A CRITICAL ANALYSIS OF THE MAJOR ARGUMENTS AGAINST THE TEACHING OF RELIGION IN THE PUBLIC SCHOOLS

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of the Ohio State University

By

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Approved by:

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Advisor
FOREWORD

A dissertation is the culmination of a process of formal education in which many persons are associated with the writer of it, and to whom he is indebted. Foremost among those to whom I am indebted is Professor Albert E. Avey, who as my adviser, has been unsparing in his patient, kindly counseling throughout the five years of my graduate study. It is to his devoted scholarship and philosophic spirit that the merit, of whatever degree, of this analytical study is due.

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My indebtedness to my wife, Ruth N. Kramer, is beyond measure, but I can, at least, express my deep appreciation of her editorial assistance, of her part in typing the first draft. The completion of this dissertation is due, in no small measure to her steadfast loyalty and high courage.

John G. Kramer

Columbus, Ohio.
August 12, 1953.
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A CRITICAL ANALYSIS OF THE MAJOR ARGUMENTS AGAINST THE TEACHING OF RELIGION IN THE PUBLIC SCHOOLS

Introduction

There is a controversy of philosophic interest currently engaging the attention of thoughtful people who are interested in the welfare of our school children. The question with which the controversy deals is that of the inclusion or exclusion of religion in the curricula of our public schools; and the two sides to the controversy seem to be rather sharply divided on this question. There are, on the one hand, some philosophers of education who argue that religion has no place in the public school system; while on the other hand, there are some religionists who argue that the welfare of the child demands that religion be taught, along with secular subjects, as a regular part of the public school curriculum. The fact that education, in the United States, is a function of the state introduces into the controversy the factor of the relation of church and state, consequently each of the contestants relies on the Bill of Rights, as expressed in the First Amendment to the Federal Constitution, to support his argument. A problem is thus presented involving the validity of the arguments presented by these disputants.
The controversy was brought into sharp focus in 1947 when Mrs. Vashti McCollum, a taxpayer and the mother of a school-child in Illinois, demanded that the Board of Education of her residence school district abandon the practice of releasing pupils from their school obligations in order to attend classes in religious instruction. The refusal of the Board of Education to comply with her demands led Mrs. McCollum to present her demands to the state courts of Illinois, and then to the Illinois Supreme Court, all of whom affirmed the legality of the action of the Board of Education. She then appealed her case to the United States Supreme Court on the ground that her rights as a citizen and a taxpayer had been invaded by the action of the Board of Education which, she claimed, constituted a violation of the First Amendment to the Federal Constitution. The high court decided that her claim constituted a federal question and admitted the case to its jurisdiction for review.

The Supreme Court, following arguments presented by the two contestants, decided to grant, by a vote of eight to one, the prayer of Mrs. McCollum, and to reverse the judgment of the Illinois Supreme Court. The reasoning which led to this decision is contained in the majority opinion of the Court delivered by Mr. Justice Hugo L. Black. This opinion points out, with admirable directness, that the case depends on an interpretation of the meaning of the First Amendment, and
then gives an interpretation based on a metaphorical phrase used by Thomas Jefferson in his private correspondence. The reliance of this interpretation on the Jeffersonian metaphor permits a meaning to be ascribed to the First Amendment which is, in the opinion of this writer, open to serious challenge.

The fact that eight members of the Court concurred in the decision to grant Mrs. McCollum's prayer would indicate that there was a considerable degree of unanimity of opinion present regarding the interpretation of the First Amendment. That this unanimity was not present is evident in the concurring opinion of Mr. Justice Robert H. Jackson who pointed out the radical nature of Mrs. McCollum's demands on the Board of Education, and then indicated some of the possible consequences to education incident to the sustaining of her demands.

2 The Issue at Stake

The McCollum case hinges on the interpretation of the First Amendment; consequently it becomes of paramount importance to clarify the basic and fundamental meaning of this Amendment. The Amendment is concerned with certain specific freedoms which the founding fathers held to be the inherent and unalienable possession of every man, and in

* The wording of the Amendment is as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for redress of grievances."
It is the writer's thesis, however, that the specific freedoms named in the First Amendment are but particular expressions of a universal freedom; i.e., freedom of the mind, and that a review of the writings and correspondence of the men who framed the Constitution and the Bill of Rights contained in the First Amendment will support this contention for a larger view of freedom. The writer holds that it is this fundamental freedom of the mind which the framers of the First Amendment were intent on securing to the citizens of the new nation; consequently the issue at stake is whether or not this freedom is being secured to the citizens of the United States by the decision and action of the Supreme Court in sustaining Mrs. McCollum's demands. The fact that she demanded the removal from the curriculum of the schools of her school district of every reference to religion is important because her demand is argued from the standpoint of her own atheism. Consequently, when the Supreme Court granted her plea to remove all references to religion in the public schools, and accompanied this action with a writ of mandamus ordering the local Board of Education to adopt and enforce rules which would achieve this result, it established, by judicial fiat, atheism as an official religion, or more accurately, as a state religion in Illinois.

3 Purpose and Method of this Investigation

The purpose of this investigation is to gather together
those arguments which are pertinent to this issue, and to submit them to critical examination in order to determine their validity. It is necessary to contain the investigation within reasonable bounds, hence the arguments considered will be restricted to those of recognized philosophers who have written on the problems of religion, or education, or the relation of church and state. The investigation will, therefore, not be exhaustive, but it will strive to result in cogent conclusions. The documentation will include the published writings of the philosophers mentioned above; the published arguments of the Counsel for each of the contestants in the McCollum case; the pertinent legal decisions; and the writings and correspondence of Jefferson and Madison which bear on the issue.

The arguments group themselves, naturally, into a threefold classification; i.e., legal, religious, and educational; a classification which indicates the order in which they will be considered. The arguments will be designated, for the purposes of this essay, the Legal or Constitutional, the Religious, and the Educational, and will be presented and evaluated as logical or psychological, and if found to be logical, then subjected to criticism in order to determine their validity or invalidity. The Constitutional, or Legal, arguments will be restricted to those pertinent to the McCollum case; i.e., either those of the contestants themselves, or those of the various amici curiae having a
demonstrable interest in the case. The arguments classified as Religious will include those for Atheism, as Atheism is opposed to Theism, or Deism, in distinction from henotheism or pantheism. The Educational arguments will comprise those advanced by leading philosophers of education (i.e., of western civilization), but will center largely around contemporary American philosophers, because it is these philosophers who are the most energetic proponents and opponents of the issue at stake. Educational philosophers of other times and places will be considered when the context is appropriate to such consideration.

The interdependence of the three aspects of this problem indicates not only the organic nature of it, but also that they are but aspects of the central issue of freedom of the mind; freedom of the mind not only from restraint, but freedom of the mind for growth; freedom to pursue the truth as far as the capacities and circumstances of the individual personality permits such pursuit. It is this principle and the writer holds it to be a principle because it is universal both spatially and temporally, that constitutes the very foundation of society and which provides the basis on which this investigation is conducted, and from which the present problem springs.
CHAPTER I

Delineating the Problem

The central consideration of this essay will be the relation of the three groups of arguments about the place of religion in education to the central issue of freedom of the mind. This chapter will be concerned with placing the problem in perspective so that the interrelation of education, religion, and government will be clearly delineated.

There is present in all controversy the tendency toward misunderstanding due to the ambiguous use of important terms, a practice which generally results in disagreement because each contestant talks "past" his opponent, instead of to him. Consequently, this chapter will also be concerned with a clarification of the fundamental terms used in the discussion, such as "education", "religion", "sect", "freedom" and the like. Following the structure of the essay as a whole, this chapter will present the Legal aspect of the problem first, then the Religious aspect, and follow with the Educational phase; discussion of the meanings of the fundamental terms in each case accompanying the presentation. The consideration of the Legal phase of the problem follows.

1 The Supreme Court Decision in the McCollum Case

The Supreme Court of the United States handed down an
opinion on March 8, 1948, which contained its decision to reverse the judgment of the Supreme Court of Illinois in the case of the people of Illinois, ex relator Vashti McColllum, versus the Board of Education of Champaign School District Number 71. This decision, based on the Court's interpretation of the meaning of the First Amendment to the Constitution, was of momentous import because it granted the prayer of the appellant, Mrs. McColllum, "to issue a writ of mandamus to the Board of Education of School District Number 71, Champaign County, Illinois, ordering it to immediately adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in all public schools in Champaign School District Number 71, Champaign County, Illinois, and in all public school houses and buildings in said district when occupied by public schools."1

The sweeping and all-inclusive character of this plea makes it unique and of philosophic interest because of the fact that it is couched in logically absolute terms; i.e., that the universe of discourse encompassed by the plea is constituted by the classes "non-religious education" and "not non-religious education", the latter of which is, of course, the negation of the former and which is assumed to be null. In other words, Mrs. McColllum's prayer assumes that the class "not non-religious education" (or "religious education" by the principle of double negation) is null, which means that

1 Brief of the Attorney-General of Illinois as Amicus Curiae, Champaign Shealy Co., Chicago, Ill., 1948, p. 5.
no reference whatever can be made to it; and she asks the Supreme Court to support her assumption. The Court did support it when it granted her prayer, and by so doing it legally established a logically absolute class the consequences of which will engage our attention and consideration in Chapters II, V, and VIII. For the present, it will suffice to merely present the prayer and Mrs. McCollum's reasons for presenting it to the Court.

In her appeal to the Supreme Court, Mrs. McCollum prayed for redress of three kinds of grievances which she alleges to be violations of her Constitutional rights as a citizen of the United States: 1) that the action of the instant Board of Education violated the establishment-of-religion clause of the First Amendment; 2) that its action violated the freedom-of-religion clause of the First Amendment; and 3) that its action violated the due-process-of-law clause of the Fourteenth Amendment. Her contention is that these actions of the Board of Education were invasions of her rights, and were in violation of the Amendments noted because, as she alleges in her testimony in the trial court, she and her son are both atheists, and that she is unwilling to have her son participate further in the classes because they conflict with her interpretation of a political doctrine denominating "separation of church and state."2

* These three alleged invasions of Mrs. McCollum's rights will be considered at length, and in succession in Chapter II.

2 Appellees' Brief, Bernard & Miller, Chicago, Ill., 1948, p. 18.
It seems to be reasonable to assume that the grounds on which Mrs. McCollum bases a plea of such radical nature, can be found in her atheism. It is from her atheistic position that she finds objectionable any and all references to religion, even such statements as "The King James version of the Bible is the Christian guide-book."* She argues that, on her interpretation of the freedom-of-religion clause of the First Amendment, any reference to religion in connection with public education constitutes a violation of this clause because it violates the doctrine of absolute separation of church and state. Since she has prayed for the prohibition against all teaching of, and instruction in, religious education in the public schools, her argument implies that the establishment of the atheistic viewpoint is the only possible way to avoid violation of the freedom of religion secured by the Bill of Rights. The Supreme Court legalized this implication when it granted her prayer, the logical consequences of which will be revealed in our examination of this phase of the decision.

2 The Grounds for the Majority Opinion

Mr. Justice Felix Frankfurter delivered a concurring opinion in which Justices Robert H. Jackson, Wiley Rutledge, and Harold Burton joined him. Justice Frankfurter is concerned, in this opinion, to give the reasons upon which the Court based its decision to reverse the judgment of the Illinois

* This, and similar statements will be found in the discussion of her arguments in Chapter II.
Supreme Court, and thus to establish Mrs. McCollum's argument. The reasons he advances for this judicial conclusion are given in the following words:

---the non-sectarian or public school was the means of reconciling freedom in general with religious freedom. The sharp confinement of the public schools to secular instruction was the recognition of the need of a democratic society to educate its children, insofar as the State undertook to do so, in an atmosphere free from pressures in a realm in which pressures are most resisted and where conflicts are most easily and most bitterly engendered. Designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous democratic people, the public school must keep scrupulously free from entanglements in the strife of the sects. The preservation of the community from divisive conflicts, of Government from irreconcilable pressures by religious groups, of religion from censorship and coercion however subtly exercised, requires strict confinement of the State to instruction other than religious, leaving to the individual's church and home, indoctrination in the faith of his choice.3

In this statement, Justice Frankfurter makes it very clear that he is basing his reasons for the decision on the principles on which this Republic was founded. He leaves no doubt that his motives spring from a desire "to promote the general welfare" and "to form a more perfect union" as well as "to secure domestic tranquillity",4 since he finds that the public school is the most powerful agency for promoting cohesion, avoiding divisive conflict and subtle pressures.

Few will challenge either his motives, his sincerity or his integrity, but his conclusion that the public school must strictly confine its instruction to other than religious is open to challenge. He very clearly subscribes to the theory of the absolute separation of church and state, inasmuch as he has concurred with the opinion of the majority of the Court, an opinion which is based on this theory. He fails, in his enthusiasm for the theory, to grasp the consequences of the application of the theory to the instant case; he does not, for example, seem to show the comprehension of the problem that Justice Jackson exhibits in his concurring opinion, or that Justice Stanley Reed displays in his dissenting opinion. The latter two justices are aware of the radical nature of Mrs. McCollum's plea, and they point out some of the possible consequences to education that the granting of her plea will entail.

Justice Frankfurter is quite aware that dogmatic sectarianism, when rigidly held, involves conflict and strife, but he seems to imply that the remedy, for this condition is to ignore the causes of the strife. This implication is contained in his argument that the schools should keep scrupulously free from sectarian strife, and leave the indoctrination of the individual to the home and church. In short, he seems to hold that if the public school just ignores the problem then the conflict and strife will eventually cease.

He has stated that the public school is the means of reconciling freedom in general with religious freedom; a
statement which permits the inference that he may be inter-
preting the separation of secular from religious education
in terms of the freedoms expressed in the Bill of Rights. If
this is a fair inference and estimate of his meaning, then
his use of the term "freedom" needs examination, for he appears
to be using it in the sense of the absence of restraint only.

3 The Meaning of Freedom

There is a fine distinction drawn between the meaning of
"freedom" and that of "liberty" in the sense that "liberty"
implies the gaining of freedom after a period of restraint,
whereas "freedom" implies the lack of restraint. This con-
ception of freedom as the lack of restraint, important as it
is, conveys only part of the meaning of the term, since it
fails to account for the positive aspect of freedom. That
there is a positive aspect to freedom is evidenced by the con-
sideration that, given a condition of release from, or absence
of, restraint, there are two possible alternatives present;
i.e., a passive acceptance of the situation, or the active
use of the situation for the achievement of some purpose.

The thought of ancient Greece, particularly the thinking
of Socrates, Plato, and Aristotle throws light on this aspect
of the problem of freedom.

It is a moot question in the light of the thinking of
Socrates, whether a condition of passive acceptance of the
absence of restraint can have the definite connotation of
freedom. The Socratic concept that it is only the knowing
person who can be virtuous in the true sense of virtue, permits the inference to be drawn that it is the knowing person alone who can be free; since it is the knowing person alone who can discriminate between choices which will be either to his best interests or not to his best interests; and no intelligent person ever chooses means or ends which are inimical to his own best interests. Nor is the intelligent person ignorant of the nature of his own best interests. According to Xenophon, Socrates expresses this concept as follows:

Prudence and Temperance he did not distinguish; for he deemed that he who knew what was honorable and good, and how to practice it, and who knew what was dishonorable, and how to avoid it was both prudent and temperate. Being also asked whether he thought that those who knew what they ought to do but did the contrary, were prudent and temperate, he replied, "No more that I think the (openly) imprudent and intemperate to be so; for I consider that all (prudent and temperate) persons choose from what is possible what they judge for their interest, and do it; and I therefore deem those who do not act (thus) judiciously to be neither prudent nor temperate." 5

The implication is contained in this statement that he who does not know how to discriminate and choose wisely, must do his choosing, if it can be properly called choosing, according to the desire or whim of the moment; hence, such persons are at the mercy of their desires and passions, a condition akin to slavery, because it is the passions which rule them, not they who rule the passions.

Plato, too, conceived the ethical man to be the free man,

and the unethical, the slave. In Book IV of the Republic, he describes the just man as follows:

---for the just man does not permit the several elements within him to interfere with one another, or any of them to do the work of others. He sets in order his own inner life, and is his own master and his own law, and at peace with himself; and when he has bound together the three principles within him, which may be compared to the higher, lower and middle notes of the scale, and the intermediate intervals—when he has bound these all together, and is no longer many, but has become one entirely temperate and perfectly adjusted nature, than he proceeds to act, if he has to act, whether in a matter of property, or in the treatment of the body, or in some affair of politics, or private business; always thinking and calling that which preserves and cooperates with this harmonious condition, just and good action and the knowledge which presides over it, wisdom, and that which at any time impairs this condition he will call unjust action and the opinion which presides over it ignorance.

Here again is an expression of the concept that freedom is the condition of both knowing how to make responsible choices, and the continuing activity of making these choices so that one is master of himself, hence, at peace with himself.

Aristotle carried the investigation of the nature of freedom of choice into greater detail than did his two predecessors, in that he investigated more completely the various aspects of so-called voluntary actions as contrasted with involuntary, as well as their relation to choice. He finds that:

---Republic, Book IV, p. 443 d.
"Since that which is done under compulsion or by reason of ignorance is involuntary, the voluntary would seem to be that of which the moving principle is in the agent itself, he being aware of the particular circumstances of the action."  

According to Aristotle, then, choice is voluntary, but this does not exhaust the extension of voluntary action, since impulsive action is voluntary but not chosen. Aristotle continues:

"We deliberate about things that are in our power and can be done; and these are in fact what is left."  

Our deliberations are largely about means, says Aristotle; since the good toward which all rational beings strive is theoria or the end of realizing the essential rationality of man, we do not need to deliberate about the ends, but about the choices we can make. Thus he says:

"Virtue, then, is a state of character concerned with choice, lying in a mean, i.e., the mean relative to us, this being determined by a rational principle, and by that principle by which the man of potential wisdom would determine it."  

Since virtue is a state of character concerned with choice, and choice is always voluntary, and the voluntary is that of which the moving principle is in the agent himself, then it follows that the virtuous man, (i.e., the man who realizes the largest degree of rationality) is the man who makes responsible free choices following deliberation according to

7 Nichomachean Ethics, Book III, Chap. I, 1111a, 21 f.
8 Ibid., Book III, Chap. 2, 1112a, 30 f.
9 Ibid., Book II, Chap. 6, 1106b, 36 f.
a rational principle.

The conclusion seems to be warranted from these observations, that the concept of freedom as a condition of mere absence of constraint or compulsion, is but a partial and incomplete concept, derived from thinking that it is guilty of a fallacy which the writer shall call the fallacy of non-exhaustion, a fallacy described by Mrs. Ladd-Franklin,10 and one which will be discussed more fully in the sequel.

In short, freedom as a universe of discourse, is composed of two classes: the null class in which there is not only no constraint but also no positive activity, and the negative of the null class, i.e., the positive class in which choices are voluntarily made in the realm of possible action toward some voluntarily chosen goal. It is this latter class which Justice Frankfurter seems to have overlooked in his consideration of the public school as an instrument for reconciling religious freedom with freedom in general. He seems to have expressed this position very tersely in the concluding paragraph of his concurring opinion when he says:

"We renew our conviction that "we have staked the very existence of our country on the faith that complete separation between the state and religion is the best for the state and best for religion. Everson v. Board of Education 330 U. S. at 59. If nowhere else, in the relation between Church and State, "good fences make good neighbors.""11


The metaphor of Robert Frost which Justice Frankfurter has chosen to illustrate his concept of the relationship which should exist between church and state is applicable and does illustrate it only on the assumption that hostility and conflict are the preconditions for the fence: Good fences make good neighbors only when the neighbors are not only not willing to cooperate but also when there is possible conflict between them. Separation by fencing then becomes the negative means of securing peace by prevention of open conflict.

It seems to the writer that the founding fathers, particularly Jefferson and Madison, had a conception of freedom which included the positive aspect, referred to above, as well as the negative aspect. The phrasing of the First Amendment seems to give clear evidence that these men envisaged just such a concept of freedom; for the clause which states that Congress shall make no law respecting an establishment of religion is followed immediately by the clause "nor prohibit the free exercise thereof." The first of these clauses entertained the express idea, as will be shown in the sequel, that Congress was never to be permitted to make a law by which the power of the civil state would be joined to the dogma of any particular sect for the purpose of imposing that dogma forcibly upon the minds of the subjects of that civil power; and herein lies the negative aspect of the freedom of religion, i.e., the prevention of restraint and compulsion. It is significant that the framers of the Bill of Rights were not content to rest with a statement of the negative aspect only, but followed
it up with the clause which assumes the positive, constructive aspect of religious freedom, i.e., that it shall be freely exercised.

The assumption might be made at this point, that the free exercise of religion, as Jefferson and Madison advocated it, implies no more than the right to entertain a religious belief, no matter how dogmatic, and to remain unimpressed by, and even unwilling to entertain any evidence which might modify or change that belief. Reference to Jefferson's correspondence will show that such an assumption is unwarranted; and that his idea of religious freedom meant the right to critically examine and challenge every idea and proposition offered by theology, and to accept only those which measured up to the criterion of consistency. His intention is clearly evident in a letter which he wrote to his nephew, Peter Carr, dated August 10, 1787, advising the young man about courses of study which Jefferson thought would be appropriate for him. After first discussing the merits of the study of Italian, Spanish, and Moral Philosophy, Jefferson then advised his nephew about the attitude he should assume toward the study of religion. He said:

"4. Religion. Your reason is now mature enough to examine this subject. In the first place, divest yourself of all bias in favor of novelty and singularity of opinion. Indulge them in any other subject rather than that of religion. It is too important, and the consequences of error may be serious. On the other hand, shake off all fears and prejudices under which weak minds are servilely crouched. Fix reason firmly in her seat, and call to her
tribunal every fact, every opinion. Question with boldness even the existence of God; because if there be one, he must more approve of the homage of reason than that of blindfolded fear. You will naturally examine first the religion of your own country. Read the Bible, then, as you would read Livy and Tacitus. The facts which are in the ordinary course of nature, you will believe on the authority of the authors, as you do those of the same kind in Livy and Tacitus. ---- But those facts in the Bible which contradict the laws of nature, must be examined with more care, and under a variety of faces. Here you must recur to the pretensions of the writer to inspiration from God. Examine upon what evidence his pretensions are founded and whether that evidence is so strong, as that its falsehood, would be more improbable than a change in the laws of Nature.12

As an example of the critical examination he means, Jefferson cites the story of Joshua in which the sun is reported to have stood still for several hours. He then continues his letter of advice:

"Do not be frightened from this inquiry by any fear of its consequences. If it ends in a belief that there is no God, you will find incitements to virtue in the comfort and pleasantness you feel in the exercise and the love of others which it will procure you. If you find reason to believe that there is a God, a consciousness that you are acting under his eye, and that he approves of you, will be a vast additional incitement; ---- In fine, I repeat, you must lay aside all prejudice on both sides, and neither believe nor reject anything, because any other person, or description of persons, have rejected or believed it. Your own reason is the only oracle given you by Heaven, and you are answerable not for the

rightness, but for the uprightness of the decision—"13

These comments of Jefferson's leave little doubt about his conclusions in the realm of intellectual freedom. He is keenly aware that a mind is just as susceptible of enslaving itself as it is of being constrained by others. This is evidenced by his rallying phrase: "On the other hand, shake off all fears and prejudices under which weak minds are crouched." A free mind, as he sees it, is the mind which actually investigates as many aspects of a problem as possible; it is one which "lays aside all prejudice on both sides, and neither believes nor rejects anything, because any other person, or description of persons, has repeated or believed it", but one which weighs the evidence pro and contra and arrives at a conclusion based on logical criteria.

In his Notes on the State of Virginia, composed in 1781-1782, Jefferson states in broader terms his position on religious freedom in connection with freedom generally. Commenting on this work of Jefferson's, Coker says:

"Jefferson wrote only one complete book, the Notes on Virginia (1781-1782) prepared in response to a series of questions submitted by the secretary of the French legation in Philadelphia ——. The book is a storehouse of information on the geography, resources, government and social life of Virginia; and it contains major portions of Jefferson's social philosophy. ——He nowhere set forth his ideas in a systematic form; and he is probably the most frequently misinterpreted of all American publicists. Yet perhaps no one in modern times has put forward a more comprehensive and well-balanced political

13 Ibid., p. 1058 f.
program. For Jefferson was constantly concerned with the intellectual, spiritual, and economic aspects of democracy, as well as with its formal governmental machinery. 14

Since Jefferson's only complete book contains major portions of his social philosophy, his comments can be considered to be carefully considered conclusions rather than hastily written notes. Consequently, the following passage seems to the writer to be his statement that freedom is not only the absence of restraint but also freedom for growth. Jefferson says:

"What has been the effect of coercion? To make one-half of the world fools and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand systems of religion. That ours is but one of that thousand. That if there is but one right, and ours is that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free inquiry must be indulged, and how can we wish others to indulge it while we refuse it ourselves." 15

And in another place in this same Query XVII, Jefferson writes:

"Reason and free inquiry are the only effectual agents against error. Give a loose rein to them, they will support the true religion by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of

15 Ibid., p. 332 ff.
error only. Had not the Roman government permitted free inquiry, Christianity could never have been introduced."16

Madison, too, was no less clear regarding the place of free inquiry in religion as well as in other areas of human experience. In his opposition to the proposed Bill for Establishing the Teaching of Christianity in Virginia, he framed his now famous Memorial and Remonstrance in which he stated his objections to the proposed bill. In the first objection, he says:

"The religion, then, of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as he may dictate. This right is in its nature an unalienable right. It is unalienable because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men."17

Madison expresses the thought that freedom of religion is to be had by the activity of the individual mind contemplating the evidence supporting the assertions of theology; and then, free from external pressures, arriving at its own conclusions, Madison sees investigation of this kind as the march of progress toward truth; and he expresses himself in this fashion in his twelfth objection to the proposed bill for establishment when he says:

"Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the Bill with an ignoble and unchristian timidity would circumscribe

16 Ibid., pp. 331 f.
The above quoted expressions of opinion of both Jefferson and Madison are those of responsible, clear-thinking men who wrote them over a period of years prior to the formulation and adoption of the First Amendment. We can assume, then, that these opinions were the result of a considerable period of study and thought. To the writer, they seem to be sufficient evidence for the conclusion that both Madison and Jefferson conceived freedom to be both freedom from restraint and freedom for the exercise and growth of the mind in general, and in particular as it applies to religion. For, if freedom means freedom of the mind to grow, then it implies that the mind can grow in the religious area as well as in the non-religious areas of human experience. It is this implication which suggests the necessity of investigating the nature of religion as contrasted with sectarianism.

4. The Meaning of Religion

The assumption was entertained temporarily above, that freedom of religion might be construed to mean the freedom to hold any belief, no matter how irrational and inconsistent; and to hold it with an attitude impervious to the need for change suggested by new and pertinent evidence. It is this interpretation of the term religion which calls into question the fundamental meaning of the term, as well as the question

18 Ibid., Vol. V, p. 190.
of what relation this interpretation of religion bears to freedom of mind.

The writer holds that when the phrase freedom of religion is construed to mean the freedom to hold any belief inviolate to change or modification the construction opens itself to criticism on at least two counts: first, that it implies that the belief is absolute truth; and second, that this construction has reduced the meaning of the phrase to logical zero because it has made it self-contradictory. If the belief is held on the supposition that it is absolute truth, then the term freedom becomes unnecessary and inapplicable, since as absolute truth there is no other possible belief to be held; hence one has no choice in the matter, and with no choice there is no freedom because freedom is the logical presupposition of choice. Consequently, this construction makes the phrase self-contradictory. The implication that religious beliefs, because of their personally significant nature, have attained the status of absolute truth, is to confuse the nature of absolute and relative truth. For to suppose that a particular belief, held at a particular point in time, is absolute is to misunderstand the ideal nature of absolute truth. As an ideal it becomes the goal toward which our human knowledge is directed; toward which our thinking strives; it is the limiting term of the series of partial and relative truths which we actually achieve.

It is in the light of these considerations that it becomes desirable to attempt to obtain a more precise, and a
clearer understanding of the meaning of the term "religion."

We may begin our search by asking the question, In what sense did Jefferson and Madison comprehend the meaning of the term as they used it? What did Jefferson mean by the term when he advised his nephew, Peter Carr, to study Religion? And what was the nature of the religion that Madison had in mind when he framed, and argued for, the First Amendment? The religion that he desired every citizen of the United States to have the freedom to exercise.

In the case of Jefferson, the evidence from the passages quoted above indicates that he would hold religion to be the set of beliefs or conclusions arrived at after a rational investigation of the evidence for and against any proposition asserted about the existence, nature, and activities of Deity. In his random Notes on Religion, he writes:

The life and essence of religion consists in the internal persuasion or belief of the mind. External forms of worship when against our belief are hypocrisy and impiety.19

It is difficult, if not impossible, to draw any positive conclusions about Jefferson's own religious position inasmuch as he prided Himself on his ability to withhold this information from public discussion, as is shown in his letter addressed to Mrs. Samuel Harrison Smith, dated August 6, 1816, in which he writes:

19 Padover, Saul, op. cit., p. 944.
I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wish to change another's creed.20

His religion, apparently, was Christian in essence, because he compiled his own Bible from the reputed sayings of Jesus, an enterprise which is graphic evidence of his belief in freedom of the mind for original thinking.

Madison, too, had the large view of religion: that is to say, he had a view large enough to comprehend that even Christianity, with its various sects, did not constitute the whole of religion. He expresses this view in his Memorial and Remonstrance, when he writes:

Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute three-pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever.21

Madison's untiring work in behalf of freedom of religion, both in his native Virginia and on the national scene, will be considered in more detail in our next chapter. We are now attempting to make clear that both Jefferson and Madison give evidence of the broadness and generality of their respective concepts of religion. The essence and life of religion, says Jefferson, consist in the internal persuasion or belief

20 Ibid., p. 956.
of the mind, arrived at after an examination of the evidence pro and contra that belief, and a conclusion reached in a calm, dispassionate manner. This freedom for rational persuasion is not limited to Christians, implies Madison, but ought to hold for any religion whatsoever. And if this process indicates that there is no evidence for the existence of God, advises Jefferson, then do not accept a belief in his existence on the authority or belief of another man. It seems to be clear that religion for Jefferson was a system of propositions whose criteria were of the same consistency and coherence that a rational individual would apply to his thinking about all other aspects of life. On this basis, Jefferson agreed, as his letter to his nephew, Peter Carr, indicates, that even atheism could become a logically tenable, religious position, argued from different assumptions than those of Theism or Deism. And for Madison, it was certainly something greater than the beliefs contained in the various Christian sects with which he was familiar, as the passage from the Memorial and Remonstrance shows.

These men, as well as other thinkers, lead us to the hypothesis that religion may be something quite general and transcendent of the particularities and limitations of sectarianism. Herbert Spencer gives us a clear and concise statement of the possibility of a concept of religion in completely general terms when he argues that:

Leaving out the accompanying moral code, which is in all cases a supplementary
growth, a religious creed is definable as a theory of original causation. By the lowest savages the genesis of things is not inquired about; anomalous appearances alone raise the question of agency. But be it in the primitive Ghost-theory—be it in Polytheism—be it in Monotheism—be it in Pantheism—we equally find an hypothesis which is supposed to render the Universe comprehensible. Nay, even that which is commonly regarded as the negation of all Religion—even Atheism, comes within the definition; for it, too, in asserting the self-existence of Space, Matter, and Motion, which it regards as adequate causes of every appearance, propounds an a priori theory from which it holds the facts to be deducible. Now every theory tacitly asserts two things; firstly, that there is something to be explained; secondly, that such and such is the explanation. Hence, however widely different speculators may disagree in the solutions they give of the same problem; yet, by implication they agree that there is a problem to be solved. Here then is an element which all creeds have in common. Religions diametrically opposed in their overt dogmas, are yet perfectly at one in the tacit conviction that the existence of the world with all it contains, and all that surrounds it, is a mystery ever pressing for interpretation. On this point, if no other, there is entire unanimity.22

Spencer designates this factor which underlies all religious creeds as the "soul of truth"; and since it is the factor which he has been seeking, he declares:

—and here we have arrived at a truth underlying even the grossest superstitions. We saw further that this soul of truth was most likely to be some constituent common to conflicting opinions of the same order; and here we have a constituent which may be claimed alike by all religions. It was pointed out that this soul of truth would almost certainly be more abstract than

any of the beliefs involving it; and the
truth we have arrived at is one exceeding
in abstractness the most abstract religious
doctrines. It has all the characteristics which we inferred must belong to that
fundamental verity expressed by religions in
general. That this is the vital element in
all religions is further proved by the fact,
that it is the element which not only survives
every change, but grows more distinct the
more highly the religion is developed.23

Spencer's conclusion that the fundamental mystery of
the universe was an absolute mystery, and hence unsolvable,
is interesting but not pertinent to our discussion. The imp-
portant point is his argument that it is within the realm of
possibility to conceive of, and to define, religion in
general terms transcending all sectarian particularity. To
be able to so conceive and define religion is the minimum
requirement of the philosopher of religion; for as Ducasse
observes:

One of the features of it (i.e., the philosopher's
interest) is that, when directed upon religion
it requires the person animated by it to
abstract for the time being from such reli-
gious beliefs as he personally may have, and,
to consider without initial partiality the
beliefs, practices and teachings of all
religions.24

And in describing the philosopher's interest as fundamental,
Ducasse says:

For the philosopher, the many varieties of
facts recorded in the histories of religion
and in the reports of the anthropologists
on the religions of primitive peoples are
essential data for one of the chief problems
that intrigue him, to wit, in what sense
exactly are all those facts "religious"

23 Ib id ., p. 46.
24 Ducasse, C. J., A Philosophical Scrutiny of Religion, The
what generally, is "religion", or "a religion", if, as is commonly done, one says that Judaism, for instance, is a religion, and also that certain beliefs and practices of, for instance, the Todas in southern India, constitute their religion.25

If religion, as a significant term, is to be distinguished from the plural use of the term, in the sense of sects or denominations, it must be so distinguished in the general or universal sense of the term. It is, interestingly enough, Cicero who first uses the term religious: and, at the same time, he defines it in general terms as the attitude of mind which is willing to review and re-read all things pertaining to the worship of the gods. He draws the distinction between the superstitious and the religious, a distinction which he claims is drawn by all men; for he declares:

'Not only technical philosophers but common men among our ancestors have distinguished superstition from religion. For those who spend whole days in prayer and sacrifice that their children might survive them (ut superstites essent) were called superstitious which designation was afterward given a wider meaning. But those who diligently reviewed (retractarent) and reread (religerent) so to speak, all things which pertained to the worship of the gods were called religious. Thus it came about in the use of "superstitious" and "religious" that one is a term of re-proach, and the other of commendation.'26

The Ciceronian derivation of "religious" from the verb relegere has been challenged by some thinkers like Lactantius, for example, who claims that Cicero was in error in his

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etymology, and that the true derivation of the term is from
the verb "religare" meaning to bind up, or to tie to. He
interprets religion and religiousness, then, to be the bind-
ing of oneself, or the tying of oneself, to God by the bond
of piety (Hoc vinculo pietatis obstricti Deo et religati
sumus; unde ipsa religio nomen acceptit.) It has also been
objected that religio could not be derived from a verb of
the first conjugation; but Aiken retorts that the objection
loses force in the light of the fact that opinio is derived
from opinare, and rebellio comes from rebellare. 28

Lucretius, like Lactantius later, holds that religio is
derived from religare but interprets the meaning of the term
to be that of a binding, or restriction of human thought and
conduct through the instigation of fear. 29 St. Augustine, on
the other hand, finds the term derived from religere, which
he interprets to mean recovery; in the passage:

---having lost God through neglect (negligentes)
we recover him (religentes) and are drawn to
him. 30

Judged by the criteria of extension and adequacy, the defini-
tion, of Cicero, of religion in the sense of re-examining, or
reconsidering matters pertinent to the worship of the gods,
appears to be the more acceptable one. The derivation from
relegere interpreted to mean to reread, when taken in conjunc-
tion with retractare (to rehandle, or reconsider) gives a.

27 Divine Institutes, Book IV, Sec. 28.
28 Aiken, Chas. F., "Religion", The Catholic Encyclopaedia,
29 Lucretius, De rerum Natura, Book I.
30 City of God, Book X, Sec. 111.
continuity and coherence of meaning that the other definitions lack.

The Ciceronian concept of religion delineates it in general terms, a delineation which distinguishes it from the several attempts made to define religion in terms of one or more of its characteristics. It is this feature of the Cicero-
nian concept that recommends it as of interest philosophically and which lends freedom and vitality to the consideration of it. Alfred North Whitehead recognizes the necessity for defining religion in general terms and advances his interpretation of religion in just such terms; he says:

Religion requires a metaphysical backing; for its authority is endangered by the intensity of the emotions which it generates. Such emotions are evidence of some vivid experience; but they are a poor guarantee of its correct interpretation. Thus dispassionate criticism of religious belief is, beyond all things, necessary. The foundations of dogma must be laid in a rational metaphysics which criticizes meanings, and endeavors to express the most general concepts adequate for the all-inclusive universe.31

This same sense of universality of religion is expressed a little differently and more explicitly by Whitehead in his statement that:

The great rational religions are the outcome of the emergence of a religious consciousness which is universal, as distinguished from tribal or even social. Because it is universal, it introduces the note of solitariness. Religion is what the individual does with his solitariness. The reason of this connection between universality and

solitariness is that universality is a disconnection from immediate surroundings. It is an endeavor to find something permanent and intelligible by which to interpret the confusion of immediate detail.

The connotation in which Whitehead uses the term metaphysics, in the quoted passage above, should be made clear in order to avoid misunderstanding of his position. He explains it in the following manner:

By "metaphysics" I mean the science which seeks to discover the general ideas which are indispensably relevant to the analysis of everything that happens.

This statement expresses concisely the philosophic aspect of religion; for it states clearly that the search is for general ideas which are indispensably relevant to the analysis of all that happens; and the philosophic enterprise is nothing if not the search for principles of the widest generality.

The argument presented above justifies the conclusion that it is possible to conceive of, and to define religion in general terms, and when it is so conceived and defined it is differentiated clearly from sectarianism or denominationalism. If this conclusion is valid, then there is implied the relation between religion and sectarianism analogous to that between whole and part, in which sectarian views are related to religion in the degree to which they express the general or universal concepts of religion. The distinction between sectarianism and religion is marked by another important consideration; i.e., that whenever the beliefs of sectarianism

32 Ibid., p. 47.
33 Ibid., p. 64, footnote.
tend to be rigidly held there develops a closed-minded parochialism which is the very antithesis of religion conceived in the sense of a search for universals; a search which is vigorous, vital, and always receptive of clearer and more adequate understanding of the basic problems.

It is this differentiation between closed-minded dogmatism and the attitude of open-minded willingness to search for more adequate solutions to problems that links religion to education. For this differentiation marks the distinction between the mental, moral, and spiritual growth that is the very essence of education, and the stagnation and inflexibility that signifies the cessation of education. The immediate problem that confronts us is whether education can include, within its scope, religion, as we have defined religion above. This problem leads us, then, to the investigation of the nature and meaning of education.

5 The Nature and Meaning of Education

There is one point on which the various diverse philosophies of education can agree; that is, that education is a process of interaction. The process involves pupil, teacher, subject-matter, context or social climate, and the process itself as factors related to each other and to the entire learning situation. The philosophical diversity arises from the interpretation of this relationship which each philosophy develops from its own presuppositions. These assumptions concern the nature of man, the nature of the world in which man
finds himself, the nature of knowledge and the nature of the rela-
tion obtaining among them. The epistemologies and methodol-
ogies developed by the various educational philosophies are con-
structed on these presuppositions, and are evaluated in the light of
the ends and purposes for which the whole process is conceived to exist, and which it is thought to serve.

The educational philosophy which is constructed, for example, from the physical interpretation of man derives a theory of knowledge and a methodology quite different from that which interprets man as a knowing, willing, and aspiring being, as well as a neurally sentient entity. The interpre-
tation of the goals to be achieved as a result of the educa-
tional process modifies the methodology of the process, and affects the epistemology held by that philosophy. A radical advocate of scientific experimentalism, for example, would argue that knowledge must be confined to those items which can be empirically observed, and capable of public verification by any competent observer. The epistemology of this philosophy of education will be found to be based on sensory data. The goals of such a philosophy are very likely to be expressed in terms of the discovery of scientific fact for the purpose of prediction of future events with a higher and higher degree of probability, the result of which is to permit a larger degree of control over natural events.

The goal of this philosophy, stated in its broadest sense, is the scientific control of Nature; and its educa-


tional methodology is structured to the task of transmitting scientific data only, from instructor to pupil, in the surgically clean atmosphere of scientific sanitation, an atmosphere which is cleansed of all unnecessary elements such as art, religion, and the other areas implying a realm of values. For this philosophy, scientific experimentalism is its own self-sufficient realm of values.

