

The Sentinel

OF CHRISTIAN LIBERTY

VOL. XVIII

NEW YORK, SEPTEMBER 17, 1903

NO. 38



"All things whatsoever ye would that men should do to you, do ye even so to them; for such is the law and the prophets."

The man who is not willing that the state should teach the religion of the other man, in which he does not believe and which he regards as error, should not ask that the state teach his religion, which the other man does not believe and regards as error.

One difficulty with the contention that "the schools of the nation ought to be Christian" because "this nation is a Christian nation," is that this nation is not a Christian nation. This nation is a secular nation; it wears the badge of no religion.

The proposition of the Bible in the public schools inevitably involves the question, Which Bible? This is a question which the state cannot decide without allying itself with a sect and assuming to decide what book, and what book only, contains the revealed will of God.

From its own standpoint every religion is universal and all-comprehending; but from the standpoint which government must occupy every religion, no matter how great the number of its adherents, is a sect. Some one religion may be the true and all-comprehending religion, but government has no right to say what religion that is.

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The Sentinel

OF CHRISTIAN LIBERTY

Set for the defense of human rights, especially the rights of conscience. The only periodical in the United States especially devoted to the maintenance of the Christian and American principle of complete separation of church and state. The Sentinel is not a periodical of abstractions and speculation; it discusses live issues that deeply concern every individual.

JOHN D. BRADLEY, Editor.

Editorial Contributors:

A. T. JONES, A. G. DANIELLS, M. C. WILCOX,
L. A. SMITH, C. P. BOLLMAN.

We believe in the religion taught and lived by Jesus Christ.

We believe in temperance, and regard the liquor traffic as a curse to society.

We believe in supporting civil government and submitting to its authority.

We believe that human rights are sacred, and that they indissolubly inhere in the moral nature of the individual.

We deny the right of any human authority to invade and violate these inalienable rights in any individual.

Therefore we deny the right of any civil government to legislate on matters of religion and conscience.

We believe it is the right, and should be the privilege, of every individual to worship God according to the dictates of his own conscience, free from all dictation, interference, or control on the part of civil government or any other external authority; or not to worship at all if he so chooses.

We also believe it to be our duty, and no less the duty of all others, to oppose religious legislation and all movements tending toward the same, to the end that all the people may freely enjoy the inestimable blessing of liberty, which is theirs by virtue of the unbounded wisdom and beneficence of the Author of their being.

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A Live Question

A live question in the United States to-day, and one that is to become more of a live question than it is at present, is that of religious instruction by the state, or state support of religious teaching. On no other point is the principle and practise of separation of church and state being so widely, openly and persistently attacked, and so seriously menaced. The Catholic Church, which is becoming every year more powerful and more able to have public affairs shaped as it desires, is solidly against "godless" education, and is seeking to bring about such a change in the educational system supported by the state as will make it include definite religious instruction. This seems to be the leading aim of the Catholic Church in this country to-day, and she is pursuing it "earnestly, patiently, persistently, determinedly." The idea is furthered and advocated by her writers and speakers on every possible occasion. And side by side with Catholicism in this opposition to and determination to overthrow the practise of the principle of separation of church and state in the public educational system is that not inconsiderable element of Protestantism which in its way is as narrow and blind in its religious zeal, and as incapable of practising the principle of separation of church and state where it has an opportunity to disregard it in the interests of its own theology, as is Catholicism itself. Though this element of Protestantism thinks it is

the uncompromising enemy of Catholicism, it is in many respects the natural ally of Catholicism; and events are demonstrating this, as in this matter of state support of religious teaching. But this question is a live one just now not so much because of the attitude of these two reactionary religious forces (though this other thing is no doubt somewhat due to that), as because of a sentiment or conviction favorable to this attitude that seems to be growing in the educational world itself. It was to this that the late convention of the American Federation of Catholic Societies referred when it resolved with regard to "Christian education" "that we observe with deep satisfaction the gradual growth among our non-Catholic fellow-citizens of the conviction that religious instruction of some sort in the [public] school is absolutely necessary for the welfare of our country; witness the discussions of the National Educational Association and of the Religious Educational Association, both of which fully justify the position maintained by us Catholics for the past half century." So there are developing in the educational world itself views which "fully justify" the position of Catholicism on this question. This of course will greatly further its aim in the matter. The so-called "National Reform" movement springs from the Protestant element to which we have referred, and is fairly representative of it, though sometimes representing it at its worst. At the head of a list of

"several undertakings" in which the "National Reform" Association "is earnestly engaged just now," and which it regards as "of special and urgent importance," is that of "the maintenance of the Bible in the public schools and insistence upon positive moral and religious training." This organization holds, and claims that "the Christian people of the United States maintain, that since this nation is a Christian nation, *the schools of the nation*, which are established to train her children for citizenship, *ought also to be Christian.*" If an appeal sent out by this organization "to the churches everywhere" was heeded, last Sunday, September 10, was widely observed by the Protestant element to which we have referred "as a day for prayer or public schools and for sermons on education." We are told that such observance of the day was recommended by "the General Assemblies of several leading churches, both North and South." This and other things make attention to this question especially appropriate just now, and so this number of THE SENTINEL is given up largely to some matter on this subject that we have desired to print for some time. Next week also much of the matter will relate to this question.



