

The Open Marketplace

So the U.S. Supreme Court has ruled that tax credits for religious school attendance are unconstitutional. This invalidates the recent California law providing for such tax credits.

The ruling has been received with mixed feelings in the Jewish community. There has long been an "established" position on state aid to religion, held by the Jewish Establishment—which term in this case, as in most cases, means the majority of Jewish organizations and the majority of Jews (in San Francisco, according to a random sample, about four out of every five Jews). The premise is that freedom of religious expression, especially for minority groups such as Jews, is endangered whenever religion and government become "entangled."



Raab

However, there is a minority opinion in the Jewish community which is strengthened by the quickened impulse towards "Jewish day school education." It is pointed out that such education cannot be sustained without government aid—and that such government aid is legitimated by the fact that religious schools take some of the financial burden away from public schools.

This would seem to be a return to the European Model of Government-supported separate schools, and a dilemma once described by Simon Dubnow: "Our old schools, the *heder* and the *yeshiva*, educated only the Jew, but not the man...The new general school, on the other hand, forgets the Jew and educates only the man, that is, in practice, it educates a Russian, German, etc...The synthesis is self-evident: to educate the man and the Jew at one and the same time...The school must prepare its pupil for the struggle for his individual and national existence, because his enemies are arrayed against him as members of a specific nation."

That was one point of view, in Europe, in 1902. Does it apply in San Francisco in 1973? Are "Jew" and "American" as sharply distinct nationalities as "Jew" and "German" were then? Do we want them to be? How do we handle the dilemma?

One viewpoint holds that in America such a European Model need not lead to the terrible European Experience. Besides, it may even be necessary to live dangerously in order to stem the perceived erosion of Jewish identity and of Jewish learning in this country.

There is no natural law which says that majority opinion is everlastingly "right" on all counts. Quite to the contrary. Majority opinion constantly changes, often for the better, and has inevitably changed in the direction of what was once some minority opinion. No society, no Jewish community can grow without opening itself freely to minority expression. The establishment is naturally resistant—its administrators tend to think of themselves as keepers of established positions rather than as agents of change.

In order to maintain a supple community mind, it is obviously necessary for minority opinion to have access to the policy-making agencies of the community, and especially to the communications agency, in this case, the *Jewish Bulletin*. It should be noted, however, that it often takes a Solomon to provide an access which will avoid either tyranny of the majority, or a tyranny of the minority.

Perhaps another course is to institute regular reviews of established opinion on given issues, such as government aid to religious schools. The JCRC has just decided to experiment with such a process. It will begin to systematically re-debate some of the established positions on public affairs about which there seems to be some diversity. Through the *Jewish Bulletin* and by other means, all individuals and groups with special points of view or special knowledge, will be invited to participate. If the process works, it may provide a model for the rest of the American Jewish community.

It's not just a matter of one viewpoint or another "winning out." In a pluralistic community, the majority is often constrained to accommodate in some way to minority needs. And, as a matter of fact, there may be a *number* of viewpoints to take into account, a number of Jewish publics.

The Supreme Court decision will not itself have a great impact on the Jewish day school question. The need for racial integration was built into the tax credit laws, which would have allowed them to work for parochial Catholic and Protestant schools, but would have caused insuperable difficulty for parochial Jewish schools. However, it's one of the issues that deserves re-debating, and that will be worthwhile only if it's done within an orderly, open marketplace of ideas.