In discussing the rise of modern science, Professor E. H. Reisner, as spokesman for scientific experimentalism in education, expresses this position very clearly when he says:

"Hand in hand with this new (i.e., 18th century) attitude toward social institutions had gone a new hopefulness regarding the possibility of human betterment as based on the new controls over nature which the new science had either provided or promised. By this means man had new instrumentalities for combating the deficiencies of his existence. Science had unlocked the secrets of nature and thus had provided the necessary resources to be more fully realized in the future, to be sure, against poverty, disease, and famine."

In this essay, Reisner warns against permitting any non-scientific speculation to creep into the educational context; and he devotes particular attention to philosophies of absolute idealism which he groups together under the rubric of "The Idealistic Detour."

The non-scientific aspects against which Reisner warns us, are, in this context, those of a


speculative nature. The goal of a philosophy of this kind is obviously an increasingly greater degree of control over physical nature of which man, in his physical aspect, is a part; thus, nothing controllable is left to chance, or mischance, in the operations of nature. From this point of view, the task of education is that of training competent persons in each of the various special branches of science; the competence to be achieved is that, presumably, of a proper understanding and acceptance of the scientific attitude of objectivity, a proper understanding and use of scientific method, with special training in the use of tools and instruments peculiar to the particular science involved, and the use of caution and restraint in expression of the results obtained. In contrast to this view of education, we turn now to a philosophy of education which emphasizes the social and cultural aspects of human experience.

Judd gives an interesting definition of education as:

"...an attempt on the part of the adult members of a human society to shape the development of the coming generation in accordance with its own ideals of life."

He notes that many definitions of education have been given, some of which are more inclusive than his own, e.g., John Stuart Mill's inclusion of everything that tends to shape the human being; or again, of education in the sense of the education of a whole people, or even of the human race itself. He

decifies these definitions as:

---retorical extensions of the commonly
accepted sense of the term, which includes
as an essential element, the idea of
deliberate direction and training.37

Judd holds that since education has to do with the shaping of
the coming generation, it is "thus, a definitely personal
work." For him, as for Plato, the aim of education is to devel-
op in the body and in the soul all the beauty and all the per-
fection of which they are capable; but since there are wide
differences in the virtue, wisdom, and capacity of those who
have in their hands the nurture and care of the young, the
decision as to the nature and form of that beauty and perfec-
tion varies from place to place and time to time. It is due
to this variation in individual judgments, that the essential
requirement for successful educative effort lies in the true
estimate of the nature and value of education of the community
as a whole.

Judd arrives at an educational relativism from these
premises since, as he concludes, the community comprehension
and community estimate of values vary from time to time and
place to place; it follows, then, that:

Perfection of life, then, in the Athens of
Plato would show a very different form from
that which it would take in the London,
Paris, or New York of today. 38

And Judd concludes from this that:

As far as any concept of education can give
guidance to the actual process it must be

37 Ibid.
38 Ibid.
relative in every way to the state of development of the society in which it is given. 39

According to Judd, then, every teacher is reduced to expressing as clearly and perfectly as possible the current conception and outlook of his age and country. In substance, then, Judd conceives education to be the process by which the adult members of a society shape and develop the coming generation in accordance with the adult member's own ideals of life. Since the process is administered by individuals to individuals, it is a distinctly personal enterprise; and these ideals of life become, as Plato asserts, all the beauty and perfection of which the body and soul of the individual is capable. Differences of opinion in the interpretation of the meaning of beauty and perfection, force reliance upon community estimates of them as values, as well as the educational process itself; and since communities themselves vary from age to age and place to place, these concepts and values will vary relatively to the stage of development of the society in which they are given. The task of the teacher, then, becomes that of expressing as adequately as possible the current conceptions of his age and country.

Judd's statement, as an expression of educational theory, seems to the writer to be incomplete since it presents the fundamental problem of education without making explicit the nature of the individual to be educated. When Judd speaks of education as the shaping and developing of the coming

39 Ibid., p.
generation, he might be interpreted to imply that the individual who is shaped is akin to a lump of inert, though plastic, clay. The teacher, on this interpretation, would be akin to a sculptor who shapes and molds his clay and "develops" his art form according to the ideal pattern which he holds in mind. This expression of Judd's might also be interpreted to mean that the individual is a spontaneous group of loosely integrated capacities, the shaping and guiding of which becomes the "development" of the educational task.

It is this fundamental distinction which marks the difference between educational theories, ancient and modern; for the assumption of the inert theory requires a methodology which might be described as injective; whereas the assumption of the spontaneity theory requires a methodology essentially eductive. Green uses a very felicitous word in association with the word "education" to describe the inert theory; he calls it "inducation."\textsuperscript{40} The meaning of this substantive would, by the same method of derivation used for "education", be the connotation of "introducing into from outside"; in short, the fundamental sense of direction of movement in the process conned by the Latin root 

\textit{ducere}, is given specific and opposite directions by the addition of the prefixes in and e...

Plato, as one of the earliest theorists of educational methods, clearly delineates the antithetical nature of the

\textsuperscript{40} Green, J. A., Pestalozzi's Educational Writings, Longmans, Green, and Co., 1912, p. 8.
problem in the Protagoras. In his own formulation of educational theory, he is guided by his assumption that human beings are spontaneously active creatures. They are so because the entire universe is conceived by him to be a mixture of elements mingled according to a principle of proportion and self-moving. Human beings are also a composite of elements, mixed according to a principle of proportion which makes their self-motion self-maintaining. Plato drew the distinction, as Lodge points out, between these two senses of the meaning of education. For example, a child can be trained in the detail of his movement much like any other young animal, so that his actions follow a pattern which the trainer supplies as extra. The result of such training might be the making of a highly competent technician; but such a person is not an educated person, nor is training of this kind actually education; because, as Lodge says:

---in the interaction between the child's self-motion and the environment you (i.e., the trainer) have taken sides with the environment. You have forced upon the brain and nervous system of the child an alien pattern; a mechanical system which can maintain itself only at the expense of the child's original self-motion---. You have taught a subject. You have failed to educate a child.

Lodge declares, on the other hand, that:

Education and learning, in the only sense which Plato is willing to recognize as genuinely educative, stimulate the self-

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42 Ibid., p. 187.
development of the child as a whole. It is by meeting the environment half-way, selecting the problems which it offers and adopting them as his own, and solving them to his own satisfaction that the child gradually moves his way toward personal maturity. This is true of physical, moral, social, aesthetical and intellectual self-development. In each and every field, the education which really educates is self-education; education of a self by a self. It learns in the only sense in which learning is genuinely educative by growing from within, acting as a whole and developing step by step, as it solves one problem after another, always as a whole. Learning is always an extension of the organism's self-motion, an inner growth of self-mastery, from control over its own organism to control over its environment, physical, social, moral, aesthetical and intellectual.43

Lodge has here summed up the Platonic theory of education which regards the child as spontaneously active and vital, rather than as a bundle of passive senses to be mechanically trained.

Another theorist, Aristotle, seems at first glance to assume the child to be like a bit of pliant wax. We have, he says, potentialities which come to us from nature; and as these potentialities are ethically neutral, they may develop well or ill; hence it is the task of education to habituate the unformed potentialities of the young to virtuous action. In his statement in the Nicomachean Ethics, he makes it clear that he regards virtue, or goodness, to be of two kinds; viz., intellectual and moral; hence, two different methods are necessary to achieve the two kinds of virtue. In the one case, he says that:

43 Ibid., p. 187.
---intellectual virtue owes its birth and growth to teaching (for which reason it requires experience and time) while moral virtue comes about as a result of habit, whence also its name of ethike is one that is formed by a slight variation from the word ethos (habit).

This part of Aristotle's theory of education, if taken alone, would indicate that he was assuming the nature of the child to be passive; i.e., not self-moving. Burnet, however, reminds us that the corpus of Aristotelian writings is fragmentary, and that the lecture notes regarding the education of the mind have been lost to us in their entirety. Burnet explains the situation as follows:

He clearly intended to discuss, firstly the education of the body, secondly the education of the character, and thirdly the education of the mind. The education of the body belongs to Gymnastics, and we have, apparently, nearly all that Aristotle intended to say on that subject (in Book VIII, of the Politics). Music was the instrument for the education of character, and we seem to have about half of what he intended to say about that (Book VIII, 5-7 of the Politics). As to the education of the mind which he emphatically declared to be the crown of the whole process we have not a single word in the Politics as it has come down to us. Here again, if we are not careful, we are apt to imagine a contrast between Aristotle and Plato where none exists.

Burnet emphasizes the fact that there are many more points of similarity in the Platonic and Aristotelian theories of education, than there are points of difference; and that the initial assumptions of both men were very similar. It


is quite evident that both regarded the human animal as rational, capable of growth, and self-moving; and formulated their theories of education on the basis of these assumptions.

A tendency to emphasize the empirical aspect of education to the point of exaggeration developed in some of the later theories. For example, Johann Amos Comenius (Komensky in his native Bohemia) was so impressed with the results of training the senses by repetitive exercise, that he was led to the view that the educational process could be thought of as analogous to the process of printing; a process in which the teacher, like the printer, need inspect only one copy (the galley proof, so to speak) and when this copy was perfected, the impressions made by the press on the impressionable material would all be alike and would all be as perfect as the inspected galley proof. In his proposal to reform the schools, he promises such a system of education, and he describes it as follows:

That this education shall not be laborious, but very easy. The class instruction shall last only four hours each day and shall be conducted in such a manner that one master may teach hundreds of pupils at the same time, with ten times as little trouble as is now expended on the teaching of one.

It would become possible to "teach" hundreds of pupils at the same time if that teaching could be confined to the presentation of "facts" which could be injected into the consciousness of the pupil regardless of whether or not the


Ibid., Part II, p. 82.
pupil comprehended the relations obtaining among the facts.

And this is precisely what Comenius had in mind, according to Keatinge, who translated Comenius' works and tells us that:

Comenius' chief title to fame as an educationist rests on the discovery, application, and embodiment in a large-minded treatise, on Didactic, of the fundamental principle: I. That all instruction must be carefully graded.

II. That in imparting knowledge to children the teacher must, to the utmost, appeal to the faculties of sense perception.

By Comenius the principle of gradation is carried into every department of school management, the result being a careful grading of schools, of boys, and of books. The twenty-four years to be devoted to education are divided into four periods of six years, and to each of these a school is assigned.

The schools assigned by Comenius were the Mother School, the Vernacular school, the Latin school, and finally the University. In the Vernacular and Latin schools, the proper gradation and classification of the pupils divides them into six classes of one year each; and Keatinge describes this situation in this manner:

Throughout the twelve classes of these two schools a properly graded series of school books is supplied all, from the lowest to the highest, treating of the same subjects, namely, the entire world of phenomena, and leading the scholar from the rudimentary facts and bare nomenclature acquired in the Mother school to the detailed explanation of them in Latin that awaits him in the higher classes of the Latin school.

Comenius, in his zeal to make education universal, and in his desire to bring order out of educational chaos,

48 Ibid., Part I, p. 148 f.
49 Ibid., Part I, p. 149.
apparently lost sight of the dynamic character of the child, an oversight that is, perhaps, not too surprising in view of the fact that he was living in the period of the Enlightenment when empiricism was the dominant note. The Lockian concept of the mind as a \textit{tabula rasa} was a very apt metaphor; and when it was used in conjunction with the educational metaphor of the printing press, the analogy was complete.

It is no wonder that Mumford becomes polemic about the tendency to reduce education to mechanical terms. He complains that:

Comenius invented modern pedagogy and helped ruin modern education. The new school-master mistook printed symbols for knowledge and verbal instruction for discipline; like the inventor and the physical scientist he achieved a partial mechanistic order and eliminated life.

The sum of Mumford's complaint is that this type of pedagogy eliminates life because it stifles the freedom of the child to grow intellectually and spiritually.

Boyd, in his critical review of the Montessori method, finds that Locke did not, despite his \textit{tabula rasa} assumption, fall into the error of standardization; for, although experience writes its own story on the \textit{tabula rasa} of the young mind, each mind is an individual; consequently, it requires individual treatment. Locke explains this need by saying:

Each man's mind has some peculiarity as well as his face that distinguishes him from all others; and there are possible scarce two

Locke’s individualism is quite consistent with his statement in the Essay that:

All things that exist being particulars, it may perhaps be thought reasonable that words, which ought to be conformed to things, should be so too—.52 (Italics supplied).

And Locke adds that he would also presume liberty of mind as a foundation for educational theory. His position on freedom of the mind as a condition for successful educational practice; is revealed in the passage from his work: Some Thoughts Concerning Education in which he says:

None of the things they are to learn should ever be made a burden to them, or imposed on them as a task—. Children have as much a mind to shew that they are free, that their own good Actions come from themselves, that they are absolute and independent, as any of the proudest of you grown Men, think of them as you please.53

Like Locke, Rousseau saw the learning mind as unique and distinctive; and, as Boyd points out, it holds within itself its own potentialities for growth. Consequently, education ought to be suited to the nature of the child. Boyd says:

It must adapt itself to the modifications of mind and character which have their origins in the natural process of individual growth, and give to each age a nurture different from

52 Essay Concerning Human Understanding, Book III, Chap. 2, Sec. 1.
53 Quick, R. H., Some Thoughts Concerning Education by John Locke, with Introduction and Notes, Cambridge at the University Press, 1902, p. 52.
Boyd says that this comparison of the educative process with organic growth which Rousseau outlined in his work *Emile*, supplied him and his successors, Pestalozzi and Froebel, with a wealth of new ideas which generated an educational movement of such strength that it has not been exhausted even now. Its guiding principle is, as Boyd declares:

"the principle of freedom. Locke, with sound instinct but with no obvious philosophical justification for his conviction, indicated the value of liberty as a condition of effective learning. Rousseau, seeing in education the evolution of innate powers, and emphasizing the personal reaction on experience as against its external elements, extended Locke's doctrine far beyond its original limits, and made it the inspiration of a new concept of education."

Rousseau exerted a profound influence on Pestalozzi, as is shown in the latter's early work entitled *Enquiries Concerning the Course of Nature in the Development of the Human Race*; but whether or not he was familiar with the writings of Comenius, particularly of *The Great Didactic*, is doubtful. The similarity in the thinking of these two men, (i.e., Comenius and Pestalozzi) is remarkable, or would be, were not the conditions of the problem they each sought to solve so nearly the same, even though a century and a half of time separated them. Pestalozzi, too, attempted to "mechanize"

54 Boyd, op. cit., p. 47.
57 Ibid., p. 1.
pedagogical method in order to implement his theory; but Green maintains that these clumsy efforts to systematize the Pestalozzian theory were but the first attempts to give practical shape to his ideas, and these attempts have since been superseded because they were not conceived in the Pestalozzian spirit. They were nothing more than a mechanical interpretation of the least satisfactory features of the Elementary Method (i.e., the Mother's knee phase of education). Pestalozzi's fundamental assumption regarding the human child is found in his twenty-ninth letter to J. C. Greaves, an English educator who studied with Pestalozzi. In this letter entitled "The Child His Own Educator" he says:

The second rule that I would give to a mother, respecting the early development of the infant mind, is this: Let the child not only be acted upon, but let him be an agent in intellectual education. I shall explain my meaning: Let the mother bear in mind that her child has not only the faculties of attention to, and retention of certain ideas or facts, but also a faculty of reflection independent of the thoughts of others. It is good to make a child read, and write, and learn, and repeat—but it is still better to make a child think.58

It is this fundamental principle of spontaneity that distinguishes Pestalozzi from Comenius. It is this phase of the Pestalozzian theory that accounts for his use of the concept expressed by the phrase "Make the Inner Outer", a phrase which is almost a trade-mark for this theory, and which is strongly reminiscent of the Platonic theory of making the

58 Ibid., p. 249.
inner man and the outer man harmonious with each other and both "fair."59 The practical aspect of the Pestalozzian theory of education involved the training of the head, heart, and hand, meaning intellectual, moral, vocational training; and is summed up in the phrase "Learn by Doing." These methods and the theory fundamental to them mark a milestone in the history of education and are a monument to their founder.

To sum up this discussion on the meaning of education, we have seen that theorists have used two principal assumptions regarding the nature of the child to be educated; viz., the tabula rasa hypothesis and the active agent hypothesis. In the one case, the method to be followed is that designated by Green as "induction", a term whose meaning is that "of introducing into"; whereas, in the other case, the method of procedure is that of educing; that is, of drawing out the innate capacities of the individual, and of guiding the spontaneous activity which accompanies and vitalizes the development of those capacities. This latter method is known as "education."

Spontaneous activity per se, no matter how desirable as an expression of freedom of the mind, is also seen to be capable of excessive and exaggerated expression. It is to this possibility that Whitehead addresses himself in his analysis of the aims of education, the solution of which he sees in the relation of the three stages of mental growth; viz., the stage of romance, the stage of precision, and the

59 Plato Dialogues, "Phaedrus", 279, also "Republic", 443E.
stage of generalization. The relation of these three stages of mental growth comprises the rhythm of education; as Whitehead expresses it:

My main position is that the dominant note of education at its beginning and at its end is freedom, but that there is an intermediate stage of discipline with freedom in subordination. I call the first period of freedom the "stage of romance", the intermediate period of discipline I call the "stage of precision" and the final period of freedom is the "stage of generalization."

For Whitehead, then, the first stage is a period of freedom because it is one of discovery, of becoming acquainted with new ideas, new thoughts, and new questions; it is marked by intellectual ferment, and is dominated by wonder. The stage of precision is marked by the discipline of arranging these new discoveries and thoughts; and of discovering that there are right and wrong answers to questions. It is a period full of detailed fact, and it requires a wise teacher to bring his pupil through this period without killing the romance and the wonder of the first period. The last period is free because it is the period in which the great generalizations, the general rules are apprehended; apprehensions which free the mind from the tyranny of details. It, too, is marked by romance, but now the romance has the added advantage of a mind which is disciplined and ready to apply the general

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61 Ibid., p. 42.
62 Ibid., p. 43.
principles to specific cases.63

For the writer, then, education means this rhythmic relation of freedom and discipline, presupposing a spontaneously active mind which is free to roam and browse through the multitude of events in a universe which commands wonder.

This survey of the meanings of freedom, of religion, and of education, has permitted us to gain some measure of clarification of these concepts and gives us a sense of stability in the use of them in the following pages. We will now turn to the examination of the three principal arguments advanced by the opponents of religion in education, particularly education as it is exemplified by our public school system.

63 Ibid., p. 48.
CHAPTER II

The Legal Arguments

The first of this group of arguments is that developed in the litigation of a case before the United States Supreme Court, and which, therefore, naturally classifies itself as legal. The case in question is noteworthy because it is the first occasion in our judicial history that the question of the constitutionality of the teaching of religion in the public schools, per se, has been challenged. Other cases involving the relation between Church and State have been argued before the Supreme Court, but the issues in these cases were either the use of public funds for the purchase of textbooks for parochial pupils, or the use of public funds for the transportation of parochial school pupils, or similar issues relating to the use of tax money. The fact that the issue in this, the McCollum case, is the question of the constitutionality of religious education provides an opportunity to both proponents and opponents alike to present their arguments on the question in carefully prepared form. The presentation of these arguments which relate directly to the central consideration of our problem, will be the concern of this chapter.

1 The Jurisdiction of the Supreme Court

The Appellant, Mrs. McCollum, in her appeal to the Supreme
Court for review, lists three errors which she alleges the Illinois Supreme Court to have committed when it rendered judgment in the case. These errors are: first, that it denied Appellant due process of law and equal protection of the laws; in violation of the Fourteenth Amendment, when it sustained a plan of religious education in the public schools, the expense of such a plan being borne alike by both participating and non-participating taxpayers; second, that it sustained a plan segregating public school pupils into sectarian groups for religious education, with a separate segregation of those refusing to join in such education, in direct violation of the Fourteenth Amendment. Such plan violates the constitutional guarantee of freedom of religion; it encourages the creation and friction of sectarian groups in public schools; forces the segregation of non-religious groups; and places a majority or dominant religious group in a controlling position in the public school system for those pupils who must attend public, rather than private or parochial schools; and thirdly, that it sustained a discretion in an administrative body to determine what sectarian groups were to be permitted to teach in the public schools as well as the character of the religious teachers of such groups, and the material to be taught, again in violation of the due process of law and equal protection of the laws clauses of the Fourteenth Amendment. 1

The attorneys for the Appellee Board of Education argue that the errors relied upon for review by the United States Supreme Court "bear little if any resemblance in language or content to the Errors Relied Upon for Reversal in the State Court," and so they set forth the possible constitutional questions involved in the errors relied upon for review by the Supreme Court. They find that, of the four possible constitutional questions; i.e., violation of the establishment-of-religion clause of the First Amendment, violation of the freedom-of-religion clause of the First Amendment, violation of the due-process clause of the Fourteenth Amendment (by seizure of property of Appellant, through taxes, for private use), and violation of the equal protection under the laws clause of the Fourteenth Amendment because of the delegation of authority; only the second and fourth of these alleged violations were even raised in the Illinois Supreme Court, and the attorneys further argue that the Appellant is not entitled to raise these two questions. The reasons for this latter argument are that the constitutional rights of citizens are personal, it being a well-recognized rule that the constitutionality of a statute may be attacked only by one who falls within the class of persons upon which the law acts or operates, and not merely because it is unconstitutional as applied to others.

Since Mrs. McCollum alleges abridgement of the freedom

2 Hall, Owen, and others, Appellee's Brief, Barnard & Miller, Chicago, 1945, p. 3.
of religion of her son, and not of herself, her constitutional rights are not being abridged. The Appellant cannot raise the second question because a citizen can bring action only when he is harmed, or threatened with harm; and the assertion of possible future harm through delegation of legislative authority to administrative offices involves a moot and supposititious question, not a question of fact. On these grounds, the attorneys for the Appellee Board of Education claim that the Supreme Court has no jurisdiction, hence, they ask for dismissal.

The statement is made by the Appellee's attorneys that the Appellant's original petition for mandamus (presumably to the lower state courts of Illinois) was sufficient to raise the establishment-of-religion question; but that the question was never raised in the Illinois Supreme Court and was therefore abandoned since the Illinois Supreme Court held that an appellant may reply only on the points stated by him as grounds for reversal. 3

The United States Supreme Court held, after hearing these arguments, that the case was admissible to its jurisdiction because there were four federal questions involved. First, that the judgment of the Illinois Supreme Court sustaining denial of the writ of mandamus on the ground that the state statutes granted the board of education authority to establish such a program drew into question the "validity of a statute" of the state. Second, that the appellant had standing to

3 Ibid., p. II.
maintain the suit as a resident and taxpayer of the school district, and as the parent of a child required by the state law to attend the school. Third, that the motion to dismiss the appeal on the ground that the appellant failed to present the question of a violation of the Federal Constitution by the state program, cannot be sustained because both state courts have expressly ruled on the appellant's claim that such violation occurred. Fourth, that the utilization of the state's tax-supported public school system and its machinery for compulsory public school attendance to enable sectarian groups to give religious instruction to public school pupils in public school buildings, constitutes a violation of the First Amendment to the Constitution made applicable to the states by the Fourteenth Amendment. The admission of the case to federal jurisdiction was followed in due course by presentation of arguments to the Court by each of the contestants in support of his contention that there either was, or was not, committed a violation of the Federal Constitution by the action of the Appellee Board of Education.

2. Legal Arguments Grouped under Four Classifications

The attorney for the Appellant, Mrs. McCollum, states that the three errors alleged to have been committed by the Illinois Supreme Court summarizes her argument, but that to this summary may be added the statement of the high Court of

Illinois, that Appellant, a resident and taxpayer, "seeks to prohibit the teaching of religious education in the public schools during the hours when the public school is regularly in session." The assertion of this statement by the Supreme Court of Illinois constitutes grounds for the argument by the Appellant that:

---in this respect, the state makes a law respecting the establishment of religion, in violation of the Fourteenth Amendment, by the development of sectarian groups in the public schools and that such a development violates freedom of religion.5

This list comprises four arguments which are developed in the Appellant's Brief under the heading: "Public Schools and Sectarian Instruction", "Public Aid to Sectarian Groups", "Sectarian Grouping in Public Schools", and "Censorship of Religion by Administrative Action." The presentation of these arguments follows in the order given in the Appellant's brief.

(a) Illinois Establishes a Religion

The Appellant's attorneys, under the first heading, make a general survey of the relation between the public school and sectarian instruction as these have come to the attention of the various State Courts. This survey touches such matters as the reading of the Christian Scriptures in classrooms; released-time programs in which the school buildings and school personnel are not used; academic credit given by public school systems for work done in parochial schools; credit given by public school systems for religious education given

by non-school agencies; the furnishing of books and transportation to parochial school pupils, and the like. The attorneys for the Appellant emphasize the point that the furnishing of books and transportation to parochial pupils is not preferential treatment, by the state, of one religion over another, for the reason that:

The aid is to the pupil, and the parochial school is a financial aid to the local taxing body.6

The Appellant's attorneys also find important a statement from the dissenting opinion in the case of the Board of Education v. Wheat, 174 Maryland 314, p. 338 which asserts:

It is a fact that, to the extent of the education offered by private schools, including those of the denominational or sectarian class, the pupils in the public schools are lessened, and thereby the general taxpayers of the state are greatly benefitted by the corresponding reduction in the cost of public school education, although the burden upon a large class of these taxpayers is increased by the additional expenses of private education.7

These citations are evidence for the Appellant's contention that the release of time for religious instruction, and the furnishing of books and transportation to pupils in parochial schools heretofore indicated, involve no public expense or public service for sectarian groups; no segregation of religious or non-religious groups in the public schools; and no right or opportunity to engage in control of who may teach and what may be taught by sectarian groups or non-religious

6 Ibid., p. 18.
7 Ibid., p. 18.
groups. Hence, the Appellant finds that the issue now presented to the Supreme Court for the first time involves three aspects; viz. 1) a public service to sectarian public school instruction through both personal help and school facilities, 2) an instruction in the school building and during school hours which will segregate the various religious and non-religious groups in the public school, 3) and a control by the school authorities of what religious views may be taught and how they may be taught. The argument then follows that under the compulsory education law of Illinois, all children not attending private or parochial schools must attend public school, and they are therefore being subjected to subtle religious pressure to attend classes in religious instruction.

The Appellant then argues that the majority opinion of the Supreme Court in the case of Everson v. Board of Education, 330 U. S. 1 (1946) expresses the principle applicable in the McCollum case. The part of that opinion quoted as expressing this principle reads as follows:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbelief, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions whatever they may be called or whatever form they may adopt to teach or practice religion. Neither
a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, or vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."8

Hence, the Appellant concludes that this principle applies, by the operation of the Fourteenth Amendment, to the states as well as to the United States. There is no direct reference in this statement to a violation of either the First or the Fourteenth Amendments, a fact which the attorneys for the Appellee Board of Education apparently noted and challenged; for in a Supplemental Brief filed by the Appellant, the following statement is found:

Appellee's chief attack on jurisdiction is based on the fact that the Appellant did not in the State Courts rely on the First Amendment. Appellant again asserts that her protection arises from the Fourteenth Amendment. No protection from the First Amendment arises directly against state action, although the prohibition of establishment of religion under the terms of that Amendment constitutes a portion of the protection of the freedom of religion under the definition and application of the Fourteenth Amendment.9

This aspect of the relation of the First and Fourteenth Amendments to the national government and the state governments is emphasized again in a Reply Brief, submitted by the Appellant in which it states:

The most important, and obviously the most erroneous, position of Appellee's, is that the Appellant did not contend in the state court that there was a violation of the First Amendment. Appellant could not charge a state or local violation of a constitutional provision applicable only to Congress; although the Fourteenth Amendment is now "interpreted to make the prohibitions of the First applicable to state action abridging religious freedom." 

_Everson v. Board of Education_ 330 US 115 (1947) 10

The purpose of these statements is to show that the action of the Appellee, Board of Education, acting as a division of the State of Illinois, violated the establishment-of-religion clause of the First Amendment; not, as noted, by act of Congress, but by extension of the meaning of the provisions of the clause to acts of the several states, this extension of meaning being implemented by the Fourteenth Amendment.

The appeal of Mrs. McCollum to the United States Supreme Court is based primarily on her rights as a taxpayer, according to the Reply Brief submitted to the Court by her attorneys who state:

That this is a taxpayer's action is admitted by Appellees (Appellees' Brief, 6). By error in the Supreme Court of Illinois, Appellant as a taxpayer objects to uses of the public schools for religious education as violative of the Fourteenth Amendment, such uses necessarily involving the employment of public employees and the uses of public property. 11

(b) **Seizure of Property**

It is for this reason that the Appellant, under her


11 Appellant's Reply Brief, p. 2.
second heading, emphasizes the allegation that the released-
time plan in Champaign invovled the expenditure of public
funds for sectarian purposes. The expenditure occurs in-
directly through the wear and tear on school buildings and
furniture, through supplying heat, light, janitor service,
transportation, and the like; and even though the calculated
amount of expenditure charged to the Appellant is extremely
small, she relies on the expression of the majority opinion of
the Supreme Court in the Eversoh-case which asserts:

No tax in any amount, large or small, can be
levied to support any religious activities or
institutions, whatever they may be called, or
whatever form they may adopt to teach or prac-
tice religion--.12

as warrant for her allegation that such expenditure is uncon-
stitutional.

The attorneys for the Appellant continue the argument by
saying:

This statement carries with it the expenditure
of public money raised by taxes as well as
the levy of a tax. It also relates to
"religious organizations" such as the
Champaign Council of Religious Education, and
to any similar, but competing organizations
which may establish themselves in the same
territory.13

The substance of the argument is that since the language of
the Supreme Court decision relates only to the levying of a
tax, the meaning is to be construed as applying also to the
expenditure of tax monies so levied; and that the meaning of

12 Brief for Appellant, p. 20.
13 Ibid., p. 20 f.
"religious institution or organization" is broad enough to include groups such as the Champaign Council of Religious Education, even though this Council is not a particular religion or sect, but an organization of members representing all the religious sects operating in Champaign, Illinois.

Another argument is also presented as follows:

The plan here at issue is parallel with that defeated by Thomas Jefferson and James Madison, and disapproved by this Court, except that the Virginia plan proposed in 1784 provided a more orderly distribution of government support.14

The reference here is to the plan to establish the Anglican Church in Virginia, an account of which is to be found in Jefferson's Autobiography,15 as well as in Madison's celebrated Memorial and Remonstrance.16 The Appellant draws the distinction between the use of public school buildings and employees, in the general sense of the term use, and the use of these buildings and employees for sectarian instruction which violates the Constitution. She puts it in these words:

As a matter of fact, it is not the use of public school buildings and public school teachers which violates the Constitution, it is the maintenance of instruction by religious groups in the public schools through the use of the resources of such schools.17

(c) Compulsory Segregation.

The two headings of the Appellant's argument just

14 Ibid., p. 25.
considered assert the violation of the establishment-of-religion clause of the First Amendment, applicable to the states through the Fourteenth Amendment as set forth in her first Error Relied Upon for review of the case. The third heading of her argument asserts the violation of the freedom-of-religion clause of the First Amendment through the Fourteenth, on the ground that the released-time plan in Champaign:

—sets up lines of distinction between the several religious groups and between religious and non-religious groups, it distinguishes minorities which may be subject to attack.18

This alleged segregation or setting up of lines of religious distinction, is a violation of the freedom-of-religion clause of the First Amendment, asserts the Appellant, because public school pupils have no voluntary choice regarding school attendance. They must attend some school; and if they do not attend a private or parochial school, then they must attend the public school; hence, there is no way for them to choose whether or not they are to be distinguished as a member of this or that religious group. The Appellant argues that the request of the parents to permit the child to attend religious instruction in this or that group, may be voluntary; but that there is nothing voluntary about the segregation of the child who does not want to attend any of these classes in religious instruction. Whenever those who request attendance are grouped into that class, it follows inevitably that those who are

left are those who do not want to attend religious instruction. It might be argued that it is not a question of classification on the basis of desire for attendance at religious instruction, but the question of classification itself; and that the introduction of the religious idea with its accompanying idea of sectarian instruction, inevitably forces classification of the pupils into religious and non-religious groups the absence of which would have made classification unnecessary.

The argument is advanced, as noted above, that to set up lines of distinction between the several religious groups, is to distinguish minority groups which may be subject to attack; and the illustration is used that in situations of anti-semitism, a classification of this kind might lead to attack upon Jewish students by non-Jewish. Thus, the Appellant points out that:

"Friction in religion has been a characteristic of children which is not uncommon among adults - a characteristic which has in the past brought some conflict among children of different religious groups, even in the absence of separate public school classifications which would obviously differentiate religious groups, and lay the basis for religious controversy."

In support of her contention that the segregation occasioned by the operation of the released-time plan in Champaign is unconstitutional the Appellant quotes from a decision of the Supreme Court in the case of West Virginia State Board of Education v. Barnett, 319 U.S. 624, 637-638 which asserts:

Free public education if faithful to the ideal of secular instruction and political

19 Ibid., p. 30.
neutrality, will not be partisan or enemy of any class, creed, party or faction. —— The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend upon the outcome of no election.

The inference is that public education in Champaign has not been faithful to the ideal of secular instruction and political neutrality because it has been partisan or an enemy to some class, creed, party, or faction; a conclusion which, if sustained, is violative of the freedom-of-religion clause of the First Amendment.

(d) Delegation of Legislative Power

The fourth heading of Appellant's argument is concerned with the question of whether the Appellant was denied free exercise of her religion by the Appellee Board of Education's action of delegating its legislative power to the Superintendent of Schools, who, in turn, used that power censoriously, as she claims, to determine what groups were to be permitted the use of school facilities, what persons were to be permitted to teach, and what material was to be used in the teaching situation. Mrs. McCollum argues that the action of the Appellee Board of Education constitutes a deprivation of her freedom of religion, and asserts this as follows:

20 Ibid., p. 31.
An effort to control what religious groups may teach in public schools and as to how they may teach is a violation of freedom of religion and an effort to permit such teaching without control would add to the frictions which at best make such religious instruction violative of religious liberty. 21

She has already argued that if sectarian groups are to be permitted to teach in public schools during regular school hours, and as a part of the public school system then,

the question presents itself as to a censorship controlling either what groups may teach, or what they may teach. 22

Her argument seems to imply that the Superintendent of schools has the power to decide arbitrarily that one sectarian group may have access to, and use of school facilities in order to carry on religious instruction, and that another group may not have such access and use. It implies, also, that the Superintendent has the power to decide arbitrarily what material these groups may teach. The contention of the Appellant seems to be that freedom of religion must be construed in the absolute sense of the term, and that any attempt on the part of an administrative officer to secure, in the area of religious instruction, a minimum standard of excellence in the presentation, and a minimum standard of competence on the part of those charged with the presentation of the material, is an attempt to censor religion, and is, in consequence, a restriction on freedom of religion.

Mrs. McCollum's contention that censorship results from

21 Ibid., p. 33.
22 Ibid., p. 32.
the structure of the released-time plan in Champaign is based
on a statement made by the trial court in this case, which
asserts:

Before any faith, or other group may obtain
permission from the defendant for the similar
free and equal use of rooms in the public
school buildings, such faith or group must make
application to the Superintendent of schools
of said School District Number 71 who in turn
will determine whether or not it is practical
for said group to teach in said school system.23

The Appellant apparently interprets the statement that "the
Superintendent will, in turn, determine whether or not it is
practical for said group to teach in said school system" to
mean that the Superintendent may determine arbitrarily whether
or not such a group may be permitted to teach at all in the
school system. This interpretation is, of course, one possible
construction that may be put upon this phrase, but it should
be noted that there are other alternatives in the interpre-
tation of the meaning of "determining the practicality of a
proposal."

The argument that the action of the Appellee Board of
Education constitutes censorship of religion — censorship of
religion being equivalent to control of religion by the state
— depends, it seems to the writer, on the meaning of the term
freedom. The connotation which seems to be implied in the
passage quoted above is that of freedom in the absolute sense,
by which is meant freedom without any restraint whatever,
either self-imposed or externally imposed. If this interpre-

23 Ibid., p. 31.
tation of freedom is the meaning which the Appellant uses when she claims that her freedom of religion was violated, then certainly the action of the Champaign Board of Education is violative of the freedom-of-religion clause of the First Amendment. But, again, there are alternative interpretations of the meaning of freedom which we will analyze and evaluate in Chapter V.

3 Summary of the Four Classifications.

In summary we find that the arguments of the Appellant, as they are outlined in her Errors Relied Upon, are all based upon alleged violations of the First Amendment; i.e., of violations of the establishment-of-religion clause or of the freedom-of-religion clause of this Amendment. The clauses in question refer to potential acts of Congress which, as such, would not be applicable to the actions of a state or one of its subdivisions; consequently it has been determined by interpretation of the Supreme Court that the Fourteenth Amendment makes the prohibitions of the First Amendment applicable to state action which abridges religious freedom.24 The Fourteenth Amendment applies to actions of the states by virtue of the second sentence of Section 1 of this Amendment which affirms that:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any persons of life, liberty, or property, without due process of law; nor

24 Appellant's Reply Brief, p. 3.
deny to any person within its jurisdiction
the equal protection of the laws.25

It is the language of this sentence which permitted Mrs.
McCollum to bring this case before the Supreme Court as a
taxpayer's action, since life, liberty, and property are
 grouped together under one prohibition; a grouping which
 allows her to claim an infringement of liberty by means of
an unconstitutional seizure of property.

The essential problem, from the philosophical point of
view, is the meaning of the First Amendment regarding the
relation between church and state; because it is on this
meaning that the entire legal argument that the public school
as an agency of the state, can neither engage in, nor affil-
iate itself with religious instruction. The attorneys for the
Appellant have relied heavily upon the opinions of the Supreme
Court in the Everson case to sustain their argument, pointing
out that the minority opinion, delivered by Justice Rutledge,
holds that there are two great questions remaining in the
process of separating Church and State as required by the
First Amendment, (since the Fourteenth Amendment has been con-
strued to make the First applicable to the states); viz., the
use of the taxing power to support religious establishments,
and the efforts to inject religious training or exercises
and sectarian issues into the public schools. The Appellant
here quotes a statement from the same opinion which asserts:

25 Coker, Francis W., Democracy, Liberty & Property, New
Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools.  

Furthermore, Justice Black, in the majority opinion in the Everson case, declares that:

In recent years, so far as the provision against the establishment of religion is concerned, the question has most frequently arisen in connection with proposed state aid to church schools and efforts to carry on religious teachings in the public schools in accordance with the tenets of a particular sect.  

It is clear, from these quotations that the reliance which the Appellant places on the Supreme Court's interpretation of the church-state relationship is based on the meaning of the First Amendment. Our immediate problem, then, is to discover whether, as the Appellant claims, the First Amendment means the complete and absolute separation of church and state or whether an equally adequate alternative meaning is to be discovered.

4 Arguments of the Amici Curiae

In order to complete, as nearly as possible, the arguments pertinent to this case mention should be made of the several interested groups who filed briefs relative to the case with the Supreme Court as amici curiae.

26 Appellant's Supplemental Brief, p. 11.  
27 Ibid., p. 12.
The attorney-general of Illinois filed a brief which contends that the prayer of the Appellant is too broad; that the question at issue is whether the released-time plan at Champaign is compulsory or not. He holds that the Illinois constitution provides that the compulsory reading or hearing of the Bible, whether accompanied by interpretive comment or not, is prohibited, but that the voluntary reading or hearing of the Bible is not prohibited. He argues that the prayer of the Appellant is based on an interpretation of the Illinois constitution which includes the voluntary reading as well as the compulsory reading; an interpretation with which he disagrees. Consequently, he asks the Supreme Court to affirm the judgment of the Illinois Supreme Court.

The Protestant Council of the City of New York filed a brief as amicus curiae because of its long and successful experience in the administration of a released-time program of religious instruction, an experience which, it felt, might be helpful and useful to the solution of the case at hand. This group argues that religious instruction is necessary to the education of the child, if he is to become a well-rounded and reasonably well integrated adult, and it claims that this end can be achieved without interference with the secular program of the public schools.

The American Civil Liberties Union filed a brief as amicus curiae in the interests of civil liberty for all American citizens. It holds that the issue at stake is larger.
than the direct concern of the citizens of Illinois. It protests that the action of the Champaign Board of Education, like that of the defendant Board of Education in the Everson case, cannot be construed to be an action performed in the interest of the public welfare, in the sense of the meaning of the term "general welfare" as that term is used in the Preamble to the Constitution. This brief relies on the same interpretation of the First Amendment as that of the Appellant, consequently it asks the Supreme Court to reverse the judgment of the Illinois Supreme Court.

The American Unitarian Association also filed a brief as amicus curiae in the interest of freedom of religion; its argument being that attendance at public school is compulsory for those children who either do not or cannot attend private or parochial school. To release some pupils from the compulsory curricular requirements in order to participate in some extra-curricular activities, and not to release those who do not desire to participate in these extra-curricular activities is to set up a double standard. The Unitarian contention for the double standard ties the argument to the First Amendment in the following words:

The First Amendment, as made applicable to the states by the Fourteenth, prohibits state aid for any religious purpose. Everson v. Board of Education 330 U.S. 1. Reynolds v. United States, 98 U.S. 145. To coerce or influence pupils in the public schools to attend classes in religious education is obviously to aid religion. 28

28 Motion for Leave to File Brief as Amicus Curiae, no publisher or publication date given, p. 5.
The General Conference of Seventh Day Adventists, and the Synagogue Council of America in collaboration with the National Community Relations Advisory Council each filed a brief as amici curiae in the interest of the protection of minority groups. The arguments of these three groups are also based on the interpretation of the First Amendment as that of complete separation of church and state; consequently, they join the Appellant in asking the Supreme Court to reverse the judgment of the Supreme Court of Illinois.