A Seventh-day Observer Fined

Mr. Thos. C. Hege, a seventh-day observer of Winston, N. C.,

sent us on September 7 this brief report of a recent Sunday-enforcement experience:

I was arrested yesterday and tried to-day for selling fruit on Sunday. The door of my store was closed and the place quiet, so that no one could have been disturbed. I have lived in Winston since 1871, and know the mayor and all the policemen well. They like me—but that town *law*. The mayor said that if I had been ignorant of the law he would excuse me, but since I was not he would impose a fine of \$1. The chief of police has given me two weeks' time in which to pay the fine and costs, amounting to \$3.10, but I have not decided

that I will do so. It seems that I will be obliged to keep my place of business closed on Sunday.



Of course every advocate of religious instruction by the state or at public expense means instruction in *his* religion—in the theology to which *he* holds, which *his* church teaches. Nobody would be more opposed than such a person to the proposition to teach religion which he regarded as false. The measure of his enthusiasm for having religion taught would be the measure of his zealous opposition to having *false* religion taught. The great trouble with the sort of people who have such ideas as that the state should teach religion is that they are entirely too sure that *their* religion is the truth, the whole truth, and nothing but the truth, and that everybody else's is false. They are under the delusion that they are the special if not the sole depositaries of divine truth, and that in order to teach God's truth it is only necessary to teach what they believe and hold to. If they could recognize the fact that there are people who do not take that view of the matter at all, and who are as likely to be right as themselves, and whose rights in society are equal to their own, they would find that the proposition to have the state teach religious truth is by no means as easy as they assume it to be.



We state elsewhere that the Catholic Church is working for such a change in the educational system supported by the state as will make it include definite religious instruction. Her aim has been more accurately stated by another, who says she "is endeavoring to do one of two things—either to get the public schools open to distinctively *Catholic* teaching or else get public money for the support of distinctively *Catholic* schools."

Religion and the Public Schools¹

IF a man is convinced that he is in possession of divine truth, next to obeying it himself the first and most important of all duties is that he teach it to his children. But when, where, how? The answer to these questions depends, it seems to me, upon the conditions of every age and of every country.

If we go back to the conditions of early society, we find that what we are accustomed to think of to-day as secular truth was practically unknown. Beyond the simple, domestic arts and the preparation for hunting and war, all that there was to teach the children was religion. Religion has always existed in the world; and in the early world it made up the larger part of life. The people then believed that everything they did was dependent upon the relations in which they stood to the invisible powers, so that religious teaching was the main part of the instruction and training which was imparted to the children.

It is only in the modern world that there has been any division between the secular and the sacred. In ancient Rome, for example, the king or the emperor was at the same time the Pontifex Maximus. He was at the head of the state: he was at the head of the religious life of his people. In the Roman Catholic Church, which has preserved the traditions of the Roman empire, the same thing has been true. The pope claims absolute dominion over this world, and an equal dominion over the other, so far as his subjects here

are concerned. In England the church is a state establishment; and it claims the right to-day to dictate as to the conduct of the public schools of the kingdom. When the Puritans, driven by persecution, came to this country, they did not escape the ideas which were at the basis of the persecution from which they fled. They brought with them the thought of the practical identity of the church and the state. The town was taxed for the support of the church; and only church members were allowed to vote.

For the first time in the history of the world—unless an exception be found in Holland—for the first time in the history of this continent at any rate, we find another principle recognized at Plymouth. The Pilgrims established a civil government which claimed only to control the affairs of this world: all the religionists of every kind were free at Plymouth. You need to note this immense distinction between the Puritans and the Pilgrims: the Pilgrims never persecuted for religion's sake. Roger Williams, the Quakers, Anne Hutchinson—any one was free at Plymouth to believe what he would and practise his religion as he pleased.

And, when the thirteen colonies achieved their independence and the United States was formed, this government—the first great instance in history—planted itself purely on a secular ground. The United States as a nation is not a religious nation, it is not a Christian nation, it is not a Catholic nation, it is not a Protestant nation: it is a secular nation. It, with clear eye and deliberate purpose, refused to have anything to do with the establishment of anybody's religion. It took the ground that its business was to look after the affairs of this world; and it left everybody free to believe as they pleased, and exercise their

¹On March 8 last Dr. Minot J. Savage, of the "Church of the Messiah" (Unitarian), New York, spoke on this topic. Shortly afterwards we obtained a copy of the discourse, and have been intending ever since to give it to the readers of THE SENTINEL. Such matter is timely just now, and so, although it makes a rather long article, we present it this week. Some remarks at the beginning and elsewhere that are not important here are omitted.

religion in any way they chose. That is one fundamental principle of our government.

But the government recognized, and rightly, that it was not to give up the work of teaching the children. Teaching remained as a matter for the state to look after. It only distinguished as to the things which it had a right to teach.

