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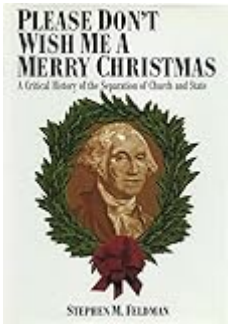

Stephen M. Feldman. *Please Don't Wish Me a Merry Christmas: A Critical History of the Separation of Church and State.* New York: New York University Press, 1997. xi + 395 pp. $29.95 (cloth), ISBN 978-0-8147-2637-2.

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It has become almost fashionable among many in the Christian Right to trash separation of church and state as being anti-Christian. At the Christian Coalition's Road to Victory rally in the fall of 1996, activist Star Parker began her address by saying, "Anyone who believes in the separation of church and state can leave right now." She and many like her seem to believe that separation of church and state is bad for Christianity. In the book under review here, we have the antithesis of this view. From a professedly Jewish and postmodern point of view, Stephen Feldman argues that separation of church and state fosters Christian domination of western culture and abets anti-Semitism.

Feldman begins his book with a personal story illustrating the difficulty of being Jewish and having one's children attend public schools, especially at Christmas time. Clearly, this is scholarship energized and animated by the personal experiences of its author. The bulk of the book is intended to be a "critical history of the separation of church and state," but it might be better subtitled a critical history of Christian anti-Semitism. The primary value of the book is that it is a painful reminder of the pervasiveness of anti-Semitism throughout western, "Christian" history and even in contemporary American society, as Feldman's closing examples show. As with good books written from other minority perspectives, this one reminds those in the majority that sanguine views of toleration need a reality check that can be provided only by those who are themselves the objects of discrimination and derision because of their ethnicity, race, gender, sexual orientation, or religious persuasion.

If Feldman's sole or primary purpose was to remind us of the pervasiveness of bigotry against Jews, he would have succeeded. Unfortunately, this is not his chief contention. Rather, he argues that the separation of church and state is itself anti-Semitic. Feldman's argument runs thus: the inherently anti-Semitic New Testament pits Christian spirituality against Jewish carnality. From this, there developed the doctrine that religion is a matter of conscience beyond the reach of the state. The Christian bifurcation of the spiritual from the carnal culminated in the United States experiment of separation of church and state, which meant that after adoption of the First Amendment to the U.S. Constitution, the federal government increasingly left religious faiths to fend for themselves. This, of course, favored the faith that was already dominant in America, Protestant Christianity. Separation of church and state, therefore, helped maintain a *de facto* establishment of Protestantism with its doctrine that religion, as a matter of private conscience, should be left alone by the state. Without state intervention, the Christian majority tends to run over minority faiths

such as Judaism. In sum, separation of church and state is a Christian notion premised on anti-Semitic presuppositions that quite naturally protects Christianity at the expense of minority faiths.

There are several things wrong with this argument. First, Feldman's view that Christianity is an inherently anti-Semitic faith is overly simplistic. Where Feldman sees New Testament writers as overtly anti-Semitic, a more nuanced view would see them as attempting to extend the Jewish faith to what they believed was its obvious conclusion, Jesus Christ as messiah. As historian Robert Louis Wilken has argued in a recent article entitled "The Jews as Christians Saw Them" (*First Things*, May 1997), New Testament writers attempted to position the infant faith in between an outright rejection of Judaism (Marcion) and a mere continuation of the Jewish faith. Even the less racially charged term anti-Judaism is inaccurate, let alone Feldman's contention that the New Testament is anti-Semitic. Early Christian writers did see their faith as being "greater than the temple" (Matthew 12:6), but, as Wilken points out, terms of comparison are not used for things completely dissimilar. New Testament authors contrasted Christianity with Judaism because it was the faith they were most like yet the one from which they were compelled to differentiate themselves. Today, interpretation of passages of scripture that Feldman sees as anti-Semitic lead traditional Christian authors of both Protestant and Catholic persuasions to make contrasts between the Judeo-Christian tradition of morality and secular humanism, not between Christianity and Judaism. Feldman will have none of this, choosing instead the view that "a Judeo-Christian tradition is not merely a harmless or even misleading myth; rather it is an anti-Semitic lie that suggests that Christianity necessarily reforms or replaces Judaism" (p. 220).