And, finally, the American Ethical Union filed a statement as amicus curiae indicating that it had read the brief filed by the Synagogue Council of America and had approved of the views expressed therein. It then begged the Court's leave to adopt that brief as its own. This group professed as its interest in the case the purpose of promoting the love, the knowledge, and the practice of the right in human relationships, and stated that it desired to see ethical and spiritual values conserved among men.

The addition of these briefs, and the arguments which they contain, lends weight to our conclusion that the essential question at the heart of these legal arguments is that of the interpretation of the meaning of the First Amendment. To that task we will devote ourselves in the analysis and evaluation of the legal arguments in Chapter V.
CHAPTER III

The Religious Arguments

The legal arguments presented in the preceding chapter all have their ground, as we noted, in the allegation of a violation of the two clauses of the First Amendment relating to either an establishment of religion, or to freedom of religion. Mrs. McCollum claims that her rights as a citizen were invaded by the action of the defendant Board of Education through a violation of these clauses of the First Amendment; consequently her claim brings into consideration the question of how her rights were invaded, of how she was deprived of her freedom to exercise her religion.

She, and her son, are avowed atheists (as they have every right to be); consequently it can be inferred that it must be this religious position which she claims she has been deprived of exercising. This chapter, therefore, will be concerned with presenting the arguments of atheism as they relate to the teaching of religion in the public schools.

1 Definitions of Atheism

The fundamental premise of atheism is one of negation; i.e., it is a denial of the existence of the gods, or of God. Historically, the motives for this denial have been varied
and range from a need to find a more adequate explanation of the universe than that offered by the religious explanation, to a desire to eliminate fear from the mind of man. Shebbeare gives five definitions of the term which are indicative of the negative aspect of it.1 He lists the following definitions:

1) There is no one supreme object of reverence. 2) If there were a supreme object of reverence, it would not be the all-inclusive reality (belief in a finite god, it is claimed, is not atheism). 3) There is no all-inclusive reality at all. (For Hegel the atheist is the pluralist who acknowledges no ultimate unity. Spinoza, he says, is no atheist, but an "acosmist"). 4) The power which rules the world is not worthy of our trust. 5) This power is not a being with whom we may hold personal communion. While Shebbeare uses the term "god" but once in his five definitions, he obviously gives the meaning of the term as it is used in the three monotheisms; i.e., theism, deism, and pantheism.

Charles B. Upton gives us a little fuller account of the negative character of atheism in his statement that:

Atheism is sometimes said to be equivalent to panceosmism, i.e., the doctrine that the universe consists of nothing but those physical and psychical existences which are perceptible by the senses or are cognizable by the imagination and finite understanding. Panceosmism, however, is a positive doctrine while atheism, both by usage and etymology, is essentially a negative conception, and exists only as an expression of dissent from positive theistic beliefs. Theism is the belief that all the entities in the cosmos which are known to us through our senses, or are

inferred by our imagination and reason
are dependent for their origination and
for their continuance in existence upon
the creative and causal action of an Infinite
and Eternal Self-Consciousness and Will; and
in its higher stages it implies that this
Self-Existential Being progressively reveals
His essence and His character in the ideas
and ideals of His rational creatures and thus
stands in personal relationship with them.2

Upton refers to the anthropological account of the
development by primitive peoples of the idea of superhuman
beings who resist human volitions and, by virtue of their
resistance, (reasoning analogically) are presumed to have
wills of their own. These volitional beings, who exhibit
great power are thus thought of as being able to affect the
lives and welfare of human beings; hence they become objects
worthy of worship. Upton holds that the more advanced minds
among these peoples gradually intuit the intellectual perception
of an all-pervading unity behind the changing phenomena
of nature; the conception of One Supreme Spiritual Reality
who is the omnipresent cause that originates and controls the
forces of nature, and Who, in varying degrees, "manifests
Himself in the human soul. It is not till this theistic idea
is to some extent present that the real atheist negation
becomes possible."3

Upton emphasizes the necessity for clarity in our think-
ing and our definition of atheism; for he calls attention to
the fact that the disbelief in one or more gods of a pantheon,

2 "Atheism", Encyclopedia of Religion and Ethics, Vol. II,
1905, p. 173.
such as obtained in classical Greek times or in Hindu India, is not necessarily atheism; because such a disbelief might be the skepticism which leads to a more adequate conception of a Supreme Being. Upton substantiates his point by noting that Max Müller, in his Gifford Lectures, declares that:

We must remember that to doubt or deny the existence of Indra or Jupiter is not atheism but should be distinguished by a separate name, namely adevism. The early Christians were called atheoi because they did not believe as the Greeks believed or as the Jews believed. Spinoza was called an atheist because his concept God was wider than that of Jehovah; and the Reformers were called atheists because they would not deify the mother of Christ or worship the saints. This is not atheism in the true sense of the word, and, if an historical study of religion had taught us that one lesson only, that whose who do not believe in our God are not, therefore, to be called atheists, it would have done some real good and would have extinguished the fires of many an auto da fé.

Atheism is not, as Upton says, like theism and pantheism, a positive belief whose phases can be depicted in their relation to one unifying conception. It has no organic character. The history of it is no more than a collection of instances in which doubt and negation in regard to some essential element in theism have arisen. The occasions and causes of this atheistic frame of mind are generally found in some new scientific or philosophical ideas which have, for the time being at least, appeared to be incompatible with the current form of deistic or theistic belief.

Müller, Max, *Natural Religion*, Gifford Lectures, p. 228.
2 The Three Principal Protests against Theism

Upton notes that there have been three main lines of scientific and philosophical speculation which have been influential in educing atheistic protests against theistic belief; viz., Materialism, Epistemological Sensationalism, and a philosophical distrust of the argument from design.

For Upton, Materialism is the theory that matter and physical force constitute the ultimate reality of the universe, and that by means of the aggregation of the elements of matter in various organic forms, life and the infinitely varied forms of consciousness have originated; Materialism concludes that there is no need to assume any other force to explain the universe in terms of creation, organization, or guidance. To do so would be to assume an extra-natural or a super-natural element, an assumption which would contain a contradiction.

Inasmuch as the materialistic theory accounts for the entire universe, it would be contradictory to its theoretical position to posit a totality; i.e., a universe, and then to assume totality plus some other element.

It should be noted here that Materialism is to be distinguished from philosophic Naturalism in a number of points. It will not be necessary to elaborate the difference here, since the reader, who so wishes, may investigate these points for himself by reference to the Krikorian volume Naturalism.*

* See in particular the essays by John Herman Randall, Jr., "The Nature of Naturalism"; Herbert W. Schneider, "The Unnatural," and Sterling P. Lemprecht, "Naturalism and Religion". See also the essay by Ralph B. Winn, "Philosophic Naturalism" in Twentieth Century Philosophy, edited by Dagobert P. Runes.
(a) Materialism

Bertrand Russell, although he disclaims connection with it, is perhaps the ablest proponent in modern times of the doctrine of Materialism. In his little essay entitled What I Believe, Russell declares:

Man is a part of Nature, not something contrasted with Nature. His thoughts and bodily movements follow the same laws that describe the motions of the stars and atoms. 

Russell continues in this vein when he states that:

Of this physical world, interesting in itself, Man is a part. His body, like other matter, is composed of electrons and protons, which, so far as we know, obey the same laws as those not forming parts of animals or plants.

Russell thus explains the material, bodily aspect of man as being one with all other aspects of the physical world; and he also includes the mental aspect of man in the physical realm when he declares that:

What we call our "thoughts" seem to depend upon the organization of tracks in the brain in the same sort of way in which journeys depend upon roads and railways. The energy used in thinking seems to have a chemical origin; for instance, a deficiency of iodine will turn a clever man into an idiot. Mental phenomena seem to be bound up with material structure. If this be so, we cannot suppose that a solitary electron or proton can "think"; we might as well expect a solitary individual to play a football match. We also cannot suppose that an individual's thinking survives bodily death, since that destroys the organization of the brain and dissipates the energy which utilized the brain track.

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6 Ibid., p. 3.
7 Ibid., p. 4.
As Russell draws further conclusions based on the appearances noted above and the hypotheses he has formulated from those appearances, he postulates that:

God and immortality, the central dogmas of the Christian religion, find no support in science. It cannot be said that either doctrine is essential to religion since neither is found in Buddhism. (With regard to immortality this statement in an unqualified form might be misleading, but it is correct in the last analysis.) But we in the west have come to think of them as the irreducible minimum of theology. But for my part I cannot see any ground for either. I do not pretend to be able to prove that there is no God. I equally cannot prove that Satan is a fiction. The Christian God may exist; so may the Gods of Olympus, or of ancient Egypt, or of Babylon. But no one of these hypotheses is more probable than any other: they all lie outside the region of even probable knowledge, and therefore there is no reason to consider any of them.8

Russell argues that men tend, in matters of survival, to accept evidence which will support their antecedent hypotheses. In substantiation of this concept, he declares that:

Those who already think it likely that we survive death will be ready to view this theory (i.e., the hypothesis of survival) as the best explanation of psychical phenomena.9

Russell continues:

Believers in immortality will object to physiological arguments, such as I have been using, on the grounds that body and soul are totally disparate, and that the soul is something quite other than its empirical manifestations through our bodily organs. I believe this to be a metaphysical superstition. Mind and matter are for certain purposes convenient terms but are not ultimate realities. Electrons

8 Ibid, p. 5 f.
9 Ibid., p. 8.
and protons, like the soul are logical fictions: each is really a history, a series of events, not a single persistent entity.\textsuperscript{10}

These arguments suggest that Russell's position on these two points, at least, did not change much in the twenty-three years between the publication of the volume \textit{What I Believe} and an earlier essay, "A Free Man's Worship" contained in the volume \textit{Mysticism and Logic} \textsuperscript{11}

In "A Free Man's Worship", Russell compares the meaning of human experience to the story of creation which Mephistopheles tells to Dr. Faustus. After outlining the story of "Faust", Russell concludes:

\begin{quote}
Such, in outline, but even more purposeless, more devoid of meaning, is the world which Science presents for our belief. Amid such a world, if anywhere, our ideals henceforward must find a home. That Man is the product of causes which had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and beliefs, are but the outcome of accidental collocations of atoms; that no fire, no heroism, no intensity of thought and feeling can preserve an individual life beyond the grave; that all the labors of the ages, all the devotion, all the inspiration, all the noonday brightness of human genius are destined to extinction in the vast death of the solar system, and that the whole temple of man's achievement need inevitably be buried beneath the debris of a universe in ruins—all these things, if not quite beyond dispute are yet so nearly certain that no philosophy which rejects them can hope to stand. Only within the scaffolding of these truths, only on the firm foundation of unyielding despair, can the soul's habitation henceforth be safely built.\textsuperscript{12}
\end{quote}

\textsuperscript{10} Ibid., p. 9.
\textsuperscript{12} Ibid., p. 46 f.
This singular statement makes it evident that reality, as far as Russell is concerned, appears to be reducible to purely physical terms.

In a statement from the essay *What I Believe*, Russell argues that the notions of God and Immortality are extra-scientific hypotheses which he finds untenable, for he says that "God and immortality find no support in science." Russell does not pretend to be able to disprove that there is a God, nor can he prove that Satan is a fiction. That the Christian God may exist, or the Olympian gods, or the Egyptian gods, or the Babylonian gods, he holds to be hypotheses, each of which has no more probability than the other; for him, this is no probability since he says that all of these hypotheses "lie outside the region of even probable knowledge and therefore there is no reason to consider any of them." On this basis, Russell's atheism might be termed a logical atheism, since he reduces the hypothetical probability of the existence of any and all gods to zero.

(b) Epistemological Sensationalism

The argument based on epistemological sensationalism is one originally derived from the thinking of Protagoras of Abdera; and is one which has recurred periodically in the history of human thought. It is, generally speaking, closely associated with the materialistic-mechanistic theory of ontology and, as a consequence, it generally rejects any metaphysical implications. Its modern advocates have been, among others, Thomas Hobbes and, with many modifications, John Locke.
In its radical form, it holds that all knowledge is derived from sensory impressions only; that these sensory impressions, themselves physical motions, are generated or induced by external physical motions. In short, it attempts to reduce those phenomena generally called mental and spiritual to physical terms, and by such reduction to make them subject to physical laws.

In contrast to Descartes, Hobbes argues that the so-called mental life, or consciousness, composed of sensory impressions, memory, thought, and the like, is nothing more than internal motions induced by external motions. He argues that sense-impressions supply the only elements of consciousness, and that thought, memory, imagination, and the like, are merely combinations of sense-impressions. Volitions are, he argues, either desires or aversions, and desires and aversions are motions either toward or away from the subject; so that Hobbes reduces both the cognitive and the conative aspects of the personality to physical motion. He seems, however, to recognize the presence in the mental life of a factor which, in the words of Windelband, is described as "spiritual, in the religious sense, (Geistliches)", a factor which can be known only through revelation; for, argues Hobbes, the task of philosophy is the study of bodies in motion; hence the study of this aspect of the human body must be left to theology, a science which relies for its knowledge on revelation.

Locke's investigation of the cognitive process led him

13 Windelband, W., History of Philosophy, p. 412.
to make some radical modifications in the Hobbsian theory.

Locke, too, found that sense-impressions, as ideas of the corporeal world, were necessary to knowledge, but he also found that the mind had another source of knowledge; i.e., reflection on its own operations. He held that, psycho-genetically, sensation was a priori; hence, it was a necessary presupposition to reflection, for the mind has not the power to create a simple idea, it can only passively receive simple ideas from the corporeal external world; consequently, before reflection can occur, the mind must be functioning, at least, as a receptive agency. The passive aspect of the mind applies to the origin of the simple ideas, and does not imply that the mind is completely passive, but, says Locke:

"It has the power only to compare, unite, and repeat them even to an almost infinite variety, and so can make at pleasure new complex ideas."

Locke's treatment of the sensory aspect of the cognitive process is important, but it does not exhaust his theory of knowledge; it is his treatment of the ideas of reflection, such as perception, or thinking, and volition, or willing, which supplies his important modification of the theory of knowledge known as empiricism. We shall make an evaluation of Locke's contribution to epistemological theory in Chapter VI.

(c) Distrust of the Argument from Design

The third source of atheistic doubt is that found in the distrust of the argument from design. The argument from design stems primarily from the thinking of Heraclitus who first enunciated the Logos principle, that is, the principle which accounts for the orderly, systematic manner in which nature functions. Anaxagoras reasoned that a natural order of this kind, operating in an orderly fashion, all-inclusive in its functioning from the most insignificant detail on this globe to the great geometrical sweep of the stars in their courses, could result only from a rational mind which arranged these orderly movements and governed them toward some end. He argued from an effect to its cause. and, it is worthy of note, Anaxagoras reasoned in a coherent manner inasmuch as his Nous was conceived to be another element, a kind of stuff which could think. Windelband holds this to be the most adequate explanation of the Anaxagorean Nous, despite some modern claims that the Nous was an immaterial principle. In his history of philosophy, Windelband writes: "But the fragments (Simp. Phys. (d) 33 v 156, 13) leave no doubt that this lightest, purest element which does not mingle with the rest, but only plays about them and moves them as living force was also a space-filling matter or stuff."15

Anaxagoras saw beauty in the orderly processes of nature as well as in the systematic arrangement of things; so he

reasoned that the end toward which the Nous was striving was the beauty and perfection of the whole; and it is this aspect of his thought, i.e., the concept of worth, which makes his doctrine the first expression of a teleological explanation of nature. The characteristics which distinguish Nous are its homogeneity, simplicity, and indestructibility as well as its ability, not only for self-motion, but also to move other elements in a purposive way. Anaxagoras reasoned that since an order and a systematic functioning is observable in Nature, there must be a cause for such a state of affairs. He had but two alternatives; viz., that the observable order was the result of purposive action, or that it occurred by pure chance; and pure chance in Anaxagoras' day was equated with chaos, that is, a completely unpredictable, disorderly condition. The latter alternative was self-contradictory, that is that order and system are caused by disorder and lack of system; hence, he reasoned that the cause of the order observed in inert matter must of necessity be a rational force which could produce order.

This argument of Anaxagoras has been one of the chief supports of the proponents of theism in the western world; and the distrust of it arises from its inability to account for the disorder and discord found concurrently with order and harmony in nature. The skeptical objector may ask why, if there is a rational-force powerful enough to arrange the order and system observable in the universe, does it deviate from
making the job complete. Why permit such obvious disorder as disease, poverty, war, social strife and all other such manifestations of disarrangement of an orderly scheme. The skeptical objector's distrust of the argument from design is based on the fact that he can ask such questions as these, particularly so after Darwin's and Spencer's labors resulted in the theory of evolution, a theory which seems to obviate the need for the argument from design.

3 Atheistic Existentialism

There is another expression of atheism which might be called the reflexive argument from design, since it reflects the design from non-human to human sources. It is the argument which Jean-Paul Sartre uses as one of the presuppositions of his philosophy of Existentialism. Marjorie Grene summarizes the argument succinctly when she says:

The self that existentialism seeks is each person's individual self which he must forge for himself out of such senseless circumstances, such meaningless limitations as are given him. This self-creation - the making of one's essence from mere mixture - is demanded from each of us because, according to existentialism, there is no single essence of humanity to which we may logically turn as standard or model for making ourselves. Thus or so. And there's no single concept of humanity because there is no God. For the concept of a human nature, Sartre believes, was a product of the traditional idea of God the maker; and so when God dies the notion of an essence of humanity dies with him leaving just these particular histories of these particular selves to "live themselves subjectively" as best they can.16

16 Grene, Marjorie, Dreadful Freedom, Chicago, 1948, p. 41 f.
Thus Grene makes it clear that Sartre's argument is based on the traditional concept of God the maker. She elaborates further with the illustration of God portrayed as a supermanufacturer who turns out men in much the same fashion as Ford turns out motorcars; and she adds that it is senseless to talk about a particular model of automobile, or even a timeless and eternal pattern of machines without a maker to make, or at least to conceive them. According to Grene, a man, then, is either made by God in conformity with that "superior artisan's" superior model, or else he must make himself out of the brute facts of his own particular situation without any model at all.

Sartre's argument is based on a logical alternation. In an alternation, a valid conclusion requires the denial of one or more of the alternatives, and the affirmation of the remaining alternative. In this case, Sartre denies the existence of God. His argument is that in order for God to be, He must exist from the necessity of His own nature alone; i.e., to be causa sui. But to be the cause of one's self is to stand in relation to one's self; that is, to be at a distance from one's self; that is, to be what one is not: which is to be in the manner of consciousness which is aware of not being its own foundation, that is, to be not-necessary but contingent. God as a necessary existence, then, implies its own contradictory contingency or non-necessary existence and is therefore impossible. The corollary conclusion is that,
since there is no God or supermanufacturer, there is also no pattern because the pattern is only the instrument of the maker. Consequently, there is no human nature qua human nature; and without a model or pattern called human nature, we are left alone to create ourselves by our own acts.

4 The Nature of Negation

Since the fundamental premise of atheism is negative in nature, it is requisite at this point to make an examination of logical negation. Josiah Royce gives us a clear statement of the nature of logical negation as being one of the relations constituting types of order. He develops this relation by beginning with the nature of classes, and finds that the concept of class, speaking logically, is dependent upon four concepts as follows: first, the concept of an object, Element, or Individual which does or does not belong to a given class; second, the concept of the relation of belonging to, i.e., of being a member of a class, or of not belonging; third, the concept of assertions, true or false, which declare that an object is, or is not a member of a given class; fourth, the concept of a principle, norm, or universal which enables us to determine which of these assertions is true and which is false. The problem as to exactly what constitutes an individual is, for Royce, the most perplexing one of all the concepts used in the exact sciences. His conclusion is that, for logical purposes, "an Individual object is one that we

17 "Principles of Logic", Encyclopedia of the Philosophical Sciences, pp. 106 f.
propose to regard at once as recognizable or identifiable throughout some process of investigation, and as unique within the range of that investigation, so that no other instance of any mere kind of object suggested by experience can take the precise place of any one individual. "18 This definition makes it evident that an Individual object is such that sense experience can illustrate it, but can never prove it to be necessary; hence, its necessity in types of order is due to the fact that we postulate them. The concept of an individual is one whose origin and meaning are due to our will; but this does not mean that the motives which guide the will are wholly arbitrary. For as Royce says:

There are some active and voluntary attitudes towards our experience which we cannot refuse to take without depriving ourselves of the power to conceive any order whatever in our world. Without objects conceived as unique individuals, we can have no classes. Without classes, we can, as we have seen, define no relations, without relations we can have no order. But to be reasonable is to conceive of order-systems real or ideal. Therefore we have an absolute logical need to conceive of individual objects as the elements of our ideal order systems. 19

Royce argues that a world that we might conceive as wholly without classes would be no world at all because we could not do anything with it or in it. To act consciously and voluntarily in any way whatever, is to classify individuals into the objects that do and into those that do not concern, meet, serve, correspond to, stimulate, or result from each

18 Ibid., p. 107.
19 Ibid., p. 107.
sort of activity. Thus if we have in mind some norm or principle of classification, this norm inevitably defines at least one pair of classes, namely a given class and its negative or contradiction. For if class X is defined by a given norm, then the same norm defines the class consisting of whatever objects are not X. When we start to classify any region of our world, either real or ideal, we postulate that there are some individuals in the region to be classified. But of course our norm does not tell us, of itself, whether there are any individuals in the region to be classified which are of the class X. We can, then, define a norm for the class X and later discover that "everything is not X", so that "there are no X's." In general, then, when we define by its norm the class X, either one of two assertions may turn out to be true about X: either "X has no member" or "X has at least one member." Of these two assertions, one is true, the other is false when uttered about any determinate class X. That is to say, these assertions are mutually contradictory. A class that has no members, a "nothing class", a "null class", or "zero class" may be symbolized by the sign 0. It is in this case, a class sharply defined by its norm but known not to contain any of the objects that we have chosen to regard or to define as individuals of the world, either real or ideal, with which we are dealing. If a class X has no members, its negative, i.e., not-X, comprises everything that belongs to the realm; or to use DeMorgan's phrase, "the Universe of discourse"
with which we are dealing. The class everything can be symbolized by the arithmetical sign $1$. By regarding "0" and "1" as classes, and using "$=$" as the symbol of the relation of logical equivalence or identity between any two classes, we can assert as formally true of any world which we have reason to classify, that:

$$0 = \text{not-}1; \text{ and, not-zero} = 1$$

That is to say, the class nothing and the class everything are negations each of the other, whenever the terms are used of any one "universe of discourse" into which a definite classification has been introduced. And atheism must fall into one or the other of these classes. It cannot be a realm which remains unclassified, for in that case it could have no name.

Now Couturat has demonstrated that the algebra of logic admits of three operations, namely: logical multiplication, logical addition, and negation. The result of this demonstration is that the product of two classes is a class $P$ which is contained in each of them and which contains every other class contained in them. The sum of the two classes is a class $S$ which contains each of them and is contained in every other class which contains each of them. It is thus demonstrated that as combinations of two classes result in a third, the operations of logical multiplication and addition can be admitted. Couturat, like Royce, postulates the existence of the two terms zero and one (or unity), and he defines them.

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20 Coutural, Louis, *Algebra of Logic*
as follows: "There is a term zero (0) such that whatever value may be given to the term X we have (0<X) zero is included in X." "There is a term one (1) such that whatever value may be given to the term X we have (X<1) X is included in one."

Couturat holds that by means of the introduction of the terms zero and one, it now becomes possible to define negation. He defines it as follows:

Whatever the term a may be, there is also a term not-a such that we have at the same time (aa' = 0) the product of a and not-a is equal to zero, as well as (a+a' = 1) the sum of a and not-a is equal to one. It is the demonstration of these two axioms that verify the principles of contradiction and of excluded middle. And Mrs. Ladd-Franklin called attention to the fact that the principle of contradiction is not sufficient to define contradictories; the principle of excluded middle must be added as it equally deserves the name of principle of contradiction. This is the reason Mrs. Ladd-Franklin proposes to call these two principles the principle of exclusion and the principle of exhaustion respectively, for according to the first, two contradictory terms are exclusive (the one of the other) and, according to the second, they are exhaustive (of the universe).21

It becomes possible now to clearly define negation as a relation such that, when terms are so related that their sum exhausts the universe and their product is zero, they are said to be negative of each other. It is necessary, as Mrs. Ladd-Franklin points out, that the terms be both mutually

exclusive of each other and mutually exhaustive of the universe of discourse. The same laws that hold for terms, also hold for propositions; since, as Couturat points out, there is an almost perfect parallelism between the formulas for concepts and those for propositions. There are some formulas for propositions which do not apply to concepts (a concept for him is a class of objects); these formulae are, as he says "derived from an axiom peculiar to the calculus of propositions, which may be called the principle of assertion."22

But says Couturat: "from the definition of negation the two formulae of DeMorgan can be derived \((A+B)' = A'B', (AB)' = A'+B'\); that is to say "the negation of the sum of two propositions is the product of their negations", and "the negation of the product of two propositions is the sum of their negations." Couturat further expounds his idea of the relationships involved in negation by saying:

These two formulae can be verified by simple. common sense: to deny that two propositions are true, is to affirm that one or the other is false: to deny that one or the other is true, is to affirm that both are false. If, then, we admit negation and multiplication, we can define addition by means of the formula \(A+B = (A'B')'\), i.e., the sum of two propositions is the negation of the product of their negations, or inversely, we can define multiplication by means of addition, \(AB = (A'+B')'\), i.e., the product of two propositions is equal to the negation of the sum of their negations.23

It is evident from the analysis of Royce that negation

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is a relationship which holds between classes, and that relations cannot be defined without classes, and that classes are not possible without objects conceived as unique individuals; consequently, objects, either real or ideal, conceived as unique individuals, are logically prior to, hence necessary to the relationship of negation. Royce makes the point very clear that objects conceived as unique individuals are postulations; i.e., the product of an act of will; but he also emphasizes that it does not follow that the motives which impel us to postulate are necessarily arbitrary. On the contrary, he declares that: "there are some active and voluntary attitudes toward our experience which we cannot refuse to take without depriving ourselves of the power to conceive any order whatever in our world." An objector may inquire at this point why it is necessary to have an orderly world; why is it not possible to have a chaotic world. The answer to this question is that it is possible to have a partially chaotic world, but not a completely chaotic one; for in the latter case, the world reduces to meaninglessness because the distinction between possibility and impossibility, between actuality and potentiality, between validity and invalidity cease to obtain, and everything becomes possible, everything is actual, everything is valid, and the result is inconsistency by virtue of the principle of non-contradiction.

Couturat's analysis of the laws and principles of logic seems to the writer to support Royce's thesis that certain
postulations are logically necessary in order to have an orderly world. His nine axioms are postulations which permit the structuring of an orderly world; and in the case of Couturat, as well as of Royce, the alternative to a world structured in an orderly way is disorder and chaos, hence, meaninglessness.

We are, with the above statement of the nature of negation, now in a position to examine the various aspects of the argument from atheism, in its relation to education and to the freedom of the mind. This task will be the concern of Chapter V. Our immediate task is to present the Educational arguments against the teaching of religion in the public schools, and to that presentation we now turn.
CHAPTER IV

The Educational Arguments

Philosophers of education like John Dewey, H. H. Horne, Rabbi David Pool, William McCuiken, Frederick Breed, and others seem, despite their diversity of viewpoint, to have one point in common; that is, that there can be no teaching of religion in the public schools because there is no "religion," in the sense of the term in which there is a "physics" or a "history" or a "sociology," to teach. Their reasons for holding this position vary, as we shall see in the sequel, but they agree that religion as a universal does not exist, so that religion viewed from the world perspective reduces to an indefinitely large number of sects, each with a different content and dogma. The conclusion they reach from this point of agreement is that if religion is to be taught in the schools it will mean either teaching the content of all of these diverse sects; teaching the content of one arbitrarily chosen sect; or teaching none of it, and they choose the last alternative. The views and arguments of several philosophers of education will be presented in this chapter, in order that we may discover the reasons underlying their arguments.

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1 Dewey and Instrumentalism

John Dewey argues that there can be no general concept "religion" which could be taught as impartially as can subjects like history, physics, grammar and the like; for, says he:

---we are forced to acknowledge that concretely there is no such thing as religion in the singular. "Religion" is a strictly collective term and the collection it stands for is not even of the kind illustrated in the textbooks of logic. It has not the unity of a regiment or assembly, but that of any miscellaneous aggregate. Attempts to prove the universality prove too much or too little. It is probable that religions have been universal in the sense that all peoples we know anything about have had a religion. But the differences among them are so great and so shocking that any common element among them that can be abstracted is meaningless. The idea that religion is universal proves too little in that the older apologists for Christianity seem to have been better advised than some modern ones in condemning every religion but one as an impostor, as at bottom some kind of demon worship, or at any rate a superstitious figment.1

Thus, Dewey complains about the wide diversity of belief exhibited by the historic religions as expressed by their dogmas, and in the ritualistic practices which accompany and reinforce those beliefs. He seems to argue that this very diversity indicates incompatibility; this is indicated in his statement that:

He (i.e., an impartial observer) will note that the "unseen powers" referred to have been conceived in a multitude of incompatible

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ways. Eliminating the differences, nothing is left beyond the bare references to something unseen and powerful.2

A closer scrutiny of this statement indicates that Dewey explicitly states that in this great diversity of expression there are two common factors, viz., invisibility and great power. These two common factors which are found in all known religions, can, because of this fact, be said to be universal in the empirical sense at least. Consequently, the incompatibility which Dewey finds in these religions must be due to some other factor than their mere diversity. The reason for the incompatibility which Dewey finds in the conceptions of powers which are superhuman, and of invisibility, may be found in the ascription of supernatural characteristics to them. It is this conception of "supernaturalism" which Dewey makes his antagonist throughout this volume. He does not deny the power of ideal forces to stir us and to move us to action, but he does take strenuous exception to the notion that these forces are supernatural. He defines the term "supernatural" as the extraordinary, the unusual, the unexplainable in a world which has become familiar because it is explainable. It is on this point that Dewey scores the supernaturalist most severely, since Dewey maintains that events are explainable because they have been explained, and that it cannot be claimed that any event is un-explainable simply because it

2. Ibid., p. 4.
Dewey seems to hold that all religions make use of a belief in the supernatural when he says:

All religions, as I pointed out in the preceding chapter, involve specific intellectual beliefs and they attach - some greater, some less - importance to assent to these doctrines as true, true in the intellectual sense.4

And then he continues with the following statement:

It is enough to point out that all beliefs and ideas in question, whether having to do with historical and literary matters, or with astronomy, geology and biology, or with the creation and structure of man, are connected with the supernatural.5

It may be seen from these statements, that Dewey's argument that religion cannot be taught in the public schools is really based on his conception that all religions, and their beliefs and practices, involve specific intellectual beliefs; and that assent by the members of particular religious organizations to these beliefs, is held to be of greater or lesser importance; and that all religious beliefs and ideas inevitably are connected with the idea of the supernatural.

It can be fairly stated, it seems to me, that Dewey is really arguing against dogmatic closed-mindedness on the one hand, and is bringing into critical questioning the concept of supernaturalism on the other. He overstates his case when he claims that all religions are dogmatic, and

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3 Ibid., p. 69 f.
4 Ibid., p. 29.
5 Ibid., p. 29 f.
that all religions are associated with a belief in supernaturalism; since the obvious modern instances of the Quakers, the Baptists, the Unitarians, and the Universalists provide exceptions to his sweeping generalization about dogma and its acceptance. And since these groups subscribe to individual freedom of belief, it follows that the belief in supernaturalism is, for them, a matter of individual choice.

If, however, we have appraised Dewey's real argument fairly, and find that he is saying that he is opposed to the teaching of a set of fixed and rigid beliefs, particularly when they are associated with a belief in supernaturalism, then we can admit that his argument is sound and meritorious. The question to be decided is whether, or not, the condition which Dewey opposes can be equated with religion. He claims that:

We certainly cannot teach religion as an abstract essence. We have got to teach something as religion and that means some religion. Which? In America, at least, the answer cannot be summarily given as Christianity in general----. But we should not be much better off even if it were a question of Christianity alone. Which Christianity?6

Dewey argues, on the basis of his belief that all religions are dogmatic, that the whole spirit of education is conceived to be diametrically opposed to the dogmatic attitude of religion. He expresses this idea in the

following manner:

Already the spirit of our schooling is permeated with the feeling that every subject, every topic, every fact, every professed truth must be subjected to a certain publicity and impartiality. All proffered samples of learning must go to the same assay-room and be subjected to common tests. It is the essence of all dogmatic faiths to hold that any such "show-down" is sacrilegious and perverse. The characteristic of religion, from their point of view, is that it is intellectually secret, not public; peculiarly revealed, not generally known; authoritatively declared, not communicated and tested in ordinary ways.7

Bothered by the antinomy apparent in the two positions, Dewey wonders what can be done about the increasing antinomy of the standards of "coming to know" in secular subjects in school, and the "coming to know" in religious matters. He concludes that:

---as long as religion is conceived as it is now conceived by the great majority of professed religionists, there is something contradictory in speaking of education in religion in the same sense in which we speak of education in topics where the method of free inquiry has made its way.8

It is to Dewey's credit that he admits that the close-minded dogmatism which he exaggeratedly ascribes to all religion need not necessarily obtain, for says he:

I am far from saying that the antinomy is an inherent one, or that the day may not come when religion will be as thoroughly naturalized (naturalized here as the antithesis of supernatural) in the hearts and minds of men that it can be considered publicly, openly, and by common tests, even among religious people.9

7 Ibid., p. 804.
8 Ibid., p. 805
9 Ibid., p. 804.
This statement supports the interpretation that Dewey is really arguing against dogmatism in its pejorative sense. He apparently equates religion with narrow-minded dogmatism, an equation which we shall analyze and evaluate in Chapter VII.

2 Horne and Idealism

Herman Harrell Horne, writing from his professed philosophic viewpoint which he calls Idealistic Theism, and which he acknowledges to be derived psychologically from Kant, and philosophically from Royce,10 argues that religion should not be taught in the public schools because, by its very nature, it cannot be.11 The Kantian psychology is evident in Horne's analysis of the human personality into the three-fold aspect of intellect, will, and feeling. Horne holds that it is the latter of these three, i.e., feeling, that is the source of man's religious as well as his artistic nature. He declares:

Religion and art spring from the same fount of the personal being, viz., the feelings. Art is the expression of the feelings in the presence of the beautiful or the sublime; religion is the expression of the feelings in the presence of the divine.12

Horne then elaborates the meaning of this expression of feeling in more specific terms when he tells us that:

11 Ibid., p. 124.
12 Ibid., p. 123.
the fundamental feeling in the presence of the divine, the Ideal Person, is, as Schleiermacher says, the sense of dependence.13

Religion is not primarily what a man thinks, argues Horne, for this is his dogma, his creed or his philosophy; nor is it primarily what he does, because his deeds may spring from convention, prudence, or necessity. But, he says:

---religion is primarily what the man is, what he thinks and does in consequence of such feeling.14

The translation of these feelings into thought, Horne explains, becomes theology or the science of religion; and the translation into volition becomes the daily deed, the ceremonial usage which constitutes the practice of religion.

It can quite easily be seen that Horne's definition of religion would make it extremely difficult, if not impossible to make religion the subject of instruction at any level. This definition seems to make religion a fusion of a feeling and an attitude about it, i.e., a fusion of an algo-hedonic feeling and an attitude constituted of an intellectual and a volitional element. The intellectual element becomes theology, while the volitional element becomes a behavior pattern.

If this interpretation of Horne's definition is correct, the difficulty in teaching it would lie in the fact that the teaching would consist in description only; and the comprehension by the pupil would presuppose that he had already

13 Ibid., p. 123.
14 Ibid., p. 123.
experienced the feeling! Such a situation would constitute very unsatisfactory pedagogic practice, since there would be no way for the teacher to discover whether comprehension had really occurred or not, due to the peculiarly and uniquely subjective character of such experience. Consequently, Horne concludes:

Religion cannot be taught. To attempt to teach religion is to reduce it to theology, as the attempt to teach morality reduces it to ethics. 15

But if religion cannot be taught, it can be lived, says Horne, for:

---religion is a life; it is a natural expression of human nature not an artificial graft upon it; it is a growth of the pupil's nature, not an acquisition of his intellect. 16

This being true, religion can be developed, if not taught; because as the teacher's religious life touches the germs of religion in the life of the pupil, they spring into activity and growth, like seed in the soil under the quickening touch of sun and rain. This presupposes that the teacher is religious, in the sense of religious which Horne defines; a presupposition which permits him to conclude:

If teachers are religious, then pupils do not need to be taught religion. 17

Almost as an after-thought, Horne then adds:

This is not to minimize the importance of the teaching of religion as a system of truths (Italics supplied) in the home and

15 Ibid., p. 125.
16 Ibid., p. 125.
17 Ibid., p. 125.
the church, - there must be truth as well as life, - but only to indicate the relation of religion to the public schools.18

This statement, taken in conjunction with his comments on the reading of the Christian Bible in the public schools, seems to indicate that he equates religion with Christianity; and that the teaching of religion in the church and in the home reduces to indoctrination of the young mind with the particular sectarian belief of the home by the sect to which that home adheres. Horne visualizes, in terms of his definition of religion, the task of the teacher as a responsibility to live religiously and to impart religion by example. For, he says, it is,

Not theirs to keep religion from being odious through compulsory instruction, but to make it attractive through contagious example; not theirs to instruct the intellect with religious truth, but to quicken the heart with religious life; not theirs to be priests of a particular religious institution, but prophets of the universal religious nature.19

Horne's statements regarding the nature of religion and its relation to the educational process, present numerous difficulties which require some analysis and evaluation; a task which we will reserve for Chapter VII.

Horne also advances the usual separation-of-church-and-state argument as grounds for eliminating religious curricula from the public schools. His constitutional argument is secondary to his main argument and cannot,

18 Ibid., p.127.
19 Ibid., p. 127.
therefore, be expected to be as closely reasoned as his main argument. It is not surprising, then, to find his conclusion as follows:

To put religion into the curriculum of the public schools would contradict the principle of the separation of church and state. 20

This is derived from the premises that the Constitution, as an instrument of the state, provides for the separation of church and state, and that the state provides at the same time for the compulsory education of all youth. Inasmuch as this argument is secondary in Horne's analysis, and also because it is part of the general legal or constitutional argument treated in chapter II of this paper, it will not be given separate attention here.

3 Breed and Realism

Frederick Breed, as the representative of the Realist philosophy of education, expounds his philosophy of education in terms of a definition of philosophy in agreement with that of Bertrand Russell. Thus, he states:

---we regard philosophy as continuous with science, not separate therefrom. As here defined the subject has neither materials nor methods peculiar to itself, but employs the materials and methods of science. It differs from science, however, in the degree of generality of its problems. Philosophers of this type are interested more than most scientists in the fundamental conceptions of the different sciences and in the relations among the sciences. Thus they put themselves in a better position to attempt a general

20 Ibid., p. 124.
integration of human knowledge.21

Apparently, for Breed, philosophy reduces to analysis of the facts of the real world, which, in this case, is an aggregate of those objects which can become known by discovery. Breed declares:

The principle above all others that unifies the realists is known in brief as the principle of independence.22

This principle means that a world can exist in independence of being humanly known. Breed continues:

For the realist, being known is an event that happens to things assumed to exist prior to and independently of the act of knowing.23

Breed holds that both realists and instrumentalists (of the Deweyan type) believe that intelligence is a name for a particular function or reaction, and that both are therefore in full harmony with functional psychology, even with behavioristic psychology if it is freed from the narrow physical and biological limitations with which Watson restricted it. The realist comprehends intellectual activity to be the discovery, either by impression or prehension of the pre-existent; whereas the instrumentalist and all other non-realists comprehend, according to Breed, this activity to be creative of the existent.

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22 Ibid., p. 93.

23 Ibid., p. 93.
Breed argues that the activity of intelligence consists of the selective reactions by which the data of the external world are received and the connective reactions by which they are associated, integrated and interpreted in experience.24 Faced with the task of explaining how this external world, which is independent of a knower, can make itself known to that knower, Breed argues that the answer depends on how one interprets the adjective *physical*. His interpretation seems to be a modification of Whitehead's vitalism, such that all things emit vibrations which are transmissible from any medium to any other, i.e., from atmospheric to electrical, and back again without any "compromise of identity". But here Breed makes a curious exception to his principle of vibration; for he says:

> Not all form in experience is thus imparted from without. One is too familiar with erroneous forms and attributes imparted from within, of psychological integrations that have no discoverable counterpart in the environment.25

As examples of the difference between "physical" and "psychological" integration, Breed adds:

> The constellation known as the "Big Dipper" is a psychological, not a physical integration; while the units of the solar system soundly integrated in fact are not perceived as integrated.26 (Italics supplied)

Breed seems to be arguing here that because the units of the Big Dipper are empirically observable at one time as an

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24 *ibid.*, p. 130.
25 *ibid.*, p. 112 f.
26 *ibid.*, p. 113.
apparently integrated and unitary system, they are "psychologically integrated", whereas the units of the solar system are not capable of being observed at one time as an apparently integrated and unitary system, hence they are "soundly integrated in fact", by which he seems to mean that the integrated solar system exists in fact, whether it is observed or not.

