

Separation of Church and State: The Myth Revisited

The conservative monthly *First Things* stirred up a fierce debate with its November 1996 issue, devoted to the theme "The End of Democracy? The Judicial Usurpation of Politics." The claim was made that the government of the United States no longer governs by the consent of the governed. The most important moral, political and cultural decisions affecting Americans are steadily being removed by the appointed oligarchy of Supreme Court judges.

This trend is clearly seen in the American school system. In their book, *Separation of Church and State: The Myth Revisited* (Paideia Press, Jordan Station, ON, 1985), Norman De Jong and Jack Van Der Slik show that the watershed for education was the year 1947, when Justice Hugo Black made "the wall of separation" between church and state a permanent plank in American jurisprudence. It entrenched the philosophy of "an irreligious state and a secular public school system." At issue was the practice of a New Jersey township whereby they reimbursed, from tax revenues, the cost of sending children "on regular buses operated by the public transportation system" to and from school, including the private and parochial schools in that township. The plaintiff in this case argued that payment for Catholic parochial students' transportation violated the establishment clause of the First Amendment of the constitution. He contended that the early Americans "fervently wished to stamp out" all forms of religious establishment and "to preserve liberty for themselves and for their posterity." The Supreme Court decision in favour of the plaintiff forced on the American public the privatization of religion. Religion is now only for home and church. No religion may be taught in the classroom. Consequently, the vast majority of Americans have come to believe that church and state should be separated, with an impenetrable wall between them.

The authors assert that the presumed wall between church is a figment of someone's imagination. They show how the Supreme Court accomplished what the American Congress expressly prohibited it from doing. The latter explicitly warned to make no law "prohibiting the free exercise" of religion, yet today the right to express one's religion is prohibited in the classrooms of the U.S.A. The students are told to ignore their faith, their God, their religious upbringing. In the classroom students may not talk about Him, and in the schoolyards they may not talk about Him and the Bible may not be read.

The authors show that makers of the American constitution, while promising religious liberty, never assumed the state to be wholly neutral in matters of religion. And they point out that historically the establishment of religion usually meant that one Christian denomination was given a special, privileged status and became the sole recipient of state tax money. Other denominational affiliations were either tolerated or declared to be illegal. The de-establishment of religion meant that the states no longer support one denomination, but would tolerate all.

The states supported Christian instruction in the schools. They distributed state school funds proportionally among denominational groups, even supporting seminaries for

training pastors, and all that, within the context of the First Amendment. They did not harbour any notion of a separatist, secular state divorced from church and home. The authors rightly note that such 20th century concepts would have sounded totally foreign to 18th century citizens. They did not divide life into sacred and secular spheres. As a matter of fact, the primary reason for developing teaching skills was that individuals might be able to read the Bible. Public schools were expected to give truthful information about God and the world He had created.

Since the 1985 publication of *Separation of Church and State: The Myth Revisited*, a glimmer of hope has appeared on the horizon for Christian school supporters. It is called "Equal Treatment." The University of Virginia had refused to fund a Christian school publication, even though it had funded fifteen other student opinion publications. In 1995, the Supreme Court declared that the university's refusal to fund the publication violated the students' free speech rights, and that funding of it would not violate the Establishment clause. This decision seems to allow limited forms of assistance to religious groups and activities, as long as that assistance is offered equally to all religious and non-religious groups and activities. This can be interpreted as an acceptance of religion on equal terms with secular belief systems. The authors designed their book for political science courses in American colleges. Since the First Amendment clause is often debated and misinterpreted, the book should be required reading for American politicians, lawyers and educators. It provides a detailed overview of the history of relations between church and state in the first decades of the American republic.

*Separation of Church and State:
The Myth Revisited*
Norman De Jong and Jack Van
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Johan D. Tangelder
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