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with American Civil Religion?
*The Problem of Christmas and the
"National Faith"*

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and the
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Is Judaism Compatible with American Civil Religion? *The Problem of Christmas and the "National Faith"*

Christmas Eve of 1968 found the three astronauts of Apollo 8 in lunar orbit. Their mission, America's first manned attempt to encircle the moon, had been eagerly anticipated for months and captured international attention. Millions sat riveted to their television sets on the evening of December 24 as the astronauts, "coming to you live from the moon," presented an awesome picture of the small receding earth and then, with their cameras turned around, focused on the "vast, lonely, forbidding type expanse of nothing . . . up here on the moon." A few moments later, precisely at lunar sunrise, they announced a "message." In a year that had witnessed two tragic assassinations, bloody race riots, the capture of the *Pueblo*, and the Tet offensive almost any Christmas message would have been appropriate. The message of the astronauts, however, was not primarily one of Christmas cheer, and had nothing to do with the "Prince of Peace" or the "spirit of the season." Instead, it consisted of a dramatic reading of the first ten verses of the Book of Genesis, the story of the creation of the world.¹

"We thought a long time about that," astronaut William Anders later revealed, "I first thought we should use something specifically Christian, something about Christmas. But when we thought about the vastness of our world, we decided to read a message that did not belong to any one religion but which belonged to all men on earth. . . . My mail has been predominantly in favor of what we did."²

What is surprising about Anders's statement, and was not noticed at the time, is his reference to Christmas as something "specifically Christian." More commonly, Americans assume Christmas to be a universal celebration of peace and goodwill, one in which all patriotic Americans, regardless of their faith, can and should participate. To W. Lloyd Warner, for example,

The ceremonial calendar of American society, this yearly round of holidays and holy days . . . is a symbol system used by *all* Americans. Christ-

mas, Thanksgiving, Memorial Day, and the Fourth of July are days in our ceremonial calendar which allow Americans to express common sentiments . . . and share their feelings with others on set days preestablished by the society for that very purpose. This calendar functions to draw all people together, to emphasize their similarities and common heritage, to minimize their differences, and to contribute to their thinking, feeling and acting alike.³

Christmas, according to this view, is part of American "civil religion" and not "specifically Christian" at all. Indeed, if it were "specifically Christian," how could it possibly be a *national* holiday? And yet as astronaut Anders understood, Christmas obviously *is* "specifically Christian"—that is what the "Christ" in Christmas is all about. The problem admits of no easy solution, for whether Christmas is a broadly national or a narrowly Christian holiday has implications that go far beyond the confines of the day itself. The ramifications of the problem, in fact, lead to fundamental questions reaching to the very heart of the relationship between Christianity, the state, and American civil religion.

Christmas is the only national holiday that is both rooted in a specific religious tradition and suffused with symbolic affirmations of a faith that many Americans—more than one in twenty⁴—do not share. Annually on December 25 these Americans face a dilemma: should they ignore the holiday and at least by implication alienate themselves from the "Christmas spirit" that is supposed to promote feelings of fellowship among all Americans, or should they celebrate Christmas in some fashion and overlook its Christian character? American civil religion beckons alluringly, inviting all to participate in the "Christmas spirit" whether they are Christian or not. Yet having been welcomed, non-Christians quickly find that the rites of the season unmistakably reflect Christianity's central myths and tenets. On no other day during the year do non-Christians so deeply feel the clash between the country they love and the faith they cherish.

This paper examines the "Christmas problem" through the eyes of the nation's largest non-Christian religious body, the Jews. It first sets out the problem, and argues, based on evidence from the American celebration of Christmas, that American civil religion, at least on this one day of the year, is far more unabashedly Christian than generally conceded. It then moves on to trace the various ways that Jews as a minority religious group have responded to the position they find themselves in on Christmas, and explains why none of these responses have succeeded. Finally, it turns to recent legal clashes over public expressions of Christmas—expressions which some view as

manifestations of American civil religion but which Jews see as overt Christianity—paying particular attention to the recent Supreme Court decision in *Lynch v. Donnelly*, where the justices attempted to resolve some of the unique dilemmas that Christmas poses.

Seen from the perspective to be established here, the “Christmas problem” of American Jews casts into bold relief concerns central to any proper understanding of American religion. First, it recovers for renewed consideration some of the dilemmas faced by minority faiths in a majority Christian culture. Second, it demands substantial rethinking of what civil religion means and how inclusive it is of non-Christians. Finally, it raises in yet another setting three related, ongoing, and irresolvable tensions woven into the fabric of American life: church versus state, national unity versus religious diversity, and majority rule versus minority rights.