Why the State Has the Right to Have the Children Educated

Did you ever ask yourselves why it is that the government claims a right to teach the children at all? or that it regards it as its duty? Why, for example, should I be compelled by law to put myself to the trouble and the expense of training and educating my children? Why should I have a right to take from you a certain proportion of your money for the sake of educating my child? Why should you have a right to take money out of my pocket to help educate your child? I ask again, Have you ever clearly recognized the principle which is here involved? If you will get it in mind, you will find it a thread of light running through all the controversies on this subject, which will keep you from being confused or led astray.

What is the principle? The ruler of a people needs to be trained and intelligent, in order that the government may be just and good. That is the fundamental principle of it all. Who is the ruler? Under a despotism, if the despot is wise, well trained, and if his assistants and administrators are competent to carry out his will, you may have a just and good government, no matter whether the people are educated or not. In an aristocracy, if those who arrogate to themselves the title of aristocrats, those who govern, are trained, educated, wise, you may have a good and just government, no matter whether the rest of the people are educated or not. The point is, and perfectly clear as you will see, that the

ruler, whoever he is, must be trained, must be educated.

Who is the ruler in this country? The moment you answer that question you see why it is that the state claims the right to educate the children. Every adult male in the United States is a sovereign. He is the ruler; and, therefore, he needs to be trained, educated, made competent to look after the interests of the people. Unless at least a working majority of the voters are trained, educated, intelligent, there can be no wise or just or good government; for the government cannot be better than the ruler. There is the principle; there is an answer to the question as to why the state has a right to demand that the voters at least shall be educated, trained for their office.

But—and here is an important matter to take account of—the world finds it very hard to outgrow its traditions, to clarify its thought and be consistent and logical in the working out of its accepted principles. I said that the children, those who are to become citizens and rulers, should be educated for their office, trained into fitness for this power of administration. Now, right in there is the rule that is to guide us in settling the question as to what ought to be the aim and scope of the public schools. I am a heretic in regard to our system of public education—quite a serious one, I fear—as I am from the accepted standards of the popular religion. The schools do not seem to me at the present time to be doing the work which is essential, and that largely for the reason that they are engaged in trying to do a hundred things which are not essential.

Public Money for Public Ends Only

Public money is to be used for public ends, and only for public ends—that is the principle which needs to be emphasized here. You can see clearly enough, if I should propose to use some of the

money raised by public taxation to buy my boy in the winter a fur overcoat, or a pair of skates, or a bicycle, the absurdity of it. You would say at once, Why, you are using public money for private and personal ends. From the point of view of your boy, from the point of view which you occupy, it may be very desirable, indeed, that in the cold winter he have a fur overcoat, or that he have a pair of skates, or a bicycle; but it is not important to me that your boy have these things. It certainly is not important to you that my boy have these things. Why, then, should you pay for these things for my boy, or why should I pay for them for your boy? You have a right to take my money for only those things which concern the public welfare. I have a right to take yours only for the same reason.

Now let us look at the public schools for a moment, and see what they are trying to do. The most of our public schools are organized on the theory that the boy is to start with the kindergarten and end with the university. What is the result? A great majority of the boys, a very large majority, never get through the grammar school; they are obliged to leave, to go to work. In what sense, then, are they educated into fitness for citizenship? I am told that many boys who apply for a business position cannot write well, are not able to spell correctly, are not competent to compose a good business letter, are not familiar enough with the fundamental principles of mathematics so that they can be trusted in that department without guidance and oversight. And yet these things stand right at the threshold. Why are these things so? Merely because the curriculum of our schools is such that the average pupil gets the beginning, a disconnected smattering, of a large number of things, and gets nothing complete, so that he is in any true sense fitted, equipped, for practical life. Now, I am no more concerned in

the question as to whether or not your boy shall learn to sing, or shall learn astronomy, or shall learn the higher mathematics, or shall learn Latin or Greek, or French or German, than I am in his having a fur overcoat or a pair of skates. It would be a very fine thing if every boy could know everything, and be trained to his utmost in every faculty and in every direction; but, so far as the public is interested in fitting him for citizenship, all these matters are one side of the main issue.

What the State Should Teach—The Essential Things for Public Instruction

I ask you now to consider those things which are essential to citizenship. I have no objection, if everybody is agreed about it, and there is time and money enough, to teaching the children everything; but teach those things which are essential and important first, and do not sacrifice these in an attempt to accomplish the impossible.

What is my interest in the training of another boy? I want your boys and you want my boys—it works both ways—in the first place to be trained so that they can earn an honest living; that is the very first condition of good, honest, just citizenship. Every boy ought to be trained so that he will not in a little while come back on the community for the mere matter of support. It is the first interest, or ought to be, of the public schools to train the boy's mind and eye and ear and hand—all his faculties—according to the boy's aptitude in such a way that all possible shall be accomplished in the way of fitting him to take care of himself when he goes out into the world. That ought to be the first aim of the public schools.

The boy is to be a citizen. He is to vote. He is to have his share in determining the destiny of this country. This is the next thing that is important—that he should be taught so much of history, of

other countries and of his own, so much of the history of men's attempts in the way of government, as shall enable him to understand at least the principles of this government which he is to help to manage. He should be taught to know what a republic means, what liberty means, what are the possibilities of self-government, the cost of this freedom which we have attained. He ought to understand these things, so that he may enter upon his duties intelligently, soberly, and with the ability to determine what is best and what is impossible, what ought to be done and how it ought to be attempted.

