of thought and action to dissidents within a groups' own ranks.

The earliest recorded war for religious liberty, according to Dr. Gordis, was the struggle of the Maccabees against the Syrian Greek King in 168 B.C., "the armed resistence of a group of Palestinian Jewry who were resolved to protect their religious faith and way of life in a

world where a determined effort was being made to impose a uniform pattern of Hellenistic culture and pagan religions in the entire Middle East."

"Had the Macabees not fought, or had they fought and lost, the Hebrew Scriptures would have been destroyed," he said, "Judaism would have perished, Christianity would not have been born, and the ideals of the Judeo-Christian heritage, basic to Western civilization, would have perished."

The second and third steps - extending freedom to other individuals and groups - is a "great leap forward and frequently takes centuries," he added. It is a "major moral and intellectual challenge for these believers who are convinced that they are repositories of religious truth," Dr. Gordis said. "Even in our age, instances are not lacking of groups in every denomination who define the right to religious liberty as the right to deny it to those who differ with them."

Within Judaism, he observed, the Hebrew Bible reflects the temperaments of the "mystic and rationalist, of the simple believer and the critical seeker after ultimate truth." This variety in the Bible "set its stamp upon all succeeding epochs," he noted.

During the Middle Ages, the "constantly worsening conditions of exile" served to "contract this latitude of religious outlook in the Jewish community," but the attempt to impose conformity in religious belief never succeeded." Religious liberty in Judaism "exists de facto" and is even officially recognized by some groups.

Judaism's attitude toward those professing other creeds is one of holding fast to monotheism while at the same time granting legitimacy to polytheism for non-Jews. Dr. Gordis said he believed this was largely due to the ethnic emphasis in Judaism which leads to granting similar justification to the religious ethos of others. A second element is the

Gordis - add 2

universalism of God, inherent in Judaism.

"Many contemporary religious thinkers are now seeking a theory which will combine complete loyalty to a specific tradition with accepting wholehearted adherence to the postulates of a democratic society which is committed to pluralism as a reality and to religious liberty as a good," he said.

"The issue is one which profoundly agitates Americans in our day because of its obvious practical importance for government and politics, as well as society as a whole."

Thus Judaism insists on total freedom of religious belief and practice for itself, recognizes the existence of other religions and their inherent right to be observed, and within the Jewish community, accepts dissent, he said, adding that the experience of Jewish exile in the ancient and medieval world "has strengthened this attachment to freedom of conscience."

"The modern world has demonstrated that the material and intellectual position and progress of Jews is most effectively advanced in an atmosphere of religious liberty," Dr. Gordis concluded.

Chris Gleser
Press Representative
Philadelphia Gay Religious Coalition
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GAY RELIGIOUS LIBERTY

The Philadelphia Csy Religious Caelition, including gay caucuses from within the Protestant, Roman Catholic, and Jawish traditions, will participate in the Elecatonnial Conference On Religious Liberty this week in Philadelphia. A panel of representatives from the United Church Of Christ, Integrity (Cay Episcopalians), Dignity (Cay Roman Catholics), Beth Ahavah (Cay Synagogue), and Metropolitan Community Church (nondamominational) will dislogue with people from the floor on the question: "Why is there a necessity for gay religious organizations in 1976?" These discussions will take place on Moderaday April 28th from 2:00-3:15 p.m. and 7:30-2:00 p.m. in Room 3A-8 on the smoond floor of the Friend's Meeting House, Fourth and Arch Sts. In Philadelphia. These discussions will be preceded by the 30 minute film "Position Of Frith", which describes the recent struggle within the Enited Church Of Christ over the ordination of William Johnson. He is the first avouadly homosexual person to be ordained by a major religious body. All delegates and the public are invited to these discussions.

Literature on the major gay religious caucuses in the Synomorous and Churches will be available at the main literature table at Fourth And Arch Sts. Representatives from these organizations will be present throughout the Conference to foster understanding of gay Christians and Jows in the context of religious liberty.



William L. Rafsky executive director

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FOR RELEASE:

Philadelphia 76, Inc., has announced that through the courtesy of the Copernicus Society of America, of which Edward J. Piszek is President, an International Press Club will be made available to accommodate the many representatives of the media who are expected to visit Philadelphia during the Bicentennial year.

The Club will be located on the Main floor of the historic Bourse Building on Independence Mall. It will offer complete telephone and wire facilities, areas for work, areas for relaxation, as well as excellent food and beverages.

The International Press Club has received the endorsement of the Philadelphia Newspaper Publishers Association, as well as the support of the American Newspaper Publishers Association. The Copernicus Society of America, a non-profit organization, will be the operator of the Club.

All legitimate, working representatives of the various media, as well as the publishers, radio and television executives, and others associated with the media, will be eligible for free membership.

The Club will be open from 10 am to 2 am and is expected to start operations in early Spring.

Applications for membership cards should be sent to:

Press Credentials Philadelphia International Press Club 21 S. 5th Street Philadelphia, Pennsylvania 19106 Bicentennial Conference on Religious Liberty Holiday Inn, 4th & Arch Streets Philadelphia, Pa.

Joan Shipman - Registration

PRESS INFORMATION

PRESS CONFERENCES, featuring speakers at the morning plenary sessions, will be held approximately 11:30 a.m. each day (following the meeting) in the Press Lounge, Jones Room, lobby level, Holiday Inn.

The Rt. Rev. J. Brooke Mosley, Assistant Boshop, Episcopal Diocese of Pennsylvania, will preside.

RESERVED SEATS FOR PRESS are located to the right of the podium in the Friends

Meeting House. The outside door beside this area may be used
for access.

PRESS LOUNGE is located in the Jones Room, adjacent to the PRESS OFFICE. Hot coffee will be available here during the day. Please visit and chat in this room, leaving the PRESS OFFICE relatively quiet for better writing conditions.

ALL CONFERENCE SESSIONS ARE OPEN TO THE PRESS AND FOR FILMING AND PHOTOGRAPHY except during morning worship.

Bicentennial Conference on Religious Liberty Friends Meeting House, 4th and Arch Sts. Thila., Pa. April 25-30, 1976

PRESS ROOM - Erik Modean, Dorothy Rensenbrink William Epstein, Donn Mitchell

Release BC - 10

Phones: 923-4412/13

BICEN SPEAKERS DIFFER IN APPROACH TO AMERICAN LIBERATION MOVEMENT

For Immediate Release

PHILADELPHIA--April 27--These major strands of the current American liberation movement were given voice by leaders of it at the Bicentennial Conference on Religious Liberty here today, and despite claims by the Rev. Jesse Jackson of Chicago, founder and national president of Operation PUSH, that "we are 80 per cent in agreement," the differing strains of thought were much in evidence.

The morning plenary session began with a talk by the Rev. William A. Jones, pastor of Bethany Baptist church in New York, on the failure of the U.S. to perform what is promised in its Declaration of Independence.

"Every attempt to demonstrate the nation's idealism reveals its shame," he stated. "We are 113 years on the bright side of slavery but Black existence is devoid of equality. It is business as usual and racism flourishes."

Dr. Jones insisted that being anti-racist in American society is to be anti-American for the American society is a racist society. "Racism is a demon that ruined Egypt, Rome, Germany, and threatens to ruin the U.S. It ascribes to God partiality on the basis of pigmentation, it attests to the power of oral tradition, it creates God in its own image."

Racism remains a "potent presence in the White church which is an instrument of the American system, sanctifying its sins, and by its capitulation to culture fueling revolution around the world" he said, "and more and more of humanity works to free itself."

While the Rev. Jesse Jackson did not argue with this assessment of a racist system, his emphasis on individual responsibility marks a departure from traditional Black theology.

Again and again he repeated the phrase, "nobody will save us from us, for us, but us! We must learn self-control before we can effect community-control."

He called for an end to "institutional undercutting," insisting that "schools need the church, the church needs schools and parents need both."

If a child "will not give deference to God, he will not defer to parents, teachers, brothers and sisters," he declared.

"Do we play in a corner at developing a theology of self-love and self-beautification? Don't play games with your Creator - you can change his name but not his claim!"

"First we rebelled against tyrannical authority, but now we're rebelling against all authority. The sickness we see is a product of a publicity Godless generation.

Racism can't kill us because synicism got us first."

"There is a breakdown in moral authority and we're living in a state of spiritual decadence."

Dr. Jackson urged parents to supply the "spiritual effort of motivation, care, discipline, chastisement and love" to the children, "making flowers bloom in the desert."

He said the time had come for "self-government."

Professor Janice G. Raymond, in a press conference following the plenary session, declared herself to be a separatist and went on to say that for many faminists, "Jesus is disqualified as an adequate prophet because he is male."

Dr. Jackson replied that a corallary would be "If I saw God as white I couldn't relate to Him."

Questioned about gay liberation, Dr. Jackson said he had counseled many people whom he thought were "gay because they were confused, not confused because they were gay."

Professor Raymond, on the other hand, thought "lesbianism is definitely the eventual conclusion of feminism. In a non-patriarchal society, there would be no distinction between homosexuality and heterosexuality." Dr. Jackson, however, called for a "oneness of respect without a sameness of roles."

"Still, he declared, the marriage between women and black liberation was one of
"80 per cent agreement on issues" and represented the "progressive wing of human thought."

Bicentennial Conference on Religious Liberty 1520, Race Street

Philadelphia, Pa. 19102 Telephone: 215/563-2036

EMBARGO: NOT FOR RELEASE BEFORE DELIVERY Wednesday, 9 a.m., April 28, 1976

RELIGIOUS LIBERTY IN EDUCATION

William B. Ball *

I.

One of the famous qualities of Americans is their enthusiasm.

Less noticed, perhaps, is the fact that sometimes our enthusiasms for things continue, while the things themselves have become illusions.

At Bicentennial time we are enthusing about American things which are both real and good, or becoming so - like freedom from racial discrimination. But we also continue to enthuse about some things which are not real at all or, being not good now, are threatening to become worse. Perhaps the word, "enthuiasm", is precisely not the word to use. Enthusiastic expression - the repeating of platitudes, the rote declaring of high purposes, the repeated boasting of achievements - may indeed mask unpleasant truths. Frantic claims of glory may hide po verty of substance. Militancy of insistence may reveal, not an innocent joy, but a grimly deliberate purpose to impose.

^{*} Partner, Ball & Skelly, Harrisburg, Pennsylvania.

The enthusiasm frequently expressed for America's religious liberty in education is a case in point. I do not mean to suggest that the general religious liberty which we enjoy is not a subject for real enthusiasm, and I am hardly fit to say whether or not the enthusiasm which we express for our education is soundly based upon reality. My point is, that where religion and education meet, we do not have great cause for enthusiasm. The free exercise of religion in education is declining, today constricted in significant ways, and threatened with extinction tomorrow if present trends continue.

I am quite prepared for the fact that this statement may produce some reactions of shock and of anger. Shock or surprise may come from those (they are many) who want terribly to believe that all is really very well in the land, that the market is going to come around, and to whom the only real gravities are Niklaus in the bunker at the 18th or the Steelers with one yard to go in the last five seconds. Today we are largely in that stage of euphoric paganism when we still have some protections from our ancient traditions and have not yet entered upon that possible later stage - which is one of violence, chaos and ultimate slavery. In these still "good times", since great numbers of people are untroubled by religion, they are truly surprised by those few who assert that religious liberty in education is troubled. Surprised - and under-standably skeptical.

Note well also, however, the angry response - the response which at once runs to fighting words like "Irresponsible!", "Hysterical!", "Fear-mongering!". But certainly no one should be angry because someone else complains that an aspect of religious liberty is threatened. Should not the normal response of citizen to citizen then be: "We are sorry to hear of this. Tell us in what way you feel the threat exists. Your concern is our concern." But the instant reaction of anger shows as little commonality of concern as it shows civility. What it shows instead is an interest, a jealous zeal for a staked out order of things, and a willingness to employ harsh, ad hominem, and censorial weapons to hang onto its holdings.

Happily, in the face of the apathy of the majority and the anger of some, we are experiencing, on our 200th birthday, a strong, new-born excitement over religious liberty in education. Partly this is due to the times and partly to the quality of people who can test the wind and sense how the sea of these times is moving. Not only because of fear for life but because of love of life they have come to God, to prayer, to a vitally religious sense of being. And they demand liberty to educate religiously.

From them we find that the threat to religious liberty in education, and the struggle to achieve that liberty, center upon, first the public school and, second, private religious education.

The public school did not originate as a religionless school. It was a departure from, and yet evolved out of, the sectarian schools of the early nineteenth century. It originated as what would be legally defined today as a religious school. Its students prayed, read the Bible, and knew a moral discipline based on religious norms. The schools were frankly Christian and inculcated a core of those Christian doctrines and values commonly held by Protestants . Thus for decades the common school undoubtedly accommodated fulfillment of the religious liberty of a high majority of the citizens. But not all. In a case in the Police Court of Boston in 1859 a teacher was prosecuted in the following circumstance: an eleven year old pupil, one Thomas J. Wall, upon instructions of his father and his parish priest, refused the order of the common school he attended to repeat the Commandments (such recitation being part of required religious exercises in the schools wherein the Protestant English Bible text was employed. The report of the case states:

^{1.} E.P. Cubberly, PUBLIC EDUCATION IN THE UNITED STATES 120 (1947); A.P.I.Stokes, CHURCH AND STATE IN THE UNITED STATES 832 (1950).

"Wall, still refusing, was punished by the defendant with a rattan stick, some three feet in length, and three-eighths of an inch thick, by whipping upon his hands. From the time the punishment was commenced to the time it ended, repeated inquiries were made of Wall if he would comply with the requirements of the school. Some thirty minutes time was occupied in the whole. . . The blows were not given in quick succession, but with deliberation."

The court then entered upon a long discourse on the nature of the common school. Did these religious practices impose on anyone's constitutional rights? Not remotely, said the court, since the practices were not "sectarian". The Bible, said the court, "was placed there [in our schools] by our forefathers not for the purpose of teaching sectarian religion but a knowledge of God and his will, whose practice is religion." Moreover, "if the plea of conscience is good for one form of sectarian religion, it is good for another," and the court envisioned chaos in the common schools if the pleas of various religious bodies were to be heeded. As to Master Thomas J. Wall, here is how the court disposed of him:

"The mind and will of Wall had been prepared for insubordination and revolt by his father and the priest. His refusal to obey the commands of the school was deliberate. . . The extent of his punishment was left as it were to his own choice. From the first blow that fell upon his hands from the master's rattan, to the last that was given, it was in his power to make every one the last." 2

^{2.} Commonwealth v. Cooke, 7 Am. Leg. Reg. 417 (1859).

We should note the elements that go to make up this case. The central figure is a child of impressionable years. He carries into the public school some sort of religious commitment. This commitment is in conflict with school policy. The school says that its policy is not anti-religious, but neutral (and the court agrees that this is so). And the court says that the common school could not exist if it were forced to adjust itself to every shade of religious belief. And finally there are the roles of the parent and the child's pastor. The child's claim of religious liberty must be discounted because (although he endured thirty minutes of torture in asserting it) "his mind had been prepared" by his parent and his pastor. We should bear these elements in mind as we now turn to the further unfolding of the story of what happened to religion in public education.

There ensued now a century of tension in this area. Horace Mann, who launched the common school movement, had seen no need for agitation if "sectarianism" were ruled out and common core Protestant religion kept in 3. Four decades later President Grant, in his 1875

^{3.} Mann's lecture in 1838 on "The Necessity of Education in a Republican Government" concluded with these words: "And, finally, by the term education I mean such a culture of our moral affections and religious sensibilities, as in the course of nature and Providence shall lead to a subjection and conformity of all our appetities, propensities, and sentiments to the Will of Heaven."

address to the Army of the Tennessee, agreed that "sectarianism" was bad and wanted education also to be devoid of "pagan, or aethestical dogmas" (as he put it), but he went a step beyond Mann when he said of religion itself:

"Leave the matter of religion to the family altar, the church, and the private school. . " 4

In the following years Catholic parents from time to time resisted the public schools use of the King James Bible and went to court about it.

Expressions of Jewish dissatisfaction would not become widely heard until after 1950. Perhaps the most insistent agitation in the first half of the 20th century came from Protestants. Some leaders, as the new century went on, became alarmed, not over Protestant inculcations in the public schools, but over the decline of all religion in the public schools and of religiously based moral training. The "Protestant practices" were becoming vestigial. They were pretty well boiling down to token religion - dabs of prayer or bits of Bible recitation - totally unconnected with anything else in those vital areas of the child's life relating to the conduct and course of his whole being. That those areas had been religion's old domain in the schools cannot be doubted. Many a public school textbook from the nineteenth century attests vividly to that fact. In the twentieth century

^{4. &}quot;The President's Speech at Des Moines", 22 <u>Catholic World</u> 433-435 (1876).

all this was becoming changed. We need not explore at length the reasons. Scientism, or the vogue for regarding science as affording all possible keys to existence, was one. The handmaiden of that vogue, skepticism about religion, was possibly another. Undoubtedly also was the factor, in the era of the apex of national self-confidence, of a psychological transfer of affection and reliance from God and churches to Nation and the American Democratic Ideal.

