



Lutheran Synod Quarterly

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THE PASTOR IN THE STUDY

(A devotional address delivered before the General Pastoral Conference of the Evangelical Lutheran Synod, April 18, 1963.)

Text: 1 Timothy 4:13: Give attendance to reading, to exhortation, to doctrine.

Surely there is not one of us here but he must hang his head in shame when he thinks of his shortcomings, indeed sins, in regard to his neglect of study. The topic assigned by the Devotions Committee for today is one that should be alive in our minds and on our hearts - the topic:

THE PASTOR IN THE STUDY

In considering this subject, we shall dwell, briefly, first, upon the opportunities missed, and secondly, upon the opportunities that beckon.

I well remember the remark of an old pastor, some years ago. He said: "Soon I shall retire; then I shall be able to spend many wonderful hours reading Luther." The remark was well-meant. I am sure the man did read Luther in his days of retirement, and that he received much blessing from it. But this little incident is a sad commentary on our times. The studies that should be undertaken during the pastor's active years are postponed, too often, to the retirement years.

Are the days of the old-fashioned pastor gone, the days when many of the pastors in office were theologians of proportion in their own right? The days of the circuit-rider are indeed over. These were men who literally drove themselves to premature death by braving hardships, shuddering for us to think of, without neglecting the discipline of study. These were men who read as they rode.

In our day a multitude of tasks, often administrative merely, are heaped upon the pastor. There are meetings of boards, committees and societies, classes for teachers, for children and for adults, and numberless details that the pastor is expected to attend to.

And yet we cannot find sufficient excuse in all these considerations. Have we not sinned? Have we not sinned, the times that we made do with a mere glance at the text and a quick copying of sermonic literature, in sermon preparation? Is it thus that we hoped to set good spiritual food before the flock entrusted to us by the Lord?

Have we not often neglected prayer when we have undertaken study? - Prayer for ourselves, prayer against the enemies of godliness, prayer for a richer measure of the Holy Spirit, prayer for our people? It was Luther who said: "Fleissig gebetet, is ueber die Haelfte studiert." That is difficult to translate meaningfully. In effect, it means: Steadfast prayer is the biggest element of study.

Have we not spent too much time on allotria, adding up to what the hymn bids us acknowledge as "misspent years?"

We have sinned. It is for us to repent of these sins, and to seek forgiveness of Him who through study learned the Scriptures and used them so effectively against Satan, and who has redeemed us and covers us with the robe of His righteousness.

It is for us to produce the fruits of repentance. We should resolve to train ourselves to sit down at definite times for study, and to proceed to the work immediately upon sitting down. We should make a beginning of systematic studying, sometime, any time, soon. Luther's admonition does not seem to be out of date: "There are some lazy pastors and preachers who depend upon such books and other helps so that they cannot make a sermon; they do not pray, they do not study, they do not read, they do not put their minds on the Bible, just as though they did not need to read it. Instead they use such books as calendars and definite forms to earn their daily bread and are therefore nothing but parrots and jackdaws who repeat what they have heard without any understanding. Over against this it is our own opinion and that of our theologians that they be directed to the Scriptures and prepare themselves to defend our Christian faith after our death against the devil, the world, and the flesh, for we will not always be at the head where we are now standing."

Then there are the many opportunities that beckon to us in the broad field of study. What a challenge to you and to me, that we live in this age of such diversified and widespread knowledge, in this day when faith is troubled by so many perplexing problems.

It is time that we rise up to meet this challenge. We should realize that study should not be directed merely toward the piling up of facts. Scholarship rather implies the ability to use information, whether it be with the object of building a house of God or for the making of a sermon. The apostle Paul well stated the object of the pastor's study in the little phrase, "for the edification of the saints."

We should not lose sight of the fact that the study of the Bible is basic. This brings to mind the oft-repeated advice of old Dr. L. Fuerbringer back in our seminary days, as he urged us to continue our study of the Bible itself throughout the years of our service as pastors. He recommended the system of reading at least two verses of the Hebrew Old Testament and ten verses of the Greek New Testament each day, without fail.

Think also of accepting the challenge of study in some part of the vast fields of historical and practical theology.

It is time also that we check up on our study programs to see if perhaps we are riding some theological hobby, to the detriment of our ministry, in which we are to feed the flock of God with the entire counsel of God.

In summary, let us again be admonished by Luther, who said: "Be vigilant! Study! Attend to your reading! Most assuredly you cannot read too much in the Scripture, and what you read you cannot understand too well, and what you have understood well you cannot teach too well, and what you teach well you cannot live too well." Amen.

A. V. Kuster

"COMMUNICATIO IN SACRIS

IN THE LUTHERAN CHURCH"

The Rev. Tom G. A. Hardt
Stockholm, Sweden

Editor's Note: The following section is also a part of Pastor Hardt's larger work: Communicatio in Sacris, the Doctrine of Lutheranism on the church, Dogma and the Sacraments, and their Inter-relationship. (See the Lutheran Synod Quarterly, March 1963, pp. 2-14, for the first installment of this work.) Previous to the discussion of this chapter "Communicatio in Sacris in the Lutheran Church" Pastor Hardt investigated Luther's position with regard to church fellowship. God willing, we hope to publish this portion at a later date. In view of the Theologian's Conference to be held August 19 - 23 at Bethany Lutheran College, we thought that the material of this chapter would be especially pertinent to the topic on the agenda of this meeting, "Church Fellowship".

The consciousness of being the visible manifestation of the invisible church, the "societas externarum rerum ac rituum" of the orthodox administration of the means of grace, permeates also the Lutheran Church as such, for just this point of view appears in theologians other than Luther when they officially take part in doctrinal negotiations after the decisive Diet in Augsburg. We have seen how Luther can speak of "unser Sacrament". For example, Amsdorf speaks just as "narrowly" confessionally when he as bishop deals with an excommunication of a manifest heretic who, in the celebration of the Lord's Supper had laid himself open to blame for having administered an unconsecrated host (and in addition thereto, after the celebration, having put a consecrated host with other bread). This heretic is "in unsern Christlichen Kirche nicht zu gedulden", that is to say, in "der gemeinschaft aller Wittenbergischen Christlichen Kirchen."¹ This Wittenberg Church is a tangible sacramental entity, identical with all the churches that receive each others communicants and accept as valid the excommunication that is decreed in any other church belonging to this entity. In principle, this communio ecclesiastica reaches out over the churches which went through the Reformation of the Latin Church at the beginning of the 16th century, for when Luther issues a letter of recommendation for the Ethiopian deacon Michael, this implies, as a matter of principle, that the Ethiopian Church stands in sacramental fellowship with the Wittenberg Church. Michael has, of course, accepted the doctrine of the Lutherans.² With this letter of introduction (systatike) from Luther's hand Michael can then expect himself to be received everywhere in "our" church, at "our" Sacrament.