His argument lacks conviction because he gives no explanation of how the emitted vibrations of an empirically discrete system can supply the grounds for the conclusion that that system is "soundly integrated in fact."

Breed's position on the place of religion in human knowledge may be inferred from his statements on educational philosophy in general. His scientific realism, for example, involves the correspondence theory of truth; as it, also involves the principle of verifiability as the foundation of all knowledge. In support of this view, Breed declares:

> The foundation of democracy (as a human value) is natural; not to our knowledge supernatural. It rests on generalizations from fact, not presumptions of omniscience. Even the assumptions and presuppositions, the fundamental premises which thinking uses as a springboard in any field are at bottom derivatives from particular items in experience, from the facts of experience.27

Breed exhibits, in this statement, a curious lack of perspective. When he declares that the presuppositions, the assumptions, the fundamental premises which thinking uses as

a springboard in any field are at bottom derivatives from particular items of experience, he is either using the term "experience" in a sense much different than that usually employed by scientific realists, or else he displays a singular lack of comprehension of the principles of thought. The work of Locke, Berkeley, Hume, and Kant in the field of epistemology has apparently been lost on Breed, otherwise he would know that he need but ask himself by what particular item of experience he was enabled to reach the conclusion he did reach. He certainly did not discover this conclusion by empirical observation, nor did he verify it by scientific observation by other competent observers.

It is not surprising, in view of Breed's statement above to find him also declaring that:

To the scientific and empirical mind there is no absolute certainty about any of the great philosophies, any of the great religions, any of the great ideologies.28

And in continuation of this thought he states:

----that knowledge varies in degree of certainty and that intelligent use of knowledge consists in selection and application according to degree----; here in fact is the foundation for conclusions and beliefs in any area, a foundation in verified knowledge.29

Professor Breed overstates his case in this premise, for he is asserting that "All knowledge is relative", an assertion which is itself either relative or certain. If it is.

28 Ibid., p. 135.
29 Ibid., p. 135 f.
relative it is meaningless, since it applies neither to all knowledge nor to some knowledge all of the time; if it is certain it is self-contradictory.

Breed approaches religion by way of axiology, inasmuch as he discusses religious values rather than religion itself. He includes religious values under the general heading of his value theory where he finds that values rest, in the final analysis, on the facts of human interest, facts whose basis is empirical, since he argues that:

Man is interested in the validity of thought, and so arises logical value. He longs for a power beyond himself that makes for righteousness and so arises religious value. He is interested in the harmonies of human experience and thus aesthetic values come to life. He is interested in everything that contributes to the intellectual development of his kind, and so arises educational value. Knowledge of the facts of human preference or selection serves the usual guidance function of knowledge tilting the balance of opinion toward one or another economic policy, political plan, or educational objective. The popular vote in a democracy is an approximate measure of value, the basis of which, according to this theory, is empirical.30

Religious value, not religion per se, would, according to Breed, be constituted by the fact that somebody is interested in a power beyond himself, a power which he believes will make for righteousness; and it is also constituted by the fact that somebody is so interested, a fact which can be empirically verified, presumably by an empirical observation of that person's behavior.

of this position, difficulties which will be examined in a later chapter.

4. Whitehead and Organicism

Alfred North Whitehead's philosophy of education may appear, at first glance, to be out of place in a chapter devoted to a survey of philosophies of education which oppose the teaching of religion in the public schools. It will be seen, on second glance, to merit a place in such a survey because it exemplifies a philosophy which is opposed to the fallacy of mistaking the particular for the universal. Whitehead, like Dewey, would not countenance the teaching of any sectarian doctrine under the mistaken impression that the doctrine so taught was religion. His statement at the end of the first chapter of his little volume *Aims of Education* is indicative of the meaning which Whitehead attaches to the close connection between religion and education. In this chapter, he declares:

We can be content with no less than the old summary of educational ideal which has been current at any time from the dawn of our civilization. The essence of education is that it be religious. Pray, what is religious education? A religious education is an education which inculcates duty and reverence. Duty arises from our potential control over the course of events. Where attainable knowledge could have changed the issue, ignorance has the guilt of vice. And the foundation of reverence is this perception, that the present holds within itself the complete sum of existence, backwards and forwards, that
whole amplitude of time, which is eternity.\textsuperscript{31}

It will be seen that duty and reverence are themselves unqualifiedly general ideas which can be applied to any and all particular situations. It is in this spirit of universality that Whitehead conceives religion; and it might be added parenthetically that universality and rationality are interdependent terms, as Whitehead points out in the following passage:

The great rational religions are the outcome of the emergence of a religious consciousness which is universal, as distinguished from tribal or even social. Because it is universal it introduces the note of solitariness. Religion is what the individual does with his solitariness. The reason of the connection between universality and solitariness is that universality is a disconnection from immediate surroundings. It is the endeavor to find something permanent and intelligible by which to interpret the confusion of immediate detail.\textsuperscript{32}

The general, or universal, nature of religion as conceived by Whitehead, could be interpreted to mean a religion which is coldly impersonal, and hence having no connection with the individual person. Whitehead emphasizes the direct connection of religion with personality by drawing the comparison between the general truths of mathematics and the general truths of religion. In the case of arithmetic, it is a part of one’s nature as far as that nature involves a multiplicity of things, but it is there


as a necessary pre-condition to the use of its general truths; while in the case of religion, it is a part of one's nature as a transforming agency, and its presence is justified by the measure in which its general truths effect a transformation in character. Whitehead concludes:

Religion (in this sense) is force of belief cleansing the inward parts. For this reason the primary religious virtue is sincerity, a penetrating sincerity. A religion, on its doctrinal side, can thus be defined as a system of general truths which have the effect of transforming character when they are sincerely held and vividly apprehended.33

The apprehension of these truths is the task of education; and Whitehead argues that education is education only when the pupil is concerned with the apprehension of general truths, whether they be in mathematics, logic, science, the arts, or religion. He expresses this in the following passage:

What I am anxious to impress on you is that though knowledge is one chief aim of intellectual education, there is another ingredient, vaguer but greater, and more dominating in its importance. The ancients called it "wisdom." You cannot be wise without some basis of knowledge; but you may easily acquire knowledge and remain bare of wisdom. Now wisdom is the way in which knowledge is held. It concerns the handling of knowledge, its selection for the determination of relevant issues, its employment to add value to our immediate experience. This mastery of knowledge, which is wisdom, is the most intimate freedom obtainable. The ancients saw clearly - more clearly than we do - the necessity for dominating knowledge by wisdom.----The only avenue towards wisdom is by freedom in the presence of knowledge.34

33 Ibid., p. 15.
34 Aims of Education, p. 41.
Whitehead is here arguing that unless the knowledge acquired in the child's state of romance, i.e., the first phase of his rhythm of education, is organized under general principles which are comprehended to be universal in extension, then the knowledge so acquired remains inert and barren, and the pupil has knowledge but no wisdom. Whitehead goes on to say:

> It must never be forgotten that education is not a process of packing articles in a trunk.35

Hence, education is a process of growth which is initiated within the individual; and because the process initially lacks the developed capacity for self-direction, it requires the guiding help of the teacher until the stage of maturity is reached, in which self-direction is possible. Whitehead sees no logical reason why this process of growth cannot be applied to that phase of experience which we call religious, as he very clearly indicates in his volume entitled *Science and the Modern World.*36

5 McGucken and Catholicism

The Roman Catholic philosophy of education, as it is enunciated by Professor William McGucken, S.J.,* objects to the teaching of religion in the public schools because it holds that the teaching of religion is preeminently and

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36 See particularly Chapters IX, X, XI, and XII. cf also *Process and Reality*, Chapter II of Part IV.
* Dean of the School of Education at St. Louis University
exclusively the right and duty of the Church. This conclusion is based on the argument that an individual is a member of three societies, viz., the family, the state, and the Church; and that in the hierarchy of rights, the family supersedes the state, and the Church supersedes the family. This hierarchy obtains, argues McGucken, because the family and the state are societies on the natural level; while the Church is a society both natural and supernatural, and is therefore concerned with the whole aspect of man, i.e., his natural welfare and his supernatural welfare. The Aristotelian concept that the chief function of man is political, i.e., to be a good citizen, was replaced at the advent of Christianity, by the concept that the chief function of man is to prepare himself for membership in the supernatural realm which is beyond the realm of the natural.

The Christian emphasis on the worth and dignity of the individual, is the basis for the Catholic argument that the State exists for the individual, not the individual for the State. McGucken describes society as a plurality of persons united in some form of permanent organization with a common aim or object; thus it is that every society has three aspects: a plurality of persons, a common aim, and the authority to ensure the permanent organization and the common aim. It is to be inferred from these two statements that the

State is synonymous with the authority set up in each society to ensure permanence of organization and common aim.

Now despite the fact that every society has a common aim, and as McGucken admits, the State exists for the common good, he argues that:

> Although the common good, the good of society is in general more important than the good of an individual, this does not hold when the private good is of a higher order.

McGucken claims that in every case of a difference of opinion as to what constitutes the higher private good, it is the Church which shall decide the issue, for he says:

> Hers it is to decide what may help or harm Christian education.

The issue of the priority of the family over the State (within the realm of nature) was decided by Pope Pius XI in his Encyclical on Christian Education in which he proclaims:

> The family (was) instituted directly by God for its peculiar purpose, the generation and formation of offspring; for this reason it has priority of nature and therefore of rights over civil society.

Consequently, in matters of difference of opinion between family and State regarding the education of the child, the family rights supersede the rights of the State; for McGucken points out:

> The State may think it for the common good to require all children to attend state schools. This conflicts with the higher right of the family over the education of the children.

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38 Ibid., p. 282.
39 Ibid., p. 282.
40 Ibid., p. 281.
41 Ibid., p. 252.
Thus McGucken argues; and then he concludes that whenever there is a difference over the issue of a higher private good versus a common social good, the Church decides the issue. Consequently, in cases regarding public school attendance, the Church decides, by using the argument of prior family rights, that the private good of Catholic children demands attendance at Catholic parochial schools.

McGucken states that "Scholastic philosophy is theocentric"; but from his opening statement in his essay, one obtains the distinct impression that scholastic philosophy is Christocentric, because he claims that:

When Christianity came on the world scene, the revelation of Christ brought a completion of the Old Law; but not that merely, it also came as a completion, a correction often of the Greco-Roman civilization. The philosophy of Aristotle and Plato, for example, had an extraordinary influence on early Christian thought and thinkers. To the making of Christian philosophy many minds contributed; Aristotle, Plato, Augustine and Aquinas, and the great galaxy of philosophers and theologians of all ages aided in clarifying and defining the Christian view of life.

To the writer, this statement seems to be a distortion of historical sequence which is open to challenge both historically and logically. McGucken's statement that the Catholic philosophy of education is theocentric, is, however, probably an accurate one; for he declares:

Catholic life and thought and education have God as their basis.

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42 Ibid., p. 252.
43 Ibid., p. 251.
44 Ibid., p. 252.
Then McGucken admonishes us as follows:

It is important to note that God, whose existence is proved by human reason, is not the undying energy of the physicist, not the vague, impersonal being of the deist, but He is a personal God who has created man, upon whom man is dependent and to whom, therefore, man has certain duties and obligations.45

McGucken concludes from these premises that:

This fact of facts, the existence of a personal God, is of supreme importance for any program of education.46

Of education itself, the Catholic view seems to be what Green so felicitously named "inducation."47 McGucken describes the view as follows:

Verbs of teaching govern two accusatives, the person taught and the thing taught.48

McGucken then gives an analytic statement of the nature of man (the person taught), as the Catholic dogma defines man, in which there are eight aspects such as: man is a created being; he is a composite of soul and body united in essential unity; his soul is immaterial, i.e., it is independent of material body but necessarily united to that body to form a composite; he has an intellect; he has a will; due to intellect and will he is different from all other animals; he performs certain acts which are of their nature essentially good or bad, hence independent of all human law, and when good, deserving of praise, when bad, deserving of

46 Ibid., p. 253.
47 See Chapter I, p. 35.
48 Ibid., p. 253.
The thing taught is explained by McGucken as follows:

It is quite clear that Catholics regard certain things as essential to the Catholic theory of education, certain things as accidental. To put it in other words, a Catholic, as a Catholic, is not free to accept or reject the essential postulates of Catholic education; on the other hand, as an individual he may disagree - violently if need be - over the accidentals of Catholic education.49

The "essentials" of Catholic education, i.e., those items which a Catholic is not free to accept or reject, are the Catholic dogma on the nature of man, the nature of truth, and the agencies of education. The position on the nature of man and his supernatural destiny has already been explicated; the agencies of education have also been treated; but perhaps McGucken's summary paragraph will bear restatement:

The school, the family, and the Church all have the right and duty to educate in the Catholic system. Since man has a supernatural destiny, any educational system that fails to impart religious instruction is not acceptable to the Catholic. For the Catholic believes that religion is an essential part of education, since it is indispensable for right living here and for eternal life hereafter.50

This statement is notable for its omission of the right of the state, even a democratic state, to educate its children.

Regarding the nature of truth, McGucken declares:

Truth exists and the human mind can attain truth. Reason is capable of reaching with

49 Ibid., p. 285.
50 Ibid., p. 285.
complete certainty the most sublime truths of
the natural order, but with difficulty and only when duly trained. Therefore, the school
or teachers have a right and a duty to aid the pupil to attain these truths. There are
also truths of the supernatural order which the mind can never know unaided. For this
revelation is needed. The Catholic school again has the right and duty to present these
truths to the child since he could never learn them unaided.51 (Italics supplied)

The truths of the natural order which are apparently con-
sidered to be essential, i.e., which a Catholic is not free
to accept or reject, include the rules of grammar, spelling,
and the like; for McGucken states that:

The Catholic educator does not hesitate to
teach the rules of grammar, the multiplication
tables, spelling and the like. The child
is given no choice in these matters. So
too, with regard to patriotism, love of
country - a very noble Christian virtue -
truths about God and God's law, he does not
wait for the child to discover these impor-
tant truths for himself, he helps him to
discover them.52

The "accidentals" in the Catholic philosophy of educa-
tion are comprised of the curriculum, the method, and free-
dom versus discipline. The Catholic educator is not con-
cerned with curriculum except to insist that it must always
include religion. Still less is he, as a Catholic, con-
cerned with method; he may employ the traditional method of
drill; the project method; the problem method; he may insist
on the interest theory or the "progressive" theory; and none
will say him nay. McGucken continues with a statement which

51 Ibid., p. 285.
52 Ibid., p. 267.
is amazing in the light of his previous declarations; for
he states that:

Every acceptable method of learning must be
based on the theory that all education is
self-education. Consequently, method, as
distinct from techniques or mere tricks of
the educational profession, must have as its
aim the teaching of the child to think for
himself, to express adequately his own
thoughts, and to appreciate in a humane way,
the true, the beautiful and the good.53

(Italics supplied)

Similarly, regarding the "accidental" of discipline and free-
dom, McGucken holds that all discipline must eventually be
self-discipline. Catholic educators know that their charges
are human beings, not angels; and that discipline is neces-
sary. Regimentation may accomplish this externally, but
McGucken admonishes:

----self-discipline is the real answer, a
self-discipline based on sound principles.
Interest is the secret. A child will be
good if he wants to be good. A child will
learn fractions if he wants to learn frac-
tions. It is the teacher's business to
make him want it.54

In sum, then, the Catholic philosophy of education
holds that there are certain "truths" about the nature of
man, about the nature of God, and about the nature of the
universe, which are considered to be essential to the educa-
tion of every Catholic. These truths are held to be so
absolutely true that they are exempt from critical examina-
tion; and hence, are not to be questioned by any pupil

53 Ibid., p. 286.
54 Ibid., p. 286.
or student; and because of their nature, they must be taught by every Catholic teacher and accepted by every Catholic learner. Catholic philosophy also holds that the home, i.e., the family, and the Church have rights prior to, and superior to, the State in the determination of the curriculum to be taught Catholic children. Consequently, either or both of these institutions may determine what, if any, religious dogma may be taught the children of families of this persuasion. It follows that the Catholic philosophy of education must object, perforce, to the teaching of any religion in the public schools unless that teaching be confined to the "essential truths" of the Catholic dogma.

6 Pool and Hebraism

The objection of the Jew to the teaching of religion in the public schools is based, according to Rabbi David deSola Pool of New York City, generally on the same arguments as those of the Catholic philosophy of education. He states, for example, that:

The standard Jewish religious educational system requires time on afternoons during the week as well as on Sundays, through childhood and adolescence in order to begin to do justice to the varied and exacting curriculum of the Jewish religious school. That curriculum includes the Hebrew language, the Old Testament, twenty centuries of post-Biblical literature, four thousand years of Jewish history, the complex ritual and ceremonial of Judaism, the principal observances in the code of a Jewish

* Rabbi of the Spanish and Portuguese Synagogue, New York City.
life, the Jewish calendar, elements of Jewish theology and ethics, the synagogue services, Zionism and the place of Palestine in Jewish history, and the problems, movements and institutions of modern Jewish communal life.55

It appears from this statement that the Jewish philosophy of education holds that the teaching of religion to the Jewish child shall be done exclusively in Jewish schools, by Jewish teachers, about Jewish dogma, language, and history. If Rabbi Pool speaks as a representative of at least one of the major divisions of American Jewry, then that branch not only wants to teach its own version of religion in its own way, but it objects strenuously to the exposure of Jewish children to any non-Jewish religious influence. The inclusiveness of the term any in the previous sentence is intentional, since Pool states, in discussing the problem of Bible reading in the elementary and secondary schools, that:

In the first place the translations used, the Protestant Authorized Version, or Revised Version, or the Catholic Douay version, are sectarian translations. Though the states of North Dakota, Texas, Kentucky, and California have ruled that the Bible is not sectarian, and Colorado has ruled that the Bible as a whole is not sectarian, though comment on it or particular parts of it may be, others hold that the Authorized Version, or Revised Version of the Old Testament, even without the New Testament "discriminates in favor of and aids the Protestant sects of the Christian religion" (Minority opinion in Georgia decision, Wilkerson

vs City of Rome, 152 Ga. 762) In passage after passage, and sometimes in some of the best known and most popular texts, the Authorized Version, and in lesser degree the Revised Version, have adopted a Christological translation which the Jew holds has no warrant in the original Hebrew Text.56

It would appear from this statement, that Jewish children are to be taught Jewish dogma from Old Testaments either in the "original Hebrew", or from translations of the original text made by Jewish scholars only, since translations made by non-Jewish scholars are sectarian.

In his opening statement in this essay, Pool decries the denominational attitude of people in America. He points out that, due to the predominately Christian aspect of the United States, the mid-winter and spring vacation periods in the public schools are referred to as the Christmas and Easter vacations; and similarly, that men speak of a training for the Christian life as though it were synonymous with training for the religious life. Then he declares:

Without any intention of placing any disability on Jews, Moslems, free-thinkers and others not sharing in the predominant faith, the majority think of the relations between Church and State as those between the State and their own Church. This denominationalism of outlook inevitably creates difficulties for dissident religious minorities.57

Pool goes on to add that:

The resulting Jewish attitude on the relation of the state to religious instruction has had to be that freedom of conscience necessitates that any sectarian aspect of religion shall

57 Ibid., p. 473.
be kept rigidly outside of the public school system without concession in matters small or great. To keep its public educational work free of sectarianism, the State must have one uniform rule binding on majority denominations as well as minority denominations.58

It does not follow, of course, that the state shall be completely unmindful of the claims of religion outside of the public school. Pool argues:

On the contrary, because they labor under the disadvantages of a minority group, American Jews are especially interested in seeing that the State take a sympathetic attitude to the claims of religion.59

Pool fails to make clear in what way minority religious groups in America labor under disadvantages; he is content to make the broad generalization without explanation.

The author of this essay makes it clear that he draws a distinction between sectarianism and religion, a distinction which should result in a clear statement or definition of the meaning of each term. He gives us a negative statement of his concept of religion in his discussion of the practice of reading the Bible texts in the classroom, when he says:

Moreover, the Jewish community believes that there is but minimal religious value in the formal and perfunctory reading of the Bible without comment. Religion cannot be taught by the reading or memorizing of Bible texts. It has been well said that religion cannot be taught - it must be caught. It cannot be made an intellectual discipline - it must be a teaching of the heart and soul as well as of the mind. The emotional element of

58 Ibid., p. 473.
59 Ibid., p. 473 f.
religion is altogether lacking in the formal reading of verses from the Bible without comment. But the moment the public school teacher is allowed to give the verses warmth and life through comments there is a virtual certainty of sectarianism entering into the teaching.60

Inasmuch as Pool argues that religion must be caught, not taught, it is not surprising that he answers his question - "Can religious teaching be unsectarian?" in the negative. He feels that if direct religious teaching in the public school could be completely unsectarian (the word is his), then it would be satisfactory. But he hastens to add:

There is no such thing as unsectarian Judaism or unsectarian Christianity.61

This statement throws considerable doubt on his comprehension of the distinction between, and use of, the terms religion and sectarianism.

The arguments of the Jewish philosophy of education, as expressed by Rabbi Pool, are, in sum, that the teaching of religion (for Jews) is the exclusive function of the Jewish religious school. The teaching of Jewish history, language, ethics, ritual, and ceremonial must be done without contamination from outside sources; hence, even the reading of passages from the Authorized or Revised versions of the Old Testament, when translated by non-Jewish scholars, must be barred from the public school, since it is objectionable to Jewish educators; that, while the State must

60 Ibid., p. 492 f.
61 Ibid., p. 487.
rigorously avoid participation in, or interference with, doctrinal matters, it should concern itself with religious welfare outside of school hours and school buildings, at least to the extent of allowing Jewish children sufficient time after school hours in which to attend Jewish religious school, even if that provision requires reducing the amount of school curricular time or reducing the requirements of homework. And, finally, that religion cannot be taught, since there is no such thing as unsectarian Judaism or unsectarian Christianity. If, however, religious teaching could be done in a completely unsectarian manner, then it would be satisfactory.

The arguments of Rabbi Pool, representing the Jewish philosophy of education, bring to a conclusion the presentation of the series of arguments of leading philosophies of education bearing on the question of the objections to the teaching of religion in the public schools. The writer has attempted to make the presentation as comprehensive as possible; fully realizing, however, that it must be incomplete in greater or lesser degree. For example, Bertrand Russell is an outstanding philosopher whose educational views are of importance; and his views, perhaps, should be included. Since, however, Frederick Breed has been chosen to represent the Realistic position, and also, since Breed claims a good deal of affinity with the Russellite point of view, the writer feels justified in presenting Breed rather than Russell; particularly so, in view of the fact that
Breed has been more closely associated with educational philosophy, both in theory and in practice, than has Russell. So with the presentation of the legal, religious, and educational arguments of the opponents of the teaching of religion in the public schools, it is time to evaluate these arguments by the criteria of consistency, coherence, and cogency. To this task we now turn.
Chapter V

Evaluation of the Legal Arguments

It is the contention of many of those who argue against the teaching of religion in the public schools on legal grounds that the First Amendment provides for the complete and absolute separation of church and state. This group uses the majority opinion of the United States Supreme Court in the Everson case as the authority for their interpretation of the meaning of the First Amendment. The particular dictum in the opinion of the high Court which is generally cited for the complete separation of church and state affirms that:

Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.¹

The interpretation which the Supreme Court here places on the meaning of the First Amendment leaves very little, if any, doubt about its complete separation, since it affirms the prohibition of participation by government in the affairs of any religious group, and the participation by the latter in the affairs of government.

The contention that the First Amendment means a complete separation in the sense affirmed in the dictum of the United States Reports, Vol. 330. ¹

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Supreme Court quoted above, rests, it seems to the writer, on a misconception of the intentions of the framers of that Amendment. And it overstates the case in its prohibition of all participation of each in the affairs of the other. Let us, then, examine the argument for the meaning of the Amendment.

1 Jefferson's Position on Establishment

There is a wealth of evidence available to support the argument that the framers of the First Amendment intended that the Congress should be prohibited from making a law respecting the establishment of a national church, in the sense of the term in which some particular religion becomes the religion of the entire nation by law, with the force of the civil power of the state to back up and enforce the doctrine and dogma of that religion on the citizens of the state. Evidence to this effect is supplied in the autobiography of Thomas Jefferson in which he relates the history of the establishment of the Anglican church in Virginia from the time of the first settlement under the royal grant to Sir Walter Raleigh, a grant which Jefferson describes in the following manner:

"...contained an express proviso that their laws "should not be against the true Christian faith, now professed in the Church of England"."

In the sentence following this quotation, Jefferson gives us

his meaning of the term establishment when he relates that:

As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses, all of the inhabitants of the parishes were assessed, whether they were or not members of the established church.3

Jefferson, in his Notes on the State of Virginia, adds to the comment quoted from his autobiography some pertinent details about the early colonists' meaning of the term establishment. For example, he states their customs as follows:

The first settlers in this country were emigrants from England, of the English church, just at a point of time when it was flushed with complete victory over the religions of all other persuasions. Possessed, as they became, of the powers of making, administering, and executing the laws, they showed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. —— Several acts of the Virginia assembly of 1659, 1662 and 1693, had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the state; (if they left the country) provided a milder punishment for their first or second return but death for their third.4

It is precisely this possession of the powers of making, administering, and executing the laws of the land by one particular sect which Jefferson and Madison were intent upon abolishing from the constitution of the new national

3 Ibid., p. 1111.
4 Ibid., p. 673 f.
government, just as they had abolished it from the state
government of Virginia. The theory that any body of men
could, by legal enactment, make criminal the holding of an
opinion or view contrary to their own, was abhorrent to
Madison and Jefferson who both advocated the theory of free-
dom of opinion, religious and otherwise, as evidenced by
the following statement of Jefferson's:

This is a summary view of that religious
slavery under which a people have been willing to remain, who have lavished their lives
and fortunes for the establishment of their
civil freedom. The error seems not suffi-
ciently eradicated, that the operations of the
mind, as well as the acts of the body, are
subject to the coercions of the laws. But our
rulers can have no authority over such natural
rights, only as we have submitted to them.
The rights of conscience we have never sub-
mitted, we could not submit.5

The legal restriction to orthodoxy was no mere theory in
Jefferson's day, according to his description:

The same convention, however, when they met
as a member of the general assembly in
October, 1776, repealed all acts of Parliament which had rendered criminal the main-
taining any opinions in the matters of
religion, the forebearing to repair to
church; and the exercising any mode of wor-
ship; and suspended the laws giving salaries
to the clergy, which suspension was made
perpetual in October, 1779.6

This account gives clear evidence that, under the Anglican
establishment, heterodoxy of religious view became a crime
against the state, punishable in some instances by death.

2 Madison on Freedom of Religion in Virginia

The work of both Jefferson and Madison for religious freedom in Virginia was brought to sharp focus by the introduction of a bill which proposed that the teaching of Christian doctrine be made compulsory; Christian doctrine, in this case, being equated with the Anglican version of it. In his Memorial and Remonstrance, Madison with far-seeing insight objected to the exclusive establishment of Christianity in the following manner:

---who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians in exclusion of all other sects? That the same authority which can force a citizen to contribute three-pence of his property for the support of one establishment, may force him to conform to any other establishment in all cases whatsoever? 7

Here the emphasis is on the preferential treatment accorded one group, in exclusion of all others; and it is the attempt to establish this preferential treatment as a principle of government to which Madison so vigorously objected.

The attorneys for the Appellee Board of Education point out this fact when, in referring to Madison’s Memorial and Remonstrance, they declare:

The word "establishment" appears in it, not once, but eight times, and in every one of these it is used clearly and explicitly to describe the exclusive, monopolistic recognition and preference of one religion over all others. 8


---Appellee’s Brief, Bernard and Miller, Chicago, 1948, p. 29.
The same central concept of establishment as the joining of the power of the civil authority to one particular sect, in exclusion of all others appears again in the speeches of Madison on the floor of Congress during the debate over the wording of the First Amendment.

3 Madison on Amending the Constitution

Madison, as a member of the first Congress from Virginia, proposed, in a speech delivered June 8, 1789, that the Constitution be amended; and gave the wording, in precise language, of the amendments as they would apply to the original wording of the document itself.9 He proposed nine amendments, the fourth of which later became adopted as the First Amendment which was phrased as follows:

That in article 1st, section 9, between clauses 3 and 4, be inserted these clauses, to wit: The civil rights of none shall be abridged on account of religious belief and worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, on any pretext infringed. (Italics supplied) 10

Thus, Madison's proposal gives the first official wording of the proposed amendment to the Constitution regarding an establishment of religion in the new nation. It is important to remember that the prohibition against establishment had to be framed from the national viewpoint because New Hampshire, Massachusetts, Connecticut, and Georgia still had established churches as features of their respective state

10 Ibid., p. 377.
governments. Madison moved, following his presentation speech, that a committee be appointed to consider and report such amendments as it thought ought to be proposed by Congress to the states for ratification. The committee was appointed, as was also Madison as its chairman; it framed the amendments and made its report to Congress. Debate followed on August 15, 1789, in which the wording of the amendments was given very careful consideration; particularly so was the wording of the clause concerning an establishment of religion. For instance, Mr. Sylvester was concerned that the wording proposed by Madison would give the impression that Congress favored the abolition of religion altogether. Mr. Gerry then proposed that it be changed to read "that no religious doctrine shall be established by law." Gerry's proposal was followed by remarks from both Mr. Sherman and Mr. Carroll, after which Madison is reported to have said:

---he apprehended the meaning of the words to be, that Congress should not establish a religion and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience. Whether the words are necessary or not he did not mean to say, but they had been required by some of the state conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution and the laws made under it, enabled them to make laws of such a nature as might infringe the rights of conscience, and establish a national religion. To prevent these effects he presumed the amendment was intended and he thought it was as well expressed as the nature of the language would admit. (Italics supplied)\footnote{Benton, Thomas, \textit{Debates of Congress}, New York, D. Appleton-Century Co., 1857, Vol. 1, p. 137.}
Following some comment of approval by Mr. Huntington, Madison remarked:

---he thought if the word national was inserted before religion it would satisfy the minds of honourable gentlemen. He believed that the people feared that one sect might obtain a pre-eminence, or two combined together, and establish a religion to which they would compel others to conform. He thought if the word national was introduced it would point the amendment directly to the object it was intended to prevent.12

But there was objection to the word national, Mr. Gerry holding that it gave the connotation of a national state with the implication that a national state is but the beginning of a monarchy, or even a despotism. So Madison withdrew his motion, observing at the same time:

That the words, "No national religion shall be established by law" did not imply that the government was a national one.13

Mr. Livermore moved that the wording be altered to read that Congress shall make no laws touching religion, or infringing the rights of conscience; and it was his motion that carried, the vote being thirty in favor of it, and twenty against. The final draft of the amendment saw the substitution of the word respecting for the word touching.14

4. Meaning of "Establishment of Religion"

In the light of these expressions of intentions of meaning, it seems quite clear that Madison and his committee, to say nothing of the members of the first Congress

12 Ibid., p. 138.
13 Ibid., p. 138.
14 Ibid., p. 138.
generally, intended to insure freedom of the mind (which in
the religious area means freedom of conscience) for all
citizens of the United States, by making it impossible for
Congress to enact legislation which would unite the civil
power of the state with the doctrine or dogma of any parti-
cular sect, so that the result would be the establishment
of a national church. It seems to be very clear that neither
the amending committee, nor Congress as a whole, intended
that religion, considered as an aspect of human study, be
abolished from the national life. And the word religion,
as used in the two clauses of the First Amendment, has two
definite and distinct meanings: 1) to designate the doc-
trine, or dogma and ritual of some particular sect, which
is the meaning as it is used in the establishment-of-religion clause; and 2) the body of premises and conclusions
derived from the study of that area of experience called
religious, and which is, by the nature of the case, uniquely
individual. Hence, the latter is what is meant by the term
as it is used in the freedom-of-religion clause.

The attorneys for the Appellee point out that the mem-
ers of the first Congress had this distinction clearly in
mind when the proposed amendments went to the Senate for
consideration; for that body proposed that the wording be
changed to read:

Congress shall make no law establishing articles
of faith, or a mode of worship or prohibiting
the free exercise of religion, or abridging the
freedom of speech, or of the press, or of the
right of the people peaceably to assemble and
to petition to the government for redress of
grievances.\textsuperscript{15}

In this revision, the Senate distinguished religion as a set
of articles of faith, or a mode of worship, or both, which
could be established by law, as well as a right which the
individual is free to exercise.

The conclusion seems warranted that the intention of
Madison and his committee was to frame an Amendment to the
Constitution which would make it impossible for any indi-
vidual sect, or combination of sects, to become established
as a national church to the exclusion of all other sects.
This end was to be achieved by prohibiting the Congress from
enacting legislation which would compel by law, the observ-
vance of the ritual or the acceptance of the dogma of any
particular sect, or combination of sects. This intention
was made clear to, and was accepted by, the membership of
the first Congress as a whole; and after being embodied in
appropriate language, it was adopted by the Congress for
presentation to the several states for ratification or re-
jection.

The second clause in the First Amendment relating to
religion, i.e. "nor prohibit the free exercise thereof", gives
evidence that there was no intention on the part of the
Congress, or on the part of the framers of the Amendment,
to abolish religion from the national life; since the
Amendment prohibits the Congress from enacting legislation
\textsuperscript{15} Appellee's Brief, p. 46.
which would abridge the freedom of conscience. The attorneys for the Appellee argue that there is a difference in extension between the establishment-of-religion clause and the freedom-of-religion clause; the difference being that the establishment clause was intended to apply to the national government alone, whereas the freedom-of-religion clause was intended by Madison to extend to both federal and state governments. The wording of their arguments follows:

James Madison made a clear distinction between rights of conscience (freedom to believe) and the relationship between government and religion. It will be recalled that the proposed constitutional amendments which he introduced into the First Congress included a fifth proposition that, "No state shall violate the equal rights of conscience ---." This fifth proposition was a limitation solely upon the States and contained rights which he said he considered so fundamental as to require a "double security" against the acts of any government, either State or Federal (Annals of Congress, 1, p. 441).16

The Appellees' attorneys argue that Madison considered rights of conscience to be more fundamental than the prevention of an established religion, because he sought to guarantee the one more widely than the other. This argument is debatable in view of Madison's stated position in his correspondence and in the celebrated Memorial and Remonstrance. Madison, like other statesmen of his time, had to maneuver carefully in dealing with the relations between the states and the federal government; and in the

16 Appellees' Brief, p. 89.
presence of the fact of four established state churches, he may have wished to avoid antagonizing the representatives of those states. He was also aware of the trend of the times toward disestablishment, and may have rested secure in the high probability of the trend accomplishing in time, the result on the state level which his amendment was intended to accomplish on the national level.

The important point in the quotation above is, regardless of Madison's reputed valuation of fundamental rights, that Madison distinguished carefully between religion as a field of investigation open to all, and religion as an organized body with a fixed set of articles of faith. It is in the sense of religion as a field of investigation open to all, that the framers of the First Amendment can be said to have had no intention of banishing it from the national life; on the contrary, it is precisely this meaning of religion which the freedom-of-religion clause aims to preserve as a fundamental right of every citizen. The whole meaning of the First Amendment is thus seen to be that the citizens of the United States are to be guaranteed the right to think through the problems of religion and thereby reach their own conclusions; in short, they are to guaranteed freedom of conscience.

The first requisite to the achievement of freedom of conscience (or religion) is to make certain that no citizen is ever compelled by enactment of federal law to conform
his opinion to that of any particular sect or group, or to attend a worship service not of his own choice, or to pay taxes to maintain a favored sect with exclusion of all other sects. The implication contained in this meaning is that many, if not most citizens would actually think through the problems of religion and arrive at conclusions by the free and unmolested use of their reasoning power whatever that may be, even if that power be only to recognize its own need to accept and to follow some authority. There is no evidence, as far as this writer knows, that the framers of the Amendment contemplated guaranteeing a fundamental right of which no citizen was going to avail himself; in short, that the holders of this right would constitute a null class. The founding fathers had too much good judgment to commit this fallacy.

5 The Consequences of the Supreme Court Decision

It is axiomatic, by the principle of the excluded middle, that it is impossible to hold no position; impossible to make no choice; for every attempt to negate this axiom merely reaffirms its truth. Just as the statement "It is impossible to classify" inevitably classifies, so does the statement "I will take no position" inevitably takes a position; or to state that "I will make no choice" is unavoidably to choose. It follows from this that in religion, as in all other areas of human judgment, every individual reaches conclusions of one sort of another. The conclusions
may be nebulous, hazy, uncertain, and ill-founded; but conclusions they are, because the principle is perfectly general and covers all ranges of value. The founding fathers based the fundamental right of freedom of religion on this principle, since their aim was to guarantee to every citizen an intellectual and social climate in which he could arrive at his conclusions unhampered by any political pressures or fears of politico-religious penalties.

It follows logically from the axiom stated above, that to arrive at the atheistic conclusion is not to arrive at no conclusion, since a negative conclusion is still a conclusion; and it also follows that conclusions reached by the atheist are, by the principle of negation discussed in Chapter III, religious conclusions, as will be shown more fully in Chapter VI.

In the light of the fact that Mrs. McCollum prayed the Supreme Court to ban all teaching in and instruction of religion in the public schools, it can be concluded that she wished to ban every affirmative religious position in the educational system of Illinois. It follows from this that she prayed, at the same time, for the assertion and installation of her own atheism which is, as has been shown, a negative religious position. The Supreme Court, being unable to make no choice, was faced with the alternative of establishing one or the other of these positions; and chose to establish the one advocated by Mrs. McCollum.
The conclusion follows inevitably, that in ordering the enforcement of the writ of mandamus, the Supreme Court joined the power of the civil government to the doctrine of dogma of one preferred sectarian position for the purpose of imposing that dogma on the citizens of the state; thus the decision in favor of the McCollum atheism made it a preferred sect. There can be no doubt that atheism has a doctrine or dogma which, when adequately presented, combines the negation of god with the substitution of some other explanatory theory to replace the god which is denied. If the reasoning in this argument is valid, then the Supreme Court of the United States violated the precise situation which the framers of the First Amendment intended to prohibit.

6 Religious Education Does Not Involve Sectarian Ritual

The fundamental consideration in this case has, it seems to the writer, been lost to view by both litigants as well as by the Court itself; that is, that the First Amendment protects the citizens of the United States, and by its application through the Fourteenth Amendment, it protects the citizens of the several states against the forcible attendance on, participation in, and maintenance of one particular sect or religious group as an institution, in exclusion of all other sects or groups. By the same channels, it also gives protection against the forcible acceptance of one
particular doctrine or dogma to the exclusion of all others, which would be tyrannical indoctrination.

It does not follow, either necessarily or contingently, that education in religion either implies or involves the compulsory attendance on, or participation in the ritualistic or ceremonial service of any one particular religious group in exclusion of all others. It does not even imply attendance on or participation in any religious service whatever; because a competent instructor can give a verbal description of such services, including those of all religious groups, by way of illustrative material, if in his judgment such material would be helpful to an understanding of religion in general.

Nor does it follow that education in religion implies or involves the forcible acceptance of the dogma or doctrine of one particular sect or group to the exclusion of all other sects or groups. In fact, if the process carried on is really education, and not indoctrination, then precisely the opposite result will ensue, and the pupil will become aware that there is more than one possible religious position to hold. He will thus be required to make a choice among alternatives by some standard other than blind acceptance. The various released-time plans in operation in the United States can scarcely be said to qualify themselves as religious education, because they approach too closely to the process of indoctrination; but none of them, it seems to the writer,
can be accused of violating the First Amendment in that they require compulsory attendance on, and participation in, the ritual of one particular sect or group, in exclusion of all others; or that they require acceptance of the doctrine of one particular sect or group in exclusion of all others.

Justice Reed emphasizes this point in his dissenting opinion in the McCollum case when he says:

Cases running into the scores have been in the courts of last resort that involve religion and the schools. Except where the exercises with religious significance partook of the ceremonial practice of sects or groups, their constitutionality has been generally upheld. Illinois itself promptly struck down as violative of its own constitution required exercises partaking of a religious ceremony. People ex. rel. Ring v. Board of Education 245 Ill. 334. In that case religious exercises - a reading from the King James Bible, the Lord's Prayer and the singing of hymns - were forbidden as "worship services". In this case the Supreme Court of Illinois pointed out that in the Ring case, the activities in the school were ceremonial and compulsory; in this, voluntary and educational. 396 Ill. 111, 20 - 21.17

The various denominations or sects do attempt, in many cases, to indoctrinate their youth with the idea that their particular version of religion is the only true one; but there is no compulsion, either legal or intellectual, which forces the individual youth to accept the idea or to attend his church. In the McCollum case, it was not even suggested that any child in the Champaign school system was forced to attend or to participate in the ritual or ceremonial of one particular sect in exclusion of all other

17 United States Reports, Vol. 333, p. 252 f.
sects, which is the condition which the establishment-of-religion clause of the First Amendment prohibits; consequently, it seems to the writer, that the Appellant fails to substantiate her claim that her rights were invaded by a violation of this clause.