A reaction to what was deemed a growth of secularism in public education began to set in. Dr. Nicholas Murray Butler, in 1940, stated that a "curious tendency" has grown up

from education on the ground that such teaching was in conflict with our fundamental doctrine as to the separation of church and state. In other words, the religious teaching was narrowed down to something which might be called denominationalism, and therefore because of differences of faith and practice it must be excluded from education. The result was to give paganism new importance and new influence. . "

Dr. Alexander Miklejohn, in 1942, spoke of public education in these words:

"We have torn our teaching loose from its roots. We have broken its connections with the religious beliefs of which it had grown. The typical Protestant has continued to accept the Bible as, in some sense, the guide of his own living. But, in effect, he has wished to exclude the Bible from the teaching of his children."

In the 1930s there had appeared the "three faith" plan, a scheme for elective courses cooperatively developed by representatives of the Protestant, Catholic and Jewish religious communities which would consist of religious and moral teachings common to all three groups. This encountered, however, the limitation that areas upon which agreement would be found were rather narrow. In 1937 came the "Elgin" plan which called for students to be given religious study in the public school classroom, under certified public teachers, on an interdenominational basis. Still another plan was that for release of children to public school classrooms so that they might there receive religious instruction from their own minister, rabbi or priest. In 1947, in the McCollum case, the Supreme Court of the United States struck down that plan and - by inference - any program for use of public school premises for formal religious instruction 5. In 1962, in Engel v. Vitale, the Supreme Court held unconstitutional a New York sponsored, noncompulsory program consisting of a nondenominational prayer b. Both

McCollum v. Board of Education, 333 U.S. 203 (1947). Compare Zorach v. Clauson, 343 U.S. 306 (1952) wherein the Court upheld off-the-school premises released time programs.

^{6.} Engel v. Vitale, 370 U.S. 421 (1962). The officially formulated prayer was: "Almighty God, we acknowledge our dependence on Thee, and we beg thy blessings upon us, our parents, our teachers, and our country."

the <u>McCollum</u> and <u>Engel</u> programs were struck down under the Establish—ment Clause of the First Amendment. A national uproar ensued, and in 1963, the Supreme Court in the <u>Schempp</u> case ⁷ (in which it struck down state laws permitting Bible-reading and recitation of the Lord's Prayer in public schools) took occasion to attempt to a broad rationale for its position and indeed a prescription, or guideline, to the public schools of the nation as to how to deal with religious expression within them.

In <u>Schempp</u> (and its companion case <u>Murray v. Curlett</u>) we see the perdurable ingredients of the old case of Master Thomas J. Wall.

Instead of Thomas are Roger and Donna Schempp and William Murray, III - all children. Like Thomas, they carry into the public school some sort of commitment with respect to religion. This commitment is in conflict with school policies. The Schempps testify on trial that there were concepts conveyed by the Bible-reading "which were contrary to the religious beliefs which they held and to their familial teaching."

William J. Murray, III contends that, since he is an avowed aetheist, the Lord's Prayer practice "threatens [his] religious liberty by placing a premium on belief as against non-belief." As in the case of Thomas

^{7. 374} U.S. 203 (1963).

J. Wall, the school contends that its policy is non-religious and neutral. And, as in that case, back of the children stand parents (here, the parents having actively involved themselves as parties in the cases). Finally, although the Court does not resolve the case on an issue of coercion, it notes that the children were in attendance pursuant to the compulsory attendance laws, and it points out trial court testimony that, if the Schempp parents had sought a permitted excusal for their children, the children might be labeled "odd balls".

The decision leaves us with two unanswered questions related to religious liberty in education. First, while conceivably the Court might have ruled in favor of the children on the ground of coercion, it did not. Nor did it use the occasion of this case to vindicate the rights of the parents. While the Court had before it a valuable opportunity to decide the case on the basis of interference with the free exercise of religion, it chose to decide it on the ground that the programs in question represented an establishment of religion. Thus while in a broad sense the religious liberty claimed by the children and parents was recognized, the recognition was in fact narrow: the governmental imposition was voided only because it officially promoted religion and not because it got in the way of individual beliefs and commands of conscience.

A second and related question is this: from the point of view of values, what kind of public school is left as the result of Schempp?

Clearly a school in which no religion is permitted. Now defenders of

the Court's decision, and the Court itself in fendering it, stoutly deny that conclusion. How? By a famous statement found in the Court's opinion. Noting that some were insisting that the Court had now established a "religion of secularism", the Court replied:

"We do not agree. . . that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment."

But that statement does not disprove the conclusion that the public school must now be a school in which no religion is permitted; it nails the conclusion down. For when the <u>believer</u> speaks of religion, he means it as his ground of being; and when the believer speaks of his exercise of religion, he means the exercise of his religion in its fullness and integrity. When Fundamentalists and some Catholics have commented that the Court's decision has "driven religion out of the public schools", they should not be dismissed as having made what Professor Freund has called "intemperate outbursts". Religion, in the believer's understanding of religion, <u>is</u> plainly out. Indeed utterly offensive to the believer is the Court's prescription with respect to the religion that may be left in.

That - and some other things that may or may not ultimately be left in -

^{8.} Id. at 225.

becomes my subject as I discuss one more group of successors to Master Thomas J. Wall.

These are public school children in Northport, New York, or Howell, Michigan, or Fresno, California. In composite, I will call them Robert and Mary. There are many, many Roberts and Marys around the country. Their parents pay taxes for the support of the public schools. The parents have not selected private education for them (none may be available or affordable), and the child attends public school under compulsion of law. The parents, let us assume, are Christian believers: there are religious mandates in their lives, and prohibitions, and the sure religious sense of what is to be valued and what cannot be abided. Robert and Mary come from that household of belief into the public school. Suppose now that they are confronted with all or some of the following in their school sprogram:

- a course (under whatever label) in comparative religion or the role of religion in civilization,
- the presentation of the Bible as literature,
- "objective" instruction in religion as part of a secular program.

The foregoing are the areas of permissible "religion" as given in <u>Schempp</u>.

Not only, as we have pointed out, are they not "religion" in the sense

believers have in mind; they almost certainly confront religion in that

latter sense. Comparative Religion presupposes a teacher who can compare.

It is all but impossible to eliminate normative judgments in the process.

But at best it also involves the introducing of the child to the broad range of choices in religion. Is it the function of the public school to introduce the child to a series of choices of religions? Not remotely.

But let us shift to the next adjective by which the concept, "religion", is to be modified according to the Schempp prescription - the "objective" study. If the "objective study" is honest and real, then the most basic doctrines of the religions must at least be spoken of - in the Christian religions, for example, the Incarnation, salvation by faith alone, predestination, the infallibility of the Bible. How could these be left out? But how can they be usefully presented without discussion? And, if there is discussion, what is to be the teacher's response to the whys of some children and the reticences of others? But if the basic doctrines and historical crises of the religions are not to be presented, then does not the "objective study" become no study at all? Instead may be - and no one should knock it - offerings on tolerance and good will: what good people were the Pilgrim Fathers, Roger Williams, Christopher Columbus, Al Smith, Robert Morris and Justice Brandeis. But this promotion of intergroup good will has its fragile peripheries, as words like Belfast, Israel and abortion come off the headlines and into the classroom.

How about the Bible as literature? Parents in a case now in the Ohio courts were asked concerning that very point. Here follows the

colloquy between counsel and a witness, who was a fundamentalist:

"Q. Now, you are aware that the Bible is taught as literature in the public schools. Is this acceptable to you?

"A. No, because I believe it must be taught as the word of God."

Another witness in the same case stated that he felt that the Bible should be read with express understanding that it is the word of God. And here is posed well the very point which the Supreme Court has refused to face. The religious liberty issue is not: What is belief to the non-believer, to the neutralist, the relativist, the pagan, the deist, the comparer of ideas, the seeker after mere secular knowledge? The religious liberty question centers on: What is belief to the believer?

And that is a burning question indeed.

I should point out that the Court itself did not take its own religious prescription very seriously because, in the closing paragraph of its opinion, it pulled the rug out from any illusion which some might entertain that religion was any more to enjoy meaningful existence in the life of the public school. It said:

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to

aid or oppose; to advance or retard." 9 (Emphasis supplied).

Shades of Ulysses S. Grant! The ghosts of Bismarck and the French laicisists of 1904! Let religion be confined to house, to sacristy, or to the keeping of the individual mind. Half of a child's waking time and most of his learning time is spent in school - but school is not a place for religion. Public educators claim it is one of the glories of the public school that it shapes and develops the whole person - but it must do so without religion.

But what I have described up to now is only a little part of what Robert and Mary meet with. I had mentioned that, in our earlier American education, the natural domain of religion had been the full life of the student. Most knowledge was related to religion. Civil virtues were inculcated as being dictated by the Commandments and the Gospel.

Behavior, the emotions, the wellsprings of conduct - and thus the social man - were profoundly affected by the religious beliefs which were instilled - beliefs which were intended to have consequences.

Now that religion is out of the public schools, the vacuum left in its old domain is rapidly being filled. It is natural that this should happen. The questions and needs to which religion once supplied the answers have not gone away. They are insistently a part of people, and since the state is now left to answer the questions, it is trying to perform its duty. But

^{9.} Schempp, supra, at 226.

some of the state's answers are now proving to be answers which Robert and Mary and their parents cannot - before God - accept. And which indeed they must reject.

Myriad examples in a tidal wave of these could be shown. Let me pause with but one however, a fairly typical one. Here is a program which is entitled "Sexuality and Family Life". The aim of this state program is recited to be "To produce a mature person capable of fulfilling his sexuality in the broadest sense." It states that it is imperative that the child develop "sound attitudes and values to guide his sexual conduct." How? By imparting "a scientific knowledge of all aspects of human sexuality." This, says the state, will enable the child "to communicate with others in a mature manner and will provide the basis for a <u>successful adjustment</u> in marriage and family living." The state program (called a "health program") then proceeds to take up the mechanics of sex in very complete mechanical detail. Described are fetishism, transvestites, sadism, masochism, sodomy, pre-marital sex and "the meaning of marriage." Masturbation is described as a harmless source of pleasure, practiced by almost everybody. Fellatio and cunnilingus are taken up, and the children are referred to reading sources where they can acquire more of all this scientific knowledge.

There are many Christian parents to whom this is profoundly

offensive and religiously utterly unacceptable . At the outset there is the use of broad terms packed with volatile value implications. And parents rightly ask questions about what is under these broadblanket terms and regulatory fog. After all, it is their children who will be wrapped up in these. Who is a "mature person"? Shall the state define him? Is it the state's job to "produce" him? What is meant by fulfilling his sexuality "in the broadest sense." The state says that those "attitudes and values" which are to guide his sexual conduct must be "sound". According to what norm? What does the state recognize as a "sound" attitude or a "sound" value? Is the norm of "soundness" of sexual conduct based upon lack of harm to others? Upon freedom from disease? Upon personal satisfaction? Upon the Ten Commandments? These only get to the threshold of the problem confronting these parents. If the threshold is disturbing, what is inside is forbidding - or forbidden. Christian parents whom I know cannot suffer their children to be exposed to programs such as I

^{10.} I do not refer to non-Christian parents simply because no cases of protest by them have come to my attention.

have just described. They also may not allow their children to be involved in discussions of these matters -especially in groups or especially where conducted by public teachers who are prohibited under the law, from expressing Christian moral judgments as guides to the children. By any standards their claims are as real and substantial as those asserted by the parents in Engel and Schempp.

But the courts before whom these cases have come have been as unsympathetic to these claims of conscience and religious liberty as have the education departments and supporting groups which have imposed them. (The Supreme Court has not yet decided a case fully in point.) Of course there is no difficulty in identifying many of these programs as Secular Humanist, and it is well settled that Secular Humanism is a "religion" within the meaning of both the Free Exercise and Establishment Clauses 11. And since these programs are supported by public funds extracted from the pocket of every taxpayer, they may be found to violate the Establishment Clause. But their offense to constitutional rights rests in fact upon far broader grounds. Ignored as though non-existent are those First Amendment standards which are applied with such exquisite sensitivity in free expression cases. Seriously failing of recognition are rights of familial privacy and of the sexual privacy of children. The use of state coercion to mold the minds and behavior of children is sanctioned in the face of Supreme Court decisions which define and sharply discountenance such coercion. We should keep in

^{11.} Torcaso v. Watkins, 367 U.S. 488, 495 (1961); Everson v. Board of Education, 330 U.S. 1, 31 (1946) (dissenting opinion of Rutledge).

mind how ridiculous it would be to hold that there is no state power to sponsor, on a non-required basis, a 22-word non-denominational prayer, but at the same time to hold that the state has a free hand to impose teachings and values which go to the very vitals of the child's emotions, spirit, mind, conduct, attitude toward his family, his sexuality, his life and his destiny.

What hope have we for religious liberty in the public schools? The hope lies in the firm will to resist the impositions and to arouse public recognition of the problem. Solutions lie in several directions. One is the elimination of the heavily value-related programs. The doctrine of parens patriae is clearly misapplied when, in the name of "child rights", the child is made to become (in the great phrase in Pierce v. Society of Sisters) "the mere creature of the state." "Parens patriae" then becomes all "patria" and no "parens". Another - but this is the bare minimum protection - is to require parental consent for all instruction in such value-dominated areas as sex education. And in connection with that, it is very important that public officials be made responsible for clear definitions and proper labeling, so that the parent may know what in fact is being offered. In Michigan sex education programs were offered under such a variety of interesting heads as "Practical Arts", "Home Economics", "Human Growth and Development", "Hygiene" and "The Pleasure of Your Company". One of the weaknesses in exemption, however, is, as we saw in Schempp, the fear of the child

to be labeled by his peers as an "odd ball".

A third partial solution is affirmative rather than negative. It calls for the overruling of the decision in McCollum in order to permit real religious instruction on a released time basis on the public school premises.

For many parents - perhaps soon an increasing number - the solution will be found in the separate religious school. It is in respect to that school that we see the second area in which freedom of religion in education is being constricted.

ARCH.ÍVES

Decisions of the Supreme Court from <u>Pierce v. Society of Sisters</u> 12 through <u>Wisconsin v. Yoder</u> 13 vindicate the freedom to afford one's children separate religious education. The constriction of which I speak lies in their ability to do so. Their decreasing ability to do so lies, in turn, in economics and in state regulation - and sometimes these are interrelated.

^{12. 268} U.S. 510 (1925).

^{13. 406} U.S. 205 (1972).

The economic factors are inflation and taxation. For most

American wage earners a crisis has come gradually home. I know that

it can be pointed out that the Catholic people of the 19th century
despised immigrants and often the lowest of wage earners - nevertheless

by heroic sacrifice built thousands of religious schools which continue

to this day. Not only built them but staffed them for generations with

people who gave their generous lives to the Christian education of

youth. If those people, in their desperate situation, would make such

sacrifice, why not your American of today?

The first approach to answering the question addresses itself to those parents who formerly supported religious schools (or who come from families which did) but who today do not. They are intent in their desire to have their children move up in the mainsteam of society, want them to be able to support themselves in accordance with very high material standards. Many of these parents likewise desire to live according to those standards. And for most of those parents the more obvious incidents of religious bigotry directed against their immigrant forebears have disappeared and thus too has their own religious militancy or will to religiously survive. Indeed - and as notably seen both in suburbia and in once religious colleges - has been the manifest desire to blend blandly with the religionless community. Then, too, has been the impact of affluence and the saturating materialism of our society. Who today does not hear, louder than did Matthew Arnold at

Dover Beach, the Sea of Faith's

"... melancholy, long, withdrawing roar
Retreating, to the breath of the night wind..."?

But, happily, there are millions more parents who not merely remain faithful to religion but who, in the teeth of the onslaught of pagan and secular humanist values, are manifesting an intense radical renewal of their religious sense.

The second approach to answering the question relates to social justice.

We now live in a substantially socialized society. In our now heavily welfare: oriented society, massive governmental spending is dominant, and individual men and women, even when banded together in associations or institutions, no longer possess the economic resources with which to maintain diverse, nonstate endeavors in education and welfare. Education is plainly the most important aspect of voluntarism and that which is most meaningful in terms of a free society. One question that all private religious schools (except those, if any, maintained by the rich) must ultimately face is whether, in the face of increasing inflation and personal taxation, the per pupil operating costs can be met. Perhaps for very small units this will temporarily be possible. For larger units the outlook is not bright. But sooner or later parents are bound to ask the great question:

"I am paying my taxes for a public education which, solely for reasons of conscience, I cannot utilize for my children. I pay a great many other taxes at the local, regional, state and federal levels. For reasons of conscience I help maintain a private religious school. That school provides quality education. Out of it comes a better-than-useful citizen. Due to it, the cost and burden of educating the children who attend it is saved to the public. Is it really fair that I must pay twice for education?"

This parent brings us to look at what is known to constitutional lawyers as the doctrine of "unconstitutional conditions". It has been well stated by Alanson H. Willcox:

"Whenever a state imposes a choice between
. . . receiving a public benefit, on the one hand, and exercising one's constitutional freedoms, on the other, the state burdens each course to the extent that abandonment of the other is unpalatable. The deterrent to exercise of first amendment freedoms when public benefits are at stake is a real one. . . Infringement of constitutional rights is nonetheless infringement because accomplished through a conditioning of a privilege." 41 Cornell L. Q. 12, 43-44 (1955).

The parent asks, "Is it really fair?"