A doctrinal discussion at which consensus de doctrina is achieved, is closed with common communion. At the agreement in Wittenberg, 1536, Musculus writes

laconically: "Wir haben communiziert"; that is to say, unity had been achieved when the first common Lord's Supper was celebrated on the day of Ascension.³ On the contrary, before consensus, the delegates could not have part in fellowship in divine service. In Marburg, for instance, there is found no mention of common prayer.⁴

This avoidance of common prayer was, as a rule, respected by both parties. When, at the so called "colloquium charitativum" (liebreiche Religionsgespräch) in Torn (1645) the Roman party insisted that "domini Augustani", that is to say, the Lutherans, should pray with the Papists and the Reformed, the Lutherans pointed to the existing custom, which had held good at a colloquium in Regensburg, and that also "Pars Rom. Catholica vetat cum haereticis communicare"!⁵ The right was demanded that, after the Roman chairman's prayers, there would be opportunity for the Lutherans to conduct their own. When this was not granted, it was nevertheless resolved by the Colloquy "ut Augustani a publicis precibus abesse, suasque in conclavi proprio absolvere possent, tum demum iis finitis sese reliquis in Aula Majore adjungere."⁶ The Lutherans refused both to "omittere preces", for this would be to surrender to the Roman chairman, whose spiritual, episcopal jurisdiction they could not acknowledge, and they also refused to "etiam procumbere in genua" with heretics such as the Romans or the Reformed. So then, in loyalty to the communicatio-in-sacris rule, "domini Augustani" read their prayers in private before each session, while the Roman and the Reformed parties, guided by their notions of a unified church, which both thought of as a politica externa, set aside the Biblical norm for the boundaries of church fellowship. It was incisively pointed out that an ecumenic prayer-fellowship extorted by force would be in conflict with the commandment of love. A colloquium charitativum must not compel. Furthermore, a defection from the communicatio-in-sacris rule forces schisms within the Lutheran church through the chain reaction which we have already observed in the Chrysostomos. "Instructi sumus omnia procurare et facere, quae ad cavenda schismata nostrae Ecclesiae, ad plandandam concordiam conducere possint, fovendamque com exteris Ecclesiis, quibus fidei societate conjuncti sumus. Atqui hoc pacto orare in publico causam dabit schismati, turbabit concordiam, offendet externas Ecclesias..."⁷ And the ground for all the opposition is the apostolic precept, which is cited as the first of 17 "praecipue causae ac rationes,; 1. Vetarę Apostolum, ne quis communionem haberet com tenebris ac Babylone Spirituali, 2 Cor. VI, Apoc. XIIX."⁸ In a time which was generally characterized by the apocalyptic idea of the imminent unification of the Church as a sign of God's dominion over wickedness, the Lutheran Church saw as her sole duty to keep herself away from all unity which is not grounded on unity in doctrine, and saw the opposite procedure which by the opposing part was looked upon as a victory of God over Satan, as a partaking "cum tenebris ac Babyloni Spirituali". Both parties assuredly housed eschatological ideas, but of an entirely different kind! For the Lutheran Church, the integrity of the Word and the Sacraments and their correct administration stood as the sole treasure which the Church possesses. For the opposite party, on the other hand, beckoned the outward unity as the highest good, and one-on-earth-united, triumphant Church was looked forward to, something entirely different from the Lutherans' "ecclesia sub cruce tecta"-----"theologia gloriae" in opposition to "theologia crucis".

(To be Continued)

NOTES

¹ WA Br 11, 258

² WA Br 7, 85 (follows Nr. 2126). Luther points out that even "ritus, quem

nos observamus in usu Coenae Domini et Missa est, convenit cum orientali ecclesia". According to WA TR4, 152f (Nr. 4126) Michael had concerning "omnibus nostris articulis" said, "Ista es bona creda, id is fides".

³ Köhler, Walther, Zwingli und Luther, ihr Streit über das Abendmahl nach seiner Politischen und Religiösen Beziehungen, I - II, (Leipzig, 1924, Gütersloh, 1953) Vol. II, p. 449. V. E. Löscher points out correctly the character of this communion in Historia Motuum, p. 213: "Capito und Bucerus gingen auch zur Zeichen der Unionen zum Heil. Abendmahl".

⁴ When the grace at a meal is mentioned, Luther officiates at it with responses and other singing given by school boys summoned thither (Köhler, p. 118). At this particular meal there was only one non-Lutheran present! "Common meals" have evidently not customarily taken place as Sasse supposes in This Is My Body (Minneapolis, 1959), p. 219; for in such case Heio would not write, "Eodem die pransus cum eis". This note shows that a common meal was an exception. That Luther officiated at the saying of grace in the presence of a heretic, has, of course, nothing to do with communicatio-in-sacris. The heretic just observed "Praesentia passiva". In opposition to Sasse (p. 218) we will definitely maintain that at this time there was to be found a "Lutheran" or "Reformed" church" in "the later sense of those designations". Where variant doctrines are to be found, there exist as a matter of course variant churches!

⁵ Calovius, Abraham, Historia Syncretistica (1685) p. 547

⁶ Calovius, p. 274

⁷ Calovius, p. 548

⁸ Calovius, p. 547. That Calov speaks of not praying "in publico" in all the objections is not intended to permit private prayer fellowship but stresses merely that the actual case is "in publico" and as such particularly to be condemned for a pragmatic reason (misunderstanding concerning status of the Lutherans, etc.)!

"THE HISTORY OF THE SEPARATION OF CHURCH AND STATE, WITH SPECIAL REFERENCE TO EDUCATION IN THE LUTHERAN CHURCH AND IN THE UNITED STATES"

I. The development of the principle of separation of church and state

A. Before the Revolution

The principle that church and state are two separate institutions, that each one is to have its own sphere of activity, and that the state is not to establish or support any form of religion is a principle which many in this country may take quite for granted. It is possible that we have become so accustomed to the separation of these two institutions that we regard it as a condition which has always existed in this country, but that is not the case. In fact, when one considers the European background from which the founders of our country came when they migrated to the United States, it strikes one as a bit unusual that such a relationship as we have in our country between church and state should ever have developed in the first place.

During the sixteenth and the seventeenth centuries, the dominant pattern of relationship between church and state as developed in Europe was one of a close union between the government and one established church. The major European religious bodies of that day believed that the welfare of society required that the state support and promote certain religious doctrines. Both the Catholics and the

Protestants alike believed that their church should be the one that was preferred and protected by the state, and since this idea of a single established church was dominant in Europe at the time of American colonization, it was quite natural that the early colonists brought their establishments of religion with them in different forms. "The Dutch brought their established Reformed Church to New Netherland; the English Anglicans brought their established Church of England to Virginia and the Carolinas; the Swedes brought their established Lutheranism to the Delaware region; and the English Puritans brought their established Congregationalism and Presbyterianism to New England. Now what was the essence of "an establishment of religion" as conceived by these colonists? It always had two parts: establishment meant (1) that the state gave financial support to the church, and (2) that the state enforced by law the public worship and doctrines of the established church with punishment and penalties for offenders."

