

# **THE HUMANIZATION<sup>1</sup> OF AMERICA** **IN CULTURE, EDUCATION AND LAW**

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This country was founded primarily upon theistic values that produced a mostly theistic culture. However, theistic values have been and are now challenged by the values of secular humanism. Theism and humanism are now locked in a great cultural struggle.<sup>3</sup>

A casual observer may see how a culture functions, but only later discover why. A culture changes when its people change their way of thinking. Whereas theism has been and is generally promoted by individuals and churches, humanism has been and is promoted primarily by our nation's public schools.<sup>4</sup> After Americans had been sufficiently taught humanistic values through public schools, humanists then worked through the judicial system to enforce humanistic

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<sup>1</sup>The term humanization is preferred to secularization because humanism includes much more than secularism. Humanism is an umbrella term under which many other philosophies - such as naturalism, materialism, statism, feminism, etc. - may be categorized. Because America has been humanized in more ways than secularism, the broader term is sometimes preferred.

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<sup>3</sup>“We are caught up in a great battle, one which historians will write about in the future as one of the most important in the history of mankind. . . . There is a great war under way - a spiritual war - and the overwhelming majority of Christians aren't aware of it. We are losing, and we are losing by default. . . . the future of all generations to come after us depends on the outcome of this conflict which we now ignore.” Donald Wildmon, “Dirty Words and Pictures Not the Problem,” *National Federation For Decency Journal*, (October 1984): 2.

<sup>4</sup>That secular humanism is a religion and that it is promoted in public schools may be clearly established from many sources. One of the best is by David Noebel, J. F. Baldwin and Kevin Bywater, *Clergy in the Classroom: The Religion of Secular Humanism*, (Manitou Springs, Colorado: Summit Press, 1995). Following an introductory chapter, this book exhibits reduced photocopies of title pages and quotations from forty-five different sources, authored mostly by secular humanists, which declare their belief that humanism is a religion. A concluding chapter thoroughly documents that the primary means of promoting humanism is through public schools. For example, on page 126, “Leading Secular Humanist attorney Leo Pfeffer says that if the teachings of Humanism were removed from the public school system ‘the consequences may be no less that the disintegration of our public school system.’” The quotation is from “How Religious Is Secular Humanism?” *The Humanist*, (September/October, 1988): 50.

cultural values. At the same time, they have used various forms of electronic media to popularize humanism and diminish theism.<sup>5</sup>

In this document, cultural differences between biblical theism and modern humanism will be contrasted by looking at changes which have occurred to the family, since the family may be considered as a microcosm of the culture. While all causes responsible for changes in the culture cannot be indicated, some that were accomplished through education and law will be noticed.

### *Culture*

While culture in a limited sense might include behavior and manners in the arts, media, and scholarly pursuits, culture will be discussed here in an anthropological sense. As such, culture is “the sum total of ways of living built up by a group of human beings and transmitted from one generation to another.”<sup>6</sup> It consists of patterns of behavior characteristic of a society.

Generally speaking, a culture derived from biblical theism differs drastically from a culture derived from humanistic ideology. That humanistic values have increased in the American culture and that theistic values have been diminishing may be illustrated in many ways, one of which is by observing historical changes in the United States over the past century. Since the family is a microcosm of the culture, then a brief overview at what has been happening to the family will illustrate changes in the culture in the United States. How humanism has overthrown theism in culture through education and law will then be observed.

The institution of the family has been assaulted drastically by humanistic ideology since World War II. Our former theistic morality has been replaced by humanistic immoralities of abortion, divorce and sexual permissiveness. Pornography and homosexuality also challenge Christian morality, while theistic family authority and economics are challenged by humanistic philosophies of materialism, feminism and statism.

Probably the first major indication to the populace that theistic thinking has been suppressed by humanism was the announcement, which caught most theists off guard, that abortion had been legalized in the United States.<sup>7</sup> Since its legalization, “[a]bortion has grown into a five hundred million dollar a year industry in the United States. . . . It is the most

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<sup>5</sup>Although James Hitchcock fails to discuss the role of education in humanizing America, he gives an otherwise good overview of the historical trends and leading personalities in the development of humanistic values since the Renaissance. See James Hitchcock, *What is Secular Humanism? Why Humanism Became Secular and How It Is Changing Our World* (Ann Arbor, Michigan: Servant Books, 1982).

<sup>6</sup>*Random House Webster's Unabridged Electronic Dictionary*, 2nd Edition, Version 2.0 Software: (1994-96) s. v. “culture.”

<sup>7</sup>Officially, this happened on January 22, 1973 in the U. S. Supreme Court decision, *Roe v. Wade*, 410 U.S. 113 (1973).

frequently performed surgical operation.”<sup>8</sup> Legalization of abortion effectively nullified the requirement that medical graduates take the Hippocratic oath, which was theistic in origin.<sup>9</sup> Legalization of abortion has been successful, however, only because theists “have allowed themselves to become assimilated into a corrupt and promiscuous culture.”<sup>10</sup> Humanism must not therefore be perceived as being strong; rather, humanism has gained control of the culture because biblical theism is very weak.

The ideology of abortion relates to other human life issues which theists must also face in this growing humanistic culture. These issues other human life issues consist of euthanasia and infanticide. Since these are all endorsed by humanists,<sup>11</sup> then theists can either fight to win the battle against abortion, claim the next battleground, or lose by default in all areas.

Next in importance to abortion, the most significant area for consideration in humanism’s attack on theistic culture is the destabilization of marriage. This is accomplished in many ways, but principally through divorce. Whereas in 1900 there was less than one divorce for every nine marriages, now there is one divorce for every two marriages. The United States now has the highest divorce rate in the world.<sup>12</sup> This change has come mostly since 1950, when, “for every

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<sup>8</sup>George Grant, *Grand Illusions: The Legacy of Planned Parenthood* (Brentwood, Tennessee: Wolgemuth & Hyatt, Publishers, Inc. 1988), 23.

<sup>9</sup>“The earliest medical guild appeared on the Aegean island of Cos, just off the coast of Asia Minor. Around the time that Nehemiah was organizing the post-exilic Jews in Jerusalem to rebuild the walls, another refugee from Babylonian occupation, Aesculapius, was organizing the post-exilic Jews on Cos into medical specialists - for the first time in history, moving medical healing beyond folk remedies and occultic rituals. It was not long before this elite guild had become the wonder of the Mediterranean world under the leadership of Hippocrates, the son of Panacea, the son of Hygeia, the son of Aesculapius, the son of Hashabia the Hebrew, an exile of fallen Jerusalem. In other words, the great *Greek* school of healing that gave us the Hippocratic oath, that gave us the scientific standards for hygiene, diagnosis, and systematic treatment that form the basis for modern medicine, wasn’t *Greek* at all. It was Hebrew, the fruit of Biblical faith.” Ibid. 82.

<sup>10</sup>Ibid. 201. George Grant then said, “An analysis of Planned Parenthood’s clinic visit records highlights what dismal truth. A random sample of nearly thirty-five thousand medical charts from fourteen affiliates coast-to-coast revealed that sixty-two percent of the girls receiving abortions identified themselves as Evangelical Christians. Another twenty percent professed to be either Catholic or Orthodox. Of those eighty-two percent, a full seventy-six percent not only specified their religious preference, they identified their local Church membership and pastor.”

<sup>11</sup>“The right to birth control, abortion, and divorce should be recognized.” *Humanist Manifesto II*, Sixth. “To enhance freedom and dignity the individual must experience a full range of *civil liberties* in all societies. This includes . . . a recognition of an individual’s right to die with dignity, euthanasia, and the right to suicide.” *Humanist Manifesto II*, Seventh.

