Issues in Religion and Education

Whose Religion?

Edited by

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Introduction

Religious education policies are frequently contested. As the other essays in this volume clearly demonstrate, multiple groups regularly argue over the appropriate form and content of religious education programs, and even over whether religious education is appropriate at all. Accordingly, the field of religious education policy is filled with competing voices, each advancing its own distinctive vision which may overlap partially, if at all, with existing policy.

But why do these groups adopt the specific visions that they do? In this chapter, I examine this question by focusing on one important source of alternative policy proposals: religious minorities. Religious minorities have often contested religious education policy, offering alternative visions of how religion should be incorporated into or excluded from public schools. Many religious education policies implicitly or explicitly privilege the views of dominant religions, often to the detriment or exclusion of religious minorities (e.g., Byrne, this volume). Because majoritarian religious education can threaten religious minorities’ ability to recruit new adherents and maintain their own children’s religious commitments, minorities are often inclined to favour policies and programs that remove this kind of instruction (Gill 2008). Religious minorities thus have incentives to resist or offer alternative proposals that better fit their own views and interests.

But it is also the case that religious minorities’ solutions to the religious education question vary considerably. The generic interest that religious minorities have in avoiding indoctrination in the majority religion may find its expression in diverse policy preferences. For one thing, doctrinal differences

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may lead members of different religious minority communities to develop divergent policy preferences (Grzymala-Busse 2012). More unexpectedly, perhaps, members of the same religious group may also take up different positions in different countries. These variations may occur not because of any doctrinal differences, but instead because their views are shaped by nation-specific political, organisational, and cultural forces.

In this chapter, I consider how these kinds of social factors can shape the particular stances that religious minorities take towards religious education in the public schools. I argue that the positions religious minorities ultimately take toward religious education draw upon cultural and institutional repertoires particular to different nations, and that their positions are shaped by their internal politics and organisational dynamics. I demonstrate this claim through an examination of the contrasting visions of religious education put forward by the Jewish community in the United States and Australia during the mid-twentieth century. Although Jews represented a small minority in both countries, they advanced very different understandings of the appropriate role for religion in the public schools. In the United States, Jewish groups were key players in the development and articulation of America's distinctive ‘strict separation’ approach to religion and education which excludes all formal instruction in religion from the normal school day. By contrast, Australian Jews did not make the case for a sharp division between religion and the public schools. While they opposed mandatory religious education courses, they were much more open to alternative forms of religious education that provided space for their own beliefs to be passed along to their children.

I focus on the years after World War II to explain why American and Australian Jews adopted these different stances. In both countries, questions about the nature and appropriateness of religious education were actively debated between 1945 and 1980. During this time, strict separation was advanced into constitutional law in the United States, and Australian religious education policy was revised and transformed in important ways (Mayrl, forthcoming). Jews were active participants in these debates, and examining their actions during these years provides an excellent opportunity to understand both how they contributed to these debates, and why they ultimately advocated such different visions of religion and public education.

Religious Education in Australian and American Public Schools

The United States and Australia are similar in several respects. Religiously, both are pluralistic societies in which no single denomination has a majority
market share (ABS 2006; Bader, Mencken, and Froese 2007). Both are predominantly Protestant with a large Catholic minority and small communities of Jews and, increasingly, other non-Christian religions. The Jewish community in the United States is larger, however, in both absolute and proportional terms: Jews comprise around 3 percent of the American population, but only around 0.5 percent of the Australian population. Both societies also formally disestablish religion through their national constitutions. In fact, Australia's Section 116 was deliberately modelled on America's First Amendment in what one Australian scholar has termed a “fairly blatant piece of transcription” (Pannam 1963, 41). Both nations established a system of public schools in the mid-nineteenth century, and religious education was an important part of the public school curriculum in both countries until the middle of the twentieth century (Mayrl, forthcoming).

Since the late 1940s, however, the two countries’ policies governing religion and the public schools have diverged substantially. In the United States, a doctrine of ‘strict separation’ of church and state has been articulated and enforced through the courts. In multiple decisions since 1947, the Supreme Court has equated disestablishment with a “wall of separation between church and state” that “comprehensively forbids every form of public aid or support for religion.”2 By raising the longstanding American ideal of ‘separation of church and state’ into formal judicial doctrine, the Court has effectively created a national policy barring the formal teaching of religion in the public schools. Over the past sixty years, the Court has struck down state and local programs providing for on-premises released-time programs, officially sponsored prayers, Bible reading, silent meditation, the display of the Ten Commandments, and the teaching of creationism (Witte 2005). In these decisions, the Court has consistently rejected the possibility of devotionals in the public schools as unconstitutional, declaring that “the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which ‘establishes a [state] religion or religious faith, or tends to do so’.”3 Although students may pray and create religious clubs on their own initiative, and while religion may be taught about as literature or comparatively, no formal religious instruction is permitted.

In Australia, by contrast, public education has retained a role for religious instruction, although the specifics of that instruction (and the conditions under which it may take place) vary from state to state. The courts have played

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very little role in determining Australian religious education policy. The High Court of Australia has refused to read Section 116 in strict separationist terms. In a 1981 decision, the High Court rejected the Supreme Court's broad reading of ‘establishment’ as akin to a ‘wall of separation’. Instead, they interpreted ‘establishment’ much more narrowly, to mean only the "statutory recognition of a religion as a national institution" or the “constitut[ing of] a particular religion or religious body as a state religion or state church."  

