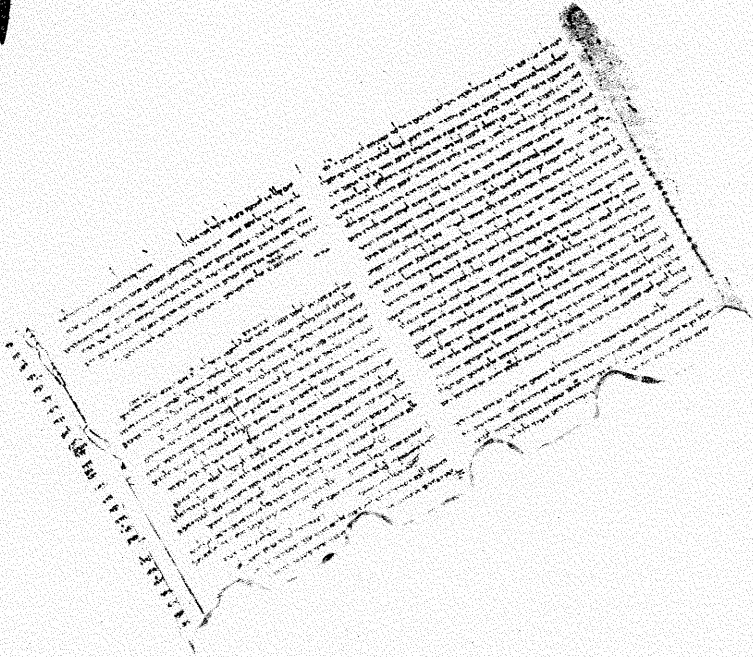




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TABLE OF CONTENTS

- WHAT IS INVOLVED IN THE PRIVATE
EDUCATION STRUGGLE TO SURVIVE? Prof. M. H. Otto
- THE PHILOSOPHIC AND RELIGIOUS
FOUNDATIONS OF MODERN
EDUCATION Prof. B. W. Teigen
- SOME THOUGHTS ON GOVERNMENTAL
AID TO EDUCATIONAL INSTITU-
TIONS WHICH ARE CHURCH
RELATED Prof. B. W. Teigen

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WHAT IS INVOLVED IN THE PRIVATE EDUCATION STRUGGLE TO SURVIVE?

If private education was ten years ago wondering whether it would survive, it today may well ask whether it has reached the point when it should give thought to writing its last will and testament. As if that in itself were not a sad enough state of affairs, there are more than a few people only too ready to assist with writing that final testament.

Though the private school, especially the church-related school, has made tremendous contributions to education even before our nation came into being 200 years ago, and though it therefore deserves to be regarded as forming a very significant part in our national heritage, it is the "much later on the scene" public school which is looked upon as the ideal American system of education. As a result, the system which helped put this nation on its feet, which contributed much to its intellectual, moral, and spiritual well-being, and which is still able to provide such quality education at virtually no cost to those not in sympathy with its offerings -- this truly American institution is in effect being advised that if it can no longer make it on its own, it should "quietly fold its tent and steal away." Is this to be private education's reward for all it contributed to the foundation and development of this country? For our country as a whole to assume such an attitude is tantamount to biting the hand that fed and nourished her through her difficult formative years and which still strives to supply that ingredient which our public education is in no position to supply, but which is more needed today than ever before; namely, an education that deals with the building and shaping of students' moral character.

What, then, is the problem with which private education has to grapple? The same one that faces public education -- finances. Everyone knows how the cost of education in general has escalated at an alarming rate during the last decade. While the public school can just ask for more taxes, the private school has had to increase its tuition and fees to the point where, as one concerned commentator expressed it, only the affluent or very dedicated can afford it.

So what alternatives does private education have? To try to solve the problem by reducing the quality of the education it provides would be certain suicide. To raise its charges to its clients much more would likewise be inviting disaster. It is true there has been some governmental aid given, such as the tax credit provision in Minnesota, but that has been attacked by groups such as the Civil Liberties Union and as a result declared unconstitutional. The perennial argument is that any such aid would be a violation of the Church-State separation clause of the First Amendment.

However, there is more to the problem than just the financial crisis. At the root of the problem are the contradictory philosophies involved. Private education clients are through their taxes compelled to support a system which we believe fundamentally indoctrinates a system of beliefs which the Supreme Court has labeled a "religion"; namely, "Secular Humanism!" (Torcasso Case of 1961) In other words, the so-called religious neutrality of public education is a myth. The center of its philosophy is man and his accomplishments, whereas the private school has God and His gracious disposition in Christ to sinful man as its philosophy.

By expecting the advocates of private education to foot the entire bill for their private school education as well as paying a high tax to help support public education is an impossible

burden. And that, we maintain, is also a violation of the First Amendment for the non-public school advocate, and a most flagrant one at that, because it amounts to prohibiting the free exercise of one's religion. When will the opponents of private education realize that this prohibition is unconstitutional.

Nor is that all. An organization like the Civil Liberties Union, is constantly on guard to forestall any governmental aid accruing to the private school sector. Yet, just this spring, April 1975, the CLU brought suit against a municipality in Minnesota because said community had banned topless dancers at an entertainment center, on the grounds that it was a violation of personal freedom. It would then seem that at least some opponents of private education are ready to favor what can be destructive of morals but to oppose what is conducive to inculcating good moral character in children and young people through conscientious religious education. Is not this an ironic situation and at the same time a warning that unless some kind of relief is provided for private education, there soon will be only negative forces at work in the lives of our impressionable young people? It is bad enough now, when we hear of the alarming rate of increase in crime on the part of teenagers especially. If private education is not given a chance to provide a wholesome antidote we may soon find ourselves in a veritable jungle as far as public morals is concerned.

Another example of the kind of opposition the Christian finds himself facing these days is a court decision that was made in Tennessee. Tennessee had a law which stated that books must give alternative views on the origin of things, the biblical view of creation as well as evolution. Groups like the Nashville chapter of Americans United for the Separation of Church and State took the matter to court on constitutional grounds.

The Sixth U. S. Court of Appeals held that law to be unconstitutional in the spring of 1975. Thus there is a law which does not even give people the option of hearing some kind of alternative to the usually accepted theory of evolution. We would not say the public school should be required to teach Creation as an explanation for the source of what we have in this world, but it certainly could and even should be taught as a viable alternative. The next step could easily follow -- that the State require also all non-public schools to teach evolution as the scientific explanation for the origin of our world. There could also be a law requiring a humanistic approach in the teaching of social studies and other subjects. Let no one say it cannot happen in America when we see what is happening right now.

Still another indication that the inequity which obtains between private and public education is increasing is the recent Supreme Court decision (May 1975) relative to aid to children in non-public schools. This decision struck down a Pennsylvania law which provided for the loaning of instructional materials, such as magazines, films and microscopes, to church-related private schools. In the same ruling, the Court also declared that it would be contrary to law if state-employed teachers provided specialized services, such as remedial reading or aid to retarded children, in such church-related schools.

In reaction to this decision, columnist James J. Kilpatrick commented:

In the Pennsylvania case, a majority of the Court flew off into great white clouds of conjecture in order to nullify the state's effort to aid in the education of all its children. The effect here is to align the Court positively against religion. By setting up imaginary evils, and

then striking them fearlessly to earth,
the Court professes to defend the Estab-
lishment Clause of the First Amendment.
In the process, it ignores the Free
Exercise Clause altogether.

.

It may be -- I suggest this with great
caution as one who is wary of any amendment
to the constitution -- it may be that an
amendment should be considered that would
compel the Court and the several states to
treat all children alike in terms of their
education.

Obviously, the Equal Protection Clause
of the 14th Amendment is not enough.*

People should give some thought to the impli-
cations of the court decision rendered on the refusal
of the Amish in Wisconsin to send their children to
the public school. In an opinion rendered by the
Supreme Court in the so-called Yoder Case (1972),
the Chief Justice said that the public school phil-
osophy is hostile to the Amish way of life. It is
no less an authority than the Supreme Court which
has made that judgment! Isn't that exactly what
the proponents of church-related education have
been saying all along, that public education un-
dermines and is antagonistic to the Christian's
beliefs and ideals? It would seem that the Amish,
who follow the Scripture in a rather limited way
generally, have far deeper convictions in this
particular matter than many who have been well
indoctrinated in Scripture but who by their silence
approve what, by the highest court in the land, has
been called a "hostile" type of education.

* *Mankato Free Press, Mankato, Minnesota, May 28, 1975.*

It should, then, be evident that we must review our whole thinking in the matter of seeking some kind of relief from this "bondage" to which we through the years have become subjected. Worse, it amounts to a tyranny of conscience when a Christian parent, because of the limitation of his resources, is forced to expose his children to the philosophy of public education which is hostile to what he believes and what he wants his children to believe. What is so wrong about a Christian's appealing for some relief, such as having some of the money extracted from him in taxes for the support of public education (which, remember, is inimical to his Christian philosophy) returned to him so that he can give his children the kind of bringing up that will not contradict what he believes is most important to them and him, the salvation of their souls. It is rather interesting that the matter of channeling tax monies to church-related schools is today accepted practice in practically every modern nation except the United States and Russia.

Christian parents and educators will do well to remember some of the things called to their attention by Francis Brown in the National Review (March 12, 1968). He maintained that the American State infringes on the academic freedom of churches which conduct schools, of teachers who have an educational philosophy other than the states, and of parents and students who wish to seek an education with a philosophy of their choice. He also made the observation that, "Powerful Protestant and secularist backing of the state public school system has thus far prevented the long-overdue assessment of the harm the American state has done to private schooling." (235) And what was his advice or judgment? "They (the supporters of church-related education) must bring their case to the public and to both federal and state legislators instead of waiting about nervously for the next challenge from such enemies of academic freedom in this matter as the American Civil Liberties

Union (ACLU), the American Humanist Association, the American Jewish Congress, the Horace Mann League, Protestants and Other Americans (POAU), and Madalyn Murray O'Hair, they must bring their own grievances to the courts. They must re-examine state constitutions and seek to remove therefrom all barriers to academic freedom. Finally, they must urge educational associations on all levels, and in particular the American Association of University Professors (AAUP), to take up the struggle for this aspect of academic freedom with the full force of their resources, energies, and powers." (236)

There has been some progress in this respect. At least 23 states supply bus transportation, wholly or in part, to children attending non-public schools. Ten states have laws making it possible to loan textbooks to private schools. (Two states actually outlawed textbook loans, which indicates how far people will go to keep private school children from getting even a small fraction of "Equal treatment.") Altogether, 31 states provide aid to non-public schools in one or more of the following ways -- transportation, books, and auxiliary services. That is a healthy 60 per cent. That is but a pittance against what really is justly due private schools, which are also performing a public function by educating people who form part of the general citizenry of the land. At the same time, it indicates that there are a number of areas in privately financed education about which the leaders of the land are rightly concerned and to which they can lend some very helpful assistance.

Incidentally, it is sheer nonsense to argue that if the government, whether federal or state, directs a few dollars to church-sponsored education the Church is immediately in possession of that much money for promoting its particular mission or religious educational program. When one keeps in mind that the State of Minnesota will at the end of the present biennium be giving state aid

in the amount of \$970 for every child in the elementary and secondary schools in the state, one begins to see how much education is costing today, and by the same token how much the private education sector is paying for the operation of its schools, in addition to supporting the public school program. It ought to be evident then that some form of relief is called for if the private school is to have any chance for survival, relief which can, without violation of church-state separation principles, be directed towards those functions of the non-public schools which are the same as those of the general public schools, similar to those listed above, plus others.