The Appellant also claims that her rights were invaded by a violation of the freedom-of-religion clause by the participation of the schools in religious education. If our interpretation of the meaning of freedom of religion is adequate, then a violation of such freedom, as it relates to religion in the public schools, would require that the state, through its agency board of education, enact a law, or ruling, stipulating that the doctrine of one and only one religious sect could be taught in the public schools. It would be of no moment as to which doctrine were chosen — whether it be Christianity, Judaism, Buddhism, Hinduism, or atheism — freedom of religion would be violated when all of the alternative religious doctrines are legally reduced to one.

The action of the Champaign Board of Education cannot be classified under this definition; hence, it cannot be said to be in violation of the freedom-of-religion clause of the First Amendment. According to the statement contained in the opinion of the Supreme Court of Illinois, the Appellant can not justifiably claim violation of the freedom-of-religion clause, since she admits that her own son, with her consent, both participated and refrained from partici-
pation in classes in religious education. The following statement describes his activities:

James Terry McCollum, the son of the relator, around whom this controversy centers, entered the fourth grade of the district school in the fall of 1943, and along with five others, did not participate in the religious classes during the first semester. He did, however, participate with his mother's consent during the second semester. In the fall of 1944 he transferred from the South Side school at his mother's request and enrolled in the fifth grade in the Doctor Howard school, and, with one other younger, Elvin Miller, did not attend the religious education class the first semester. During the second semester he was alone in not participating therein.

This statement is evidence that the Appellant not only had alternative choices as among several religious groups, but also had the choice between religious and not-religious groups; and she availed herself of these choices by freely choosing to have her son participate at one time and not participate at another time. The conclusion seems to be justified that because the Appellant had several alternatives, and admittedly made free choice among them, she has no justifiable claim that the freedom-of-religion clause of the First Amendment was violated.

The interpretation of the meaning of the First Amendment upon which she bases her demand for the prohibition of all teaching of, and instruction in, religious education, is that given by the majority opinion of the Supreme Court in

18 Opinion of the Supreme Court of Illinois #29678, filed January 22, 1947, mimeographed by the attorneys for the Appellee, p. 2.
the Everson case which states:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will, or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or instructions, whatever they may be called, or whatever form they may adopt to teach or practice religion. ---- In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State" Reynolds v. United States, supra (98 U.S. at 164). 19

The sentence in this dictum which gives the Appellant grounds for her sweeping demands is "Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." This dictum is an overstatement of the case, for nowhere in the published writings of Madison, or of Jefferson, is there the slightest bit of evidence to indicate that the intention of the framers of the First Amendment was to prohibit aid to all religions. On the contrary, it will be remembered that in the debate in Congress over the proposed amendments, Mr. Sylvester was concerned that Madison's proposed wording of the amendment about a national religion might create the impression among the people that Congress intended to abolish religion altogether. 20

Mr. Sylvester's remarks, as well as those of others taking part in the debate, imply that the abolition of religion from the concern of government was distinctly not the intention of Congress.

The meaning of the First Amendment, as the majority opinion states, certainly applies to the prohibition against making laws which aid one religion, if it be added "in exclusion of all others"; or, as the majority opinion expresses it, "prefer one religion over another." But the attempt on the part of the majority opinion quoted above, to carry the intended prohibition to its extreme limit, becomes self-contradictory as the phrase (deleted from the quotation) above shows upon further examination. This phrase states that "Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa", a statement which, by its very assertion, causes the Federal Government, through its agency the Supreme Court, to participate in the affairs of some or all religious organizations or groups, by prohibiting their participation in the affairs of government; and as a consequence of this, the statement becomes self-contradictory. The assumption upon which this dictum is apparently based, is that it is logically possible to annihilate the relation which relates two terms, so that the terms bear absolutely no relation to each other, an assumption which is unwarranted, since it is logically impossible.
There is another phrase in this dictum of the Supreme Court which also seems to the writer to be an overstatement of the case: a phrase in the statement which declares that:

No tax in any amount, large or small, can be levied to support any religious activities, or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. 21

The phrase "to support any religious activity" seems to the writer to expand the meaning and intent of the First Amendment beyond that of its framers. It is obvious that an established church is, qua established church, maintained by taxation imposed on all citizens of the state; and it follows that the prohibition against the establishment of religion by Congressional enactment (and state legislatural enactment, through the Fourteenth Amendment) automatically includes a prohibition against tax legislation in support of an established religion; for "establishment" means the power to tax as well as the power to dictate dogma and frame laws to its own advantage. In such a situation, there is no choice about the collection and expenditure of tax monies for religious purposes.

But in the case of disestablishment, in which all sects are free to peaceably operate, there is freedom of choice regarding the collection and expenditure of tax monies; consequently, there is no tyranny or compulsion present, and

the possibility of cooperation between state and church presents itself. The principle which the Supreme Court tries to assert, is that the expenditure of collected tax money shall be completely excluded from all religious matters; that it shall be expended on non-religious matters only. It might be stated here that if this principle has the extension which the Supreme Court dictum claims for it, then the United States Government has been in violation of it since 1790 with the meeting of the first Congress; for the attorneys for the Appellee Board of Education point this out when they say:

---on January 7, 1790, the House adopted a resolution "that the chaplains, of different denominations, be appointed to Congress for the present session, one to each House, who shall interchange weekly". This was implemented the following day (January 8, 1790) by the election of the Reverend William Linn to the office. This practice of electing a Chaplain as an officer of each House and paying him a salary from the national treasury was continued in the Second Congress and without deviation to the present time.22

But the principle cannot have that great an extension; for, if no tax can be levied for any religious activity or any religious institution, then it follows that all taxes that can be levied must be levied for non-religious activities and institutions. This is equivalent to asserting that the class "taxes which can be levied for religious activities and institutions" is null. This assertion is an overstatement of

the case, because it is asserting, in the empirical realm, a relation of absolute degree found only in logical and mathematical relations.

The attorneys for the Appellant advance a very ingenious argument relative to the expenditure of tax money for religious purposes. In discussing the meaning of "separation", they argue that in the light of the Supreme Court's interpretation of the First Amendment relative to an establishment of religion, it is not too difficult to formulate a test of when there is, or is not, a true separation of church and state; nor is it an insuperable task to apply such a test to any given case. The basis of this argument is that the Federal Constitution, and the several state constitutions forbid the making of any law or the action of any governmental authority that involves the interlocking of the official of the state (or any of its agencies) with the official or institutional functions of the church. Thus, the attorneys argue, whenever a state, acting through its legislature, invites or employs a minister of the Gospel to deliver an invocation at the opening of the sessions of the legislature, it is dealing with individuals qualified to perform the designated service; it is not dealing with any church as an institution or establishment. The same situation holds with chaplains for the armed forces; because the attorneys argue:

---when the officials in charge of the activities of the armed forces select members of such forces to act as Chaplains, they
are not making an agreement with any church organization or groups of organizations.23

This argument is challengeable on two counts: first, in the Catholic church, at least, there is no such thing as a private individual as distinguished from the cleric. Every member of the hierarchy, from the lowest parish priest on up to the Pope, is an official of the church, and acts always in his official capacity as a representative of the Church; and is presumed to have no private identity following his ordination. It follows, consequently, that any employment of a Catholic clergyman is always an employment of the Church by means of one of its officers.

The second point is that the Appellant's attorneys argue that the meaning of the Supreme Court's dictum in the Everson case, which declared that "No tax in any amount, large or small can be levied to support religious activities or institutions, whatever they may be called ----", carries over to include the expenditure of public monies raised by taxes as well as the levying of a tax.24 The Appellant's argument is then, that not only can no tax be levied in any amount to support any religious activities or organizations, but no money raised by tax levy can be expended to support religious activities or organizations. The employment of a rabbi, priest, or minister of the Gospel, whether he be considered to be an individual, as distinguished from the institution or organizations which he represents, or not, is for

24 Brief for Appellant, p. 20.
the purpose of carrying on religious activity. The titles - rabbi, priest, or minister - designate his function to be religious, so the employment of such a person can be for no purpose other than to supply religious service. From this it follows that, on the interpretation of the First Amendment given in the Supreme Court dictum, the argument of the Appellant is unconvincing; because tax money is being spent for religious activity, whether the activity is conducted by an individual or an institution; and it is the activity which the dictum prohibits.

8 Flaws in the "Compulsory Segregation" Argument

The argument of the Appellant that her constitutional right to freedom of religion was invaded by the action of the Appellee Board of Education in permitting the segregation of school pupils into religious and non-religious groups, and the religious group into several different religions, is grounded on the fact that she was compelled to make a choice in a religious matter. The basis for this argument is the Illinois compulsory education law, (note that the Illinois statute is not a compulsory public school law) which enables the state to compel a parent to educate his child. If the parent does not, or cannot, educate his child by means of private school, private tutor, or parochial school, then he must send his child to public school.

The Appellant argues that public school attendance is not voluntary but compulsory for the pupil; and because it
is compulsory, the classification of pupils into those who
desire to attend classes in religious education and those
who do not so desire,

sets up lines of distinction between the several
religious groups and between religious and non-
religious groups, it distinguishes minorities
which may be subject to attack.25

This argument implies that if the released-time plan as it
actually operates in Champaign, or any plan of religious
education that distinguishes one sect from another, were not
present in the school system, then the distinction into the
several religious groups, and into religious and non-relig-
ious groups, would not occur; and that, therefore, she
would not be compelled to accept or reject religious instruc-
tion for her son.

The assumption on which this argument is based, is that
the child in the public school system is unaware of any reli-
gious differences between himself and his classmates; either
because he came into the school room unaware of such dif-
ference, or that being aware of it prior to entering the
school, the transition into the school atmosphere changes
that awareness into an unawareness. One of these alternatives
is eliminated by the Appellant's admission that:

Friction in religion has been a characteristic
of children which is not uncommon among adults,
a characteristic which has in the past brought
some conflict among children of different
religious groups, even in the absence of sepa-
rate public school classifications which would

25 Brief for Appellant, p. 25.
obviously differentiate religious groups, and lay the basis for religious controversy.26 This statement indicates that the child is aware of religious differences prior to his entrance into the classroom; vividly enough aware of them to generate friction and conflict. Consequently, the other alternative must be the assumption underlying her argument, i.e., that the presence of the child in the school atmosphere occasions a transition to unawareness of religious differences, particularly unaware that there are minority religious groups which may be subject to attack.

This assumption is unwarranted because the Jewish pupil will absent himself from the school atmosphere on Jewish holy days, an absence which will differentiate him; the Catholic pupil will observe the Catholic holy days and absent himself when necessary, a condition which will differentiate him; the Jehovah's Witness pupil will refuse to salute the flag, or to take the oath of allegiance because of his religious convictions, a condition which differentiates him to the point of irritation; and, as the attorneys for the Appellee point out, the Jewish child, the Catholic child, and the Mohammadan child, if any are present, would differentiate himself in the school cafeteria by his dietary deviations from the eating customs of the Protestant Christian child.27

26 Ibid., p. 30.
27 Appellees' Brief, p. 136.
Consequently, the argument that the released-time program draws lines of distinction between religious groups, and between religious and non-religious, is invalid because the lines of distinction are either present in the child's consciousness prior to admission to public school, or they become evident to that consciousness in the school climate due to characteristic differences already present in the child. Consequently, it cannot be concluded that the released-time plan does, in fact, set up lines of distinction between religious and non-religious pupils; nor does it follow that Mrs. McCollum was compelled to make a religious choice. The fact that she initiated this legal action is evidence that she had already made a choice.

A variation of the compulsory education argument was presented to the Supreme Court by the American Unitarian Association which argues that the state has the power to compel attendance at public schools for secular education, but that it obviously has no power to compel attendance at religious classes. Consequently, it concludes that if the state, through its Board of Education, releases some pupils to attend classes in religious education, it should release those who elect to not attend such classes. The argument advanced is that to compel one child, or any group of children to remain at their school duties, while another group of children are released from the compulsion to remain at these duties, is to set up a double standard of law. In its Preliminary Statement, the Unitarian Association declares:
We believe that for many ten year old boys, and perhaps for James (McCollum) a choice between pursuing regular studies in public school and attending classes in religious education may be regarded as one between two evils. In any event, he was in substance, offered a release from compulsory attendance at public school only on condition that he elect to pursue a course in religious education. He was in effect told that he must take such a course or else continue his regular studies. We think he was thereby constrained by public authority to attend the class in religious education. 28

The framer of this argument exhibits an understanding of the psychology of the average ten year old; and, possibly, to the ten year old mind, the choice between one set of studies and another set of studies is a choice between one of two evils; but the psychological reaction of a ten year old boy scarcely constitutes a valid argument. To conclude, as this argument does, that young McCollum was told "in effect" that he must either take a course in religious education, or else continue his regular studies, is to imply that the boy was the victim of arbitrary dictation, an implication that is clearly unwarranted on the evidence of the record.

The state of Illinois does, by law, compel a parent to educate his child, but the parent has certain alternatives within the compulsion of that law, i.e., the choice of educating the child by private tutor, private school, parochial school, or public school. The parent also has some

28 Motion for Leave to File Brief as Amicus Curiae, Edward C. Park, Counsel, no publisher, or date given, p. 5.
voice in the choice of curricula, whatever the medium of
education chosen; a fact that is evidenced in the public
school medium by the addition of courses in the vocations,
in the field of commerce, in music and the arts, in physical
education, and the like. These additions to the public
school curriculum have been made at the insistence of
parents (whether wisely or not is another question) who chose
freely that they wanted these courses made available to
their children. In the case in point, some of the parents
in Champaign school district wanted their children to have
religious education, and made arrangements to have such
classes offered to the children of all the parents in the
school district. Some parents chose to have their children
not attend such classes, which is a free choice and involves
no compulsion.

Due to the fact that such classes could not legally be
added to the school curriculum, the parents whose children
were to attend these classes asked the School Board to per-
mit the children to be absent from school, provided such
absence did not interfere with the regularly scheduled
classes. It follows that the only time in the school day
in which such an absence could occur, was during a so-called
study period. The School Board granted this permission; and
Justice Reed points out in his dissenting opinion why the
Board could do this, when he declares:

I agree that pupils cannot "be released in part
from their legal duty" of school attendance
upon condition that they attend religious classes. But as Illinois has held that it is within the discretion of the School Board to permit absence from school for religious instruction no legal duty of school attendance is violated. 29

The Appellant, Mrs. McCollum, chose to have her son not attend classes in religious instruction, which means that the alternative to this course of action is to have him attend the study period class held at that hour. And there is no more compulsion in that choice than there would be if she were offered the choice of having her son absent from school to see an exhibit of modern art, or of having him attend his regular study period; but she chose the latter alternative on the ground that she preferred to have him not see any modern art.

9 Summary

In summary, we have seen that the legal arguments which have been advanced against the teaching of religion in the public schools have relied upon what might be termed the absolutist interpretation of the meaning of the First Amendment. It is the contention of this interpretation that the framers of the First Amendment intended to achieve an absolute and complete separation of church and state, a separation so complete and so absolute that, in the words of the Supreme Court dictum: "neither can participate in the affairs of the other." The documentary evidence indicates that such was not the intention of those who framed and

adopted the Amendment, and logical analysis demonstrates the impossibility of such an interpretation.

It was, apparently, on the basis of the absolutistic interpretation of the First Amendment that Mrs. McCollum prayed the Supreme Court to review her claim of invaded rights by violation of the First Amendment; and if it found her claim justified, to issue a writ of mandamus to the defendant School Board, ordering it to immediately adopt and enforce rules prohibiting all teaching of and instruction in religious education, otherwise her prayer would have been couched in less extreme language. The Appellant apparently was laboring under the impression that an absolute separation of church and state is both logically and practically possible; that an individual could divest himself of the religious aspect of his personality at the instant that he assumed a role in the state. We have seen that, on the basis of the principle of excluded middle, it is impossible to hold and affirm no position. Consequently, when the Supreme Court granted the prayer of Mrs. McCollum it chose the position of affirming the atheism which Mrs. McCollum held, and by issuing the writ of mandamus made this position the official educational doctrine of Illinois. And we have heretofore shown that atheism is a religiously sectarian position. The order to issue the writ of mandamus described above, being an act of the civil power of the government, joined that power to the doctrine of atheism, in exclusion
of all other sects in order to enforce it as the official doctrine of Illinois. Since this is precisely the situation which the framers of the First Amendment sought to prohibit, it can be concluded that the decision of the Supreme Court, in this case, is in violation of the intended meaning of that Amendment.

The arguments presented in this case imply, as we have seen, that religious education must always be compulsive, i.e., dogmatic and doctrinaire. Our contention is that this implication is unwarranted, because true religious education, like all other education, is precisely the opposite of indoctrination and tends to open up new mental horizons as all true education is aimed to do. It might be added here parenthetically, that indoctrination can occur in the secular areas of learning as well as in the religious, and that some teachers can, and do, lose sight of the aim of education as it was expressed by A. Blair Knapp, President of Dennison University, recently in a radio panel discussion; that aim is: "To teach people how to think, not what to think." It follows that whenever the educational process is carried on in the religious area, the individuals engaged in it learn how to think; and, in consequence, they achieve that freedom of mind which the founding fathers called freedom of religion. It is our thesis that with this goal in mind, and with an understanding of the meaning and

30 Columbus Town Meeting of the Air, May 17, 1953.
method of education, it is logically possible to carry on religious education in any school, including the public school.

The contention of the Appellant is that the released-time plan in Champaign sets up lines of distinction between the religious and the non-religious, a distinction which, in conjunction with the option offered of accepting or rejecting instruction in religion, compels her to make a choice which she otherwise would not have to make. This result of being compelled to make a choice regarding a religious matter, she holds to be a deprivation of her religious liberty, on the assumption that freedom of religion implies the possibility of making no choice. Since this assumption is unwarranted, because the possibility of making no choice does not exist logically, nothing more need be said about this argument. We can now proceed to evaluate the religious arguments.
CHAPTER VI

Evaluation of the Religious Arguments

The evaluation of the argument from atheism will be considered from its most general aspect first, and then from its particular applications. As we stated in Chapter 2, Section 2, the argument from atheism is by nature, use, and etymology, one of negation such that two terms are so related that their sum exhausts the universe, and their product equals zero. The necessity for both the exclusive and the exhaustive character of this relationship was pointed out by Mrs. Ladd-Franklin and is mentioned again here in order that we do not lose sight of its logical importance.

1 Atheism as Negation

The atheist seems to commit the fallacy of non-exhaustion when he argues that there is no god or gods, that there is only nature (or man); for he is here using contraries, instead of contradictories. In order for the atheist to negate a term he must define the term. To state that there is no god (or gods) is to state that the class god is a null, or zero class; and negation must, by definition, be a relationship of a null class and its correlative class so that the two are mutually exclusive and mutually exhaustive. Since the given term in the atheistic statement is
not-god, its correlative term must be not not-god, and the conclusion follows that the assertion of not-god implies the assertion of not not-god. The term not not-god is, by the principle of double negation, equal to the term god. This relation will be more clearly seen if the logical implications of it are made explicit.

The atheist must, like all other thinkers, use definition in order to generate a class at all, even a null class; hence, he must define the class god to even be able to assert that it is null. The null class is the class of impossibility, an instance of which would be an assertion of the proposition that a proposition can be both true and false at the same time and under the same circumstances. The correlative class to the null class, i.e., the class which, together with the defined class, is necessary to exhaust the universe, is the negation of the class impossibility. Hence, it follows that the universe equals the class impossibility plus the class not-impossibility which by double negation equals the class possibility. It follows, then, that the null class, as the class in which membership is impossible, implies its own negation; that is, it implies a class in which membership is possible. Thus, it can be seen that the atheist by his definition of the class god is a null class, logically implies a not-null class, or a class which has the possibility of membership. The universe of discourse, when considered in its most general terms, can be asserted to be
a universe which is not null; for it must contain some elements, otherwise nothing can be asserted about it. Inasmuch as the proposition "nothing can be asserted about it" has been asserted, the assertion becomes absolutely true because the attempt to deny the proposition reinstates the affirmation of its truth, and the universe is found to be not-null. As Couturat points out, if the universe were a null class, distinction between possibility and impossibility, between true and false and the like, would be impossible; and it follows that such a universe would be meaningless. A universe of discourse must, then, be constituted of a term and its negation which, by the argument given above, cannot both be null classes, from which it follows that we must postulate a universe containing at least one member, in order to have a significant universe. It is only on such a postulate that two possible classes can be distinguished, i.e., the null and the not-null, and it is this distinction between the false and the true which verifies the postulate.1

It is the sum of these two classes which is absolutely necessary to constitute any universe of discourse, and as we pointed out in Chapter III, negation is a valid relation only when the two classes, or terms, are mutually exclusive and mutually exhaustive. The question arises at this point as to what criterion determines whether or not a class is

null or not-null. The answer is that the criterion must be the logical criterion of consistency. As Royce pointed out, a class is generated by definition, and a definition can be framed in either self-consistent or inconsistent terms; consequently, whenever a class is defined so that its characteristics are self-consistent, it is a class which has either actual or potential members, and when defined as inconsistent, it is null and has no members.

It follows from this argument that it becomes incumbent upon the atheist to demonstrate logically that the class god has no members because it is a class whose definition results in self-contradiction; for, if it is possible to define the class god in consistent terms, then membership in that class becomes a logical possibility. The mere statement of negation, by the atheist, lacks conviction and in order to bring conviction to his argument he must show that the definition of the class god is inconsistent.

Atheism is linked necessarily to theism by the principles of exclusion and exhaustion, and since theism is a subdivision of the larger class religion, it follows that both theism and atheism are religious terms, and atheism is, consequently, a religious position.

It will be useful to observe another aspect of the relation of the two classes involved in negation, that is, the significance of the class everything. This class can,
2 Conceptual "things" such as relations in their mathematical, logical, and artistic aspects; conceptual "things" such as space, time, motion, and the like, can all be considered to be existents within the realm of everything.

2 Materialism

Materialism, as a philosophical argument, is the attempt to explain reality completely in terms of material, or physical substance. It attempts to reduce the universe, without remainder, to some sort of physical "building block" which, when combined in various patterns of combinations will account for everything in the universe. The postulate on which this theory is grounded is that all qualitative differences in nature are reducible to quantitative difference, the consequence of which is that Materialism becomes a monism which denies the existence of anything non-material. There are, however, some interpretations of the theory which take cognizance of the mental aspect of experience and attempt to account for both it and the physical aspect in terms of a "neutral" stuff; a substance or stuff which, when regarded from another viewpoint becomes mental.

Bertrand Russell is, perhaps, the outstanding modern

2 "Principles of Logic", Encyclopedia of the Philosophical Sciences, p. 106 f.
expositor of this form of Materialism (although he denies that he is a materialist) because he has made an exhaustive philosophical analysis of matter from the standpoint of the theory of nuclear physics. He calls his philosophical position a "neutral monism" because his analysis convinces him that "mental" stuff is precisely the same in structure as "physical" stuff, and that they are both subject to the same mathematical laws, and that these laws are determinable by scientific investigation. He defines knowledge as that corpus of fact which science has verified, by the method of careful observation and public verification, to be true within a greater or lesser of probability, hence all knowledge is probable knowledge. His atheism stems from his epistemological position, since he finds "the hypothesis of God and Immortality to lie outside of even probable knowledge", consequently not worthy of consideration.3 Analysis of this statement reveals that hypotheses which lie outside of probable knowledge, lie in the realm of non-probable knowledge. Non-probable knowledge is constituted of the two classes, "absolutely probable knowledge" and "absolutely improbable knowledge" the latter class being equivalent to the null class of knowledge, while the former is equivalent to the class of certainty. Since Russell has defined knowledge to be that which is scientifically probable, this definition implies the denial of any absolutely certain knowledge,

3 What I Believe, p. 5.
and the hypothesis of God can be eliminated from this class. The conclusion which follows, is that this hypothesis must fall in the class of absolutely improbable knowledge, or impossible knowledge. This conclusion can be interpreted in two ways, viz., that the hypothesis of God, as impossible knowledge, is a hypothesis which can never be rationally formulated because there will never be any evidence to warrant the formulation of it; and secondly, that the terms constituting the hypothesis are self-contradictory, thus making the hypothesis impossible. Of the two alternatives, Russell cannot hold the first because he cannot, by scientific method, make the absolute assertion that there will never be revealed evidence of this kind, consequently, the second alternative must be the true interpretation of his meaning. The validity of this conclusion of Russell's will be examined later in this section.

The neutral unit which Russell's analysis discovers to be the "building block" of the universe he calls an "event." He uses the term to describe anything that occurs at a specific location in space and at a specific point in time, such as an explosion, a flash of lightning, the departure of a light-wave from an atom, or its arrival at some other body. It is strings of these "events" which make up the history of a body, and a body is nothing except its history; it is not a single persistent entity. When "events" are

4 See his Philosophy, p. 110.
5 What I Believe, p. 6.
characterized as "mental" Russell finds a certain amount of inexact signification because he has a difficult time finding anything which can be denoted as purely mental. He feels that the essential characteristics of "mind" are introspection and memory, but even memory, at least in some of its forms, is a consequence of conditioned reflexes, a consequence which classifies it as much physiological as psychological because it involves living tissue rather than "mind." As for introspection, he concludes that it turns out to be little more than a cautious interpretation of ordinary "knowledge."6

Russell's analysis of pure memory reveals a flaw in his theory, in that it discovers the presence of memory images which, by their very nature are purely subjective. Their subjectivity makes them, as Walter Stace points out, extraneous to a pure neutral monism.7 For, in a pure neutral monism, "events" constitute the common structure of both subject and object indifferently, consequently there can be nothing uniquely "subjective" or uniquely "objective", but Russell's memory images are uniquely subjective, hence they violate his principle of neutrality.

Russell's neutral monism holds that "events" being but one kind of "stuff" are governed by but one set of causal laws, or to state it more accurately, that there is but one

6 Philosophy, p. 280.
causal relation between events called physical and those called mental. In the older terminology, argues Russell, there would be two distinct kinds of causal relation, viz., those that have physical causes and mental effects, and those that have mental causes and physical effects. The former would be called "sensations", while the latter would be called "volitions." But the causal relation, in neutral monism, shows a different structure, for explains Russell:

The connection of light waves and visual sensation looks a little different according as we start with physics or with psychology. Let us start with physics. I say, then, that when a light wave travels outward from a body there are successive events at successive places and that the corresponding event in the brain behind a normal eye is a visual sensation. This is the only event in the whole series about which I can say anything not purely abstract and mathematical. (Italics supplied) Now let us start from the sensation. I say, then, that this sensation is one of a vast series of connected events, travelling out from a center according to certain mathematical laws, in virtue of which the sensation enables me to know a great deal about events elsewhere. That is why the sensation is a source of physical knowledge. A sensation is merely one link in a chain of physical causation; when we regard the sensation as the end of such a chain we have what would be regarded as an effect of matter on mind; when, as the beginning, an effect of mind on matter. But mind is merely a cross-section in a stream of physical causation, and there is nothing odd about its being both an effect and a cause in the physical world. Thus physical causal laws are those that are fundamental.9

Russell apparently has accounted, in this statement,

8 Analysis of Mind, p. 138.
9 Philosophy, p. 150
for all of the aspects of human experience which are either mental or physical. An "event" is physical if it is at one end of a string of events, and mental if it is at the other end of the string, but in any case the action of the string of events is governed by a set of physical laws, although these laws, in order to be neutral should be called, perhaps, "eventual" laws, since they govern both mental and physical events indifferently.

There is a difficulty in this analysis which Russell apparently overlooks; that is, he does not account for the complete expansion of his terms. In the relation of the end events which he has designated as physical and mental, there are four combinations which are required to exhaust the universe, not three only as he has indicated. Let us symbolize the end events with the letters P and M to represent Physical and Mental. The combinations of this pair of terms which are required to exhaust the universe will then be PP+PM+MP+MM. Taking these in order, we have first two end events which are both physical. Russell discusses these and the possible effects resulting from them and then concludes:

Events in empty space are only known as regards their abstract mathematical characteristics; matter is only an abstract mathematical characteristic of events in empty space.10

The second and third combinations have already been

10 Ibid., p. 147.
discussed as those in which end events are considered as an effect of matter on mind (the PM combination), and as an effect of mind on matter (the MP combination). Perhaps a word more is necessary about the third (MP) combination of end events, since it is the combination which accounts for volition or voluntary movement, and is thus the replacement, for Russell, of the old-fashioned term will. It is notable that it still has the volitional characteristic of starting, as an end event, a connected series of events which has a physical event as its other end event. Russell concludes his expansion of the two terms with the three combinations, and leaves unaccounted the fourth combination (MM, that of mental events as both ends of the connected series of events.

This combination of mental-mental represents reflective thinking, i.e., thinking about the form, content and process of thinking; the kind of thinking in which an empirically given datum is unnecessary. It is the kind of thinking which enables Russell, paradoxically enough, to assert that scientifically verifiable knowledge constitutes the only valid knowledge.

Russell's assertion that the dogmas of God and Immortality find no support in science is made on the basis of the verifiability of knowledge as he defines the meaning of verifiability. In the light of the complete expansion of the two terms in his own epistemology, the argument that scientifically verifiable knowledge is the only valid
knowledge is open to serious challenge. Russell sees the task of philosophy as that of the critical examination the generalizations of science, including the presuppositions and assumptions underlying the scientific enterprise; a task which cannot use verifiability to test its conclusions from which it follows that if the critical method of philosophy is valid, then there is a kind of knowledge which is both valid and different from scientific knowledge. It should not be overlooked that if Russell's premise that verification constitutes the only criterion for knowledge is accepted, then, by definition, the conclusions of the "non-existential" disciplines, i.e., Logic, Mathematics, and Ethics, must be ruled out of the pale of "even probable knowledge" since there is possible no scientific verification of any of these conclusions.

The conclusion is justified that Russell's assertion that the hypothesis of God and Immortality falls outside of even probable knowledge is unwarranted since he is judging non-scientific objects of knowledge by the criteria of science. He is also assuming that because these objects of knowledge are scientifically unverifiable they are, therefore, self-contradictory, an assumption that is unwarranted, since the principle of non-contradiction on which he bases his argument is itself not scientifically verifiable. It is quite possible to define the terms God and Immortality in a manner which is both logically self-consistent and coherent
with human experience, and to do so independently of any empirically observed data which requires empirical verification.

The conclusion appears to be warranted that Materialism justifies itself by the very simple expedient of excluding from consideration all knowledge except that which is scientifically verifiable, and also of judging all knowledge by the criteria of scientific verifiability and public observation. We may also conclude that the Materialistic argument lacks conviction because it fails to take account of reflective thinking.

3 Epistemological Sensationalism

The argument of the epistemological sensationalists stems from Protagoras of Abdera, of whose written work very little has survived. His arguments are known to us chiefly by way of Plato and Diogenes Laertius. In Plato's \textit{Theaetetus}, the Protagorean position is stated to be that knowledge is perception; that perception is the product of two motions, one motion proceeding outward from the percipient, the other proceeding outward from the object. It will well be recognized that this argument is based on the Heracleitian theory of flux, i.e., that all things are in motion, nothing is at rest. Since perception is the product of this double motion, it is neither at rest in the percipient, nor at rest in the object; but it is something different from the \textit{Jowett translation, Random House edition, 2 Vols., p.156a.}
both. Windelband interprets this as the doctrine of the
subjectivity of sense-perception because, as he says:

Since, like all earlier thinkers, he
(Protagoras) evidently could not assume a
consciousness without a corresponding exis-
tent content of consciousness, he taught
that from this double motion there was a
two-fold result: viz., perception (aisthesis)
in the man, and content of perception (to
aistheton) in the thing. Perception is there-
fore indeed the completely adequate knowl-
dge of what is perceived, but no knowledge
of the thing. Every perception is, then, in
so far true as at the instant when it arises,
there arises also in connection with the
thing the represented content as aistheton,
but no perception knows the thing itself.
Consequently, every one knows things as they
are in the moment of perception for him, and
for him only; and they are in this moment
with reference to him such as he represents
them to himself. This is the meaning of the
Protagorean relativism according to which
things are for every individual such as they
appear to him; and this he expressed in the
famous proposition that man is the measure
of all things.12

Protagoras' recognition of the fact that sensory data are
uniquely and individually personal and subjective, and by
virtue of their individually personal nature are incor-
rigible, was a major contribution to both psychology and
philosophy. Protagoras, however, apparently was not aware
of the logical problem which this theory posed. Plato was
sensible of its nature, as is indicated in the speech of
Socrates to Theodorus in which he points out:

There are many ways, Theodorus, in which the
doctrine that every opinion of every man is

12 Windelband, W., History of Philosophy, translated by
true may be refuted; but there is more difficulty in proving that states of feeling, which are present to a man, and out of which arises sensations and opinions in accordance with them are also untrue. And very likely I have been talking nonsense about them; for they may be unassailable (Italics supplied) and those who say that there is clear evidence of them, and that they are matters of knowledge may probably be right; in which case our friend Theaetetus was not so far from the mark when he identified perception and knowledge.13

While this problem of the incorrigibility of sensory data bothered Plato, the refutation of the Heracleitean flux as a basis of perception, did not; and he set it forth clearly and distinctly. It is based on the recognition that total flux, like any other pure monism, reduces to logical zero because no discrimination of difference is possible, i.e., there is no not-motion by which to discriminate motion. Since no discrimination is possible, the perceptions resulting from double motion all become equally true, and error is impossible. This situation has the same meaninglessness as an inconsistent logistic system in which all mutually contradictory propositions are provable; hence, reduces to logical zero. The absence of the possibility of discrimination provides the basis, also, for the refutation of the relativistic argument in both its epistemological and its ethical aspects; and needs no further elaboration here.

If there is any thinker who could be classified as a mechanico-materialist, that man probably would be Thomas

13 Theaetetus, p. 179.
Hobbes. There is no one in modern times who has so thoroughly reduced all of nature, including man, to one stuff and one process, i.e., matter in motion. This English Philosopher sees life as but a motion of limbs; the heart as but a spring; the nerves as but so many strings; and the joints as but so many wheels giving motion to the whole body. Hobbes also reduces the sensitive, conative, and cognitive aspects of man to motions; for he says:

There be in animals, two sorts of motions peculiar to them: one called vital; begun in generation and continued without interruption through their whole life; such as are the course of the blood, the pulse, the breathing, the concoction, nutrition, excretion, etc., to which motions there needs no help of the imagination; the other is the animal motion otherwise called voluntary motion; as to go, to speak, to move any of our limbs in such a manner as is first fancied in our minds. That sense is motion in the organs and interior parts of man's body, caused by the action of the things we see, hear, etc. and that fancy is but the relics of the same motion, remaining after sense has already been said. And because going, speaking, and the like voluntary motions depend always upon a precedent thought of whether, which way, and what; it is evident that the imagination is the first internal beginning of all voluntary motion. These small beginnings of motion, before they appear in walking, speaking, striking and other visible actions are commonly called endeavor.

Hobbes further argues that endeavor, in its two phases of toward and "fromward" are generally called appetite, or desire, and aversion; and under these two categories, he


15 Ibid., p. 38 f.
catalogues a long list of the attributes of man. There are
two items of special interest in this classification of
Hobbes': Religion (and Superstition) and Will. Following
curiosity, categorized as the desire to know, he lists
Religion as the fear of power invisible, feigned by the
mind or imagined from tales publicly allowed; while Super-
stition is listed by him as fear of power invisible, feigned
by the mind, or imagined from tales not publicly allowed.
Hobbes then adds this note: "And when the power imagined is
truly such as we imagine it (it is) True Religion."16 This
note is curious in view of the explanation he gives for
the difference between Religion and True Religion in Chapters
12 and 35, which will be discussed later.

Hobbes explains that Will is the result of deliberation,
but deliberation seems to be a state of ambivalence in
which desires and aversions alternate in dominance until
either action ensues, or the realization of the impossibility
of fulfillment comes. For Hobbes, then, the will is "the
last appetite or aversion immediately adhering to the action,
or the omission thereof."17

Religion, according to Hobbes, arises from three
main causes: 1) curiosity about the causes of events which
man sees about him; 2) man's propensity for ascribing a
cause to anything which had a beginning, as well as his

16 Ibid., p. 45.
17 Ibid., p. 48.
propensity for determining when the beginning occurred; and
3) man supposes causes either out of his own fancy, or from
his trust of the authority of other men, since he cannot assure
himself of the true causes of things (for the causes of good
and evil fortune are for the most part invisible). The first
two causes produce a state of perpetual anxiety, due to the
fact that there are no visible causes for man's state of
either well-being or his state of ill-being. The perpetual
anxiety, operating in the darkness of ignorance, must needs
have an object; and so, man's fancy creates gods as the
source of invisible powers. This explanation is very true,
says Hobbes, when it is given "for the many gods of the
Gentiles" (meaning the Greeks and Romans of pre-Christian
times), but "the acknowledging of one God, eternal, infinite,
omnipotent, may more easily be derived, from the desire men
have to know the causes of natural bodies, and their several
virtues and operations; than from fear of what was to befall
them in time to come." 

One of the "natural bodies" within Hobbes' thought is
the body politic, particularly that form of the body poli-
tic known as a monarchy. Since the causes for the existence
of an absolute monarchy were the object of his search, it
is not at all surprising to find him acknowledging the mono-
theistic God of Israel as the one, true, eternal and omni-
potent god, for the very expedient reason that God so con-

18 Ibid., p. 95.
ceived was an absolute king placed on his royal throne by contract and covenant between him and the people of Israel. Most men, says Hobbes, use the term kingdom of God as synonymous with eternal felicity, or with a kingdom of glory; but "To the contrary, I find the Kingdom of God to signify, in most places of Scripture, a Kingdom properly so named constituted by the votes of the people of Israel in peculiar manner; wherein they chose God for their king by covenant made with him, upon God's promising them the possession of the land of Canaan..." The true religion is distinguished from the false, apparently, by virtue of the merit it gives Hobbes' argument favoring monarchical absolutism.

Hobbes' mechanism and materialism leads to the inevitable conclusion that the universe is a determinate one; since the will, according to his argument, is merely the last desire or aversion before the action, or lack of action. And since desires are merely internal motions induced by external motions which act as stimuli, it follows that every thought, every voluntary action, every desire is mechanically determined by motions in the external world. The deterministic conclusion is reached by inductive generalization based on the assumption that there is a finite body of scientific knowledge, a static totality of causal relationships, both known and unknown, which science can reveal by

19 Ibid., p. 396 f.
patient and continued work. Bertrand Russell expresses it as follows: "Physical science is thus approaching the stage when it will be complete, and therefore uninteresting."20 The evidence of science itself indicates that this is a false assumption; because the heuristic aspect of science leads to the conclusion that each new discovery in science multiplies both the data and the number of possible relationships among those data without assignable limit; so that it is probably more accurate to describe the heuristic aspect of science as an asymptotic relationship rather than one of assignable limits.

The a priori argument is, as Wheelwright points out, a clear case of the fallacy of petitio principii.21 The argument states that a thing or event which has had a beginning, must have had a cause; otherwise it must have produced itself; but to have produced itself, it must have existed (qua cause) prior to its own beginning (qua effect) which is a manifest imposibility; therefore, everything which has had a beginning must have been caused by something other than itself. Here the major premise contains the assumption that is supposed to be demonstrated in the conclusion.

Epistemological sensationalism of the type advocated by Hobbes holds that knowledge must be restricted to sensory impressions, simply because there is no other possible source.

20 What I Believe, p. 2.
of knowledge in a determinate universe. Such a universe presupposes causal uniformity, i.e., that given the same total cause the same total effect must follow in every occasion; and from the same total effect, it follows that the same total cause preceded it. There are some who argue that if prediction of future events is to be made by any objective standard, then causal uniformity is a necessary presupposition, because without this assumption the universe becomes completely chaotic and all facts behave unaccountably.22 Deny the assumption of complete uniformity and you assert complete cosmic chaos, consequently, if the universe is not to become completely chaotic then we must assume that all events are determined.

There is ambiguity to be noted in the use of the universal "all" in this assumption. It was, no doubt, intended to be used in the logical sense of universal, that is, in the sense of having the necessity requisite to cover all possible instances, past, present, and future; examined and unexamined. But the context indicates that the sense in which it is being used is that which Joseph calls the enumerative universal, i.e., it is a universal judgment which holds for a number of instances which we have observed and summed up, but which implies nothing about any other instances of the same kind.23 The validity of this interpr-

tation is evidenced by the consideration that the assumption of the contradictory of this universal, i.e., that "some events are not determined", yields consequences which destroy the logical necessity of the universal assumption.

