

A Differing Opinion on the School Bus Issue

By the REV. NED B. STONEHOUSE, Th.D.
Professor of New Testament in Westminster Seminary

THE 5-4 decision of the Supreme Court, upholding the constitutionality of a New Jersey ordinance providing for the use of public funds to transport students to parochial schools, has raised something of a furor in Protestant circles. THE PRESBYTERIAN GUARDIAN commented on the subject of federal aid to parochial schools in the February 10th issue, reported the Supreme Court decision in the transportation case in the February 25th issue, and followed this with a conspicuous treatment of the subject on March 10th. The Rev. Leslie W. Sloat, the Managing Editor, has led the attack upon the decision in a clear and vigorous manner. Simultaneously other voices are being lifted. In a strongly worded editorial, *The Christian Beacon* on February 20th charged that this development represents nothing less than the nullification by judicial interpretation of the First Amendment to the Constitution. In the same issue Dr. Robert T. Ketcham, speaking as President of the American Council of Christian Churches, joins in expressing alarm at the decision. On February 26th the *Christian Century*, in a three page editorial, asks reprovingly, "Now will Protestants Awake?" Finally on March 1st *United Evangelical Action*, official organ of the National Association of Evangelicals, deals editorially with this development as a "Threat to Liberty." Protestants of every sort would therefore seem to be united in a common cause.

This question is eminently worthy of free and full discussion. It brings sharply before the Christian public the basic question of the relations of church and state, with its far reaching implications for our life both as Christians and as citizens. It also forces upon us reconsideration of the entire subject of education, and especially of the questions as to the relation of religion to education and the auspices under which education is to be conducted. A further question which

emerges in this debate may be called the Roman Catholic question, the question as to the aims and methods of the Roman Catholic Church and what our attitude as Protestants toward it should be.

In this article I must regretfully express my dissent from much that has been written against the decision of the Supreme Court. My regret is the greater in that I am compelled to differ from our esteemed Managing Editor. I do not regret that he has spoken out as he has. It would be a sad day if this journal could print only that in which all the editors are agreed. Believing however, that the discussion as a whole, and his treatment to a certain extent, has oversimplified the issues, and so failed to do justice to some basic principles, I feel compelled to set forth certain judgments on the other side. Though they may not commend themselves to all our readers, I present them because I believe that we as Protestants must rethink our principles in certain particulars.

The argument of the Protestants against the decision of the Court has the advantage of being very plain and direct. It begins with the commonly accepted judgment that Christianity and Americanism agree in asserting the separation of church and state. The First Amendment gloriously protects the liberty of religion in prohibiting the establishment of religion and guaranteeing the free exercise thereof. Here is an ordinance which taxes the general public for the benefit of a particular religious institution. It requires people to pay for the propagation of a faith in which they disbelieve. This involves, it is charged, a step in the direction of the establishment of religion. The Roman Catholic Church, one paper concludes, is given a privileged recognition, and so, it is held, the Roman Catholic doctrine of the supremacy of the church over the state is in principle acknowledged.

Church and State

However impressive this argument is, I believe that it oversimplifies the questions at stake by losing sight of certain substantial facts and principles. Broadly speaking, of course, we must maintain the separation of church and state. If the God-ordained sovereignty of each in its own sphere is to be maintained, and our precious liberties protected, we shall have to give far more than lip service to this principle. But let us also acknowledge that the separation of church and state cannot in fact be so absolute as to permit the principle of the separation of church and state to be used as a rule of thumb to settle all questions that may arise. Every one recognizes that the state has the right and duty to regulate various aspects of ecclesiastical life, such aspects, in short, as affect the public order and the common safety. It is generally recognized that the field of education is also an area where the functions of church and state may overlap. Although much of American education is free of state control, the right of the state to set up a minimum standard of attainment is not in dispute. The state may concern itself with the church and with other institutions of a religious character without necessarily interfering fundamentally with religious liberty. A general appeal to the separation of church and state is, accordingly, not decisive.

The argument becomes more pointed, however, when it is emphasized that the legislation in question benefits a particular religious institution. *The purpose for which the parochial schools exist, it is said, is a distinctively religious purpose.* Subsidy of such schools, no matter how limited it may be, is a subsidy of religion. In effect it is said to be a subsidy of the Roman Catholic religion, and thus the principle of the equality of all faiths is violated. This argument, however, contains certain fallacies, fallacies which are concentrated in the

second sentence of this paragraph. In the first place there is the fallacy relating to the sponsor's evaluation of such schools. And in the second place there is a fallacy in the estimation of the state's conception of such schools.