If any think I am confining my attention too much to the boys, it is because I am talking about the voters. As yet, the women are not voters. If they were, the same principle would apply to them as to the boys.

What is the third thing? Every boy ought to be taught the fundamental principles of right and wrong. Can this be done without teaching religion? Some religionists tell you it cannot; but let us see a moment. How is it that men have learned that it is not right to kill; that it is not right to steal; that it is not right to lie; that it is not right to covet, not right to envy, to hate? How is it that men have discovered the fundamental principles of ethics, of right and wrong? Has it been by any revelation, or has it rather been as the result of human experience? Men have learned the fundamental principles of right and wrong by trying to live and get along together, just as naturally as they have learned what articles are wholesome to eat and what are not. This is proved beyond any sort of question in the face of any religious controversy by this fact:—that all over the world, in every land where you find people arrived at a certain stage of social and political progress, you find substantially the same ethical principles rec-

ognized and acted upon. Just as, for example, when you reach a certain altitude above the level of the sea, whether in North America or South, in Europe, Asia, or Africa, you find substantially the same kind of trees and shrubs and growths of one kind or another—not identical, but substantially the same kind—so, wherever you reach a certain altitude of social and political experience on the part of men, you find substantially the same ideas of right and wrong.

These, then, have been wrought out as the result of human experience; and they can be taught without reference to any particular religion or any sect in Christendom, just as well as the fundamental principles of astronomy or geology can be taught. And these ought to be taught in the public schools. You cannot control the development, possibly, of a pupil's character; but you can teach him the principles of right and wrong, so that after he goes out into society and begins to play his part as a man, if he goes wrong, he shall do it with his eyes open and be responsible for it. That is all that the state can do in the matter.

Three things, then, the public school ought to concentrate its attention upon: training the child so far as possible into an ability to earn his own living honestly; training him in such a way that he can be an intelligent citizen of the republic and cast an intelligent vote; training him in regard to the fundamental principles of right and wrong, so that he may know the right way, whether he chooses to walk in it or not.

A Popular Demand To-day for Religious Teaching in the Public Schools

So the interest of the state is simply in having the child trained into fitness for good citizenship. But, as I have said, it is very difficult for people to get free of their traditions; and the religious tradition, the religious prejudice, is the last one ever to be overcome. Why? Be-

cause it is held as the most sacred and the most important; and so people feel bound by it after they are willing to surrender almost anything else. And so people demand—they demand to-day, it is the popular demand in one way or another—that religion shall still be taught in the public schools. It is taught in a fragmentary way, in a poor and inefficient way; but the majority of the people of this country seem to be in favor of some attempt in that direction.

The State's Jurisdiction Confined to this World

I wish now to ask you to consider the principles involved, and see what we ought to do. Note now what I said a moment ago, that this country, for the first time in the history of the world on the part of a great nation, has abandoned any claim to dictate in the matter of religion. All religions here are free. All sects are free. All should have equal opportunity before the law, none of them any special favor before the law. Why? In the first place, to put it baldly—and you will see that that carries the whole principle—all the religions have had it as their great aim in the past to prepare people for another world, to see to it that people's souls were saved after death. Now—let us put it with perfect frankness and freedom—it is none of the state's business whether my soul is saved in the next world or not. The only concern that the state has with me is to see that I make a good citizen in this world. What becomes of me after I pass the border is my business, and not the business of the state. Governor Odell has a perfect right, as a man, to join any church and to do anything he can to persuade other people to join it, to engage earnestly in trying to save people's souls; but, as *Governor Odell*, he has no concern in this matter and has no right to interfere in it. The state has jurisdiction over this world, and not over the next. There is the fundamental principle.

The Bible in the Public Schools

Now note what the present condition of affairs is. When I was a boy, the New Testament was read the first thing in the morning after the school session began. We read around in turn, each of us reading a verse. I never thought that the effect was one in favor of reverence or the cultivation of religion. It was not done with any great seriousness. The children, half the time, did not know what they were reading about; and it rather tended to flippancy and disrespect towards religion. I understand that in this state to-day the law is that the Bible may be read in the school, but without note or comment on the part of the teacher. Is that law obeyed? I do not know to what extent the matter is carried; but I do happen to know that in some cases the teachers do comment, and do teach, not religion only, but theology. And do you not know perfectly well that it is practically impossible for a teacher to conduct the reading of the Bible in the schools without its being apparent as to what his own standing and beliefs are, without his having, not a religious, necessarily, but a sectarian influence of one kind or another? I believe that the only just, fair, righteous thing is that the Bible should never be read at all in the public schools; and I will tell you why.

But before coming to that, let me touch on one point that I am willing to concede as an exception, though I do not think it would be satisfactory to anybody. Every little while somebody tells us how valuable the Bible is as a masterpiece of English. I grant it. President Butler of Columbia has been making a point of it recently, and saying that the Bible ought to be more read and studied by scholars, if for nothing else than that it is such a masterpiece of noble English. Does anybody believe, however, that the way the Bible is ordinarily read in the public schools teaches any child a noble use of

English, that they get any impression in that direction? If you wish to use the Bible for that, let us have a text-book prepared, the finest specimens of the Bible selected, and let it be used as a reading book. I should have no objection. Those, however, who look upon the Bible as an absolutely infallible, divine revelation would think that a degradation of the book: it would not satisfy them; and for that reason, in my judgment, it is not a practical solution of the problem.