Almost ten years ago the U. S. Chamber of Commerce made this recommendation when its "Task Force on Economic Growth and Opportunities" reported, "If all parents, at every income level, could choose between sending their children to public schools and sending their children to approved private schools at public expense, both public and private education would improve as schools attempted to attract and hold pupils. Businessmen should press for the fullest possible consideration of proposals designed to enhance competition in education. Local, state, and federal governments should consider legislation which would enable communities to adopt programs establishing a public-private option for all children. Universities and educational associations should sponsor symposiums to explore the advantages, appropriate procedures, and possible pitfalls of establishing educational competition." (Third Report, Pre-publication Release.)

It should also be evident that this is a matter over which concerned Christian parents should be doing some real fervent praying. And what Christians pray for they should automatically be working for, too. The same parents can consult like-minded parents or friends of private education to see what they, without compromising any Scriptural principles,

can do to halt this "starving out" of private or church-related education. It is time for concerned supporters of church-related schools to take the initiative and strongly appeal for some badly needed relief -- either in the form of some kind of tax credit or in the form of unrestricted vouchers with which they could secure some governmental aid for an amount that somewhat compensates them for the "public" function their church schools are performing. Our church people already accept, even sue for, tax exemption for their parsonages, which gets to be a form of governmental aid to religious institutions. A Christian should have the privilege of asking for equity in the field of education with the same right and same good conscience as the Apostle Paul could have when asking for equity and fairness in the area of civil rights for himself in his day. An objective study of his rights as a tax-paying and church-going citizen should lead one to see that there not only need be no conflict involved when accepting governmental aid for private education, but also that his religiously oriented education is morally, legally, and constitutionally entitled to a fair share of the monies raised for educational purposes.

To help our readers to understand the philosophy of present day education and to appreciate what we regard as a sane Scriptural view on governmental aid to church-related schools we are presenting two articles on this matter, both of them penned by B. W. Teigen, president emeritus of Bethany Lutheran College, Mankato, Minnesota. The first is a reprint from the LUTHERAN SYNOD QUARTERLY, VI, 2, 1965, and the second an article prepared just recently. We are offering such material in the pages of this journal because it is our conviction that if the private education sector does not speak up and institute some counter moves, the day is not far off when we shall not only lose the tax benefits we do still enjoy (such as tax exemption for

church property, deductions of church contributions), but with that even more of the kind of education which alone can benefit its recipients for time and eternity.

-- M. H. Otto, Editor

THE HOPE THAT IS OURS

"Then shall the king say unto them on His right hand; Come, ye blessed of My Father, inherit the kingdom prepared for you from the foundation of the world!" "Come, sheep to your Shepherd; disciples to your Master! Come, My brothers and sisters! Come from darkness into light, from the stormy seas to the haven of rest, from the battle to the triumph; from labor to rest, from slavery to liberty, come and join the company of angels, from earth to heaven, from death to life, from shame to glory! Come, all who have believed My Word and promise, receive the end of your faith! Inherit the Kingdom prepared for you even before the world was made!" Notice the word "inherit"! Christ means to say, "This Kingdom was prepared for you before the world was made; for you I purchased it with my blood, and because you are all children of the heavenly Father by faith in Me, you are My brothers and sisters! This Kingdom is yours not as a loan which you will have to give up again; it is your everlasting possession! Nor do you receive only a part of it; you receive the whole Kingdom, all the bliss, all the glory of heaven will be yours; the righteousness of the saints, the robes of white, the unfading crowns, the tree of life, the temple of the living God, the harps of praise. Come, take it as your possession; it is your inheritance which shall not be taken away from you!"

-- Source Unknown

THE PHILOSOPHIC AND RELIGIOUS FOUNDATIONS OF MODERN EDUCATION*

B. W. Teigen

The purpose of this paper is to examine some of the assumptions that are made regarding modern state education today; also to study some of the shapers of thought in modern education, seeking to find their basic philosophic premises and then observing how these ideas have become an integral part of modern education.

A common assumption that needs to be put under the microscope is that the state school system is neutral when it comes to moral and religious teaching. This assumption, so widely held also in our circles, is maintained with great insistence, although it may be granted that perhaps sometimes one may find some peripheral elements of religion attached to the state system, such as Bible reading, a generalized prayer, and that particular bane of the Lutheran pastor, the baccalaureate service. Who has not heard this assumption stated in words similar to this: In the public school or college character-molding takes place outside the classroom. We want Christian schools and colleges to do what is not being done elsewhere; namely, to train the whole person.

A recent writer to the St. Paul Pioneer Press (3/17/65) assumes that from a religious point of view, the public school is neutral and therefore its total support is the only way to maintain religious liberty in our country. He writes:

* Reprinted from Volume VI, No. 2, December, 1965.

"Sir: The advocates of public aid to private and parochial schools are their own worst enemies. They consider those of us who defend the principle of church-state separation as guaranteed to us under our Constitution as antagonistic; whereas, on the contrary, we have their best interests at heart when we object to having public funds used to aid in any degree whatsoever private and sectarian schools." (This letter was directed especially against the 1965 bill before the Minnesota legislature to provide school bus aid for all children no matter what school they attend.)

One does not question the laudable intent of such pronouncements, and one does not have any doubt that those who have this view are trying to be helpful in solving some knotty problems that confront all of us today. There is nevertheless a slumbering assumption here that must be carefully examined; namely, that certain schools can be neutral with regard to the inculcation of religious beliefs and values.¹

But suppose, for a moment, that modern education as exemplified in the state school system from kindergarten through graduate school does have some pretty important philosophical and religious presuppositions, and which, by being superbly inculcated, bring about some real consequences in the spiritual and moral makeup of its products, we should then be fully informed regarding them. If these assumptions should fly directly in the face of our deepest convictions, we have a real problem on our hands as to what we shall do with our children. This problem not only confronts the individual Christian parent but also the church. The magnitude of this problem, considering the all-embracing influence of the modern state school, staggers one so that it almost paralyzes the mind. One is tempted to say with the Hemingway character when faced with the problem of

the discovery of evil and disorder: "You better not think about it."

Suppose, further, that perhaps you can make your peace with the religious presuppositions of the state school system as it works itself out into all the areas of life which this system encompasses, but you become aware that there are some of your fellow-citizens whose conscience does not permit them to make this kind of peace and turn their children over to this kind of education, how is their constitutional freedom to be protected under these conditions? Years ago this problem may have appeared to be academic. Since not so much money went towards education, the objector could pay his taxes to the state for its established school and still support his own voluntary but independent school. The problem of freedom was always there but it was camouflaged, chiefly by the factor that money was not as central as it is today in establishing and maintaining schools. But because of sky-rocketing school costs today and compulsory education laws, a virtual state monopoly in education seems inevitable, with the result that individual liberty is lost.

It is apparent, then, that both as Christians and as citizens of these United States we should try to ascertain whether modern state education has religious and philosophic foundations that have a bearing on the moral and spiritual beliefs of its products, and if so, what are these presuppositions?

A word of caution before we proceed much further. We are thinking in broad terms of modern education as a movement; for the most part this will be the government-supported educational system; this movement, however, will also include some independent schools and colleges and, of course, independent leaders and thinkers who are not attached

to a school system. Let it also be said that we are not thinking of individuals as such (although they make up the Great Society); and much less are we thinking of that wonderful fifth grade teacher you had who left such an impression upon you with the pureness of her piety and her self-sacrificing interest in your future development. Least of all, I am not thinking of those fine Christian public school teachers in your congregation who serve as your Sunday School teachers, never miss church, and virtually tithe their fairly adequate salaries. It is that group of intelligent and serious-minded people who together with you will, I hope, devote their greatest energies in finding a solution to what I, as a Christian and an American citizen, consider one of the greatest problems confronting us.

Let us also, by way of preliminary, outline a little more closely what we mean by "education" or "an educational program." Perhaps Paul Dressel of Michigan State University has given us as practical a definition as possible: "An educational program is an attempt by mature individuals of a society to influence the development of its youth."² I take this definition because it is made by one of the most influential educators of our time and recorded in a most influential book for the study of modern public education. The definition shows that modern education practitioners really want to influence the development of the youth in their keeping. We can use it as a definition of Christian educational purpose, remembering that it is God who works in us both to will and to do of His good pleasure. It is in harmony with Paul's exhortation: "The things that thou hast heard of me among many witnesses, the same commit thou to faithful men, who shall be able to teach others also." (2 Tim. 2:2)

I.

If one begins to look into the literature, surprisingly enough one does not find any reluctance on the part of the modern educationalist to declare that he does and must teach religion. The Educational Policy Commission, an arm of the powerful NEA, holds that "knowledge about religion is essential for a full understanding of our culture, literature, art, history, and current affairs."³

Prof. Phenix of Teachers College, Columbia University, said: (There is) "no teacher, no school which can escape the problem of life orientation, the ultimate commitments by which each person must live. Every analysis of life culture must take account either implicitly or explicitly of those fundamental commitments which underlie every human action. This is precisely the domain of religion.... Thus, we teach religion in the schools, whether we would or not."⁴

The January 1965 issue of the NEA Journal carries an article called "Moral Values and our Universities" by William Sloan Coffin, Jr. The article begins by quoting approvingly the words of the late President Whitney Griswold of Yale: "Every basic institution bears a direct responsibility for society's moral health. The university bears a large and exceptionally important part of this responsibility" (p. 8). The NEA Journal of Education (April 1965) has a full page on "Faith of American Teachers." It begins with Henry B. Adams' quotation: "A teacher affects eternity. He can never tell where his influence stops" (p. 11). There is a religious fervor about the whole page that would make it fit into a denominational paper: gladly, reverently, confidently, proudly, hopefully --

do I teach, etc. Frederick J. McDonald, writing in the 63rd Yearbook, Part I, of the NSSE, Theories of Learning and Instruction (Chicago: U. Of Chicago Press, 1964) says: "Because education is a moral enterprise, educators have always felt that they needed a philosophy. John Dewey provided one that had enormous appeal and seemed peculiarly adapted to the problem of the school in American Society. No viable substitute has been offered for Dewey's philosophy." (p. 24)

These are fairly typical statements which could be multiplied without a great deal of research. Character-training is, of course, an important part of public education. The average teacher on the firing line is tremendously interested in this. As an example of this working down to the grass-roots level, let me quote from a dispatch from the Mankato Free Press (8/27/62) which reported on the MEA workshop at St. Cloud State College attended by 250 teachers. The chief speaker was Dr. Lawrence Derthick, Commissioner of Education for four years under President Eisenhower and later the NEA's Assistant Executive Secretary for educational service: "Derthick discussed senses. 'Do we want brains alone or character too?', he asked. 'I don't want a brain who is a Klaus Fuchs (British atom scientist who spied for Russia). We waste our resources if we concern ourselves only with those who have academic skills. We need people with a sense of selfishness (selflessness?). We need a responsible citizenship'."

These are simply repetitions of the statement of the naturalist philosopher, Herbert Spencer: "Education has for its object the formation of character."⁵

One would agree with these goals as far as they go but they would be unsatisfactory if this was the total extent of them. And then one would

want to know above all what is the motivation for such goals. For example, if nothing more is meant than what the Rev. William A. Wendt reports about the Unitarian minister, the Rev. James Reeb, recently killed in Alabama, a Lutheran Christian (all Christians for that matter) would be horrified: "He could not have cared less about whether they were going to heaven. He cared where they were going now."⁶ This summarizes the great secularistic religion of today.

II.

To get at the kind of religion which serves as the basis for the morality taught in modern education, one should look at its beginnings, and trace through the history of thought that has accompanied its development.