The Supreme Court has never passed on that question. Fairness has not been the point in its numerous decisions blocking most forms of meaningful relief to parents on grounds of church-state separation. It is not my point to reargue those cases here. Rather I would join with Mr. Justice Rehnquist who, in the latest of these cases, put the matter exactly:

"I am disturbed as much by the overtones of the Court's opinion as by its actual holding. The Court apparently believes that the Establishment Clause of the First Amendment not only mandates religious reutrality on the part of government but also requires that this Court go further and throw its weight on the side of those who believe that our society as a whole should be a purely secular one." 14

^{14.} Meek v. Pittenger, 44 L. Ed 2d 217, 250 (1975).

As the Chief Justice in the same case said:

"One can only hope that, at some future date, the Court will come to a more enlightened and tolerant view of the First Amendment's guarantee of free exercise of religion, thus eliminating the denial of equal protection to children in church-sponsored schools, and take a more realistic view that carefully limited aid to children is not a step toward establishing a state religion - at least while this Court sits." 15

I do not at all think that all forms of aid to parents or children imply state controls. They would be worse than useless if they did. If we could but dry out our brains from their besottedness with bureaucratic concepts we could see possible means of aid which would involve only minimal controls or assurances. Statists express both a fallacy and a bugaboo when they say that the state must control any entity that it aids. Heaven knows, this does not hold true in foreign aid, and it need never be the case in forms of assistance to parents or in the providing of useful services to children. But now let me come to a matter closely related to economics and just as basically related to religious liberty in education. I refer to the astounding fact that, in state after state, suffocating governmental regulation is being imposed on religious schools. And we are seeing the possible beginnings also of similar federal regulation. Let me give you some cases in point, some of which I will identify but

^{15. &}lt;u>Id</u>. at 245.

others of which I dare not identify lest word get back to the governmental administrators involved and more trouble be made for the religious school in question.

In State X a number of Christian people of modest means but high religious spirit started a Bible-oriented religious school. The state education department then presented the school with a volume of 600 regulations (drafted, not by the legislature, but by the department) interestingly labeled "Minimum Standards". Although the students at this school performed above average in nationally standardized achievement tests the school could not comply with all of the standards. Some of the standards called for unbearable costs - such as the requirement that every non-tax-supported school have a multi-media library in charge of a certificated multi-media operator. Other standards could not be complied with because they were gobblde gook that (so it turned out) the state officials themselves could not explain - like the requirement which simply read that "educational facilities, pupil-teacher ratios, instructional materials and services at the elementary level" must be "comparable to those of the upper levels." But also there were a series of requirements which plainly invade religious liberty. Some dealt with secular humanist philosophic prescriptions in the content of the Social Studies, Health, and Citizenship curricula. Another said that "all activities" of a school must conform to policies of the board of education. Still another provided that the school must have community cooperation

in determining its purposes and planning. The school said that, because of these requirements, it could not comply. The state instituted criminal prosecution of all of the parents who had their children enrolled there. They were indicted tried and convicted. On the trial the prosecution repeatedly pointed out that the school was "unchartered" - i.e., was not in compliance with 600 of the 600 "minimum standards". The pastor-principal, on the stand, again and again tried to explain that he did not want a charter since a charter would signify the school's agreement with all of the standards, some of which were religiously unacceptable. (Here we should pause to note the high caliber of his citizenship in rendering unto Caesar the simple candor that is due to Caesar.) The defendants then went to an intermediate appellate court which dismissed their religious liberty claims with the amazing statement that the pastor's testimony

". . . reflects the subjective attitudes of the members of his congregation, and his reasoning is based essentially upon a subjective interpretation of biblical language."

Here is an example of court establishment of religion through its home-made definition of religion. The case is now on appeal to the State X Supreme Court.

There are a number of states whose statutes or regulations are similar to that of State X. The harsh and impudent will to remake every

private school in the image of the public school is more and more evident. When this is hooked up to the criminal law process it becomes frightening. Not all the signs are bad, however. Pierce and Yoder still provide the high and commanding principles ultimately to be followed. And on April 6 came good news from Vermont.

In Vermont some believers had started Life in Holiness Christian School. Vermont's compulsory attendance law requires that if a parent does not enroll his child in a public school, he must afford his child "equivalent education". The state in 1972 launched a criminal prosecution against parents who had sent their children to the Life in Holiness school. Then it dropped the prosecution. The next year it started another and then dropped that. The fourth time that it caused the parents distress and notoriety of being charged with crime, the state decided to stick with its harrassment. It based its case on two things: (a) that the school was not an "approved school" (note: the compulsory attendance law does not mention "schools" at all - only "equivalent education"), (b) that the parents had failed to prove that their children were receiving "equivalent education" (i.e., the burden of proof in this criminal proceeding was supposed to be on the parents.

The trial court upheld the parents. But - like the Wisconsin state education department in the Amish case - the state had not had enough. It appealed to the Supreme Court of Vermont. I am happy to say that, on April 6, that court unanimously upheld the position of the

parents. I am happy to be able to quote to you the following from the opinion:

"The United States Supreme Court in <u>Pierce v.</u>
Society of Sisters, 268 U.S. 510, long ago decided that a state could not compel all students to be educated in public schools. As recently as <u>Wisconsin v. Yoder</u>, 406 U.S. 205, that court has also stated that compulsory school attendance, even on an equivalency basis, must yield to First Amendment concerns. In the light of what is involved in 'approval' the state would be hard put to constitutionally justify limiting the right of normal, unhandicapped youngsters to attendance at 'approved' institutions." 16

AMERICAN JEWISH ARCHIVES

At the beginning of this paper, I spoke of the enthusiasm of Americans but warned that some enthusiastically propagandized views in our midst may mask "a grimly deliberate purpose to impose." Perhaps now I have put some flesh on the bone of that statement. Or you may agree that, conversely, we have gotten down to the bone of some matters affecting our religious freedom in education. Platitudes about "better education", "sound attitudes and values", "successful adjustment", and "quality standards" may in fact be cudgels of conformity. 1976 should

^{16.} State of Vermont v. LaBarge, et al., ___ Vt.___, (slip op. 4) 1976.

mean to lovers of religious liberty the year in which began an effective rebellion against growing governmental restriction on religious liberty in education. In that rebellion they may be called "divisive" by those who demand conformity to their own views. Fears will be expressed over "religion intruding into the political arena." Such repressive counselings have not been heard in campaigns by religious groups with respect to Vietnam, welfare rights, prohibition, gambling, capital punishment, aid to Israel, trade with South Africa or racial discrimination. Neither must they be heeded in respect to religious liberty in education.

East Germany may be a great institution - but we are not ready for an institution yet.

DOMESTIC SERVICE

-24-

TUESDAY, APRIL 27, 1976

'A Minority Almost Everywhere'

BICENTENNIAL CONFERENCE TOLD JEWS HAVE GREATEST STAKE IN RELIGIOUS LIBERTY

By Religious News Service (4-27-76)

PHILADELPHIA (RNS) -- A noted Jewish scholar told the Bicentennial Conference on Religious Liberty here that no other large religious group has as great a stake in the vitality of religious liberty as the Jewish community.

Dr. Robert Gordis, professor of Bible and philosophies of religion at the Jewish Theological Seminary, New York, told the interreligious gathering that "while it is true that virtually every religious group finds itself a minority in one or another corner of the globe, Jews have been a minority almost everywhere and always."

Therefore, he said, there is "historic justice in the fact that the people for whom religious liberty is so fundamental were the first to take up arms in defense of this right. The earliest recorded war for religious liberty is the struggle of the Maccabees against the Syrian Greek King Antiochus Epiphanes, which broke out in 168 B.C."

According to Dr. Gordis, "had the Maccabees not fought, or had they fought and lost, the Hebrew Scriptures would have been destroyed, Judaism would have perished, Christianity would not have been born, and the ideals of the Judeo-Christian heritage, basic to Western civilization, would have perished."

The scholar pointed out that "frequently the position of the Jewish community on questions of church and state is misunderstood, because it is attributed solely to the desire to avoid religious disabilities for itself and other minority groups."

In this respect, Dr. Gordis commented that an important element of the Jewish viewpoint on church-state separation is "a sincere concern for the preservation of religious vitality." Here, he said, "majority groups have as direct an interest as the minority."

Dr. Gordis contrasted the vitality of a religious tradition with "non-denominational religion," which, he said, "is frequently little more than dessicated religion, lacking the specific content, the color and the warmth of a living religious tradition."

According to the seminary professor, "religious liberty within the Jewish community exists de facto. It is recognized de jure by all groups in Reform and Conservative Judaism and by elements in Orthodoxy as well. Undoubtedly practice lags behind theory, but the conclusion is unassailable that the nature of Judaism, buttressed by its historic experience, makes the freedom of religious dissent a recognized reality for virtually all members of the community de facto, even by those who would not recognize it de jure."

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TO:

Joint Advisory Committee

FROM:

Jules Cohen, Secretary

DATE:

May 15, 1958

SUBJECT:

Fund for the Republic Seminar on the subject "Religion in a Free Society"

55 West 42nd Street, Room 1530

New York 36, N. Y.

LOngacre 4-3450

From May 5 to 9, 1958 I participated in the seminar on "Religion in a Free Society" which was sponsored by the Fund for the Republic. While the participants in this conference were invited as individuals, it is clear that an effort was made to have all points of view represented. I was invited because of my identification with the Joint Advisory Committee.

Enclosed is a report on the seminar based on notes I was able to take. A copy of the program and the list of invitees are attached to the report. This report was prepared quickly on the chance that we may wish to discuss this project of the Fund for the Republic at the Joint Advisory Committee meeting scheduled for May 22. Of course, the report is only a summary. I hope, however, that it conveys the essence of what transpired and the atmosphere which prevailed.

I trust that you will go over the report in advance of our meeting on the 22nd.

J.C.

Enc.

Report on Seminar
Sponsored by
The Fund For The Republic
on the Subject
"Religion in a Free Society"

May 5-9, 1958 New York City

INTRODUCTION

(Based on a booklet published by the Fund for the Republic which describes "the Fund's program concerning the basic issues of liberty and justice in the United States")

In May, 1957, the Board of Directors of the Fund for the Republic decided "to concentrate on a searching examination of the questions facing Americans in preserving a free society under 20th century conditions...

"More than 100 persons outside of the Fund contributed to the shaping of the program, among them the ten men who have become the Committee of Consultants.

"The Committee has three functions: to think, to discuss, and to publish. Out of its deliberations and the work commissioned by it, the Fund hopes that fresh definitions of fundamental problems and a clarification of the arguments concerning these problems will emerge. The discussion of the Committee may become models of the rational debate essential to the democratic process. Additionally, the Fund will make every effort consistent with its charter to implement the findings of the Committee....

"The Committee of Consultants is committed to sustained discussion as the principal means of achieving clarification.

"In this process the first task is to define the issues. The second step will be to obtain, through staff work or from Committee members, information necessary to the comprehension of the issues as defined. The third is examination of the data and discussion of relevant viewpoints. This process will result in published statements, representing either interim reports or the efforts of the group to clarify the issue under consideration.

"The Committee will go into two main classes of issues: those resulting from the impact of new or vastly enlarged insitutions, e.g., the influence of the trade union on its members; and those resulting from the growing complexity of the national life. The latter category includes questions like those of privacy and censorship.

"Four projects have been started: on the Corporation, the Union, Governmental Provisions for the Common Defense, and Religious Institutions in a Democratic Society. The purpose of these studies will be to assist the Committee, although material prepared for the members may be published as part of the effort to encourage rational debate."

The study of Religious Institutions in a Democratic Society "will deal with the relationship between Church and State, the role of religion in public life, and the rights of religious dissent or non-conformity.

'A study group will consider such questions as:

"The role of the religious pressure group and its effect on freedom of speech, freedom to read, freedom of communications, etc.

"The influence of ecclesiastical directives on legislators and blocs of voters and through them on the public law.

"The use of public funds to support church-directed education, parochial activities and sectarian interests.

"The question of prayers, released-time and 'moral guidance' programs as well as religious celebrations in the public schools.

"The project will be a joint effort engaging representatives of the three major faiths, as well as the religiously uncommitted. It will from time to time call in outside experts and leading spokesmen of the various faiths as well as representatives of the non-religious point of view. It will commission special studies and research from qualified individuals and institutions."

The Seminar held May 5-9, 1958 is a part of this study. Attached to this report is a copy each of (1) the Seminar program and (2) list of participants.

Summary of First Session Monday Evening May 5, 1958

"Religious Pluralism and Civic Unity"

John Cogley presided and introduced Dr. Robert M. Hutchins, President of the Fund for the Republic. Dr. Reinhold Niebuhr was not present because of illness and Dr. Hutchins spoke in his stead.

Dr. Hutchins referred to the political assumptions of American society, suggesting the founding fathers felt that disagreement is desriable. With respect to economic assumptions, he talked about the self-reliance and self-employment of Americans in colonial days. As regards education, he characterized America as a republic of learning. America has grown great on these assumptions. He then drew a distinction between early American history and the world today which is an industrial world, a smaller and a dangerous world. For America, it is more constricted. He cited American immigration policy and said there is little pioneering left.

The industrialization of our country has changed the role of man. This is the time of the "interchangeable man," the assembly-line man. Suburbia is helping to bring about the "interchangeable family". Dr. Hutchins then developed the theme of conformity and

the desire for camouflage on the part of man in the present period.

He said also that big government is necessary to deal with big business and big labor.

He was critical of Protestantism on the integration issue and repeated the statement that segregation reaches its highest point at 11 a.m. Sunday morning. In this connection, he commended Catholicism.

The education system today is designed for the interchangeable man. We spend more on liquor, tobacco and cosmetics than on education. Education today has no relationship to our real problems, the first of which is the survival of democracy.

The individual is a thing of the past and today there is no way for the individual to register his views nor is there a desire to do so. In this connection, he mentioned the areas of foreign policy, mass media and education. He referred to the statement by Aristotle "Men do not deliberate about things which are beyond their power."

Man is standardized and even feelings are prescribed. Man must conform from about age 3 until his funeral. We have "boredom" en masse. Dr. Hutchins is aghast at the latest techniques of voting by pushbutton with no discussion; learning during sleep by means of a mechanical device under the pillow; and a machine for prayer.

It seems to Dr. Hutchins that the belief in the basic assumptions of our country are gone forever. He asked are the assumptions also gone.

He suggested that what is necessary is world law through world cooperation.

The only civilization possible is the "Civilization of the Dialogue". Communication, not agreement, is the first requisite.

The centers of private power are the corporations and the mass media. The essential freedom is freedom of speech.

The three institutions which are most important to the "Civilization of the Dialogue" are (1) the church (2) the press and (3) the universities.

Father John Courtney Murray began his address by stating his assumption that American society is unique. As Americans, we believe that all societies should be free and we cannot believe or comprehend that American society can be menaced.

Society is always on the brink of chaos and is rescued by the few who hold back the forces of barbarism. Society is civil because men are locked in argument. They argue over (1) public affairs, (2) the affairs of the commonwealth which go beyond and (3) they argue about the social "consensus."

At this point, Murray's paper seemed to be an argument in support of traditional values tested by time. He also made reference to

the "cult of mediocrity" and said "where economic interests are predominant, man moves toward barbarity."

He also talked about whether American society is "civil"; suggested that civic unity can mean many things and inquired whether the discussions at this Seminar will be "civil", differentiating the word from gentility.

Using the word "conspiracy" in its classical definition of "oneness", he suggested that there are four conspiracies - Catholic,
Protestant, Jewish and Secularist. All we can hope to do is to
moderate the warfare and to reduce the confusion.

He suggested also that it is necessary to forget the various persecution of the past against different religious groups; to have a "cleansed imagination."

Excerpts from Question and Discussion Period

Rabbi William B. Silverman of Nashville mentioned the dichotomy between what we say and how we act on the integration issue. In response, Dr. Hutchings said he thought that this was a "horrible, unChristian type of behavior." The Rabbi also referred to the lack of courage on the part of clergymen who are afraid to speak up on the integration issue.

Mr. Theodore Powell of Manchester, Conn. said he was bothered by Rabbi Silverman's statement and asked if the Rabbi means that the clergy has any more political responsibility than the rest of society.

Don Hager suggested that talking about the difference between the ideal and the real is beating a dead horse. He said there is a sociological answer but did not go into it.

Norman St. John Stevas of Yale took issue with Rabbi Silverman and Hutchins saying that segregation is not necessarily un-Christian. Segregation is incompatible with an egalitarian society but not with a hierarchial society.

Father Rooney defended the position of St. Paul and Christianity on the segregation issue.

Professor Paul Ramsey, referring to Father Murray as "Mr." Murray, spoke about the "pluralistic" society and the "genteel" society. He said that realistically, the "consensus" has been reduced to a verbal matter.

Father Murray replied that Mr. Ramsey had put his finger on the schizophrenic aspect of Father Murray's paper. The first part of his paper dealt with what the "consensus" ought to be. He questions whether the classic "consensus" exists and admitted his limitations due to the fact that he lives and works in the academic community where the fighting is under the surface. Father Murray suggested we should address ourselves to the question as to whether the American consensus has been dissipated and if so, we should reconstitute it.

He also made reference to a certain mythology about the founding fathers and characterized this as a good myth. He defined myth as "something which never happened but remains forever true." He said he was referring to the fact that among people there is an instinctive sense of justice and fair play.

A voice inquired whether Father Murray had not implied that only Catholicism is "civil" and that the other three conspiracies to which Father Murray referred are not civil.

It seemed to me that Father Murray avoided a direct answer in his response.