The Injustice of Having the Bible in the Schools

Let us come back then to the point of having the Bible out of the schools. Years ago I fought for this in Massachusetts, for the sake of justice to the Catholic Church: that is what I was fighting for then. The Catholics have always objected to the reading of our translation of the Bible with Protestant comment or with no comment at all; and their contention is right and just. If a Catholic is sincere, he believes that the teaching his child his religion means the eternal welfare of that child. Can you expect him to sit down then patiently and calmly while you, without any warrant in justice, compel his children to submit themselves to an influence that threatens the eternal welfare of their souls? Is that fair? Would you like it yourselves? Here in this city now are thousands and thousands of Jewish children attending the public schools. They are among our best scholars. Their parents object, and they have a right to object, to having thrust upon their children the consideration, the teaching of a religion which has stood as the symbol of persecution and horror for them for fifteen hundred years. Would you like it yourselves? Is it fair to the Jews? There are in the city—not a great many of them, I suppose—Buddhists, Mohammedans; there are followers of Confucius; there are representatives of many of those faiths which we

call pagan. They are taxed to help support the public schools. Have we a right to thrust upon their children the teaching of that which they distinctly and definitely repudiate? There are agnostics, there are atheists, I suppose, a few; but nobody doubts that the son of an atheist, the son of an agnostic, Mohammedan, Buddhist, Parsee, Hindu, Jew, can be a good citizen. And the only interest of the state is that he shall be a good citizen; and we have no business to thrust upon them as a part of their education that which has nothing to do with the matter of their being good citizens, and which at the same time violates the most sacred convictions of their souls.

If we could all agree on some religion; if everybody believed alike, worshiped the same God in the same way, and had the same ideas of this world and the next—then of course nobody would complain; and, while it would not be the business of the state any more than it is now to teach religion, it might be taught without marked injustice. But it cannot be so taught to-day. I believe then that, when the matter comes up for discussion and settlement—as come up it will—we ought to be ready to treat it from the broadest point of view in the interest of justice and right.

Another Violation of Principle

I would carry the matter further if I had my way. I believe that all strictly church property ought to be taxed. Why not? As it is to-day, there are millions of money invested in property dedicated simply to some particular form of religion and millions which are not taxed. You and I, who do not believe that religion at all, have to make up by our over-taxation for the deficit caused by this exemption. I would have all strictly charitable institutions free. But I do not know why a Jew should be taxed to help support the Church of the Messiah;

I do not know why I should be taxed to support the Cathedral; I do not know why the Catholics should be taxed to support the Brick Church. Let the people who believe, believe enough and care for their religious belief enough to pay for it, or else go without it. That seems to me the fundamental principle of justice and right in the whole matter.

Religion Not the Concern of the State

I believe in religion with all my soul. I am ready to say that I believe it is the very highest and deepest concern of man. The relation in which we stand to God, to each other, what our destiny shall be over yonder—these are the greatest ques-

tions that we can ask or answer. But the state, as state, has no business to touch them with the tip of its finger; let the state keep to its own affairs. Let the church and the home, let the fathers and the mothers—if they are honest and if they believe anything—find ways of looking after these, the highest concerns of life.

Let us as citizens look after the affairs of government as it concerns this world. Let us as churches, as fathers, as mothers, look after the higher and deeper things of the religious life. And let us remember that equal justice is the basis of all good government, and that God is the equal Father of all.

The Bible in the Public Schools

Its Use Violates Constitutional Prohibition of Sectarian Instruction

WITHIN the last year or so decisions on the question of the Bible in the public schools have been rendered by officials or supreme courts of at least five States—Nebraska, Minnesota, Montana, Washington and California. It is encouraging to those who stand for the righteous principle of separation of church and state to note that in every instance this principle was upheld, although the decision rendered by the supreme court of Nebraska last October was afterwards modified somewhat. We give herewith one of these decisions, which makes it clear why Bible reading in the public schools is improper and violative of the principles of religious liberty and of the constitutional provisions upholding the same. Like other of the opinions, it is of interest and importance not only as an authoritative legal ruling on the question, but also as a discussion and consideration of the question from the standpoint of American law and the principles of justice and right.

Last March, in response to protests

against Bible reading in the public schools, Superintendent of Public Instruction Kirk, of California, requested of the attorney-general of the State an opinion as to "whether or not the reading of the Bible as a text-book in the public schools of the State is in violation of the provisions of Section 1672 of the Political Code." Under date of March 20 Attorney-General Webb rendered this opinion:

No Universal Bible

At the outset I am constrained to take cognizance of the fact that there are a great many versions of the Bible in use. Honest differences prevail as to what books should be included within the meaning of the words "Holy Bible." Witness the Jew, who regards the Old Testament as alone inspired; the Catholic, who adds the Apocrypha; and the Protestant, who repudiates the Apocrypha. There is the King James version of the Bible, which the Protestants accept; the Douay version, which the Catholics accept as, alone, correct and complete; besides there are the sacred books of other religions, which may be called "bibles."