Although the first Christmas in America was apparently celebrated by Columbus in 1492, the holiday in its modern form—with trees, stockings, Santa Claus, and gift-giving—only took shape in the nineteenth century. In the colonial period, many New England Protestants rejected any observance of the day, both as part of their rebellion against Anglicanism and on the grounds that Christmas was one of the “devices of men” and not grounded in Scripture. In 1659, the General Court of Massachusetts actually enacted a law to punish those who kept the day sacred. Dutch Reformed, Roman Catholic, Episcopalian, and Lutheran immigrants took a more positive view of the holiday, and celebrated it according to their ancestral traditions. Under their influence, and with the rise of immigration following the Revolution, Christmas observances became increasingly common nationwide. Still, it was not until 1849 that New York and Virginia recognized Christmas as a legal holiday, and fully forty-one years later before the holiday had gained legal recognition in all of the states and territories. By then, James H. Barnett writes, “the various elements of Christmas had coalesced into a festival of great popularity and of considerable social significance. It not only embodied the import of the Nativity but also affirmed a secular faith in the durability of family ties and the importance of human brotherhood. In addition, Christmas folk imagery had become linked to patriotism . . . [the] celebration foreshadowed the commercial exploitation of the contemporary Christmas.”⁵

From a modern perspective, the development of Christmas into an American holiday, linked in the public mind with such other national holidays as New Year’s Day, the Fourth of July, and Thanksgiving,

poses an obvious problem, given the widely accepted ideas about American religious pluralism and church-state separation. Unlike New Year’s, Christmas still retains sacred and specifically Christian associations in both its hymns and its symbols. While some of its characteristics are those normally associated with celebrations of American civil religion—independent of church ties, socially integrative, and reflecting “deep-seated values and commitments”⁶—these are conspicuously fused with elements of traditional Christianity. It is on account of this dualism—this mixture of the broadly civil with the narrowly Christian⁷—that non-Christians, and Jews specifically, have never been able to sanctify Christmas religiously the way they can all other sacred days in the American national calendar, Thanksgiving in particular.⁸ That the day has nevertheless been accepted as part of American “civil religion” suggests that the basis of America’s national faith is actually far more narrowly sectarian⁹ than students of the subject have been prepared to admit. Christmas may be an exception to general patterns of American religious life, a once-a-year deviation from the norm. But even if it is, it still calls some of the most fundamental assumptions of American civil religion into question.

To demonstrate this, one need look no further than the presidential messages relating to Christmas that have been delivered over the past six decades.¹⁰ Recall that Robert Bellah, in sustaining his argument that civil religion although selectively derived from Christianity “is clearly not itself Christianity,” pointed to the fact that no president “mentions Christ in his inaugural address . . . although not one of them fails to mention God.”¹¹ No similar claim could be made for presidential messages at Christmastide. Calvin Coolidge, who in 1923 both lit the first national Christmas tree and delivered the first formal presidential Christmas message, urged Americans in 1927 to make Christmas “a state of mind . . . if we think on these things there will be born in us a Savior and over us will shine a star sending its gleam of hope to the world.” In his 1944 Christmas Eve address to the nation, Franklin Roosevelt declared that “we will celebrate this Christmas Day in our traditional American way—because of its deep spiritual meaning to us; because the teachings of Christ are fundamental in our lives; and because we want our youngest generation to grow up knowing the significance of this tradition and the story of the coming of the immortal Prince of Peace and Good Will.” Three years later, Harry Truman urged Americans to “put our trust in the unerring Star which guided the Wise Men to the Manger of Bethlehem.” In 1960, Dwight Eisenhower used his last Christmas message to the nation to link “zeal for America’s progress in fulfilling her own high purposes”

with the thought that with it "our veneration of Christmas and its meaning will be better understood throughout the world and we shall be true to ourselves, to our Nation, and the Man whose birth 2,000 years ago, we now celebrate." In 1962 Eisenhower's successor, John F. Kennedy, made the truly astonishing (and in its own way deeply revealing) statement that "Moslems, Hindus, Buddhists, as well as Christians, pause from their labors on the 25th day of December to celebrate the birthday of the Prince of Peace. There could be no more striking proof that Christmas is truly the universal holiday of all men." Lyndon Johnson, far more subdued—as all subsequent presidents have been—simply urged Americans to "pray at this season that in all we do as individuals and as a nation, we may be motivated by that spirit of generosity and compassion which Christ taught us so long ago."¹²

