

# LAW AND CONTEMPORARY PROBLEMS

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## FOREWORD

The relationship of religion and the state, the subject of this symposium, offers striking contrasts. Certain aspects of the problem, which at first glance would appear of crucial importance, investigation reveals to be definitely settled to the present satisfaction of the American people. Thus, as Professor Paulsen points out, the general tax exemption of religious institutions, which is perhaps the most important state assistance given them, is scarcely a debatable matter today. Equally futile, no doubt, would be discussions of any proposals for the establishment of a state church in this country.

Other phases of this relationship, however, are unusually provocative of interest and controversy. A notable, perhaps the outstanding, example is in the field of education. Here in contemporary America the relationship of religion and the state outlines in sharply contrasting blacks and whites old but still unsettled problems.

Two recent events in particular have been immediately responsible for the current emphasis on religion and the state in the area of education. First, the United States Supreme Court within the last two years has decided two notable cases involving these issues, one of which, in the opinion of many, furthers the separation of religion and the state while the other has the opposite tendency. Debate of the merits, as this symposium strikingly reveals, has almost inevitably spread from the justices themselves to all sections of the press, the pulpit, and the general public. Second, federal aid to education in general, as Professor Mitchell points out, for the very reason that it now appears inevitable in some form within a short time, has intensified the struggle over the place of the religious schools in such a program.

There are, I venture to think, causes even more basic than these two which have produced the concentration in education of the problems of the relationship of religion and the state. The modern state, as has so often been pointed out, is more and more becoming not merely a secular rival to religion but actually a competing religion. Nationalism, Communism, Nazism—all partake of the mystic experiences, the unquestioning beliefs, the creeds and rituals, and the crusading zeals of a religion. Step by step with this development has occurred a parallel one, namely, the realization of the tremendous possibilities modern mass communication methods offer for propagandizing the faithful and converting the heathen. Obviously, no-

where is there greater opportunity for this activity than in the education of youth, as the police states of Germany and Russia have so vividly shown. Little wonder, therefore, that religion to some extent wishes to increase its participation in the general education of youth and is uneasy about further abdicating this area to the state. For the same reasons the state is reluctant to accept religion in full partnership in this sphere. The articles in this symposium, I believe, illustrate the resulting conflicts as to the most desirable relationship in a modern democracy of the state and contemporary religions.

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