State courts and civil tribunals have similarly refused to disallow formal religious instruction; a 1976 New South Wales Supreme Court decision upheld the teaching of Christian religious instruction, while two recent challenges in Victoria and Queensland have failed in their attempts to argue that religious instruction classes violate anti-discrimination legislation (Byrne 2014). Accordingly, decisions about religious education have been left up to the various Australian states, which have generally retained religion as an important aspect of the public school curriculum.

Australian religious education was traditionally provided through a dual system of ‘general religious teaching’ (GRT), consisting of authorised Scripture readings provided by classroom teachers; and ‘special religious instruction’ (SRI), consisting of denominational instruction provided by visiting clergy (Langdon 1986). Both GRT and SRI were typically given weekly, and were supplemented with occasional devotional ceremonies in classrooms and school assemblies. Clergy were guaranteed the right to provide SRI in any school where a parent requested that their child receive it; while parents were also guaranteed the right to withdraw their children from both GRT and SRI.

This dual system has been modified since the 1960s in most states (see, e.g., Halafoff and Lam, this volume; Mayrl 2011). GRT has largely been dropped or transformed into more objective religious studies courses; while SRI has been strengthened and reinforced in most states. Today, every Australian state with the exception of South Australia provides regularly timetabled SRI classes where clergy or lay representatives come to schools to provide denominational instruction; collective worship and prayers are permitted; and at least one state (Queensland) continues to permit, at the discretion of the principal, formal Bible reading as part of the regular course of instruction (Byrne 2014). Thus, although didactic, Christian Scripture reading by teachers has largely fallen by the wayside; religious instruction remains an important feature of the Australian public school curriculum.

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5 Benjamin v. Downs and Another (1976) 2 NSWLR 199.
Jewish Approaches to Religious Education at Mid-Century

**American Jews and Strict Separation**

These divergent policy regimes map surprisingly well onto the positions taken by Jews in each country during the post-war years. Jews in both countries opposed Christian education in the public schools, but only in the United States did they play a prominent role in articulating a doctrine of 'strict separation'. Among American religious groups, Jews were strict separation's strongest and most consistent advocates. Most Protestants opposed providing funds for religious schools, but nevertheless advocated a place for religion in the public schools (Gordon 2010). Catholics, for their part, had historically opposed public school religion while favouring state aid, yet by mid-century had become among the strongest proponents of religion in the public schools (Jeffries and Ryan 2001). Jews, by contrast, opposed not just state aid but also religion in the public schools—and not just devotional exercises, but any and all forms of publicly sponsored religion. Jews were not the only advocates of strict separation: civil libertarians, atheists, liberal Protestants, Seventh-Day Adventists, and Baptists also supported it. But Jewish opposition was strong, organised, and highly consequential.

American Jews had long opposed the ‘non-sectarian’ Christian education that predominated in the public schools from the nineteenth century onward (Cohen 1992). At mid-century, however, this opposition expanded to encompass a larger commitment to strict separation of church and state—including opposition to released time programs, prayer, and state aid. Jews were sceptical that the state could remain ‘neutral’ on religious matters in public education. The American Jewish Congress summarised this position in a hard-hitting 1957 pamphlet: “Experience has shown that whenever religion intrudes into the public school, sooner or later Jewish children will be hurt” (quoted in Schultz 2011, 127).

Accordingly, as historian Naomi Cohen (1992, 5) summarises, American Jews “resist[ed] any kind of prayer—vocal or silent, mandatory or voluntary—that presaged, however remotely, the possibility that Christian teachings might find their way back into the classroom.” In April 1948, the National Community Relations Advisory Committee (NCRAC) and the Synagogue Council of America (SCA), two umbrella groups for American Jews, adopted a comprehensive “Statement of Principles on Sectarianism and the Public Schools” which laid out the Jewish community’s strong defence of strict separation. While affirming the importance of religion and religious education in American society, the statement rejected public school religion wholesale. The statement declared that:
...the maintenance and furtherance of religion are the responsibility of the synagogue, the church, and the home, and not of the public school system; the time, facilities, funds or personnel of which should not be utilized for religious purposes...Therefore, and mindful of the dangers inherent in any violation of the traditional American principle of separation of church and state, we are opposed to religious practices or observances in the public elementary and high schools...We are opposed to governmental aid to schools under the supervision or control of any religious denomination or sect, whether Jewish, Protestant, or Catholic, including outright subsidies, transportation, textbooks and other supplies.

quoted in Minkoff 1949, 221–223

American Jews thus opposed not only Christian prayers, but also released-time programs, nondenominational prayer, and state aid.