"For example, (in Virginia where the Anglican Church was the established Church), the death penalty was laid upon anyone who spoke impiously of the Trinity or for repeated blasphemy. Whippings were decreed for those who showed disrespect for a minister, for not attending church, and for breaking the Sabbath. Taxes were levied for the support of clergymen, church buildings were built with the aid of taxes and public lands, glebe lands were allocated to ministers for their support, and workmen were assigned at public expense to till the lands for the clergymen. The state not only supported the ministers but laid down rules to control the conduct of the ministers in and out of church. Ministers should not drink to excess, nor riot, nor be idle or waste time at cards or dice, and they must conduct services in conformity with the orders of the Church of England, preach regularly on Sundays, and administer the sacraments."

From this it can be seen that in this state the Church of England not only received special privileges which were not accorded any other religious body, but it actually used the powers of the state to support its church and to enforce its laws. Somewhat similar forms of Anglican establishment also existed in the Carolinas and eventually in Maryland and Georgia.

A close cooperation between church and state also existed in Massachusetts, Connecticut, and New Hampshire where the Puritans settled. Although the Puritans in England could not accept the Anglican doctrine that the civil ruler in the person of the crown was the supreme authority in religious affairs, they were nevertheless by no means arguing for a complete separation of church and state. They simply wanted to be sure that the state supported and defended the orthodox religion as defined by the Puritan Church. Therefore, when they came to New England, one of their primary concerns was to establish their own religious orthodoxy as the law of the land.

The close alliance which existed between the church and the state where the Puritans were in control was well illustrated in Massachusetts. Anglicans, Baptists, Quakers, and Catholics were not given the freedom of citizenship because their religious beliefs were considered to make them a threat to the welfare of the state. The only ones who were granted the rights of free citizenship were those who owned a certain amount of property and who belonged to the authorized church. A law of 1638 provided that all persons were compelled to support by way of taxation the established church whether they agreed with its teaching or not. In 1644 a law was passed banishing the Baptists, three years later the same for the Jesuits, and a few years later not only banishment but death was decreed for those Quakers who persisted in their activities. Laws were also passed which defined what was

¹ R. Freeman Butts & Lawrence A. Cremin, A History of Education in American Culture, (New York, 1953), p. 15

² Ibid., p. 16

heresy with regard to the teachings on the immortality of the soul, the resurrection, sin, redemption, repentance, and the meaning of the Bible. Those who refused to accept these orthodoxies as defined in law by the General courts were subject to fines, whippings, banishment, and even death.

From the foregoing brief description of the conditions which existed in early colonial America, it becomes quite evident that many of the colonists accepted the principle that church and state were legitimate partners in the propagation and maintenance of an established religion--rather than that they should be separate. However, it should also be noted that almost from the beginning there were those who favored the idea that church and state should be separate. This idea began as a minority viewpoint in the early seventeenth century and its adherents increased until by the end of the eighteenth century it had become a majority point of view.

One of the chief proponents of the principle of the separation of church and state during the colonial period was Roger Williams. He argued that "civil authorities have their secular sphere and religious authorities have their religious sphere; neither should try to control the affairs of the other. All religious beliefs should not only be allowed freedom to exist, but also the state must not infringe the equal rights of any religious belief--Christian or non-Christian. He even held that freedom of nonbelief should be allowed by the state."³

One of the factors which helped to do away with the tradition of having one established church was the increase of a wide variety of religious groups which soon began to attack the entrenched establishment wherever it existed. These groups also were very influential in preventing the spread of establishment to new areas where it had not originally existed.

The colonies in which an especially large degree of religious freedom was granted were Rhode Island, Pennsylvania, and Delaware. Due to the influence of Roger Williams, in the royal charter granted to Rhode Island in 1663, no one was to be asked to account for his religious beliefs so long as he did not disturb the civil peace.

"Rhode Island steadfastly refused to tax its citizens for the support of religion and in 1716 passed a law stating that 'what maintenance or salary may be thought needful or necessary by any churches, congregation, or societies... for the support of their, or either of their minister or ministers may be raised by a free contribution, and no other way."⁴

In Pennsylvania, the state did not compel individuals to attend any public worship they did not wish to attend nor penalize them for their beliefs, nor was anyone obligated to support someone else's religion by way of taxation. "When Delaware was separated from Pennsylvania in 1702, Delaware continued the policy of permitting a wide range of religious freedom with no establishment of religion."⁵

"By the time of the Revolution all colonies were trying in greater or lesser degree the experiment of allowing more freedom of religious worship. The established churches were reluctant to relinquish their privileges but gradually gave in to growing dissenter groups. Two stages were apparent in the eighteenth century. The first was granting the privilege of freedom of worship to dissenting groups but maintaining tax support for the established church. When the dissent-

3 Ibid., p. 20

4 Ibid., p. 22

5 Ibid., p. 22

ers proved not to be satisfied with this arrangement--several of the colonies tried the experiment of expanding the privileges of the establishment by allowing more than one church to use the taxing machinery of the state for the support of their own ministers and religious worship. Thus, the term "establishment of religion" came to be applied not just to one preferred church, but to all churches that had legal and financial connections with the state. (This was the) only form of establishment left in any American state at the time the United States Constitution was put into effect in 1789."⁶

"At the beginning of the Revolution, Freedom of religious conscience was largely won in all states but some of them retained in their early constitutions religious qualifications or religious oaths for office holdings. Among the latter were Delaware, Pennsylvania, New Jersey, North Carolina, South Carolina, and Maryland. Many of these restrictions were deleted from later constitutions."⁷

The organic laws of a majority of the new states prohibited the use of state taxes or public funds for the support of any religion. In this sense, the establishment of one religion or of multiple religions was effectively prohibited in eight states. In the other five states the organic law of the state either permitted or required compulsory taxation for the support of religion. However, it is noteworthy that by this time none of them required a single establishment of religion or preference for one church over all others. "When church was separated from state, the state retained its legal rights to control education and to authorize private and religious education under a grant of power from the state by charter and legislative enactment. This is of paramount importance in the history of American education."⁸

One of the factors which no doubt served as a tremendous influence in breaking down the idea that the state should support just one religious group or even numerous groups was the growing realization that even dissenters could be good citizens. As long as men held that good citizenship rested on holding specific sectarian religious beliefs, the state could not tolerate dissenters, but when men began to grant that a person could be a good citizen even though he did not accept the dominant religious doctrines, the idea of establishment began to lose ground and the principle of separation began to gain.