It is impossible to find any version of the Bible which does not represent and promulgate the teachings of some religious sect or society,

or the opinions of some founder of a religion. There is no such book in existence as a universal bible, which would appeal to all people, in all climes, at all times.

With the truth or efficacy of any of the versions of the Bible this opinion does not deal. In endeavoring to determine the law on the subject I have no concern with the truth or error of the doctrines of any sect. I am to be guided solely by the Constitution and laws of this State now in force. I am not called upon to decide what religious doctrines, if any, ought to be taught, or where, by whom, or to whom it would be best they should be taught. These are questions which belong to the people and to other departments of the government.

I have no doubt that the Bible to which you refer in your request for an opinion is the King James version, which is in very common use in this country. My opinion will be confined to a discussion of the question as to whether the reading or the use of this version of the Bible in the public schools as a text-book would contravene the Constitution and Political Code of the State.

**Equality of Religious Freedom Guaranteed—
Public Support of Sectarian Instruction
Prohibited**

Article I, Section 4, of the Constitution of 1879, provides as follows:

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this State. . . .

Article IX, Section 8, provides as follows:

No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

Section 1672, Political Code, was passed to effectuate the above provision of the Constitution, and reads as follows:

No publication of a sectarian, partisan, or denominational character must be used or distributed in any school, or be made a part of any school library; nor must any sectarian or denominational doctrine be taught therein. Any school district, town or city, the officers of which knowingly allow any schools to be taught in violation of these provisions, forfeits all right to any State or county apportionment of school moneys; and upon satisfactory evidence of such violation the superintendent of public instruction and school superintendent must withhold both State and county apportionments.

**All Religions Equal Before the Law and None—
Specifically Christianity—Legally
Established in this Country**

It is well settled that neither Christianity nor any other system of religion is part of the laws of this State or of the United States. Cooley says in his "Constitutional Limitations," Chap. XIII, p. 472:

Christianity is not a part of the law of the land in any sense which entitles the courts to take notice of and base their judgments upon it, except so far as they can find that its precepts and principles have been incorporated in and made a component part of the positive law of the State.

Also on page 469, he says:

Those things which are not lawful under any of the American constitutions may be stated thus: 1. Any law respecting an establishment of religion. The legislatures have not been left at liberty to effect a union of church and state, or to establish preferences by law in favor of any one religious persuasion or mode of worship. There is not complete religious liberty where any one sect is favored by the State and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect is to the extent to which the distinction operates unfavorably, a persecution, and if based on religious grounds, a religious persecution. It is not mere toleration which is established in our system, but religious equality. 2. Compulsory support, by taxation or otherwise, of religious instruction. Not only is no one denomination to be favored at the expense of the rest, but all support of religious instruction must be entirely voluntary. It is not within the sphere of government to coerce it.

Our constitutional theory regards all religions, as such, as equally entitled to protection and equally unentitled to preference. Where there is no ground or necessity upon which a principle can rest but a religious one, then the Constitution steps in and says that it shall not be enforced by authority of law. (Ex parte Newman, 9 Cal. 513; Ex parte Andrews, 18 Cal. 684; State ex rel. Nevada Orphan Asylum vs. Hallock, 16 Nev. 373.) Ex parte Newman was overruled by later decisions, but not in the fundamental principles laid down as regards religious doctrines.

We may also refer to Article II of the Treaty with Tripoli, concluded November 4, 1796 (8 U. S. Stats. at Large, 155): "As the government of the United States is *not in any sense founded on the Christian religion*," etc.

It is therefore clear that the Christian religion, as such, has no preference under the law of the State over any other religion, though its precepts may have largely molded the common law upon which our laws are

based. The doctrines of many ancient religions entered into the formation of the laws under which we live, and the Christian religion contains what is best and truest of them all. I quote from the supreme court of Ohio in the case of Board of Education of Cincinnati *vs.* Minor, 23 Ohio St. 247:

The only foundation—rather, the only excuse—for the proposition that Christianity is part of the law of this country is the fact that it is a Christian country, and that its constitutions and laws are made by Christian people. And is not the very fact that those laws do not attempt to enforce Christianity, or to place it upon exceptional or vantage ground, itself a strong evidence that they are the laws of a Christian people, and that their religion is the best and purest of religions? It is strong evidence that their religion is indeed a religion "without partiality," and therefore a religion "without hypocrisy." True Christianity asks no aid from the sword of civil authority.

The Use of the Bible in the Schools a Sectarian Proceeding and Entails Sectarian Instruction

This leaves us free to take up the question as to whether the use of the King James version of the Bible as a text-book in the public schools would be sectarian instruction within the meaning of the above provisions of the Constitution and Code. We may approach the solution of this question in two ways: First, if this version of the Bible represents and is the organ of any religious sect or society, then its teachings may be called sectarian. Second, if it contains within its pages the doctrines of a number of sects, then its teachings may be called sectarian.