American Jews also took active steps to make their vision a reality. American Jews were “the key player in the campaign to deny religion a privileged position in the public sphere” (Wald 2005, 37), and were particularly central to the development of strict separation as a legal doctrine. At the forefront of the Jewish campaign was the American Jewish Congress (Congress), a Jewish defense agency that became “the most vocal Jewish organisation in America” on church-state matters at mid-century (Schultz 2007, 576). Under the direction of its lead counsel, Leo Pfeffer, the Congress took the lead in filing briefs and initiating a great deal of church-state litigation on educational matters in the three decades after World War II. Pfeffer was the dominant legal voice on church-state relations at mid-century, whose “books, articles, and briefs constitute[d] the most polished expression of the strict separationist constitutional position” (Morgan 1968, 55). According to political scientist Gregg Ivers (1995, 222), it is “impossible to overestimate the impact that Leo Pfeffer, as an individual and as a public-interest lawyer, had on the development of church-state law during the latter half of [the twentieth] century.” Pfeffer articulated the case for strict separation not only through the amicus briefs that he wrote for the Congress, but also through a series of briefs that he ghost-wrote for the American Civil Liberties Union (ACLU) and other organisations (Sarna 2002). And for much of the twentieth century, the Supreme Court adopted Pfeffer’s arguments nearly wholesale. Unsurprisingly, Pfeffer and the Congress quickly “became household words among [both] supporters and opponents” of strict separation (Cohen 1992, 125), and critics of separation often criticised Jews in general and Pfeffer in specific in the wake of court cases that restricted religious education in the public schools (Ivers 1995).
Although the Congress was at the forefront of the Jewish campaign for strict separation, it was frequently joined by the other major Jewish defence organisations—the American Jewish Committee (AJC) and the Anti-Defamation League (ADL)—to present a united Jewish front in the legal debate over religion and education (Windmueller 2002). Though the other two groups were more reticent about a legal campaign against public school devotionals, they shared many of the same goals as the Congress, and the three organisations often worked together to craft amicus briefs and discuss strategy (Cohen 1992). All told, between 1947 and 1980, the three Jewish defence organisations participated in more church-state litigation than any organisation besides the ACLU (Ivers 1995). They signed on as amicus curiae to advance their cause, recruited sympathetic plaintiffs—many of whom were Jewish—to act as test cases, and carefully managed the pace, timing, and trial records to place the best possible cases before the Supreme Court (DelFattore 2004; B. Dierenfield 2007; Ivers 1995; Schultz 2011; Solomon 2007). In sum, American Jews were strong advocates of strict separation as a defence of minority rights, in both word and deed, during the mid-twentieth century.

**Australian Jews and Relaxed Separation**

Australian Jews adopted a much less stringent approach to religious education than their American counterparts. As Elazar and Medding (1983, 311) note, Australian Jews were never “particularly concerned about the wall of separation between church and state,” and in particular “have not been at the forefront of opposition to state aid” to religious schools. Australian Jews’ approach to church and state in education can be summarised as opposition to required participation in religious education programs with a Christian bias, but openness to other forms of religion in the public schools as well as to government aid for religious schools.

Australian Jews, like their American counterparts, have long opposed any form of religious education in public schools which is or has the potential to be a vehicle for Christian indoctrination. Through the mid-twentieth century, Jewish students attending public schools typically faced a curriculum steeped in Christianity, and were often instructed in New Testament Bible stories as part of GRT (Harman 1975). Jewish leaders consistently opposed these provisions and advocated for policies that reduced or eliminated their presence in the public schools (Blake 1973; H. Rubinstein 1991). Yet at the same time, Jewish officials took advantage of SRI as a means of providing religious training to Jewish students in public schools (H. Rubinstein 1991; Rutland 2005). This multifaceted approach to religious education was vividly illustrated in a controversy over the religious education curriculum in New South Wales in...
the early 1960s. In 1959, the New South Wales Department of Education issued a new social studies syllabus that integrated GRT into the general curriculum, complicating students’ ability to withdraw from those classes (Mayrl 2011). In a series of meetings with and memoranda to the Minister for Education, Sydney’s Jewish leaders expressed their opposition to GRT but openness to other forms of religious education. They voiced concern that “there can be no treatment of religion involving instruction in or about particular dogma which can effectively and successfully treat all faiths and beliefs with parity,” and asserted that “every parent should have the right to use the compulsory, free State school system for the education of his children without having to concern himself that a religion other than his own might be imparted to his children per medium of that system” (NSW Jewish Board of Deputies 1965). Yet their solution was not blanket opposition to religious education per se, but instead a proposal that “all religious instruction in State Schools be given on a denominational basis and by religious teachers of the respective Denomination. If the present single weekly [SRI] lesson is inadequate, then additional time for such lessons should be made available” (NSW Jewish Board of Deputies c.1964). Sydney’s Jewish community clearly viewed SRI as a legitimate vehicle for religious instruction. Perhaps not surprisingly, therefore, the New South Wales Jewish community repeatedly demurred to join in a number of proposed lawsuits to challenge the propriety of religious education in that state’s public schools (Rutland and Caplan 1998).