If, as the presupposition of Determinism holds, all events are determined, then the occurrence of every event is absolutely certain, and there cannot be the slightest uncertainty involved in the occurrence of any event past, present, or future. The causal chain would be complete, final, and perfect. In logical terms this means that the class "certainty" is absolute, and that its negative "uncertainty" is null. Formally this argument would be valid, but the question presents itself as to whether the relation between "events" and "determination" is one of logical universality which implies no necessity but merely accounts for the sum of those events which have been so far observed.

The evidence supports the latter interpretation, since observation must, due to the factor of future time, be partial and incomplete, the consequence of which is that prediction about the whole class "events" must be made on the basis of the theory of probability. The primary postulate of the theory of probability is the principle of indifference.* The validity of this principle rests on the pre-

* The principle of indifference states that "if there is no known reason for predicating of a subject one rather than another of several alternatives then, relatively to such knowledge, the assertions of each of these alternatives have an equal probability." From Keynes Treatise on Probability, p. 42.
supposition of the presence of uncertainty in the occurrence of events since it postulates possible alternatives. The assumption of the presence of uncertainty presupposes that some events are not determined, and this assumption is supported by the evidence of the use of statistical method based on the theory of probability. Consequently the conclusion is warranted that the universal premise of Determinism is an enumerative universal and not a logical universal, a consideration which reduces the cogency of the Deterministic argument toward the limit of zero.

The presupposition of indeterminacy (i.e., that some events are not determined) has the merit of implying the possibility of creativity, since it denies the impossibility of creative thought and action by contradicting the assumption of determinism. This is an important consideration since this assumption underlies the whole problem of freedom of the mind, for it follows that if the universe is completely determined then choice and freedom of the mind become meaningless terms, but if these terms are not meaningless then the universe is not completely determined. The assumption of indeterminacy is supported by the structure of thought itself, in which some error as well as some truth is present.

The creative aspect of the human mind is, in modern times, the outgrowth of the thinking of John Locke. It is to him that the honor of inaugurating modern epistemological
inquiry must be awarded. It is from the problems which he raised that the inquiries of Berkeley, Hume, and Kant took their source. It is the work of these philosophers in epistemology that designates the modern period as revolutionary, for it was chiefly revolt against dogmatic authoritarianism that characterizes the modern period, and it is this characteristic which lends weight to Fraser’s opinion that Locke was reacting against the physiological materialism of Hobbes, when he expressly stated in the Introduction to the Essay, that he would not concern himself with the physical consideration of the mind, or of the constitution of its essence, or by what motions of our spirits or alteration of our bodies we come to have ideas, or whether these ideas are dependent on matter or not.24

Locke was interested in the nature, scope, and constitution of knowledge; and by knowledge, he seems to have meant knowledge that is certain, as distinguished from that which is probable. Since it is the usual practice in the solution of problems, to begin by defining the terms of the problem, Fraser thinks it probable that Locke began the Essay with the Fourth book and derived the other three from it.25 It is in the Fourth book that Locke gives his definition of knowledge, which is "the perception of the connexion


25 Ibid., p. lvi.
or repugnancy, of agreement or disagreement between ideas.\textsuperscript{26} Contrary to the impression given in the First book, knowledge is seen to be constituted by a relationship between ideas expressible as a judgment in propositional form. The ideas alone do not constitute knowledge, nor does the relationship of connexion (or repugnancy); but, as Fraser points out, it is the perception of the relationship between the ideas that Locke holds to be necessary to knowledge; for without this perception, the knowledge would be dead or unconscious knowledge, i.e., mere information.

Locke developed the implications of his theory of knowledge, starting from the Cartesian thesis of a dualistic universe; and from his own assumption that the human mind was born and began life void of all ideas, and the consequences of his development were his conclusions regarding the three kinds of knowledge, i.e., intuitive, demonstrative, and sensitive.

It is in the Fourth book of the Essay, that Locke analyzes and describes the various perceptions of relations between ideas, relations which to him are either immediately or demonstrably self-evident. Locke categorized these perceptions, as noted above, into those which were certain and those which were probable. Knowledge, for him, must be restricted to the perception of the necessity of the connection between ideas, or the necessity of the connection of

\textsuperscript{26} \textit{Ibid.}, vol. 11, p. 167.
agreement or disagreement between ideas. It was Locke's merit to comprehend and to make explicit the nature of this perception. He describes it as being fundamentally intuitive. The relation of connexion between ideas is perceived at once, as the eye perceives light; it is irresistible; it leaves no room for doubt or hesitation. The perception that a circle is not a triangle, that white is not black, that three are more than two, is the kind of intuitive perception that gives unconditional certainty. This kind of perception is characterized by immediacy and directness, in contrast to demonstrative perception which is not generally seen directly and immediately. It requires intermediate intuitions resulting indirectly in a conclusion that gives demonstration to its unconditional certainty.

Locke finds certainty also in sensitive knowledge, i.e., sensory impressions; however, the certainty is not in the impressions themselves, but in the knowledge that these ideas are the manifestations of something outside of the sensations. "There can be nothing more certain," Locke says, "than that the idea we receive from an external object is in our minds; this is intuitive knowledge."27 This is certain knowledge for Locke because "it is the actual receiving of ideas from without that gives us notice of the existence of other things, and makes us know, that something doth exist at that time without us, which causes that idea in us: though

27 Ibid., vol. II, p. 185 f. (Book IV, Chap. 11, sec. 14)
perhaps we neither know nor consider how it does it." 28
Despite the fact that Locke says that we neither know nor
consider how objects without give us notice of their pre-
sence at a particular time, he is quite sure that "no
particular man can know the existence of any other being,
but only when by actually operating upon him it makes
itself perceived by him."29 Who can doubt, he argues, that
there is a difference between the idea of a fire called up
in memory, or experienced in dreams, and the idea of a fire
present and actually operating upon the percipient. The
knowledge of this difference should convince us of the
existence of the fire as the cause of the present idea of
it, even though we know not how this happens.

The value of Locke's clarification of the elements
of knowledge and the relations among these elements is very
great to both philosophy, as a formal and theoretical dis-
cipline, and education, as a pragmatic discipline. His
apprehension and exposition of intuitive perception and its
important place in the epistemological matrix is but one of
the major contributions Locke made to human thought. He
seems to have understood intuitive perception in a sense
much different than that of mystic revelation; and he seems
to have given it a firm place in epistemological theory. It
is not a demerit to him that he thought of this aspect of the

28 Ibid., vol. 11, p. 326 (Book IV, Chap. XI, sec. 2)
29 Ibid., vol. 11, p. 325 (Book IV, Chap. XI, sec. 1)
cognitive situation as well as "sensation", in passive terms; in fact, the presupposition of an external, material world which has the power, somehow, to impress "ideas" of itself on the mind, demanded a mind which passively received such impressions. The development of the implications of the activity of intuitive perception fell to the lot of Berkeley and Kant, respectively; with Hume's interpretative skepticism interposed to awaken Kant from his dogmatic slumbers.

It is this active aspect of the human mind, this capacity to "reach out" and "grasp" the elements of a cognitive situation and either analyze or synthesize them into their respective products, that is the fundamental assumption underlying, either implicitly or explicitly, most theories of education. It is the recognition that the unrestricted use of this activity or capacity, however large or small it may be, is one of the most precious of all human values giving validity to the principle of freedom of the mind. Doubtless it was precisely this concept that Jefferson, Madison and his colleagues, as well as Franklin and other soberly thoughtful minds of that time, had in view when they advocated freedom to petition authority for redress of grievances. It is the active aspect of the minds of pupils and students that provides the basis for the possibility of teaching religion in the public schools.
4 Distrust of the Argument from Design

One of the arguments on which theistic doctrine has depended for strength has been the teleological argument or argument from design. As noted in Chapter II, this argument stems from the thought of Heracleitus, and in it he advanced the Logos principle. This principle, according to Heracleitus, marks the difference between Chaos and Cosmos; it exhibits itself in the orderly, systematic pattern observable in the operations of Nature. Anaxagoras of Klazomene, reasoning from effect to cause, concluded that such order and regularity as Nature displays, particularly as observed in the starry heavens, must be the result of intelligence. He argued consistently according to his pluralistic atomism, that the intelligence responsible for the systematic order in Nature must be another element, one which is distinctive in that it does not mingle with the other elements but plays about them; and because it is the lightest and purest of the elements, it moves the others, moving them in an orderly, systematic pattern. Hence, it must be a stuff which not only is self-moving and moves other elements too, but which can think and have purpose. Anaxagoras conceived this element to be thought-stuff, or reason, and called it Nous.

The criticisms of the teleological argument began with Strato, the scholar who succeeded Theophrastus as director of the Lyceum, and who modified Aristotelian doctrine into
Naturalism. The Aristotelian concept of Pure Form, at least as Strato interpreted it, seemed to present a contradictory state of affairs; because as Unmoved Mover, it was transcendent to this world; and as moving agent, which moved the matter of objects into their actualized forms, it was immanent in the world. Consequently, Strato denied the transcendent aspect of Pure Form as Unmoved Mover on the basis that Pure Form is as unthinkable as is mere matter; and by so doing, he opened the way for a revival of the Democritean atomism in which change occurs only by mechanical necessity (anagke), that is, by impact of atoms on each other through immediate contact. In essence, then, the Stratonic criticism stems from the materialism of Democritus.

It is this basic argument of materialism, viz., that the world of nature can be accounted for in terms of its own movements which, when observed and classified, can be generalized into physical laws which supply criticism of the argument from design. The materialist holds that it is unnecessary to postulate either a designer of the world, or the idea that the world of nature is operating on any kind of systematic design that warrants the assumption that the processes of nature are the development of a design having a pre-established end or goal in view. According to the materialist, an explanation of these processes in terms consisting of scientific generalizations is all that a careful, cautious observer is warranted in asserting.
There are two points in this argument that are worthy of attention. First, the materialistic explanation of nature and of the "stuff" of which nature is made, has, from the time of Democritus, conceived of this "stuff" in terms of units so small as to be unobservable; in the period prior to instrumental magnification, these units were too small to be observed with the naked eye; in the period since the development of optical instruments, and later of electronic microscopes, the conception of the smallness of the units has kept ahead of the power of observation. The second point in this argument is that man has been continuously engaged in an attempt to make his conception of the universe and of himself increasingly more consistent, coherent, and clear. It was this consideration that led Democritus to frame a hypothesis about the nature of the physical world: on the premise that the process of division cannot continue infinitely, he held that fundamentally the physical world must be made of a stuff that is indivisible. Hence, the process must have an end; there must be a product left from the last possible division, a product to which he gave the very appropriate name of atom (the uncuttable). Reasoning from the mathematical principle that in dichotomous division the size of the quotient becomes smaller in direct proportion to the number of divisions, and given an indefinitely large number of divisions, it follows that the division of a piece of matter will reach a point at which the pieces will become
so small that they will be invisible to the observation of
the naked eye. This being the case, it follows that anything
known about the nature or behavior of such particles must
be known by deductive inference.

Democritus deductively drew a number of inferences
from his atomic hypothesis which, when structured into a
theory, had a reasonable degree of consistency but also con-
tained some lacunae. One of these, i.e., the failure of the
hypothesis of parallel lines of fall to account for the
possibility of any two atoms meeting, was discovered and
corrected by Epicurus who also used deductive inference in
correcting the Democritean theory. Every materialist from
that time to this has relied on inference to give us our
knowledge of the nature of the universe. Russell points
this out very clearly.

Another of the lacunae of the materialistic theory is,
it seems to me, that the theory fails to account for that
aspect of human experience by which we perceive that deduc-
tive inferences are related in formal patterns which are
susceptible of test for validity: that aspect which per-
mits us to frame theories like the materialistic theory.
It also seems inadequate when it explains volition in terms
of desire, as Hobbes and Russell do. The inadequacy arises
because it fails to account for the situation when two con-
flicting desires are equally strong and a decision between
them must be made. Nor does it account for the situation in
which an ideal value is chosen in preference to an immediate, positive, physical desire, a situation in which the ideal value and the immediate desire are contradictory. This kind of situation is described by William James as the paradoxical one in which the individual, by his choice of an ideal value, initiates action in the line of greatest resistance because the choice of the ideal value requires an amount of resistance directly proportional to the maximum strength of the immediate desire. The determinist will argue that the assumption of volition is an unwarranted one, since his theory holds that, by definition, all human action is determined. Hence, there can be no such thing as choice. But in so arguing, he commits the fallacy of non-exhaustion; because the class All human action, in order to be logically tenable, must have a contradictory term in order that the sum of a term and its negative may exhaust the universe. It follows, then, that it is not logically impossible that some actions are not determined, and the possibility ensues that some actions may be non-deterministic and at least partially willed by free choice. We may then conclude that if some non-deterministic actions are logically possible, and if non-determined actions are at least partially volitional, it then becomes possible for an individual to design a pattern of his future actions within the limits of the

necessities of his context. It then follows that an indefinitely large number of individuals may design, in concert, an indefinitely large pattern of common action, and, subsequently, that the infinite class of design, which would of course contain the null class, is theoretically possible. The value of this argument, it will be seen, lies in the fact that there is always present, in varying degree, the class of determined actions, a factor which makes the argument pragmatically valid.

5) Atheistic Existentialism

The existentialist denial of the argument from design, as advanced by Jean-Paul Sartre, visualizes the design argument as a variation of the cosmological argument. Sartre bases his denial on the premise that there is no single universal essence of humanity to which the individual may turn as a model or pattern by which to shape his own humanity. This illusory idea of a common humanity is, according to Sartre, a consequence of the traditional notion of God the creator, i.e., stated in hypothetical terms: If God is the creator of the universe, then all men are his creatures, and have, as a result of the process of creation, the essence of a common humanity. But, according to Grene, Sartre argues that "when God dies the notion of an essence of humanity dies with him leaving just these particular histories of these particular selves to 'live themselves
subjectively' as best they can."

If Grene has reported Sartre accurately, he would seem to have committed the fallacy of denying the antecedent. Unfortunately Grene has not documented this reference for checking.

Let us, however, assume that Sartre has validly denied first the consequent and then the antecedent of the hypothetical argument. He has, then, denied that there is an essence of, or a universal characteristic common to all human beings, and of which each person is a particular instance, and then he has denied that there is a creator who created these beings with the common essence or universal characteristic. The implication is present in the consequent of this hypothetical argument, an implication which Sartre has made explicit in the statement quoted above, that every human being is a concretely unique individual.

Sartre has committed two fallacies in this argument. First, he has made a subtle shift from a logical universal to an enumerative universal; and second he has denied the possibility of logical classification. He has argued hypothetically and by so doing has used the logical universal validly. But then, in denying the consequent, he categorically argues that, as a matter of fact, men do not have this essence or common humanity, and by so doing he shifts the universal from the logical to the enumerative type. This fallacy leads into the second one, for he advances as

his reason for asserting that there is no common humanity which is shared by all men, is that each human being is a concretely unique existence, which must somehow create its own essence or humanity from the raw materials of its own existence. The fallacy arises from the consideration that when he shifted to the enumerative universal he made his argument ambiguous, for he is either reporting as a matter of fact that human beings are concretely unique, or he is arguing logically that human beings cannot be of necessity, other than unique because they cannot be classified. If he is reporting facts as he sees them, then his statements must be judged on the basis of scientific accuracy, but if he is arguing according to the principles of logic, then he has contradicted himself, since these principles hold for all men, for all time, everywhere, hence are a common characteristic or essence of humanity. And, paradoxically, Sartre expects his argument to be judged by the criteria of these principles when it is examined by other men who use the same principles.

On the specific point of logical classification, Sartre has overlooked Royce's statement of logical principle which treats of classification as follows:

There are some truths which are known to us not by the virtue of the special successes (pragmatic) which this or that hypothesis obtains in particular instances, but by virtue of the fact that there are certain modes of activity, certain laws of the rational will, which we reinstate and verify through the very act of attempting to pre-
suppose that these modes of activity do not exist, or that these laws are not valid. Thus, whoever says that there are no classes whatever in his world, inevitably classifies.32

Thus, if, as we said, Sartre is arguing that human beings cannot be other than unique because they cannot, of necessity, be classified, he has confirmed Royce's argument since he has inevitably classified "impossibility" and "possibility" by the assertion of his argument.

On the assumption that there is such a process as creation, Sartre argues his case fundamentally from an alternation, i.e., that man, as a creature, must have been created either by God or by himself. He argues validly by denying one of the alternatives, and chooses to deny the first of them. The basis of his denial of this alternative, is his assertion of the self-contradictory nature of the definition of God. Sartre holds that the essential characteristic by which God is defined is that he exists from the necessity of his own nature, i.e., that he is causa sui. To be self-caused is, according to Grene's interpretation of Sartre, to stand in relation to one's self; and as Grene expresses it; "To stand in relation to one's self is to be at a distance from one's self."33 This means, she says, to be what one is not. To be what one is not is to imply that each term is not the other term, which means that in the realm of consciousness one term is aware of the fact that its being is

contingent on the being of the other term; hence, it is not necessary but contingent. The conclusion of this argument is that necessary existence implies its own contradictory, i.e., contingency or non-necessary existence, and is therefore impossible. In other words, if God existed, he would be contingent, therefore not God; or if he is God, he is not contingent; and since non-contingent existence is self-contradictory, it is an existence which is not.

Sartre's argument for the self-contradictory nature of the definition of God seems to be based on a confused idea of the nature of identity. Identity, as a logical principle, postulates that any term is identical with itself, and in so doing it constitutes the relation between a term and itself as monadic. Since Identity is a principle of thought, it is perfectly general and applies to all terms, singular or general, definite or indefinite, and as Avey points out,

> It does not mean that the object signified by the term cannot or does not change or undergo alteration in experience. It means that even when changing the object is its own changing self. It means that there is a sense in which any fact, whether changing or changeless, possesses its own individual identity which distinguishes it from every other fact.34

This is a formal truth which cannot be derived by induction from experience. Sartre seems to have confused the monadic relation of Identity with the dyadic relation of negation, consequently, his denial of the alternative that God is a

creator leaves his argument unconvincing.

There is another aspect to this argument of Sartre's which is worthy of note. Assuming, for the purposes of the argument, that he has validly denied the alternative that God can be a creator, it would follow that he has established the other alternative that man has created himself. But Sartre fails to see that the argument he has used to deny the creativity of Deity applies with equal force to the creativity of man, and he is left with the logical situation of denying both members of an alternation, hence of denying the possibility of creation as an explanation of man's presence in the universe. In his argument based on humanism Sartre refutes his own argument for atheism because he very clearly sees and develops the concept of the self as both actual and potential, and that the potential aspect of the self presents opportunities for creating a greater, more intelligent, and more adequate actual self.

In summarizing our survey of the religious argument, we have found that atheism, as an argument of negation, is inadequate due to its failure to exhaust the universe of discourse. It fails to do so when it relies on a simple statement of denial, since negation is, as we have seen, a relationship between two terms such that their sum exhausts the universe and their product equals zero. It follows, therefore, that the negation of a term implies itself.

The religious argument from atheism, considered from
its positive aspect, attempts, in its materialistic expression to account for all phases of human experience in physical terms, whether the physics be expressed in the cruder matter in motion of a Hobbes, or in the more modern nuclear physics of a Russell. These materialistic arguments have a common denominator in their reliance on the assumption of Determinism, an assumption which we have found to be lacking in cogency, since its validity depended on an enumerative universal. On the basis of an enumerative universal, the presupposition of the contradictory principle of indeterminacy yields conclusions which are much more convincing because they are more consistent with human experience.

Epistemological sensationalism of the radical type is a theory of knowledge which is allied to the materialistic ontology and is therefore allied to the Deterministic argument. It is subject to the same criticism, therefore, as any theory which relies on the assumptions of Determinism.

The theistic argument from design relies for its validity on the presupposition of the principle of indeterminacy, which implies that there is possible some voluntarism within the realm of human experience. The opponents of the argument from design generally attack it by challenging the assumption of indeterminacy and by refuting it with the argument for determinism. The inadequacy of the argument from determinism has been shown above.

The atheism of the Existentialist is argued from what
appears, at first glance, to be a refutation of the classi-
cal cosmological argument for the existence of God, but
which, on closer examination is shown to be based on a con-
fusion of the nature of the relation of identity. Sartre
seems to try to make a dyadic relation out of Identity which
can be nothing other than a monadic relation, consequently
his attempt to show the self-contradictory nature of this
relation remains unconvincing. Sartre actually refutes his
own atheistic argument, in his development of Existentialist
humanism, as he argues for the creative nature of man by:
showing that man is both actual and potential and that he
displays his creativity by actualizing his potential self
moment by moment.

We are warranted, on the basis of our examination of
the religious arguments from atheism, in drawing the con-
clusion that atheism is essentially sectarian position, be-
cause it is connected necessarily to theism. It is sec-
tarian because it negates one particular sectarian position
(i.e., theism), on the one hand, and on the other it advances
its own particular explanation for the universe, for man,
and for the relation between the two in quite as dogmatic
fashion as many sects do.
CHAPTER VII

Evaluation of the Educational Arguments

The arguments of the various philosophers of education brought by them in opposition to the teaching of religion in the public schools will be considered, as before, in the order in which they were presented in Chapter IV. Evaluation of these arguments will be made on the basis of their logical consistency, their coherence, and their cogency.

1 Dewey and Instrumentalism

John Dewey argues that there can be, concretely, no such thing as religion in the sense of a universal concept. He states that "religion" is a strictly collective term, and the kind of collection it stands for is what is logically described as an aggregate, i.e., it is a collection of items which have no relation to each other except spatial proximity. It is a collection, to use Dewey's words, which hasn't even the unity of a regiment or assembly. He argues that any seeming universality it may have is merely superficial; as for example, anthropologists tell us that every culture thus far discovered has had some form of religion, so that one may say that religion is culturally universal. But, argues Dewey, the differences between these religions
have been so great and so shocking, that any common element among them that can be abstracted is meaningless.

Dewey's thesis is that there is a vast difference between "religion", and "a religion", and the "religious", between anything that may be denoted by a noun substantive and the quality of experience denoted by an adjective. He argues that it is not very easy to find a definition of religion in the substantive sense that wins general acceptance. The definition which he finds acceptable, and which he presumably offers for general acceptance, is the fifth of the eight definitions of religion found in the Oxford Dictionary, which reads:

Recognition on the part of a man of some higher unseen power as having control of his destiny, and as being entitled to obedience, reverence, and worship; the general mental and moral attitude resulting from this belief with reference to its effect on the individual or the community; a personal or general acceptance of this feeling as a standard of spiritual or practical life. ¹

It may be observed, parenthetically, that Professor Dewey overlooks the etymology of the term "religion" which the editors of the Oxford Dictionary placed at the beginning of the definitional treatment of the term. * It may be that his conclusions would have been different had he taken this etymology into consideration.


* The Editors of the Oxford Dictionary give as the etymology of "religion" - "relegere from Cicero - religare from later authors (Lactantius)."
The point which Dewey stresses in this definition and in his presentation of the facts about the historical religions, is the element of the supernatural which is found, as he claims, in all of them. The Oxford definition refers to "unseen powers" which is, as Dewey admits, less assertive of a supernatural character than others that might be cited. He states that:

Religions have been traditionally allied with ideas of the supernatural and have often been based upon explicit beliefs about it.²

In pointing out the wide variety of religious beliefs on this point, from radical orthodoxy to very liberal heterodoxy, he argues:

But they agree on one point; the necessity for a Supernatural Being and an immortality that is beyond the power of nature.³

Dewey had already found that the world seems to be divided into two camps; one the religious group delineated above, the other, the radical anti-religious group whose thesis is that scientific knowledge has contradicted and discredited every religious proposition, and, consequently everything implied about the supernatural. Dewey then concludes that:

There is one idea held in common by these two opposite groups: identification of the religious with the supernatural.⁴

³ Ibid., p. 1.
⁴ Ibid., p. 2.
These quoted statements regarding the supernatural and its relation to religion, as well as others throughout the essay, give ground for the charge that Dewey seems to have contradicted himself. He has taken great pains to show that this belief in the supernatural, in the unseen powers, has been present in every culture, both primitive and civilized, of which man has any knowledge; it is, in fact, the basis on which many of these religions, or superstitions, have been founded. It has, in short, been the one universal concept which Dewey claims as common to all religions. Accompanying this belief, has been the belief that this supernatural element requires obedience, reverence, and worship, a belief which is just as universal as the belief in the supernatural itself.

Now when Dewey claims that there is no religion in the universal sense of the term (there is merely an aggregate of a very large number of religions), and that the common element in all known religions is a belief in the supernatural, it seems to the writer that he is self-contradictory. For if, as he asserts, all known human societies have exhibited a belief in the supernatural, and a belief in the supernatural is always associated with religion, then all known societies have had the same kind of religion, and religion is then universal. If this conclusion is valid, then his assertion relative to the meaninglessness of the common element in religion can be challenged; for he asserts
that the diversity and differences among these religions have been so great and so shocking that: "---any common element among them that can be extracted is meaningless." One fails to see how Dewey can reach this conclusion inasmuch as any element in a structure which is important enough to form the basis for the founding of the structure, and important enough to provide the unifying factor to it, can scarcely be classified as meaningless. Dewey bases the foregoing arguments on empirical logic. Let us now look at his arguments in the light of formal logic.

Dewey's claim that there is no such thing as religion in the singular, i.e., religion as a universal seems to be intimately integrated with his denial of the validity of the belief in the supernatural. Inductively, as we have seen, his argument lacks cogency; but since his attack on religious belief is centered on the belief in the supernatural, let us assume that he is logically charging this belief with inconsistency, and then see what implications can be derived from this assumption. It will be remembered that Dewey generously admitted that the day might come when religion would be so thoroughly "naturalized" in the hearts and minds of men that it could be considered publicly and openly, and by common tests, even among religious people.5 It seems to be a fair assumption, in the light of Dewey's emphasis on scientific experimentalism that the adjective "naturalized" in the

5 "Religion and Our Public Schools", p. 804.
preceding sentence, connotes the antithesis of the adjective "supernaturalized"; so that our assumption that he is logically indicting the concept "supernatural" finds some supporting evidence.

On this assumption, then, what logical evidence can be adduced in support of the proposition that belief in the supernatural is unwarranted? It is necessary to first be clear as to the meaning of supernatural. The Latin prefix "super" has had a constant and steady connotation of meanings such as "above", "beyond", "independent of"; so that when it is affixed to the adjective "natural", it gives the connotation of that which is above, or beyond, or independent of the observed sequences in the experimental realm of human experience, since there are only two possible realms of observation, i.e., the internal and the external, in which human beings can have experience. If this is the meaning which Dewey attaches to the concept, then his argument is valid; for everything in the universe must be included in any given class and its negative. It can be readily seen that the term supernatural, in relation to its correlative term natural, is logically equivalent to not-natural; and it then follows that the universe is exhausted by the sum of "not-natural" plus "natural"; and, conversely, if the term given is "natural", then the universe is exhausted by "natural" plus "not-natural." The conclusion is incapable that if the universe is exhausted by the sum of these
two terms, there is no remainder; hence, there can be
nothing outside of, above, beyond, or independent of the
universe. There is an unexpressed equivalence in this argu-
ment which should be made explicit, i.e., that the "natural"
has been equated with the sum total of human experience.
One result which verifies our reasoning in this argument,
is that the supernatural reduces to logical zero which is,
of course, the null class, or the not-natural.

This conclusion gives devastating support to Dewey's
argument that there is no universal religion; for if, as
he claims, religion is always associated with a belief in
the supernatural, and the belief in the supernatural is in-
valid, then religion, not only as a universal, but also as
a particular, is invalid; invalid in these cases being
equivalent to logical meaninglessness.

The assertion of a universal proposition should be
made with extreme caution! For the assertion by Dewey that
all religions are associated with, if not founded upon, a
belief in the supernatural, is an overstatement of the case,
since pantheists, for one instance, are not included in
this category.

Dewey's instrumentalism, as a philosophy of education,
is fundamentally a philosophy predicated on the proposition
that human knowledge is capable of an indefinitely large
degree of clarification and integration. This proposition
implies that human minds can grow in their capacity to
clarify their ideas and to comprehend new relationships of integration. On the basis of these two assumptions, it follows that whenever human minds cease to grow, either intentionally or accidentally, clarification of ideas - hence of knowledge - ceases, and confusion of ideas and obscurity of knowledge obtains.

Dewey argues with considerable justice, that many people who call themselves religionists, have closed their minds to growth, and that such people are laboring under the delusion that they have achieved absolute and complete Truth, i.e., the highest type of truth. The force of Dewey's argument is only too painfully clear in some of our human relationships; and it may be that religion is particularly susceptible to this sort of treatment, since it has been considered traditionally to be a refuge for those who need security and cannot find enough of it in other areas of human experience. It is to be noted, however, that the tendency to find security, or as Dewey calls it, the great quest for certainty, is an almost universal phenomenon; and once found, it is a possession which is not lightly relinquished. Dewey's thesis that the quest for certainty can be satisfied by the experimental method of science might be carried to extreme lengths by an advocate who had found security in it. The point of Dewey's argument as stated above, is whether or not the people to whom he refers are religionists, in a more adequate sense of the term religion.
In order to draw a clear distinction between religion and sectarianism, it seems to the writer that Cicero's definition of religion, the first of which we have any record, is more adequate than any proposed since his day. When Cicero defines religion as the reviewing and re-reading of all things pertaining to the gods, he seems to imply a process of growth and clarification of ideas pertaining to the religious area of experience. He also seems to presuppose a mind open and receptive to new ideas, and to new relations among those ideas. The outstanding merit of this definition is that it defines religion in quite universal terms; since the process of review and examination is unconditional, both temporally and spatially. It is, like science, a process which can be conducted by any competent individual, any place, any time; and can be continued indefinitely. It is in this sense of the universality of religion that Dewey's definition of it becomes inadequate, and his arguments based on that definition unconvincing.

In logical correlation with this connotation of religion as a universal, the writer suggests sectarianism in the sense of particularity; and in logical correlation also, the connotation of sectarianism as a cessation of the growing process connoted by Cicero's definition of religion. In this sense of these terms, the assertion is possible that the real religionist may understand that his epistemological

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6 De Natura Deorum, Book II, Sec. 28.
universe of discourse is comprised of the sum of his actual knowledge and his potential (non-actual) knowledge; it will be the sum of the known and the unknown, and the religionist may have a very clear understanding of the ratio between the two, an understanding which may make him humbly aware of the extent to which his ideas can be clarified, and his knowledge made more adequate. He may also understand that religion, as a process of review and examination, gives him unlimited opportunity to achieve that clarification and completion.

It will be seen that, according to the same principle, the class which is labelled sectarian is that class which fails to comprehend the principle of exhaustion; hence fails to see that there is the correlative class of potential knowledge, (the great unknown) which is necessary, in sum with the actual knowledge, to exhaust the epistemological universe of discourse.

People in this sectarian class, due to their failure to comprehend this logical relation, tend to assume, as a consequence, that they are in possession of the complete and final knowledge; and on the basis of this assumption, they tend to close their minds to any new ideas which may be discovered. It is, perhaps, this attitude of mind to which Dewey so strenuously objects, and in which objection, many of us gladly join him. If this be his real objection to what he calls religion, then his argument that the dogma of
such a group cannot be taught in the public schools is a valid one. It cannot be taught because it is not coherent; and, consequently, it lacks cogency. It should be clear, also, that religion as defined above is capable of being taught, since it can entertain no concepts which are inconsistent, and it is constantly attempting to make those concepts more coherent and complete, hence more cogent.

2 Horne and Idealism

The argument of H. H. Horne - that religion should not be taught in the public schools because its nature makes it unteachable - presents some fundamental difficulties. Horne's argument is valid, of course; for if religion is something which cannot be taught, then its teaching should not be attempted. The question that presents itself for answer is whether religion is something which cannot be taught because of its nature.

Horne tells us that religion and art spring from the same source of the personal being, viz., the feelings; art being the expression of the feelings in the presence of the beautiful or the sublime, while religion is the expression of the feelings in the presence of the divine. The fundamental feeling in the presence of the divine, or Ideal Person is, according to Schleiermacher, the sense of dependence. In elaborating this idea, Horne says that religion is not primarily what a man thinks, for this is his dogma, his creed, or his philosophy; nor is it what a man primarily
does, for his deeds may be dictated by motives other than religious; religion is primarily what a man is. The translation of these feelings into thought becomes theology; while the translation of them into volition becomes ceremonial usage, ritual, the daily deed, and the like.

The problem arises as to the meaning of the word "expression." Horne says that religion is the expression of the feelings in the presence of the divine; but he also says that religion is not the translation of these feelings into thought (and subsequently into verbal expression, presumably); nor is it the translation of them into volitional actions, which are behavioral expressions. He has already classified expressions of feeling in the presence of beauty as art; these expressions being, presumably music, poetry, sculpture, ceramic art, and the like; hence they cannot be classified as religion. The conclusion seems to be forced on us that religion is at once an expression and not-an-expression. Horne seems to have exhausted the possible ways in which a human personality can express its feelings; and, having excluded all of these ways of expression, he then asserts that religion is an expression of feeling.

There seems to be a contradiction involved in his argument that the duty of a teacher is not to instruct the intellect of the pupil, but to make religion attractive through contagious example; to quicken the heart of the pupil with a religious life; to be, by example, a prophet of the
universal religious nature. It is questionable, to the writer at least, just how this is to be accomplished; since Horne has already made it clear that the translation of the religious feelings into deeds is not religion, but religious ritual, ceremonial usage, etc. Horne seems to be trapped in the predicament of the mystic who can attempt to describe the mystical experience, but must always conclude with the statement: But this is not it. In short, Horne faces the impossibility of communicating subjective sensory or emotive experience in intelligible terms. He appears to realize his position in connection with the attempt to teach religion in the schools, when he admits, almost as an afterthought, that:

This is not to minimize the importance of the teaching of religion as a system of truths in the home and the church - there must be truth as well as life - but only to indicate the relation of religion to the public schools.7

This statement also appears to be contradictory, since Horne previously asserted that the translation of feelings (which are religion) into thoughts becomes theology, or the science of religion, and not religion. But his statement above indicates that religion can be taught as a system of truths; in short, religion is both feelings which are untranslatable into thoughts, and a system of truths implying that these feelings can be and have been translated into systematic thought.

7 Philosophy of Education, p. 125.
Another difficulty that presents itself in Horne's argument that religion is constituted of feeling is that he seems to use the term feeling in an ambiguous manner. His statement that "the fundamental feeling in the presence of the divine, the Ideal Person, is the sense of dependence" leaves us uncertain whether the "sense of dependence" is the feeling, or something additional to the feeling. "Feeling" is, at best, an ambiguous term since it is used to designate both tactile sensation and emotion such as joy, sorrow, rage, happiness, awe, and the like; but Horne mentions none of these as his religious feeling. The "sense of dependence" which he uses, seems to the writer to be something more than pure feeling; i.e., a psychological relation which has elements of both feeling and cognition. To have a sense of dependence is to comprehend that one stands in the relation of dependence to another. This comprehension would, in turn, derive from a personal feeling of inadequacy, which would be derived from the cognition of the relation between one's capacities and the requirements of the task to be accomplished. Horne uses the term in the two senses, however, that is, as pure feeling and in the sense of feeling plus cognition, a usage which results in uncertainty regarding his meaning of feeling.

This difficulty coupled with the difficulty he presents us by his exhaustion of all of the alternative ways of ex-

8 Ibid., p. 123.
pressing "feeling" permits us to conclude that he reduces religion to an impossibility, since he seems to argue that it is both an expression of, and not an expression of feeling.

3 Breed and Realism

The statements of Frederick Breed which outline his philosophy of education do not specifically mention religion or the teaching of religion. Consequently, his objections, if any, to the teaching of religion in the public schools are to be inferred from the implications contained in his general position. The writer recognizes the danger of reading implications which were not intended by the author, into an author's statement; hence, he will attempt to exercise due caution.

As Breed states it, his Realism is congruent with Realism in general inasmuch as it holds that the principle of independence is the basis of the Realistic argument; hence, for the realist, being known is an event that happens to things assumed to exist prior to and independent of the act of knowing. As a consequence of this conclusion, intellectual activity is comprehended to be the act of discovery, either by discovery or prehension of the pre-existent; and in contradistinction to idealists, instrumentalists, and others, it follows that the realist, for Breed, holds that the existent is not "created" in the epistemological sense
of the term; it is always "discovered."

It is quite consistent, then, to find that Breed holds that philosophy is continuous with science, not separate therefrom; that, as he defines it, philosophy has neither materials nor methods peculiar to itself, but employs the materials and methods of science; that philosophy differs from science only in the scope of the problems involved; philosophers being concerned more than most scientists, with the fundamental conceptions of the different sciences as well as with the relations among the sciences. Breed is in agreement with Bertrand Russell when he holds that philosophy in this sense is empirical; it is objective; it is experimental; it is innocent of any ambition to "unscrew the unscrutable" (the term is his); its ambition being confined to achieving a better organization and interpretation of verified knowledge.

In another sense, however, Breed finds that philosophy is rational because it not only consistently absorbs the techniques of scientific experimentation, but

it has also successfully adapted the tools of logistics and semantics to its purpose - tools of a type long regarded as the special, if not the exclusive instruments of rationalism.

The consequence of this condition is that philosophy is really empirico-rational, since it uses the scientific methods of empirical observation, the rational method of

framing hypotheses, and then again the scientific empirical method of verification. Logistics and semantics are employed, presumably, in the interpretation of the data prior to the framing of the hypotheses, and in the interpretation of the meaning of the results discovered in the process of verification.

The implication seems to be present in these statements regarding Breed's Realism, that philosophy, as a continuation of science and by the use of scientific method, can observe no empirical data which might constitute the content of religion; for example, there are no empirical data for God, Spirit, Immortality, and the like; consequently, there is no possibility of verification when there is no datum to verify. Breed asserts very clearly, as noted above, that the modest ambition of philosophy is the better organization of verified knowledge. The implication here seems to be clear enough: that the material to be organized is verified knowledge, and only verified knowledge. For Breed declares:

---"clear and distinct ideas" that are advertised as compelling in their authority because fresh from the faculty of Reason and the citadel of Truth are no more impressive than the capital letters that linger on as a literary tradition in philosophy. Even the assumptions and presuppositions, the fundamental premises which thinking uses as a springboard in any field, are at bottom derivatives from particular items in experience, from the facts of experience.10

10 Ibid., p. 136.
To the writer, the validity of this statement seems to depend on the meaning he attaches to the noun experience. If Breed is using it in the usual restrictive sense of science to mean sensory data, then his statement is not valid; for assumptions and presuppositions are logical instruments used in the absence of facts to permit the construction of intelligible, consistent, and coherent discourse. But Breed also says that:

They (the radical skeptics) forget that even the values of science are not matters of absolute certainty, but of relative certainty; that knowledge varies in the degree of certainty; and that the intelligent use of knowledge consists in selection and application according to this degree. Here is the foundation for the curriculum of the schools, and the legislation of the state; here, in fact, is the foundation for conclusions and beliefs in any area—a foundation in verified knowledge. (Italics supplied)

It seems to follow from this statement that, for Breed, all knowledge is relative; that when it is knowledge which has been empirically verified by the scientific method, it is a little more certain than when it has not been verified; but, on the other hand, he himself seems to be making a statement with absolute certainty when he declares:

To the scientific and empirical mind there is no absolute certainty about any of the great philosophies, any of the great religions, any of the great ideologies.

11 Ibid., p. 135.
12 Ibid., p. 135.
Inasmuch as he is using the universal negative form of proposition in this assertion, he is implying an absolute certainty about the proposition itself; for if it can be asserted that there is not a single philosophy, a single religion, a single ideology which is absolutely certain, then this conclusion is absolutely certain; and Breed is asserting a self-contradictory proposition. Thus it follows from the certainty of his assertion, that there are some parts of knowledge which lie outside the area of verified knowledge, and these parts are not relative, but certain.

Values are mentioned in Breed's statement about verified knowledge. In this realm, also, he holds consistently to the philosophy of Realism and finds that, in the last analysis, values rest on the facts of human interest. He argues that man is interested in the validity of thought; from this arises logical values; man is interested in and longs for a power beyond himself that will make for righteousness; from this arises religious values; and man's interest in beauty and intellectual development provide the source for aesthetic and educational values. Then Breed concludes:

Knowledge of the facts of human preference or selection serves the usual guidance function of knowledge tilting the balance of opinion toward one or another economic policy, political plan, or educational objective. The popular vote in a democracy is an approximate measure of value, the basis of which, according to this theory, is empirical.13

13 Ibid., p. 136.
It is one thing for Breed to perhaps be here suggesting the interest theory of value \( \frac{1}{4} \) which, stated tersely is: that is a value in which anyone is interested; but when he adds that the facts of human interest are items which are empirically verifiable, he is making an unwarranted assumption. For he is assuming that human emotion, which is purely qualitative and covert, can be empirically observed in overt behavior and recorded as a fact. The observation of patterns of behavior is one thing; but to assume that those patterns of behavior are effects, the causes of which are emotional qualities, is an assumption which is not warranted.

