



TEMPLE BETH ISRAEL • SHARON, PENNSYLVANIA

Joseph D. Herzog, Rabbi

FROM WHERE I STAND.....

On June 17, 1963 announcement was made that the Supreme Court of the United States had ruled by a majority of 8 to 1 that compulsory religious devotions in the public schools involving Bible reading and the use of the so called "Lord's Prayer" are in violation of the Constitution of the United States.

I have not yet been fortunate enough to read the complete decision, nor the concurring decisions, nor the dissenting decision. Nor have I been privileged as of this writing to discuss the legal application of the decision with any of the excellent attorneys in our congregation.

However, I am sure you recognize an immediate need for some interpretation and guidance in the matter of our relationship to our critics and to our friends on this question. The immediate storm of criticism that was provoked by the so-called "New York Board of Regents prayer" case last year has not been equalled by the reaction to this year's decision. Possibly many who took extreme positions last year have since realized that the world has not yet come to an end nor is it about to. Possibly also the intense study and thought which was provoked by last year's decision has caused many this year to examine the legal situation and the religious situation with a new and mature scrutiny.

Nonetheless, there has been some criticism. Senator Allen Ellender of Louisiana denounced the Supreme Court on the floor of the Senate as "nine silly old men". Bishop Fred Pierce Corson of the world-known Methodist Council, a usually calm and reasonable Protestant leader, denounced the Supreme Court's decision and those who fought for it in terms that were neither calm nor reasonable. Our own newspaper, the Sharon Herald, has printed a number of articles and comments of a negative and critical nature, the latest of which that I have seen being the article by the columnist Henry Taylor in the Herald edition of June 24.

These are more than counterbalanced by the very favorable and laudatory expressions from the Nation Council of Churches, the United Presbyterian Church, the Baptist Churches, and others.

It is still true, unfortunately, that most of our neighbors are influenced not so much by grand pronouncements and statements of policy of national bodies and national figures but by the ignorance, the fear, and the misinformation which they absorb from daily and weekly contact on the local and personal level.

Therefore, I would like to examine with you what this decision means and what it does not mean, and also perhaps to point out some salient points which you might want to have at your finger tips in discussing the effects of the decision with non-Jews of whatever persuasion.

First of all, the decision seems to mean that no one, not even the government of the United States, may interfere with the right of religious freedom for any citizen. Apparently no state, no school district, no school principal, no teacher, however well motivated, may compel either directly or by force of social pressure any student to participate in any religious exercise in a public school; nor apparently



may such exercises be held as part of the school program. This seems to mean, among other things, that our tax money and the tax money of our Christian friends may not be used for the support of any religious group; neither to support some specific religious society, nor to support all organized religious societies. The argument against this on the part of our Catholic friends seems to be tied up intimately with the fear that the decision indicates a future negative ruling on the use of public tax monies for educational programs in Catholic parochial schools. In discussing this with our Catholic friends I would emphasize the view of Justice Goldberg who in his concurring decision pointed out that each case must be decided on its own merits and I would also emphasize that the one Catholic on the Supreme Court, Mr. Justice Brennan, concurred in this decision.

Secondly, the decision seems to mean that our children are to be protected from the hypocrisy of public professions of empty piety. This hypocrisy has been condemned by Rabbis of all ages and I would suggest you remind your Christian friends that it was condemned also by Jesus of Nazareth.

Thirdly, it seems to me that religion in general is going to be protected from the subtle influence of the state in the form of tax support and public recognition. The government of the United States, according to Mr. Justice Clark, must be neutral in the matter of religion and may not, in the words of an earlier Supreme Court Justice, prefer one religion over another or even prefer all religions.

Next, it seems that freedom of religious expression will remain a support of American democracy without being the support of any particular government or administration within it. No citizen of whatever faith may use as an excuse for lack of trust in America the argument that his religion is not given a preferred place by the government. The government remains aware of the power of religion and wisely refrains from attempting to setup an official religion or a religion in general.

In the fifth place, the decision does not mean that religion has been thrown out of American life. Ours is not a Christian democracy, even though the majority of our citizens may be nominally Christian. Ours is a constitutional democracy reflecting the wisdom of its founders tempered by the experience of their successors. Our government is a government of men rather than ministers. Our government is one of law rather than of religious preachment. Religion remains as valid and as important as ever in American life. Of course, now you will have to do more than announce your faith: you will have to practice it in your home, your temple and your place of business.