Christmas messages, of course, have not ignored those well-known civil religion themes usually associated with presidential utterances on ritual occasions—quite the opposite. President Ford, in 1976, managed in a Christmas message of fewer than three hundred words to refer to such familiar American *sancta* as "family ties," "friendly reunions," "timeless values," "domestic harmony," "brotherhood among all peoples," "love," and "lasting peace." President Reagan, in 1982, spoke in his Christmas radio address of "love, hope, prayer, and patriotism." He called America "uniquely blessed, not only with the rich bounty of our land but by a bounty of the spirit—a kind of year-round Christmas spirit that still makes our country a beacon of hope in a troubled world."¹³ What makes these statements different from the usual ceremonial utterances of our presidents, studied by Bellah and others, is simply that around Christmas they are so frequently coupled with words appealing specifically to Christians, leaving out non-Christian Americans. Whereas the national faith as otherwise expressed in symbols, ceremonies, and myths is expansive and broadly inclusive, seeking to embrace citizens of every creed, on Christmas the focus momentarily narrows: civil religion and Christianity converge.

II

"For Jewish children," the Yiddish poet Morris Rosenfeld once observed, "Christmas is a sad season."¹⁴ Part of the sadness lies in the fact that they feel left out, "without lights in the front yard or decorations in the window."¹⁵ Part lies in the fact that on this day more than any other they have to confront America's predominantly Christian culture, and their own minority status within it. Of course, American Jews are by no means unique in experiencing feelings of this sort:

Jehovah's Witnesses, who refuse to salute the flag, and other minority religious groups feel the tension between themselves and the majority culture far more regularly.¹⁶ But American Jews have always had quite different central assumptions about their relationship to the American mainstream: the Bill of Rights, civil religion, and the theory of the "triple melting pot" (Protestant-Catholic-Jew) all posit an America where Jews and Christians stand on an equal footing. Christmas reminds Jews that, notwithstanding this, they nevertheless remain a small religious minority, subject to majority rule. What makes their minority position especially difficult is the fact that America's "Christmas spirit" symbolizes highly prized civic virtues—generosity, family togetherness, peace, goodwill, and sharing—that Jews, however they relate to Christmas, surely do *not* wish to be seen as opposing (particularly since that would cast them in the popular mind with that infamous villain, Ebenezer Scrooge). The challenge facing Jews, then, is how to forge an appropriate response to Christmas, one that keeps them within the American mainstream and associates them with its values and civil ceremonies, even as it distances them from the Christmas religious celebration that as non-Christians they cannot embrace.

No single Jewish answer has ever emerged. Instead, Jewish responses have covered a broad spectrum, everything from thoroughgoing assimilation to strident identification. Rabbi Kenneth White has traced these responses at length,¹⁷ surveying the subject from the mid-nineteenth century down to the present. His findings, on which this section liberally draws, shed light on the whole question of how members of a religious minority react when confronted with two opposing pressures: one from the majority prodding them to conform to the nation's religious norms, the other from coreligionists summoning them to remain loyal to their ancestral faith. Yet, more than just a standard study in assimilation and identity maintenance is involved here, for American law and tradition embrace religious pluralism; any form of established religious conformity is constitutionally enjoined. The "Christmas problem" of American Jews is thus, at a deeper level, a struggle between two American values: the one, reflected in civil religion, recognizes the need for national unity; the other, reflected in the First Amendment, appreciates the value of religious diversity. While Christmas, the only major ritual of American civil religion rooted in Christianity, serves as a prime focus of this clash, the basic issues involved—the limits of unity, the limits of diversity—are as old as the Republic itself.

The spectrum of Jewish responses to Christmas divides into three broad spans that may roughly be labeled acceptance, rejection, and

accommodation. The range of acceptance includes examples going back as early as 1848, when a family letter records that the young children of one of America's leading Jews, Mordecai M. Noah, were "making arrangements to hang up their stockings . . . for Christmas."¹⁸ A generation later, in 1880, a correspondent named "Observer" from Philadelphia, writing in the *American Israelite*, revealed that "The festivities of the season celebrated among our Gentile neighbors are rarely forbidden in the Jewish home. There is a decided tendency to make Christmas as well as New Years a national observation upon the plea that many Christians do not take the cause of the holiday into consideration while participating in its enjoyment; presents are interchanged in Jewish homes, and even trees decorated to please the children who would otherwise be deprived of that which their neighbors enjoy."¹⁹ By 1940, according to *Time*, "perhaps half" of American Jews "gave their friends Christmas presents, told their children about Santa Claus; some even put trees in their living rooms and wreaths in their windows."²⁰