Originally, in this country education was totally in the hands of private and independent agencies. For all practical purposes it was the church (in its various organizational expressions) which fostered education. In general, presuppositions which served as the basis for education were Christian, evangelical, Protestant, and Calvinistic. There were, however, variations depending on the settlement.

The public school took shape in the first half of the 19th Century under the direction of Horace Mann (1796-1858). In 1837, at the passage in Massachusetts of the Education Law, Mr. Mann (who had been president of the Massachusetts Senate) became State Secretary of Education. In this position and later as the first president of Antioch College, and through his activities in writing, he was so influential in the development of the public school that he has been aptly called the "father of the common school," the founder of American state education.

From your church history you will recall that by this time in New England there had already occurred the great defection from the evangelical religion embodied in historical Congregationalism and Anglicanism, to Unitarianism. While Yale was still fairly conservative, Harvard and Boston are Unitarian. Horace Mann is a Unitarian, a product of the Age of Reason, and as such his educational philosophy will represent his views. Associate Prof. Timothy Smith of the University of Minnesota summarizes his theological position in these words: "Equally great confusion has stemmed from the myth that the tax-supported school system established in mid-19th Century America was essentially and necessarily secular in character. A much more accurate description would call it a non-sectarian Protestant System, though this designation, too, would be subject to numerous local variations. I sometimes tease my friends by reminding them that Horace Mann himself sought to remove from the public school classrooms only those evangelical exercises and teachings which he and other good Unitarians found objectionable. He was perfectly agreeable that the reading of the Bible be retained. Methodists, as it happened, took the same position, in part, no doubt from the fact that up until that time they also had been a religious minority."⁷

Mann believed that "if God is our Father, all men must be our brethren."⁸

Professor Lawrence A. Cremin of Columbia University says that Mann "came increasingly to believe that certain common principles could be culled from the several sectarian creeds and made the core of a body of religious doctrine on which all could agree. For Mann, these were the great principles of 'natural religion' -- these truths which had been given in the Bible and demonstrated in the course of history. The fact that this new corpus of knowledge closely resembled his own

optimistic humanistic. Unitarianism did not seem to trouble him. Nor did questions about 'which version of the Bible' from Catholic and Jewish citizens. If the Word of God -- personified in the King James Bible -- were taught without comment, how could that conceivably be sectarian? If the Fatherhood of God were taught as the foundation of the brotherhood of men, how could that be sectarian? Mann really raised these questions rhetorically, and the overwhelmingly Protestant people of Massachusetts seemed willing to go along with him, once he had fought and defeated the more vigorous sectarians among them."⁹

Further, Rushdoony, on the basis of amply documentation, declares that according to Mann, "the state thus is the basic institution and therefore the basic educational institution." (p. 26) Hence, R. Rushdoony draws the further conclusion, "Mann's work was two-fold; first, to secularize education; second, to make it the province of the state rather than the community and parents." (p. 27) Professor Borrowman of the University of Wisconsin, declares that according to Mann, "the school was the greatest instrument ever created to build good society, and its central purpose was to create among all a common faith, a sharp sense of common interest, and love for political order that served this faith and these interests."¹⁰

Mann made two basic claims that professional educators have made since his time: the public school is the agency which can change society and create a true paradise here on earth. And second, "let it be worked with efficiency," that is, give us the money and we can do it; failure thus far is your fault in that we have received insufficient funds. Rightly does Rushdoony summarize Mann's basic convictions: "In terms of Mann's presuppositions, what he envisioned was a new religion, with the state as its true church, and Education as its Messiah. Mann's heirs were to make this implicit faith explicit." (p. 32)

All this is not to say that as soon as they were created and developed, public schools were liberal Unitarian. Local conditions had much to say about the religious character of the school. But the Harvard Unitarian influence in intellectual circles was ultimately overwhelming. In the Midwest, the swing to Unitarian liberalism was slow--too many conservatives in the Midwest. For example, my father used to tell me that when he attended the University of Minnesota (1895-97) President Cyrus Northrup regularly conducted devotions; and what's more, he asserted that they were quite orthodox. This is not to be taken lightly, coming from a conservative Norwegian Synod Lutheran. President Northrup was theologically conservative by Harvard standards at that time: he was a Yale man.

I shall direct your attention very briefly to some of the other American educators who were influential in the movement for state control and support of the common schools. James G. Carter (1795-1849), a contemporary of Mann, saw education as a means whereby the managers of the state could control society, although it should be done democratically. His contribution to the developing thought in education was that the state must train the teachers. Teacher's training, he saw as the great "engine" of social control. He saw the need for an institution for the education of teachers, but "it should be emphatically the state's institution."¹¹ Hence we have springing up all these normal schools throughout the entire nation in the mid-19th century.

Henry Barnard (1811-1900), the first United States Commissioner of Education and also a Chancellor of the University of Wisconsin (1858-60), is certainly to be classified with Mann and Carter as one of the three most important founders of the present system of public education. Barnard opposed the private schools because, in his words, "They classify society at the root and open a real chasm

between members of the same society, broad and deep, which equal laws and political theories cannot close."¹² This of course you still hear: the fear of fragmentation. Even a writer in the Lutheran News for March 22, 1965, is afraid of "a rash of weird little sectarian schools springing up everywhere." (p. 3) It would be well to hear what Prof. Timothy Smith had to say about this in 1962: "A third myth alleges that parochial schools have been maintained by adult leaders in immigrant communities in order to retard the Americanization of their youngsters." (Smith, p. 10) Smith goes on to show that on the contrary parish schools were in fact "prime agents of group adjustment."

Let me direct you to another example of an early educator whose ideas have had a profound effect on the presuppositions of modern educational philosophy. John Swett (1830-1913), state school superintendent in California (1862-68), in his first biennial report (1864-65), maintained the following propositions, among several others: "1) The Schoolmaster and the King. In school, where the mind is first placed under care to be fitted for the grand purposes of life, the child should be taught to consider his instructor, in many respects superior to the parents in point of authority. 2) Every man's house is his castle. This old maxim of English law is as applicable to the schoolmaster as to any other person who is in the lawful possession of a house. 3) The vulgar impression that parents have a legal right to dictate to teachers is entirely erroneous. 4) The statutory law as to disturbing schools. There is no clause in it favoring parents; consequently, if they disturb or disquiet the school they are subject to the same penalty as others. 5) Parents have no remedy against the teacher."¹³

Meanwhile, back on the European continent, Darwin has in 1859 published The Origin of Species, Marx, his Communist Manifesto, and Herbert Spencer has become the popular philosopher in England and

America. The importance of Darwin is that he seemed to give some scientific basis for the philosophy of determinism and naturalism. He seemed to establish a relationship of cause and effect without the need of the supernatural. This was easy to accept for the Deist, the Unitarian, and the French rationalist. They believed that man by strength of the exercise of his reason could achieve progress, and now they had a basis for this belief. Let me use the words of Paul Roubiczek, Fellow in Clare College, Cambridge, in his recent work Existentialism: For and Against, to summarize the profound effect that the Darwinian theory has had on our modern life: "At long last it was possible to explain everything in the normal, scientific, mechanical way, the Bible finally becoming superfluous in the realm of science, and, now that it could also be seen at work in nature, the existence of progress seemed to have been proved conclusively.... It (i.e., the theory of evolution) exercised a very great influence upon philosophy. Materialism was changed; all materialistic teachings since then, including that of Marx, are based on the theory of evolution. Philosophers like Herbert Spencer have made this theory the basis of all philosophy, of metaphysics, psychology, ethics."¹⁴ Mr. Roubiczek summarizes by saying that "evolution has been made the basis of a complete philosophy; it provides philosophers with a metaphysical, ethical system, thus deeply influencing their ideas about the nature of man and his behavior. In fact, philosophy based on Darwinism has exercised an extremely strong influence, often far beyond the realms of science and philosophy, upon the whole development of European thought. The ruthless life and death struggle of survival has been translated into a new morality, as ruthless competition in the capitalist world, as ruthless class warfare in the Communist world, and as ruthless nationalism everywhere. Moreover, for the first time in human history, mind and reason are no longer seen as some mysterious higher power, as part of a supernatural, divine sphere

breaking in upon human existence, but as the product of lower biological factors, and nothing has done more to fortify materialism." (p. 23)

John Dewey (1859-1952), above all others, imported these ideas of Darwin into public education. He spent a lifetime expounding and applying and preaching with a revivalist fervor this secularist, naturalist religion. The school for Dewey was a social institution designed to train the child in "the inherited resources of the race and to use his own powers for social ends." He also said that "education is the fundamental method of social progress and reform." You will notice that he very carefully bypasses religion. In a creed that he formulated he says: "I believe that the teacher is engaged not simply in the training of individuals, but in the formation of the proper social life.... In this way the teacher always is the prophet of the true God and the usherer in of the true kingdom of God."¹⁵ Dewey believed in a new society which was to supersede the present order. He believed that this new society was to be democratic but anti-supernatural, since supernaturalism is destructive of the concept of continuity. Religion should not be identified with the supernatural, for the supernatural is divisive, hence anti-democratic and unmanly: "Depending upon an eternal power is the counterpart of surrender of human endeavor."¹⁶ Dewey also said in this book, A Common Faith, (p. 84): "I cannot understand how any realization of the Democratic ideal as a vital moral and spiritual ideal in human affairs is possible without surrender of the conception of the basic division to which supernatural Christianity is committed." You will notice that Christianity is anti-democratic because it is exclusive and holds that some are saved and some are lost.

Values according to Dewey are formed by men. He spoke of "the necessity for the participation of every mature being in formation of the values that

regulate the living of men together: which is necessary from the standpoint of "the general social welfare and the full development of human beings as individuals." He also put it this way: "The foundation of democracy is faith in the capacity of human nature."¹⁷

Gordon Clark, head of the Philosophy Department, Butler University, summarizes Dewey's concept of ethics and the state in these words: "The state can do no wrong, for right is determined by what the state does."¹⁸

Lest one be thought to have slanted this summary of Dewey's basic beliefs, let me quote what Leonard Carmichael says regarding Dewey's ideas in his "Introduction" to Dewey's, The Child and the Curriculum and The School and Society.¹⁹ "Dewey was a consistent relativist. He opposed the idea of fixed value systems in any human area. Because of this conviction, he faced the difficult problem of accounting for the nature of truth. For him truth was a dynamic series of ideas, beliefs, and other processes which were the instruments by means of which the purposes of life can be achieved. Because of the importance of this idea, Dewey's philosophy has been known as Instrumentalism."

Dewey's influence upon contemporary life has been extensive, especially in philosophy and in education. He was an instructor in philosophy in the universities of Michigan and Minnesota and the University of Chicago, where he opened a "laboratory school for progressive education." He moved to Columbia University as Professor of Philosophy in 1904, continuing until 1930. He published about thirty books in his lifetime. His influence has been expanded immensely through his pupils who staffed the country's teacher colleges during the past fifty years. For example, one of his students, John Broadus Watson (1878-1958), through his psychology of behaviorism has made a major impact on

modern science, sociology, and education. Watson has said: "In one sweeping assumption after another, the behaviorist threw out the concepts of both mind and consciousness, calling them carry-overs from the church dogma of the Middle Ages.... The behaviorist finds no mind in his laboratory, sees it nowhere in his subjects."²⁰

Watson's studies of behavior including conditioning and unconditioning have had a profound effect on modern psychology. The supernatural is ruled out completely. For example, it is said, "Current investigators consider morality or conscience to be a set of cultural rules of social action which have been internalized by the individual."²¹

William Heard Kilpatrick (1871-1964) of Teacher's College, Columbia University, was regarded by Dewey as his model disciple. He has been called the "million dollar professor" because his students paid over a million dollars in fees to Columbia University. To Kilpatrick democracy was his religion. He was convinced that private and parochial schools isolate their students from democratic society, and hence he "calls in question the practice found in certain of our cities of having three school systems, a public school system, a private school system, and a parochial school system."²² By this time it will be noted that men such as this believe that they have a corner on the absolute truth of democracy and that no one else is fit to teach it unless he has been ordained by one of this group.