"The next step was to grant that in a democratic society the nonbeliever as well as the believer must be accorded the right to be considered capable of good conduct and of good citizenship. Thus, when the colonists decided to renounce their connection with Britain and become Americans, they also decided that their differing religious beliefs could not be allowed to stand in the way of the common ties of good citizenship. They therefore moved to separate the state from all churches as well as from any one church so that all Americans could become equally good citizens in the eyes of the civil law and of the state. The recognition that, so far as the state is concerned, good citizenship rests upon good conduct and not upon religious belief was the secular revolution that accompanied the political revolution. This recognition took the institutional form of separation of church and state."⁹

Another factor which no doubt was very influential in bringing about the separation of church and state was that in the minds of the early Americans the church of England was closely identified with the crown. To them religious liberty and civil liberty were closely associated. Therefore, when just before the Revolution the Anglican groups tried to establish a bishop to be in charge of the Anglican churches in this country, this move intensified the fears of the dissenters that

⁶ Ibid., p. 22

⁷ Ibid., p. 29

⁸ Ibid., p. 29

⁹ Ibid., p. 152

they would lose even those liberties which they had gained. "Also the Quebec act of 1774 which gave privileges of tax support to the Roman Catholic Church in Canada intensified fears of Protestants in America that the English government was not to be trusted to preserve religious freedom."¹⁰

As a result of these and other factors, there was growing desire to replace the old aristocratic system with a more democratic and republican system. "During the early national period those five states which still clung to a form of multiple establishment in which the state aided more than one religious group, also moved to separation. This was done by "constitutional provision in South Carolina in 1790, in Maryland in 1810, in Connecticut in 1818, in Massachusetts in 1833, and by statute in New Hampshire in 1819."¹¹

One of the most significant turning points toward separation took place in the year 1789 before the adoption of the United States Constitution. The constitution of the state of Virginia guaranteed religious freedom, but the state was divided as to whether this meant that the government could or could not use public funds for the aid of the several religious groups within the state.

After the Revolutionary War was over this became a hot issue. The conservatives, as those who favored establishment were known, submitted a new religious bill which revived the principle of making a general assessment for the support of religion. Patrick Henry vigorously supported a provision for teachers of the Christian religion which was embodied in this bill. "The assessment bill of 1784 was in Patrick Henry's words clearly to require all persons "...to pay a moderate tax or contribution annually for the support of the Christian religion, or of some Christian church, denomination or communion of Christians, or for some form of Christian worship". " 12

"The bill proposed a levy on all persons to be collected by the sheriff, who was to make up and post publicly a list of all taxpayers along with the religious society to which each taxpayer wished his taxes to go 'for the inspection of all concerned.' The sheriff then was to pay the minister or teacher so designated his share of the tax funds. If any taxpayer did not indicate a choice among the churches, his money was to be given to 'seminaries of learning' within the respective counties. All money was to be used for paying clergymen or religious teachers or providing places of divine worship, except that Quakers and Mennonites could use it for any purpose they desired."¹²

"James Madison saw the implications of the assessment and rallied the democratic forces to oppose it. In order to carry his case to the people, Madison wrote his famous 'Memorial and Remonstrance Against Religious Assessments,' which was widely distributed during the summer of 1785. The Remonstrance is Madison's most complete statement of what he understood the conservatives to mean by 'an establishment of religion.' It is (most) clear that he identified the assessment proposal to aid all religious groups equally, as 'an establishment of religion,' as did the proponents of the bill, no less in 1785 than in 1779. It reveals clearly that he opposed any kind of connection between church and state, that he opposed multiple support for all churches as vigorously as he opposed the establishment of a single church."¹²

The flood of opposition which the 'Remonstrance' raised was so great that the assessment bill was never brought to a vote. It also had such effect in the elections to the new session of the legislature that Madison and the liberals who favored separation were in a large majority, and they had no trouble in bringing to a vote and passing Jefferson's Bill for Religious Freedom of 1779. This became the

¹¹ Ibid., p. 153

¹² Ibid., p. 154

historic Virginia Statute of Religious Freedom. Thus on the eve of the Constitutional Convention the separation of church and state had been completed in Virginia.

Although the struggle for separation was perhaps more spectacular in Virginia than in some of the other states, yet, by the time that the first amendment was framed and adopted, it was evident that the separation of church and state was the will of a large majority of the states. By 1791 virtual separation had already been clearly achieved in the constitutions of nine of the original states.

One of the things which made the Virginia contest of such great importance was that the chief proponent for separation of church and state, James Madison, was the architect of the First Amendment of the Constitution which was adopted by Congress in 1789 and ratified by the states in 1791. "The mark of Madison was apparent throughout the initial proposals, the debates, and the final statement which became the historical American formulation of the principle of separation of church and state."¹³

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." ¹³

B. After the Revolutionary War

"As new states were admitted to the Union throughout the nineteenth century, their constitutions reflected the principle of separation largely as defined in the First Amendment."¹³ The provisions contained in the Illinois Constitution of 1818 are typical of the provisions contained in many other state constitutions of that period. The Illinois Constitution reads as follows: "All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship."¹⁴

II. The separation of church and state in the field of education

A. The development of the common school system

"If Americans had not proclaimed the ideals of separation of church and state and of a common school attended by children of all groups, the pattern of a state controlled common school system might never have taken root. The European practice of dividing public school funds among the various religious groups according to the number of children they educated might have been adopted as a means of providing universal education. Then, as in many European countries, Americans might have had several public school systems."¹⁵

The public school system as we know it today did not develop overnight after the adoption of the constitution. In many communities, especially in some of the larger cities such as Philadelphia and New York, public funds were distributed among various societies which gave their attention to educating the poor--thus establishing the pattern of a divided school fund. The struggle which ensued in New York City to do away with this type of disbursement of public funds was typical of the struggle which took place in a goodly number of cities and states.

¹³ Ibid., p. 155

¹⁴ Ibid., p. 156

¹⁵ Ibid., p. 257

In that city, the Roman Catholics criticized the Public School Society which had been given charge of public education. They stated that it was teaching Protestantism and essentially took the position that if this continued, Catholic children could not in good conscience attend. Moreover, they argued that if all religion was dropped from the curriculum, Catholic children could not attend either. Thus they made it quite obvious that they were pressing for a publicly supported system of their own. In opposing the demands of the Catholics, the public school society contended that the schools were nonsectarian and that they would be happy to remove anything objectionable from the curriculum. In January of 1841, the council denied the proposals of the Roman Catholics.

When the Common Council turned down their request, the Catholic group turned to the state legislature. They presented petitions and memorials stating that the Public School Society, as a private, nonelective organization, had no right to control and supervise the city's public schools. As a result of their opposition, the legislature in 1842 passed legislation creating a board of education and this board gradually took over complete control of the cities schools.

In spite of their victory in securing a public board, the dissatisfaction of the Catholics with public facilities persisted. They continued to find in many of the public school texts passages which they felt were derogatory to their faith. Their desire was for a school curriculum impregnated throughout with Catholic religious teachings and that desire had not been fulfilled. It is quite likely that the results of this controversy were the thing which caused them to go ahead wholeheartedly with the building of a school system of their own.