But if many American Jews seemed outwardly to accept Christmas, they did not all do so for the same reasons. Some, leaders and intellectuals, rationalized their actions as based on religious tolerance, respect for Christianity, and the quest for national religious unity. Mordecai Noah thus reinterpreted Christmas as the birthday of that religion which spread monotheism throughout the world—"a great event worthy of being commemorated among civilized communities."²¹ Daniel De Leon, shortly to become a leading Socialist, believed that Jews and Gentiles could agree "upon the sublimity of the character of Jesus of Nazareth" and that by joining together in Christmas celebrations all contributed "toward ushering in that longed for era when hostility between race and race shall cease, and the amalgamation between them shall be accomplished." In 1891, one unnamed but notable Cincinnati Jew justified his Christmas celebrations on the grounds that they "show our Christian neighbors that we Jews have become liberal enough to rejoice with them in the birth of their Savior, and magnanimous enough to forgive them for the years of persecution we have suffered through them." Rabbi Louis Witt, whose "Thank God for Christmas" created a furor in 1940, argued that the spectacle of "a Jew celebrating Christmas" might be "neither treason of Jew nor triumph of Christian but partnership of Jew and Christian in the making of a better world."²²

For other Jews, however, Christmas celebrations held no Christological significance whatsoever. They celebrated Christmas as, in Rabbi Emil G. Hirsch's words, a "universal holiday . . . neither Chris-

tian nor Jewish,"²³ and consequently observed only those rituals, like the tree and the exchange of gifts, that seemed to them thoroughly secular (or pagan) in origin and purpose. Charles Dickens's *A Christmas Carol*, "a literary sermon against selfishness and panegyric on brotherhood and benevolence, particularly at Christmas," gave secular observers of Christmas a sacred text. The Jewish poet Emma Lazarus's homage to "The mystic glories of the wondrous tree" helped to universalize Christmas's leading symbol.²⁴ For the rest, Jews could exercise their own imaginations. The wealthy Haas family of San Francisco customarily put on an annual family Christmas extravaganza, devoid of serious religious sentiment but filled with excitement and enthusiasm: "One Christmas, the guests were magically transplanted to Mexico. Santa Claus pinatas dangled from glass fixtures, while colorful sombreros, Indian baskets, papier-mâché chickens and horses, and full-blown paper poppies decorated the long dining tables. In a scramble of merriment, gleeful children whacked noisily at the Santa pinatas and were showered with small gifts and candies."²⁵ Anne Roiphe described a more austere but no less secular Christmas celebration in a controversial *New York Times* article in 1978.²⁶

The importance of these efforts to distinguish Christian from non-Christian aspects of Christmas and to accept only the latter can scarcely be underestimated,²⁷ especially in light of the analysis offered above and the recent endorsement of this line of argument by the Supreme Court. If the Christmas of civil religion really could be separated from the Christmas of Christianity, then the tension between rites of national unity and Jewish identity maintenance would be resolved, and the problem of explaining how Christmas could be a national holiday without America being a Christian country would disappear. For most Americans, however, Christmas is *not* divided into secular and religious components but is a unified whole. And that whole is inextricably bound up with Jesus of Nazareth.

Some Jews, taking an opposite approach to this problem, have rejected Christmas entirely, national holiday or not. Typically, Jewish opponents of Christmas have recalled the day's long and sad history for Jews, the fact that "in olden times many of our people were murdered on that day."²⁸ Had not Jews traditionally spent "Nittel night" (Judeo-German for Christmas) far removed from Christians and in anything but a Christmas frame of mind? "To celebrate a day which has cost us so much pain, so much blood, so much sorrowful experiences with joy and merriment," Felix Adler once cried, "is this not a bitter and cruel mockery?" Rev. Jacob Voorsanger likewise wondered, in 1883,

why Jews should "pay respect to a day that . . . holds up the presumed truth of Christianity and the falsity of all other creeds."²⁹

More than just history and polemics, however, were involved here. The deeper problem, as Rabbi Julius Eckman expressed it as far back as 1866, was one of some Jews "aping Christians." He looked upon "the Christmas tree or the Christmas present in the house of the Jew as an act of denial of identity—an attempt [by the American Jew] to appear to be what he is not."³⁰ Already Christmas had assumed, at least for rejectionists, a larger symbolic meaning: it gauged assimilationist trends in general. By opposing Jewish celebrations of Christmas, Jewish leaders sought to stem the assimilationist tide, keeping Jews firmly within the fold. As "Close Observer" explained in 1888, "the 'Christmas tree' is [called] but an innocent amusement but these little innocent amusements unfortunately recoil and become almost the vengeance of Providence upon the perpetrators. Hence the present increase of intermarriages . . . disrespect of parents . . . disregard for religion."³¹ Similar arguments relating Jewish observance of Christmas to assimilation and ultimate apostasy have been repeated down to the present day; they form one of the mainstays of rejectionist ideology.