In the first place, the Christian religion is divided into two great branches, the Protestant and the Catholic. The members of either body consider themselves entitled to be called Christians, but they each present the claims of a different version of the Bible which they believe to be inspired. The King James version, with the Apocrypha excluded, is the Bible of the Protestant religion. In contradistinction to the Catholic version, which includes the Apocrypha, the King James version would necessarily be sectarian in its doctrines.

A number of courts have defined the meaning of the word "sect." The supreme court of Nevada has held that the Catholics were a "sect," as distinguished from Protestants. The fact that they controlled St. Mary's School, which is a part or branch of the Nevada Orphan Asylum, and introduced their religious exercises therein, made the Nevada Orphan Asylum a sectarian institution. I quote from the

opinion of the court in the case, State of Nevada *vs.* Hallock, *supra*:

From all the preceding facts it seems to us that but one conclusion can be arrived at, which is, that the Nevada Orphan Asylum is a sectarian institution. Webster defines "sectarian" as follows: "Pertaining to a sect or sects; peculiar to a sect; bigotedly attached to the tenets and interests of a denomination." He also defines the word as "one of a party in religion which has separated itself from the established church, or which holds tenets different from those of the prevailing denomination in a kingdom or state," and it was argued by petitioner's counsel that the word was used in this sense in the Constitution. We do not think so. It was used in the popular sense. A religious sect is a body or number of persons united in tenets, but constituting a distinct organization or party, by holding sentiments or doctrines different from those of other sects or people. In the sense intended in the Constitution, every sect of that character is sectarian, and all members thereof are sectarians. The framers of the Constitution undoubtedly considered the Roman Catholic a sectarian church. (Const. Debates, 568 *et seq.*) The people understood it in the same sense when they ratified it.

The case of State *vs.* District Board of School District No. 8, 76 Wis. 177, was a case decided under a provision of the Constitution relating to "sectarian instruction" similar to ours. In that case certain taxpayers prayed for a writ of mandate from the circuit court, compelling the school board to cause the teachers to discontinue the practise of reading daily to the pupils during school hours certain portions of the King James version of the Bible, selected by the teachers. The supreme court ordered the writ to issue. The opinion, in part, is as follows:

This opinion will be confined quite closely to a discussion of the question whether the adoption of the Protestant, or King James, version of the Bible, or any version thereof, in the public schools in the city of Edgerton, as a text-book and the reading of selections therefrom in those schools at the times and in the manner stated in the answer, is sectarian instruction within the meaning of that term as used in Section 3, Article X, of the Constitution, which ordains that no sectarian instruction shall be allowed in the district schools of this State. . . . It should here be said that the term "religious sect" is understood as applying to people believing in the same religious doctrines, who are more or less closely associated or organized to advance such doctrines and increase the number of believers therein. The doctrines of one of these sects which are not common to all the others are sectarian; and the term "sectarian" is, we think, used in that sense in the Constitution. . . .

That the reading from the Bible in the schools, although unaccompanied by any comment on the part of the teacher, is instruction

seems to us too clear for argument. Some of the most valuable instruction a person can receive may be derived from reading alone, without any extrinsic aid by way of comment or exposition. The question, therefore, seems to narrow down to this: Is the reading of the Bible in the schools—not merely selected passages therefrom, but the whole of it—*sectarian* instruction of the pupils? In view of the fact already mentioned, that the Bible contains numerous doctrinal passages upon some of which the peculiar creed of almost every religious sect is based, and that such passages may reasonably be understood to inculcate the doctrines predicated upon them, an affirmative answer to the question seems unavoidable. Any pupil of ordinary intelligence who listens to the reading of the doctrinal portions of the Bible will be more or less instructed thereby in the doctrines of the divinity of Jesus Christ, the eternal punishment of the wicked, the authority of the priesthood, the binding force and efficacy of the sacraments, and many other conflicting sectarian doctrines.

In the case of Board of Education of the City of Cincinnati *vs.* John D. Minor, *supra*, certain taxpayers sought to prevent the school board from carrying out the resolution abolishing the opening exercises of the public schools, which included reading the Bible. The court discussed the question at great length, and held that the Christian religion was not the only religion under a clause of the Constitution requiring religious instruction in the schools; that to permit the Christian Bible to be used was to prefer the Christians to any other sect. The court then proceeds:

Counsel say that to withdraw all religious instruction from the schools would be to put them under the control of the "infidel sects." This is by no means so. To teach the doctrines of infidelity, and thereby teach that Christianity is false, is one thing, and to give no instructions on the subject is quite another thing. The only fair and impartial method, where serious objection is made, is to let each sect give its own instructions elsewhere than in the State schools, where of necessity all are to meet, and to put disputed doctrines of religion among other subjects of instruction (for there are many others) which can more conveniently, satisfactorily, and safely be taught elsewhere.

These are the leading cases on the subject, and the consensus of opinion seems to be that Protestantism, as distinguished from other branches of Christianity, is a sect, and that Christianity, as distinguished from other religions, is a sect. It surely began as a sect, for the followers of Christ were dissenters from the principles of Judaism and were known as a sect all to themselves.