"The struggle in New York well illustrates the twofold problem involved in bringing public control to public schools. First, public funds had to be withheld from schools under private or religious control. This was accomplished in New York by the denial of funds to the various church groups which applied for them. The other problem, however, was that of making the bodies which did control the public schools responsible to the public. To be sure, the Public School Society was far from a private body. On its board of trustees were many of the leading citizens and officials of the city. On the other hand, it was not a representative, public body; therefore, the law of 1842 creating such a body for the city was definitely a concluding step in the struggle to remove private control from public school facilities."¹⁶

"New York's experience was duplicated in dozens of communities and states throughout the Union during the three or four decades after 1830. In Massachusetts continued demands by the Roman Catholics and Episcopalians for public support of parochial schools led eventually to the passing in 1855 of a constitutional amendment prohibiting this practice. In the middle and middle western states not only Catholics and Episcopalians, but also German Lutherans were active in demands for division of public school funds. In isolated cases arrangements were made for public support of parochial schools. In general, however, the movement was definitely in the direction of halting such practices, and they were stopped in principle, either by legislation or by constitutional amendment, in a majority of the states in the decades immediately before and after the Civil War."¹⁷ "The prohibition against using public funds for sectarian schools and the prohibition against teaching sectarian religions in public schools were almost universally expressed in principle by 1900."¹⁸

It is noteworthy however that although the common, non-sectarian school idea

¹⁶ Ibid., p. 259

¹⁷ Ibid., p. 259

¹⁸ Ibid., p. 320

had become more and more popular, the Roman Catholic Church has always objected to it. They support universal education, but they object to having it carried on in common schools. Roman Catholic doctrine teaches that no education can be complete unless it is permeated throughout with the teachings of Roman Catholicism. In its early phases they objected to the common school system because it taught the common elements of Protestant Christianity. "Following the Civil War, when the common school curriculum had been even further secularized, they objected to it because it was religiously neutral."¹⁹

"A long series of pastoral letters to the clergy and the faithful in the United States began to urge with increasing vigor that Roman Catholic parents educate their children in Roman Catholic parochial schools. In few places, however, was church policy stated as directly as in the pronouncements of the Third Plenary Council of Bishops, presided over by Cardinal James Gibbons, and held at Baltimore in 1884. The sections on education are clear and forceful. '...not only out of paternal affection but also by whatever authority we are invested, we urge and enjoin Catholic parents to provide their beloved children...and education which is truly Christian and Catholic. Further, that they defend them throughout infancy and childhood from the perils of purely secular education and place them in safekeeping; that they therefore send them to parochial schools and other truly Catholic schools, unless in particular cases the Ordinary judges that some alternative may be permitted.' To implement their injunctions, the bishops enjoined each parish priest to provide within two years of their pronouncement, a parochial school for the children of his parish. Further sections urged the establishment of Roman Catholic higher education for the training of teachers and other professional men."²⁰

"By and large, this was the position taken by most Roman Catholic writers from that time forward. Many bishops were rigid in their rulings concerning the sending of children to parochial schools, and some went so far as to refuse absolution and penance to parents who continued to avail themselves of public education when parochial schools were available."²⁰

"An excellent statement of the Roman Catholic position is embodied in an article which appeared in the Catholic World for September 1904. 'It is beyond question,' wrote the author, 'the exclusive right and duty of the parent to provide his children with all those aids which are necessary to their physical, intellectual, and moral life--subject to the special right and duty of the church to add thereto a training in the Christian faith.' The parent cannot surrender this right; therefore, the state has no direct role in education. Its only prerogative is to compel parents to educate their children and to assist them to the most efficient and economical performance of the task. The issue was put even more directly, perhaps by a chief justice of the Supreme Court of Arizona speaking on behalf of a group of Roman Catholics in that state: 'We, that is, those for whom I now argue maintain--First--That the State has no right to teach religion. Second--That the State has no right to teach irreligion. Third--That the State has no inherent right to teach at all.'²¹

"It is important to note that in the minds of many Roman Catholics the state did have one important function to fulfill. Moreover, this was the positive clue to their solution of the school problem. Rather than one single public school system, these Catholics urged, why not have several public school systems? 'On our part,' maintained a writer in the Catholic World, 'we are willing to be taxed for religious schools for our children. If some citizens wish to maintain schools exclusively

¹⁹ Ibid., p. 363

²⁰ Ibid., p. 364

²¹ Ibid., p. 378

secular let the state help them. If other citizens wish to have denominational schools let the state help them also; and let the state aid in every case be in proportion to the numbers benefited and the success obtained in such instruction as the state judges necessary to form good citizens."²²

B. The conflict over the role of religious instruction in the common school system

"One of the problems posed by the common school system is just how much if any religion should be taught in our public schools. While there have been many variant positions on this highly charged question, most of them have tended to fall under three headings: (1) The view favoring sectarian religious instruction, taken principally by the Roman Catholics, (2) the view favoring non-sectarian instruction and Bible reading, and (3) the view rejecting both Bible reading and religious instruction per se."²³

"The Roman Catholic point of view has been treated. The second view, calling for Bible reading and non-sectarian religious instruction in the schools has been widely urged in many Protestant quarters. Generally, proponents of this position viewed the Bible as a completely non-sectarian document which, although subject to different interpretations by different men, would have inspiration for all of them. In light of this, no one could fairly object to using this volume in a school attended by children of many faiths. Its great lessons would certainly be a telling force in binding them together in a spirit of Christian love and charity. Such a spirit of Christianity was at the heart of and vital to the maintenance of American civilization."²⁴

"It seems evident that the principle of separation of church and state in education was increasingly accepted in constitutions, legislation, and court decisions toward the end of the nineteenth century. . . . What actually happened in practice is what might well be expected, given the variety of educational and religious conditions in the several states: there was considerable difference. Some courts ruled that the Bible was not sectarian instruction provided it was read without comment and students who objected were excused from taking part. Such decisions obviously reflected the feeling that non-sectarian religious teaching was essential in a school program and that Bible reading without comment did not violate the commitment to separation. Usually, the King James version of the Bible was involved in such decisions. As can readily be seen they merely reaffirmed the course decided upon in the last decades before the Civil War."²⁵

"Other courts, however, held that reading the King James Bible--a sectarian version in the eyes of Catholics, Jews, and non-believers--violated freedom of conscience, was thereby unconstitutional, and should therefore be prohibited. Clearly, such decisions were a departure from traditional practice. One of the earliest and most important of them came in Ohio with respect to religious instruction in the Cincinnati public schools. A group of taxpayers were bringing suit to prohibit the Cincinnati board of education from implementing a resolution prohibiting 'religious instruction and the reading of religious books, including the Holy Bible. . . .' They argued that the public schools were not only permitted but also required to provide religious instruction."²⁵