In spurning Christmas, rejectionists have also consistently protested the idea that Christmas could ever be a *secular* American holiday. As forcefully as others might insist that "the essence of Christmas [is] peace on earth, goodwill toward men, the carols, the presents," they have insisted, as the American Jewish Congress put it in 1946, that "the observance of the day which marks the birth of the Savior is nothing and can be nothing but a Christian religious holiday."³² Indeed, when Catholic and Protestant leaders in the 1960s mounted a campaign to "put Christ back into Christmas," Jewish leaders, led by Rabbi Julius Mark of Temple Emanu-El in New York, offered them warm support: "I sympathize wholeheartedly with my colleagues of the Christian faith—both Catholics and Protestants—who have been protesting against the commercialization and the paganization of Christmas. . . . It's a religious holiday, a solemn occasion."³³ An open letter "from a Christian to one of my best friends—a Jew," frequently reprinted in Jewish publications, drove the point home:

You showed me the Christmas tree you placed in our home. You thought I would be flattered and pleased. It is a beautiful tree carefully set up and painstakingly decorated, but I am neither flattered nor pleased. I am somewhat resentful, a little ashamed, and deeply sorry.

To me, a Christian, the tree is a symbol of my most sacred religious holiday. During the Christmas season it is a constant reminder of the birth of our Lord and Savior. It has become, in our home, the mark of

our Christianity during the season of the year when we celebrate the birth of our Christ.

I ask myself what meaning the tree has for you? It cannot be a Christian religious symbol, since you have told me often that as a Jew you do not accept Christ. For you, it must then be no more than a pretty decoration. How can I help feeling resentful when you take my sacred religious symbol and make it a mere "decoration"?³⁴

In stressing the thoroughly Christian character of Christmas, even that of its seemingly most neutral symbols, Jewish rejectionists were, at least by implication, admitting to their minority status. They rejected any thought of concessions to "secular" aspects of the national holiday, and made Jews who observed Christmas rituals, however they justified them, feel guilty by telling them that they were either following the sacred tenets of another religion (and not just some "popular folk rituals") or unwittingly insulting their Christian friends by impiously treating their sacred symbols in a profane manner. The only problem with all of this was that it made no effort to explain to Jews, who after all denied that America was a Christian country, how the Christian holiday of Christmas ever came to be observed on a national basis. How could sacred Christian symbols be allowed to adorn government property? By denying that there was any broadly civil or exclusively secular quality to the holiday, rejectionists undermined the most commonly offered explanation for why Christmas did not violate church-state separation in America. At the same time, although nobody realized it, they also undermined their own arguments against allowing overtly Christian symbols like the crèche on public property: if the tree was a Christian religious symbol and permitted why should a crèche be any different?³⁵

Jews, in short, faced an agonizing dilemma. For them to reject the national holiday of Christmas by declaring it a thoroughly Christian religious day promoted Jewish identity, but at the cost of admitting that America was a Christian society from which Jews necessarily stood apart. For them to embrace a secular Christmas as an American holiday strengthened the hands of those who insisted that America, while religious, was *not* a Christian society, but at the cost of promoting manifest assimilation. Both alternatives were fraught with conspicuous difficulties.

Walter M. Gerson, in his pioneering study of Jewish "strain-reducing mechanisms" at Christmas time,³⁶ listed various ways in which American Jews have sought to overcome some of these difficulties: peer support, social insulation, psychological compartmentaliza-

tion, redefinition of rituals in secular terms, and patterned evasion. Yet, more important than all of these has been the effort by Jews to create functional alternatives to Christmas celebrations, alternatives at once similar enough to substitute for those of Christmas and still distinctive enough for their own Jewish character to shine through unmistakably. Throughout American Jewish history Jews have responded to Christian challenges in this way, in the process creating numerous and in many cases highly beneficial communal innovations.³⁷ The most widely accepted of these by far has been the late nineteenth-century revitalization of the half-forgotten festival of Chanukah.