<sup>12</sup>“In 1900, for every 1,000 population in US, there were 9.3 marriages and only .7 divorces. Rates held fairly firm, increasing to 12 marriages and 2 divorces per 1,000 population in 1940. . . . In past 50 years, number of divorces in US *has soared 700%*. Today, US has *highest* divorce rate in world. . . . In 1982 in USA, one divorce for every two marriages; a total of 1.2 million divorces (5 divorces ever 1,000

100 children born, 12 entered a broken family. Today, for every 100 children born, 60 will enter a broken family.”<sup>13</sup> Unless curtailed by legislation, the current divorce rate will probably remain a predictable feature of our culture for the foreseeable future. Back in the early 1980s John Naisbitt predicted that by the 1990s “more than a third of the couples first married in the 1970s will have divorced.”<sup>14</sup> Each year, about one million children experience the divorce of their parents, 1.25 million are born out of wedlock, and another 1.4 million are aborted.<sup>15</sup>

Consequences to a culture from divorce are significant. “Child abuse is growing steadily, and child sexual abuse is growing fastest of all. In short, Americans are literally turning against their children. But adults suffer as well from the breakdown of the family institution. Studies clearly show that those who divorce suffer shorter life expectancies, poorer physical and psychological health, and lower standards of living.”<sup>16</sup> “[M]ore than a third of the children born in the 1970s will have spent part of their childhood living with a single parent (and emotional and financial consequences of this trend will be commensurately large).”<sup>17</sup>

Divorce also cripples children emotionally. Almost invariably, whenever parents divorce, children blame themselves. Tim LaHaye, a nationally renowned marriage and family counselor, declared that “[t]oday’s easy divorce practice will result in a whole generation of psychologically wounded adults who, when entering the marriage stage of life, will be incapable of giving selfless love to either their partners or their children, thus compounding current tragedies.”<sup>18</sup>

An early pro-family advocate, Connie Marshner, has observed that divorce, “has become one of the major causes of a whole range of social ills afflicting children and youth, from

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persons in nation.)” Rus Walton, *Biblical Principles Concerning Issues of Importance to Godly Christians* (Plymouth, Massachusetts: Plymouth Rock Foundation, 1984), 140.

<sup>13</sup>Patrick F. Fagan, “The Breakdown of the Family,” *Issues, 1998* (Washington, D.C.: Heritage Foundation, 1998), 165, citing David B. Larson, James P. Sawyers, and Susan S. Larson, “The Costly Consequences of Divorce: Assessing the Clinical, Economic and Public Health Impacts of Marital Disruption in United States.” *National Institute for Healthcare Research* (Rockville: Maryland, 1995), 43-49.

<sup>14</sup>John Naisbitt, *Megatrends: Ten New Directions Transforming Our Lives* (New York: Warner Books, 1982), 262.

<sup>15</sup>Fagan, *Ibid.*

<sup>16</sup>Naisbitt, *Ibid.*

<sup>17</sup>Fagan, *Ibid.*

<sup>18</sup>Tim LaHaye, *The Battle For The Family* (Old Tappan: Fleming H. Revell Company, 1982) 162-163.

promiscuity to suicide to drug and alcohol abuse. . . . We have a generation and a half of walking wounded, people who suffered through their parents' divorce and are still scarred by it."<sup>19</sup>

The rapid increase in divorce also indicates a weakness of theism within the culture. Because theism is weak, humanism managed to initiate no-fault divorce laws in many states during the 1970s. No-fault divorce laws have largely removed the social stigma attributed to divorce that came from theism. Even the term divorce is now often legally changed to dissolution of marriage. The ease with which divorce is now obtainable contributes to its increase.

The once strong code of sexual morality of our society has given way to sexual permissiveness. It is increasingly common for unmarried youth to engage in sexual cohabitation with one another. Even the language of sexual misconduct has changed. Whereas society once used biblical expressions of fornication and adultery, now the talk is about pre-marital and extra-marital affairs. Those who engage in such conduct defend their actions on the grounds of personal freedoms, saying that "two consenting adults have the right to do whatever they please in the privacy of their own homes." This sexual permissiveness weakens families.

Several other ways which sexual permissiveness demonstrates itself, in addition to divorce, would include the rise of pornography and homosexuality. While these are themselves cause for alarm, it must not be overlooked that it is sexual permissiveness which permits them. Pornography began its major onslaught against marriage and the family with the advent of *Playboy* magazine in the early 1950s. Since then, the attack has intensified. Pornography dirties minds. It distorts the sexual realities of marriage. "Fully two-thirds of the sexual problems in marriage can be traced to the use of pornography."<sup>20</sup>

Dr. Victor Cline, Professor of Psychology at the University of Utah, a noted researcher and lecturer in the effects of pornography, wrote that as "a marriage and family therapist I have the unfortunate opportunity to daily and continually see what the sad and often tragic outcomes are when men get involved in pornography. It is a direct attack and assault upon the family and marriage relationships."<sup>21</sup> "Either our society accepts the tenets of the perverts and becomes a free-love bastion, or we protect our way of life by supporting mature sexuality. There can be no compromise. Perversion and mature love cannot exist side by side. Each destroys the other."<sup>22</sup>

Homosexual lifestyles are increasingly attacking the morality that is based upon biblical concepts of marriage. Although homosexuality is strongly condemned by the Bible (Leviticus 18:22; 22:13; Romans 1:26-27; 1 Corinthians 6:9-10; see also 1 Tim. 1:8-11; 2 Pet. 2:6-10; Jude

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<sup>19</sup>Nancy Pearcey, "Family Politics: An Interview with Connie Marshner," *Bible-Science Newsletter*, XXVIII, 2, (February, 1990): 10-11.

<sup>20</sup>LaHaye, *The Battle For The Family*, 179.

<sup>21</sup>Victor Cline, "Psychologist Cites Porn's Effects On Children, Men," *NFD Journal*, (November/December, 1985): 13.

<sup>22</sup>Melvin Anchell, *Sex and Insanity* (Portland, OR: Halcyon House, 1983), 95.

7.), it appears to be growing in its quest for acceptance as an alternative lifestyle. The primary threat of homosexuality to the sanctity of marriage appears to come from homosexual activists pushing for legalization of homosexual marriages as a civil right.

Humanism has been so successful in its war against the family that it threatens to change the definition of the family. Traditionally the family has been defined “in its narrowest sense, [as a] social group consisting of parents and their children. This is the nuclear, or conjugal, family, which has been found in most societies, either as the sole existing form or as the basic unit in a broader system.”<sup>23</sup> However, the term is now often used, at least by avowed humanists, to mean “a group of individuals living under one head (household) . . . the basic unit in society having as its nucleus two or more adults living together and cooperating in the care and rearing of their own or adopted children.”<sup>24</sup>

Humanistic philosophies also seem to be changing the theistic nature of the family in areas related to family economics and authority. Whereas wages were once based upon the assumption that a man should receive a “family” wage, (i.e. should be able to support his family on his single income), it is now assumed that wages should be based on “individual” considerations.<sup>25</sup> Moreover, while taxes on individuals and corporations have steadily declined, taxes on a couple with four children rose an incredible 223 percent from 1960 to 1984.<sup>26</sup>

When men could not by themselves earn sufficient for family desires, then their wives also sought employment away from their husbands and children. Whereas in 1890 less than one in twenty women worked outside the home, less than a century later it was up to one half.<sup>27</sup> It is now estimated that two-thirds of all wives (67 percent) are employed in the labor force. The number of mothers working outside the home increased five-fold from 1940 to 1978. Nearly half

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<sup>23</sup>*The New Columbia Encyclopedia*, 1975 ed., s. v. “family.”

<sup>24</sup>*Webster’s New Collegiate Dictionary*, 1981 ed., s. v. “family.”

<sup>25</sup>“[R]esearch shows that, in the current generation of two-earner couples with children, both spouses together now have less real income than their fathers had as a single wage-earner (while their mothers were fulltime homemakers). The current generation of parents is working longer hours for less real income and much less family life than their parents had.” Phyllis Schlafly, “More Employed Hours But Less Income,” *The Phyllis Schlafly Report*, XX, 5, Section 1 (December, 1986): 2.

<sup>26</sup>*Ibid.*, 4.