Session Tuesday Morning May 6, 1958

"The Meaning of Separation of Church and State"

Msgr. Francis J. Lally presided. He introduced Leo Pfeffer.

Leo read his paper. What follows is copy of an excerpt of remarks delivered by Dr. Pfeffer which was available at the Conference:

Probably from the very beginning of recorded history, the institutions of religion and of secular powers have competed for and struggled over human destiny. In this struggle the church has sought to dominate the state and use it as an engine for its purposes and the state has sought to dominate the church and use it as an engine for its purposes. This struggle has led to religious wars, persecutions, oppressions, and hatred and bitterness between peoples and within nations and communities.

The Fathers of our Constitution were determined to keep these evils forever from our shores. To accomplish this, they launched the American experiment -- embodied in the majestic words "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This was a uniquely American contribution to civilization; one practically unknown before its launching in this country and which the other nations of the world in increasing numbers have since then emulated and are continuing to emulate.

The principle of separation and freedom was conceived as a unitary principle. Experience had shown that religious freedom is most secure where church and state are separated and least secure where church and state are united.

The principle of separation and freedom was conceived to be as absolute as possible within the limitations of human communal society. Only where it was unavoidably necessary to prevent an immediate and grave danger to the security or welfare of the community were infringements on religious freedom to be justifiable, and only to the smallest extent necessary to avoid the danger. Likewise, the separation aspect was conceived to be as absolute as could be achieved,

predicated as it was on the concept that religion is outside of the cognizance of political government.

When our constitutional fathers formalized this concept in the First Amendment, they thereby imposed on future generations of Americans in church and state a great moral obligation to preserve their experiment and to adhere strictly to the principle they expressed.

Man is imperfect and does not lose all his imperfections when he enters the service of church or state. Hence, there have been in the history of our country deviations from this principle. Religious freedom has on occasion been interfered with and the separation of church and state has on occasions been impaired. Today perhaps the most serious threat to the principle of separation of church and state lies in pressures to involve the public school system in religious education and to utilize tax raised funds for religious purposes.

The impairments of the principle of absolute separation of church and state have inevitably brought with them in greater or lesser degree the very evils that the constitutional fathers sought to keep from the new Republic. Whenever it has been sought to involve the state in religious affairs and particularly when it has been sought to assign to the public school system responsibility for religious education, the evils of interreligious disharmony and oppression have inevitably become manifest.

Despite these occasional impairments the American people by and large have been faithful to the obligation imposed upon them by the framers of the First Amendment and have guarded well their precious heritage. Church and state have been kept separate and religious freedom has been preserved.

Finally, I am convinced and I believe history supports my conviction, that under and because of the American system of separation of church and state, religion has achieved in the United States a high estate unequaled anywhere in the world. As a consequence of more than a century and a half of separation of church and state, religion has grown in the United States to a point where it is by far the most important moral and spiritual force on the American scene. To appreciate this one need only compare the membership in churches and synagogues today when some 60% of our population are affiliated with religious bodies, with the membership at the time the First Amendment was written when no more than 10% of the population was affiliated.

History, I submit, has justified the great American experiment and has proved the proposition on which it is based -- that complete separation of church and state is best for the church and best for state, and secures freedom for both.

Excerpts from Question and Discussion Period

Leo was asked to explain chaplains in the Armed Services and the Northwest Ordinance in light of the separation principle. Leo suggested that the constitutional guarantee re religion is a goal which will probably never be fully achieved. At the same time, he suggested that the impairments of the liberty of free speech are greater than the impairments of the separation principle.

Superintendent of Schools David Salten, (Long Beach, N.Y.) asked where the line can be drawn as between health and welfare services for the students of parochial schools and aid to the schools.

Professor James M. O'Neill made a brief argument in support of the proposition that the First Amendments says only that Congress cannot legislate on the subject of religion. All Presidents, from Washington to Eisenhower, have used federal funds for religion.

Father Neil G. McCluskey (magazine, AMERICA) said it seemed to him that essentially Leo is suggesting there should be no cooperation between the state and religion.

Father Higgins, picking up Leo's reference to the sacredness of the mind, wondered if this sacredness is not being violated by the compulsory education system and if instead the government should not foster the religious schools.

Paul Blanshard asked Leo to comment on the "MacIntyre Plan" by which public funds would be made available to parents who could then use such funds to send their children to parochial schools if they so wished, similar to the procedure under the GI Bill. Leo replied he was not familiar with the Plan and did not know it as the MacIntyre Plan. He made reference to one or two cases in Virginia and elsewhere which have held that such a procedure would be unconstitutional.

The rest of the discussion revolved mostly about statements made by Catholic participants who were critical of Leo's position. Leo stuck to his guns, saying that he was against any meddling by the state with religion; that in a democratic society, the state must be neutral, not only as among the various religious groups, but as between religion and non-religion.

Jules Cohen asked whether some time during this Seminar thought will be given to relating the discussion to practical community situations. He enumerated the issues of Sunday closing laws, child adoption across religious lines, the Minnesota centennial symbol, the Decalogue, and Christmas programs. He drew attention to local turbulent board meetings and emotional and interreligiously divisive community situations.

Session Tuesday Afternoon May 6, 1958

Dr. Wilber G. Katz (pronounced Kotz) was introduced by Msgr. Lally and began by saying that the subject under discussion stems from Thomas Jefferson's letter to the Danbury Congregation in which he first used the term "separation of church and state." He observed

that the freedom of religion clause of the First Amendment "insulates" religion and suggested that the separation principle has little to offer in controversial situations. Also, strict interpretation is impossible without restricting freedom of religion. The separation principle is defensible only so long as it safeguards religion.

It seems to be agreed, he said, that the separation principle means that the state cannot prefer one religious group over another. Rhetorically, he asked is it agreed that the government cannot aid all religions on a non-preferential basis. Dr. Katz is aware that the principle of complete neutrality is under attack but he will show that it is an important part of the American scene. At the same time, in his view, separation is subordinate to religious freedom.

Professor Katz accepts the proposition that the state cannot aid religion but he does not find complete support for the proposition in the history of the founding of the United States. He rejects the view expressed by Professor O'Neill that the First Amendment means only that the government may not establish an official church.

He wondered whether freedom to doubt is on a par with freedom to believe. His answer is yes. Also the state must be neutral as between believers and non-believers. At the same time, he believes the separation principle is only a supplemental instrument. Like in the case of Chaplains in the Army and government communities like Oak Ridge, the government must provide religious facilities for children who are wards of the state.

In colleges, the question of the relationship of religion to education is no problem. It is serious at the elementary level where the question is whether it is possible to teach religion impartially and without propagation. At this point, Professor Katz seemed to support dismissal time as against release time.

He is not clear about the distinctions between the permissibility of allowing funds under the GI Bill of Rights to be used for a religious education and the same use of federal funds for non-GIs on the same basis.

He suggested that support for complete separation may be due to a skepticism of religious truths and concluded with the statement that the American libertarian tradition will not reach maturity so long as it places restraints upon religious liberty.

Excerpts from Question and Discussion Period

In response to a question about the ground for the separation principle, Dr. Katz said while he is no theologan or philosopher, he believes that what God wants is voluntary adherence.

Mr. Powell inquired how Professor Katz would apply his interpretation of the separation principle to specific problems such as Sunday closing laws. Msgr. Lally at this point suggested that Professor Katz reserve his answers until later after more questions are asked. Father Bosler of Indianapolis suggested that the rights of man are related to man's responsibility to God. A voice inquired whether it is wise to stress the theological basis for the First Amendment. Mr. Ramsey observed that the latter part of what Professor Katz said seemed to be in conflict with his earlier statements that the right to believe and the right to doubt are on a par.

Professor Katz answered that in his judgment, there should be full equality for an atheistic private school. There is a real question as to where the line is to be drawn as between aid to parochial schools and aid to students. For example, such aid to students in connection with a science scholarship program.

Father McCluskey, referring to discussions which were held in Washington regarding the science scholarship program, said that the group found it difficult to draw a line between aid to students and aid to private schools.

At this point, there was some general discussion which revolved around the rationale for tax exemption for religious institutions.

Mr. Dean M. Kelley suggested that the church is in the state but not of the state and therefore tax exemption is a right and not something which the state may grant or withhold.

Professor O'Neill wondered whether one can talk about separation without defining the term. He suggested it means many things to different people. Does the language mean that Congress cannot legislate on the separation principle?

Father Robert F. Drinan made reference to exemption from the draft for students for the Ministry. He wondered if as a nation we do not have a deep commitment to promoting religion.

Professor William Miller said there were different kinds of walls. There is a plate glass wall which can be shattered completely by one blow. Then there is the Japanese screen kind of wall which is movable and can be changed in many ways but which is nevertheless a wall. In his view, in the American consensus, the wall of separation is no longer a plate glass wall.

Dr. Paul B. Anderson suggested that there is a difference between domination and separation. He suggested that in the United States we do not have separation because government agencies invite religious leaders to discussions and seek their advice. Ironically, in the Soviet Union, there seems to be more complete separation.

Dr. John A. Mackay observed that a distinction should be made between the concept of fostering or promoting religion and aiding in the development of religion.

Dr. F. Ernest Johnson admitted he was having word trouble with such words as "fostering" and "promoting". He wondered if Bible reading in the schools is fostering religion and what about the Chaplaincy service.

Professor Katz suggested that the state favors "religious liberty". It should not foster or promote religion. It must "stay

out of the way" of religion or irreligion.

Rabbi Silverman raised the question of majority and minority rights in the American society and used Bible reading in the schools as an example. Professor Katz said he does not think that Bible reading belongs in the public schools.

In answer to a question, Professor Katz also said that Sunday closing laws are not justified and that they have no place in a modern society.

Father Higgins, addressing himself to the Sunday laws, said that he has been watching the problem closely and it is an obvious fact that the chief proponents of such laws are the labor unions and not the churches. He suggested that the question Maury Fagan had raised earlier about the fear that if we go down the road of fringe benefits for religion, it may ultimately lead to a complete breakdown of the separation principle is a good question and the fear a legitimate one. He respects this, but he drew attention to the Catholic fear of going down the other road which may end in a "completely secularistic educational system". Also, the danger that the church schools may be lost. Naming Agnes Meyers, Father Higgins said that many contend that democracy depends on all children attending the common public school.

Session Wednesday Morning
May 7, 1958

"Religion and Education"

Mrs. Eleanor B. Stevenson presided and introduced Dr. Will Herberg.

Observing that it is difficult to discuss the subject of religion and education objectively because it has been effected by interreligious tensions, Dr. Herberg said it is as important to see the problem clearly as to try to find answers to the problem. a free society, no solution can be more than tentative. There are two aspects to the problem (1) the question of religion in the public schools, (2) the place of the religious school in the American educational set up. Two philosophies are competing for the loyalty of educators. One is the Anglo-American view that the government must furnish a minimum education for all citizens and higher educational opportunity for those who merit it. Dr. Herberg suggested that the government's role in education is not inherent in demo-The present role of the state was granted to the government because the private groups could not adequately handle the problem. but the government has no monopoly. Continental Europe has a different philosophy. In Europe, it is deemed to be a part of responsibility of the state; that people are wards of the state and that it is important to mold the minds of youngsters. At this point, Dr. Herberg seemed to attack liberals for going in the direction of totalitarianism in their support of the public educational system.

On the continent, the church mitigated the "uniformization" of the school system. In the earlier days of American history, when waves of immigrants were entering the country, the public schools were expected to make Americans of the children of immigrants and to mold the minds of children. This eroded, but did not destroy the pluralistic society of our country. In the Oregon parochial schools case and later in the Jehovah Witnesses case, the U.S. Supreme Court reasserted the priority right of parents regarding the education of their children and in effect said that the state has no right to standardize such education.

Addressing himself to religious schools, Dr. Herberg suggested that they should not be considered inferior to the public schools. The religious schools perform a public service and function and they should be regarded as equal to the public schools and a part of the nation's educational system, side by side with the public schools. This being so, why not public aid for such church-related schools and for private schools which are not church-related. The criteria in his judgment should be the public service which is repdered and not public management. The fact is that church-related schools do receive public support and they are subjected to public rules.

Dr. Herberg took issue with the views of Dr. Conant who has suggested that democracy requires all Americans to attend the public school. The logic of Dr. Conant's position, he said, is to outlaw the private schools. The public schools were Protestant schools; Catholics could not send their children to such schools and this was responsible for the Catholic parochial schools. The same applies to the Conservative Protestant denominational groups. Later, the public schools became "secularistic" and religion came to be systematically excluded. Education had no relation to God. Catholics are being joined more and more by the Protestants and Jews who find this situation intolerable. This is why the Jewish day schools movement is growing. An organic relationship of religion to education would be a return to the original situation in our country.

As regards the separation principle, Dr. Herberg said it was not for him to give a precise definition of the First Amendment. However, one thing is clear. It was never intended that the state should control the minds of children. In this connection, he quoted Justice Douglas in the Zorach case to the effect that "we are a religious people etc." Also he cited the matters of chaplains in the Army, in prisons, the GI Bill of Rights, compulsory chapel at West Point and Annapolis. He suggested that in the minds of the American people and in practice, the First Amendment does not mean there can be no cooperation or aid by the government to religion. What it does mean is that there may not be an established church; no preference for one religious group over another and that the government cannot go too far. How far is too far? This depends on how public opinion sees a particular issue in the particular circumstances and at the particular time. Thus far, the line has been drawn at the point of direct assistance to religious schools.

There is nothing to prevent the public schools from promoting a religious atmosphere which may be more important than direct instruction. In this connection, he made reference to the "intercultural education" program in Denver during the Christmas-Chanukkah

period. He added this can only be done where the religious groups cooperate.

Dr. Herberg is in favor of three or five hours of released time which should be on a par with other school subjects.

Minorities in American society must not be oppressed, but the majority also has rights. For example, he said, public schools should not discontinue teaching the germ theory of disease only because Christian scientists object, nor should the Chaplaincy service be discontinued because of atheist objections. No one, he was sure, would suggest naming atheist Chaplains to the Army. His answer to the problems of Christmas programs in the schools is to add Chanukkah to such programs. Christian scientist children should be excused from classes which deal with the germ theory in disease.

There are inconsistencies and irrationalities which are to be expected and are healthy in a democratic society, for example, the right of GIs under the GI Bill of Rights to use the money for religious education. However, this right is not available to those who are not GIs. Also, it is all right to furnish text books to parochial school children, but financial assistance for parochial school building is not acceptable. These inconsistencies are largely matters of history, prejudice and a particular grouping of interests at a given time. The same thing happens with respect to other political areas. Public opinion must be the controlling factor. Cooperation among the religious groups is necessary to bring about a relationship of religion to public education.

As regards the charge of divisiveness, he stated that some years ago when immigrant parents felt that Americanization was the first priority metter, the religious school was considered divisive. Today, the situation has changed altogether, Americans are born and not made, and the charge of divisiveness no longer applies.

He concluded with the reassertions that monopoly of education in the hands of the state is abhorrent to the American society and confrontation of the problem may itself help in finding solutions.

Excerpts from Question and Discussion Period

In response to questions, Dr. Herberg said he considers his paper to be in defense of the public schools. In his judgment, the surest way to kill the public school is to sell the American public on the idea that the public schools are "religionless". He agrees with what he understands to be the public mind now and in the foreseeable future that Catholics should not press for direct financial aid to parochial schools. However, in principle, Catholics are right in contending that the parochial schools are entitled to such aid.

Father Higgins, saying that he was a great supporter of Franklin Roosevelt, told the story of his discussions with a gentleman on a train who also believed in FDR, but later in the conversation made it clear that he was in full support of the public school and against private schools. Father Higgins pointed out to this gentleman that FDR never attended a public school.

Rabbi Arthur Gilber suggested that the issues which deserve more consideration are the principles involved in the fight on the issue of the posting of the Decalogue in the public school and posturing of hands which is learned in connection with prayer in the public schools. He expressed the fear that the public schools, in dealing with religion, may water down religion and bring about a kind of public school religion.

Dr. Mackay said that support for religious schools by the government may undermine the entire democratic system.

Professor O'Neill said the facts are that Catholic educational authorities have never asked for assistance on a par with public education and his guess is that they would turn it down if it were offered. They have asked for fringe benefits for all children including parochial school students.

Phil Jacobson observed that what we are really dealing with is the use of tax funds for religious schools. He urged Dr. Herberg to state clearly where he stands on this central question.

Father McCluskey took issue with a statement made earlier in the discussion that this is a Catholic problem. Also, while he does not agree with Dr. Conant's conclusion, he recognizes the concern of those who support the common school. Religion and public education is not a Catholic problem but concerns everyone. The issue, he suggested, is how to exercise a right and how to protect a freedom.

Rabbi Grollman took Dr. Herberg to task for the reference he had made earlier that the modern synagogue is like a Protestant church with a Rabbi. He also disagred strongly with Dr. Herberg's casual acceptance of the posturing with the hands while in prayer.

Session Wednesday Afternoon May 7, 1958

Professor James Hastings Nichols started by saying that he would present a Protestant view on the subject of religion and public education.