"Ohio's Supreme Court, however, pointed out that the defendants were really urging not that "religion" be taught but that the "Christian religion" be taught. This interpretation was held unconstitutional because it would establish Christian-

²² Ibid., p. 378

²³ Ibid., p. 386

²⁴ Ibid., p. 387

²⁵ Ibid., p. 436

ity as the law of the state. "United with government," the court maintained, "religion never rises above the merest superstition; united with religion, government never rises above the merest despotism; and all history shows us that the more widely and completely they are separated, the better it is for both." Obviously, when the court emphasized the neutrality of a government based on human experience, it was defining a secular basis for public education, a basis specifically neither anti-religious nor irreligious, but upon which the several religions might pursue their own activities free from government interference."²⁵

"This and similar decisions represented significant changes in policy. They clearly stated that any religious teaching and/or Bible reading in the public school was an infringement on the rights of conscience and thereby unconstitutional. Needless to say, this view by no means gained universal acceptance in practice. In many places, Bible reading without comment from the King James version continued and was approved in the courts. In Pennsylvania superintendents were given permission to use either the King James or the Douay version. There were several instances in New York and Minnesota of Roman Catholic parochial schools being integrated into the public school systems of local communities and the nuns who taught in them being given leave to choose the version of the Bible to be studied. Doubtless, the Douay Bible was used in a number of such instances. Generally, the American people remained divided among the several positions. For some the practice was unconstitutional; for others it was not. While no clear-cut resolution in law or practice was reached during this period, there were definite moves to exclude all religious instruction and Bible reading from the schools and to relegate such teaching entirely to home and church."²⁶

"By the end of the nineteenth century the general principle had been established that sectarian religious instruction should not be promoted by the public schools if freedom of religious conscience and the separation of church and state were to be preserved. But since the end of World War I the demand has grown more widespread that some sort of religious instruction should be given in public schools. The public schools have been labeled as Godless and secularist, and it has been charged that the neglect of religion had promoted not only indifference to religion but active irreligion, both of which have contributed to a decline of moral and spiritual values and indeed to positive juvenile delinquency."²⁷

"Three general points of view have received considerable attention. One view, promoted largely by Protestants and Catholics, has urged a revival of sectarian religious instruction, notably through a plan of released-time religious instruction whereby public school children could be released from their regular school work for a certain period of time each week in order to receive instruction in the principles of their own particular religious faith. A second view, promoted almost exclusively by Protestants, has urged more attention to non-sectarian religious instruction through such plans as reading selected passages of the Bible or reciting non-sectarian prayers. A third position, promoted largely by educators, argues that the public schools should not promote specific instruction in matters of religious faith but should promote objective study about religion and its role in American culture. Opposition has been expressed to all three of these forms of instruction as dangers to the principle of separation of church and state and possible infringements upon religious freedom."²⁷

"Under the stimulus of Protestant groups at least twelve states have enacted laws requiring that passages from the Bible be read in the public schools. At

²⁵ Ibid., p. 436

²⁶ Ibid., p. 437

²⁷ Ibid., p. 547

least twenty-five states permit Bible reading either by permissive legislation, by court decision, by rulings of attorney generals or state education departments, or by local custom. Despite the fact that twelve states have constitutional provisions prohibiting sectarian instruction in the public schools and twenty-four states have similar laws, most states have ruled by court decisions that Bible reading is not sectarian instruction and is thus permissible. But at least six state courts have ruled that the Bible is a sectarian document in the eyes of Catholics, Jews, and non-believers, and is thus unconstitutional. These latter states include Wisconsin, Illinois, Ohio, Louisiana, South Dakota, and Washington. Many of the cases on Bible reading have been brought in behalf of Roman Catholic and Jewish plaintiffs who argued that the King James version of the Bible was actually Protestant sectarianism and thus should be prohibited as violating the religious conscience of Catholics and Jews."²⁸

"In the effort to find a way through the conflicting opinions about religious education, more and more educators have tried to find a method of promoting moral and spiritual values without the dangers of sectarian religious instruction. For example, the Committee on Religion and Education created in 1944 by the American Council on Education argued in its report of 1947 that the secularization of public schools had gone too far. The committee proposed that the schools undertake an objective study of the values of our great religious traditions and treat religion wherever it naturally occurs in the study of history, sociology, psychology, economics, philosophy, literature, music, and the fine arts. In other words, the curriculum of schools and colleges should be extended to include religious subject matter just as it treats other great elements in our culture. In this way the schools could overcome a growing religious illiteracy, could provide the groundwork for an intelligent understanding of the role of religion in our culture, and could promote a positive appreciation of religion among students who may thus be brought to realize the necessity of vigorous personal reaction to the values of religion."²⁹

"Such proposals as this were met with wide interest and acclaim. They met with difficulties, however. Those in favor of sectarian and non-sectarian religious instruction feared that emphasis upon objective study of religion or 'vague' moral and spiritual values would not solve the problem of a revival of religious faith among the American people. Those who favored separation of church and state were afraid that such middle-of-the-road measures would open the way for vast religious and sectarian influence upon the public schools under the guise of an objective study that might become actually religious indoctrination."²⁹

A more recent attempt at settling the conflict over how and where the child should receive his religious instruction is the plan known as "shared time". "The basic concept (of this plan) is simple. Children enrolled in parochial schools would take some of their courses in public schools, and conversely, some public-school students would spend part of each day at church-sponsored schools. Thus, church and state would become partners in the educational task, and parents would no longer have to make an all-or-nothing choice between religious or secular schooling for their children."³⁰

"The pros and cons of shared time have been under intensive discussion for about two years by Protestant, Catholic and Jewish leaders and public-school authorities. The debate was carried on initially at secret meetings in Washington and New York. More recently, it has come into the open. So far, no one has questioned the desirability of the goals of the plan. Some critics suggest that shared time would create more problems that it would solve. Its supporters ac-

²⁸ Ibid., p. 549 ²⁹ Ibid., p. 550

³⁰ Louis Cassels, "A way out of our Parochial-Public School Conflict, "Look, August 28, 1962

knowledge that there are many questions that can be answered only by an actual trial of shared time in one or more American communities."³⁰

The first planned trial of this new plan got under way at the beginning of the last fall term in Monroeville, Pa., a suburb of Pittsburgh. The Allegheny County public-school system opened a handsome new technical high school, designed to educate talented youngsters in electronics, computers and other scientific fields requiring costly equipment and highly trained teachers. The county superintendent, Dr. Alfred Beattie, invited the Catholic high schools of the area to send some students to the new school on a part-time basis. "We accepted the invitation with enthusiasm," said John B. McDowell, superintendent of the Catholic schools for the Diocese of Pittsburgh.