<sup>27</sup>“In 1890, less than 5 percent of all American wives worked outside the home for wages and salaries. By 1940 this figure had increased to 17 percent, but the most dramatic increases followed World War II. In 1947, 20 percent, or one out of every five married women was employed in the labor force. The proportion rose to one in four (25 percent) by 1950, one in three (32 percent) by 1960, and one out of two (48 percent) by 1980.” Lenore J. Weitzman, “Changing Families, Changing Laws,” *Family Advocate* (Summer, 1982): 6.

of those were mothers of pre-school children, and almost a third were mothers of children under three years of age.<sup>28</sup>

Family authority and responsibility is also changing. Whereas once a family considered itself responsible for the care for it's aged, that time is almost gone.<sup>29</sup> While a family is generally considered responsible for educating and providing for its own children, if the family does not fulfill its obligations in accordance with bureaucratic policies, then a family may be in danger of losing its children to civil authorities.<sup>30</sup> In *Eisenstadt v. Baird*, the court extended *unmarried* persons the right to determine the appropriate use of contraceptives.<sup>31</sup> This ruling contributed to the court's declaration of a woman's right to abortion in *Roe v. Wade*.<sup>32</sup> Thereafter, in *Planned Parenthood v. Danforth*, a husband no longer had a right to deny his wife an abortion nor did an unmarried minor woman need parental consent before an abortion.<sup>33</sup> The case of *In re Synder* indicates that a child may achieve separation from parents on grounds of incompatibility.<sup>34</sup> "In light of the abortion and contraceptive cases, the right of the parents to assume authority over their children has been lost."<sup>35</sup>

Over the last half-century, a growing humanistic legal system, which has endorsed individual humanistic rights of abortion, divorce, pornography, and homosexuality, has been assaulting theistic values of the family. Whereas the family is considered the basic unit in a society founded upon theistic principles, individual rights have now come to be considered superior to those of the family. As a result, family authority, responsibility and wealth are

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<sup>28</sup>Ibid.

<sup>29</sup>"In 1980, two-thirds of all elderly owned a house fully paid for. This compared to only one-eighth of those under 55. Social Security, moreover, had almost totally displaced family-based support, the percentage of the aged receiving aid from their children falling from 52.5 percent in 1957 to a mere 4 percent. Indeed, the elderly were now *twice as likely* to report providing financial help to children as to report receiving it. Allan C. Carlson, *Family Questions: Reflections on the American Social Crisis* (New Brunswick: Transaction Books, 1988), 221.

<sup>30</sup>"We are approaching the excesses of the Swedish model, in which the directorate of social affairs may issue orders to remove any child from its parents to be reared wherever the directorate sees fit. Officials have the power to enter any house at will in order to investigate conditions. They may order the police to remove children forcibly and without court order. In 1968 this was done to twenty-one thousand children. These are not the actions of lunatics but rather follow logically from the idea that the state is lord of all and can tolerate no rivals." Herbert Schlossberg, *Idols For Destruction: Christian Faith and Its Confrontation With American Society* (Nashville: Thomas Nelson, Publishers, 1983), 216.

<sup>31</sup>45 U.S. 438 (1972).

<sup>32</sup>410 U.S. 113 (1973).

<sup>33</sup>428 U.S. at 74.

<sup>34</sup>532 P. 2d 278 (1975).

<sup>35</sup>John W. Whitehead, *The Stealing of America* (Westchester, IL: Crossway Books, 1983), 80.

generally diminished. These changes have occurred not only because of a growing humanistic persuasion in law, but also because more than a century ago a humanistic educational program was set in motion to change the American culture.

### Education

The primary means by which the United States has been humanized has been through its government school system with its compulsory attendance and taxes. History indicates that while schools existed in colonial America they were generally private and considered as extensions of the home.

For the first two-hundred years in American history, from the mid-1600s to the mid-1800s, public schools as we know them were virtually non-existent. . . . In these two centuries, America produced several generations of highly skilled and literate men and women who laid the foundation for a nation dedicated to the principles of freedom and self-government. . . . The private system of education in which our fore-fathers were educated included home, school, church, voluntary associations such as library companies and philosophical societies. . . . The Bible was the single most important cultural influence in the lives of Anglo-Americans. Thus, the cornerstone of early American education was the belief that “children are an heritage from The Lord.” Parents believed that it was their responsibility to not only teach them how to make a living, but also how to live. As our forefathers searched their Bibles, they found that the function of government was to protect life and property. Education was not a responsibility of the civil government.<sup>36</sup>

Early in the history of the United States, the courts had no doubt that education was a function of the parents and no more a function of the state than is the begetting of children. Education was seen as an aspect of child-rearing. With the birth and development of state schools, however, the courts steadily invaded the area of parental authority, and the school came to be seen, not as an aspect of family government, but of civil government. Numerous decisions established that “Public education is not merely a function of government; it is of government. Power to maintain a system of public schools is an attribute of government in much the same sense as is the police power or the power to administer justice or to maintain military forces or to tax.” The state thus assumed an important aspect of parental authority. It is supposed by many that the ground of this assumption is the welfare of the child; the courts, on the contrary, have made clear that it is in terms of *the welfare of the state*. “The primary function of the public school, in legal theory at least, is not to confer benefits upon the individual as such, the school exists as a state institution because the very existence of civil society demands it.”<sup>37</sup>

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<sup>36</sup>Robert A. Peterson, “Education in Colonial America,” 1979, cited by Rus Walton, *One Nation Under God* (Nashville: Thomas Nelson Publishers, 1987), 61.

<sup>37</sup>Rousas John Rushdoony, *The Messianic Character of American Education* (Phillipsburg: Presbyterian & Reformed Publishing Company, 1963), 322, 323, with quotations from Newton Edwards,

Since the education of children was assumed to be the responsibilities of parents, rather than of civil governments, education was not compulsory but was supported by family and philanthropic funds. Schools were not funded by government taxes, except in Massachusetts.<sup>38</sup>

Teachers were considered as instructors for the purpose of imparting knowledge. The aim of education was to promote theistic values.

The colonial schools all had the teaching of religion as their chief aim and their main component. Massachusetts, in 1647, adopted what they called the ‘Old Deluder Act.’ The Act said: ‘It being one chief project of ye Old Deluder, Satan, to keep men from the knowledge of The Scripture, it is therefore ordered that every township in this jurisdiction, after ye Lord hath increased ye number to fifty house-holders, shall henceforth appoint one in their town to teach all children.’ In other words . . . the aim of education in the colonies was to bring children to The Scriptures and to God. . . . Colonial education was thoroughly Christian, and provided a means for the covenant people to insure the preservation of the Biblical commonwealth for their descendants.<sup>39</sup>

That was quite different from today when government schools seem intent on prohibiting the teaching of Christian values while secularizing and socializing children. Teachers are often considered as “change agents” to change the thinking and values of children.<sup>40</sup> The state is now considered primarily responsible for educating children for the benefit of the state. According to a New Hampshire Supreme Court ruling, the purpose of public schools is for “the protection and improvement of the [S]tate as a political entity.”<sup>41</sup> An Oklahoma appellate court has stated that “the moment a child is born he owes allegiance to the government. . . . [And] the government . . . places him under guardianship . . . *that he may acquire that education which will enable him*

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*The Courts and the Public Schools*, The Legal Basis of School Organization and Administration, Revised Edition, (Chicago: University of Chicago Press, 1961), 23, 24.

<sup>38</sup>“The general principle in the matter of public education is that anyone is free to found a public school and to direct it as he pleases. It’s an industry like other industries, the consumers being the judges and the state taking no hand whatever. . . . There has never been under the sun a people as enlightened as the population of the north of the United States.” Alexis De Tocqueville, quoted in George W. Pierson, *Tocqueville in America* (Garden City: Anchor Books, 1959) 293-294. “Apart from New England, where tax-supported schools existed under state law, the United States, from 1789 to 1835, had a completely *laissez-faire* system of education . . . there were no compulsory attendance laws anywhere. Parents educated their children as they wished. . . . There was no need for any child to go without an education. The rate of literacy in the United States then was probably higher than it is today.” Samuel L. Blumenfeld, *Is Public Education Necessary?* (Boise, Idaho: The Paradigm Company, 1985), 27.

<sup>39</sup>William B. Ball, as quoted in “On the Mandate for Christian Education,” *Letter from Plymouth Rock*, Plymouth Rock Foundation, May, 1986, 3, as cited by Walton, *One Nation Under God*, 60.

<sup>40</sup>See Morris, Barbara M. *Change Agents In The Schools* (The Barbara M. Morris Report, P. O. Box 756, Upland, CA: 1979) and Eakman, B. K. *Educating for the New World Order* (Portland: Oregon: Halcyon House, 1991).