In general, Protestants have supported a dual system of education, (1) public school and (2) the Sunday school. Most denominations have not been competing with the public schools on a large scale. The Protestant concern is both with religion and ethics. Christians believe they have a responsibility for the education of all, irrespective of the religious faith of particular students. Also, the right of each individual to develop in accordance with his capability. Therefore, there is a responsibility to support the public schools even if they were "Godless" as they are charged to be. The primary concern of Protestantism is religious education. The chief function is to bring man to an understanding and a belonging to God. Protestants never conceded that the public schools are competent to handle this responsibility. How are these two different commitments to be reconciled?

He suggested that the American culture had been secularized before the public schools were invented, and made some historical references to prove his point. He suggested that Protestants have accepted the compartmentalization of (1) religion on the one hand and (2) political and ethical responsibilities on the other. On the whole, Protestants have given up the concept of parochial schools, largely because such schools are not too different from the public schools. He would guess that the same is true of the Catholic and Jewish schools. The curriculum is mostly secular. In his judgment, the fight for parochial schools is for a closer juxta position of religion and secular education; the fight is not for a truly integrated education.

Professor Nichols stated that he does not think the schools can be objective with respect to religion. As regards the teaching of moral and spiritual values, he is suspicious of the teaching of the religious sanctions on which such values may be founded. He does not like the idea that Protestants seem to be supporting the concept of common core teaching which in his judgment should be rejected. He suggested this is a cheap and easy procedure which reduces theology to trivia. He contended there is no common core. Protestants believe there should be a continuing "dialogue" and that there is a right to the objective teaching of western religion.

Catholics have charged that the Protestant attitude on Catholic parochial schools is a grudging and reluctant attitude. Many Protestants resent the Roman Catholic charges of Godlessness in the public schools. They are also concerned about the extension of Roman Catholic control of the school system and believe Roman Catholicism is the only group large enough to threaten the American educational system.

To understand the problem, Professor Nichols suggested, we must be frank and if necessary impolite. The crux of the matter to Protestants is not parochial schools vs. public schools. Rather, the crux is free education and uncensored education on the one hand, as contrasted with Catholic education which is "censored," "irresponsible", "controlled", and "segregated" education; separated from community review and the customary educational standards. At the same time, the substance of Catholic educational teaching is sacrosanct. This is why Protestants are concerned. Catholic graduates are "crippled in the dialogue." He observed that a man doesn't have to participate in the democratic dialogue but questioned whether the public should subsidize education which keeps him from participation. If Catholic education were open to criticism and review, then the argument of distributive justice could be driven home to Protestants.

He quoted from Dr. Temple, a prominent Protestant theologan, who said the Catholic attitude toward liberty is unsatisfactory. Nichols admitted that this interpretation of liberty is a Protestant interpretation. He does not mind admitting that the Anglo-American conception of education is Protestant and observed that Dr. Hutchins' reference to the "civilization of the dialogue" revealed Dr. Hutchins puritanism.

Whereas Roman Catholicism does not give much to a free society, it can contribute in an authoritarian society and in this connection, he cited Nazi Germany and Russia.

Dr. Nichols does not expect the religious groups to change their respective positions. What is involved is a struggle for the American culture. In this struggle, he expects the free society to lose many battles. In connection with this struggle, he made reference to "Catholic lobbying," opposition to local school bond issues and intervention in local school board elections.

Excerpts from Question and Discussion Period

Professor O'Neill asked Dr. Nichols to say where he received his information regarding the undemocratic practices of Catholics. He asked for specificity.

Dr. Nichols responded that he was willing to answer, but he is not sure that this would be a fruitful way to spend the balance of the afternoon. What he had said was merely to indicate an important factor which should be considered in any discussion of the subject of religion and public education, namely, the way Protestants feel. He identified with this Protestant concern.

Father McCluskey wondered whether in view of all Dr. Nichols had said, the Catholic participants at the conference shouldn't leave because they do not fit. Commenting on Nichols' reference to free education vs. censored education, Father McCluskey invited Nichols to attend the next meeting of the National Catholic Education Association. Regarding the question of review by the community, he went into some detail about the questions he had to answer before he was licensed as a school administrator. Similarly, Catholic graduates must answer to the state. He also noted that Dr. Carr, Director of the National Education Association, has referred in sympathetic terms to the partnership between public and parochial school education.

Paul Blanshard, expressing deep appreciation for the invitation to this conference inasmuch as he is considered a controversial figure, said he would like to point to the entire control by the church in Catholicism. This is undemocratic inasmuch as Catholics have no assembly, no voice in their choice of Bishops, Cardinals or the Pope, and no voice as to whether or not there should be Catholic schools. He cited the Cannon Law that it is a mortal sin for a Catholic to attend public school. This, in his judgment, is a complete denial of parental control. Secondly, Catholics are not permitted by Cannon Law to read any books which attack Catholicism. Catholicism also has fixed rules of separatism, particularly with respect to mixed marriages. Blanshard also referred to the Catholic position on birth control and divorce which are taught in Catholic schools. He concluded by saying that he doesn't say it is wrong to teach these values, but does object to the fact that it is done by coercive, theological power.

Dr. Bryar of Hunter College disagreed with Nichols saying he does not recognize the public schools and Catholic schools in the terms stated by Dr. Nichols.

Dr. Rodes of Notre Dame contended there is a good deal of control in the governed. He wondered whether Nichols' criticism would be met if the Catholic schools were more open and operated more through PTAs. He suggested that Nichols' criticism may be justified. Nichols replied that such changes would be in the democratic direction. However, in order to secure public support, it would be necessary to have a more democratic social structure in the church.

Don Hager, identifying himself as a secular humanist, suggested that the central point of Dr. Nichols' paper is the reference to the struggle for the American culture.

Father Higgins, observing that he works for hierarchy who are "a strange lot", chided Father McCluskey for having taken offense. For himself, he said, he is neither hurt nor offended but welcomes this kind of discussion if there were enough time to go into it fully. He made the following points: (1) Nichols had said the religious schools do not integrate religion and secular education. He asked how much of a study if any Dr. Nichols had made of this question. Father Higgins suggested that while some schools do a bad job, many schools do a good job of integrating religion and secular education. (2) There is no foundation for the Protestant impression that federal aid to education is being held up or that local school bond issues are defeated as a result of Catholic pressure. (3) The alleged slander of Catholic attacks against the public schools is no different than the same slander against fundamentalist Protestant groups for alleged similar attacks against the public schools.

Dr. Nichols replied his knowledge of parochial schools is limited to what he has learned from the reading of papers which have emanated from Catholic educational meetings. He suggested also that there is a great difference between Anglican establishment and Roman Catholic establishment. He said he stands by the position stated in his book which Father Higgins had earlier said is even stronger than what Nichols had said in his paper this afternoon.

Norman St. John Stevas said Dr. Nichols was inconsistent in contending on the one hand that Catholic education is censored education and on the other hand that Catholic educational schools are no more than secular educational schools with Sunday school added. He then defended the Catholic record regarding liberitarianism and recalled that the Magna Carta, the jury system, the English House of Commons among other democratic institutions were products of Catholicism.

Mr. Powell suggested the real trouble is that most education is censored education.

Professor Edward A. Dowey stated he was concerned about the following points: (1) the authority of the church which (2) creates a kind of front and (3) a solidarity on socio-political issues. This worries him, because there is a danger of ruining the "dialogue."

Dr. Mackey, paying tribute to what Father Higgins had said and how he said it, suggested that if this seminar cannot be frank then no group could be. He observed that in Catholicism error cannot have the same rights as truth; there is a claim of superiority of the church over the state. At the same time, he is aware of the controversy and differences within Catholic circles, both in France and in the United States as exemplified by Father Murray's liberalism. He and other Protestants are concerned that if Roman Catholicism were to become dominant, it would follow the traditional direction and not the liberal direction.

Father Bosler suggested that Protestants and Jews share many of the truths with Catholics. Catholicism applies truth to the changing times and that Catholicism today appreciates religious freedom much better than it did in the past. The forces of changing circumstances and political alignment affect Catholics and Protestants alike.

Dr. Paul Empie, Executive Director of the National Lutheran Council, suggested that the question as to whether parochial schools render a public service or have a good integrated program is irrelevant at this seminar. He disagreed with Professor Nichols' characterization of the relationship of secular education and religion in religious schools. The church-related schools do much more than add Sunday school to the secular education. In the case of his group for example, the purpose of the church-related schools is to produce a good Lutheran. It is fiction to think that this function can be separated from the church. Therefore, the question is whether public funds can be made available to parochial schools. If this should come about, he would predict that there would be many more Lutheran and other parochial schools. He questioned whether Americans want that.

Session Thursday Morning May 8, 1958

"Religion, the Free Society and Secular Culture"

Arthur Cohen, chairman, introduced Father Walter J. Ong of St. Louis University.

Father Ong presented his paper: Coexistence between nationalism and religion always has been and still is a problem. The human pattern is in the direction of convergence despite minor divergences. In spite of bamboo and iron curtains, man today is more in communication with man than ever before in history. "Man is made to unite humanity". Man is made to deal with other men. Human society as a whole is cohesive. Society must somehow unite itself all over the world. Isolation was a temporary condition which must be liquidated.

The cataclysmic developments in communications, telegraph, telephone, rapid transit, radar, etc., have brought about the "communications age" as it would be called in the American view. Europeans would call it the "age of dialogue". Escentially, the concept is the same, namely, that of man talking to man. This is significant to theologans as well as to sociologists. We must recnogize that the sealing of frontiers is no longer the answer to

problems. Basically, the problem of isolation is man's relationship to man. We know now that isolation settles nothing; that a given situation must be talked out and the solution found in the locale of the problem. Problems must be considered in terms of sight, speech and sound and not in terms of time and space and it is in this frame of reference that Father Ong wished to discuss the church-state issue. He drew a distinction between "dialogue" and "dialectic".

The New Testament is founded on the concept of a personal relationship. Indicative of this, is the statement made by Jesus "Render unto Caeser that which is Caeser's and unto God that which is God's." Also, his answer to the King when he said "I am a King, but my kingdom is not of this world." Christianity, like Judaism, is based on the conception of a personal God, a dialogue relationship between persons and not abstractions. This personal quality of dialogue is pertinent to the issue of religion and education. The church-state issue came into being in the Roman age. Jews and Christians said we will not worship the Roman Gods. This shocked the Romans who felt that religions should be changed as required by political necessity. Church-state tensions are personal also in the sense that they call for individual action by the religiously committed.

Dialogue is of the essence but dialogue can never be conclusive. It is always alive and capable of further growth. Catholicism needs to be in the world just as she cannot be of the world. With or without a wall of separation, we cannot consider religion to be on one side of the street and the state on the other. Knowledge does not exist in zones and there cannot be a buffer zone or a no man's land between religion and the state. Dialogue cannot be diagramed, or made visual or static. It is not the relationship of a thing to a thing, but of a person to person.

In the west, the state has progressed as regards respect for the individual. At the same time, the state itself is becoming more and more impersonal due in part to the size of government. Also, the notion of justice has a quality of impersonalness although the state can never be entirely depersonalized. The secular culture or secular life is also impersonal. "I and thou" cannot be organized. Only "it" can be organized. Society therefore developed alternatives in the persons of counsellors and personnel directors, etc.

Man's first problems were to conquer various areas of nature. Once this was done, or mostly done, man had time to think about the relationship of man to man. As the personalized philosophy developed, it took on religious overtones. Religion speaks more for the personal voice than does the state. The Hebrew-Christian tradition is based on a personal setting as witness the conversation between God and Abraham.

For Catholics, the church is not an organization, but the extension of the mystical body of Christ. The church is tied up with the interior conscience of man. The confessional is an excellent illustration of the personal man to man relationships, and a priest cannot tell what he learns in the confessional even to the church. This is not possible in secular law.

In handling church-state problems, we should place more emphasis on the aspect of person to person. Dialogue is a way of achieving unity while preserving differences.

Democracy may perish when citizens come to blows. Democracy does not guarantee peace but it promotes peace. Cutting off dialogue is a prelude to war. Finally, dialogue must be between persons who are committed persons, otherwise it becomes only a TV commercial.

Excerpts from Question and Discussion Period

Dr. Mackay asked why Americans would refer to the present age as the age of communication while Europe would refer to is as the age of the dialogue. Father Ong said he thought this reflects the difference in the structure of the two societies. America is more free and made up of people who ran away from homes; the home concept is therefore diminished in the United States.

Dr. James Luther Adams asked how Father Ong would apply the principles he had set forth to institutions. For example, he asked what kind of an association is the Roman Catholic church? Does Roman Catholicism promote free dialogue among its members? What is the attitude of Roman Catholicism to secular voluntary associations? Also, what is the attitude of Roman Catholicism with respect to pressure groups such as the Legion of Decency which obstructs communications?

Father Ong replied that Catholicism is still trying to figure out what the Catholic church is. With respect to the nature of authority, he suggested that the exact nature of authority needs investigation. He said that it is difficult for a Bishop to get an opinion from Rome on anything and it is equally difficult for a priest to get an opinion from his Bishop. Down the line, the church wants each to make up his own mind.

Dr. Dowey interpreted Father Ong's remarks as meaning that the impersonal state means moral man vs. an immoral state. He suggested the immorality which organizations may develop as a result of depersonalization even though each organization, like the church, may be personalized.

Dr. F. Ernest Johnson inquired whether Catholics have anything to gain in the dialogue since they are committed to the cannons of the church. without challenge. Father Ong replied that decidely yes, Catholics can learn a lot through dialogue even about their own faith. Also he said that Catholics have a commitment to love everyone and therefore they have a responsibility to participate in the dialogue.

Father McCluskey said there is no conflict between Catholicism and the civic order or the U.S. Constitution. Writings by Catholic theologeans, philosophers, sociologists, etc., have been and are being widely disseminated and widely used. Catholics do and should participate in the dialogue which can help to solve tension problems.

Rabbi Gilbert suggested that all groups are guilty with respect to insufficient participation in dialogue in the community. This is true of Protestants as well as Catholics and is a deeply disturbing problem. Secondly, when we do get together it is usually at the initiative of the civil order, either some arm of the state or a foundation like the Fund for the Republic. Thirdly, we come into dialogue not on a personal basis, but identified by our respective groups. Fourthly, sometimes we do get together and talk for a long time. The question is how long do you continue conversation after you have a feeling that further talk is fruitless. In this connection, he made reference to the two years of discussion among the leaders from the three faith groups in connection with the New York Guide on Moral and Spiritual Values which ended up in three separate statements.

A voice, reading from the bibliography of the seminar made reference to the Catholic position in favor of a single church-state. It seemed to him that the Catholic church is accepting the present American system of separation temporarily, but philosophically is not in accord with it.

Father Ong said that nothing is ideal and the Catholic position is always considered in light of the particular time and place.

Jules Cohen drew attention to the fact that in this seminar dialogue has been considered only on the basis of dialogue between differing interests or groups. He suggested the need for much more dialogue within each group. The participants at this conference, he observed, could agree on a solution to specific church-state controversies in communities because of the knowledge and sensitivity which this group has developed. However, in community situations the problems must be solved by citizens who have little or no information and understanding of various points of view. It seemed to him that each group could make a great contribution by developing more dialogue within its own group on church-state issues in the local community.

Father Higgins said again that he welcomes criticism and free discussion regarding the Catholic church and its position. At the same time, he suggested that he always has the feeling that Catholics can't win. He cited hisparticipation and the participation of other Catholics in the trade union movement. This is interpreted as being a Catholic attempt to take over the trade union movement for its own ulterior motives. If Catholics do not participate in a particular movement, then they are called segregationists or arrogant. If they do participate, then they are charged with ulterior motives and an attempt to win control.

The balance of discussion was along the same lines with additional inquiries directed to the Catholic participants about the structure of the Catholic church and the views of Catholicism on church-state matters.

Session Thursday Afternoon May 8, 1958

The Chairman introduced Dr. Stringfellow Barr.

Dr. Barr began by saying that Plato's republic was not only an idea for the Utopian state, but a picture of the good and open society, one which guarantees the dialectical process; that is to say, continuous conversation and examination. He takes it that the touchstone of a free society is the continuousness of the dialectic. Censorship should be aimed at promoting and not toward thwarting the continuing dialectic.

Professor Mikeljohn in his book seems to be saying that the First Amendment does not say "let me finish and then I will listen to you". It does say that listening is as important as talking. Dr. Barr thinks that any censorship of this idea is not in keeping with the free society. He repeated he assumes censorship should promote the dialectic and not obstruct it. Parliamentary rules are for the better conduct of the dialectic. To abolish them would be to create chaos.

In our complex society, the public cannot realistically engage in the debate but it must be carried on by representatives.

Our society assumes that any doctrine, whether right or wrong, may be taught without interference by the state.

He wonders why the Catholic blacklist of books is not challenged by Catholics.

The central theme of Dr. Barr's paper was on the danger of censorship to a free society and he said that we would be better off if we stopped banning books altogether.

Session Friday Morning May 9, 1958

"Religion and the Free Society"

Dr. George Shuster, President of Hunter College, presided. Rabbi Abraham Joshua Heschel was the first speaker.

Rabbi Heschel said he would discuss three problems (1) isolation in religion (2) the meaning of freedom and (3) grave digging.

The trouble is that religion has become an institution, an organization. This is no substitute for faith and no alternative to revelation.

It seems to have become the customary to blame the secular society for the failings of religion. Religion itself should be blamed for its faults.

Religion is the answer to ultimate questions.