This stance, of support for SRI and opposition to the more dogmatic GRT, was also visible in the Jewish community’s submissions to formal commissions on religious education in both Victoria and New South Wales in the 1970s. In Victoria, Jewish leaders objected to a proposal by that state’s Russell Commission that would have replaced SRI with an ‘objective’ religious education program that taught students about multiple faiths, recommending instead “the refurbishing and up-grading” of the existing SRI system as a more suitable means of providing religious education in Victoria’s public schools (quoted in Howells 1980, 182). Similarly, in New South Wales, Jewish groups warned that state’s Rawlinson Commission that “the Right of Entry [SRI] class is a right which we do not wish to forgo,” and suggested that eliminating it “might be interpreted as an infringement of religious freedom” (Kern 1973). But in a formal submission to the Rawlinson Commission two years later, the New South Wales Jewish Board of Deputies reiterated its opposition to GRT as “substantially Christian in spirit, content, and presentation, [failing to] take account of the sensibilities of non-Christian groups” (NSW Jewish Board of Deputies 1975).

At the same time, however, Jewish groups did not speak out against the reintroduction of state aid to religious schools, when that issue was a topic of
public debate in the early 1960s. Jewish groups in Sydney, for instance, opted not to take a stand on state aid, leaving the matter to be debated without substantial Jewish input (Rutland and Caplan 1998). As I discuss below, this position reflected internal divisions within the Jewish community over the merits of denominational schooling and the possible benefits that might flow to them from such a program. On the whole, however, the Jewish position was clear: any mandatory instruction in a dominant religion was unacceptable, but programs permitting denominational instruction by denominational representatives, whether in the public schools or in private religious schools, were acceptable. This ‘relaxed’ form of separation has characterised dominant Jewish opinion ever since.

Why Did Jewish Visions Diverge? The Role of Politics, Organisations and Culture

Jews in the United States and Australia thus adopted strikingly different stances toward religious education policy. In the balance of the chapter, I focus on three key factors which explain these differences. First, broader community dynamics implied different roles for Jews in public life, encouraging them to adopt different forms of public engagement. Second, American and Australian Jews constructed their positions on different cultural and institutional foundations. Finally, the organisation and internal politics of the Jewish community enabled and constrained Jewish actions in different ways.

Interdenominational Politics

One important reason why American Jews promoted strict separation after World War II was that the Holocaust transformed both American Jews’ self-understanding and other Americans’ understanding about their society’s religious dynamics. In both countries, the Holocaust profoundly affected Jewish attitudes, motivating the Jewish community to develop practical strategies that would ensure community survival and strengthen Jewish identity. In the United States, however, these strategies were directed externally to a much greater extent, in an attempt to transform American political culture. This strategy, in turn, was enabled and encouraged by a sea change in attitudes that increasingly led Americans to see Jews as equal and legitimate partners in American public life.

American Jews were already becoming more assertive and confident in both their Jewishness and their Americanness in the years leading up to World War II, more willing to claim “their right to an equal place in the American
religious and civic culture” (Ivers 1995, 64). Large-scale Jewish immigration ended in 1924, and generational turnover had created a ‘third generation’ of Jewish-Americans who felt confident in both their religious identity and their status as Americans. Consequently, rather than viewing their ethnic and religious heritage as in tension with being an American, this third generation instead felt secure enough to assert its ethnic and religious identity (Herberg 1983). This revolution in self-understanding was amplified in the wake of the Holocaust. Like their coreligionists in Australia, American Jews had traditionally tended toward a less confrontational approach to church-state matters. Prior to World War II, their preferred means of contesting religion in the public schools was to try to enlighten public opinion toward religious equality through indirect and quiet measures such as pamphleting, lobbying, and petitioning—not through litigation (Cohen 1992). But the lessons of the Holocaust underscored for Jews the urgency of being more proactive on behalf of Jewish interests (Cohen 1992). This urgency contributed to American Jews’ increasingly assertive stance on church-state matters in the post-war years. The tragedy of the Jewish experience gave their arguments additional weight: “Even if they did not constitute anything close to a third of America’s population, on church-state issues Jews laid an equal claim to America’s conscience” (Jeffries and Ryan 2001, 308).

This more assertive Jewish stance in the post-war years was facilitated by a seachange in interfaith relations that sprang in part from the same root causes. In the years leading up to World War II, Jews faced widespread discrimination and anti-Semitism. The horror of the Holocaust, however, made anti-Semitism socially unacceptable, and it declined rapidly in the years immediately after the war (Klarman 1996; Shapiro 1992). Americans made substantial efforts to incorporate Jews into American society and public life. References to the ‘Judeo-Christian tradition’ multiplied in the years after World War II (Marty 1996), and increasing numbers of Americans subscribed to the argument that American society was ‘tri-faith’, made up of equally legitimate constituencies of Protestants, Catholics, and Jews (Schultz 2011). The tri-faith nation argument was made most powerfully and influentially by Will Herberg in his 1955 classic Protestant-Catholic-Jew. In that book, Herberg (1983, 198, 211) argued that Judaism had joined Protestantism and Catholicism as “one of the three ‘religions of democracy’,” and now stood “on the same level, recognised as equi-legitimate subdivisions of the American people.” In the post-war years, Jews were validated as thoroughly American, and accorded equal legitimacy with Catholics and Protestants in American public life, in ways they had not previously been—a development which further encouraged them to assert themselves, and their visions of the appropriate relationship between religion and public education, in public life.
In Australia, by contrast, the Jewish community was not as assertive, nor was it encouraged to be so. The Australian Jewish population has never greatly exceeded 0.5 percent of the overall Australian population (Bouma 2006), and this demographically and culturally marginal position within the Australian community inclined Australian Jews to a generally conservative, non-confrontational approach on public matters. Despite overall low levels of anti-Semitism in Australia, Australian Jews were reluctant to become too prominent in public lest it lead to an anti-Semitic backlash (Gouttman 2005; Markus 2004). Even after World War II, this reluctance found expression in a preference to address Jewish interests through cautious, behind-the-scenes and educational efforts, rather than in large public campaigns (Mendes 2002; Markus 2004). Australian Jews did engage in some public advocacy around German immigration and Soviet anti-Semitism in the 1950s and 1960s (Mendes 2002), but the scope of these activities paled in comparison with American efforts. Consequently, Australian Jews’ primary response to the Holocaust was to concentrate on institution-building within their own community. The post-war years featured an efflorescence of Jewish religious, cultural, welfare, and social organisations that promoted a stronger and more explicitly Jewish community infrastructure in Australia (W.D. Rubinstein 1995; Rutland 2002).