Chanukah, the festival of lights, commemorates the successful revolt by Jewish forces, led by Mattathias, the son of Hasmoneus, and his sons, known as the Maccabees, against the Syrian-Greek persecutions and demands for Jewish subservience to Hellenism. The holiday recalls the Temple's rededication on the twenty-fifth day of the Jewish month of Kislev, 165 B.C.E. It also reminds the faithful of the "miracle of Chanukah"—that the single undefiled cruse of oil found in the Temple, an amount sufficient to light the Temple lamp (menorah) for only one day, burned fully for eight days, until additional oil could be obtained. Yet while observed annually by practicing Jews through the lighting of Chanukah candles and various other rituals and folkways, Chanukah never historically achieved the status of a major Jewish holiday: gifts were not traditionally exchanged, families did not traditionally gather. Indeed in America prior to the Civil War, many Jews do not seem to have celebrated Chanukah at all.³⁸

With the burgeoning spread of Christmas, concerned Jews in various quarters moved to "revive" Chanukah so as to counteract those who "ignore[d] their holy days and celebrate[d] those of Christians." By 1870, "Chanukah festivals" emphasizing candle lighting, food, plays, and singing had been instituted in Jewish Sunday schools—an obvious response to Protestant Sunday school Christmas festivals.³⁹ In 1879, when young Jews connected with the Young Men's Hebrew Association looked to Chanukah as part of their effort to revitalize American Judaism, the holiday really took off. The *American Hebrew* spoke that year of a "Chanukah tidal wave" that had "swept the country." Chanukah pageants, advertised as the "Grand Revival of the Jewish National Holiday of Chanucka," won widespread publicity and attracted crowds beyond the wildest expectations of even the youthful organizers. "Every worker in the cause of a revived Judaism," one of them wrote, "must have felt the inspiration exuded from the enthusiastic interest evinced by such a mass of Israel's people." Rabbi Max Lilienthal of Cincinnati urged Jews everywhere to "imitate such festi-

vals . . . We need no Christmas trees in our Jewish houses: our Chanukah can be celebrated to the delight of old and young." Speaking to the famed Pittsburgh rabbinical conference in 1885, Rabbi Kaufmann Kohler brought the point home to Jewish leaders: "Chanukah ought to appear in a more festive garb of light and joy in order to be a strong competitor of the Christmas festivity."⁴⁰

The subsequent magnification of Chanukah into a Jewish holiday, celebrated according to a recent survey by more Jews than attend synagogue services on the Day of Atonement,⁴¹ has been amply described elsewhere.⁴² Chanukah succeeded somewhat in placating Jewish children who longed for the gifts and pageantry that their Christmas-observing Christian friends enjoyed and is partly responsible for the great decline in the number of Jewish homes that sport Christmas trees.⁴³ But Chanukah could do nothing to solve the fundamental problem connected with Christmas—that it is a *national* holiday. The many different failed attempts over the years to bring Chanukah and Christmas ever more closely into line bear emphatic testimony to this basic reality.⁴⁴

The only activities that have temporarily succeeded in overcoming Jews' "Christmas problem" (winning in the process widespread Jewish approbation) are those involving charity and goodwill, such as efforts to aid the needy on Christmas Day and programs that see Jews volunteering to work in public institutions for Christian employees to enjoy the day off with their families.⁴⁵ These programs place Jews where they can at once be both part of the larger community and apart from it, and thus provide a way for Jews to display their civic-mindedness, to practice the kind of traditional values that Christmas represents, and to do so without requiring them in any way actually to observe Christmas rituals or to otherwise assimilate. Momentarily, they succeed in achieving for Jews a magic synthesis of national unity and religious diversity which allows them to associate with other Americans in the "Christmas spirit" without directly participating in Christmas rituals—but only momentarily, for these are but short-term, makeshift solutions to Jews' anomalous situation on Christmas. The fundamental dilemma produced by Christmas's unique status in the American national calendar remains unresolved.