Sixthly, the Supreme Court has not thrown God out of the public schools. There is a good deal of question as to whether God ever was in the school. And some of us have seriously questioned whether incompetent teachers and administrators have the right to cover up their inadequacies with public references to our Creator. There is a good deal of question as to who is competent to teach religion even without comment. I prefer my children to be taught Judaism by a qualified and dedicated Jewish instructor.

In the seventh place, the Bible has not been thrown out of the public school. The Bible exists on two levels: one, as a Book of worship and devotion, the other as a historical literary document. As literature the Bible is as available as ever to our teachers and school administrators. Undoubtedly and unfortunately, they will continue to ignore it in the future as they have in the past.

As a book of worship and devotion, however, the Bible is now again the property of those whose place it is to lead in worship and devotion. It is off limits to the teacher and administrator who wishes to play minister or priest or rabbi. To reduce the Bible to a simple means of calming students is to make it ridiculous and to in-

sult God and religion alike.

I would not hesitate to point out to non-Jewish critics of the decision that there is no real agreement even on what constitutes the Bible, since Catholics, Protestants, and Jews profess different versions of the Bible and other religious groups have sacred literature peculiar to themselves which does not include any of what we generally call the Bible. Indeed, there is no agreement even on what constitutes the Ten Commandments. Further Catholics and Protestants differ on what exactly is in the "Lord's Prayer", and cannot agree on what the last sentence of that prayer is suppose to be. The prayer incidentally is one which Jews find theologically and historically unacceptable.

The most important question raised by the Supreme Court decision concerns secularism and freedom. Frequently we read in our newspaper, such as it is, of the question "has secularism taken over the schools or the government or society?" Unfortunately, seldom are we told by our newspaper or by persons so influenced exactly what is meant by this dread bug-a-boo of secularism.

Are you afraid of a secularist? Thomas Jefferson was a secularist and so was James Madison and so was Benjamin Franklin and so was Abraham Lincoln. If by secularism you mean keeping the State completely separate from the religious groupings of its citizens, you may remind your Christian friends that there was once a devoted secularist named Jesus of Nazareth who has been quoted as saying, "render to Caesar the things that are Caesar's, and to God the things that are God's". (The gospel according to Matthew chapter 22, verse 21).

As a matter of fact, what most critics mean is that their own religious group must now fight its own battles. Religious education is a desirable thing in our society for all who seek it. Aye, there's the rub - for all who seek it. No man, in our democratic America, can be compelled to be lectured at or prayed over or preached to, by anyone except the designated leader of his religious group. And if a man, for whatever reason, choses to avoid lecture, or prayer, or preaching altogether, our free society permits him the choice of avoidance.

It is difficult to be free, it is much easier to be dictatorial. A free society compels its citizen only to choose between alternatives. It leaves to the citizenry the opportunity to learn about the choices available. It compels no one in spiritual matters to give up his convictions on the specious argument of "public welfare".

With the failure of some churches' programs in religious instructions, some religious leaders saw the possibility of having the government do their work for them, of having church recruiting programs paid for by the American tax payer out of federal tax money. They joined forces with those who sought to fight Soviet Russia with her own weapons. Since the Russians would outlaw the word "God", these misinformed and thoughtless Americans would make the word "God" compulsory in certain school and government functions.

But the word "God" has no magic; only a sincere devotion to God can work wonders. And the devoted man scorns public piety for the fraud that it is.

Remind your friends, that as for its support, it would be nice for the government to pay the cost of keeping your church in business; but it would dreadful to give to the government the accompanying privilege of appointing your Bishop or your minister or your rabbi.

Remind our friends also that we Jews are a deeply religious people and we recognize the challenge of this Supreme Court decision. The challenge is that if

religion is meaningful to us we must make it meaningful in that area of life where it belongs: in our homes, in our houses of worship and in our businesses. We cannot entrust the precious spiritual heritage of thousands of years to an elected or appointed governmental official whose primary job is to care for the public polity and not to "save souls". Remind our friends also that as Jews we have always insisted on a strong educational program for children and adults alike within the confines of our synagogues. Go thou, we may say to our friends, go thou and do likewise.

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