If their small size discouraged Australian Jews from speaking out loudly on public matters, it also hindered their views from becoming salient in national culture. There was no emerging ‘tri-faith’ rhetoric in Australia which elevated Jews to civil and social equality with Protestants and Catholics, as in the United States. At mid-century, the broader culture was instead characterised by a “monocultural assumption that minority groups should assimilate into the Anglo-Australian melting pot” (Mendes 2002, 81). Although, beginning in the 1970s, political leaders increasingly acknowledged the importance of taking Jewish community views into consideration on public matters, Jews were not, overall, invited to aspire to public legitimacy and prominence to the same extent as American Jews. Consequently, assertions of Jewish identity, when they occurred, were focused more at fellow assimilated Jews than at Australian culture at large. As we shall see, Australian Jews after World War II grew quite divided over the merits of assimilation, and did begin to assert their religious identity. Yet this debate was centred within the Jewish community, rather than the broader public sphere.

Cultural and Institutional Resources

Cultural and institutional resources also varied between the two countries, giving American and Australian Jews different traditions to draw upon in
crafting their education policies. American Jews were able to draw upon the longstanding ideal of ‘separation of church and state’ as a means of advancing their vision. The concept of separation of church and state has a long history in American culture, having been invoked most famously by Thomas Jefferson, who told a Baptist group in 1802 that the American Constitution created a “wall of separation between church and State” designed to protect the liberty of individual conscience (quoted in Witte 2006, 32). During the mid- to late-nineteenth century, Protestant allusions to separation of church and state became more forceful as they fought to restrict public funding for Catholic schools (Hamburger 2002). Throughout the nineteenth century, Protestants lauded the ‘separation of church and state’, although most did not understand the concept to preclude religion in the public schools. By the mid-twentieth century, the ideal of separation of church and state was widely celebrated as a fundamental principle of American public life.

American Jews early on saw the value in adopting the ‘all-American’ principle of separation for their own, invoking it regularly from the late nineteenth century onward in increasingly looser terms (Cohen 1992). In the years after World War II, Jews expanded the principle into a comprehensive doctrine that went well beyond what nineteenth century Protestants had envisioned—one that forbade not only public support for religious schools, but most forms of religion in the public schools as well. Because it was widely acknowledged to be a cherished American principle, Jews could use separation to advance their case while insulating themselves from charges that they were being un-American. Accordingly, ‘separation of church and state’ became a lodestone for Jewish groups in the mid-twentieth century. “In opposing any impairment of the separation of church and state, we stand firmly on sound and tested democratic principle,” declared the executive director of the Congress in 1947 (quoted in Ivers 1995, 73). The cultural ideal of separation allowed Jews to advance their interests while appealing to longstanding American principles.

In Australia, by contrast, there was no cultural ideal comparable to the ideal of ‘separation of church and state’. Indeed, as Michael Hogan (2001) has pointed out, Australia lacks “even a vague set of conventions of the separation of church and state.” Nor is there a comparable cultural orientation toward rights associated with the Australian constitution (Evans 2008). There is no Bill of Rights in the Australian constitution, and Australia’s founders deliberately rejected such a document, preferring to trust in the rule of law and the wisdom of parliamentarians to protect civil rights (LaNauze 1972; Patapan 2000). Australian Jews thus did not have a readily available cultural model such as ‘separation of church and state’ to guide their positions, nor even the cultural
presumption of religious freedom as a right. There were no broad cultural narratives that might have engendered the sense that the preservation of a secular and religiously free society hinged upon the defence of constitutional ideals, as in the United States (Medding 2004).