Evaluation of Free Schools

When it is argued that parochial schools exist for a religious purpose, there is without doubt a large element of truth in the claim. It is the distinctive religious faith of the organizers of these schools which is responsible for their origin, and these schools vigorously cultivate that faith in the courses of instruction. But this statement also overlooks a most significant fact, the fact namely, that Roman Catholics and other Christians who organize free schools simply do not recognize the distinction between religious and secular education. *The mainspring of their action is found in their repudiation of the dualism which divides life into two compartments, the religious and the secular.* Because they insist that the fear of the Lord is the beginning of wisdom, and that the Christian religion must be at the basis of and pervade education which they feel in duty bound to provide for their children, they have established an educational system which embraces the whole of life. Certainly, then, their schools are religious institutions. But they are also institutions of general education which, in the judgment of their sponsors, perform the task of general education in a manner far superior to the public schools with their philosophy of secularism.

But the conclusion that the parochial schools exist for a distinctively religious purpose also is erroneous when judged by the evaluation which the state places upon them. Although the state is up to its neck in the business of conducting public education, it clearly recognizes that this education, while available to all, is not mandatory upon all. There have been occasional attempts to set up a state monopoly in education, and to close private schools, but the Supreme Court stood in the breach to protect the liberty of private initiative in this field when legislators encroached upon this liberty. The philosophy upon which public education rests is a rather difficult subject. But it involves assuredly the judgment that the state must insure that its citizens are qualified to

fulfill their functions in the state. Conceivably all of the education might be provided through private initiative, and the state might be required only to set up certain minimum standards of achievement. Actually, of course, private initiative does not exist in any substantial quantity, and the state has been compelled to erect schools which embrace in their constituency the great mass of those who learn. The state, then, in recognizing the right of free schools, makes the judgment that these schools adequately educate their pupils for their role as citizens. To put the matter in other words, the state recognizes that the free schools conduct the equivalent of the "secular" education provided by the public schools. *From the standpoint of the state they are not religious institutions, but schools which share in the training of the citizenry.* To that extent, then, they perform the service of public welfare, and one might justly contend that considerations of the public welfare, as the majority opinion argued, would warrant transportation of pupils at public expense.

In brief, then, my plea is that we more thoroughly think through the implications of our Protestantism. I fear that, even in Protestant churches, a dualistic view of religion and life has become dominant, and is defended by Christians in spite of its thoroughgoing antipathy to Christianity. It is my impression that many evangelical Christians have been exposed to this disease for so long that they have imperceptibly become its victims to a greater or lesser degree. As a consequence, the generality of Protestant church members think of the public schools as a neutral agency, rather than as being, by their effort to be neutral, in their total effect anti-Christian. Hence too, Protestants generally support the public school system with equanimity, not raising any objection that public funds are used to promote a generally godless education. Is it consistent to protest the payment of a portion of the costs of the education provided by Roman Catholics on the ground that one is compelled to pay for the propagation of a faith contrary to one's own?

Roman Catholicism

There is still another angle of this subject which I mention in conclusion. That is the complexion given to the discussion by the evaluation of

the Roman Catholic Church. The *Christian Century*, for example, while disclaiming "every form of anti-Catholic fanaticism," appears to gauge the situation largely in terms of a showdown between Roman Catholicism and Protestantism in the fight for supremacy in America. It takes the position that there will be a "cultural fission in the very structure of the American state" if the parochial schools expand to the point where they include all or most Catholic children. In other journals too, the issue is joined in terms of the menace of Roman Catholicism.

This matter is a very "touchy" one. For many people see red the moment Roman Catholics are not condemned without reservation. I agree thoroughly that there is a Roman Catholic problem. The problem exists because of the deep doctrinal defection of that church. It also exists because its official doctrine of the supremacy of the church is a threat to our liberties. I share much of this feeling of alarm at the evidence of the ascendancy of Roman Catholicism. But we must keep our perspective at this point too. We dare not descend to the point where we are against something because the Roman Catholics are for it. For Roman Catholicism, in spite of its tragic fall, remains broadly speaking in the Christian tradition. In attacking Roman Catholicism we might conceivably turn out to be undermining our own liberties.

There are other enemies to fight too. And in our day none is more threatening than that of the development of an all-powerful State. With our eyes upon the situation in the world as a whole, are we not compelled to recognize that godless Statism, in which the state holds the monopoly in every sphere, constitutes the most menacing threat of our times? Protestantism must stand guard against all its foes, including Roman Catholicism. But the greatest foe is the secularization of all of life. Does Protestantism possess the strength to divorce itself from that process of secularization, and reassert the sovereignty of God in every sphere of life?



And this is life eternal, that they might know thee, the only true God, and Jesus Christ, whom thou hast sent.