In the light of the above decisions the King James version of the Bible is sectarian in its tendency. In fact, each version of the Bible extant is sectarian in its tendency. But, as-

suming that the King James version is the version of no particular sect, it contains within its pages the doctrines of any number of sects or denominations. Upon this phase of the question the court says in the case of State *vs.* District Board, *supra*:

The courts will take judicial notice of the contents of the Bible, that the religious world is divided into numerous sects, and of the general doctrines maintained by each sect; for these things pertain to general history, and may fairly be presumed to be subjects of common knowledge (1 Greenl. Ev., secs. 5, 6, and notes). Thus they will take cognizance, without averment, of the facts that there are numerous religious sects called Christians, respectively maintaining different and conflicting doctrines; that some of these believe the doctrine of predestination, while others no not; some the doctrine of eternal punishment of the wicked, while others repudiate it; some the doctrines of the apostolic succession and the authority of the priesthood, while others reject both; some that the Holy Scriptures are the only sufficient rule of faith and practise, while others believe that the only safe guide to human thought, opinion, and action is the illuminating power of the divine Spirit upon the humble and devout heart; some in the necessity and efficacy of the sacraments of the church, while others reject them entirely; and some in the literal truth of the Scriptures, while others believe them to be allegorical, teaching spiritual truths alone, or chiefly. The courts will also take cognizance of numerous other conflicts of doctrine between the sects; also that there are religious sects which reject the doctrine of the divinity of Christ, among which is the Hebrew or Jewish sect, which denies the inspiration and authority of the New Testament.

These denominations of the Christian church carry on a continual controversy among themselves which often reaches to violent lengths. They divide, and are founded, often on the simple meaning of words and expressions in the Bible. It appears to be impossible that the Bible should be used as a text-book in literature, and its language, meaning, and literary value discussed without precipitating a theological dispute and calling forth the prejudices of teachers and pupils.

It has been held, as appears above, that the mere reading of the Bible as a morning exercise is sectarian instruction within the meaning of the State constitution. For a State officer or school board to take action establishing the King James version of the Bible as a text-book in the public schools **approaches very** near to a discrimination in favor of the Protestant religion.

Suppose any school board should be authorized to cause the reading of the Bible as a morning exercise in the schools, Protestant taxpayers could mandamus the board to com-

pel the reading of the version of King James, Catholic taxpayers could mandamus the board to compel the reading of the Douay version, German Lutherans could mandamus the board to compel the reading of the Lutheran version; the public schools would be turned into religious institutes. Otherwise, the school board, when brought to the alternative, would have to discriminate in favor of one or the other of these sects and thereby violate Section 4 of Article I of the Constitution.

Wise and good men have struggled and agonized through centuries to find a correct interpretation of the Scriptures, and the version which they finally accepted their children read and study to-day and believe the only infallible guide to right conduct. When we force our citizens to pay for and send their children to public schools where the Bible of another faith is read to them, I believe we come dangerously near intruding upon freedom of conscience.

There are a number of cases in different States, bearing upon the main question, which would seem opposed to the views here set forth, but none of the States in which those decisions

were made have in their constitutions a direct prohibition of sectarian instruction in the public schools.

Exact Equality of All Sects, Creeds, or Religions Before the Law is the Rule of the Law and the Requirement of the Highest Morality

The Constitution and laws of this State appear to have in view the maintenance of exact equality of all sects, creeds, or religions; that all shall have equal rights, equal opportunities, and be subject to equal restraints. And this accords well with that rule of human conduct, which is of higher wisdom and wider application than human laws, commending itself to the administration of the law and to every field of human action, and which is found with almost verbal identity in the sacred books of all religions:

All things whatsoever ye would that men should do to you, do you even so to them, for this is the law and the prophets.

I am, therefore, of the opinion that the reading of the King James version of the Bible, as a religious exercise, or its use as a text-book in the public schools, is prohibited by the Constitution and laws of this State.

There is discontent among the heads of Nonconformist churches in Australia because they are ignored in the new table of precedence at Commonwealth functions, recently sanctioned by the King. Only the Roman Catholic cardinal and the Anglican primate are officially recognized in the table. The disquieting circumstance is not in the fact that the Nonconformist leaders are ignored, but that they are troubled over the matter. Their Master's kingdom was not of this world, and He certainly did not expect that His representatives would ever be welcome at State functions when He said: "If ye were of the world, the world would love his own; but because ye are not of the world, but I have chosen you out of the world, therefore the world hateth you." From the Saviour's standpoint it is an honor to the Nonconformists that they are not reckoned with the cardinal and the primate, and it is to be

hoped that they will recognize this, and not continue to hanker for a part in state ceremonies.—*Present Truth, London.*



The desire to change the character of our public school system by the introduction of peculiarly religious instruction is usually attributed to the Roman Catholic Church solely, but it extends to Protestant churches also. It has been expressed even at meetings of the National Educational Association, a secular organization purely, on the theory that religious instruction is an essential part of an education in which the mind and character are fully developed. How it is to be provided without doing violence to our constitutional separation of church and state and to the various and conflicting religious convictions of a public made up of Catholics and Protestants, Jews and infidels, has not been pointed out by that association.—*New York Sun.*

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