Rabbi Heschel next discussed the loss of fundamental religious concepts. He suggested that man's concern is only about his needs. "What can I get out of life and not what can life get from me". Some needs are indigenous to man, but many are artificial and due to advertisements, fashion or envy. "More men die in the epidemic of needs than die in the epidemic of disease." In this connection,

Rabbi Heschel discussed the materialism and covetisness of the present time. Rhetorically, he asked how can we ward off evil needs. His answer is by saying "no" to ourselves with respect to the lower needs in order to keep alive the "higher yes".

Religion seems to have adjusted itself to modern times by saying that it too satisfies a human need. This is wrong. When the Ten Commandments were handed on Sinai, the people didn't want them. They wanted craven images and the flesh pots. Nevertheless, they were given the Tablets. We must be aware of the danger of converting needs into ends. What is necessary is just the reverse. Religion is not intended to be the answer to a need of man.

The true sanctuary has no walls. Segregated religion, dogma and structure are no substitutes for the seeking for truth.

Dr. Heschel then addressed himself to the essentiality of social justice as a part of religion. He developed the theme that the prophets concern about unfaithfulness to God was felt by the general populous to be too violent and the rebuke too harsh. It seemed that the prophets were excessively excited. Rabbi Heschel inquired why there was not the same concern about the callousness of people to social injustice and to crime. The primary task is not how to deal with evil, but how to deal with the "neutral".

Religion has become an institution with too much emphasis on social affiliation and community worship without sufficient emphasis on private commitment.

"The body has become God and man's needs its prophets."

As regards the meaning of freedom, Rabbi Heschel mentioned the inclusion of the words "out of bondage" in the First Commandment. Freedom, he said, is the source of all being. The essential nature of freedom is "freedom of conscience". This does not mean license. Rabbi Heschel developed the theme of the real meaning of freedom and suggested that real freedom means being anti-superstition even when the superstition may be a matter of doctrine.

He talked about the dehumanization of man. Ours seems to be the age of suspicion. "Suspect thy neighbor as thyself." Modern man suffers from insecurity. He is subjected to many pressures and hidden persuaders. The trend toward conformity has led man to become vapid and cheap. We no longer know how to think, to pray or to cry. Man has forgotten how to be alone. Also, he runs from his family and he cannot stand still. He cannot enjoy a moment or a beautiful sight. Instead of enjoying the sight, he takes a picture. "My address is not important, but the reporters who may be here are." A real issue is the vulgarization of faith. He drew attention to a current book entitled "Pray and Lose Weight."

Rabbi Heschel told the story of the creation of man when Love said that man should be created but Truth said that he should not. Righteousness spoke for his creation while Peace spoke against it. God decided to bury Truth in order to create man. What we need in our day is some grave digging to dig up truth instead of relying upon expediency, public relations. Charity should not be related to

self-interest or public relations. In this connection, he mentioned foreign aid in order to win friends and influence people instead of offering such aid out of a real concern for the welfare and problems of the underdeveloped countries. Assistance on a selfish basis can boomerang.

Rabbi Heschel's final comments were: the central problem in America is the return to private religious commitment instead of a public religion with undue emphasis on community worship.

The Chairman now presented Father Gustave Weigel of Woodstock College.

Father Weigel said he would talk about "the present embarrass-ment of the church."

He began by asking what comes of all the conversations or dialogue and what it may mean to the man in the street. His answer is that the justification lies in the fact that men who give thought shall think about current problems.

Religion can help society but he wonders if it should.

Society is for man and not man for society.

The individual must respect society and must adjust to the collectivity.

The nub of the issue is that neither the individual nor society is absolute. They must adjust and relate to one another. Each has its rights and responsibilities. In the Soviet Union, the society is superior to the individual. In the United States, the individual is superior to the society. As conflicts arise between man and society, we need an arbiter to make decisions, but where can we find the judge?

The power of rebellion vs. the power of coercion is a problem which faces each generation. Right can be powerless and power can be unrighteous.

Original sin is evident in the history of man and the problem of history is how to control original sin. The ancients did it by putting both the individual and society under God as the judge. To a God-fearing people, this was a satisfactory arrangement. But faith is a precarious thing and can be lost.

Later in history, "Reason" was substituted as the judge instead of God. Natural law was substituted for divine law. It was then found that "Reason" with a capitol R is the same as God and so this was rejected. If "Reason with a small "r" was to be used, then the question is whose "reason"? This is where we are today in history.

In our time, we cannot yield to power which is now able to destroy the world, "Reason" with a capitol R is no answer. The secular society, therefore, is turning to the church to help hold off the monster of power, This very seminar is evidence of this development. A siminar such as this could not have happened thirty years

ago. Recognized religion cannot be intimidated by power and the secular society wants this resistance to be harnessed for the benefit of the commonwealth. Father Weigel cautioned that this can be a trap for religion, and that religion must be wary of this new esteem after a period of ridicule.

Neither religion nor society should be subserviant to one another.

Since religion does not "adore" the state, what can religion do for the civic community? Dr. Weigel suggested that what religion can do most effectively to help the civic society is to be itself genuinely and integrally. If it does so, other things will follow. Religion cannot run the government nor can it be restricted by the secular society. It is not the purpose of the church to save the state or to be its minister. The church is here to give witness to the will of God. It cannot accommodate its principles but it can and must be timely. The best thing the church can do for society is to teach its adherents how to live. To love all, even those who hate you. The church can help by preaching austerity, love of God and church. The church cannot take responsibility for dealing with secular issues such as atomic energy. The church can teach austerity, awareness and love of God.

Excerpts from Question and Discussion Period

Dr. Martin E. Marty noted that Father Weigel kept using the word "church" and asked him how he meant the term. Father Weigel answered he was using the word "church" ambiguously. As he used it, it would mean the Synagogue as well as the Catholic church.

A priest asked Dr. Heschel to explain the difference, if any, between dehumanization and demoralization. Rabbi Heschel responded that a person may be moral and yet be dehumanized. He criticized the fashionable use of the word "values". Like the word needs, this word also had been borrowed from economics. The concept of values cannot be defined. We can understand the Ten Commandments. The problem is to go back to basic principles in the biblical sense.

Father Gerard Rooney observed that more and more the Popes and the Catholic church are considering civic issues. How can this be explained in light of Father Weigel's comments? Father Weigel replied that with respect to realities, the society of faith is not on the same level as the society which is secular. It is not the function of the society of faith to solve secular problems, but it must be timely.

Dr. Mackay said he was in basic agreement with the papers presented by Rabbi Heschel and Father Weigel. He suggested it is important to analyze afresh the whole concept of freedom which, in his judgment, is not emancipation. Freedom transcends emancipation. It is a commitment to the divine. Religion must present this concept to the world and this means a re-evaluation of the meaning of freedom. Father Weigel's concept "be true to yourself" is well established in the Protestant community.

Dr. Kenneth Underwood, addressing himself to Father Weigel's reference to austerity, and the discussions at the seminar regarding the dialogue, observed that we cannot say austerity on the one hand and at the same time overlook practical economic and sociological problems of the day. The theologans must talk with politicians and not on a prudential basis. He argued that the religious leaders and religion should get into practical issues.

Father Weigel agreed. He said that there can be a theology of economics or of austerity or of anything. This is not the time to free the man of faith from the dialogue with his time.

A voice asked Father Weigel for his views on the identification of religion and culture. Father Weigel replied that there can be no such identification. Culture is secular and timely, while religion is timeless. Both move pari passu, but should not be identified although each influences the other.

Rabbi Heschel stated that we have failed to recognize learning and the act of study as necessary to sanctification. He suggested shifting the emphasis from gadgets to what counts ultimately.

Mrs. Leonard Thornton said the idea that culture had to penetrate religion just as religion has to penetrate culture seemed to her not to be in accord with Protestant "conversation". She believes that insufficient account has been taken of the aspect of the American dialogue that "we cannot speak unless we first hear."

Father Weigel said that God's will is not identified or identifiable with any culture. At the same time, the church cannot reveal revelation without the "word." The church may change the "word" in keeping with the time. The prophet must be a man of God, but also a man of his time. Church and culture are intermingled but not identified. Both religion and culture are conditioned by one another.

Session Friday Afternoon May 9, 1958

Dr. Shuster introduced Dr. Paul Tillich of Harvard Divinity School.

Dr. Tillich said he would talk about (1) criticism of taboos; (2) the authoritarian character of religion. How can society be free if it is subjected to religious authority which can organize masses of voters who cannot resist the taboos they have been taught or the general teaching of their religion; (3) the inolterance of religion. In this connection, he said that tolerance can be many things. Is it charity? Lack of conviction? Is charity itself a religion? There are limits of tolerance. Even Locke wanted to keep out Catholics and atheists. Is a free society possible or does this concept contravene the limits of tolerance?

Dr. Tillich spoke about the transcendentant character of religion. He suggested religion is a vertical line which separates people from the horizontal line. He made reference to the fact that the Lutherans in Germany were indifferent to the political events and attrocities under Hitler until the church was threatened. It

showed no interest when only the Jews were persecuted.

A free society criticizes its own institutions. If such a society did exist, would it not be afraid to give a place to religion?

The secular universities such as his own are the only true free societies. He referred to recent discussions at Harvard about the place of religion, the question being whether to give religion a role or would religion be a most divisive force.

Religion can enable a free society in three ways: (1) by judging itself within the free society (2) by "forming" the bearers of the free society and (3) by judging the free society.

There are two elements with respect to religion judging itself. The first is the unconditional which is ultimate and the second which is the concrete expression of the ultimate by symbols. The first element does not threaten society. The second does. The first element gives religion power to judge itself. The roots of criticism of religion is in self-criticism of religion. Changing something finite to something infinite is what endangers the free society. Churches which suppress the prophetic spirit of self-criticism endanger free society. In this respect, Protestants and humanists are on the same side. At the same time, if the priest (used generically) disappears, the prophet loses the substance on which he grows.

As regards religion "forming" bearers of the free society, Dr. Tillich said this happens directly through religious education. He believes the purpose of religious education is to initiate into concrete symbols, leading people into a religious group with concrete symbols. Religious education should not be teaching about religion as is done in some Sunday schools. If religious education is effective, it produces absolutism, but without its continuing effect other "formings" of citizens are not possible. Danger can be averted by inserting a critical element into religious education at the right moment. It is right at first to give youngsters the symbols of the religion. Otherwise, they are left in a vacuum. However, at the time when children begin to ask critical questions, religious education should have an empathy for such questions and explain that the symbols they have learned should not be taken realistically or literally but as representing answers to their questions.

Religion also forms society indirectly inasmuch as all humanisms have a religious substance. Secularists cannot escape the fact that the morals of society were shaped out of religion.

With respect to religion judging the free society, Dr. Tillich finds that this task is not necessarily for church people but those who are religiously committed. Specific suggestions to society should not be made by the church in its own name, but rather by the religiously committed. In this connection, he recalled the discussions in the Socialist Party in Germany when Dr. Tillich took the position that religious socialism should not be taught, but instead principles should be taught which would result in religious socialism.

In a period of chaos, in a disintegrating society, an empty society, the church can show in a vertical dimension that religion can furnish fulfillment. In a period of rest, the church can stir unrest. A free society can be destroyed in a time of chaos. A time of complacency is also a time when freedom is forgotten in the concern over the good life. The church, by stirring unrest and uneasiness about this complacency, can help to save free society.

Excerpts from Question and Discussion Period

The first part of the discussion period was given to Rabbi Heschel, Father Weigel and Dr. Tillich as a panel of three. This reporter was out of the room at the time and missed this part of the discussion.

A second block of time was given over to questions addressed to the speakers.

A priest asked a "secularist" if any were in the audience to react to the papers.

Dr. Horace Kallen spoke briefly making reference to his book "Secularism is the Will of God." Dr. Kallen's comments were in support of the principle of separation of church and state.

Father Weigel, addressing himself to the religious dimension in the United States, recalled the Mormons had to change a religious tenet because of this religious dimension. Father Weigel suggested the avowed atheist is in fact a religious person and the real atheist is the one who does not claim to be one. He noted also that the religious dimension was at least in part responsible for the disrepute of communism in the United States and driving communism under ground.

Dr. Kallen said that secularism which stated another way is democracy, guarantees the security of each religious group. In this sense, secularism is the religion of all religions.

Dr. Tillich observed there is a danger that secularism may become a religion.

Dr. Bryar noted an odd disagreement in that Father Weigel gave the aristotelian analysis of society, while Dr. Tillich seems to have insisted on the impossibility of separating anything from anything else.

Dr. Tillich recalled two verbs used by Father Weigel - "level" and "vertical". The word level puts one stratum over another. The church on one level and the state on another. This way each may interfere with the other. As against this, if the metaphor of dimension is used, there is no danger of interference as between society and church.

The balance of the afternoon was given over to a general discussion in which Father Bosler said that while it was beneficial to have had an extremist like Dr. Nichols, the program should have made provision for a Catholic spokesman who would have presented a similar

extreme Catholic view about the concern of Catholicism with Protestantism.

St. John Stevas observed the last four days were a critique of the Catholic church. He said that this conference should be warning to Catholics to give thought to the image which the general American community has of Catholicism as a power structure.

Mr. Powell of Connecticut said that if the Protestants should be in control, they will try to impose Protestantism and that American schools would be Protestant. In this kind of a situation, what protections do Catholics have? He suggested to Catholics that the Legion of Decency is not welcome and suggested that Catholics establish a "Legion of Political Decency" which would see to it that the use of law would not be resorted to for evangelical purposes. He urged Catholics to promote recognition of the idea that the church should not use the force of law for its own purposes.

Father McCluskey said that he has no anxiety about what Protestants will do to Catholics if Protestants were ever to be in full control. He added that to him the value of the seminar, lies in the re-evaluation of traditional concepts of freedom. He suggested that freedom includes freedom to take guidance from the church as a corporate body.

Pat Malin, identifying himself as the Director of the ACLU, said that he speaks as a religious man. A free society he suggested is free to the extent that it promotes among its citizens the search for knowledge and the capacity for choice. The professional church people owe it to their constituents and to all others to foster the right to challenge and to disagree. All of us have a double loyalty in a free society. One is to help society to see the good and the beautiful. The second is to help in the search for knowledge and truth. He made reference to the statement by Judge Learned Hand that "the spirit of liberty is not to be too sure you are always right."

Jules Cohen inquired if the papers which were presented at this seminar would be available and whether there would be a report of this conference and possibly more conferences sponsored by the Fund for the Republic, preferably on a regional and local basis.

Dr. Shuster ended the conference by thanking the participants on behalf of the Fund for the Republic. He said that the Fund is not sure precisely where it is going, but it seemed to him that on the basis of the success of this seminar that there would be more. The papers which were presented at the Seminar will be available in book form. Also, a report will be published. What the Fund may do depends in part on the Walter Committee which thinks the Fund should go out of business and is trying to have the tax exemption of the Fund withdrawn. It is certain however that the participants will hear from the Fund for the Republic.

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on

RELIGION IN A FREE SOCIETY

at the

World Affairs Center United Nations Plaza at East 47th Street New York City

May 5-9, 1958

PROGRAM

Monday, May 5

Religious Pluralism and Civic Unity

Evening Session

7:15 p.m.

Registration

7:30 p.m.

Introduction

DR. ROBERT M. HUTCHINS, President, The Fund for the Republic

DR. REINHOLD NIEBUHR, Vice President, Union Theological Seminary; Consultant on the Basic Issues, The Fund for the Republic

FR. JOHN COURTNEY MURRAY, Editor, Theological Studies; Consultant on the Basic Issues, the Fund for the Republic

Tuesday, May 6

The Meaning of Separation of Church and State

Chairman: MSGR. FRANCIS J. LALLY, Editor, Boston Pilot; Director, The Fund For the Republic

Morning Session

9:45 a.m.

DR. LEO PFEFFER, American Jewish Congress

11:00 a.m.

Coffee Break

11:30 a.m.

Discussion

Afternoon Session

2:30 p.m.

DR. WILBER G. KATZ, Law School, the University of

Chicago

3:30 p.m. Coffee Break

4:00-5:30 p.m. Discussion

Wednesday, May

Religion and Education

Chairman: MRS. ELEANOR B. STEVENSON,

Director, The Fund for the

Republic

Morning Session

9:45 a.m. DR. WILL HERBERG, Drew University

11:00 a.m. Coffee break 11:30 a.m. Discussion

Afternoon Session

2:30 p.m. DR. JAMES HASTINGS NICHOLS, Federated Theological

Faculty, University of Chicago

3:30 p.m. Coffee break 4:00-5:30p.m. Discussion

Evening Session

6:00-7:00 p.m. Reception (Conference Room, 2nd floor, World Affairs

Center)

7:00 p.m. Buffet Supper (Cafeteria, 1st floor, World Affairs

Center)

Thursday, May 8

Religion, the Free Society and Secular Culture

Chairman: MR. ARTHUR COHEN, President, Meridian

Books, Inc.; Consultant, Project on Religion, The Fund for the Republic

Morning Session

9:45 a.m. FR. WALTER J. ONG, Saint Louis University

11:00 a.m. Coffee Break 11:30 a.m. Discussion

Afternoon Session

2:30 p.m. DR. STRINGFELLOW BARR, Rutgers University

3:30 p.m. Coffee Break 4:00-5:30 p.m. Discussion

Friday, May 9

Religion and the Free Society

Chairman: DR. GEORGE N. SHUSTER, President, Hunter

College; Vice Chairman of the Board, The

Fund for the Republic

Morning Session

9:45 a.m. RABBI ABRAHAM JOSHUA HESCHEL, The Jewish Theological

Seminary of America

11:00 a.m. Coffee Break

11:30 a.m. FR. GUSTAVE WEIGEL, Woodstock College

Afternoon Session

DR. PAUL TILLICH, Harvard Divinity School 2:30 p.m.

Coffee Break 3:30 p.m. Discussion

4:00 p.m. 5:30 p.m. Conclusion of the Seminar

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JUDAISM AND RELIGIOUS LIBERTY

Robert Gordis

The centrality of religious liberty in the democratic worldview in general and the American vision in particular is highlighted by the fact that it is set forth in the opening sentence of the First Amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Unfortunately, the familiarity of these words has tended to blunt their revolutionary impact, and the concept is all too frequently taken for granted. Many Americans find themselves in a position similar to that of the highly cultured but rather straitlaced old lady who was very well read but had never gone to the theater. Her grandchildren finally persuaded her to see a performance of *Hamlet* on the stage. When she returned, they were non-plussed by her reaction, 'Nothing but a string of old quotations.'' This Bicentennial Conference on Religious Liberty will be performing a highly significant service to the American people, by freshly exploring all the dimensions and implications of religious liberty and indicating the long and difficult struggle that lay behind its being incorporated in the First Amendment.

Religion has been a universal phenomenon, present in every human society since human beings emerged upon this planet. On the other hand, the doctrine of religious liberty has been generally recognized as an ideal only within the last two hundred years. To be sure, there were individual, great-souled believers who had espoused the ideal of freedom of conscience before the modern era. There have also been a few religiously motivated communities which had established religious freedom before the eighteenth century. Perhaps the earliest instance of such societies is the Tartar kingdom of the Chazars in Central Russia, between the Volga and the Don Rivers, which lasted from the sixth to the tenth century. The rulers and upper classes of Chazaria had adopted Judaism as their faith in the eighth century, and they accorded full religious liberty to Christians and Moslems as well. The Dutch kingdom established by William the Silent in the sixteenth century adopted the principle of toleration, though there were limitations on the doctrine in practice. Roger Williams, in establishing the colony of Providence Plantations, or Rhode Island, in the New World, made full freedom of conscience the basis of the commonwealth. The Catholic Lord Baltimore extended the right of worship to Protestants. But these were isolated and excep-) tional cases.

By and large, the principle of freedom of conscience became widely held and increasingly operative only with the Age of Reason and the spread of the ideas of the Enlightenment. Perhaps the outstanding expression of religious tolerance in

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the literature of the period was Lessing's famous drama, Nathan der Weise. The drama, which had a Mohammedan Sultan and a Jewish sage as its protagonists, contained the famous parable of "the Three Rings." These rings, which were identical in appearance, had been fashioned by a father for his three sons, because he could not bear to give his priceless, ancestral heirloom to any one of them. The overt message of the parable was clear. The three rings symbolize the three monotheistic religious of Judaism, Christianity, and Islam, all of which represent an expression of God's love for humankind and of the reverence they owe God in return. Scarcely beneath the surface was another implication—none of the three faiths can reasonably insist that it alone represents the true revelation of God and should therefore be granted a privileged position in a free society.

Elsewhere I have had occasion to point out that because of its secular origin the modern concept of religious liberty suffers from certain weaknesses and limitations.

Today, we need to recall that the concept of religious liberty possesses three distinct yet related aspects. Like so many ethical-values, its roots lie in the instinct of self-preservation. In other words, the first and oldest aspect of religious liberty is the right which a group claims for itself to practice its faith without interference from others. The extension of this right to other individuals and groups is a great leap forward in both time and insight. Frequently it requires centuries to achieve and too often has remained unattained to the present day. Indeed, even in our age, instances are not lacking of groups in virtually every denomination who define the right to religious liberty as the right to deny religious liberty to those who differ with them. In this respect, religious liberty is no different from any basic right, such as freedom of speech or assembly, which is first fought for and achieved by a group in its own behalf. Only later-and often half-heartedly-is freedom of conscience extended to other groups who differ in belief and practice. Finally, the third and most difficult stage in religious liberty emerges—and it is far from universal—when a religious group, dedicated to its belief and tradition, is willing to grant freedom of thought and action to dissidents within its own ranks.

The Jewish people have played a significant role in the emergence of religious liberty in its first aspect. With regard to the two other aspects, we believe that Judaism and the Jewish historical experience also have some significant insights to offer all people. No other large religious group has as great a stake in the present and future vitality of the doctrine as has the Jewish community.

While it is true that virtually every religious group finds itself a minority in one or another corner of the globe, Jews have been a minority almost everywhere and always. There is, therefore, historic justice in the fact that the people for whom religious liberty is so fundamental were the first to take up arms in defense of this right. The earliest recorded war for religious liberty is the struggle of the Maccabees against the Syrian Greek King Anti ochus Epiphanes, which broke out in 168 B.C.E. The Maccabean struggle was inaugurated not for the sake of political liberty, territorial aggrandizement, national honor, or booty. It repre-

sented the armed resistance of a group in Palestinian Jewry who were resolved to protect their religious faith and way of life in a world where a determined effort was being made to impose a uniform pattern of Hellenistic culture and pagan religion on the entire Middle East.

Had the Maccabees not fought, or had they fought and lost, the Hebrew Scriptures would have been destroyed, Judaism would have perished, Christianity would not have been born, and the ideals of the Judeo-Christian heritage, basic to Western civilization, would have perished. There was, therefore, ample justification for the practice of the early church, both in the East and West, which celebrated a festival on August 1 called "the Birthday of the Maccabees." It testified to the debt which Christianity, as well as Judaism, owes to these early, intrepid defenders of freedom of conscience. Thus the long struggle was launched for the first and oldest aspect of the concept of religious liberty.

Freedom of religion in an open society today must necessarily presuppose two elements which were less obvious in the stratified societies of earlier days. It must include religious equality, for there can be no true religious liberty if the formal freedom of worship is coupled with legal, psychological, or financial liabilities. To be sure, the minority group cannot reasonably expect the same level of importance in society as the majority, but it has the right to demand that there be no restrictions or liabilities placed upon it by the state. In other words, full religious liberty means that the state will recognize the equality of all believers and nonbelievers, even though in society the relative strengths of various groups will necessarily impose disadvantages upon the poorer and less numerous sects.

There is one additional element essential to full religious freedom; religious liberty is not being truly safeguarded if it is purchased at the cost of religious vitality. Frequently the position of the Jewish community on questions of church and state is misunderstood, because it is attributed solely to the desire to avoid religious disability for itself and other minority groups. It is true that the position of minorities in regard to freedom of religion may parallel that of secularists who also oppose utilizing the power and resources of the state to buttress the claims of religion. But there is another and at least equally deep motivation for the Jewish position: a sincere concern for the preservation of religious vitality. Here majority groups have as direct an interest as do minorities, for religious vitality is based on voluntary commitment and sacrifice.

At times, well meaning and dedicated advocates of religion believe that the provisions of the First Amendment can be safeguarded and the cause of religion advanced by the introduction of "non-denominational" practices into the schools and other arenas of the public estate, such as prayer, silent or otherwise, or Bible reading. They frequently overlook the fact that non-denominational religion is frequently little more than dessicated religion, lacking the specific content, the color, and the warmth of a living religious tradition. Moreover, it places the authority of the state or the public school behind a brand of "official religion," often called "civil religion," that carries the clear implication that the specific

practices or doctrines of a given tradition are secondary and may be dispensed with. As anyone genuinely committed to religion knows, there are some "non-sectarian" beliefs and practices that are more nonsectarian than others!

We have dealt thus far with the first aspect of the ideal of religious liberty: the right which every religious group claims for itself to practice its faith freely, without restriction or interference from others. With regard to the other two aspects of the ideal of religious liberty—more theoretic in character—we believe the specific Jewish historic experience has significance for other religious groups and for the preservation of a free society itself.

As we have noted, there is, theoretically at least, no problem with regard to the doctrine of freedom of conscience for those who maintain that all religions are equally good—or bad. Years ago, when communism was making substantial inroads among American college youth, the writer participated in a symposium on "Communism and Religion." Among the panelists were a Methodist bishop, a Presbyterian minister, two rabbis, and Earl Browder, then a leading spokesperson for communism in the United States. As the various speakers for religion sought to develop their positions vis-à-vis communism, Mr. Browder turned to us and declared, to the manifest delight of the youthful audience, "The communists are the only ones who can establish peace and equality among all the religions-because we do not believe in any of them!" The history of twentiethcentury totalitarianism has demonstrated that religious intolerance is far from impossible under communism and fascism. The crude and brutal persecution of religion by atheistic regimes today makes the classic instances of religious intolerance of the past seem almost idyllic by comparison. In the Soviet Union today, all religion suffers grave disabilities, but Judaism has been chosen for special treatment: no religious education is permitted to young or old, no seminaries for the training of rabbis exist, and Hebrew has the distinction of being the only language the study of which is proscribed within the borders of the communist "paradise." Antireligious bigotry has proved itself second to no other prejudice in its virulence in the Soviet Union.

Nonetheless, it is true that the problem of evolving a theory of religious tolerance and practicing it is genuine and complex. This is a major moral and intellectual challenge for those believers who are convinced that they are the repositories of religious truth and that those who differ with them, whether within their group or without, suffer from a greater or lesser degree of error. In this connection, the attitude of Jewish tradition is highly interesting. It arose within a religion which believes profoundly that it is the repository of God's authentic revelation and that all other faiths possess, by that token, a lesser standard of truth. Since such a standpoint is widespread among communicants of most creeds, it should be useful to examine the theory and practice of religious liberty within Judaism—the approach of the Jewish tradition toward dissidents within its own community. Even more significant for the world at large is the unique theory in Judaism of religious liberty for non-Jews and their right to maintain their own worldview and way of life.

The key to the Jewish attitude toward religious differences within the community is to be found in the historical records. Judaism was always marked by a vast variety of religious experience, which is given articulate expression in the pages of the Hebrew Scriptures. The Hebrew Bible contains within its broad and hospitable limits the products of the varied and often contradictory activity and thought of priest and lawgiver, prophet and sage, psalmist and poet. It reflects the temperaments of the mystic and of the rationalist, of the simple believer and of the critical seeker after ultimate truth. All are part of Holy Writ, being, in the language of the Talmud, the words of the living God.

This characteristic of the Bible set its stamp upon all succeeding epochs in the history of Judaism. It is not accidental that perhaps the most creative era in its history after the Biblical era, the period of the Second Temple, was the most "sect-ridden." Even our fragmentary sources disclose the existence of the Pharisees the Sadducees the Essenes, and the Zealots-to use Josephus' classic tabulation of the "Four Philosophies." The Pharisees, the dominant group in number and influence, were divided into various groups which held strongly to opposing positions. The Talmud, which had its inception during this period, is a massive monument to controversy, with two thousand individual scholars differing and debating hundreds of issues. Although much less is known about the Sadducees, the same variety of outlook may be assumed among them. With regard to the Essenes, the discovery of the Dead Sea Scrolls has indicated that the term "Essenes" is best used of an entire conspectus of sects who differed among themselves passionately. The Samaritans were also a significant group of dissidents, highly articulate in their divergence from a Jerusalem-centered Judaism. It was in this atmosphere that the early Jewish sect of Christians first appeared. adding to the charged atmosphere of vitality and variety in Palestinian Judaism. There were also countless additional patterns of religious nonconformity in the various Diaspora communities.

In the Middle Ages a variety of factors combined to counteract this latitude of religious outlook in the Jewish community. The constantly worsening conditions of exile and alien status required, it was felt, a greater degree of grouphomogeneity. Secondly; most of the earlier dissident viewpoints disappeared. Thus, the standpoint of the super-nationalist Zealots was totally meaningless after the loss of national autonomy. Similarly, the outlook of the Sadducees, who centered their religious life in the Temple at Jerusalem, was completely irrelevant to the life of an exiled people. Thirdly, the widespread emphasis on religious conformity imposed by the medieval world on its aberrant sects also proved a model and example. Fr. Joseph Lecler points out in his massive, two-volume work, Toleration and the Reformation, that St. Thomas Aquinas was "relatively tolerant toward pagans and completely intolerant toward heretics." As Fr. John B. Sheerin notes, St. Thomas explicitly stated that "to accept the faith is a matter of free will, but to hold it, once it has been accepted, is a matter of necessity."

Nevertheless, the attempt to impose conformity in religious belief never succeeded in medieval Judaism, even when undertaken by so august a figure as

Maimonides. Several attempts were made to expel from the community individuals or groups that were regarded as "heretical." The rite of excommunication, which was essentially an instrument for enforcing community discipline and obedience to the courts in legal and judicial matters, was invoked to this end. None of these attempts proved either successful or enduring. Maimonides, the greatest Jewish thinker of the Middle Ages, confidently proposed a set of Thirteen Principles, which he hoped would serve as a creed for Judaism. Though his statement attained wide popularity, and was printed in the traditional prayerbook as an appendix, lesser persons did not hesitate to quarrel with both the content and the number of articles of belief in his Creed, and it never became an official confession of faith.

An even more striking illustration of the enduring vitality of the right to religious diversity in Judaism may be cited. Uncompromisingly rationalistic as he was, Maimonides declared that to ascribe any physical form to God was tantamount to heresy and deprived one of a share in the world to come. Nowhere is the genius of Judaism better revealed than here. On the same printed page of the Maimonides' Code where his statement is encountered, it is challenged by the remark of his critic and commentator, Rabbi Abraham ben David of Posquieres, who writes: "Better and greater men (than Maimonides) have ascribed a physical form to God, basing themselves on their understanding of Scriptural passages and even more so on some legends and utterances, which give wrong ideas." The critic's standpoint is clear. Rabbi Abraham ben David agrees with Maimonides in denying a physical form to God, but he affirms the right of the individual to maintain backward ideas in Judaism without being read out of the fold on that account. The right to be wrong is the essence of liberty. Nonetheless, it is clear that the spirit of medieval Judaism was far less hospitable to religious diversity than Rabbinic Judaism had been in the centuries immediately before and after the destruction of the Temple.

In summary, religious liberty within the Jewish community existed and still exists de facto. It is recognized de jure by all groups in Reform and Conservative Judaism and by elements in Orthodoxy as well. Undoubtedly practice lags behind theory, but the conclusion is unassailable that the nature of Judaism, buttressed by its historic experience, makes the freedom of religious dissent a recognized reality for virtually all members of the community de facto, even by those who would not recognize it de jure.

What is the attitude of Judaism toward religious liberty for those professing other creeds? It is frequently argued that with the appearance of Judaism intolerance became a coefficient of religion. It is undoubtedly true that, in a polytheistic world view, tolerance of other gods is implicit, since there is always room for one more figure in the pantheon, and the history of religious syncretism bears out this idea. On the other hand, the emergence of belief in one God necessarily demands the denial of the reality of all other delties. The "jealous God" of the Old Testament who forbids "any other god before me" therefore frequently became the source of religious intolerance. So runs the theory.

It sometimes happens, however, that a beautiful pattern of invincible logic is contradicted by the refractory behavior of life itself. An apposite illustration may be cited. The French Semitic scholar, Ernest Renan, declared that the monotony of the desert produced a propensity for monotheism among the ancient Hebrews, whereas the variety in the physical landscape of Greece, for example, with its mountains and hills, its valleys, rivers, and streams, necessarily suggested a multitude of divinities indwelling in them. This plausible theory enjoyed considerable vogue until it was learned that the pre-Islamic nomadic Arabs, who inhabit the vast stretches of the Arabian Desert, possessed a very luxuriant polytheism, and that all peoples of Semitic languages whose original habitat was the same desert, also had very elaborate pantheons. Thus the list of gods in the library of King Ashurbampal contains more than 2,500 gods, and modern scholars have added substantially to the number from other sources.

Now it is true that Judaism was strongly exclusivist in its attitude toward paganism. It insisted upon the uncompromising unity of God and refused to admit even a semblance of reality to other gods. Nonetheless, biblical Judaism reckoned with the existence of paganism from two points of view. Though logicians might have recoiled in horror from the prospect, the fact is that Hebrew monotheism, the authentic and conscious faith in the existence of one God, did accord a kind of legitimacy to polytheism—for non-Jews. In part, this may have derived from a recognition of the actual existence of flourishing heathen cults. In far larger degree, we believe, it was a consequence of the particularist ethnic emphasis in Judaism. Dedicated to preserving the specific group character of the Hebrew faith, the Jewish tradition was led to grant a similar charter of justification to the specific ethos of other nations, which always included their religion.

Whatever the explanation, the fact is clear. No book in the Bible, not even Isaiah or Job, is more explicitly monotheistic than Deuteronomy: "You shall know this day, and consider it in your heart, that the Lord is God in heaven above, and upon the earth beneath; there is no one else" (4:39). Yet the same book, which warns Israel against polytheism, speaks of "the sun, the moon and the stars... which the Lord your God has assigned to all the nations under the sky" (4:19, compare 29:25). Thus the paradox emerges that the particularist element in Judaism proved the embryo of a theory of religious tolerance.

The second factor that helped to grant a measure of value to non-Jewish religion is one more congenial to sophisticated religious thinkers. A broadminded exponent of monotheism would be capable of recognizing, even in the pagan cults against which Judaism fought, an imperfect, unconscious aspiration toward the one living God. Perhaps the most striking expression of this insight is to be found in the post-Exilic Prophet Malachi: "For from the rising of the sun to its setting, My name is great among the nations; and everywhere incense is burnt and pure oblations are offered to My name, for My name is great among the nations, says the Lord of hosts" (1:11).