Kilpatrick believed that man is an evolving animal and through social change exerted by education, he can learn to seek the common good, create a defensible social program, each thinking for himself and in behalf of the whole. You will note that these so-called scientific objective educators are not above propaganda and "indoctrination."

While I was taking graduate seminars in higher education at the University of Minnesota about ten years ago, this type of literature was nearly all that we read. There were only two books that I remember as exceptions to this philosophy of anti-supernaturalism and democratic materialism: One Sir Walter Moberly's Crisis in the University and the other, Canon Bernard Iddings Bell's Crisis in Education. They were two respected books but definitely in the minority and they did not get much of a hearing.

One man highly regarded and greatly read at the University was Theodore Brameld (1904-). This was possibly because he had already taught Philosophy at the University of Minnesota from 1939-47, although he has considerable stature among all modern educational theorists, apart from this. He later became Professor of Education and Philosophy at New York University, and in 1958 moved to Boston University. We read a great deal from his Patterns in Educational Philosophy, A Democratic Interpretation (1950). He is in the Mann-Dewey-Kilpatrick tradition. He is an advocate of relativism, and he believes that the State should control all education, because the powers of the democratic state are good powers. When the schools "come under the indisputable control of that immense majority which alone is sure to care that free education should become the revolutionary weapon of a people's peace," then they will be "directed toward the future of democracy."²³ Brameld also holds that public education seen in its true perspective and development "can and should become one highly effective instrument in the struggle of organized labor against the inhuman forces which would destroy it."²⁴ It is Brameld's "conviction" that "democracy more than any form of society devised thus far by man, is capable of providing greatest happiness for the largest number of people on earth."²⁵

Organized religion is to be barred from education because it is authoritarian.²⁶ Also to Brameld

the majority is always right and always the law. Majorities are: "The supreme judges of values," and one must resort to them or else "to a supernatural or metaphysical authority."²⁷ Hence Rushdoony rightly says: "Thus if churches, private schools, private property, or any other thing be outlawed by the majority, the minority has no right to do other than obey the great God Census, beyond whom and apart from whom no value exists."²⁸

III.

All educators are extremely interested in finding an integrating factor in their educational program. Modern educational philosophers recognize that every educational system and institution is philosophically and theologically oriented. There is some type of integrating agent which selects and rejects what is to be taught and indicates how one is to view all knowledge.

In preparing materials for a University of Minnesota seminar ten years ago (Ed CI 228), I studied a thought-provoking book that wrestled with these problems, Fundamentals of Curriculum Development, edited by B. Othanel Smith. The following summary is from my notes taken on Chapter six, "The Source of Authority in Curriculum Building." (p. 136-155) Insisting that every educator must face the question of the source and character of his moral authority (as well as intellectual), since it will influence the type of education he will give, the author identifies four sources of authority:

- I. The divine will as the basis of educational authority; the revealed will of God -- employed as a basis by the Roman Catholics, and others who have Scripture as authority. The author calls it an "ancient and powerful position even today," but he rules it out for modern American education: "In America

the doctrine of separation of church and state precludes the possibility of the public educator grounding his authority in this." (This writer is undoubtedly thinking of the McCollum case, 1948, where the court held that the first Amendment prohibits the teaching of religion in the public schools, allowing only a secularist educational philosophy in the public school.)

But to return to Smith's four sources of authority, we note that the other three alternatives are similar, because all three are grounded in the mind of man as the measure of all things.

II. Education grounded in eternal truth. This is the position of Hutchins: "Absolute and eternal truth revealed by human reason, and imbedded in the great books of the past." One is to discover principles that lie at the basis of all knowledge and deduce secondary truths from these first principles. This is done by reason, i.e., "defined as the intuitive grasp of the first principles or axioms of thought and the logical deductions of other truths from these first principles, very much after the manner of geometry." (p. 414)

III. Science as the source of educational authority, i.e., the method of science. Smith admits that "the chief difficulty lies in the realm of values and esthetics."

IV. Finally, the one that is most congenial to the modern educator, and which certainly represents the modern secularist view of education: Education as a social agent derives its authority from the society that maintains it. (p. 147) Smith finds three views of society as the authority, 1) the teacher is the agent of the State -- widely held by some political scientists, but not

universal. 2) Educational authority is grounded in the society which it serves; the teacher's authority rests upon the consensus of opinion in the local community in which he teaches. 3) The educator derives his authority from the society he serves, but the authority resides in the "fundamental moral and intellectual commitments constituting the core of culture." (p. 150) Hence the educator derives his authority from the democratic tradition, but that tradition represents the deepest moral and intellectual commitment of the American people." (p. 150)

In this view education is a spearhead of social change. The educator derives his moral authority from ethical and methodological tenets of American democratic tradition. (See Chapter 8 of this book, pp. 174-197) But "education is reconstruction, because there must be constant change, progression, and continuity through clarification and definition of the meaning of democratic tradition." Such education is "an affair of the whole person and not only of the intellect."

It should be noted that this type of education not only removes eternal sanctions and absolute standards but also eliminates the centrality of the individual and subordinates him to some kind of democratic majority. This eliminates also his personal freedom with regard to his fundamental rights.

The professional educators who constituted the NSSE committee on the integration of educational experiences said: "The members of the committee in agreeing upon the importance of the integrating individual, have indicated their preference for the pragmatic philosophy of education."²⁹ This philosophy of pragmatism, they describe in these terms:

"In our schools we teach John, James, Sue, and Mary; we do not teach an abstraction known as human nature or man in general. In a democracy each individual is unique. Each can be expected to differ in opinion as to what it means to live, healthily, happily, justly. Each is to be judged as good or bad, not against any absolute standards, but in the terms of the direction of his growth.... The world is whatever man experiences it to be. ...The world is no finished product. It is growing and developing. Man is the keystone in this conception of the world. He is capable of shaping himself, his world, and his destiny. If he exercises courage, intelligence, effort, he may bring forth the society of his dreams. (p. 34)

After hearing these strong religious commitments and seeing on what they are based, must we not agree with Professor Blum's axiom: "A system of education that, as a matter of policy, ignores Ultimate Truth engages in false teaching. And this false teaching is destructive of both the integrity of the human person and of the fabric of our American culture and freedom."³⁰

This judgment that the State school system today is built on the foundation of secularism is not idly made. President Nathan Pusey of Harvard in 1958 said that so great have been the successes of secularism that it "has itself become a faith and raised a hope that man can through his own efforts -- without God -- solve all the remaining problems which stand between him and a secular paradise on earth." He maintains that secularism forms a new kind of fundamentalism, whose "temples may be laboratories and factories, perhaps also libraries. ... Its noxious influence -- noxious, I believe to spirit, imagination and to mind -- works among us almost unopposed." (Time, June 23, 1958, p. 54)

Fifteen years ago Sir Walter Moberly made an analysis of modern education as it works itself out

in the universities of England. When first published, the book was something of a sensation. A second reading of it made in 1965 confirms one in the conviction that Moberly was both a keen analyst and a good prophet. From the vantage point of his official position as chairman of the University Grants Committee of England, he had an overall view and an inside view of education as very few have had. When he analyzes the approach of modern education (especially in the university) to the question of God and the supernatural, he arrives at conclusions like these: "Today many university teachers and administrators are Christian (I would say the same today of many of our public school educators - B.W.T.). But few if any of us are Christian teachers or Christian administrators (Moberly's emphasis).... One thing, as yet too little realized, is now becoming clear. In the assumptions governing syllabus and academic methods, universities today are, implicitly, if unintentionally, hostile to the Christian faith and even to liberal humanism."³¹

Proceeding further with his analysis, Moberly declares: "In the field of religion the profession of neutrality is equally a pretense (i.e., as in the case of politics) ... On the fundamental religious issue, the university intends to be, and supposes it is, neutral, but it is not. Certainly, it neither inculcates nor expressly repudiates belief in God. But it does what is far more deadly than open rejection; it ignores Him. ... Atheism is no speculative opinion. It is leaving God on one side, having 'no need of that hypothesis.' In that case one need not bother to deny the existence of God, one is simply not interested; and that is precisely the condition of a large part of the world today. It is in this sense that the university today is atheistic." (pp. 55-56) President Pusey, in his address of June 1958, declares that the following words of Sir Walter Moberly are increasingly true: "Some think God exists, some think not, some think it is impossible to tell, and the impression grows that it does not matter." (Time, June 23, 1958, p. 54)

Now is this not the case with the entire state educational system? Canon Bernard Iddings Bell, an Episcopal clergyman and educator, writing out of a background of more than thirty years of teaching experience on every level of education, makes virtually the same judgment as Sir Walter Moberly: "Our public schools and colleges are rarely anti-religious; they simply ignore religion. They look on it as a minor amusement to be practiced by those who find it fun, to be neglected if one desires. Obviously this outlook is quickly communicated to the young. If a child is taught in school about a vast number of things - for 25 hours a week, eight or nine months a year, for ten to sixteen years or more - and if for all this time, matters of religion are never seriously treated, the child can only come to view religion as, at best, an innocuous pastime preferred by a few to golf or Canasta."³² Canon Bell concludes this part of his essay contributed to Life's special issue on U. S. schools with these words: "By treating religion as a dispensable diversion, it deprived the young of allegiance to any spiritual compulsion greater than love of country." (p. 98)

At greater length Canon Bell has expounded these ideas in his book, Crisis in Education: "As American school is now conducted more and more, there is no such thing as religious liberty in American education. There is liberty only to be unreligious." (p. 222)

I do not want to belabor this point, but it needs emphasis in our circles today, because of the reluctance of so many people to accept the obvious.

IV.

"By their fruits shall ye know them." Without playing God, we can see some of the fruits. John S. Brubacher, professor of the History and the Philosophy of Education, Yale University, has pointed out that

"the study of educational philosophy has flourished in the twentieth century as never before in the whole history of education," and that this study has produced at least one "major philosophy of education - Dewey's Democracy in Education, which is the foundation for the so-called 'progressive education' movement." Brubacher observes that "the experimental schools which made up progressive education were but the vanguard of that larger twentieth century endeavor to assume more and more intentional control of the social progress. ... Progressive schools, for instance, deliberately fashioned their practices on scientific findings. As these often were in conflict with cherished traditional convictions, there was an urgent demand for a fresh philosophical approach to resolve the conflict. ... Techniques of measurement devised by the new psychology have demanded a different conception of human nature, a conception which traditional education has often found repugnant to its metaphysical psychology. Again, the interpretation of biological findings, especially the theory of organic evolution, has widened the differences between traditional and 'progressive' education. To attach the adjective 'progressive' to education can mean quite different things, depending on whether one uses an Aristotelian or Darwinian conception of development."³³

There should be no doubt that these ideas of the educational philosophers are being put into action in the modern school system. Prof. Jack Culbertson of Ohio State University, currently outlining "The Preparation of Administrators," describes the "concepts which were to constitute the basis for a new science of administration: The approach was strongly influenced by logical positivism, a school of thought which Dwight Waldo has defined as follows: 'Logical positivism is a would-be tough-minded school of thought that asserts its close connection with modern physical science. It abhors metaphysics, dismisses ethics, emphasizes empiricism, places a high premium upon rigorous logical analysis.'³⁴ Professor Culbertson declares

further, that this new movement places "high value on theory. Contrary to the popular view that theory is for those in ivory towers, adherents of the new science maintained that theory was one of the most practical of human invention." (p. 308) This new breed of administrators, "in making decisions as leaders, must rely ultimately upon basic human values whose ethical dimensions are treated more adequately in philosophy and other aspects of the humanities than in the social sciences." (p. 329)

With the demise of a few old-time school administrators, schooled in an absolute value system of some kind, we can look for some real changes in our educational system. The fruits are already appearing, but they will ripen fast under the leadership of the new type of administrator.