III

"It is indeed [as] unwise to make noise, as it is vulgar," a writer in the *American Israelite* warned in 1907. "If your convictions tell you that Christmas thoughts must not enter into the life of your little ones, if you fear the contamination of young souls by the tinsel of foreign

symbols, keep them away from places where such danger is lurking. . . . By injudicious protests we make ourselves obnoxious. We must cultivate a spirit of amity with those amongst whom we live, and we must respect the traditions of the majority, when our conscience can be sa[l]ved by means less vigorous than official protest. In the newer language of the day, we must know ourselves as a minority."⁴⁶

This attitude, a mixture of civility, vigilance, pragmatism, and resignation, found widespread acceptance in American Jewish circles for many decades. As members of a historically persecuted minority faith, eager to gain acceptance as full participants in the life of the nation, understandably fearful of religious controversy, and wary of being considered unpatriotic, Jews for the most part hesitated to alienate their Christian neighbors by taking their complaints about the national observance of Christmas into the public arena. However much they discussed the problem among themselves, they considered it impolitic, if not downright dangerous, to contest the issue openly.

Immigrant Jews, especially those associated with radical movements, might have been expected to take a firmer stance in opposition to Christmas, but so long as they remained huddled together in areas of first settlement they were largely isolated from the holiday's major manifestations. In an exceptional 1906 case, Eastern European Jews in New York did encourage a boycott of the city's public schools to protest Christmas exercises taking place there, but the majority of students in the schools concerned were Jewish, and the boycott was in good part directed against an insensitive school principal who at the previous year's assembly had urged Jewish students "to be more like Christ."⁴⁷ Where Christmas pageantry was outside areas of Jewish concentration, not overtly evangelistic, and mostly "secular," these Jews too usually kept their complaints to themselves.

Substantial Jewish opposition to public celebrations of Christmas arose only in more recent decades. The Holocaust, the creation of the State of Israel, the rise of a native-born generation of Jews, and growing minority group consciousness throughout the United States help account for this development—part of a larger trend toward American Jewish communal assertiveness that cannot be traced here. What does merit notice is the fact that Jews now do not hesitate to challenge the majority's most sacred practices in courts of law. To some extent this reflects a greater sense of Jewish security in America—a security so great that it permits Jews to worry less about "a spirit of amity" than about minority rights. But to at least an equal extent this also reflects a change in America itself. Postwar decades have seen the American judiciary assume a new activist stance, one that encourages

disadvantaged groups of all sorts to seek redress even in the face of long-standing American traditions. Segregation and school prayer have been found repugnant to the Constitution, why not state-sanctioned observances of Christmas as well? Furthermore, as Phillip Hammond has shown, the judiciary has increasingly taken on a "theological function" in America—"the erstwhile religious task of articulating a moral architecture."⁴⁸ In the absence of a religious consensus, courts have had to decide between conflicting claims, maintaining the delicate balance between "no establishment" and "free exercise," national unity and religious diversity, majority rule and minority rights. As a result, it has been in the courtroom that the most recent battles over Christmas have been waged.

The specific issue of Christmas displays on public property has received the lion's share of judicial attention.⁴⁹ These displays seem to many Christians to be perfectly acceptable holiday pageants—as *American as Christmas itself*. Jews, by contrast, see the same displays as thoroughly Christian and, hence, inappropriate for the public square. Resulting clashes have frequently been ugly. In Indianapolis, for example, Jewish community and American Civil Liberties Union opposition to a Nativity scene erected in University Park led in 1976 to what one observer has called "an antisemitic firestorm." Many could not understand why Jews advocated removal of the Christian symbols when they were invited (and declined) to erect their own Chanukah display in the same park.⁵⁰ Angry letters to the city's newspapers pointed to majority rule, to America's Christian heritage, and to the constitutional guarantee of "free exercise" in firmly opposing the Jewish community's stance. In the end, a projected court challenge was dropped, and the Nativity scene remained where it was.⁵¹

What proved to be a more far-reaching dispute over the legality of a Nativity scene took place in Pawtucket, Rhode Island, where a Christmas display erected by the city in a park owned by a nonprofit organization and located in the heart of the shopping district was challenged. The display, which had been erected annually for more than forty years and "was essentially like those to be found in hundreds of towns or cities across the nation," included such objects as a Santa Claus house, a Christmas tree, a banner reading "Season's Greetings," and most significantly a Nativity scene (*crèche*) complete with "the infant Jesus, Mary, Joseph, angels, shepherds, kings and animals, all ranging in height from five inches to five feet." As far as Pawtucket's mayor was concerned, the display was diverse enough to appeal to all citizens, and was one that the city as a whole could take

pride in. The American Civil Liberties Union and many Jews disagreed, alleging that the Nativity scene had the effect of "affiliating the City with the Christian beliefs that the crèche represents," in violation of the First Amendment to the Constitution. The case, known as *Lynch v. Donnelly*, proceeded through the courts until it reached the Supreme Court. There, in a 5-4 decision, the mayor's position was sustained.⁵²