"How shared time would affect the public schools is a question on which educators are rather sharply divided. Some of them harbor the fear that shared time would stimulate a wild growth of church schools and weaken support for public schools by making them less important in the life of the community. Others take precisely the opposite view. They believe that shared time, by bringing all children into the public schools, would unite the community behind them and insure them of adequate financial support."³¹

C. The issue of public support for private schools

"Shall public funds be used for the support of religious schools, and, if so, for what purposes? In the 1930's and 1940's the tempo of this controversy increased. As we have seen, American people had moved away from direct public support for religious schools. Now, however, the whole question of the meaning of separation of church and state has been reopened, and at mid-century several well-defined positions were being stated, especially as they referred to the question of public funds for religious schools. Three positions were being taken on this subject."³²

"First, it was argued that public funds should be granted to religious and parochial schools as a recognition of their role in serving the public welfare and in meeting the requirements of compulsory attendance laws on a level of equality with the public schools. The most outspoken advocates of this position were members of the Roman Catholic Church. They argued that as a matter of justice the parochial schools should share with public schools in tax funds, for it was unfair to tax Catholic parents for the public schools and then expect them also to pay for their Catholic schools which they felt were needed for their children. They also argued that constitutional provisions for the separation of church and state permitted 'cooperation' between church and state so long as the state aided all religious schools without showing preference for any one religion or denomination."³³

"A second general position on this issue held that even though direct aid for the support of religious schools by public funds was contrary to good policy and the constitutional separation of church and state, it was nevertheless justifiable for the state to use public funds for indirect aid to the parochial schools. This could be achieved under the 'child benefit' theory that public funds for certain auxiliary services to parochial school children were aiding the child to take advantage of the welfare services of the state and were not aiding the school."³⁴

Most explicit and most persistent in their demands for 'auxiliary services' or

³⁰ Ibid.

³¹ Ibid.

³² Butts and Cremin, op. cit., p. 528

³³ Ibid., p. 529

³⁴ Ibid., p. 530

indirect aid to parochial schools were Roman Catholic leaders. In his controversy with Mrs. Eleanor Roosevelt in July 1949 Francis Cardinal Spellman of New York insisted that he merely wanted public aid for health and transportation benefits and the distribution of non-religious textbooks to children in parochial schools as a recognition of justice for the parochial schools, but he did not seek or expect funds for parochial school construction, maintenance, or teaching services. In a series of articles on federal aid to education beginning in 'America' on January 7, 1950, Father Robert C. Hartnett made the same claim, but many critics felt that the ultimate goal of Catholic leaders was full public support of Catholic Schools. "35

III. A summary of various court cases regarding the separation of church & state in the field of education

1. PIERCE V. SOCIETY OF SISTERS (1925)

This famous case came about as the result of an Oregon law which required--with but few exceptions--the attendance of all children from the ages of 6 to 16 at public school. The appellees were the Society of Sisters and the Hill Military Academy. These were both Catholic schools which were run on a business basis and which were losing both students and money because of this law which was adopted on November 7, 1922 and was to go into effect on September 1, 1926.

The courts opinion reads as follows: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."36

Mr. Justice McReynolds.

2. COCHRAN V. BOARD OF EDUCATION (1930)

In this case a group of citizens and taxpayers of the State of Louisiana brought suit to restrain the state officials from purchasing school books and supplying them free of cost to the school children of the state upon the ground that the legislation authorizing such a move was contrary to both the state constitution and to the 14th amendment of the federal constitution. The reason that these appellants disapproved was that under this law the parochial school children as well as the public school children would receive free books for their use. The books to be furnished were not religious but the same as those used in the public school.

The court in this case upheld the state law providing free textbooks for school children whether attending public or parochial schools. It contended that the schools were not the beneficiaries of these appropriations but rather the school children themselves and the state.37

3. EVERSON V. BOARD OF EDUCATION (1947)

This was the famous bus fare case in which the court by a five to four decision stated that a township board of education in New Jersey had the constitutional right to reimburse parents for money expended in sending their children to parochial school on public buses.38

35 Ibid., p. 531

36 Joseph Tussman, The Supreme Court on Church and State, Oxford University Press, N. Y., 1962

37 Ibid. 38 Ibid.

4. MC COLLUM V. BOARD OF EDUCATION (1948)

The court in this case dealt with the matter of release time in the state of Illinois. Mrs. Vashti McCollum "alleged that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided under the compulsory education law. She charged that this joint public-school religious group program violated the first and fourteenth amendments to the United States Constitution."

The court decision which favored her position can be briefly stated in these words of Justice black: "Here not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. That state also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of Church and State."³⁹

5. ZORACH V. CLAUSON (1952)

Here a New York released-time program was sustained by a six to three decision. This program differed from the one in Illinois in that the children left the public school for their instruction. They were released on written request of their parents. Those not released stayed in the classrooms. The churches made weekly reports to the schools, sending a list of children who had been released from public school but who had not reported for religious instruction.⁴⁰

6. In June of last year the Supreme Court ruled that the recitation of a non-sectarian prayer in the New Hyde Park, N. Y., schools violated the first amendment prohibition against the establishment of any religion by the government. Since all of us are no doubt well acquainted with the various aspects of this case and with the furor which resulted from the court's decision, this paper will not go into detail with regard to this particular ruling. This also applies to several cases which yet remain to be tried with regard to the recitation of the Lord's Prayer and the daily reading of small portions of the Bible.

IV. The Missouri Synod's position on church and state in the field of education

The Missouri Synod in a statement of the Synod's Board of Parish Education entitled "Federal Aid to Church Schools" gave its position.

"The statement recognized the wide differences of opinion in our church and in the nation. It expresses willingness to accept governmental help for certain "social services," such as library service, lunches, health services, and transportation, which are for the welfare of the child and only incidentally benefit the school."

"Social services, even if administered by the school, do not promote the religious tenets of a church.' This same position on 'fringe benefits' was taken by Synod as long ago as 1944."

"However, the statement says: 'We believe that the facilities and the personnel required for the teaching program (teachers' salaries, buildings, equipment, and textbooks) should be excluded from Federal aid.' The direct teaching pro-

³⁹ Ibid.

⁴⁰ Ibid.

gram should be separated from Federal aid because good stewardship would force the Government to exert some measure of control over the schools.

"The church would also feel obligated to submit to a measure of state supervision that is not now in practice. The heart of the opposition to direct state support is well expressed in these words: 'The church would be ill advised to accept Federal aid for its elementary and secondary schools. Accepting such aid would have a tendency to interfere with the mission and purpose of the church... By resisting the temptation to request or to accept state or Federal aid for its educational program, the church will give continued support to the policy of separation of church and state and will retain its freedom of action.'"