Picking a few fruits at random of this type of education, we note that even though in the last sixty or seventy years our nation was preponderantly Christian, nevertheless most of our literary works have been written with naturalistic pre-suppositions. Professor Willard Thorp, who is the Holmes Professor of Belles Lettres at Princeton University, examines this phenomenon in a chapter in his authoritative book, American Writing in the Twentieth Century, "The Persistence of Naturalism in the Novel": "For more than fifty years there has been a persistent bias toward naturalism in American thought as well as in the novel. This bias has become deeply ingrained in the American mind. Events and ideas, decade by decade, have combined to strengthen it."³⁵ "Almost without exception these American naturalistic novelists (i.e., Hamlin Garland, Stephen Crane, Frank Norris, Jack London, Theodore Dreiser) denied man's relation to any supernatural order. Even Herbert Spencer's 'Unknowable' did not seem a very useful concept." (p. 155) "Literary naturalism refuses to die. ... One can predict that it will be with us for some time to come because of its essential

flexibility." (p. 180) "Spencer's name was once a household word; today few Americans could list the philosophical naturalists of our time, but nearly every child who has gone to a public school has had the chance of becoming an unwitting follower of John Dewey. The schools of education have attended to this matter well. As a result, philosophical naturalism comes nearer to being a universal American belief than any other one might name, and one might expect contemporary fiction to reflect its influence as it does." (p. 181)

Item: In 1959, Dr. Edward D. Eddy, in his now famous report on the college influence on student character, reveals how the college influences student character from an on-the-spot study of twenty campuses in seventeen states throughout the country. He made these general observations: "We observed also the profound effect of secularization in American education. ... We are led to believe that the student response to religion is conditioned heavily by the current strongly relativistic social thought."³⁶ Dr. Eddy then goes on in detail to show how the students obviously had not given much thought to their basic notions about life. "They were at a loss to state what convictions they had about which they were absolutely certain, although a few mentioned faith in the dignity of man or individualism of some form."

Item: Recently I called attention to two sets of statistics which reveal how corrosive the naturalistic philosophy is on young people, especially in the college. The December 1963, Journal of Educational Psychology pointed out from a study of Michigan State University students that 36 percent of those studied after their collegiate experience became less attached to a religion they can believe in and defend. Nearly three times as many student (363 vs. 132) "become less inclined rather than more inclined to accept the Bible as absolute and infallible."

I also sent out copies of the magazine Off To College for 1965 where, on page 30, Dr. J. Wesley Robb in an article, "Your Faith at College," informs us that the Center for the Study of Higher Education in Berkeley has been conducting a long-range study of Merit Scholars which includes an examination of their religious beliefs. At the time of their entrance into college, 88% of 395 men and 91% of 175 women acknowledged a felt need for religious faith, but by the end of their sophomore year, the percentage of affirmative responses dropped to 61% of the men and 74% of the women, and by the close of their junior year, the percentages were 51 and 69%, respectively.

Using this same set of statistics, the recent book, College and Character, makes the following judgment: "Responses to this and other questions about religion make it clear that a sizable minority of highly able students change their religious attitudes during three years of college. Not only is the need for religious faith felt less and less, especially among men, but the belief that colleges should teach religious values dwindles."³⁷

Professor Mervin B. Freedman, writing in the same volume on "What Happens after College: Studies of Alumni," concludes that "there is evidence that the values, attitudes, and opinions with which one leaves college are likely to persist into later life with but little modification. Consequently, the college years take on enormous importance; one cannot think of them as simply one period among others in which substantial modification also takes place. For many students, apparently, any changes that may occur in values, attitudes, and opinions end with graduation." (p. 245)

In his 1964 commencement address at Bethany, Pastor H. A. Theiste quoted very effectively the letter of a young college graduate written to the president of a large eastern university and which

was reported by Dr. Van Dusen in his book God in Education (pp. 53, 54). Among some of the things this young man said are: "Have we not gleaned from your very own professors of natural science, philosophy, and ancient history that religions are the product of myth and superstition, and men create gods in their own image? That if there is such a thing as the soul no scientist has ever isolated it in the laboratory. If men are but animals, why not treat them as such? An animal has no rights. The law among animals is the law of the strong. If there is no natural law in this universe, how do you justify those inalienable rights which the Declaration of Independence asserts men to possess? If patriotic fervor is just a manifestation of an enlarged tribalism, why do you think America is worth defending? Personally, I fail to understand how you or any other college president can expect us to become ardent Christian democrats when the vital postulates on which these faiths are supposed to rest are daily undermined in the classroom."³⁸

Item: Rousas J. Rushdoony, after 295 pages of documentation, summarizes the authoritarian faith of the modern university, or as he calls it, "The hard core of doctrine of this new 'catholic' faith," in these eleven propositions:

1. The autonomy of man and his reason are assumed and the penetrability of all things to man's reason and its scientific or philosophical methodology. Thus, what cannot be comprehended by this methodology or measured by it is not real. ...
2. The evolutionary hypothesis is similarly assumed as an article of faith.
3. The natural order is assumed to be self-sufficient and a law in and of itself.

4. Education is held to be the instrument of social salvation.
5. The state is viewed to be the primary order of man's life.
6. The primary responsibility and accountability of man to man (as against man to God) is maintained.
7. True learning is of necessity assumed to be religiously secular, i.e., divorced from God, and academic freedom requires a radical absolution from all theistic ties.
8. The priority of science and learning to ethics, and the determination of true ethics by means of autonomous man's own resources is maintained. Furthermore, even as morality is subordinate to and a product of human activity and intelligence, so true religion is subordinate to and a product of ethics.
9. Intelligence is the desire and necessary agency of social planning and control.
10. Evil is a social product because man is essentially a passive creature so that the 'moral education of the individual is purely and simply the management of his environment.' The mind is passive in that its every activity or idea is empirically aroused. Nothing can exist in the mind that is not first in the senses. While in the Kantian sense, knowledge is not the correlation of mind and object, it is still passive in that it is a synthesis which stimulus produces. Thus, delinquency is not seen as any more than a response, i.e., to a lack of love

in the environment, and social evils as responses to environmental facts.' ...

11. Nature is infinite and uncreated; hence the problem in economics and life is not one of limitations of creation and of scarcity, but a problem of distribution and use." (Rushdoony, pp. 296, 297)

It is just too late for anyone to hold that the modern state school system is neutral with regard to its religious and philosophical foundations. It never was. Canon Bell gives a good summary of its development in four or five paragraphs in Life, October 16, 1950, pp. 97, 98. In the Midwest the system was, for years, a fairly orthodox Protestant Reformed system, but Unitarianism, even at an early time, was creeping into and overcoming it. One should not forget that the McGuffey Reader was Unitarian in the Horace Mann tradition. This system of beliefs at least accepted some moral absolutes, but long ago this has gone by the board; instead we have the religion of secularism, defined by President Pusey as "An attachment to a way of life of which there is neither need or place for religion."

In retrospect, it is surprising that our fathers did not perceive more clearly the essential quality of public secular education, and where its fundamental presuppositions would lead us. Recently, I read a statement made in 1885 by the Presbyterian theologian, Prof. A. A. Hodge, which 80 years later, shocks one with its analysis of present-day irreligion: "The tendency is to hold that this system must be altogether secular. The atheistic doctrine is gaining currency, even among professed Christians and even among some bewildered Christian ministers, that an education provided by the common government for the children of diverse religious parties should be entirely emptied of all religious character. The Protestants object to the government schools being

used for the purpose of inculcating the doctrines of the Catholic church, and Romanists object to the use of the Protestant version of the Bible and to the inculcation of the peculiar doctrines of the Protestant churches. The Jews protest against the schools being used to inculcate Christianity in any form, and the atheists and agnostics protest any teaching that implies the existence and moral government of God. ... Then he that believes most must give way to him that believes least, and then he that believes least must give way to him that believes nothing, no matter in how small a minority the atheists or the agnostics may be. It is self-evident that on this scheme, if it is consistently and persistently carried out in all parts of the country, the U. S. system of national popular education will be the most efficient and wide instrument for the propagation of atheism which the world has ever seen... A comprehensive and centralized system of national education, separated from religion, as is now commonly proposed, will prove the most appalling enginery for the propagation of anti-Christian and atheistic belief, and of anti-social nihilistic ethics, individual, social, and political, which this sin-rent world has ever seen."³⁹

The established religion of secularism is the heart of the church-state separation argument raging in education at the present time. We have an established state religion in the public school system today. Time (September 14, 1959, p. 70), in discussing the future of the public high school as envisioned by men such as Dr. James Bryant Conant, quite matter of factly states: "The focus of a European town remained the cathedral; the focus of an American town became the high school. By the 20th century, quipped Britian's historian Dennis Brogan, U. S. Public Education was a 'formally unestablished national church'."

And since this is true, are we not abridging, if not prohibiting, the free exercise of our religion and our fellow-American's religion when we make school attendance compulsory by law for the lower grades and by custom for higher education, but we make the state school free, while the independent school must charge a price that puts it out of competition for most Americans? I find myself of necessity agreeing with Prof. Virgil Blum: "If a non-conforming student's pursuit of truth is obstructed by government denial of equal educational benefits, then government is guilty of depriving him of freedom of thought. He is deprived of the right to think and investigate freely, to develop his individual personality and to share his thoughts with his fellow citizens in the elemental process of democracy. He is deprived of a fundamental liberty, a liberty which is the basis of all others. . . Put in another way, when government enforces a conformity to the philosophical and theological orientation of a particular school as a condition for sharing an educational benefit, it violates freedom of thought and freedom of religion."⁴⁰

NOTES AND DOCUMENTATION

1. Once one has become aware of this slumbering assumption, it is amazing to note how pervasive it is in our ways of thinking even though we may vociferously deny it. Dr. August W. Brustat, in an article, "Return Christ to the Classroom," rightfully insists that the only acceptable education to us is one that is centered around the basic truths of Christianity, but he feels that one could not bring this kind of education into a public or government school because of the admixture of children from various religious backgrounds; he asserts that "serious complications would easily develop if religion in any form (my emphasis) would be brought into the public classroom." And yet the good doctor's article is among us one of the first and most incisive analyses of the prevailing philosophy or religion which dominates the public school room; namely, Secularistic Naturalism, whose fundamental tenet is, according to Dr. Brustat, that "man is no longer considered to be a child of God fallen from grace, but part of the continuity of Nature." (American Lutheran, June 1956)

In 1963 the Wisconsin Evangelical Lutheran Synod adopted a statement regarding governmental aid. It appears to me that in the minds of the framers of this document there lurks the assumption that the state school system into which we pour nearly all educational tax money, provides an education which, religiously considered, is neutral. Paragraph seven of the document holds that it is a violation of the constitution to use tax monies gathered from all citizens for the support of independent or religious schools, but the document at the same time, at least tacitly, implies that it is perfectly appropriate that the

entire educational tax dollar should go to the state school system.