Australian Jews did, however, have experience with an educational model that gave their religion a voice in the public schools: the SRI program that constituted half of the ‘dual system’ in religious education. In New South Wales, the 1880 Public Instruction Act made provisions for Jews to conduct SRI in the public schools, and Jewish representatives very quickly began to make active use of this ‘right-of-entry’ provision to conduct Jewish SRI classes in the state’s public schools (Rutland 2005). In Victoria, too, Jews founded the United Jewish Education Board to provide religious instruction under the terms of the Education Act, at first outside of school hours, and then, after 1950, as part of the school day. This experience “helped to reconcile the community to ‘right-of-entry’ instruction” (H. Rubinstein 1991, 341). By the mid-twentieth century, SRI was a familiar part of the Jewish experience, viewed by most Jewish groups as positive and appropriate, and supported by an array of Jewish educational organisations. Not surprisingly, therefore, the Jewish community in Australia was comfortable with this form of religious education, and supported its continuation through formal and informal channels.

American Jews had a roughly analogous program, released-time, which set aside time for optional religious instruction by denominational representatives during the school day (Zimmerman 2002). Yet released-time was relatively new in the 1940s, and Jews tended to view it sceptically, both because of its potential for abuse, and because of the risks that it could stigmatise Jewish children (Cohen 1992). Problems with proselytising and anti-Semitism in response to some released-time programs did little to inspire confidence in the idea (Cohen 1992; DelFattore 2004). Accordingly, Jewish participation in such programs tended to be relatively low (R. Dierenfield 1962; Ivers 1995; but see Zimmerman 2002 for exceptions). Because it was not an entrenched program with a tradition of successful Jewish participation, leading Jewish organisations had no attachment to it. Instead, they saw it as potentially threatening to the more important ideal of separation of church and state: as Leo Pfeffer, the leading legal architect of strict separation, declared in 1947, “as a matter of principle, released time in actual practice, if not in theory, comes dangerously close to weakening or even breaching the wall that in democratic America should separate church and state” (quoted in Ivers 1995, 72). Jews thus considered released-time to be just another problematic form of religion in the public schools, in violation of their strict separationist vision.
Intracommunal Politics and Organisation

A final set of constraints shaping Jewish attitudes toward religious education in the post-war years had to do with their own internal politics and organisation. Relative to their Australian counterparts, American Jews were more stable and organised internally after World War II, enabling them to adopt a more aggressive stance for strict separation. In both countries, immigration generated fierce internal conflicts within the Jewish community and required a massive reorganisation of Jewish organisational life. In the United States, however, these developments took place in the first decades of the twentieth century and had largely been resolved by the 1940s. In Australia, by contrast, they took place in the years after World War II, just as religious education policy debates were coming to a head. American Jews thus enjoyed a more robust organisational infrastructure and greater relative stability in their internal politics, allowing them to be more assertive in the public sphere.

The American Jewish community was substantially larger than the Australian community, in both absolute and proportional terms. Major waves of immigration around the turn of the century dramatically increased the American Jewish population, swelling its ranks from 229,000 to over 4,228,000, and increasing the Jewish proportion of the total American population from 0.5 percent to over 3 percent between 1887 and 1927 (Herberg 1983; Klarman 1996). In contrast, Jewish immigration after World War II was relatively small. Into a Jewish population of over five million, the United States absorbed merely 137,450 Jewish refugees in the seven years after World War II (Dinnerstein 1982). Although, as in Australia, many of these post-war refugees contested strict separation and sought to establish and seek funding for Jewish day schools, they were far outnumbered by the larger, more established, and more assertive mainline organisations during the post-war years (Grossman 2002). Post-war migration thus did little to threaten existing community dynamics in the United States.

American Judaism was, similarly, at relative peace in terms of its internal politics. In particular, American Judaism had already worked through the conflicts that had arisen between the old guard of Reform, mostly German Jews who predated the massive waves of immigration, and the new arrivals, mostly Eastern European and largely Orthodox or secularist. As would characterise Australia later, these ‘Russians’ and ‘Germans’ differed on whether Jews should try to assimilate or to express their cultural distinctiveness (Levitt 2008). In the interwar years, these intracommunal tensions were resolved through institution-building and organisational pluralism (Goldstein 2008). The organisational diversity this generated extended to church-state matters. The AJC reflected the more assimilationist, ‘German’ Jewish old guard, while
the Congress, founded later by ‘Russian’ Jews (Orthodox and secular) who felt excluded from the Jewish community organisations, tended to be more assertive (Ivers 1995). Although tensions persisted among these organisations (especially on the level of tactics), intermarriage and prosperity, increasing collaboration, and the pressing need to assert Jewish interests in the wake of the Holocaust had largely tamed these divisions by the 1940s (Herberg 1983). While the American Jewish community never spoke monolithically on the ideal degree of church-state separation, by and large both the major Jewish organisations and “the rank-and-file of American Jews remained committed to separation in its purest sense” (Cohen 2002, 43). By mid-century, communal divisions, if not resolved, were at least in stasis.

Relative to Australian Jews, the American Jewish community was also far more organised and organisationally stable in the post-war years. American Jews’ organisational infrastructure was highly developed by 1945 (Medoff 2008), and these organisations had already developed some experience speaking out on church-state matters. By the late nineteenth century, several national rabbinical organisations were already actively engaged in religious rights work, including promoting church-state separation (Cohen 2002). These rabbinical organisations were complemented in the first two decades of the twentieth century by the creation of three major secular ‘defense agencies’—the AJC, the ADL, and the Congress. Founded to counter anti-Semitic attacks at home and abroad, these agencies quickly took the lead on church-state issues (Cohen 1992; Windmueller 2002).