<sup>41</sup>Blair Adams and Joel Stein, *Who Owns The Children?* (Grand Junction, Colorado: Truth Forum. 1983), 40, quoting *Fogg v. Board of Education*, 82 A. 173, 175.

afterward to discharge the duty which he owes to his country [that is, the State].”<sup>42</sup> A California district court of appeals contended that the state’s educational system has a “primary” function of training “school children in . . . loyalty to the [S]tate.”<sup>43</sup>

The current legal assumption is that the state owns all children and property.<sup>44</sup> The courts have declared that whatever authority parents have “is derived from the state,” that “there is no parental authority independent of the supreme power of the State,” and that “a child is primarily a ward of the State.”<sup>45</sup> Considered together, government schools now constitute the largest socialistic institution within the nation.<sup>46</sup>

The content of education was then considered to be a body of knowledge consistent with theistic values. Religion was considered important. Hence, moral education from a Christian perspective was part of the curriculum. Now, however, the content of education seems to be a body of knowledge consistent with humanistic values. Religion is considered not only unimportant, but perhaps harmful. Hence, all education funded by government taxes must be secular.

Before 1930 the phonetics method was generally always used for the teaching of reading. Teachers were generally authoritarian using corporal punishment when needed. Students were promoted to the next grade only when the material had been learned. Now however, the “look-

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<sup>42</sup>Ibid., 40, quoting Ex parte Powell, 1028 (emphasis added by authors).

<sup>43</sup>Ibid., 41, quoting In Re Shinn, 16 Cal. Rptr. 165, 168.

<sup>44</sup>“The rights of the parents in his child are just such rights as the law gives him; no more, no less” Ibid., 40, quoting Allison v. Bryan, 97 P. 286. “When a provision in the tax laws permits the taxpayer to keep a portion of his money, the Internal Revenue Service calls this a ‘tax expenditure,’ or an ‘implicit government grant.’ This is not tax money that the state has collected and expended but money the citizen is permitted to keep by not taking it. In other words any money the citizen is permitted to keep is regarded as if the state had graciously given it to him. Everything we have is from the state, which therefore has the right to the fruit of our labor.” Herbert Schlossberg, *Idols for Destruction: Christian Faith and Its Confrontation with American Society*, 187, citing Kenneth E. Boulding and Martin Pfaff, eds., *Redistribution to the Rich and the Poor: The Grants Economics of Income Distribution* (Belmont, California: Wadsworth, 1972), 169, 174-175, 201.

<sup>45</sup>Ibid., 40, quoting Ex parte Powell, 1028, and Allison v. Bryan, 97; 282, 287, 286.

<sup>46</sup>“Some years ago I asked Nobel economist Milton Friedman why it was, given the appalling and obvious failures of socialism everywhere in the world contrasted with the stunning successes of market capitalism, that most American students still graduated from high school with such a surprisingly socialist perspective. His answer was characteristically clear: ‘Because they are products of a socialist system - namely public education. How can you expect such a system to inculcate the values of free enterprise and individual entrepreneurship and competition when it is based on monopoly state ownership, abhors competition, and survives only through compulsion and taxation?’” Warren T. Brookes, “Public Education and the Global Failure of Socialism,” *Imprimis*, XIX, 4, (1990): 1.

say” method is used to teach reading about eighty-five percent of the time.<sup>47</sup> Teachers are generally permissive, having no disciplinary authority. Students are often promoted automatically to the next grade level whether or not the assigned subject matter has been learned.

The general educational results were then much better than now. While government statistics do not record the rate of literacy in colonial America, or in its earliest years under its federal constitution, there are historical records which give indications of the high level of education attained by Anglo-Saxons in the early history of this nation. These records are not generally known to most school teachers and parents, but they demonstrate that the general public is not as literate today as it once was.<sup>48</sup>

Around the 1800s, the adult illiteracy rate was extremely low. Dupont de Nemours, who surveyed education at the request of Thomas Jefferson, said that “most young Americans . . . can read, write and cipher. Not more than four in a thousand are unable to write legibly - even neatly.”<sup>49</sup> Moreover, in 1820, Daniel Webster noted “that in England not more than *one child in fifteen* possesses the means of being taught to read and write; in Wales, *one in twenty*; in France, until lately, when some improvement was made, not more than *one in thirty-five*. Now it is hardly too strong to say, that in New England every child possesses such means. It would be difficult to find an instance to the contrary, unless where it should be owing to the negligence of the parent; and in truth, the means are actually used and enjoyed by nearly every one. A youth of fifteen, of either sex, who cannot read and write, is very seldom to be found.”<sup>50</sup>

By 1930, it was only at 1.5 percent.<sup>51</sup> Children were expected to achieve better than their parents. Students were generally well behaved. At the turn of the twentieth century, when most

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<sup>47</sup>“The major reason why we have 23 million functional illiterates is that the proven best method of teaching reading - PHONICS IN THE FIRST GRADE - is not used in 85% of U. S. public schools.” Phyllis Schlafley, “Phonics - The Key to Reading,” *The Phyllis Schlafly Report*, XIX, 2, Sec. 1 (September, 1985): 1.

<sup>48</sup>“In fact, the historical evidence indicates that prior to the introduction of public education and compulsory school attendance, Americans were probably the most literate people in the world. It is even probable that the decline in literary taste in this country began with the growth and spread of public education with its watered down literary standards.” Samuel L. Blumenfeld, *NEA: Trojan Horse In American Education* (Boise: The Paradigm Company, 1984), 2.

<sup>49</sup> *National Education in the United States of America* (Newark: University of Delaware Press, 1923), 3-5; cited in R. J. Rushdoony, *The Messianic Character of American Education*, 329-330.

<sup>50</sup>Daniel Webster, speaking at Plymouth, Massachusetts in 1820. *The Works of Daniel Webster*, Vols. I & II, Boston, 1851 cited by John Eidsmoe, *The Christian Legal Advisor* (Milford, Michigan: Mott Media, 1984), 289.

<sup>51</sup> “[F]igures for illiteracy in 1910 issued by the U. S. Bureau of Education and quoted in the January 30, 1915 issue of James McKeen Cattell’s own weekly publication, *School and Society*: ‘Statistics compiled by the Bureau of Education for use at the Panama-Pacific Exposition, show that of children from 10 to 14 years of age there were in 1910 only 22 out of every 1,000 who could neither read nor write.’” Samuel L. Blumenfeld, *NEA: Trojan Horse In American Education*, 102. “Illiteracy statistics

Americans were still educated in the one room country school house and long before massive amounts of money were spent on education, the record indicates that the general public was still much better educated than now. Now the adult illiteracy rate stands at about twenty-five percent with another forty percent barely literate.<sup>52</sup> Children are not expected to achieve equal to their parents. Christian values and character qualities appear constantly damaged by government schools. Students are often rowdy while violence seems to be increasing.

Some understanding of why schools have changed from being theistic in orientation to being humanistic can be gained by a brief historical overview of education in the United States. While there was no need for government funded public schools in the early 1800s, Unitarians desired a secular rather than a theistic society.<sup>53</sup> They therefore worked to achieve that objective by beginning the first tax funded school in Boston in the early 1800s.<sup>54</sup> By the 1830s Horace Mann, an effective state legislator, had been secured to be their secretary of education. He studied the educational ideas of atheist Robert Owen and began to implement those values into the American school system.<sup>55</sup> Mann and other educational designers intended that only secular subjects should be taught in the government public school system.

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in America in the 1930s show that the problem was small and could be soon solved: native born whites 1.5%, foreign-born whites 9.9%, blacks 16%. A 1935 survey of Civilian Conservation Corporation (CCC) enrollees, presumably from low socio-economic groups, found only 1.9% to be illiterate.” Phyllis Schlafly, “Hyprocrisy About Banned Books,” *The Phyllis Schlafly Report*, Vol. XIX, No. 4, Section 1 (November, 1985): 2.