Bergson showed the fallacy of this assumption in the field of psychophysics.\(^{15}\) For example, it may be asserted that one is interested in the study of philosophy. This assertion can take the form of a series of audible sounds, or the form of a series of conventional symbols set down on paper. The empiricist may verify the sounds or the written symbols. He may also interpret the meanings of these symbols (not empirically, be it noted) and then from his interpretation of these symbols, he may come to expect and predict certain patterns of behavior from the asserter. He may observe and verify the patterns of behavior which he has predicted on the basis of his interpretation of the symbols, but he has not empirically verified the interest in the.

See R. B. Perry's *General Theory of Value.*

study of philosophy. He has inserted an interpretative link between his first set of observations and his second set; and has assumed that there is a point of contact between the quality of interest and the quantity of interest, an assumption which he cannot make on the basis of his empirical data alone. Consequently, the conclusion seems to be warranted that Breed does not appear to have established religious values, or any other type of values, on the basis of the empirico-rational philosophy which he expounds.

To sum up the argument as Breed presents it from his version of Realism, it appears that he does not mention religion as a possible subject for teaching because a subject, in order to be taught, must have a content of knowledge. Knowledge, by his definition, is constituted of a body of empirically verified facts, arrived at by the scientific, empirical method plus the use of logistics and semantics, presumably for the interpretation of data, and the removal of ambiguity from the terms used. And since the empirical method yields no data which could be classified as religious, Breed argues that the adjective religious is a modifier of a particular kind of value found in human experience. But values themselves, as elements in the corpus of empirically verified fact, need explanation. Breed attempts to explain them as facts of human interest, an attempt which has been shown to be as unsuccessful as his attempt to establish the complete relativity of knowledge by his universal denial of
the certainty of any knowledge.

4 Whitehead and Organicism

The educational philosophy of Alfred North Whitehead appears to be more consistent, coherent, and complete than any of the other philosophies considered. Whitehead derives a balanced theory which appears to violate few, if any of the principles of thought. His presupposition that the pupil is an organism which has the capacity to be self-initiating as well as the capacity to grow, is a reflection of his philosophy of organism as a whole.16 Granted the validity of the presupposition, he visualizes the educational process as a balance between freedom and discipline; a process which develops in rhythmic periods within rhythmic periods. He finds that one of the three larger periods in a pupil's life is the stage or period of romance in which the child discovers the wonderful realm of ideas and facts. It is at this period that the child is, or should be, free to browse or roam at will through as many of the fascinating areas of human experience as he can. This initial stage is followed according to Whitehead's theory, by the stage of precision in which the pupil becomes aware that these areas of knowledge and experience are structured and organized according to universal principles. He learns the value of universal principles, laws, and rules; and also learns to

16 See his Process and Reality, Chapters I and II of Part V, particularly Section III of Chapter I.
discipline his thinking and acting. He describes this stage in the following manner:

The facts of romance have disclosed ideas with possibilities of wide significance, and in the stage of precise progress, we acquire other facts in a systematic order, which thereby form both a disclosure, and an analysis of the general subject-matter of romance.  

The teacher, in this stage of education, acts as a guide and a shaper of the mind of the pupil; and it is this task of molder or shaper which requires the utmost delicacy in knowing when, where, and how much disciplinary pressure to apply so that guidance, and not cessation of the process is achieved. Whitehead admonishes:

The importance of knowledge lies in its use, in our active mastery of it - that is to say it lies in wisdom. ----It is in respect to the activity of knowledge, that an over-vigorous discipline in education is harmful. The habit of active thought, with freshness, can only be generated by adequate freedom. Undiscriminating discipline defeats its own objects by dulling the mind.

It is, however, this stage in which discipline, when used with fine discrimination, not only molds the mind and character of the pupil, but also conserves and enhances the educational elan vital of the pupil so that in the third stage, the stage of generalization, the pupil who has now become a student will exhibit the freedom of an active disciplined mind and find another stage of romance, but a stage holding infinitely greater possibilities, hence a

18 Ibid., p. 43.
stage with more allure.

As Whitehead presents his theory, he finds that the whole period of growth from infancy to manhood forms one grand cycle in which there are the three stages. The stage of romance stretches across the first twelve years of life; the stage of precision comprises the school period engaged in secondary education; the period of generalization is the period of entrance into manhood either as student or as non-student. In the educational field, this is the period of university training. This is the great period of generalization which Whitehead describes as follows:

During the school period the student has been mentally bending over his desk; At the University he should stand up and look around. ---The really useful training yields a comprehension of a few general principles with a thorough grounding in the way they apply to a variety of concrete details. ---The function of a University is to enable you to shed details in favor of principles.19

As Whitehead suggests, this period is another cycle of freedom, and another stage of romance. It is the period in which the disciplined mind is free to think creatively.

Lest a mistaken impression be given of the three phases of the educational cycle, it should be noted that some discipline is present in each stage, just as some freedom is present in each. It is the ratio of freedom to discipline in each which denominates it as dominantly free or restrained.

The educational process is, according to Whitehead's

19 Ibid., p. 38.
theory, that of teaching the student how to think, not what to think; and in so doing, the student learns to think logically about any and all areas of human experience. It follows, then, that logical thinking applies just as effectively to the area of experience which we denote as religion, as it does to that area which we designate as science, or to that which we call art. Therefore, Whitehead's philosophy of organism should find no objection to the teaching of religion in the public schools. As a matter of fact, and from the standpoint of logical thinking in the area of religion, Whitehead has made some definite, concrete contributions in support of the thesis that logical thinking can be done in this area. These specific contributions are found in his Process and Reality, Science and the Modern World, and Religion in the Making. If we learn how to think and are able to think about the content of any field of inquiry so that our thoughts are arranged in systematic, consistent, and coherent order, then it follows that those thoughts are communicable, hence teachable. Whitehead's philosophy, as applied to the educational field, warrants the conclusion that religion may be taught in the public schools.

5 McGuicken and Catholicism

The philosophy of the Roman Catholic Church regarding education is nearly, if not entirely, antithetical to the Whiteheadian philosophy of education. Where Whitehead advocates freedom of the mind to pursue its disciplined way
in the search for truth, the Catholic philosophy states that there are some truths which no Catholic is free to accept or reject. Where Whitehead argues for the method of teaching the child how to think, the Catholic argument seems to favor the method of teaching him what to think. The argument of the Catholic philosophy that the family and the Church have prior rights in the determination of how the child shall be educated, is not, so far as the writer knows, specifically countered by Whitehead; but in the light of his general philosophic position, it seems safe to infer that he would object most strenuously to the dogmatic assumption that an institution is automatically endowed with the required degree of competence for making determinations of truth and falsity merely on the grounds of the relationship of the institution to its components. For example, the mere fact that one person is related to another by the relation "father of", does not imply that the father in this case is automatically endowed with the competence for determining who is competent to teach his child. The father may, or may not, be competent to do so; but the fact of his relationship does not imply this competence.

The Catholic argument that there is a hierarchy of institutions in which the Church holds the first or highest position, with the family following next in order, and the State assuming a position inferior to both church and family, is a reflection of the centuries-old contest of claims
between church and state over the origin and scope of political powers. While this argument is more pertinent to political theory than to educational, its presence must be considered here because it is an aspect of the church-state relationship on which the McCollum case is based. The Catholic Church agrees that it has the more genuine claim to sovereignty over the lives and welfare of men, because it receives its authority direct from God via Jesus of Nazareth and/or Peter the Apostle. The history of the church-state contest, while interesting, forms no part of our investigation; hence it will suffice to say that following a long and bitter struggle between the advocates of supreme spiritual power and those of supreme temporal power, the Catholic Church still maintains its original claim to first place in the hierarchy, from which it follows that it can claim the right to determine any matter affecting the welfare of any of its communicants. This argument, as can be clearly seen, is based on a matter of historical fact and not on logical discourse.

The argument that the derivation of authority from Deity by way of the person of one of the disciples on the grounds of the association of that person with the person of Jesus, permits the same conclusion to be reached for any one or all of the disciples,* and is no more valid in the one case than it would be in the others. If this argument were

* See Matthew 18-18 and note the plural "you."
valid, the hoary, old argument of the divine right of kings would be more valid than the Petrine claim; since any absolute monarch could claim a direct connection to divine authority, a connection which would allow the claimant to argue that authority so derived is purer and less subject to error than that derived from indirect connection through intermediaries.

The Catholic argument, as expressed by McGucken, that the common good, or the good of society in general is more important than the good of the individual, but that this principle does not hold when the private good is of a higher order, finds its basis in the Catholic interpretation of "society." This interpretation holds that every individual is a member of three societies, viz., the church, the family, and the state. The family is a natural society, the church is both a natural and a supernatural society, and the state, by inference, an unnatural society; unnatural in this connotation being equivalent to artificial. Of these three societies, so the argument runs, the Church is instituted by divine authority; the family is, according to papal encyclical (Pius XI), also instituted by Deity; but the State, instituted by man, is artificial; hence any authority it may claim is also artificial and of inferior force. This argument is consistent with the Thomistic doctrine of the hierarchy of law, i.e., the Eternal Law which is the basis and foundation of the Natural, Divine, and Human Law. McGucken
emphasizes this point when he says:

It is on this point (that man is a member of the supernatural order) that Aquinas, and other scholastic philosophers part company with Aristotle. Aristotle and pagan civilization generally regarded the individual as subordinate to the State. The important thing was to be a good citizen. Aristotle had said in his Politics "A citizen does not belong to himself but to the state; he should be educated for and by it." Christianity changed this emphasis on the state by indicating man's supernatural end. This explains the importance of the individual in scholastic thought, the reason why the state exists for man, not man for the state.20

Thus McGucken reflects Thomistic doctrine when he says that Christianity changed the emphasis from the state to the individual.

In fuller explanation, Thomas held, along with Aristotle, that man is naturally a social being; hence the civil state is a necessary part of this world. But the civic virtue which Aristotle held to be the end of education, is not enough. For according to Windelband:

----that civic virtue to which the state should educate its citizens does not exhaust man's destiny. In this he fulfills only his purpose as earthly being; his higher destiny is the salvation which grace offers him in the community of the Church.21

And by Aristotelian argument, since the lower exists for the sake of the higher, the political community is to be the preparation for the higher community of the State of God. The civil state is thus subordinate to the Church as the

means to an end.

The Catholic interpretation of the term society permits the inference to be drawn that ultimately there is but one society; and that all other societies are but subsidiary members of this one society. The ontology which views reality as constituted of diversity in unity, is convincing to many minds; but the Catholic argument that its particular organization constitutes the unity of reality, lacks cogency in view of the presence of the religious viewpoints of the ten major faiths other than Christianity.

The supernatural element in the Catholic philosophy is open to the same criticism as we advanced in our evaluation of Dewey's instrumentalism.

Epistemologically, the supernatural concept gives rise to the problem of how it can be known. Since the supernatural is above and beyond the natural realm, it cannot be known by any of the normal human capacities and physical equipment. McGucken, following the Thomistic doctrine, tells us that for truths of this nature, i.e., of the supernatural order, revelation is needed. McGucken puts it in these words:

There are truths of the supernatural order which the mind can never know unaided. For this revelation is needed.22

McGucken, apparently, uses the term "mind" here as synonymous with reason, because Thomas, in the Summa Contra Gentiles, Book I, Chapter III, says:

Now in those things which we hold about God there is truth in two ways. For certain things that are true about God wholly surpass the capability of human reason, for instance that God is three and one: ---23

But just because the reason is unable to comprehend these things is not sufficient reason to doubt their veracity, declares Thomas, for he says:

Accordingly, just as a man would show himself to be a most insane fool if he declared the assertions of a philosopher to be false because he failed to understand them, so, and much more, a man would be exceedingly foolish, were he to suspect of falsehood the things revealed by God through the ministry of His angels, because they cannot be the object of reason's investigations.24

McCucken argues that the Catholic educator has the right and the duty "to present these truths to the child since he could never learn them unaided."25 The difficulty with this argument, as the writer sees it, is precisely how a Catholic educator is going to present any supernatural truth to the rational mind of a child, when, according to Thomas, these truths wholly surpass the capacity of human reason. Since this rules out the normal rational processes of education, reliance is placed on revelation. Granting the possibility of revelation, the process of revelation itself would seem to be exhausted by the two alternatives of immediacy and mediacy. Immediacy seems to be rules out,

24 Ibid., p. 172.
since McGucken argues that the child could never learn these truths unaided. This leaves the alternative of the mediation of the educator, who is a human being. But what does Thomas say about the process of revelation? That these truths are "revealed by God through the ministry of his angels." It would appear that if these truths are to be transmitted by the educator, then the educator must be an angel. But Thomas defines the angelic intellect as follows:

Now the angelic intellect surpasses the human intellect more than the intellect of the cleverest philosopher surpasses that of the most uncultured.26

This Thomistic definition appears to rule out the possibility of the educator, as a human being, having an angelic intellect from which it follows that the revelation of the truths is eliminated.

There is another difficulty in this argument which needs clarification. That is that if, as Thomas argues, supernatural truths wholly surpass the capacity of human reason, then it would seem to follow that no human reason can know whether or not they are true or false; valid or invalid. If this hypothesis is valid then it follows that no human reason can recommend the acceptance of these truths on faith, because such a mind would not even know that they were "truths."

Despite this epistemological difficulty, neither the

Catholic student nor the Catholic educator is free to accept or reject the fundamental postulates of Catholic education. These postulates on the nature of man, the nature of truth, and the nature of the true agencies of education seem to be held by Catholic philosophers to be of the same nature as logical and mathematical theorems, that is, demonstrably certain. The connotation of "postulate" (from the Latin postulare) is that of demanding, or requesting, acceptance of a proposition without proof in order that the implied consequences may be inferred from it (or them); whereas the demonstrated assertibility of logical and mathematical axioms result from a rigorous process of test and criticism of the application of the principles of thought to thinking itself.

The Catholic philosopher of education appears to make a subtle shift from postulate to axiom, thereby avoiding or eliminating the process of testing and examining the structure of his thought. The reason for this apparent shift is probably due to his conviction that these particular postulates, i.e., the three named above, are absolutely and infallibly true; a conviction which would account for his arbitrary refusal to submit them to critical examination. It may be that these truths of his are absolutely and infallibly true, but until they are demonstrated to be so, the claim that they are so remains unconvicing, and we must ask him to demonstrate their consistency, since he has erected them as a postutional structure. It remains to be pointed
out that the arbitrary assumption of the absolute nature of any truth is an invitation to close the mind and to discontinue growth and development, because it follows that an absolute truth is complete, final, and perfect; hence in no need of development toward perfection.

In speaking of the Catholic theory of liberal education, McGucken argues that all that is human must enter into the education that is humanistic and liberal. All that is human, all that belongs to man - the true, the beautiful, the good - all of these constitute the elements in humanism in education. Not one of these alone, but a synthesis of all three is needed. Not merely Greek and Roman thought, but Christian thought and Christian art, he claims; yes, and modern thought, modern art, and even modern science - in so far as they are true, beautiful, and good - these are the elements that must be harmonized to secure a liberal education. And he argues that, generally speaking, Catholic education has been sympathetic to the humanist theory of education; but he is using the term humanist in a connotation much different from that generally attached to the term.

Continuing, however, his argument for liberal education, and pointing out the need for a study of the humanities, he pleads for a study of literature, of history, of science, and of mathematics. He argues:

Philosophy is needed, a genuine and strenuous exercise in the art and science of thinking, a dynamic and fearless investigation of ideas,
McGucken then declares:

Religion must then play a part in the integral humanistic training of man. Philosophy and science give only partial answers to the world riddle. Religion is needed to secure a complete view of life. If religion be banned from liberal education you have not merely an incomplete education, you have a maimed and distorted education. (Italics supplied)

McGucken's argument that a liberal education should include literature, art, history, science, mathematics, philosophy, and religion seems, at first glance to be a valid one. But since he has used the term "humanist" in a connotation different from the usual modern meaning of the term, it might be useful to examine the way he uses the terms "religion" and "philosophy." We find a suggestion about both of these terms in his statement that:

Classical culture, Christian culture, the medieval synthesis of Thomas Aquinas, and modern science and modern thought - these are the strands that the Catholic believes must be combined somehow into unity to provide a liberal education for the youth of our day, to place him in contact with truth, and beauty, and goodness.

His very radical use of the term "humanist" is found in the following passage:

The Catholic believes humbly and sincerely that the answer to this problem of integration is one word, a monosyllable, Christ.
Christianity is Christ. Christianity is not the history of one nation or race or people; it is universal history, the history of the human race, the most human thing in the world. The humanism of Christ, who is also God, as the Catholic confidently believes, this is Christian humanism.\textsuperscript{30}

The claim of universality for Christianity, in this argument, contains some interesting implications. The claim that "Christianity is not the history of one nation or race or people; it is universal history, the history of the human race," implies that Christianity is the universal religion. This implication stated in logical form would be "All human beings are Christians," and its obverse would be "No human beings are non-Christians." It follows from this obverse that the class "Some human beings are not Christian" is a null class. The argument is fallacious because the implication stated as a universal affirmative proposition may appear to be logically coercive but really lacks the necessity essential to a true logical universal, since it is quite conceivable that some human beings may not be Christians. It follows that the proposition becomes an enumerative universal and is not a logical universal.

As an enumerative universal the proposition is concerned with a numerable class of human beings, past, present, and future, about whom the characteristic of Christianity can be predicated as a matter of fact. As a matter of fact, sociological evidence warrants the assertion that there are

\textsuperscript{30} Ibid., p. 280 f.
human beings existent today, e.g., Buddhists, who are, by
definition, not Christians. The assertion of this propo-
tion provides the contradiction for the original proposition,
since it asserts that the class some human beings are not
Christians is not null. Historical evidence also justifies
the contradiction of the original proposition, on the grounds
that it is obviously impossible that anyone born prior to
the year 4 B.C. (the calculated year of the birth of Jesus)
could, by definition, be a Christian. Consequently, the
conclusion is warranted that, even as an enumerative uni-
versal, the proposition that All human beings are Christians
is an overstatement of the case.

McGucken's implication that Christianity is the univer-
sal religion is based, apparently, on his equation of the
Christ with God, in conjunction with the equation, by the
Church, of God with Universality, and Jesus is equivalent
to God, and Christianity is equivalent to Jesus, then it
follows that Christianity is equivalent to universality.
And it might be added that he could add another equivalence,
i.e., that the Roman Catholic Church is equivalent to Chris-
tianity because Jesus, as the Church claims, handed the keys
to Heaven to Peter thus making Peter the successor to Jesus
and consequently the only true Christian.

The equation of Jesus with Deity is logically indefen-
sible since it attempts to make an equivalence between the
whole and one of its parts. For if God is universal, in the
true sense of universality, then no particular instance of
the universal can be equated with the universal. McGucken
overstates his case in this equation, because he fails to
see that there can logically be an infinite number of parti-
cular instances which "express", or "imitate", or "partici-
pate in" the divine universality, some of which could have
occurred before the birth of Jesus.

The implied equivalence of the Roman Catholic Church
with Christianity makes possible, on the basis of the syllo-
gistic equivalence noted above, the argument that Catholic
art is universal art, Catholic literature - universal litera-
ture, Catholic philosophy - universal philosophy, etc. The
conclusion seems to be warranted, from these implications,
that the liberal education which Professor McGucken dis-
cussed, and for which he pleaded in his essay, really re-
solves itself into approved Roman Catholic education.

A bit of historical evidence regarding the univer-
sality of the Church might be interjected in passing, with
the note that the adjective "catholic" was not officially
adopted by the Church until 1054 A.D. when the separation
of the eastern and western divisions of the Christian church
occurred. It was then that the western division at Rome
agreed to use the adjective **catholic** while the eastern di-
vision appropriated the use of the adjective **orthodox**.31

31 Burns, Edward M., *Western Civilizations, Their History*
It is, apparently, this fundamental claim to universality which provides the ground for the Catholic argument for the exclusive sovereignty of Catholic sacerdotal authority; for the exclusive authority of the Church in education; and for the claim of absoluteness of the truth of Catholic dogma. And these arguments are, in turn, those on which Catholic philosophy bases its objection to the teaching of religion in the public schools; arguments which must remain unconvincing as long as they are held to be grounded on absolute truths which are not open to criticism.

6 Pool and Hebraism

The Jewish argument, as enunciated by Rabbi David de Sola Pool, is one which is very similar to the Catholic argument. Pool argues, in his opening statement, that religion should not be taught in the public schools because America, being predominantly Christian, tends to become sectarian in that the general thinking tends to associate religion and Christianity as synonymous. He cites, as examples, the fact that the mid-winter and spring vacations in the public schools are referred to as the Christmas and Easter vacations; and that reference to religious training generally means reference to Christian training. He argues that due to this tendency toward Christian sectarianism, the Jews of America have had to adopt a policy of strict freedom of conscience regarding religion in the public schools a policy which advocates keeping all sectarianism out of
This argument is sound and cannot be criticized; but the cultural fact of Christian predominance in America is not pertinent to the argument. Pool argues that the State, as the governing power in education in America, must have one uniform rule and policy applying alike to majority and minority sectarian groups, if it is to keep its public educational work free from sectarianism. But this does not mean that the State should take no cognizance of the existence of religion outside of the schools. Pool then claims that because the Jew is a minority group which labors under disadvantage in America, he is especially anxious to see that the State take a sympathetic attitude toward the claims of religion. The attitude which the Jew would like to see obtain, is that the State be sympathetic enough to the claims of religion that it does not make such exclusive claims on the child's school time that there is little or no time left for the child's adequate religious education and religious worship. Religious worship is pertinent here, because the Jewish Sabbath falls on Saturday and a six-day school week would interfere with religious worship.

Pool interprets exclusive or excessive time to mean that school hours should be arranged so that "enough" time be left free each afternoon for religious training. The plea for enough time each afternoon is based on the needs of the standard, Jewish, religious, educational system which is
comprised of teaching the Hebrew language, Old Testament Jewish literature of twenty centuries, forty centuries of Jewish history, the ritual and ceremonial of Judaism, the principal observances in the code of Jewish life, the Jewish theology and ethics, Zionism, Palestine and the problems of modern Jewish, communal life. The problem, then, is really that of dividing the time of the child with the public schools "so as to give sufficient hours to the synagogal and communal Jewish schools", as well as to the public schools.

American Jewry, at least Pool's division of it, objects to the released-time program of religious education as a possible answer to its problem, on the grounds that:

----they saw in it the possible danger of sectarian segregation and classification among public school children under public auspices through directing the pupils away from the public schools in different denominational groups.32

Pool voices fear that the released-time plan will provide opportunity for ecclesiastical, missionary zeal in the educational system; and he argues that the Jewish child has ever been the object of proselyting zeal. Consequently, he claims that:

Public school suasion, which in the child's life can hardly be distinguished from coercion, when coexistent with clerical enthusiasm, can encourage, either directly or indirectly, intentionally or unintentionally, Christianizing missionary work among Jewish children.33

33 Ibid., p. 478.
Pool also objects to the reading of passages from the Bible in the schools, even from the Old Testament, on the grounds that the translators of the Bible have corrupted its true meaning. Thus he declares:

In passage after passage, and sometimes in some of the best known and most popular texts, the Authorized Version, and in lesser degree the Revised Version have adopted a Christological translation which the Jew holds has no warrant in the original Hebrew text.34

The two Protestant versions of the Old Testament, as well as the Catholic Douay version, are thus classified by Pool as "sectarian."

Pool, having found so many sectarian influences at work in American culture, sums up his argument with the Jewish interpretation of the Constitution as follows:

It is the view of the Jews of America that the spirit of the Bill of Rights asserting that the Congress shall make no law respecting an establishment of religion, guarantees the immaculately non-sectarian character of the public educational system of the country. They hold with Jefferson that America must build a wall of separation between Church and State, and that therefore the public school system must be held free of all sectarian influences.35

The reliance on the Jeffersonian "wall of separation" metaphor overstates his case; but otherwise the interpretation of the First Amendment is in accord with the intentions of the framers of the Amendment as that intention is revealed in the documents.

34 Ibid., p. 431.
All of Pool's arguments against the teaching of religion in the public schools, based on sectarianism per se, are logically sound. The question that has to be faced, is whether or not religion, and not sectarianism, can be taught. Pool answers this question with the statement that:

Direct religious teaching in the public schools, to be satisfactory, would have to be completely unsectarian. There is no such thing as unsectarian Judaism, or unsectarian Christianity. Completely unsectarian religious instruction becomes indistinguishable from ethics.36

After giving this reason for finding it impossible to teach religion in the public schools, Pool argues against it from another angle when he declares:

---the Jews of America hold that religious affiliation, teaching, and worship are not in any sense the concern of the public schools. They must remain the concern of the home and of institutions of worship and religious instruction.37

Here Pool's argument is that if you can define religion in terms of non-sectarianism, then it can be taught; then he adds the categorical minor - that you cannot define religion in non-sectarian terms; hence it cannot be taught, which is an invalid conclusion by virtue of the denial of the antecedent.

Let us examine his statement that religion cannot be defined in non-sectarian terms, on the basis of two possible meanings of religion: 1) religion as conceived in the sense

36 Ibid., p. 483.
37 Ibid., p. 485.
of a universal like justice, beauty, truth, the good, and the like; and 2) religion conceived as the general or the totality of all actual or potential religious viewpoints. Thus we have two possible ways of defining religion in non-sectarian terms, terms which should meet Pool's requirements that religion be completely unsectarian. His statement that there is no such thing as unsectarian Judaism or unsectarian Christianity is valid by the principle of non-contradiction, because there cannot be an unsectarian sect, but his statement is guilty of ambiguity when he confuses his terms, as he obviously does, and equates "sect" with "religion." The implication of his argument is that the class religion is a null class, meaning that the term "religion" cannot be defined consistently as a universal. Since, however, there have been offered at least two definitions (those of Cicero and Spencer) of religion which define it in universal terms which are quite consistent, Pool's implication is unwarranted.

The Jewish argument seems, to the writer, to be based on, and framed from, psychological rather than logical considerations. The desire of the American Jew to have the State allow sufficient time each afternoon for Jewish religious instruction, seems to be motivated by the desire to preserve and to communicate to his children, in "ceremonial purity", the Jewish culture in all of its aspects. This desire for ceremonial purity is evidenced by the references to objections to the translators of the Old Testament as
sectarian; the meaning of sectarian in this usage being quite obviously that of deviation from translation by Jewish scholars. It is also evidenced by reference to the Christian sectarianism in America, exhibited by the naming of the school holidays as Christmas and Easter. The implication in these objections seems to be that the "sectarianism" involved is a factor tending toward the contamination of the purity of the Jewish dogma. If this implication is warranted, then it may be inferred that the desire to maintain ceremonial purity is based on the belief that the doctrine so maintained is absolutely true. And if the doctrine is absolutely true, then it follows that any other doctrine must be less than absolutely true, and is not to be entertained by true believers. Consequently, Rabbi Pool and the section of American Jewry for whom he speaks, would be led to argue that the postulation of a universal or general religion would imply the possibility of a set of beliefs truer than that of any particular sect subsumed under the universal; and since the Jewish doctrine, as a set of beliefs, is held to be absolutely true, it would be contradictory to suppose the possibility of anything truer; hence, for Pool, the postulate of a universal religion would be unwarranted.

Pool's conclusion that religious teaching must remain the concern of the home and institutions of religious instruction, presents a singular analogy to the Catholic conclusion that religious education is the duty of the family.
and the Church. The Jewish conclusion is grounded on the argument that there can be no religious position which is unsectarian, while the Catholic conclusion is grounded on the argument that there is only one possible religious position, i.e., the Catholic position.

The writer's assertion that the Jewish arguments against the teaching of religion in the public schools were fundamentally the same as those of the Catholic philosophy, can now be seen to be based on the fact that the Catholic philosophy explicitly states the incorrigibility of doctrinal truth, while the same incorrigibility is implicit in the Jewish philosophy as evidenced by the demands for ceremonial purity. The conclusion seems warranted, then, that the arguments relative to religious instruction of both the Catholic and the Jewish philosophies of education are based fundamentally on psychological feelings leading each to the belief that, in order to maintain purity of doctrine, religious instruction must be controlled by the church in question.

With this conclusion, we have brought to a close the evaluation of the arguments of the leading contemporary philosophies of education. The task now remains to consider the relevance of these arguments to the issues at stake, and then to draw the conclusions that seem to be warranted.
CHAPTER VIII

Relevance of the Arguments to the Issue at Stake

The presentation and evaluation of the arguments, in the preceding chapters, against the teaching of religion in the public schools, may have given the impression of another exercise of logic chopping. If that is the case, it is time to recall to mind that the issue at stake is not the mere addition of non-addition of another subject to the curricula of the public schools, but the very vital and fundamental issue of freedom of the mind. This issue has implicitly underlain all of the arguments presented, and each protagonist has, the writer believes, presented his argument in a spirit of integrity, honesty, and sincerity. Each of them appears to be convinced that the proposal for which he argues will produce the desired freedom of mind, and will tend to lessen social and cultural friction and conflict. The consequences of some of these arguments have not always been foreseen too clearly; it is, therefore, the purpose of this chapter to elicit some of the possible consequences of these arguments, and to indicate the relevance of them, legally, socially and educationally, to the issue at stake.
1 The Sweeping Nature of the McCollum Plea and its Consequences

The attorney-general of the state of Illinois presented to the United States Supreme Court, as amicus curiae, an argument asking that the high Court affirm the judgment of the Supreme Court of Illinois. The basis of his argument was that the Appellant's prayer was so drastic that as a consequence pupils in the Illinois schools would not be permitted, much less compelled, to read the Bible on school property during school hours. In his argument the attorney-general quotes totidem verbis the prayer of the appellant to the United States Supreme Court as follows:

Wherefore, the petitioner prays this Honorable Court to issue a writ of mandamus to the Board of Education of School District Number 71, Champaign County, Illinois, ordering it to immediately adopt and enforce rules and regulations prohibiting all instruction in and teaching of religious education in all public schools in Champaign School District Number 71, Champaign County, Illinois, and in all public school houses and buildings in said district when occupied by public schools. (Tr. 17) (Emphasis supplied)

The Attorney-general calls attention to the fact that the Constitution of the State of Illinois inhibits the compulsory hearing or reading of the Bible or any part of it, whether accompanied or unaccompanied by commentary or interpretation of the text. But this provision of the Illinois Constitution does not inhibit voluntary reading or study of the Bible. Consequently, his argument that the Appellant's prayer is so drastic that it would prevent the voluntary

study of the Bible, concludes quite validly by asking the United States Supreme Court to affirm the judgment of the Illinois Supreme Court.

The universe of discourse of the Attorney-general's argument is limited by the legal phrasing of the Illinois Constitution, to the hearing or reading of the Bible; and his argument is therefore logically restricted to this universe of discourse. The Appellant's prayer, however, pleads for the prohibition of all instruction in and teaching of religious education in the public schools of the school district within the jurisdiction of the defendant Board of Education. The Appellant's universe of discourse is thus seen to be of much wider extension than is that of the Attorney-general; and the hearing of the reading of the Bible in the public schools becomes but a part of the larger universe of discourse. The Appellant's universe of discourse is so wide that it would prohibit instruction, and teaching of, anything connected with any of the other major religions of the world, such as Hinduism, Buddhism, Islam, and others. It would also prohibit the teaching of that phase of cultural anthropology having to do with primitive societies, since the religion of these societies was such an integral part of their life that reference to any custom or behavior pattern inevitably would be a reference to the religion of that society. It is questionable whether cultural anthropology or sociology or psychology could find areas of
their respective fields of inquiry among civilized societies
to which reference could be made without violating the pro-
hibition demanded by the Appellant.

The reason for the Appellant's claim to such an exten-
sive universe of discourse is to be found in the fact that
she is an atheist. The attorneys for the Appellee Board of
Education made note of this fact in their argument to the
Supreme Court.2 Justice Jackson also notes this fact in his
concurring opinion, and recognizes that the Appellant's
atheism and her universe of discourse are intimately related,
when he says:

The plaintiff, as she has every right to be,
is an avowed atheist; what she has asked of
the courts is that they not only end the
"released-time" plan, but also ban every
form of teaching that suggests that there is
a God. She would ban all teaching of the
Scriptures. She especially mentions as an
example of invasion of her rights "having
pupils learn and recite such statements as
"The Lord is my Shepherd, I shall not want"
and she objects to teaching that the King
James version of the Bible "is called the
Christian's Guide Book, the Holy Writ and
the Word of God", and many other similar
matters. This court is directing the Illi-
nois courts generally to sustain the plain-
tiff's complaint without exception of any
of these grounds of complaint, without dis-
criminating between them, and without laying
down any standards to define the limits of
the effect of our decision.3

Justice Jackson, in taking cognizance of the fact that the
Supreme Court by directing the Illinois courts to sustain

2 Appellee's Brief, Barnard and Miller, Chicago, 1947, p. 18.
the Appellant's complaint without exception of any of the grounds of complaint and without discriminating between them, is implying that the Court has established the claims of atheism in Illinois. It is this implication which is of the greatest importance to education. We have shown in Chapter VI that atheism is by logical necessity a religious position. Now if, as Justice Jackson implies, the United States Supreme Court has established atheism in the State of Illinois, and atheism is, as we have shown, a religious position, then the United States Supreme Court has established a religious position, i.e., a sectarian position, in direct violation of the provisions of the First Amendment to the Constitution.

This conclusion is warranted by the logic of the situation, since the decision of the Court affirmed the validity of her atheistic argument, and the issuance of the writ of mandamus placed the power of the Federal government in conjunction with a particular sect for the purpose of enforcing the dogma of that sect on the citizens of the jurisdiction. It is this result which, as we have shown in Chapter V, is precisely the kind of action which Madison and his committee intended to prohibit the Congress from making effective.

Another consequence which is logically derivable from the decision of the Supreme Court in this case is that, as soon as the Court granted Mrs. McCollum's prayer it placed her arguments, with equal force, at the disposal of her opponents, i.e., that all of the arguments which she advanced
as being violations of the First Amendment now apply with equal cogency against her own position, since it, too, is a religious position. It follows that the issuance of the writ of mandamus must also apply to the teaching of atheism in any and all forms.

2 Social Consequences of the Granting of the Plea

The consequences which we have shown, in the preceding section, to be logically derivable from the decision of the Supreme Court entail somewhat heavier consequences for society. For it follows from the fact that Mrs. McCollum's prayer that all teaching of, and instruction in, religious education be prohibited was granted by the Supreme Court, that everybody is condemned to silence. This conclusion appears, at first glance, to be somewhat exaggerated, and the consequence to be very drastic, but on careful analysis it follows quite logically, since Mrs. McCollum prayed that all teaching of, and instruction in religious education be prohibited. It follows from this that the prohibition extends to teaching and instruction both public and private, by which is meant teaching in the formal, public, professional sense (whether it be in public, private, or parochial schools) and teaching as it is carried on in the home, in the social or fraternal club, in the informal study group, teaching in the tutoring situation, or any other form of non-institutional education. Religion cannot, according to
this decision, be discussed either in universal terms, or in particular terms; it can be discussed neither positively nor negatively; in short it cannot be discussed at all. Reference to Justice Jackson's comment in his concurring opinion, indicates in a small way some of the possible consequences to American education resulting from the decision of the Court. The potential scope of these consequences begins to become evident when we consider the relations obtaining among the beliefs of the three thousand, or more, subdivisions of the eleven major religions of the world. It is not an exaggeration to affirm that there is no phase of human experience which remains untouched by religion, and to which reference can be made without including a religious connotation or denotation, either positively or negatively. One cannot teach, or even discuss, art, history, physics, chemistry, mathematics, medicine and hygiene, agriculture, political science, psychology, sociology, philosophy, to name but some of the disciplines of the human mind, without including either directly or indirectly, positively or negatively, a reference to religion, so that the conclusion appears to be warranted that there is no phase of human experience which does not touch religion at some point. It follows necessarily from the scope of education and the scope of religious content that the prohibition against all teaching of religious education results in a prohibition against
teaching and instruction of all kinds, which means a prohibition against communication, with the result that silence is universally imposed.

3 Educational Consequences of the Granting of the Plea

It will be useful, at this point, to extend our examination of the consequences of the Supreme Court's decision to some of its possible effects on educational practice. The comment of Justice Jackson, referred to in the last section, notes the possibilities for the imposition of silence and the throttling of education by legal suit. He points out, in this opinion, that while the Supreme Court's jurisdiction can and does cover the prohibition of the teaching of creed, catechism, and ceremonial, and while it can prevent forthright proselyting in the schools, nevertheless he thinks that:

----it remains to be demonstrated whether it is possible, even if it is desirable, to comply with such demands as the plaintiff's completely to isolate and cast out of secular education all that some people may reasonably regard as religious instruction. ----

Justice Jackson did not consider the alternative of complete silence and the complete abolition of education when he made the above-quoted comment since he doubts whether it would be possible to comply with plaintiff's demands. He is assuming that education will be maintained, hence the uncertainty arises over the claims of plaintiff.

4 Ibid., p. 255 f.
He begins to see the implications of the decision when he declares that:

Authorities list two hundred fifty-six separate and substantial religious bodies to exist in continental United States. Each of them, through the suit of some discontented but unpenalized and untaxed representative, has as good a right as this plaintiff to demand that the courts compel the schools to sift out of their teachings everything inconsistent with its doctrines. If we are to eliminate everything that is objectionable to these warring sects, or inconsistent with any of its doctrines, we will leave public education in shreds.5

This opinion of Justice Jackson brings into clear focus the consequences to education of the decision of the Supreme Court, because, to the logical consequences of condemnation to complete silence, Justice Jackson has added the fact that the legal means has been provided by which these logical consequences can be actualized, which will leave education, not in shreds, but impotent. The length to which this situation could lead may be illustrated by an example from Justice Jackson's opinion as contested by an existing sect. In this opinion he conjectures that "Perhaps subjects such as mathematics, physics, or chemistry are, or can be, completely secularized——." His hope would be short-lived, however, if a sect known as the Zionists, located in Zion, Illinois, were to contest the mathematical foundation of the sphericity of the earth, which they might very well do, since one of the principal tenets of their dogma is the

5 Ibid., p. 235.
flatness of the earth. In view of the consequences considered above the conclusion is justified that the decision of the Supreme Court in the McCollum case could lead to the abolition of freedom of the mind by making education impotent, and reducing us all to silence.

4. The First Amendment Based on Universal Principles

The consequences to education considered in the last section are drawn from the decision of the Supreme Court, a decision based on its interpretation of the First Amendment to mean the absolute separation of church and state. That this is the meaning intended by Madison and his committee is open to question on the evidence presented earlier in this essay. For, if we may assume that Madison and his fellow committee members were reasonably well informed and intelligent men, then it is plausible to assume that they were aware of the fact that the population of the new nation contained some atheists. The published thoughts of men like Voltaire, Diderot, and D'Holbach were known to educated men in the colonies; so it might be assumed that some of these men would find convincing the arguments of the Encyclopedists mentioned. That these men should have the right to hold these views, or any views that should find convincing, was the aspect of religious freedom for which both Jefferson and Madison labored and fought. The evidence indicates that the intentions of the framers of the First
Amendment were to protect every citizen in his right to investigate arguments which he would find convincing, as well as to make sure that that freedom of choice would be secured by prohibiting the Congress from making any law respecting an establishment of religion. Whether or not Madison or the other framers of the First Amendment conceived of atheism as a possible religious position, and in that sense a religious sect, is difficult to determine. It would be quite easy to read such an interpretation into Madison's words, but it would be equally as easy to deny that he thought of atheism as religious; but rather, like most others of his time, as anti-religious. The fact remains, however, that his phrasing of the First Amendment is such that it makes the establishment clause sufficiently extensive to include atheism, even when conceived as anti-religious; for the wording is that Congress shall make no law respecting an establishment of religion. The participle respecting means regarding; concerning; relating to; referring to; so that the meaning is clear that any law regarding, concerning, relating to, or referring to the establishment of religion shall not be passed by Congress, a meaning which is broad enough to include anti-religion or atheism. The important point to be emphasized in this analysis is that of the dual nature of Madison's intention. It is both positive and negative in character in that it seeks to secure freedom of the mind against the incursions of political restraint,
as well as freedom of the mind for growth. The inclusion of guarantees for freedom of speech, in order to permit the free and open discussion of any idea or theory; guarantees for freedom of the press in order to allow the dissemination of ideas and theories as widely as possible; guarantees for the right to peaceable assembly in order to communicate and discuss ideas and theories; these are all evidence of the intention of the amenders of the Constitution to provide freedom for the mind to grow.

The profound significance of these rights which the founding fathers incorporated in the Constitution, lies in the fact that they are expressions of universal principles. Each of these rights is universally applicable to all men everywhere and for all time. It is on these principles that education finds its foundation; for without the right to peaceably assemble in order to discuss ideas and theories, and without the right of freedom of speech to discuss them without restraint, and without the right of freedom of the press to publish the arguments and conclusions of these discussions, education would not be possible. The right to freely exercise religion, which the First Amendment states that the Congress shall not prohibit by enactment of law, is also a universal principle applicable to all men everywhere and for all time. If it is a principle, then it must cover all possible values of the "exercise of religion"; and all possible values means the extension from no exercise, through
some exercise, to all exercise.