Writers in the Lutheran Sentinel present mixed points of view with regard to the matter of whether the public school has a religion or not. In the August 8, 1963 issue, a writer examines this problem in an article, "Does Your School Teach Religion?" After reviewing a social studies textbook, the writer makes the judgment: "It can hardly be denied that public schools are teaching religion. They can't help but teach it -- and so long as this teaching, even if incidental is not based on the Word of God, it can't help but teach false religion." But apparently the problem of having our educational tax dollars support only this teaching of a "false religion" (Sentinel emphasis) does not seem to cause the writer any questions, for he not only says that we are not "to condemn public instruction. We rather commend the spirit that makes our school among the most elegant and conspicuous of buildings." And he then significantly adds: "Neither should we begrudge the billions of dollars spent for education of our country's 50 million youth." One wonders whether the writer would begrudge a few educational tax dollars following the scholar to a school where the pure doctrine is taught. Two weeks later (August 22, 1963) another writer in the Lutheran Sentinel favors the decisions of the Supreme Court eliminating state-prepared prayers, Bible reading, and use of the Lord's prayer, because "in the public schools there are children of various faiths and some of no faith at all." There seems to be a tacit assumption that the public school can become neutral by omitting such formal references to religion. Then in the Lutheran Sentinel for November 23, 1963, a writer commends the proposal made by the Red Wing, Minnesota, Public School Board that "all religious

connotations will be removed from the graduation exercises and from Christmas and Easter concerts." The writer goes on to state that "we know that many have not seen the wrong done the church when the public schools have usurped the place of the church and the home." The assumption seems to be that if certain outward religious connotations will be removed from some public school exercises, the public school will be neutral. This interpretation seems to me to be inescapable in view of the writer's further words: "We pray for the success of the public schools. Let them flourish in the teaching of the 3 R's. The first R, Religion is the sacred province of the home and church. Religion is usually called the Fourth R. We insist that it is the First, for our Savior tells us: Seek ye first the kingdom of God in his righteousness. So long before we entrust the state school with the task of training our children for this world's citizenship, our children should be trained to show forth the praises of Him that has called them out of darkness into His marvelous light."

This widespread diffusion of the silent assumption that the secularized public school system is neutral with regard to religious (or irreligious) principles, is not surprising when one recalls that it has found expression in the majority opinion of the United States Supreme Court, Justice Jackson, in the West Virginia State Board of Education vs. Barnette, 1943 (the "Flag Salute Case") declared: "Free public education, if faithful to the ideal of secular instruction and political neutrality will not be partisan or enemy of any class, creed, party, or faction." (319 U.S. 624, 1943) But even at that time, in a dissenting opinion, Justice Frankfurter began to sense the inadequacy of such a view: "What of the claims for equality of treatment of those parents who, because of religious scruples, cannot

send their children to public schools?" Subsequent examinations of this problem has led men such as Dr. Robert M. Hutchins, Walter Lippmann, etc., to realize the virtual impossibility of keeping a school neutral and yet avoiding inculcation of secularism (i.e., a philosophy of life which leaves no place for religion). Justice Stewart, in his dissent from the majority opinion in the Schempp and Murray Case (Bible Reading and The Lord's Prayer, 1963) was convinced that to preclude the religious ceremonies in the schools is to establish secularism by "the ritualistic invocation of the non-constitutional phrase 'separation of church and state.'"

Dr. Robert Hutchins insists that "Since the object of the First Amendment is to guarantee and promote religious freedom, including freedom from religion, it is a violation of the amendment to apply pressure, directly or indirectly, upon the conscience of any person." ("The Future of the Wall," in "The Wall Between Church and State," Dallin H. Oaks, ed., Chicago: U. of Chicago Press, 1963, p. 22). And he asks the basic question regarding the present-day position that knowledge about religion should be taught in all schools for a full understanding of our culture: "But if knowledge about religion is to be communicated, it will presumably be communicated by somebody who has a view of the subject and who cannot be expected to conceal it. If he is paid by the state, what has happened to the wall?" (p. 20)

2. Henry, Nelson, B., ed., The Integration of Educational Experiences, 57th Yearbook, The National Society for the Study of Education. Chicago: University of Chicago Press, 1958, p. 5.

As it will be seen, I have taken a considerable amount of material from the annual yearbooks of the National Society for the Study of Education.

This is a loosely organized group of persons interested in the "investigation of educational problems." It is governed by a Board of Directors whose chief duty is to create and appoint special committees to study problems in education. Each year two or three committees report their findings, which are published as "yearbooks." These yearbook committees are truly blue ribbon committees, as a knowledgeable glance at their roster will demonstrate. The yearbooks are well-written and widely distributed, a first printing currently being at least 10,000 copies. As indicative of the respect with which these yearbooks are held, I have heard graduate students say: "If it is in the NSSE Yearbook, check it carefully, for it will be in the educational textbooks in three or four years."

3. Quoted by Dr. Robert Hutchins in The Wall Between Church and State, Dallin Oaks, ed., (University of Chicago Press, 1964, p. 20.
4. From the NEA, Scholars Look at the Schools, 1962, pp. 17-18.
5. Social Statics, II, Chapter 17: quoted in The Bulletin of the American Association of Fund Raising Council, Inc., 3/29/65.
6. Time, 3/19/65, p. 26.
7. "Parochial Education in American Culture," by Dr. Timothy Smith, an essay delivered at a Public Affairs Forum on the issue "Public Funds for Non-Public Schools," April 13, 1962, Calhoun Beach Hotel, Minneapolis, Minnesota, p. 9.

8. From the Eleventh Annual Report, 1847, quoted by Rousas Rushdoony, The Messianic Character of American Education, Philadelphia: Presbyterian and Reformed Publishing Company, 1963, p. 22.
9. Cremin, Lawrence A., ed., The Republic and the School -- Horace Mann on the Education of Free Men, New York: Columbia University Press, 1957, p. 13.
10. NSSE Yearbook, Social Forces Influencing American Education, 1961, pp. 151-152.
11. Essays on Popular Education, p. 29, quoted by Rushdoony, p. 38.
12. From the Journal of the Rhode Island Institute of Instruction, December 1845, p. 38, quoted by Rushdoony, p. 55.
13. See Rushdoony, p. 81, for the full text of these remarkable propositions.
14. Roubizcek, Paul, Existentialism: For and Against, Cambridge University Press, 1964, p. 20.
15. Dewey on Education, Selection, ed., Martin Dworkin, New York: Columbia University Press, 1959, p. 32.
16. From A Common Faith, p. 46, quoted by Rushdoony, p. 157.
17. From Intelligence in the Modern World, quoted by Rushdoony, p. 158.

18. Clark, Gordon, Dewey, Philadelphia: Presbyterian and Reformed Publishing Co., 1960, p. 33.
19. University of Chicago Press: Phoenix Books, 1956, p. vii.
20. Watson's The Ways of Behaviorism, p. 7, quoted by Rushdoony, p. 165.
21. NSSE Yearbook, Child Psychology, 1963, p. 277.
22. From Kilpatrick's Philosophy of Education, p. 213, quoted by Rushdoony, p. 207.
23. From Toward a Democratic Faith, p. 187, quoted by Rushdoony, p. 256.
24. From Counts and Brameld, Relations with Public Education, p. 276, quoted by Rushdoony, p. 255.
25. Toward a Democratic Faith, p. 177, quoted by Rushdoony, p. 256.
26. See Brameld's Ends and Means, pp. 81-85; compare Rushdoony, p. 261.
27. Patterns of Educational Philosophy, p. 465, quoted by Rushdoony, p. 264.
28. See Rushdoony, p. 264.
29. NSSE 57th Yearbook, Part III, The Integration of Educational Experiences, 1957, p. 42.
30. Blum, Virgil C., Freedom of Choice in Education, 1963, p. 76.

31. Moberly, Sir Walter, The Crisis in the University, London: SCM Press, 1949, pp. 26-27.
32. Bell's "Know How vs. Know Why," Life, October 16, 1950, p. 97.
33. NSSE 54th Yearbook, Part I, Modern Philosophies and Education, 1955, pp. 5-6.
34. NSSE 63rd Yearbook, Part II, Behavioral Science and Educational Administration, 1964, p. 308.
35. Thorp, Willard, American Writing in the 20th Century, Cambridge, Massachusetts: Harvard University Press, 1960, p. 145.
36. Eddy, Edward D., The College Influence on Student Character, pp. 114-117.
37. Sanford, Nevitt, ed., College and Character, New York: John Wiley and Sons, p. 237.
38. See Bethany Lutheran College Bulletin, October-December 1964.
39. From A. A. Hodges' Popular Lectures on Theological Themes, pp. 280-81, 83, quoted by Rev. C. Harbach in The Standard Bearer, October 15, 1965, pp. 38-39.
40. Blum, Freedom of Choice in Education, p. 52.

SOME THOUGHTS ON GOVERNMENTAL AID
TO EDUCATIONAL INSTITUTIONS
WHICH ARE CHURCH RELATED

B. W. Teigen

The terms "Separation of Church and State" loom large in a discussion such as the one we are undertaking. The problem is to define what we mean by these terms and to see what they mean in Scripture and the Lutheran Confessions. I do not find the phrase in the Scriptures or in the Lutheran Confessions or, for that matter, in our United States Constitution. Certainly there is no question that some kind of "separation" is set forth in the Scriptures and the Confessions and probably also in the Constitution, between the two powers or influences; namely, the secular and the spiritual. But it is not always so clear how these two powers are to be separated in a practical day-to-day living of the Christian and the non-Christian. There is a common life together of mankind in general, and then there is the life of faith which the Christian has, together with all believers of Jesus Christ.

Listing some of the passages from Scripture that deal with this relationship, we have Romans 13: 1-7, where Paul clearly sets forth the truth that civil government is a divine institution to which a Christian owes obedience and personal service. There are, however, some limitations there which specify the sphere in which the state has the right to function legitimately; namely, it is to be a terror not to good works but to the evil, and it's to bear the sword as a minister of God to us for good, and to be a revenger to execute wrath upon him that does evil, etc.

Matthew 22: 15-22 discusses the relationship between the two powers. Here again, a line of demarcation is drawn between the two powers; and we are told to give to Caesar the things that are Caesar's, but we are also to give to God the things that are God's. Caesar's things are limited. Caesar cannot be all-demanding and assume that he has absolute right over the life and education of any being. But these two powers do not stand in a hostile relation towards each other but exist peacefully side by side.

The Augsburg Confession (AC, XXVIII) adds further passages, such as John 18: 36, Phil 3: 20, and II Cor. 10: 4. The Augsburg Confession (AC, XVI) also sets down a limited restriction for civil authority when it quotes Acts 5:29.

With regard to the Lutheran Confessions, the chief articles are from the Augsburg Confession (XVI, XXVIII) and the Apology (AP. XVI, Political Order). ACXVI on "Civil Government" lays down five general principles: Lawful civil ordinances are good works of God; Those who forbid these civil offices to Christians are condemned; They also condemn those who do not place evangelical perfection in the fear of God and in faith; The Gospel does not destroy the state or the family; Christians are bound to obey magistrates and laws save only when commanded to sin.