<sup>52</sup>“Today the national illiteracy rate is estimated at 25%, and at least 40% for blacks. Inner-city schools are a disaster almost beyond comprehension. In Chicago inner-city schools (which are 82% black or Hispanic), the high school dropout rate is over 50%. Of those who remain in high school, more than half are marginally illiterate and fail at least two courses a year.” Schlafly, *Ibid.* “The Department of Education estimates that there are 24 million functional illiterates in the United States, *virtually all of whom have had from eight to twelve years of compulsory public schooling.*” Samuel L. Blumenfeld, *NEA: Trojan Horse In American Education*, 102.

<sup>53</sup>“At present, Humanism has brought all things, including most churches, under the sway of man the lord. The purpose of state schools, as laid down by Horace Mann, James G. Carter, and others was twofold: *first*, to establish centralism, the priority of the state over every area of life, and *second*, to eliminate Biblical faith. The founders of statist education in the United States were Unitarians. They rightly believed that control over the child through the schools is the key to controlling society. Control over the schools will determine control over state and church finally.” Rousas John Rushdoony, *The Philosophy of The Christian Curriculum* (Vallecito, CA: Ross House Books, 1981), 172.

<sup>54</sup>For additional information about the history of America’s public schools, read Samuel L. Blumenfeld, *Is Public Education Necessary?*, Samuel L. Blumenfeld, *NEA: Trojan Horse In American Education*, and Paolo Lionni, *The Leipzig Connection*, (Sheridan, OR: Delphian Press, 1988).

<sup>55</sup>“[Humanism] is or has been very powerful in its influence on public education because Horace Mann, one of the early humanists, said that the true church of the future would be the state controlled school. So Mann saw the school as the basic church, the established church of a humanistic society. As a result, the school has been the focal point of humanistic activities, or humanistic missionary endeavor. And most successfully so.” R. J. Rushdoony, cited by Robert K. Skolrood, *Douglas T. Smith vs. Board of School Commissioners of Mobile County* (Chesapeake, VA: The Freedom Council Foundation, 1985), 60.

Samuel Blumenfeld illustrates their determination to keep theism out of public schools by citing an incident. In March of 1838, a list of books was being compiled for common school libraries which Horace Mann and the Board of Education were planning to assemble. The idea was to get the legislature to fund the costs of such books. The recording secretary of the American Sunday School Union, Frederick A. Packard, sent a letter to Mann asking him if a particular book, John S. Abbott's *Child at Home*, would be suitable.

Packard wanted to see how biased the Board would be. It didn't take him long to find out. Mann rejected the Abbott book on the grounds that it was too sectarian in content and that the law of 1827 forbade the use of sectarian books 'favoring any particular religious tenet' in the public schools. Packard replied that the law also required that the common schools teach the 'principles of piety,' and he asked Mann how these 'principles of piety' could be taught 'without favoring some particular tenet.' It was a dilemma that would remain an inherent part of the secular state education right up to the present. But, back in 1838, Mann insisted that the Abbott book, as well as all other books issued by the American Sunday School Union, were unsuitable for the common school libraries. For Mann, it was important to consolidate secularism's capture of public education. There could be no compromise on this issue.<sup>56</sup>

The humanizing process through public schools was thus established, but was slow in its development because rural America was reluctant to change. With the urbanization of the nation in the late nineteenth century secularization increased. Other major factors increasing humanization in education were Charles Darwin's theory of evolution, and the arrival of John Dewey and other humanists as re-designers of American education in the late nineteenth century. Twentieth century educators continued their anti-theistic lead.

Who are these Humanists? Well, other than John Dewey and Horace Mann, who set the stage back in the early 1900s for using public education to promote the religion of Humanism - just to mention a few: B. F. Skinner, whose operant conditioning is widely used in classrooms and taught in most college education courses today; J. L. Moreno, who designed sociograms, role playing and psychol-drama; Maslow, whose Third Force Psychology was used as the basis for the National Training Laboratories, founded by the N.E.A.; Dr. Carl Rogers of the Western Behavioral Sciences Institute, well-known for many forms of sensitivity training; Dr. Lester Kirkendall of SIECUS, and Dr. Albert Ellis, clinical psychologist who, among other things, espouses glorious theories on premarital sex; Dr. William Glasser, whose so-called educational philosophy was rapidly placed in classrooms under the title "Schools Without Failure," and whose Reality Therapy is an integral part of many educational programs; Dr. Robert Carkhuff, self-proclaimed "militant humanist" and designer of human and educational development series for guidance counselors and teachers; Jerome Bruner, author of the obnoxious MACOS program; and

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<sup>56</sup>Samuel L. Blumenfeld. *Is Public Education Necessary?*, 196-197.

last but certainly not least to this discussion, Louis Rath and Dr. Sidney Simon - designer and promoter of Values Clarification Programs and Values Changing curriculum.<sup>57</sup>

They would all diminish theism and promote humanism in the schools.<sup>58</sup> In addition, the National Education Association would continue to follow humanistic thinking. Rousas J. Rushdoony provides an illustration and analysis of humanism in the N.E.A.

In 1951, the Educational Policies Commission of the N.E.A. issued a statement, written by William G. Carr, and titled, *Moral and Spiritual Values In The Public Schools*. It expressed the hope that ‘this report will encourage in homes, churches, and schools a nationwide renaissance of interest in education for moral and spiritual values.’ The commission declared, ‘By moral and spiritual values we mean those values which, when applied to human behavior, exalt and refine life and bring it into accord with the standards of conduct that are approved in our democratic culture.’<sup>59</sup>

Notice that values desired by the commission are not divine moral and spiritual values but rather those which are in accord with the standards “approved in our democratic culture,” that is, human standards! “The NEA have remained remarkably faithful to the *Humanist Manifesto* since 1933. For all practical purposes, the public school has become the parochial school for secular humanism. Its doctrines pervade the curriculum from top to bottom.”<sup>60</sup>

Dewey intended that America’s public schools should be the means by which the religion of humanism would be taught to all Americans.<sup>61</sup> While Dewey intended to change the way

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<sup>57</sup>Jo-Ann K. Abrigg, *Values Changing - Whose Values?* (Longview, Texas: Educational Research Analysts, 1977), 6-7.

<sup>58</sup>“Dewey was one of the founders of the American Humanist Association, the beliefs and teachings of which, for all practical purposes, constitute the state religion now fostered in our school system. His belief in the evolutionary ascendancy of man and the right of the state to guide future evolution through the training of its young is primarily responsible for modern secularism and experimentalism in the schools.” Henry Morris, *Education For The Real World* (San Diego: Creation-Life Publishers, 1977), 23-24. See also Paolo Lionni, *The Leipzig Connection*.

<sup>59</sup>Rousas J. Rushdoony, *Intellectual Schizophrenia: Culture, Crisis, and Education* (Philadelphia: Presbyterian and Reformed Publishing Co., 1961), 63.

<sup>60</sup>Samuel L. Blumenfeld, *N.E.A.: Trojan Horse In American Education*, Ibid. 228.

<sup>61</sup>He said “[w]hy should we longer suffer from deficiency of religion. We have discovered our lack: let us set the machinery in order to supply it. . . . Education is the modern purveyor, and upon the schools shall rest the responsibility for seeing to it that we recover our threatened religious heritage. John Fentress Gardner, *The Experience of Knowledge* (Garden City, NY: Waldorf Press of Adelphi University, 1975), 213-214, cited by Onalee McGraw, *Family Choice in Education: The New Imperative* (Washington, D.C.: The Heritage Foundation, 1978), 41.

Americans think, he realized that “[c]hange must come gradually. To force it unduly would compromise its final success by favoring a violent reaction.”<sup>62</sup>

The correlation between government schools and humanism is not an accident of history. Dewey and his colleagues took the anti-God philosophy of humanism and built it into the very structures of America’s public schools. John Dewey was probably the most influential signer of the first *Humanist Manifesto*. Dewey’s disciples have continued to build upon his humanistic foundations. In 1930, another signer of that first *Humanist Manifesto*, Charles F. Potter, envisioned a growing humanistic world as a result of public schools. He wrote, even before the manifesto was published in 1933, that “[e]ducation is thus a most power ally of humanism, and every public school is a school of humanism. What can the theistic Sunday school, meeting for an hour once a week, and teaching only a fraction of the children, do to stem the tide of a five-day program of humanistic teachings?”<sup>63</sup>

In 1961, an editor of *Humanist* magazine declared that “public education is the parochial education for scientific humanism.”<sup>64</sup> For this reason, humanists have had strong interest in passage of strong bills for federal aid to public education.