By the 1940s, these Jewish defence organisations were well established, and had even worked out a rough division of labour: The AJC focused on human relations research, the ADL focused on addressing anti-Semitism, and the Congress focused on church-state concerns (Windmueller 2002). After World War II, a series of coordinating bodies, such as the National Community Relations Advisory Council, further helped these groups coordinate their responses on church-state matters (Cohen 1992). Accordingly, the national organisations were recognised as legitimate, were well organised, and had firm control over church-state issues, which enabled them to advance a strong Jewish voice in the public sphere. At the local level, some more accommodationist Jews complained that the national groups did not always represent their interests—local leaders could be more supportive of released-time, for instance (Zimmerman 2002), and many Orthodox groups favoured state aid for their growing system of Jewish day schools (Grossman 2002). But overall, the

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6 The Orthodox had a complicated relationship to strict separation. At times, Orthodox groups could be even more separationist than mainstream Jews; the Orthodox Rabbinical Council
national bodies were organised and coordinated in ways that enabled them to present a strong and united front to the rest of America on the role of religion in the public schools.

By contrast, the small Jewish community in Australia was thrown into chaos by the arrival of waves of refugees and migrants from Europe in the wake of World War II. Despite popular and political resistance, Australia accepted the second-largest number of Holocaust survivors per capita of any country (after Israel) in the years after World War II (Rutland 2002). The result was a dramatic increase in the Jewish population in Australia. Australia admitted 9,000 Jewish refugees between 1938 and 1940, 17,000 survivors from 1946 to 1954, and an additional 10,000 refugees and survivors between 1954 and 1961. Overall, between 1933 and 1961, the Jewish population nearly tripled, from 23,000 to 61,000 (Rutland 2005). This immigration swamped the existing Jewish population in Australia. The proportion of Australian-born Jews dropped from 65 percent in 1911 to under 40 percent by 1954 (Buckley and Encel 1972).

Australian Jewish community organisations were ill-equipped to deal with this influx. For starters, Jewish communal organisations were relatively new features of the Australian landscape. Until the 1930s, the Jewish community was dominated by leadership in the major urban synagogues (Rutland 2005). Other Jewish community organisations were virtually non-existent, restricted to a few philanthropic and educational organisations (W.D. Rubinstein 1991). The 1930s saw the creation of representative bodies, the Boards of Deputies, to manage communal affairs in the Australian states, but no national body existed until the Executive Council of Australian Jewry (ecaj) was founded in 1944 to help coordinate post-war refugee relief (Rutland 2005). It was not until the mid-1950s that the Boards of Deputies and the ecaj succeeded in establishing themselves as uniquely legitimate representatives of Jewish interests in political and social matters (Elazar and Medding 1983). In short, Australian Jewish organisations were new and struggling to establish themselves just as they were beset with the need to coordinate a vastly expanding and diversifying population.

of America, for instance, opposed released-time, religious holidays, and even Bible-as-literature courses as potential vehicles for religious indoctrination in the years immediately after World War II. Leo Pfeffer, the key architect of strict separation, was himself an Orthodox Jew who sent his children to Jewish day schools (Grossman 2002). Beginning in the 1960s, however, Orthodox Jews began to dissent on strict separation, particularly around the question of aid to religious schools (Cohen 2002; Sussman 2002). These divisions loomed larger toward the end of the century as strict separation came under attack in the courts (Jeffries and Ryan 2001).
The arriving Jewish migrants posed difficult challenges for these organisations, because the new arrivals tended to be far more religiously conservative than the established Anglo-Jewish population. As discussed above, the existing Jewish community was deeply assimilationist, blended in well to Australian society, and sought to emulate British ways (Elazar and Medding 1983). As Suzanne Rutland (1988, 106) has observed, “their philosophy was to eliminate any differences between Jew and non-Jews except in the very narrow religious sense.” The slower pace of immigration before World War II allowed this assimilationist attitude to be transmitted to new Jewish arrivals, and initially, Jewish leaders hoped to do the same with the European refugees. The scale of immigration after World War II rendered this impossible, however. The new arrivals were mostly Eastern European, and were more committed to maintaining the more Orthodox forms of Judaism that they had engaged in before the war and Holocaust (Elazar and Medding 1983). These migrants also arrived with robust Jewish identities that had been strengthened as a result of experiencing and surviving Nazism and the Holocaust. They viewed the Australian Jewish community leadership with disdain, as being barely different from Australia’s gentile population. As a result, they soon fell into conflict with existing community leaders, and sought to transform the newly founded Jewish communal organisations into vehicles for the emphasis of Jewish identity and the strengthening of Jewish life (Medding 1968).