AC XXVIII ("Ecclesiastical Power") in a sense deals only indirectly with the temporal power, since it is aimed chiefly at ecclesiastical power and its abuses. Note that here the word "power" (potestas) is consistently used. Basically, the distinction is between the "power of the sword" (potestas gladii) and the "power of the Keys" (potestas clavium). One must distinguish between these two powers. The one power is the commandment of God to preach the Gospel, which grants eternal things. The power of the sword, or of

civil government, deals with other things than does the Gospel, because civil rulers defend not minds but bodies and bodily things. Hence, the power of the church and the civil power must not be confounded. Then comes the famous passage, that the spiritual powers should not invade the function of the other by setting up and deposing kings, annulling temporal laws, undermining obedience to government, etc., etc. (12). And thus the Lutheran answer sums up the meaning of the term "Separation of Church and State" as that one should distinguish the two authorities and the functions of the two powers, directing that both be held in honor as the highest gifts of God on earth (18).

It is to be noted that from the point of view of the Lutheran Confessions, the Christian is viewed as using two powers; namely, the power of the Keys and the power of the sword, and that he is under the influence of these two powers. Both really affect his entire life here on earth. But he has to learn the difference between these two powers and in what sphere they may be legitimately used. The Apology (Ap. XVI, Political Order) informs us that the writings of the Lutheran theologians have illuminated the whole question of the distinction "between Christ's kingdom and a political kingdom." It asserts further that this distinction "lets us make outward use of the legitimate political ordinances of the nation in which we live, just as it lets us make use of medicine, or architecture, food, or drink, or air (2). Further, the Apology reminds us that the Gospel has to do with the forgiveness of sins and that it forbids private revenge. But "public redress through a judge is not forbidden but expressly commanded, and it is a work of God according to Paul (Rom. 13: 1 ff.). Now the various kinds of public redress are court decisions, punishments, wars, military service." (7) The Gospel brings eternal righteousness to the hearts while it

approves the civil government (8). To avoid the excesses of Wycliffe, the Lutheran confessors assert that one can never satisfy good consciences unless "they keep the rule in mind that a Christian may legitimately make use of civil ordinances and laws" (12). The only restriction is laid down in AC XVI, which says that Christians are necessarily bound to obey their magistrates and laws, save only when commanded to sin, for then they ought to obey God rather than man (Acts 5: 29).

The writings of the theologians to which the Confessions refer are obviously the writings of Luther, and certainly the most important one would be his "Temporal Authority: To What Extent it Should be Obeyed" (1523) (LW, 45, 81-129). For the modern-day student this is a complex piece of writing, because one needs to understand the situation in which Luther found himself and also his doctrine of the church and his doctrine of the two powers; namely, of the Word of God and of the sword. Both of these powers belong to God. The one produces peace and joy in the Holy Ghost, and the other restrains the un-Christian and the wicked (. 87). Luther then goes on to say that the people who belong to the kingdom of God and are true believers really need no temporal law or sword (p. 89). Nevertheless, God ordained the "two governments" because one cannot rule the world by the Gospel, although it is certain that the Christian would not have need of the law or the sword (p. 91). The Christian is not to use law and coercion, but when the cause of the neighbor or of the community is at stake he must fight against injustice with all the appropriate means that are available (pp. 94-96). Luther calls on the Christian to use the power of the sword to assist his neighbor who is being deprived of his rights. When one thinks about this one sees that there are some tremendously important consequences here for the Christian.

We should also keep in mind what Luther meant by the term "church"; namely, the communion of saints, the lambs who hear the voice of the Shepherd. Now the power of the Keys is the only thing that can build the church, but to carry out the duty of using the Keys we organize into external ecclesiastical groups or organizations. We are no longer pure church in the strict sense of the Word. As external ecclesiastical societies we are involved both in the use of the power of the Keys and also in carrying out various secular functions. Whether we are congregations, Day School Societies, high school associations, or synods, we in a certain sense operate with both powers, because to preach the Gospel we also carry out certain secular functions, such as preparing for good citizenship, owning property, etc. Hence, Luther could, as is well known, urge the mayors on to set up Christian schools. In a certain sense he looked upon them as representing Christian societies who were wielding both swords. Luther recognizes the right of a government to provide for an educated citizenry for the preservation of the government. But Luther never believed that one could be forced into the true church of God by any power of the sword. Only the power of the Keys could lead one into the kingdom of God. Luther was averse to the suppression of the Anabaptists; for example, by means of secular powers: "Still it is not right and I truly grieve, that these miserable folk (i.e., the Anabaptists) should be so lamentably murdered, burned, and tormented to death. We should allow everyone to believe what he wills. If his faith be false, he will be sufficiently punished in eternal hell-fire. Why then should we martyr these people also in this world, if their error be in faith alone and they are not guilty of rebellion or opposition to the government? Dear God, how quickly a person can become confused and fall into the trap of the devil! By the Scriptures and the Word of God, we ought to guard against and withstand him. By fire we accomplish little." (LW, 40, 230) One further point ought to be mentioned

here; namely, that Luther recognizes that the family is the essential unit and that the parents are put over the children, whether they are Christians or not.

Now to pull some of these things together. If the government, in its goal of achieving a well-educated citizenry, uses non-state educational agencies and reimburses these agencies for this service, it would not be wrong for a church-related agency to accept this aid. To put it in another way, is it per se contrary to Scripture that government aid be given to independent schools and received by them? I believe that everyone must for himself work out an answer to this question, put in abstracto. On the basis of Scripture and also, of course, on the basis of the Lutheran Confessions, one will have to formulate a "yes" or a "no" answer to this question. I believe that the answer is "no," and hence it falls into the class of things indifferent. And then one must consider whether it is expedient, safe, etc., which is an entirely different matter.

The problems here seem to lie in the fact that the government has a common concern in some activity in which the church also has a deep concern, the most evident of which is education, and that on all levels. The state wants us to live soberly and righteously so that its citizens may lead a quiet and peaceable life. The church makes wise a salvation through faith in Jesus Christ. But the state recognizes that the Gospel produces those who live soberly and righteously and therefore it provides police, fire protection, and tax exemption to many institutions, including local churches, because they help the state in its purpose to have people live soberly and righteously. It seems to me that there is no question that tax exemption is extending financial aid to religion in a very real sense. Dallin Oaks, of the University of Chicago Law School, said twelve years ago that "one of the strangest

anomalies in the modern framework of church-state relations is the apparent willingness of those who protest even the smallest state recognition for aid to religion, to accept without litigation the massive government subsidy inherent in the various tax concessions to religious organizations."

(The Wall Between Church and State, Dallin Oaks, editor, U. of Chicago Press, 1963, p. 9) And more recently, Prof. Richard E. Morgan, in a book in the prestigious Macmillan series on "The Supreme Court in American Life," said: "It remains to note the perplexing fact that no one has yet convincingly distinguished for constitutional purposes a governmental subsidy from a tax exemption. And while we have seen a fascinating and hotly contested constitutional battle develop over the sorts of governmental subsidies allowable under the Establishment Clause, extensive tax exemptions for church and church-related institutions have been allowed throughout our history, and have gone virtually unchallenged until recent years." (The Supreme Court and Religion, 1972, pp. 103, 104).

Now with regard to this overlapping in activities, the important thing for us to recognize is that there are two powers operating here. As far as the state is concerned with these activities of the church in the field of education, its first concern is with the secular effect; namely, that we have peace and order here. As far as the church is involved in these activities, its primary concern is with the spiritual effect, life and salvation; and the secular effect is secondary. Without trying to unravel all the statements of Luther regarding the so-called "Separation of Church and State" problem, it seems to me that if we would recognize that operating here is a principle which some modern political scientists call "the primacy of the secular effects," we need not apologize for Luther. And we certainly need not be uncomfortable if the state, recognizing the secular effect which our spiritual work produces, reimburses us for it.

The main thing is, of course, that we do not lose our freedom.

But eternal vigilance is the price of liberty. Hence we must ask ourselves whether education as such is the prerogative of the state. Are we letting the state pre-empt the child and its education? Do we not, according to Luther, owe it to our fellow-citizen that he retain his right to educate his children, since this is in accord with the divine law? It seems to me that we have already by default turned dependence and control over to the state, in a large measure, because of the fact that we were lulled into thinking that the state could be a neutral agent in education.

Another factor we must profoundly study is whether an educational system can be neutral and whether or not the state educational system is not teaching the religion of secularism. In the December 1965 Lutheran Synod Quarterly, I investigated this problem in some depth in an article, "The Philosophic and Religious Foundations of Modern Education." Suffice it to say here that as a summary I shall quote a letter by E. Earle Ellis, professor of Biblical studies at New Brunswick Theological Seminary, to The Wall Street Journal, December 8, 1970: "They (i.e., those who argue against State Aid to parochial schools) assume that the public school is religiously neutral and that its exclusive claim upon the taxpayer's dollar poses, therefore, no questions of religious liberty. These assumptions, however, are patently false. Any education that rises above the level of the playpen has a religious dimension implicit within it, for it rests upon assumptions and addresses questions about man and the world that are intrinsically religious. This dimension is especially pronounced in such subjects as literature, history, and social studies, where, in the selection of texts and in the manner and context of presentation, a world-view is instilled, day in and

day out, in the minds of the pupils. The myth of religious neutrality in public education represents a curious blindness to this fact." I will not add more to this at the present time, although it is worthy of serious discussion, except to say that if anyone doubts the impact of an educational system on its students, simply consider the senior college at Fort Wayne and Semineax.

To help judge the present situation and to put this matter of governmental aid to private education in the proper perspective, let me give a little history. The first amendment says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," etc., and then it goes on to the abridgement of freedom of speech, etc. This statement was something of a compromise, but one can probably get some idea of what the original framers of the Constitution had in mind when one looks at the original formulation of this amendment which was suggested by Madison, who was in charge of preparing the Bill of Rights: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established; nor shall the full and equal rights of conscience be abridged." I think that today we can say that nearly all the emphasis is on the establishment clause and hardly any emphasis on the freedom of religion clause, taking into account the full and equal rights of conscience. This is probably due to the 1947 Everson Case, where Justice Black wrote the majority opinion and quoted from a private letter of Jefferson (who incidentally wasn't even at the Continental Congress when the Bill of Rights was adopted) which spoke of the "wall of separation." Up to that time the Supreme Court had not dealt with this matter, except in 1899 when it said that it was constitutional for the District of Columbia and the Surgeon General of the U. S. to give funds to a Catholic hospital run by nuns in Washington

with which they were going to construct a wing to house an isolation ward for contagious diseases. The court distinguished between the hospital as a corporation or an organizational form and the nuns who worked in it, recognizing that the hospital was performing a public service. It is true, however, that during the 1870's and 80's the so-called Blaine Amendment was added to many state constitutions, as it was done here in Minnesota twenty years after the original constitution was adopted. This amendment forbade any tax money to go to religious schools.

In a practical way, Congress recognized that private schools render a public service by educating students and that the students were entitled to benefits that went to those attending non-public schools. For example, during the 1930's the NYA Legislation provided money for all colleges, and these monies were used by the Concordias, DMLC, Northwestern College, and also here at Bethany, where a couple of our older pastors were along putting in a new sewer system and paid by the NYA funds. In 1945, the first GI Bill was passed, which not only gave the returning veterans some money to pay their tuition, books, and living expenses, but also reimbursed the colleges directly for the expense sustained in enrolling GI's. Here at Bethany, one of my first jobs assigned me by Dr. Ylvisaker, then president, was to work with our bookkeeper, Sophia Anderson, to cost-account the actual cost per credit hour for educating students here. This cost was determined and the government paid Bethany directly the difference between what the students paid and what the actual cost was. The only stipulation was that our figuring would be audited to see whether or not we had inflated the figures. I am sorry to report that at that time I was a novice as a registrar, and Miss Sophia Anderson was also somewhat new, and we were both conservative, with the result that our figures were "underflated," with the further result that Bethany should have picked up much more money than it did. At any rate, no outcry was

raised regarding this system, although when the Korean GI Bill came into effect, this was done away with in the early 1950's, with the result that GI's went more to the public colleges than to the private colleges which had begun to raise their tuition to meet their expenses.