Unlike these humanists, Charles Hodge, a Presbyterian minister, had foreseen in 1887 that secularism in government schools would produce great evil. He noticed that

The tendency is to hold that this [educational] system must be altogether secular. The atheistic doctrine is gaining currency . . . that an education provided by the common government should be entirely emptied of all religious character. The Protestants object to the government schools being used for the purpose of inculcating the doctrines of the Catholic Church, and Romanists object to the use of the Protestant version of the Bible and to the inculcation of the peculiar doctrines of the Protestant churches. The Jews protest against the schools being used to inculcate Christianity in any form, and the atheists and agnostics protest against any teaching that implies the existence and moral government of God.

It is capable of exact demonstration that if every party in the State has the right of excluding from the public schools whatever he does not believe to be true, then he that believes most must give way to him that believes least, and then he that believes least must give way to him that believes absolutely nothing, no matter in how small a minority the atheists or the agnostics may be. It is self-evident that on this scheme, if it is consistently and persistently carried out in all parts of the country, the United States system of national education, separated from religion, as is now commonly proposed, will prove the most appalling engineery for the propagation of anti-Christian and atheistic

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<sup>62</sup>Samuel L. Blumenfeld, “Revelation Via Education,” *The Blumenfeld Education Letter*, III, 10 (October, 1988): 8.

<sup>63</sup>Charles F. Potter, *Humanism: A New Religion* (New York: Simon & Schuster, 1930), 128.

<sup>64</sup>Joe R. Burnett, *The Humanist*, 6 (1961), 347.

unbelief, and of anti-social nihilistic ethics, individual, social, and political, which this sin-rent world has ever seen.<sup>65</sup>

Public schools in the United States did not generally become compulsory by law until the decade following 1910. With compulsory taxation to support public schools and compulsory attendance of the nation's children, humanism had a captured audience and could easily move through the schools to expunge theistic thinking from the culture.

When humanism had sufficiently replaced theistic thinking as the dominant value system for society, then a series of legal cases began in the courts in 1947 that further removed theism from the schools.<sup>66</sup> The impact from these court decisions was felt immediately in the public schools. As a result of removing public prayer from the schools in 1962 there came an immediate increase of immorality in the nation.

David Barton took a statistical look at what has happened since 39 million students were ordered to stop praying in public schools. He noted that

When a ruler is overthrown, so are his laws, his ways of doing things. The overthrow of God was no exception. Progressive rulings systematically prohibited the observance of His standards. No longer was there a valid platform for condemning disrespect, adultery, covetousness, theft, murder, etc. The 1980 case *Stone v. Graham* forbade teaching standards of conduct from something having a religious origin; the Ten Commandments were prohibited from schools. Had the Ten Commandments originated with Plato or Aristotle, they would still be allowed in schools. It makes no difference that they are beneficial to man; they had a religious origin,<sup>67</sup>

Many Christian parents have begun to sense that their children are not safe in public schools, not only for their physical safety, but also for the preservation of their faith.<sup>68</sup> For this

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<sup>65</sup>A. A. Hodge, *Popular Lectures on Theological Themes* (Philadelphia: Presbyterian Board of Publications, 1887), 283f.

<sup>66</sup>Four court cases were most significant: *Everson v. Board of Education of Ewing Township*, - 330 U.S. 1 (1947) which declared (contrary to our nation's historical understanding) that there should be a separation of religion from government. *Engel v. Vitale* - 370 U.S. 421 (1962) in which the U. S. Supreme Court saying that the power, prestige and financial support of government could not be given to a particular religious belief had the impact of removing the right of Christian values from public schools. Other significant cases were *Board of Education v. Allen*. - 392 U.S. 236 (1968) and *Thorton v. Caldor, Inc.* - 53 Law Week 4853 (1985). Because of these and other court declarations, every agency of civil government now considers itself duty bound to remove Christian values from all public practices.

<sup>67</sup>David Barton, *America: To Pray or Not To Pray* (Aledo, Texas: WallBuilder Press), 159. In addition, David Barton demonstrated that there is no other major cause to which growing immoralities in America can be attributed than the court's removal of God from public schools.

<sup>68</sup>"The crisis in education in America is a crisis of conflicting purposes and conflicting goals. The government schools have their own agenda, and Christian parents have another. Those parents who

reason many theists have opted for private schools and home schooling. Given the nature of the conflict between parental rights and government assumptions regarding the schooling of children, legal conflicts are inevitable.<sup>69</sup>

Moreover, the question is now beginning to be raised regarding the permanence of public schools. "Ninety years have gone by since Dewey set American education on its progressive course. The result is an educational system in shambles, a rising national tide of illiteracy and the social misery caused in its wake."<sup>70</sup> Many parents now want options for their children's education apart from government schools. All educational options are resisted by the educational establishment, however, because what is at stake, from a humanistic perspective, is not just the education of children, but primarily control over the culture. That's why a humanistic perspective in law is important to humanists.

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persist in sending their children to the public schools help perpetuate the crisis through their patronage and support of a system that is in conflict with their own professed beliefs. And the simple truth is that Christians will never wrest control of the system from the humanists, for the latter have so thoroughly shaped the system in their own image that no accommodation with Christianity is even remotely possible. Thus, handing one's children over to the humanists for education is tantamount to handing them over to Satan." Samuel L. Blumenfeld, "The Home School Movement and Christian Revival," *Chalcedon Report*, No. 302, (September, 1990): 2-3.

<sup>69</sup>For further information regarding parents rights in education, see John W. Whitehead, *The Rights of Religious Persons in Public Education* (Wheaton, Illinois: Crossway Books, 1991).

<sup>70</sup>Samuel L. Blumenfeld, *The Blumenfeld Education Letter*, 8. See also Myron Lieberman, *Public Education: An Autopsy* (Cambridge: Harvard University Press, 1993).

### *Law*

Laws in a culture that is derived from biblical theism contrast sharply to laws in a culture that is derived from humanism. These differences in legal perspectives may be illustrated by contrasting examples of legal cases from an era when theism dominated the culture with examples of legal cases in the present era when humanism dominates the culture. Causes and consequences of these changes in the legal system will also be noted.

While many examples might be given of Christianity being the foundation for common law in the first century of our Constitutional Republic, only two will be noted.<sup>71</sup> Consider first the case of Abner Updegraph who as a member of a debating society said the wrong thing. A grand jury indicted him, and the Pennsylvania Supreme Court tried and convicted him of blasphemy in 1824. An excerpt from the indictment is as follows: “Abner Updegraph . . . not having the fear of God before his eyes, contriving and intending to scandalize, and bring into disrepute, and vilify the Christian religion and the scriptures of truth . . . did unlawfully, wickedly and premeditatively, despitefully and blasphemously say . . . ‘that the Holy Scriptures were a mere fable: that they were a contradiction, and that although they contained a number of good things, yet they contained a great many lies.’”<sup>72</sup>

Updegraph’s attorney made the expected arguments citing “free speech,” the First Amendment, etc. But the jury was shocked that a learned group such as a debating society would treat a serious subject with “levity, indecency, [and] scurrility.” Such an organization is fit only to “qualify young men for the gallows, and young women for the brothel,” the jury said.<sup>73</sup>

This decision was not an anomaly. Another case involved a Frenchman named Stephen Girard who settled in this country. When he died in 1831, he bequeathed his estate worth over \$7 million to the city of Philadelphia. Girard directed that the city use the money to build an orphanage and college. As an adherent of French Enlightenment philosophy, Girard opposed all education connected to Christianity. He stipulated that the Christian faith could not be taught in his college, and that ministers could not serve on staff or even set foot on the premises.

Girard’s will was contested strenuously in court, primarily because no one had ever willed money to a city before, and his heirs opposed it. Attorneys on both sides found his anti-Christian requirements ludicrous. The plaintiffs called them “repugnant.” The defendants found them “obnoxious.” The court agreed. “The purest principles of morality are to be taught. Where are they found? Whoever searches for them must go to the source from which a Christian man derives his faith - the Bible.”<sup>74</sup>

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<sup>71</sup>For a thorough treatment of this subject, see David Barton, *The Myth of Separation* (Aledo, Texas: Wall Builder Press, 1989).