It is at this point that the question arises regarding the meaning of the phrase "exercise of religion." The exercise of any human function presupposes knowledge of the function, i.e., knowledge at least of the end for which the function is being exercised, and of the methods involved. It follows, then, that the exercise of religion presupposes knowledge of its ends and methods; and since the range of values extends from nothing through something to everything, the values of the knowledge presupposed, will range through the same extension. It may be inferred, then, that there will be found instances within human experience in which the knowledge presupposed for the exercise of religion approaches the limit of zero; and that there will be found all other values on the scale as experience approaches the limit everything. The ground for differences in value of the knowledge necessary for the exercise of the religious function, is that of clarity of ideas, i.e., the clearer the ideas, the more adequate the knowledge; and the more adequate the knowledge, the more efficient the exercise of the function. It is in this sense that the writer interprets Whitehead's descriptive phrase: "Where attainable knowledge could have changed the issue, ignorance has the guilt of vice." This phrase is explanatory of Whitehead's conception that the essence of education is religious, because a

religious education inculcates duty and reverence. And duty arises in the knowledge of our potential control over the course of events. It follows from Whitehead's statement that if we would avoid the guilt of ignorance, we have a duty to attain knowledge whenever knowledge is attainable and where it would change the issue.

5 Religion as a Universal

There is no need to reiterate educational aims and methods, inasmuch as we have given them consideration in Chapter I. There is a need, however, to point out that religious ideas and concepts are just as capable of clarification and development as are scientific or artistic ideas and concepts. It is precisely this characteristic that distinguishes religion from sectarianism; because sectarianism implies staticity by both etymology and usage. The term sect is derived from the Latin sequi and carries over the meaning of following in the literal sense the dictates or opinions of a leader. Webster defines sect as: "those who attach themselves to an opinion or set of opinions, or those following a particular leader or authority." The usage is derived from the very human inclination to accept authority in lieu of the process of clarification of ideas; thus it becomes simple and easy to become a sectarian.

It is not to be inferred from this description of sectarianism that an individual can spring full-blown into
a system of ideas from no ideas at all. We all must, as a matter of experience, begin with the assertions of authority which are presented as well as represented by our parents. But as we mature and our education progresses, our religiously sectarian ideas which were accepted on parental authority, should be included in our education and undergo the same development and clarification as do our mathematical, our scientific, and our literary ideas. When this process occurs, it meets the qualifications of the Ciceronian definition of religion as a reviewing and a re-reading of all things pertaining to the worship of the gods.

It is by this means that religion tends to become universal, a fact which Whitehead explains in the following manner:

Because it (religion) is universal it introduces the note of solitariness. Religion is what the individual does with his solitariness. The reason of this connection between universality and solitariness is that universality is a disconnection from immediate surroundings. It is an endeavor to find something permanent and intelligible by which to interpret the confusion of immediate detail.7

The process is quite analogous to the scientific enterprise whose goal is to abstract from the welter of a mass of particular detailed instances, laws of the most general extension possible. The important point is that the enterprise is a process, an active searching for more adequate formulations and for clarification of ideas which, when presented,

7 Religion in the Making, p. 47.
may be called religion. By the same criterion, whenever the process stops, whenever the enterprise becomes static and the tendency is present to "freeze" the corpus of ideas into a rigid system of dogma, it is not religion but sectarianism. And the reason for this tendency is generally found to stem from the belief that the ideas so frozen have taken on the quality of Truth with a capital T. Sectarianism, thus defined, generally leads to senseless conflict, because by the principle of non-contradiction, two contradictory doctrines cannot both be true; and when each sect is so convinced that its doctrine is the true one, that it is willing to fight for it, then tension and conflict result.

It is this situation which Justice Frankfurter may have in mind when, in explaining the reasons for the establishment of the secular public school, he says:

---the non-sectarian or secular public school was the means of reconciling freedom in general with religious freedom. The sharp confinement of the public schools to secular education was the recognition of the needs of a democratic society to educate its children, insofar as the State undertook to do so, in an atmosphere free from pressures in a realm in which pressures are most easily resisted and where conflicts are most easily and most bitterly engendered. Designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogenous, democratic people, the public school must keep scrupulously free from entanglements in the strife of the sects.8

Justice Frankfurter's analysis of the motives which activated the founding of the secular public school, seems to be

8 United States Reports, Vol. 333, p. 216 f.
adequate and valid; but his statement that this institution was the means of reconciling freedom in general with religious freedom, is open to challenge. And his statement that the public school was designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous, democratic people, hence must keep aloof from entanglement in sectarian strife, must be examined in conjunction with his statement in the next sentence of this quotation in which he argues that the preservation of the community from divisive conflict

---requires strict confinement of the State to instruction other than religious, leaving to the church and home, indoctrination in the faith of his choice. (italics supplied) 9

It might be well if the secular public school had been designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous, democratic people; and we might add that the public school has performed this function of promoting cohesion reasonably well. If we admit the validity of these statements, it still does not follow that the preservation of the community from divisive conflicts requires that the public school confine its instruction to subjects other than religion. In particular, it does not follow that the State should leave to the home and the church the task of indoctrination in the faith of the individual's choice. To begin with, the choice of

9 Ibid., p. 217.
faith is ordinarily not the child's but his parent's; and
the parents and child constitute the home; so that whatever
faith the parents decide the child be taught, he ordinarily
accepts without question.

Frankfurter's argument is guilty of non-sequitur in
assuming that the solution of the problem of preventing
divisive conflict is to ignore the cause of the problem.
Stated in hypothetical terms, his argument is: If we ignore
the cause of the conflict, then there will be no conflict;
and we have ignored the cause of the conflict. But unfor­
tunately, the consequent of this hypothetical assertion
does not follow and is not assertible as a conclusion, since
the conflict has not disappeared. Frankfurter admits that
the conflict has not disappeared in his mandatory conclusion
that the public schools must keep scrupulously free from
entanglements in the strife of the sects. By his use of
the terms dogma, doctrine, indoctrination, sectarian, de­
nominational, and the like, he implies that he is aware of
the nature of sectarianism as being closely akin to the
definition of it given above. His whole argument for the
secular public school in which the instruction is to be
confined to the other-than-religious, is predicated on the
implication that indoctrination, as the method of sectar­
ianism, is the very antithesis of education. If it can be
assumed that he is using sectarianism or denominationalism
in the sense of the adherence to a body of fixed and static
beliefs, then his argument that the State should leave to
the home and the church of the individual the task of in-
doctrinating that individual in the faith of the home, is
little short of incredible. The argument reduces to the
assertion that the child should be subjected to the freeing
of the mind by means of education, at the same time that his
mind is being enslaved by indoctrination in some particular
dogma. The argument is not only contradictory per se, but
argues for a continuance of the forces that produce divisive
conflict; and by so doing, become the agency to prevent the
cohesion which the secular public school has promoted.

If educational theory is to be consistent, then, it
must be consistent seven days a week; from which it follows
that it cannot advocate training a child to think clearly
and impartially six days a week, and at the same time advo-
cate indoctrinating him with fixed dogma on the seventh day.
The fact that the content of the dogma is, in some cases,
contradictory to the content of the subjects studied in the
public school, only makes the inconsistency the more glaring.
Yet this seems to be precisely what Brubacher argues when
he declares:

In the matter of teaching we believe specifi-
cally that there is a large area of common
ground for both public school teachers and
religious teachers to the end that they should
have common concern for the spiritual values
herein upheld, and can likewise find a common
support for those values. Outside of this
common ground, into the area of religious
authority, the public school teacher as such
may not go, while therein the religious teacher is free to teach as to him seems right. We then, explicitly, affirm the full right of any religious group to add, under separate teaching auspices, any religious authority, or any non-socially-hurtful religious considerations it may choose.10

In this statement, Brubacher delineates three areas of educational responsibility, viz., the area common to the public school teacher and the religious teacher; the area reserved for the religious teacher alone from which the public school teacher is definitely excluded; and, by implication, the area reserved for the public school teacher from which the religious teacher is excluded. The area common to both is the area of spiritual values (defined by Brubacher as faith, hope, charity, temperance, justice, fortitude, intelligence, knowledge, wisdom, and prudence) in which these values could be developed in the child by either kind of teacher.

Then Brubacher delineates the "area of religious authority" as that area into which the public school teacher may not enter, thereby raising the question of why he may not enter. The resulting implication is that there is an area of educational responsibility in which religion has the sole authority; and Brubacher, by explicit statement, holds that religious groups have the right, by virtue of their authority in this area, to add to the education of the

child any religious authority, or any other non-socially-hurtful considerations it may choose, as long as this addition is made under auspices separate from the teaching in the public school.

Here Brubacher seems to be using the term authority in two senses, i.e., as jurisdictional control and as intellectual competence. If the answer to the question of why public school teachers may not enter the area of religious authority is because the religious teacher has the right, i.e., jurisdictional control, to teach authoritarian doctrine (authority as intellectual competence) by authoritarian methods, then Brubacher is guilty of the same kind of inconsistency as is Justice Frankfurter. For Brubacher also seems to be arguing for education as a process for opening the mind, and education as a process for closing the mind. The validity of this interpretation is supported by Brubacher's implied third area of educational responsibility into which the public school teacher is free to enter, but into which the religious teacher may not enter.

Both Brubacher's and Frankfurter's arguments seem to be based on their attempts at melioration in an acknowledged area of conflict and hostility; but the conclusion is inescapable that conflict cannot be eliminated on the basis of self-contradictory arguments, nor by inconsistent methods. Education and indoctrination are theoretically contradictory and practically inconsistent; and the attempt to implement
both at once in the life of a child can, and sometimes does, result in meaninglessness. In theory, the attempt reduces to logical zero; in practice, it reduces to frustration, nervous tension, and hostility. The form in which Brubacher states his argument—that there is an area of religious authority into which the public school teacher may not enter—holds the implication that religious agencies hold exclusive authority over this area. This statement and its implication need further examination.

6 Factors Conducive to Social Divisiveness

The question of authority reduces, in the final analysis, to the question of the supernatural versus the natural. It is the question of the origin of power, whether political, economic, intellectual, ethical, spiritual, or any other kind, the answer to which provides the argument for the exercise of that power. In primitive societies, the recognition that there was a power present in the world which was at the same time both greater than the power of man and operative independently of man, was followed by attempts to understand it, to cooperate with it, and, if necessary, to propitiate it. The analytical attempts to understand this power led, on the one hand, to the conclusion that it was above, beyond, and outside of the natural order of things, but not necessarily disinterested in the natural order; hence, it was a supernatural power; however, on the other hand, it was conceived to be within the natural order but
beyond the control of man, and hence, unpredictable, acting sometimes cooperatively and sometimes capriciously with the natural order. In either case, the human animal generally stood in awe of this power.

Somewhere in the course of history, some shrewd mind saw the potentialities for controlling the actions of his fellows by means of the claim of possessing friendly association with this power. And right then, the claim to the right of exercising superhuman power was established, the source of this human power being supernatural.

The term authority is derived from the Latin auctoritas meaning the quality of the auctor, a noun whose fundamental meaning is the initiator or beginner or creator, and applied broadly to a father as one having the power to initiate or begin a family; a more specific meaning is a Senator, as one having the power to initiate or create laws; or a writer, as one having the power to initiate or create a story or a well-reasoned argument. It is in this sense that the religionist or the politician who claims the right to wield power in the affairs of men, justifies his claim by referring to the supernatural as his authority, meaning the source or beginning of that power. The force of this argument led to the claim that all power is ultimately derived from Deity, as the supernatural; but it is, politically speaking, resident in either the people, or in the monarch, or in a religious leader.11

The Roman concept that the civil jurisdiction of the state ended at the threshold of a house, beyond which the power of the pater familias was absolute, was a consistent development of the concept of auctoritas, and is the early expression of the notion of the sharp division of power between two or more jurisdictions which is exemplified in the modern claim to the exclusive right of sovereignty of one institution over another. The attempt to establish exclusive jurisdiction is, by its very nature, divisive; since it must, as in the Roman example, mark off sharp divisions of jurisdictional area. There is, logically, only one way that such a theory is defensible: that is the assumption that it is possible to divide the area under consideration into separate divisions. In the case of a human personality, the theory assumes that each aspect of the personality can be sharply divided from the others, i.e., the economic from the political, the political from the artistic, the artistic from the religious, and the like. When it is the family that is being considered, the theory assumes that it can be sharply divided from the neighborhood, the ward, the city or county, or the state; and the sovereignty rights of the family, following the Roman conception, are conceived to be separate and distinct from, and to take precedence over, the rights of the community as a whole, as well as any subordinate societies within the community.

If this hypothesis is tenable, then the hypothesis of
community, i.e., community in the sense of organic interdependence, is not tenable, and society becomes a mere aggregate or collection of individual units whose relations are those of spatial and temporal proximity. The family itself becomes a collection of individuals whose "rights" either supercede, or are subordinate to, those of other individuals in the group, and society thus becomes thoroughly atomized.

The hypothesis of exclusive sovereignty is inadequate because it emphasizes "rights" exclusively, and ignores the logically necessary negative term "not-rights", a term or class generally designated as "responsibilities." The universe of discourse, of which this pair of terms is comprised may not unfairly be called "privileges" in the revised meaning of the original connotation of the term, i.e., privileges as special favors or immunities granted, not as in the original meaning to one particular person, but granted to every individual in the universe. In short, each individual is privileged, inherently, to certain "rights", which from the standpoint of any one individual in the group imposes "responsibilities" on him to respect those same rights in all other individuals in the group.

Plato clearly saw the social significance of this logical relation when he made it the foundation stone upon which any state should be constructed. In the dialogue between Socrates and Adeimantus, in which they are about to construct an ideal city in the hope of discovering the nature of
justice, Plato says:

A State, I said, arises, I conceive, out of the needs of mankind: no one is self-sufficing, but all of us have many wants. Can any other origin of State be imagined? (There can be no other.) Then, as we have many wants, and many persons are needed to supply them, one takes a helper for one purpose, and another for another; and when these partners and helpers are gathered together in one habitation the body of inhabitants is termed a State.12

The discussion following this opening statement is one in which Plato proposes a division of labor based on the observed fact that Human capabilities are diverse; and he concludes with this significant statement:

And therefore what they produce at home must be not only enough for themselves, but such both in quantity and quality as to accommodate those from whom their wants are supplied.13

In short, Plato saw the logically interdependent nature of rights and responsibilities as this relation is exemplified in society; and he also clearly saw the consequences of the attempts to deny the validity of this relation when he delineated the character of those (as he called them) inferior forms of governments and men which attempted to evade or deny their responsibilities at the same time that they vigorously asserted their rights, e.g., tyrannies and tyrants.

The argument which claims exclusive rights for one particular agency of education is fallacious because it makes the assumption that the class represented by responsi-

13 Ibid., Book II, 371.
ilities to other agencies is null. The conclusion that cohesion of the social fabric will result from the exclusive rights of one agency over the education of the child, is unwarranted both formally and factually; formally, on the grounds given above; factually, because two or more agencies each claiming such exclusive rights will tend either to divide the child's allegiance or to set him apart socially by swinging his allegiance to a favored agency, at the same time denying his obligation to the other agencies. It is, perhaps, significant that this argument which claims exclusive rights by the family or the church over the education of the child, is generally used by those religious groups which assert claims to possession of absolute truth. It is these groups which argue for parochial schools on the basis that it is only in their parochial schools that the absolute truth which they possess can be safely communicated to their children. The advocates of exclusive rights are faced with the task of demonstrating the validity of their assumption that they have no responsibility to other agencies, as well as to show that there is such a thing as absolute truth of which they claim possession.

If this argument is valid, then the reasoning of Justice Frankfurter is faulty and in need of explanation when he draws the conclusion that:

The preservation of the community from divisive conflicts, of government from irreconcilable pressures by religious groups, of religion from censorship and coercion however subtly
exercised, requires strict confinement of the State to instruction other than religious, leaving to the individual's church and home, indoctrination in the faith of his choice. 14

There is a possible explanation of this dictum of Frankfurter's, i.e., that he assumes that the two areas of educational jurisdiction, which he has so sharply defined, will work together cooperatively; that neither will issue statements contradictory to the other; that each will complement the other. If this is a valid explanation of his conclusion, then he has made an unwarranted assumption; for by the very nature of the case, there will be some contradiction of statement sooner or later between a body of knowledge which is vital, growing, expanding, and becoming more adequate, and a body of belief which has been fixed and frozen into staticity. And the child is made the repository of both the knowledge and the belief. The conclusion seems to be justified, then, that Frankfurter's argument for the sharp separation of areas of educational jurisdiction and the allocation of the authority of the secular school to one area, and that of the home and church to the other, will tend, both logically and practically toward divisiveness in society rather than cohesiveness.

Thayer agrees in principle with the argument that the public school should not attempt to teach religion, on the grounds that religion is not a universal that lends itself to impartial teaching. He analyzes the statement of William

Clayton Bower on the nature of religion (as distinguished from sectarianism) which Bower concludes to be "functional", i.e., religion is a function of the community. Thayer finds that Bower begins by the functional approach and ends by making religion "structural." Thayer's selection of Bower's analysis of religion for comment, implies that he considers Bower's statement to be the more adequate of those he has investigated so he expresses disappointment that Bower winds up, like all the rest, with a structural formulation (implying dogmatic rigidity) instead of the professed functional approach; and Thayer concludes that "religion" always does end up by being sectarian. Thayer does admit that there is some knowledge about religious institutions and organizations which the school can convey without violating the spirit of neutrality as between sects, when he says:

One major purpose of this orientation, however, is to foster common understandings and mutual appreciation, to wear down the rough edges of religious suspicion and antagonism so often conveyed to children by their parents.15

It is noteworthy that this statement of Thayer's gives factual confirmation of the divisive character of home indoctrination; and the statement, itself, should be argument enough that the exclusive authority of the home and the church is both logically and practically inconsistent and divisive.

Thayer, in developing his argument against religion

in education, tells us that educators have developed a technique of teaching appropriate to situations of a controversial character. In economics, politics, or problems in social relations, where truth is not verified beyond a reasonable doubt, the good teacher helps his students distinguish between the principles upon which there is agreement, and the rival solutions that seem to follow upon the application of these principles. Thayer explains:

That is, the school should lay bare the basic principles and the common goals upon which men are of one mind, as distinguished from the areas of controversy that emerge once the principles are employed in the search for specific solutions of mooted questions.16

In the study of government, for example, Thayer argues that the school should acquaint the pupils with the basic principles underlying rival forms of government like Fascism, Communism, and Democracy. The minimum of tolerance, pleads Thayer, would seem to permit the young people's learning to distinguish, with the help of the school, between the donkey and the elephant as symbols, and the convictions of a Democrat and a Republican. But were the school to delegate this responsibility to the chairmen of the local Democratic and Republican parties, it could be inferred that the school had shirked its duty. The reason for this inference, says Thayer, is that we believe that partisan instruction has no place in the public school. He then adds the very incon-

16 Ibid., p. 142.
sistent note that:

We should not question the right of a parent of passionate convictions to instruct his child quite apart from the school in the doctrines of the Democratic Party. That is his privilege as a citizen and a parent.17

This argument shows a number of inconsistencies; for example, the fact that a parent has the "right" to indoctrinate his child with any dogma, whether political, economic, ethical, artistic, or religious, is in contradiction to his responsibility to educate his child to think for himself. It very definitely is not the "privilege" of a parent as a citizen to mold the mind of his child to the belief that any political party is the only true exemplification of the principles of government, with the result that the child becomes parochial and, perhaps, rabidly partisan. It is, on the other hand, the parent's responsibility to educate his child in the principles of political science or government, and it is the parent's privilege to extol the merits of this party or that as, in his opinion, a better expression of these principles than those of the other parties, with the end in view of permitting the child to reach his own conclusion based on the merits of the argument.

Nor is it the "right" of a parent to indoctrinate his child "quite apart from the school" under the fallacious argument that there are separate and distinct areas of educational jurisdiction; on the contrary, it is the responsi-

17 Ibid., p.
bility of the parent to work in cooperation with the school in developing the capacity of the child to think clearly, coherently, and consistently. It is the parent's privilege to explain to his child the reason he believes a particular expression of the principles of government, economics, morals, or religion is more adequate than others, making it clear at the same time, that the criteria for judging these opinions is the same for parent, teacher, and child.

Paradoxically enough, the part of Thayer's argument regarding the function of the school, i.e., that the school is, or should be the agency which lays bare the basic principles and the common goals upon which men are of one mind, as distinguished from the areas of controversy which emerge when the principles are employed to solve specific problems, is an argument for teaching religion in the public schools instead of an argument against it. For, if Thayer's argument is valid in the areas of political science, economics, ethics, science, and art, then there is no logical reason why it should not also be valid in the area of religion. But the fallacious notion of exclusive jurisdiction by different and opposing authorities in sharply defined areas of experience, is no more valid in the area of religion than in the other disciplines.

In summary, then, the conclusion seems to be justified that the conclusions of Justice Frankfurter, Professor Thayer, and Professor Brubacher and his associates, that
the sharp confinement of the public schools to the teaching of non-religious subjects, and the confinement of the teaching of religion to the home and church will produce cohesion and unity in the social fabric, is not warranted by either logical argument or pragmatic test. On the contrary, this theory and its practical application tends to produce precisely the opposite effect, as evidenced by the testimony of Thayer, and by the implications of Frankfurter's argument. It follows that to argue that the child should be subjected to an agency designed to promote cohesion and unity, and at the same time be subjected to an agency designed to promote narrow-minded factionalism, is contradictory and inconsistent.
CHAPTER IX

Summary and Conclusions

In summarizing our arguments, we find that Mrs. McCollum, a taxpayer and parent of a school-child in Illinois, claimed that the action of the School Board of the district in which she lived, invaded her rights as a citizen and a taxpayer by making a law respecting the establishment of religion, and by abridging her freedom of religion. Both of these actions are violative of the First Amendment to the Constitution of the United States. The action of the School Board, on which Mrs. McCollum based her allegations, was that of permitting the release of certain pupils in the Champaign, Illinois, schools from a certain portion of the school time in order to participate in a program of religious education sponsored by the Champaign Council of Religious Education, an inter-denominational body composed of many of the resident faiths of Champaign and, as it asserted, open to all faiths.

Following an unsuccessful request to the Board of Education that it terminate this released-time program, Mrs. McCollum appealed to the courts to reinstate her rights by requiring the School Board to terminate the practice. The lower courts of Illinois judged that Mrs. McCollum had suffered no invasion of her rights as a taxpayer, nor had her
freedom of religion been abridged, because the action of the defendant Board of Education was adjudged not to have made a law respecting an establishment of religion. Appeal was made to the Supreme Court of Illinois, on the grounds that the constitution of Illinois had been violated and that, at the same time, the provisions of the First and Fourteenth Amendments to the Federal Constitution had been violated by the action of the defendant Board of Education. The Supreme Court of Illinois, following arguments presented by both contestants, handed down an opinion which found that no violation of either the Illinois or the Federal Constitutions had been committed by the action of the School Board; and for these reasons, it affirmed the judgment of the lower court. Mrs. McCollum then appealed to the United States Supreme Court to review the proceedings of the Illinois state courts as they related to the federal questions involved; and she prayed that if the high court found that there had been committed violations of the Federal Constitution, it would reverse the decision of the Supreme Court of Illinois and would issue a writ of mandamus ordering the Appellee Board of Education to immediately adopt and enforce rules prohibiting all teaching of, and instruction in, religious education within the jurisdiction of the Board of Education.

1 Summary of the Legal Arguments

By an examination of the provisions of the First Amend-
ment relative to the establishment of religion and freedom
of religion, it is discovered that the prohibitions incorporated in the clauses of this Amendment apply to the making of laws by the national Congress, avoiding by deliberate intent, application to the making of laws by State Legislatures. Application of the provisions of the First Amendment to state legislation was accomplished by interpretation of the Fourteenth Amendment by the United States Supreme Court; and the attorneys for the Appellee Board of Education point out:

In Cantwell v. Connecticut, 310 U.S. 296 (1940), the first case expressly stating that the Fourteenth Amendment imposes on the states observance of the religious clauses of the First Amendment, this Court, by Mr. Justice Roberts, interprets the words, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof", as follows (p. 303): "The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand it forestalls compulsion by law of the acceptance of any creed or the practice of any worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the amendment embraces two concepts - freedom to believe and freedom to act."¹

It was this Supreme Court decision which enabled Mrs. McCollum to generate a federal question of the law out of the action of a district Board of Education.

The arguments of the Appellant, Mrs. McCollum, while they were classified under four headings, involved only the

¹ Appellees' Brief, p. 78.
fundamental question of whether or not the state of Illinois had enacted a law respecting an establishment of religion; and whether by so doing, it had abridged the Appellant's freedom of religion, both of these matters being violative of the two pertinent clauses of the First Amendment. The Appellant claimed that the School Board in Champaign had established a religion by permitting several religious sects to participate in the affairs of a public school, which is an agency of the state. She argued that it had abridged her freedom of religion by the following methods: first, by seizing her property by means of taxation, and then using the money so seized for private use, when it is specifically restricted to public use; secondly, by forcibly drawing lines of religious distinction and, as a result of this distinction, compelling her child to perform his secular school duties, while at the same time it released other pupils from this obligation; and thirdly, it had delegated its legislative authority to an administrative official who used that authority to censor her religion by arbitrarily deciding what persons could teach religion, and what material could be used in the teaching of it.

The Appellant depended for her case on an interpretation of the meaning of the establishment of religion clause of the First Amendment, which held that Congress should make no law which would aid one religion, aid all religions, or prefer one religion over another, nor can any state or the
Federal Government participate, either openly or secretly in the affairs of any religious organizations or groups, or vice versa. In short, this interpretation holds that this clause of the First Amendment intends an absolute and complete separation of the church from the state; and it relies for its support on a metaphorical phrase used by Thomas Jefferson in a personal letter to a committee of the Danbury Baptist Association, dated January 1, 1802, in which he said in part:

I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion or prohibiting the free exercise thereof" thus building a wall of separation between church and state. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties. (Italics supplied)

It is this "wall of separation" metaphor which is relied upon to interpret the intention of the framers of the First Amendment to mean a complete and absolute separation of the two institutions.

The attorneys for the Appellee Board of Education argue, however, that this interpretation of the intent of the framers of the First Amendment is erroneous; and, in support of their argument, they bring forward documentary evidence from the writings of both Madison and Jefferson, as well as from the 2 Padover, op. cit., p. 518.
Annals of Congress to show that the intention of the founding fathers was to prevent the establishment of a national church in the same sense in which the Anglican church had been established in England; that is, that one particular sect would, by a union with the power of the state, be able to enforce its doctrine and ritual upon the citizens of the state by the enactment of legislation. There is no evidence, as far as the writer can discover, which supports the contention that the intention of the founding fathers was to prevent the Congress from impartially taking a friendly and cooperative interest in the religious welfare of all sects. The writer has pointed out in Chapter V that the logical result of the Appellant's (through the Supreme Court) interpretation of the First Amendment that neither a state nor the Federal Government can participate in the affairs of any religious organization, and vice versa, is a self-contradiction; since the very assertion of this dictum becomes participation of the one in the other.

One of the consequences of the Supreme Court decision is, as we have seen in Chapter VIII, that it makes it possible for the opponents of Mrs. McCollum to use her arguments against her with equal cogency. For, as soon as the high Court granted her prayer it validated her atheistic argument and thus established her position as another religiously sectarian one which is subject to the same objections which she advanced as violative of the First Amendment. Her defended
position is thus placed under the same prohibition which she asked for all religious teaching, the logical consequence of which is, as we have seen, the imposition of silence on everyone.

2 Summary of the Religious Arguments

The Champaign Council of Religious Education is, according to the attorneys for the Appellant, a voluntary association of nine Protestant sects, the Catholic sect, and the Jewish sect.3 The Lutherans, the Christian Scientists, the Unitarians, the Jehovah's Witnesses, the Quakers, and the Twin-City Bible Church were not members, according to this same source. The Council was thus composed of eleven of the seventeen religious groups mentioned in the testimony; and while the Jewish group maintained a religious class for a comparatively short time its withdrawal was, apparently, quite voluntary. The important point is that no religious group in the school district was denied the right of having a religious class as a part of this released-time program.

Mrs. McCollum alleged that her freedom of religion had been abridged by the action of the defendant Board of Education. The fact that no group had been denied the facilities of the program makes it appear that her freedom of religion must have been abridged in some other manner. The sweeping nature of her appeal to the Supreme Court to ban all teaching

3 Appellant's Supplemental Brief, p. 8.
in religious education permits the inference that her rights had been invaded by the teaching of any sort of religious education, a claim generally made by atheists. The Appellant preferred to prosecute the entire action in terms of a general violation of a so-called principle of separation of church and state, so that her direct interest as an atheist appears indirectly. That her atheism forms an essential part of her argument is evidenced by the fact that Justice Jackson takes official notice of it in his concurring opinion; as well as by the fact that the attorneys for the Appellee Board of Education emphasize it in their argument against the allegation of compulsory segregation. They argue that the released-time plan neither segregates nor restricts anyone's freedom so they point out that any restriction of freedom must come from some other source. Their hypothesis is that:

If either the relator or her son has felt anything which they interpreted as coercion or embarrassment, it must have come from their hostility to religion, which they proclaimed from the housetops (Tr. 1-2, 205, 182-186). It was not the result of the presence of the religious education classes in the school building, but must have been because they chose to make a parade and display of their atheism. The law cannot protect people against the social consequences of their atheism. What it can and does protect against is discrimination by the law and government. When that duty is fulfilled, the social consequences of pursuing a course belong just as certainly to the individual as does the right in the first instance to make a choice between atheism and religion.4

4 Appellees' Brief, p. 134.
It may be justifiably concluded that Mrs. McCollum's aim is to have the sectarian religious education of her community prohibited and have her own atheism introduced into the curriculum in its place.

We have shown in Chapter III that atheism is a religiously sectarian term, because as a negative term it must logically be a syncategorematic term whose necessary complement is theism. The principles of exhaustion and exclusion make unwarranted the assumption that it can be an acategorematic term. The conclusion follows from this argument that Mrs. McCollum is logically asking to have one religiously sectarian position substituted for another, and that when the high Court granted her plea they granted just such a substitution.

In our discussion of atheism in Chapter III we found that the various forms of materialism presuppose a deterministic universe; and we also found that the primary assumption of determinism, i.e., that all events are determined, brings no conviction because it lacks the element of logical necessity, that is to say, the deterministic assumption is shown to be an enumerative universal rather than a logical universal. This conclusion is supported by the consideration that the contradictory presupposition, i.e., that some events are not determined is more coherent with human experience and more consistent logically. This conclusion
is supported by the validity of the theory of probability, a theory which is based on the presupposition of some uncertainty (the contradictory of complete certainty) and which accounts for all of the values of the occurrence of events from zero (impossibility) through uncertainty to complete certainty.

Epistemological sensationalism of the radical type, we found to be based on an ontological materialism; and, consequently, to be subject to the same criticism that applies to determinism. Locke's reformulation of the theory had the merit of recognizing the intuitive and the demonstrative phases of epistemology, phases which indicated the creative nature of thought and which illumined the path for Berkeley, Hume, and Kant.

The argument from design, stemming from the Heracleitean Logos, was developed into its teleological aspect by Anaxagoras. The Stratonic criticism of the Aristotelian treatment of teleology as the Unmoved Mover who is both immanent and transcendent in things, opened the way for a return to Democritean materialism which accounts for the world in terms of its own motions, i.e., the atoms in contact with each other. Materialism presupposes causal determinism which has already been found wanting in logical cogency. The skeptical critic of the argument from design tends to equate volition with desire, in the psycho-physical sense of the term desire, which enables him, so he argues, to
reduce the so-called acts of the will to predictable, psychophysical events. But, as we have seen, William James has countered this argument by pointing out that many human actions are performed along the line of greatest resistance to desire; a conclusion which permits the inference that some actions, at least, are deliberately willed according to a rational plan.

The Existentialist criticism of the argument from design was seen to rest on a misapprehension of the monadic nature of the relation of Identity. Sartre apparently attempts to make a dyadic relation of it in which a term is both itself and not-itself. He fails to see that, by the principle of identity, any term, or any object designated by a term, continues to possess its own identical individuality even while undergoing change.

3 Summary of the Educational Arguments

The educational arguments against the teaching of religion were in agreement on the point that it should not be taught because it could not be; but the reasons given for the inability to teach it varied. Dewey finds that there is no religion in the universal sense, similar to the sense in which mathematics or physics is universal; consequently, whatever is taught must be a particular sectarian viewpoint; and this becomes dogma which he validly concludes should not be taught in the public schools. The conclusion seems to be justified that Dewey's criticism is aimed at closed-minded,
dogmatic sectarianism, and in that criticism most reasonable, people will join. But by the same criterion, religion as a system of universal truths, which is not dogmatic, which is open-minded, and which is constantly in search of more adequate formulation and expression, can and should be taught, as Dewey, himself, would agree.

Horne finds that religion cannot be taught because religion is a feeling; and as a feeling, it must be lived. But in order to be lived, it must be expressed. Horne eliminates the alternative modes of human expression one after the other, until none are left which can be called religious expression; so he is faced with the situation in which religion is an expression of feeling, but there are no expressions of feeling which can be called religious.

Breed argues from the general position of Realism; and from his own version of it which finds that all knowledge is scientifically verifiable knowledge. The principle of independence, which is the cardinal principle of all Realism, guarantees that all existents are always discovered, never created; hence, knowledge about them is always scientifically observed and verified knowledge. It is to be inferred that Breed would follow Russell and assert that such terms as God, Immortality, Freedom of the Will, and the like, are outside of the realm of even probable knowledge, and that he would conclude from that proposition that there is no knowledge which could be called religion; and hence, nothing to
teach. His scientific Realism leads him to assert that all knowledge is only probable knowledge; and that there is not a single philosophy, religion, or ideology which is absolutely certain, an assertion which contradicts his premise that all knowledge is probable, since he is certain about the truth of his assertion.

Whitehead excoriates both educational philosophies and methods which tend to produce barren minds and dead knowledge, by which he means a mind which does not know what to do with the knowledge it has acquired. Because he conceives of education in terms of vital growth in which the student is an active, prehending intelligence which has the freedom to create new modes of thought and living, he finds that all education is religious education, because it imparts both a sense of duty and a sense of reverence - duty, in that it is the duty of the intelligent to change things whenever knowledge can make a difference, and reverence at the comprehension of the organic unity of reality.

McGucken's version of the Catholic philosophy of education argues that religion should not be taught in the public school because the teaching of religion is the exclusive and primary right of the family and the Church. This is one of the three postulates on which Catholic philosophy is based; the other two being that of the supernatural nature and destiny of man, and that of the absolute nature of supernatural
truths. In addition to the logical fallacies in the Catholic reasoning which were discussed in Chapter VII, the dogmatism exhibited by it in its arbitrary refusal to submit its postulates and the arguments derived from them to critical examination, is contrary to the kind of philosophical discipline which is conducive to the elimination of error, and with it the strengthening of the logical structure. To assume this dogmatic attitude in the area of education is to be inconsistent; since, by its own admission, no Catholic student is free to accept or reject these three postulates, then he is also not free to fearlessly pursue the truth wherever it may lead him. Since education is the process of teaching and learning how to think, how to pursue the truth regardless of personal inclination or external dictation, then when a student is told that he must accept certain postulates without question, he is not being educated, he is being indoctrinated.

The Jewish philosophy of education, as exposited by Rabbi Pool, holds, like John Dewey and the instrumentalists, that there is no religion in the universal sense of the term; that religion is merely sectarianism, and that as such it should be kept rigidly out of the public schools. Each sect should be permitted to teach its own dogma in whatever way it sees fit to do so, and the only part the state should play in this relation is to arrange the child's school time so that "sufficient" time is allowed for sectarian doctrinal
These premises in combination contain an interesting implication. First, there is no such thing as religion, there is only sectarianism; secondly, sectarianism should be kept rigidly out of the public schools, and the public schools are an agency of the state; here the implication is present that the state should not "participate" in the affairs of the sects. And Pool asserts specifically that American Jewry agrees with Jefferson that the First Amendment was intended to erect a wall of separation between church and state. The implied argument of the absolute non-participation of the state in sectarian affairs harmonizes ill with the argument that the state should participate by cooperating with the sects on the "proper" division of the child's time.

This observation concludes our summary. Our task now is to present the conclusions resulting from the investigation of the problem.

4 Conclusions

Our first conclusion is that Justice Frankfurter's argument that the public school must be kept scrupulously free from the strife of the sects is predicated on the assumption that nothing educational can be done about the strife of the sects. The bitter conflict which obtains among them is hopeless, and so the solution to the problem is to draw a "cordon sanitaire" around the battlefield and keep the schools out of the fighting zone. But, at the same
time, we must guarantee each of the combatants the right and
the privilege to maintain a training camp in which can be
trained for the fray the young recruits whose duty it will
be to see that the conflict is continued ad infinitum. The
proper way to accomplish this end, says Frankfurter, is to
confine instruction in the public schools to non-religious
subjects, leaving to the individual's church and home, in-
doctrination in the faith of his choice.

If the public school is, as Frankfurter argues, de-
signed to serve as a powerful tool for promoting cohesion
among a heterogeneous, democratic people, then the service
of its end requires it to eliminate conflicts and potential
frictions by understanding the causes of conflict and fric-
tion as well as by understanding the use of possible
remedies. The end is ill-served by a refusal to accept re-
sponsibility in an area which urgently needs educational
treatment. To argue that the child should be both educated
and indoctrinated at the same time, is not only formally
inconsistent but socially divisive in its result.

Our second conclusion is that the fundamental meaning
of the First Amendment to the Federal Constitution is that
the citizens of the United States of America shall be guar-
anteed freedom of mind; first, in the area of religion by
being freed from the possible tyranny of a state church
which would curb the freedom to arrive at one's own conclu-
sions in the exercise of religion. Then, in the other areas
of human experience by being guaranteed freedom to discuss any and all ideas; to subject any and all theories to the test of critical examination and discussion; and, as a corollary to this freedom, that of the freedom to publish any argument, theory, hypothesis, or proposal that remains within the bounds of reason and good taste. Corollary to both of these freedoms is the freedom to peacably assemble. Referring again to the prohibition against the establishment of a state or national church, the evidence warrants the conclusion that an absolute and complete separation of church and state (church being here used in the sense of all religions) was not contemplated by the founding fathers.

The third conclusion which is justified, is that atheism is a sectarian religious position. It has been shown to be so by the necessity of the relation of negation of which it is an expression.

It can be concluded, in the fourth place, that since the United States Supreme Court established Mrs. McCollum's atheism by legal compulsion, it established a sectarian religious position in violation of the First Amendment.

In the fifth place we can conclude that the action of the Supreme Court, in granting Mrs. McCollum's prayer, permits the use by her opponents of all the arguments which she advanced in support of her plea and which makes her own position violative of the First Amendment. From which it follows logically that everybody is condemned to silence;
they are condemned to silence because, as we have shown in Chapter VIII, there is nothing that is irrelevant to religion either pro or con. Jackson partially apprehended this consequence when he enumerated some of the areas of instruction on which silence would be imposed, and which caused him to conclude that education would be left in shreds.

Our sixth conclusion is that, of those educators who object to the teaching of religion in the public schools do so, when they regard the subject matter of religion as not purely emotional or psychological, on the grounds that religion and its content must always be sectarian, consequently that its content is material for indoctrination, not education. And they validly object to religious services being conducted in the public schools as a part of the public school curriculum, as well as to the practice of teachers who are members of particular sects appearing in public school rooms dressed in the garb which so designates them. These objections are raised and sustained on the valid grounds that they are instances of indoctrination which should have, and can have, no legitimate place in educational theory or practice. Our contention has been that religious education is distinct from, and antithetical to, sectarian indoctrination, and we hold as a conclusion that religious education rightly treated will, in the long run, eradicate the effects of sectarian indoctrination.

It can be concluded, finally, that if the goal of
education is freedom of the mind, and with it the pragmatic
consequences of reduction of divisive conflict, and the
promotion of cooperative cohesion in the body politic, then
religion, conceived in the universal sense, not only can be,
but must be taught in the public schools.
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AUTOBIOGRAPHY

I, John George Kramer, was born in Philadelphia, Pennsylvania, July 11, 1896. I received my primary and part of my secondary education in the public school system of Philadelphia. My secondary education was continued in Springfield, Ohio, and completed in Dayton, Ohio. My undergraduate training was obtained at the Ohio State University, from which I received the degree Bachelor of Arts in 1948. From the same university I received the degree Master of Arts in 1949. During this year of graduate training I received an appointment as Graduate Assistant in the Department of Philosophy. Since that time I have held successively the positions of Graduate Assistant, Assistant, and Assistant Instructor, part time, in the Philosophy Department as teaching assistant while completing the requirements for the degree Doctor of Philosophy.