Importantly, one of the central fronts for this conflict was education. The new migrants took the lead in creating educational and religious institutions that would support a stronger and more Orthodox form of Judaism, including Jewish day schools. Although Australian Jews had created day schools in the late nineteenth century, they had quickly closed down as community leaders feared their potential to ‘ghettoize’ Jewish children, hinder their advancement, and potentially generate an anti-Semitic backlash (Elazar and Medding 1983; W.D. Rubinstein 1991). Yet for the new migrants, day schools were essential to the preservation of Jewish identity and heritage, and they “sprang up seemingly overnight in Australia as soon as the new immigrants had resources to establish them” (Elazar and Medding 1983, 11). Conflict over day schools was pervasive in the two decades after World War II, pitting the old and new guard over the relative merits of assimilation and cultural preservation (W.D. Rubinstein 1991).

With the debate about Jewish schooling dividing the community internally, Jewish communal organisations were hardly capable of fighting political battles over religious education in the broader community. They fell back upon their traditional strategy of behind-the-scenes influence on matters of religion in the public schools that would not generate additional political and
organisational problems that might jeopardise their ability to integrate and coordinate their rapidly diversifying community. Suggestions, for instance, that the New South Wales Jewish Board of Deputies should pursue a legal challenge against religious instruction in the public schools in the mid-1960s were met with ambivalence, as many expressed concerns that doing so might divide the community and inflame public opinion (Rutland and Caplan 1998). Jewish groups similarly did not protest the reintroduction of state aid after 1964, because they were sharply divided on the matter (Medding 1968). The new Jewish day schools also stood to benefit from the reintroduction of state aid, so no community consensus was possible on that issue. In fact, state aid allowed for the rapid growth of Jewish day schools throughout the 1970s, entrenching their position within the Jewish community—today, around 60 percent of Jewish children in Australia attend day schools, among the highest rates of any country in the world (Forgasz and Munz 2011; Rutland 2005).

In short, organisational dynamics and intracommunal politics affected Jewish strategy on matters of religious education. Newly founded and swamped with the task of incorporating new immigrants that nearly doubled their community’s size, Australia’s Jewish organisations were not in a position to take strong public stands, apart from a consensual position that religious education in the public schools should not be Christian. The conflicts and tensions between the assimilationist old guard and the more assertive newcomers further prevented the development of a separationist Jewish voice, in two ways. First, the need to manage internal conflicts led Australia’s Jewish organisations to avoid taking divisive public stands on matters on which the organisation was not united. Second, and perhaps more importantly, the creation of new Jewish day schools in large numbers created an intracommunal rift that generated a more ambivalent relationship to public education. Accordingly, no synthetic position toward religious education that encompassed both religious education in the public schools and aid to religious schools developed among Australian Jews, as it did in the United States. The kind of separation that Jewish groups advocated, therefore, was far less strict—based primarily on opposing mandatory instruction in Christian doctrines in the public schools alone—because there was insufficient internal support for a more absolutist position.

Conclusion

Religious minorities have incentives to oppose broad, majoritarian religious education policies, and to advance their own particular visions of religious education. Yet the specific stances that they take, and the policies they
advocate, cannot be directly inferred from their position as minorities. Instead, their positions are mediated by cultural, organisational, and political factors. American Jews’ support for and advocacy of strict separation in American education resulted from a confluence of contingent factors. Politically, the horrors of the Holocaust altered their self-understanding and provided them with a political opening to be more assertive about their place in American society. Thanks to the timing of immigration in the United States, they were also relatively stable in their internal politics and enjoyed a wealth of national organisational bodies which were well positioned to take up the cause of strict separation in public and in the courts. And they were able to draw upon a longstanding tradition of ‘separation of church and state’ which allowed them to cast their policy preferences in familiar and legitimate terms.

Australian Jews, by contrast, were swamped by post-war immigration, which overwhelmed their nascent organisational infrastructure and introduced unresolved tensions and conflicts into their internal politics. Culturally, they lacked any comparable ideal of ‘separation of church and state’ from which to develop a more holistic approach to religion and education. Given the political and organisational tensions that characterised their community at mid-century, Australian Jews were reluctant to make bold challenges to religious education policy in the post-war years, preferring instead to take advantage of the reintroduction of state aid and build upon the institutional tradition of SRE that they were familiar with. These different political, cultural, and organisational dynamics help explain the divergent stances of Jews on religious education in the two countries in the post-war years.

The above analysis suggests several broader lessons for the contemporary politics of religious education. First, while religious minorities can be important sources of alternative visions of the form and content of religious education programs, we should expect these visions to vary substantially. Minorities’ positions regarding religious education are shaped not only by doctrinal factors, but also by both internal and external political factors. These political dynamics shape the strategies that religious minorities pursue, the visions that they develop, how likely and how vocally they are to advocate for them in the public sphere, and how likely they are to be heard. Politics, in short, matter a great deal.

This in turn suggests a second lesson. Alternative visions will be more likely to be successful if they are grounded in familiar cultural and institutional terms. Just as the cultural ideal of ‘separation of church and state’ and the institutional legacy of special religious instruction provided familiar foundations around which Jews in this case study developed their positions, so too must other groups develop their approaches on the cultural idioms and institutional foundations that are available to them. Finally, the likelihood that minorities’
alternative understandings will be transformed into policy is related to how coordinated and organised they are in advocating for them. The choice to pursue a strong and coordinated campaign may not be equally available to all groups, however, potentially leaving many alternative proposals unrealised, despite their proponents’ fervent support.

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