<sup>72</sup>Ibid., 51-52.

<sup>73</sup>Ibid., 53.

<sup>74</sup>Ibid., 61-62.

Contrast these cases with a couple examples of more recent years. In Chico, California, Mrs. Evelyn Smith, a widow, had a vacant duplex for rent. An unmarried couple wanted to rent it, but Mrs. Smith refused. Her biblical convictions that sexual cohabitation should be reserved for marriage would not allow her to live with a clean conscience if she rented to unmarried couples. Shortly after her refusal the California Department of Fair Employment and Housing contacted Mrs. Smith. They told her they would file charges against her for “marital status” discrimination. An attorney for the state said Mrs. Smith was trying to force her beliefs on others.<sup>75</sup> In Anniston, Alabama, first grade students were told to bring their favorite books to school for “Show and Tell.” But when six-year-old Eric Pearson brought in his favorite book, *Jesus Loves Me*, he was told to take it home because it was against the law.<sup>76</sup>

However, until the last quarter century, the legal profession generally upheld Judeo-Christian moral beliefs. “Not all of these people were Christians, but those who weren’t generally respected the common heritage of values derived from biblical teaching.”<sup>77</sup> These examples illustrate that there has been a fundamental shift in legal thinking in this nation. This shift in legal thinking relates to how theists and humanists view differently both the nature and the extent of law. Because these two different legal perspectives are still very much in conflict in American jurisprudence, the way a particular court case is settled may depend upon how a judge or judges think.

Regarding the nature of law, theists accept common law in addition to statute law, while humanists do not. That is, because theists believe in God and his word, they believe the Bible constitutes the foundation of authority for all law. If a matter is prohibited by God in scripture, then, for theists, that is sufficient as law whether or not it has been codified into statute law.<sup>78</sup> Since laws are considered as derived ultimately from God, and since God does not change, then, for theists, laws remain constant. On the other hand, humanists accept as law only that which has been codified either by legislatures or by the judiciary. Since laws are considered as derived from humanity, and since people and situations are constantly changing, then, for humanists, laws and their interpretations are constantly changing. Therefore, no one can know the law or its

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<sup>75</sup>Litigation Status Report, “CWA Defends Widow Who Won’t Rent to Unmarried Couples,” *Concerned Women For America* (February, 1988): 6; (also June, 1988): 9-10.

<sup>76</sup>Linda McMillan, “Alabama School Discovers First Amendment,” *Religious Freedom Alert*, Vol. III, No. 4 (July, 1987): 11.

<sup>77</sup>Tim Minnery, “Regain The Culture,” *Citizen* (January, 1991): 4.

<sup>78</sup>“Christianity, general Christianity, is and always has been a part of the common law . . . not Christianity founded on any particular religious tenets; not Christianity with an established church . . . but Christianity with liberty of conscience to all men. Thus this wise legislature framed this great body of laws, for a Christian country and Christian people. This is the Christianity of the common law . . . and thus, it is irrefragably [undeniably] proved, that the laws and institutions of this state are built on the foundation of reverence for Christianity . . . In this constitution of the United States has made no alteration, nor in the great body of the laws which was an incorporation of the common-law doctrine of Christianity . . . without which no free government can long exist.” *The Peoples v. Ruggles* cited by David Barton, 54.

meaning until a judge or judges declare it. This means that case law, or precedent law, is vital in a humanistic society.

Theists and humanists differ in their understanding of the extent of authority for civil laws. Since theists believe that God is ruler over the family, the church, and the state, and since God delegates different functions to the governance of family, church and state, then each of these institutions is limited in its governance of its own sphere under God. On the other hand, since humanists believe that God is not relevant to humanity, then governance of all humanity must come ultimately under the state that is considered unlimited in its authority. This humanistic perspective grants judicial supremacy to the courts and permits them to assume an active role in establishing, supervising and regulating bureaucratic agencies.

There are at least three major reasons why our laws have changed from being dominated by theism to being dominated by humanism, all of which developed over more than a century. Two of these reasons are developments from anti-Christian concepts while the third developed from within the Christian community as a reaction to the dogmatism of the Protestant Reformation in Europe.

*Political Pluralism:* When the national constitution was written, Enlightenment thought was making its impact upon the minds of Americans. More than a hundred years previously, the colonies, with but one exception, established theocratic governments. That one exception was Rhode Island. Whereas other colonies had a covenant foundation that meant that God-given religious precepts undergirded civil government, Rhode Island had a contract foundation which meant that human “secular” interests undergirded civil government. In Rhode Island, religious beliefs were officially a matter of indifference. Whereas other colonies had each required its officials to take a religious oath of office, Rhode Island officials were required only to take an oath “to walk faithfully” and “in the presence of God.”<sup>79</sup>

The framers of the U. S. Constitution followed the Rhode Island pattern, rather than those of other colonies, probably because denominationalism, stemming from the Reformation movement, had demonstrated that theists did not agree on the teachings of scripture regarding religious beliefs and Enlightenment influences. Moreover, the personal influence of Sir Isaac Newton led to great confidence in the use of human reasoning apart from scripture. The framers of the Constitution therefore elected a form of government that required adherence to no formal religious beliefs. In what was perceived as religious matters, it followed a policy of political pluralism.

In the matter of religious oaths, the pattern selected was consistent with such a pluralistic policy. The U. S. Constitution declares that “no religious test shall ever be required as a

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<sup>79</sup>Kavanaugh, W. Keith (ed) “Organization of the Government of Rhode Island, March 16-19, 1641-42,” *Foundations of Colonial America: A Documentary History*, 3 vols. (New York: Chelsea House, 1973) I, 343, cited by Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, TX: Institute for Christian Economics, 1989), 313.

qualification to any office or public trust under the United States.”<sup>80</sup> The founding fathers saw religion as separate from government, a matter for individuals, not the state. Religion was considered an aid to national government, not a part of it. While the founders utilized prayer to begin daily sessions of congress, they did not presume that biblical precepts would support law, politics or civil governments. In actuality, the religious freedoms enjoyed by Christians have come not from the Constitution, but from the religious beliefs of its founders. The Constitution itself does not recognize the sovereignty of God, but relies upon the will of the people. It relies upon human reasoning, not God, for guidance. And while there are many elements within our national constitution which reflect Christian perspectives, our national charter must nonetheless be said to be humanistic, not Christian.<sup>81</sup>

Although our national forefathers held theistic perspectives and interwove those concepts into many statutes as well as the moral fibers of this nation, such theistic beliefs cannot continue indefinitely in a nation whose legal structures do not acknowledge the sovereignty of God. In essence, our humanistic form of civil government, separated as it is from the sovereignty of God, can lead its citizens in no other course than away from God. This means that Christian beliefs, once held in high esteem by governing officials, will be increasingly less respected with the passing of time. Theists have often failed to realize they cannot make God their master in individual, family and church government, while on the other hand they make the state an idol.<sup>82</sup>

*Theory of Evolution:* The second major reason for a shift in thinking about the nature of law is the theory of evolution. Until Darwin’s publication of *The Origin Of Species* in 1859, everyone generally assumed that truth is constant and absolute. Now the general assumption within our society is that truth is changing and relative. While Darwin’s book was about organic life, he set forth the principle of evolution as the cause of all life, and the process by which everything continues.

Thus, the theory of evolution implies denial not only of the existence of God and the biblical account of creation, etc., but also constant change in law, and all other things. The theory

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<sup>80</sup>*Constitution*, art. VI.

<sup>81</sup>For further information about humanistic foundations of our national constitution, see Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, TX: Institute for Christian Economics, 1989) Part 3: 307-553. For information about Christian foundations of our national constitution, see John Eidsmoe, *Christianity and the Constitution: The Faith of Our Founding Fathers* (Grand Rapids: Baker Book House), 1987.