Feldman fails to acknowledge that his interpretation of Christian scripture is just one possibility among many. Instead, he employs the logic that since the New Testament can and has been interpreted his way, resulting in anti-Semitism, the New Testament is necessarily anti-Semitic. To this charge the Vatican II council of the Roman Catholic Church has responded, "Although the Church is the new people of God, the Jews should not be presented as repudiated or cursed, as if such views followed from the holy Scriptures." For Feldman, any suggestion that Christianity is greater than Judaism or that "the Church is the new people of God" is itself an anti-Semitic view, as is any attempt on the part of Christians to convert Jews. Apparently, Feldman believes Christians should view their faith as just one among many, but to do this would require rejecting the belief that Christ is the savior of all humankind, which is the distinctive belief of traditional Christianity. Rejection of Christ as savior of the world would amount to a kind of religious suicide for traditional Protestants and Catholics. Feldman sees himself as tolerant and pluralistic, but in expecting that traditional Christians could ever accept his view of religion, he is asking them to relinquish their faith, which is exactly the sort of intolerance of which he accuses Christians.

What is especially annoying about Feldman's insistence that New Testament Christianity is anti-Semitic is that this is not crucial to his larger argument (which is that separation of church and state fails to protect all religions equally). Yet, he returns to this dubious theme in every chapter.

Be that as it were, Feldman's primary indictment of separation constitutes a second major weakness in his book, for here he fails to acknowledge that whatever shortcomings separation of church and state has, the alternatives probably would be worse as well as impossible. I can think of only one option that would remedy the unfortunate domination of Christians over Jews throughout western history–that is, state enforced religious equality. In this scheme, wherever the religious majority had advantages in the private sector, the state should move in and not only level the playing field but also even the imbalance between minority faiths and the majority. The first casualty of such a project, of course, would be religious liberty. It is an unfortunate fact that when the state protects religious freedom, the faiths that are more numerous and culturally dominant will have a clear advantage in the relatively free market of religious ideas. What the government can and should do is disallow the use of the apparatus of the state to further or maintain such dominance, and here Feldman's book reminds us of how often the separation of church and state fails in this regard.

One can scarcely even imagine, however, the alternative of having the state actively reduce the influence of large and powerful religions. Should the state, for example, suppress Catholicism in south Louisiana, Baptist churches in Mississippi, or Mormonism in Utah in order keep those faiths from dominating their regions? This seems to be what Feldman has in mind when he discusses cases pertaining to a creche on public property. When Jews see such an overt display of Christianity, they are reminded that they are a minority. In Feldman's words, "A Jew likely experiences the creche as having significant

symbolic weight because it is yet another affirmation of Christian power, because it stands in a consistent line with (or pointing in the same direction as) other symbols and structures establishing Christian domination" (p. 276). By contrast, Christians will likely experience a menorah differently. Jewish symbols are so rare that they could hardly be interpreted as examples of Jewish domination. What should be done, then? Classic church-state separationists, many of them Jewish themselves, say that neither the menorah nor the creche should be displayed on public property, while church-state accommodationists say that both should be displayed. Classic separationists and accommodationists agree, however, that these two religious symbols should be treated equally in the eyes of the law. Feldman disagrees. Since they are experienced differently, one being a symbol of power, the other not, the court should treat them differently. So, what should be done? Feldman does not say specifically, but the logical conclusion of his argument is that the menorah should be permitted because it cannot symbolize an establishment of religion in any reasonable person's mind, but the creche should be disallowed because it does represent to religious minorities another example of Christian domination of culture. One can only speculate about the impracticality of following this logic, let alone the animosity such a policy would provoke among the various faiths in our society.

A third very broad criticism of Feldman's work is closely related to the above point. Feldman has set his argument against what he believes is the dominant interpretation of the separation of church and state–that this arrangement protects all religions equally. He does not document very convincingly that this has in fact been the dominant interpretation. In reality, it is a popular and convenient myth that his book does indeed explode. A more accurate view is that separation of church and state, however flawed, is the best available alternative. Separation carries at least the potential and the ideal that all faiths will be equal before the law. Certainly, Feldman is correct that separation of church and state has never lived up to that ideal, but surely religious minorities have fared better since separation of church and state has been codified into law than they did before.

Feldman ends on a personal note and so shall I. I found myself asking throughout the book, "What does Feldman want?" Finally, in his conclusion, after a powerful anecdotal litany of sad and ugly examples of recent anti-Semitism, Feldman tells us precisely what he wants, "[N]ext year, when someone wishes you a 'Merry Christmas,' just say, 'Please don't! Don't wish me a Merry Christmas' " (p. 286). Apparently, for the sake of the centuries of anti-Semitism perpetrated by Christians, Feldman can think of nothing better than a culture where Christians renounce public acclamations of their faith. One might ask if a world cleansed of public displays of faith for the sake of religious equality would be better than the robust competition presently exhibited by the multitude of faiths in our culture. Feldman seems to think it would be; I don't.

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