With the increasing inflation and the impact of Sputnik, Congress passed several laws to help higher education, notably the most important ones were the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the Higher Education Act of 1965. It was recognized by the Congress that private colleges were performing a public function and that in some way they ought to be reimbursed for helping take care of the tidal wave of students that were rolling into the colleges. And so certain limited grants were made to the colleges and also to the students who attended these private colleges. There were some restrictions. Notably, the "Civil Rights Act of 1964" (P. L. 88-352) carried this statement in Title VI, Sec. 601: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or activity receiving Federal financial assistance." This clause became standard in the higher education acts and also in the Elementary and Secondary Education Act of 1965.

But Congress wanted to be very careful that there would be no control exerted by the Federal Government on the process of education at the colleges. Therefore, for example, the "Higher Education Act of 1965," under Title VIII, Sec. 804, carried this statement: "Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any

educational institution, or over the selection of library resources by any educational institution." One would think that this would lay to rest the canard which still seems to circulate, that one cannot have a Bible in the library.

There has been, especially since the 1940's, a push to call on the government, not only to eliminate any aid to private organizations (schools particularly), even though they are rendering a public service to the country which the nation otherwise would have to provide, but also to impose on private and religious organizations restrictions that may come into conflict with their conscience so that their full and equal rights of conscience are abridged. If one does a little investigating, one will quickly see that this drive has been spear-headed in the last thirty years by the POAU (now the AUFSCAS), the ACLU, the NEA, the the AJC (American Jewish Congress). One must give them credit that they have been most successful, especially in recent years, in promulgating the idea of the need for a single monolithic school system which inculcates the latest doctrines of the day under the umbrella of religious neutrality. The true nature of the beliefs of the hard-core POAU only came to light recently when they went on record for unlimited abortions.

A brief look at some recent Supreme Court decisions will indicate their success. The Cochran Case (1930) held that it was not wrong to provide for free distribution of non-sectarian textbooks to private as well as public schools, on the basis that the students and not the schools were the beneficiaries. The Everson Case (1947), while it promulgated the "wall" idea of Justice Black, okayed money for bus transportation also for private school children, since this was considered a legitimate public safety measure. The McMollum Decision (1948) held it was unconstitutional when a school district allowed representatives of various religions to come

to the public school premises during school hours for religious instruction. Zorach Case (1952) saw the Court relaxing somewhat its more extreme absolute separation in favor of moderate "cooperative" separation by allowing released time from public school during the school hours to go to another place for instruction. In 1968 there seemed to be a change on the part of the Court in the Allen Case, where the Court upheld the New York State Law providing free textbooks for children in private as well as public schools as having a purpose that was essentially secular for the public welfare, and a primary effect that was secular rather than religious as far as the State was concerned, although there might incidentally be a benefit to private and religious schools. In 1970, in the Walz Case, the Supreme Court also upheld as constitutional tax exemptions for religious institutions, including church-related schools, since this was thought to be a traditional and permissible form of encouragement to religion, showing a benevolent neutrality. One might now think that maybe POAU wasn't too successful, but in 1971 came the Lemon and DiCenso Cases, where the Court declared unconstitutional public subsidies for the secular content of church-related education and also the payment of salaries of teachers of secular subjects in church-related schools. Here the fear of excessive entanglement was set forth. But in the Nyquist and Sloan Cases in 1973, the Supreme Court went a very long way in satisfying the highest expectations of POAU. The Court declared that tuition grants and tuition reimbursements and tax credits for tuitions paid in church-related schools were unconstitutional.

The full sweep of these last decisions has probably not been grasped by many of us. For the time being I shall pass over the implications of the Lemon Decision, that implies that parents, or other groups, for that matter, are not to organize and enter into political activity, because this

might induce political division concerning the funding of church-related education. It is a real question with constitutional lawyers whether or not the court is depriving citizens of one of the fundamental rights of speech, assembly, and petition -- all thought to have been guaranteed by the First Amendment. Let me call your attention, however, only to the implication of the opinion that tax credits for tuition paid in church-related schools are unconstitutional. The difference between a tax credit and a tax deduction is not one of essence but merely one of degree; in a tax deduction one subtracts his gift to the church or school of his choice from his adjusted gross income, while in a tax credit he subtracts the deduction from his actual tax liability. Right now it boils down to this, that if you donate money to a school you may deduct this amount for income tax purposes, but if you pay tuition you cannot deduct it.

The State's real power lies in the power to tax. Right now that power to tax in the field of education is directed towards taxing for one educational philosophy; namely, Secular Humanism. To show you which way the wind is blowing, recently (1970) the state of Minnesota rescinded a part of its original constitution adopted in 1857 (Article IX, Sec. 1), which acknowledges that the State's power of taxation shall never be surrendered, or contracted away, but nevertheless insisted, no doubt so that the freedom of conscience to pursue one's religion would be protected, that cemeteries, hospitals, churches, schools, colleges, "and all seminaries of learning," etc., "shall be exempt from taxation." It is now left to whim of whatever legislature that may be in session whether to tax or not to tax.

To round off this brief study, I should call attention to three Supreme Court decisions that conceivably could have some bearing on restoring

the rights of parents to choose whatever education they want for their children without a penalty, but which really have not come into play in the school cases. In the first, the Torcaso Case of 1961, the Court maintained that there "are religions based on a belief in the existence of God and religions founded on different beliefs." One of the latter religions which "do not teach a belief in the existence of God," said the Court, is "Secular Humanism," etc. Incidentally, the Court's definition of religion here is in harmony with the Book of Concord (LC I, 5-10). In the Sherbert-Verner Case (1963), the Supreme Court held that a woman who had become a Seventh Day Adventist was entitled to unemployment compensation benefits when she could not for conscience sake take a job which necessitated working on Saturday. The Unemployment Security Commission had ruled that as Mrs. Sherbert refused to work on Saturday because of her religious beliefs, her employment was not "involuntary," and that therefore she could not collect unemployment pay. The Court said: "The ruling forces her to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work, on the other hand. So, the government cannot force a citizen into that dilemma. It cannot force a citizen to make a choice between his religious beliefs and welfare benefits. So the Court declared further in the Sherbert Case: "Governmental imposition of such a choice puts the same kind of burden upon the free exercise of religion as would a fine imposed against appellant for her Saturday worship." And the decision concluded with these words: "It is too late in the day to doubt that the liberties of religion and expression may be infringed by the denial or placing of conditions upon a benefit or a privilege." And then there is the more recent Yoder Case (1972) by which the Amish in Wisconsin were excused from the compulsory school attendance laws. The Chief Justice who wrote the Majority

Opinion made three important points: 1) That religion is a large element in education; 2) That parents have prior rights; 3) that the public school philosophy is hostile to the Amish way of life.

Now it seems to me that this emphasis on the freedom clause in the First Amendment ought to be applied in the governmental aid to education problem. There are people whose conscience tells them to send their children to a church-related institution for their education, but they can't afford it. What responsibilities do we have as citizens who uphold the free exercise of religion clause, to help them in their struggle against this massive force of the public education monopoly arrayed against them? Shouldn't we use, as the Apology says, "with safety" legitimate civil ordinances, such as public redress, etc.? Luther, as you know, in his brochure on "Temporal Authority: To What Extent it Should be Obeyed," said that you may suffer injustice towards yourself as a true Christian but that you should "tolerate no injustice toward your neighbor. The Gospel does not forbid this; in fact, in other places it actually commands it." (LW, 45, 96)

I recognize that the present situation in which we find ourselves is most complex and that there are dangers on every side. As I said, eternal vigilance is the price of liberty. Our Synod, during the past twelve or fifteen years, has been forced to look into these matters much more deeply than it had in previous decades. And the Synod has cautiously passed some resolutions to the effect that the matter of receiving governmental aid to its school is per se an adiaphoron, remembering that one must be very careful. WELS, too, rightly warns that all be alert to the dangers, but after studying a report from its Advisory Committee on Education, agreed with regard to governmental aid

to education that this lay in the area of adiaphora and was not necessarily a confusion of Church and State (See Report of 39th Convention of WELS, August 9-16, 1967, p. 186). It is indeed true that this was something of a reversion of the 1963 statement they had adopted but some of the WELS educators have done some studying, too, during these years. If I may be permitted an expression of opinion, I would say that it was unfortunate that this 1967 resolution was such an excellently well-kept synodical secret that a large number of people were not aware of it until the CN published a portion of a lengthy resolution of Pastor Koch and part of the Mt. Olive Lutheran Church of Colorado Springs, charging WELS with several points of false doctrine. Among the 50 or 60 "Whereases" there was one that charged WELS with refusing to heed the exhortations of the Lord when Wisconsin Lutheran High School of Milwaukee received some aid under the ESEA of 1965. But there is no need to rehearse that here since the controversy was pretty-well aired in the press.

Among the sticky issues arising from this present controversy over governmental aid, and I'm thinking of the last Supreme Court decision, note that the tax credit was dismissed as unconstitutional. The tax credit, of course, would go to the parents but, so the argumentation went, the parents were merely "conduits or channels" for government aid to church-related schools, and therefore it must be unconstitutional. This type of argument distorts the fundamental role of parents as responsible persons who exercise their freedom of choice over their children in what they consider their children's best interest. This is not only contrary to the Scriptural point of view of parents as the fundamental institution of the family, but the Supreme Court has also recognized this institution (1925, the Oregon Case) and so has the United Nations' Declaration of Human Rights. Parents have a right to direct the

education of their children, and they are not merely, as someone has said, "the means but rather the cause."

Closely connected with such issues is one the Lutheran must directly face on the basis of the Confessions: Where commands of civil authority cannot be obeyed without sin, we must obey God rather than man (Acts 5: 29) (AC, XVI,7). If, for example, the state should command us to send our children where false doctrine pervades all instruction, would this principle come into play? If the state does not directly force us into such a situation but does it indirectly through compulsory school attendance laws, subsidization of only one system which teaches false doctrine, and high taxes for all of us, what then? Luther, in his tract to which I have already alluded ("Temporal Authority: To What Extent it Should be Obeyed"), is quite clear about the limits of temporal authority when he says with regard to Acts 5: 29: "Thereby he (i.e., St. Peter) clearly sets a limit to the temporal authority, for if we had to do everything that the temporal authority wanted there would have been no point in saying, 'We must obey God rather than man.'" (LW, 45, 111) This particular Tract was occasioned by the fact that on March 5, 1522, the Duke of Bavaris had forbidden all his subjects to read or discuss Luther's books. Duke George of Saxony had on February 10, 1522, issued a similar order to all his officials, and he had also proscribed Luther's German New Testament. So Luther says: "If your prince or temporal ruler commands you to side with the Pope, to believe thus and so, or to get rid of certain books, you should say, 'It is not fitting that Lucifer should sit at the side of God. . . . If you command me to believe or get rid of certain books, I will not obey; for then you are a tyrant and over-reach yourself, commanding where you have neither the right nor the authority'" (p. 112). And so Luther boldly tells the people that they

should not turn over to the officials a single page, "not even a letter, on pain of losing their salvation." It seems to me that the situation Christians are facing today is closely parallel to that of Luther's time.

These last times are becoming dreadful. But I believe that we would not violate any divine law if we stand on our constitutional rights to have these inequities corrected. At least we would be in harmony with the Apology, which insists that "a Christian can use with safety" legitimate civil ordinances.