<sup>82</sup>“By contending that civil policy should not be based upon or favor any one distinctive religion or philosophy of life (but rather balance the alleged rights of all conflicting viewpoints), pluralism ultimately takes its political stand with secularism. . . . The pluralist approach transgresses the first commandment by countenancing and deferring to different ultimate authorities (gods) in the area of public policy. Instead of exclusively submitting to Jehovah’s law with fear . . . the pluralist attempts the impossible task of honoring more than one master in civil legislation (Matthew 6:24) - a kind of ‘political polytheism.’” Greg L. Bahnsen, “The Theonomic Position,” in Gary Scott Smith (ed.), *God and Politics: Four Views on the Reformation of Civil Government* (Phillipsburg, New Jersey: Presbyterian & Reformed, 1989), 30.

of evolution came to be considered as the key of all knowledge. Law came to be considered no longer as a constant standard, understood by inductive and deductive processes of reasoning, but as a current though changeable norm for human behavior at a given time and place.

The process by which law was taught to lawyers changed in the early 1870s when Christopher Langdell, dean of the Harvard Law School, began to apply the theory of evolution to legal education. Previously, law students might learn legal statutes by studying law books in lawyers' offices throughout the nation. When law came to be viewed as changing, it then became necessary not only to read legal statutes, but also to study "case" law, that is, court interpretations of legal statutes. The idea came into being for the first time that the law did not necessarily mean what it says. Rather, the law means what the judges say it means.<sup>83</sup>

Thus, the theory of evolution changed civil government from rule by law to the generally unstated but nonetheless practiced rule by man. With the practice of rule by man came also a quiet omission of a higher law that comes from God. The highest legal authority in the land, in legal practice, has come to be considered not God, but man; not man as legislator, but man as judge.

*Pietism:* Within the Christian community, the dogmatism of the Reformation movement was resisted by what is now known as pietism. Pietism seems to have had its roots in the work of Philipp Jakob Spener in the early 1670s in Frankfort, Germany. Pietism asserted the primacy of feeling over dogma. It stressed separation from the world, but not like the hermits or monastics. For pietists, the Christian life was one that emphasized the Christian's personal relationship to God through Bible reading and prayer. It stressed Christian acts of charity and kindness. Pietists did not emphasize participation in the things of this world, including the administration of civil governments.

With the passing of time, the tendency therefore was for theists to withdraw from participation in civil governments. Historian Gary North notes how this happened in nineteenth century America.

In the North, it was the preaching of the so-called Social Gospel, which had been preceded by the Abolitionist movement, that turned the theologically liberal churches to political action. Many fundamentalists had been led by the perfectionist preaching of Charles G. Finney and others in the West (meaning, in our era, the Midwest) into the Abolitionist crusade, and from there it was a short hop to the Social Gospel. The disillusioned conservatives who remained conservative turned inward. . . . Pietism replaced the older concern for voluntary social welfare, which Alexis de Tocqueville had pointed to in the early 1830's as one of the distinguishing marks of American democracy. The concern for preaching, soul-winning, church growth, and Sunday schools steadily replaced the broader social and political concerns that had once caught the attention and sacrifices of American Christians. The theological liberals became political retreatists. The battle went to the liberals by default. . . .

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<sup>83</sup>See John W. Whitehead, *The Second American Revolution*, Chapters 4, 5, 6.

In the American South the Civil War had taken its toll. The older leadership, which had been educated, conservative, and Christian . . . lost its position after the war, and especially after the mid-1880's. The populist "rednecks," with their newly discovered Jim Crow rhetoric, steadily replaced the experienced, educated leadership which had attempted to keep peace in relations. The new men were fundamentalists, if anything. They did not have the broader vision of Christian civilization which had motivated the pre-war Southern politicians. . . .

The Civil War broke the strength of the older, traditional Christian leadership, North and South, and inaugurated a new federal sovereignty that has scarcely looked back. It was the turning point in American political history. The defection of the fundamentalists after the 1870's led to the triumph of the secular humanists. American fundamentalism changed the focus of concern in the churches. Preachers ever since have been expected to 'preach the gospel, not dabble in politics,' which invariably means not take a stand in opposition to whatever political drift local fundamentalism has allowed the humanists to engineer. Secular humanists set the goals and tone of politics, and the fundamentalists either remained aloof or else took a stand as political conservatives - a conservatism which itself was theologically neutral and ultimately humanistic."<sup>84</sup>

As a whole, theists no longer felt they had duties and responsibilities regarding the governance of society. This type thinking meant that the administration of civil affairs, wherein law is dominant, was left without guidance from theistic principles.

The consequences of humanism as the foundation and practice of law leads inevitably to at least three results within society. First, it elevates the legal profession above all others. The importance of the legal profession, in Colonial times, was comparatively minor to what it is today. A lawyer then was but a practitioner of the law, and a judge only applied the law to specific situations. Today, however, judges interpret the law, and in some cases like *Roe v. Wade*, make it say what they will. Through this process, judges become legislators, making laws, and imposing them upon all citizens. Moreover, in Colonial times, when law was yet thought to be derived from God, the legal profession was considered but a means for regulating a portion of life - that related to the public righteousness. Now, however, that God has been removed from law, the state, through its legal professionals, is presumed to be the highest and final authority regulating everything.

The second consequence of humanism in law is that it makes atheism the foundation and norm for society. Rousas John Rushdoony has observed, "At present, law has been severed from God and is in essence atheistic; it presupposes a sovereign man, not the sovereign God. . . . Atheism in the 20th century has conquered church, state, and school. The atheistic vision of a social order stripped of God's law has been realized."<sup>85</sup>

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<sup>84</sup>Gary North, (ed.), "Symposium on Politics," *The Journal of Christian Reconstruction*. Vol. V, No. 1 (Summer, 1978): 1-2.

<sup>85</sup>Rousas John Rushdoony, *Christianity and the State* (Vallecito, CA: Ross House Books, 1986), 52.

The third result of humanism in law is that the state has now begun to destroy theistic family values and perspectives. It has greatly diminished the importance of the church in communities, and, if continued, the state will ultimately endorse violent and physical persecution against Christians. Christians have but to look around themselves to see family members whose lives have been devastated by divorce, abortion and other sinful practices which have been legalized because of the influence of humanism in law. Humanism has impacted against the family also in many other ways not considered legal - such as drug abuse, pornography, homosexuality, etc. - but many of these would have been severely restricted were it not for an environment of permissiveness which was created partially by legalization of humanistic values.

### *Conclusion*

A thought provoking assessment of changes humanism has brought about in modern America is given by William A. Stanmeyer. He writes that

in the watershed generation since World War II, secular humanism took an aggressive, intolerant, even imperialistic stance. Through variegated cultural and legal changes, secular humanists have modified the public order so that it no longer reinforces Christian values or supports private religious efforts to transmit traditional standards, norms, and values to one's children. Society's public policies and laws are no longer a simple extension of the basic commitments and priorities of the Christian individuals who make up that society. In field after field of human endeavor, an extraordinary transformation has taken place, as if a butterfly has reversed the process of metamorphosis and changed from a beautiful winged flutterer back to an ugly crawling caterpillar. A society not long ago Christian is now pagan, and the change took place right before our eyes! At the risk of some oversimplification one could summarize the metamorphosis this way: three decades ago, the secular humanist voice was scarcely heard in public policy; two decades ago, it was one among a few; one decade ago, it became the loudest and most influential; in the decade to come, it will seek to silence all other voices. As they seek to gain control of the organs of public policy, the secular humanists will attack enclaves of Christian communal life, such as schools, hospitals, and other charitable organizations transfused with religious commitment. Their goal will be to reduce Christian influence on public morality to the most token and accidental sort.<sup>86</sup>

After giving numerous examples of how humanism has changed, and is still changing our society, Stanmeyer then says, "an ominous pattern is developing: a multifaceted campaign is mounting to remove Christian influence from society entirely - from its schools, its medical practice, its social service institutions, its laws."<sup>87</sup>

Although theists generally recognize that cultural changes are occurring in this nation, theists have not generally known much about humanism nor how it has produced cultural

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<sup>86</sup>William A. Stanmeyer, *Clear and Present Danger: Church and State in Post-Christian America* (Ann Arbor, MI: Servant Books, 1983), 4-5.

<sup>87</sup>Ibid., 7.

changes through education, law, media, and other professions. Only when theists understand humanism and how it operates will theists be able to develop strategies to recapture the culture.