In a sense, *Lynch v. Donnelly* merely played out on a new stage a dispute over national values and the meaning of Christmas that has raged elsewhere for more than a century. Yet analysis of the Court's split decision reveals that on two critical issues—Christmas as a national holiday and the compartmentalization of Christmas into secular and religious components—there was no dispute at all: the nine justices of the Court seemed united. Chief Justice Burger argued for the majority that in erecting a Christmas crèche, Pawtucket "has principally taken note of a significant historical religious event long celebrated in the Western World," and "long recognized" in the United States "as a National Holiday." "We are satisfied," he continued, that Pawtucket "has a secular purpose for including the crèche, that the City has not impermissibly advanced religion, and that including the crèche does not create excessive entanglement between religion and government."⁵³ Justice Brennan, speaking for the minority, dissented from the Court's secular interpretation of the crèche itself but agreed that "Christmas as a public holiday is constitutionally acceptable" (although his justification—government "accommodation" to the activities of "many Americans"—is thoroughly unconvincing) and likewise agreed "that the celebration of Christmas has both secular and sectarian elements."⁵⁴

None of the justices really came to grips with the fact that Christmas alone of all national holidays celebrates a religious event that many Americans do not recognize. Justice O'Connor came close, in her concurring opinion, when she admitted that government endorsement of religion is unconstitutional because it "sends a message to nonadherents that they are outsiders, not full members of the political community." But then in seeming disregard of her own logic, she concluded that Pawtucket's crèche "does not communicate a message that the government intends to endorse the Christian beliefs represented by the crèche. . . . The display celebrates a public holiday, and no one contends that declaration of that holiday is understood to be an endorsement of religion."⁵⁵

The minority opinion of Justice Brennan made more evident concessions to the sensitivities of non-Christians, but it too avoided the

essential point. Brennan hinted that a public Christmas display might have to include a Jewish symbol ("a Menorah") if such a request were made. He also stressed the fact that for non-Christians and especially for Jews "the symbolic re-enactment of the birth of a divine being who has been miraculously incarnated as a man stands as a dramatic reminder of their differences with Christian faith." A supporting footnote cited Martin Buber as calling this difference "the ultimate division between Judaism and Christianity."⁵⁶ The divergent majority view, enunciated by the Chief Justice, that the crèche is thoroughly secular but, like a Sunday closing law, "happens to coincide or harmonize with the tenets of some . . . religions," seems, by contrast, weak and unpersuasive.⁵⁷ Still, the difference between the majority and the minority position proves in the final analysis to be one of degree rather than of kind. All agreed that Christmas is a secular national holiday. Where they disagreed is on the question of whether the crèche is an acceptable symbol of *that* holiday or only a symbol of the related *religious* holiday that occurs on the same day and carries the same name.

In the end then, the justices of the Supreme Court, like most recent presidents and presumably most other Americans, pronounced Christmas a holiday for everyone. Without denying the Christian origins of Christmas, they nevertheless argued that Christmas is a secular holiday—part of American civil religion—a day in which people of goodwill everywhere can faithfully join. Some justices showed more sensitivity than others to the stark dilemma that Christmas poses to the non-Christian. But the only possible solution, calling Christmas "specifically Christian," as astronaut William Anders did, and divorcing it from the state altogether, is not one that any of them were prepared to accept. As a result, Christmas seems destined to remain an anomaly in American religion: a Christian holiday recognized as a holiday for all Americans, with Jews and other non-Christian Americans left out.

NOTES

I am grateful to Ms. Chai Feldblum, Dr. Hugo Freund, Prof. Samuel Z. Klausner, Prof. Benny Kraut, Rabbi Clifford E. Librach, Prof. Rowland A. Sherrill, Dr. Lester I. Vogel, and Prof. Stephen J. Whitfield for assistance and helpful suggestions in the preparation and revision of this paper—even if they do not necessarily agree with all of its findings and interpretations.

1. *New York Times*, Dec. 25, 1968, p. 36.

2. *Life* 16 (Jan. 17, 1969): p. 31; cf. Charles Reagan Wilson, "American

Heavens: Apollo and the Civil Religion," *Journal of Church and State* 26 (Spring 1984): 220-21.

3. W. Lloyd Warner, *Structure of American Life* (Edinburgh, 1952), p. 2, as quoted in Russell E. Richey and Donald G. Jones, *American Civil Religion* (New York, 1974), pp. 81-82 (emphasis added). See Catherine L. