

"COME LET US REASON TOGETHER"

by Rabbi Herbert M. Baumgard

A. Public School Religion

A few years ago when I was the Rabbi of a Long Island congregation, I chanced to visit a Public School near my home. As I was walking through the hall, I saw one of the kids in my congregation strolling gaily through the hall wagging a doll. "What do you have there?", I asked him with some amusement. "Oh, this," he replied lightly, "This is Jesus. We're getting him ready for the Christmas play". As a religious teacher I could not help but observe the matter of factness with which this child was flinging around this symbol of what some people worship as the Son of God. For a moment I forgot that I was a Rabbi, and I thought, "How dare him treat the baby so flippantly"! And then I said to myself, "How else is a Jewish child to react to a religious situation which he totally disbelieves?"

In this same Long Island community I was discussing Chanukah with 12 year old children one Sunday morning, when I observed that we had a new student in the class. After welcoming her, I asked, "Tell us, my dear, what great miracle happened on the 25th of Kislev about 167 BCE." The girl replied without hesitation, "A child was born who was to become the Son of God". This young lady who had not had any real synagogue education had given an answer she had learned in her public school. The impression she had gained from her teacher was that Christmas was the religious holiday of the season. Since the teacher didn't know much about Chanukah, she couldn't have very well transferred any real sympathy with it. These two real-life incidents lend support to the saying which I heard recently, "There are three major types of religion in America - Christianity, Judaism, and Public School".

In spite of the obvious difficulty of teaching religion in the public school, whether it be through Bible reading, prayers, or holiday celebrations, there are many sincere religionists who are pushing this kind of program. In localities where there are not sizeable minority religious groups, "public school religion" frequently becomes patterned after the dominant religious group in the community. Where there are fairly large religious minorities who are in any way vocal, "public school religion" either is minimized or it is presented in a hodge-podge mosaic which is hardly recognizable as either Christianity or Judaism. Through it all, the faithful public school teachers and principals, who were taught how to teach many things other than religion, work on uneasily hoping that they will not bring down upon themselves the ire of either Christian or Jew. They seldom succeed.

B. Legality vs Human Problem

In some communities the legality of religious teaching in the schools is tested in the courts as it is currently being tested in Miami. Miami, like many other similar areas, has many people who are dissatisfied with "public school religion", but not all of the dissidents prefer that the issue be resolved strictly on the basis of legality and Constitutionality. The issue has been joined in the courts and there will no doubt be a resolution, after months and years of legal wrangling and emotional outbursts.

Irrespective of how the matter is resolved in the courts, the basic human problems will remain. What happens to a child in the public school who is forced to be present when prayers are said which exclude him; when hymns are sung which contain heresies for him; and when Biblical texts are read which include teachings which are contrary to what he has learned. I am speaking on this subject tonight because I believe that there are many intelligent, sensitive human beings irrespective of their religious background who are capable of understanding this problem sympathetically.

No doubt there are constitutional problems involved in religious teachings in the public schools, and doubtless the parties who brought the current suits are within their rights as Americans in seeking to resolve the problem legally. I believe that they should be allowed to conduct their suit without being labelled as "infidels" or "communists". The litigants are not using undemocratic means. They are following a time-honored pattern of trying to protect their rights in American courts. I think we make a mistake by trying to embarrass and heckle citizens who are merely doing what the American system encourages them to do. The court issue has been joined. Let the litigants work their case through. We can rely upon the courts to seek justice. We do not need to cast stones and names at the participants in the hope that they will turn tail and run.

While I believe that those who wish to turn to the courts have every right to do so, I must confess that I would have hoped that Christian and Jewish clergymen here in Dade County could have worked out a solution that would have been satisfactory to all. It seems to me that we must come to a common understanding irrespective of what happens in the court. In the end, we have to live with each other out of court. My talk tonight is a way of holding out my hand to my Christian colleagues. It is a way of saying, "Come let us reason together. Let us review together the history of our country and the problems of the day and resolve that we shall try to bring out the best in ourselves and in each other".

C. The Pursuit of Liberty

To prepare myself to speak on this question, I read closely three books on the history of religion in America. One is entitled, "The Course of American Democratic Thought" by Gabriel, who is, by the way, not the angel, but a Professor of American History at Yale. A second book was, "Religious Education and the Public School" by the Rev. Dr. George U. Wenner, Pastor of Christ Church, N. Y. a few decades back. A third book was "Religion in America" by Willard Sperry, Dean of the Harvard Divinity School. Every American should read these books. He would be a better American and a better religionist for reading them.

Now, I happen to be a Virginian by birth and I received most of my education there. I am a graduate of Thomas Jefferson's University, the University of Virginia. It was with much interest therefore, that I read Dean Sperry's description of the epitaph on the grave of Mr. Jefferson which the latter himself had prepared. The epitaph reads, "Here was buried Thomas Jefferson, author of the Declaration of Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia". The epitaph does not mention that this great, great man was President of the United States, but instead mentions three things, the Declaration of Independence, The Virginia Statute for Religious Freedom, and the establishment of a great educational institution. Dean Sperry quotes from the Virginia Statute these words of Jefferson, "Be it therefore enacted by the General Assembly, that NO MAN SHALL BE COMPELLED TO FREQUENT OR SUPPORT ANY RELIGIOUS WORSHIP, place or ministry, whatsoever,... but that all men shall be free to profess and by argument to maintain, their opinions in matters of religion...."

For our purposes, it is important that we study the Jeffersonian phrase, "Compelled to frequent...any religious worship". A person or child who is compelled to listen to prayers, hymns, or Bible texts of other than his own religion is being compelled to frequent a religious worship. In this very important sense a Jewish child in our public school system in Dade County is denied the rights which a man like Jefferson would say are his "inviolable privilege".

Of course, Mr. Jefferson is not alive today, and the Virginia State^{Te} does not hold in the State of Florida, so that we can say that in Florida this sentiment does not obtain. Perhaps it doesn't, but perhaps it should. Would we make Mr. Jefferson uncomfortable in our state of Florida, and if we would, should we rethink our position on the subject?

D. Not Tolerance But Freedom

But Mr. Jefferson was not the only American who was sensitive on the subject of religion. According to Dean Berry (p.54), "Most of the men who framed the Constitution...were Deists. The term presupposes belief in a divine creator to whom reverence is due, but disallows many, if not most of the orthodox beliefs of the Christian Church... Washington was a formally devout Episcopalian, but it is said that there is no record of his ever having taken the Sacrament. Thomas Jefferson belonged to no Christian body, though he attended church regularly and thought highly of the ethical teachings of Jesus. Benjamin Franklin said that religion is a private affair which right-thinking men do not care much to discuss."

In describing the desire of the Founding Fathers to avoid the excesses of religious zeal, Dean Sperry writes concerning the major American documents, "The absence in their documents of any references to the Bible is most marked. The name of God does not appear in the Constitution." (p. 55)

Sperry goes on to quote from, "The Religious Background of American Culture" by Thomas Cuming, the following, "When one remembers that the Puritan Principle, so far as it was Calvinistic, recognized the Jewish theocracy as a model for all time for all governments, the fact that the Old Testament is never alluded to as an authority by the principal authors of the Constitution should give some pulpit rhetoric pause..". Sperry adds in a footnote (p. 56.1), "The men who fought the Revolution and wrote the Constitution cared primarily for the ideal of liberty. Religion was significant, not as a major independent concern, but as a fortification of the whole conception of freedom and a means of furthering that end".

Bearing this in mind, we might ask ourselves in the America of 1960, if we are not less concerned with Liberty and more concerned with the outward forms of religion than were our forefathers? Are we so much in love with outer conformity that we are ready to sacrifice the highest ideals of the Jeffersonians?

Let no one suspect that only the Deists fought for religious freedom in early America. Sperry writes (p. 53), "The Baptists were undoubtedly the most aggressive and also the most effective single religious body in the colonies so far as the demand for religious liberty was concerned." The interpretation of Roger Williams of the relation of the state to religion coincided with the attitude of the men who wrote the Constitution. There was no room for "Tolerance" in the America of this period because the notion of tolerance precludes the ideal of real religious liberty.

In Miami today we are hearing little talk about religious liberty and much talk about tolerance. So many people are saying, "This is a Christian country (contrary to the intent of the Constitution), and our schools must be Christian oriented. The Jews are to be given tolerance, but they must not interfere with our minimum Christian observance." The great authors of basic American views on religion did not speak of tolerance or of a Christian country. They spoke of religious liberty. This was an ideal achieved by Protestants who sought to protect themselves from the zeal of other Protestant groups and from domination by any one group.

To speak of religious liberty is not to speak of irreligion. This country has never been committed to Christianity or to irreligion. The American Army has always been provided with chaplains. We have been asked by our national government to set aside special days for prayer and thanksgiving. We are not a country of irreligion, but the pronouncements of our government are couched in general terms which cannot invite the criticism of any religious body and "should, in theory, command the consent of all: Protestant, Catholic, and Jew alike" (Sperry, p. 60) In America one thing that is not subject to majority vote is religion. Religion in our country HAS NOTHING TO DO WITH MAJORITY AND MINORITY. It has to do with individuals and the right of free conscience. We are a nation not of religious sects but of individuals.

It seems to me that it is more important that Americans recognize that this was true of the mood and spirit of the Founding Fathers than that we prove in the courts that this is a Constitutional privilege. It is important for us to understand that the Constitutional implementation of this spirit was made by Christians (not by Jews) who were trying to protect themselves from the aggressive religious forces of other Christian groups. It was Roger Williams and the Baptists who most forcefully made the point that the state (and, therefore, its schools) must neither be religious or anti-religious but a-religious, that is, outside the realm of the religious dispute which burned like a prairie fire in early America.

This historic understanding has been expressed by the 169th General Assembly of the Presbyterian Church in the United States. Its official statement, entitled, "The Church and the Public Schools" expresses the Presbyterian commitment to the public school system. It calls for the "continuance of the traditional principle of separation of church and state". It protests the charge of godlessness which has been directed against the public schools. The 11,000 word statement opposes any effort to teach "common core" faith as a substitute for specific religious belief. It reads, "We point out once again that Protestants must always be on guard against what might happen if sectarian teaching were imposed upon the schools of America...In short, we must never betray the genius of the public schools nor yet be mesmerized by the fatal assumption that the church can delegate its responsibility to any institution in order to make up for the prevalence of religious illiteracy."

The Rev. Gerald Kennedy, Methodist Bishop of the Los Angeles Area, has written, that "Protestants both by heritage and spirit are committed.." to teaching religion in the "home...church...or parochial school". The Rev. Kennedy underscores what we have been saying. Quite apart from the constitutional provision for separation of church and state, Protestants are committed by (1) heritage and (2) spirit to teach religion in places other than the public school.

"But", say some well-meaning Protestants, "the religion we are advocating for the schools is not sectarian". To this the Jew must patiently reply that anytime he is "compelled to frequent" a public institution where Jesus is worshipped, then he is violating one of the main points of Judaism, which is that no man, Jewish or otherwise, can be divine. To celebrate the birth of the "Son of God" and the occasion of his "Resurrection" reminds the Jewish child of Antiochus, who said he was "God Revealed" and Tammuz who "rose" from the dead every spring. The Jew resisted these teachings in the past; his whole orientation is away from this kind of symbolism, even though he knows that modern Christianity is a far cry from Hellenism and Paganism. To Jewish children, the holidays of Christmas and Easter and prayer or Bible reading in the name of Jesus is sectarian in the highest sense. We solicit Christian understanding of this point to which we do not feel they are as sensitive as they might be.

We invite our Christian friends to understand that if the Bible reading were limited to the Old Testament and if the prayer were only in the name of "God", then Jews would be much less sensitive. Then, the problem of religion in the school would center around those who are a-religious who claim rights under the constitution. Perhaps they, too, have rights as Americans, and we Christians and Jews owe these individuals the courtesy of meeting with them to discuss their attitudes and problems. After studying our American history more intensely we may discover that they are right and we are wrong, and the right not to believe in God may be as sacred as the right to believe in Him voluntarily.

Meanwhile the Miami court case goes on, Shall men of good will sit on their hands during these long months? Is it not indicated that we come together, legalism aside, and try to understand each other. "Come" said the Lord through Isaiah, "let us reason together". If we answer this call, we may find that each of us is much less of "scarlet" and more like "snow."