"The typical Lutheran orientation in a matter not specifically settled by clear passages of God's Word is expressed when it is said: 'Should Federal aid ever be made available to church schools, each congregation would have to determine its own course of action.'"⁴¹

⁴¹ James G. Manz, The Separation of Church and State, The Lutheran Witness, October 31, 1961

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G. Weseloh

THE IMPORTANCE OF JOSEPHUS

IN BIBLICAL STUDIES

INTRODUCTION

In the perilous and mournful life of the Jews after the destruction of the Jewish state by the Romans in the year 70 of the Christian Era, scientific recording of events was of little interest. (Bernstein...page 1)

Few Jewish scholars of ancient times devoted themselves to the writing of history; and most of what was written was lost. (The "Book of Jashar", mentioned in 2 Samuel 1,18; and in Joshua 10,13; the "Book of Chronicles" referred to in I Maccabees, in the very last verse; that of the "Wars of Jehova" in Numbers 21, 14; the "Writings of Shemaiah the Prophet", and the "History of the Prophet Iddo", in 2 Chronicles 12, 15 - 13, 22; and "The Scripture which is laid up in the Temple" and the "Books laid up in the Temple", mentioned by Josephus in Antiq., III. 1, 7,

last verse, v. 1. 7.)

Bernstein says (p. 2) "The historical references in the Talmud show an extraordinary lack of historical sense and leave great gaps in the history of Israel. The New Testament, the Books of the Maccabees and the rest of the Apocrypha, the writings of Philo, the works of the heathen writers Livius, Tacitus, Suetonius, the two Plinius, and many others, both Jewish and Gentile, for the preservation of which we are indebted to the Christian Fathers, contribute to our understanding of the Jewish life of their day, but they are restricted to limited periods, limited topics, limited events, and in too many instances even to very limited degrees of veracity, ranging downwards to the most ridiculous and nauseating falsehoods. The works of Josephus alone, for the preservation of which also we are indebted, first to the Flavian Emperors, who honored them with a place in the imperial library, and later to the Christian Church, give a full and connected account of the Maccabean and Herodian periods, that is, of the Jewish events during the two centuries between Simon Hasmonai and the fall of the Jewish Commonwealth. And it is these works alone which form the chief and indispensable authority and basis for any essay on this period."

A SKETCH OF THE LIFE OF JOSEPHUS

"The family from which I am derived is not an ignoble one, but hath descended all along from the priests; and as nobility among several people is of a different origin, so with us to be of the sacerdotal dignity, is an indication of the splendour of a family." Thus begins Josephus, in a way not marked by a sense of humility, to describe his origin.

Flavius Josephus, or in Hebrew, Yosef be Mattathias ha-Cohen, was born in Jerusalem in the year 37 of the Christian Era, into the most turbulent and tragic period of Jewish history.

His forefather, Simon the Stammerer, belonged to the first of the "twenty-four orders" of priests. Simon's son was Mattathias Eplias, who married a daughter of the Maccabean, Jonathan Haphus. Of this marriage was born Mattathias, surnames Curtus or the "Hump Back". A son of Mattathias Curtus was Joseph, and Joseph's son was Mattathias, the father of our Josephus. Josephus was therefore not only of the highest priestly aristocracy, but also a descendant of the first Maccabeans who ruled over the Jewish commonwealth during the period of its greatest glory.

He tells us that he had three sons: Hyrcanus, Justus and Agrippa.

He describes his position as a very learned young boy by saying that "when I was a child, and about fourteen years of age, I was commended by all for the love I had for learning, on which account the high priests and principal men of the city came then frequently to me together, in order to know my opinion about the accurate understanding of points of the law."

Josephus received the best education possible. He tells us that at sixteen he decided to go through the three sects that existed, the Pharisees, the Sadducees, and the Essenes. And besides this he attached himself to a man named Banus who was a type of ascetic living in the desert. There is great similarity between the type of life that Banus led and that led by John the Baptist. Banus could have been a follower of John.

When he was 19 years of age he returned to the city and began to conduct himself according to the rules of the sect of the Pharisees.

At the age of 26 he went to Rome to defend some priests who were sent there for trial before Caesar. Here he became acquainted with Caesar's wife, Poppea, and through her obtained the release of the prisoners.

Josephus was 27 years old when he accepted the important post of commander of Galilee, where it was expected that the Romans would strike first. He forthwith organized a provincial government, collected an army which he proceeded to train, and took measures to put into a more or less satisfactory state of defense the most important cities of his district.

There were several factions amongst the Jews which were bitterly determined to fight against the Romans. They suspected Josephus of being too friendly towards the Romans. Josephus did put up some resistance to the Romans but finally surrendered himself to Vespasian, whose future elevation to the throne he is said to have foretold.

Josephus was defending a strongly fortified place called Jodephath. For over two months the small Jewish garrison, with courage born of desperation, set at naught the superior skill of the Romans. But when the guards became so tired that they could not stay awake, Titus with a small band of soldiers scaled the walls and struck down the sentinels and thus allowed the legions to enter. Men and women were ruthlessly killed or carried away into slavery and the city and the fortifications were razed to the ground. * Margolis and Marks, A History of the Jewish People, p. 197.

Josephus with forty companions, had hidden himself in a cistern which led to a cave. His associates prevented their commander from surrendering. They would have killed Josephus but he suggested a clever plan. They must draw lots and each one be killed by his fellow soldier. Josephus arranged it so he was the last one alive and then he surrendered.

Before the end of July 69, Vespasian had been proclaimed emperor by the legions stationed in the Orient. The conduct of the war against the Jews was left to his son Titus.

A few days before Passover of the year 70, Titus, with the main part of his army, reached the immediate vicinity of Jerusalem. Within the city the Jews fought bloody feuds among themselves, uniting only when it became apparent that Titus could not be stopped.

The terrible battle which followed is almost beyond description. The suffering and starvation of the Jews was indeed terrible. One woman even roasted her own baby and ate it. * Bernstein, Flavius Josephus, p. 227

The city was finally completely destroyed. The best young men were taken off to march in the victory procession as slaves. Many were used to be killed in gladiatorial battles, thousands were sent into slavery, and over a million were killed.

Thus was ended the seven years' war against the power and brutality of Rome. Once more the daughter of Zion sat and wept for the sanctuary that lay in ashes, for her sons that had fallen by the sword, and for her daughters carried away into slavery and given over to dishonor.

At length, on the accession of Vespasian to the imperial throne, Josephus was released from confinement; and during the reign of the Flavian emperors, Vespasian, Titus and Domitian (whose family name he assumed), he was treated with great

distinction.

Concerning the death of Josephus there is no exact record. His own Biography implies that it occurred "When Vespasian, Titus and Agrippa were no longer among us." Agrippa died in 100 A.D. Josephus therefore, would have died later than this date. Others say he died about 95 A.D. a victim of the suspicions of the emperor Domitian. Eusebius and Jerome tell us that Josephus was honored with a statue at Rome and that his works were placed in the Palatine library.

(To be continued)

G. Orvick

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