This is not the only instance of universalism in our biblical sources. The human sympathy of the author of the Book of Jonah, who exhibits the pagan

sailors in a far more favorable light than he does the fugitive Hebrew prophet, the warm compassion of the Book of Ruth, and the breadth of view of the Book of Job, which pictures the Patriarch not as a Hebrew observer of the Torah, but as a non-Jew whose noble creed and practice are described in his great Confession of Innocence (chap. 31), all testify to the recognition in Judaism that it is possible to maintain the unity and universality of God, while reckoning with the values inherent in the imperfect approximations to be found in the pagan cults.

Thus the two apparently contradictory elements of the biblical worldview—the emphasis upon a particularist ethos and the faith in a universal God—served as the seedbed for the flowering of a highly significant theory of religious tolerance in post-biblical Judaism. To this concept, known as the Noachide Laws, we shall return.

Nonetheless, it was self-evident that a universal God who was Creator of all humankind deserved the loyalty of all people. A steady and unremitting effort was therefore made to counteract the blandishments of paganism and to win all people for Jewish monotheism through the use of persuasion. The biblical Deutero-Isaiah, the Apocryphal Sybilline Oracles, the life-long activity of Philo of Alexandria—indeed the entire apologetic literature of Hellenistic Judaism—were designed to win the allegiance of everyone for the one living God of Israel.

Holding fast to their conviction that Judaism alone represents the true faith in the one God, the Prophets had looked forward to its ultimate acceptance by all people: "For then will I turn to the people a pure language, that they may all call on the name of the Lord, to serve Him with one accord" (Zeph. 3:9). "And the Lord will be king over all the earth; on that day shall the Lord be one, and His name be one" (Zech. 14:9).

The Apocryphal Book of Jubilees, written before the beginning of the Christian Era, could not conceive of untold generations before Moses living without a divine Revelation. It therefore attributes to Noah, who was not a Hebrew, a code of conduct binding upon all men:

In the twenty-eighth jubilee, Noah began to enjoin upon his son's sons the ordinances and commandments and all the judgments that he knew and he exhorted his sons to observe righteousness and to cover the shame of their flesh and to bless their Creator and honor father and mother and love their neighbor and guard their soul from fornication and uncleanness and all iniquity (7:22).

This injunction is elaborated in the rabbinic tradition under the rubric of the Laws of the Sons of Noah. According to this rabbinic view, all human beings, by virtue of their humanity, are commanded to observe at least seven fundamental religious and moral principles. These commandments include the prohibition of idolatry, sexual immorality, murder, and theft; the avoidance of blasphemy and of cruelty to animals by eating the limb of a living creature; and the establishment of a government based on law and order. When these principles, upon which all

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civilized society depends, are observed, Judaism regards the non-Jew as worthy of salvation, no less than the Jew who observes the entire rubric of Jewish law. Hence, there is no imperative need for the non-Jew to accept the Jewish faith in order to "saved."

These Laws of the Sons of Noah, it may be noted, seem to be referred to in the New Testament as well: "But that we write unto them, that they abstain from pollutions of idols and from fornication, and from things strangled, and from blood... That ye abstain from meats offered to idols, and from blood and from things strangled and from fornication: from which if ye keep yourselves, ye shall do well. Fare ye well (Acts 15:20, 29).

This doctrine of the Noachide Laws is extremely interesting from several points of view. It represents in essence a theory of universal religion which is binding upon all people. Characteristically Jewish is its emphasis upon good actions rather than upon right belief as the mark of the good life. Ethical living rather than creedal adherence is the decisive criterion for salvation. Its spirit is epitomized in the great rabbinic utterance: "I call Heaven and earth to witness, that whether one be Gentile or Jew, man or woman, slave or free man, the divine spirit rests on each in accordance with his deeds" (Yalkut Shimeoni on Judges, sec. 42).

Many contemporary religious thinkers are now seeking a theory which will combine complete loyalty to a specific tradition with accepting wholehearted adherence to the postulates of a democratic society which is committed to pluralism as a reality and to religious liberty as a good. The issue is one which profoundly agitates Americans in our day because of its obvious practical importance for government and politics, as well as society as a whole.

There is more than academic interest, therefore, in this rabbinic adumbration of a theory of religious tolerance resting upon a concept of "natural law." This doctrine of the Noachide Laws, be it noted, was not the product of religious indifference. It arose among devotees of a traditional religion who not only loved their faith, but believed that it alone was the product of authentic revelation. Yet they found room for faiths other than their own, as of right and not merely on sufference.

The attitude of Judaism toward religious liberty may now be summarized as follows: (1) Judaism insists on total freedom of religious belief and practice for itself, which will include full equality before the law and no attenuation of vital religious commitment freely given. (2) Judaism accepts the existence of differences within the Jewish community and accords to dissidents the right to their own viewpoint and practice, at least de facto. (3) Judaism recognizes the existence of other religions among humankind and their inherent right to be observed de jure.

Albert Einstein once declared, "I thank God that I belong to a people which has been too weak to do much harm in the world." But more than mere incapacity inheres in the Jewish attitude toward religious liberty. The balance between

the universal aspirations of Judaism and its strong attachment to the preservation of its group-character have impelled it to create a theory that makes room in God's plan—and in the world—for people of other convictions and practices.

Moreover, the deeply ingrained individualism of the Jewish character, its penchant for questioning, and its insistence upon rational conviction have made dissent a universal feature of the Jewish spiritual physiognomy. As a result, all groups within the Jewish community have achieved freedom of expression and practice. Efforts to limit or suppress this liberty of conscience have not been totally lacking and undoubtedly will recur in the future. But such attempts are invariably accompanied by a bad conscience on the part of the apostles of intolerance. Thus they reveal their weak roots in the tradition that they are ostensibly defending and betray their sense of predestined failure to achieve their ends.

Finally, the millennial experience of Jewish disability and exile in the ancient and medieval worlds has strengthened this attachment to freedom of conscience. In addition, the modern world has demonstrated that the material and intellectual position and progress of Jews, individually and collectively, is most effectively advanced in an atmosphere of religious liberty.

Thus all three elements—tradition, temperament, and history—have united to make religious freedom, for both the Jewish community and the larger family of humankind, an enduring ideal and not merely a temporarily prudential arrangement. Undoubtedly Jews have fallen short of the lofty standards of their tradition in this as in other respects. Yet it remains true that, by and large, they have maintained their loyalty to the ideal of freedom of conscience for themselves and for all people.

PLETY IS IN; MORALITY IS OUT By Prof. ELuga Smith

In these observations I do not presume to the special wisdom that historical method, rigiously applied, should yield; the subject matter is contemporaneous and does not yield to historical method. This is one concerned observer's opinion informed, one would hope, by considerable reflection on the state of religion in America.

When I say piety is in and morality is out, I obligate myself to define terms. There is a piety that denotes man's living experience of God, whether mystical or communal, theologically or liturgically expressed.

Theological systems of piety, such as Schleiermacher's, deserve respect for

There have been pieties of this sort in America: the Protestant
their serious understanding of piety. But that is not the term—has
sects, serious though often narrow, merit respect. But that is not the
generally denoted in America. The piety that is in processor what is "in" is
a system of

acts and attributions of a religious type that enjoy wide public acceptance,

hot who should are mandatory for politicians, and have a reassuring value all-out-of-

proportion to their substance. The piety I stigmatize is the outward appearance wishes construct to make the construction of religion, what some call "mere religiousness;" and it stands in con rast to morals and morality.

By these terms I mean a systematic understanding of right and wrong to which all persons, irrespective of wealth, learning, or public position are subject. A prophetic morality demands that God, rather than rulers, be obeyed; it demands that rulers submit themselves to God. More importantly, in that while people submit themselves to God, conffess their moral failure, and authorize the changes in public policy and action that contravene the laws of God.

There is an intermediate term that is the occasion of vast confusion in the American mim: moralism. The stem is noble; the suffix renders it ignoble by implying the mere appearance of morals, or an intrusive, self-serving insistence on a right-owness that is less than God's. It is virtually

t harmonizes, in the vocabulary I choose today, not with morals but with ack rommen should piety. The confusion a rises from the unpopularity of morals that derives from Mille the unpopularity of moralism. To clarify matters, I will speak of a prophetic moral concern - "prophetic" denoting the readiness of those-who charge at Ill 15 required to withers feel-it to demand that any change whatsoever be demanded and achieved in-order to respond to the divine command. "Moralism" I understand to be the Delivior application of standards of morality that are often subjective, poorly rooted in any tradition of the divine order of life and society, at the convenience The firm of American moralizer - I cannot call him a moralist, for that word must be reserved for all who are sensitive in a prophetic way to God's command. religion in the

My thesis is that the United States has been lost prophetic moral concern and degenerated into piety and moralism, but that the spiritual deracination arising from the virtual extinction of morals has produced an anxiety of spirit that produced imperatively demands, and in the main, balieves its anxiety-assuaged by public piety in the little of the product of the

while this is not a political address — it may be an election post-mortem in its own way — I am struck by the insensitivity of the public to the public to the public of grossly immoral behavior in government and its eagerness to the be-satisfied with the moralistic reassurances that pervade Mr. Nixon's public utterances. Consistent with this is the unresponsiveness of the public to the Demo caratic candidates appeal to fundamental morals in his attack on the Indo-China war. The American pietist is able to believe that since all communism is bad (we do not here attack this premise) and there is no measure that is unjustified in combatting it. The war, therefore, is right or at least-morally defensible. (I leave aside the arguments from the principles of

all; such arguments are apart from the subject of this paper.) Thexasters to be moral at

Other categories reinforce the proposition that communism is bad; for example, that South Vietnam is a part of the "free world:" that we must protect the

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retire finally from Vietnam with honors' Piety here is seen to rest to a
 considerable-degree-not-on-merals-but on ideology. The ideology proclaimed
    proble theres hot
 by the President, not the theology of the churches or the moral traditions
 of Judaism and Christianity, are the foundation of American popular piety.
                                                       the Protestant proposition
                   individential Protection
 Such original connection as piety once had with morals - that a real
         or Jame to 15 hot
 Christian does-not-drink-or commit formication, for example -- is now
 really broken. The breaking down of personality through drug abuse; the
                   or arty heter-sexual
 breaking down of fundamental known relations through indiscrimate
       SNOWED XX
 sexual pratice are certainly condemned by the moral traditions of Judaism
 and Christianity, however legalistically these tabees may have been expressed
 in some circles. But the notion that outrages on human persons and societies
                                                        esit is bound to exist in S. P.N.
               se they are anti-communist, foster freedom, and property with the root of American prietis and regularity in the American prietis
 are right because they are anti-communist, foster freedom, and preserve honor
is remote from the root of American pretis
                                                                              For" sight
     The American response to the present political campaign is the
 phenomenon I am inspecting for such light as it may throw on the state of
                  In shm,
American religion. Alt would appear that concern for morality as defined
above is minimal; that the prophetic component -- the ruthless application
of the divine law to every citizen and power alike - is non-existent;
                                 the willingness of the people to be satisfied by
 and that the acceptability of piety, the okeagenous talk of God, country and
                              cipul
honor and their readiness to pick up any cue to condemn the Senator from
                                                             Melionernie
South Dakota in order to be rid of the prophetic element in his long-extended
 critique of Amiercan foreign behavior -- that this consistent American
                       Enxyety rules.
 response suggests that the religion of the American people, such as it is,
                                        in an ideological rather than a moral sense
 is now essentially a-moral, pietistic inxxxxxxx remains the ministrative of
                                                        Rustier
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American piety.

Illustrative of our point is the evidence furnished by the Harris poll, October 23, 1972. By an 11 point margin (40-29) voters polled characterized Nixon as the candidate most likely to keep corruption out of government. Considering the wide publicity given the abuse of Mrs. Mitchell, the arrests in the Watergate scandal and associated discussion of the use of political methods among Republicans reminiscent of Hitler's bully-boys, it cannot be assumed that the explanation of this poll lies in outright ignorance. -My guess is that it is dismissed as normal electioneering dirt, makeredibles innovorelide of This demotible and no different from what ordinarily goes on in government and in campaigns. My own perception is that there are different levels of immorality in defending on in amount of betting doing. public life; self-aggrandizement through graft and more subtle favoring of special interests by congressmen and administrators, which iscrementally administrators, which iscrementally administrators and administrators. corrupts but can amd often is seriously fought by responsible governments Much worse is the deliberate attack on the viability of the democratic prosess itself by calculated efforts to misinform the public. If the essence of successful democracy is plentiful and accurate public information and an open and essentially fair-minded debate of issues, any deliberate scheme to destroy that process is a cynical attack upon the national institutions themselves. Such has been the character of the Watergate machinations. Information whatsoever available furmishes no ground, for exonerating the President from these incredible schemes. -Yet 40 percent of those polled cons Nothing of this sort has been charged against Senator McGovern, yet the public apparently prefers to entrust the national institutions to Nixon. One can only conclude that the the same cynicism pervades the public as pervades Nixon s-hatchet men, that the special moral sensitivity that discuens a difference between a government that fights corruption in its own apparatus and a government that uses methods both typical and destructive of the

very roots of democracy is lost to the voters who feel more seeme-with Nixon.

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Such a public prefers to believe the pikety trust the public piety of their President rather than ask the truly moral questions raised by the Watergate outrages. I havenot myself been more disturbed by any phenomenon in the public life since I have been voting by this terrible window into the state of American public piety. We are looking at a truly de-moralized public.

What of the situation of the churches in this moment of American history? Their financial add organization crisis is well-known. What concerns me is the strengthening movement to dull the social withess of the churches. The view that the church should stick to religion is a blade aimed at the seam that lies between religion as piety and religion as morals, thus Implicit kaxkka in this distinction is a divorce between religion and social in divorce responsibility, which privatizes religion, leaving it only attitudinal piety (and possibly familial) and personal moral code. To deny the pertinence of religion to sechety is to cut away many nine-tenths of the data upon which moral concern operates; and, if the individual be viewed in total solidarity with mankind, all of it. Such a cleaving of religion from society destroys the moral component of essentially religion and leaves only an a-moral piety. If its protagonists could only understand what they are doing, the division of religion from society in the personal realm as in the public, opens the road to every new a-moral experiment, to the domination of extrest William a social office a Whark systems of behavior zertens Machiavellian and pragmatic, in the public sphere. No basis would exist for denying the propriety of Watergatism, including the Florentine personal abuses suffered by treatment wof Martha Mitchell.

When

proposation that God is struggling with man to fulfil the creater's purpose in him, it gave basis for a truly religious reaction against it, but that is not the nature of the contemporary Protestant reaction against prophetic morality. Whether the true alternative for American Protestant life can be identified representing in a way that will swing the churches as a whole back toward their truly religious, and therefore moral, basis is uncertain. In hundreds of

parishes there are preachers who understand this is sue very well, whose preaching is neither liberal in the sense here criticized nor

pietistically a moral, but infused by a vaid apprehension of the moral,

They were taught well by Barth and, to a lesser extent, Niebuhrothe social, and the evangelical. The they do not compose a moment that

But there never emerged a solid social thrust in the church on those bases and a is clearly distinguishable from the chiralism non-evangelical liberalism

were nurtured. The new leadership in Protestant social Christianity is a far cry from the liberalism of the 20's and 30's, but it does not come through in such declarations as that it is the church's responsibility to speak to the great moral and social problems of our time, as it is commonly stated. Perhaps that is because thereximamments talking to the society is all that the churches have ever been able to do and talk is the method of and project in society moralism; cost it is self-sacrificing action alone that can capture, with full seriousness the divine struggle with man. The model of Jesus, when whose deathis construed by Christians as an essential component of human redemption, is not followed by librarian social-democrats. Yet neither,

What the dying of the churches can and must be, if it be the means to the renewal of the evangelical ***mark* and prophetic moral witness, is hard to say; Working out of the imagery of a perfect God-sent *** prophet losing his life in a oment of chimattic symbolish, the dying he church is doing today looks more like the breaking and up of a disobedient *** Target --- the object of the prophet's attentions --- *** Tather than

theimitation of Christ. It may be that a church whose prophetic and moral voices are separated and exerx seem to lack power to bring the church back to evangelical and moral coherence must break up, and that from that breaking up will emerge a strength now hidden. facet

The breaking-up of the church is but one fact of a general social breaking-up and it may be that a church as we know it -- a large self-identified national or regional body of persons agreed on prof ssion of faith, life, and litrupy -- cannot take on new form until the society at large begins to sort itself out.

The fact remains that Protestants in considerable numbers are able to identify the issues, to reject a moral piety as untrue to their rootage in Scripture and tradition and to return to a study of foundations, is very hopeful. I am no predictor, but I would not be surprised tosee, in my lifetime, a fresh coherence dawn among Protestants, probably in company with Christians and Jews who will have come to kindred moral perceptions about the relation of faith to While its general social civil life. Roberts form remains wholly obscure to me, its categories are quite clear. There are a vast number of Protestants, Catholics.

Jews who are one in knowing that the disappearance of prophetic. Ality into public piety is false, that public piety is false, and their we have ample resources in our sacred books and living traditions to reatticulate a prophetic address to the rublic life.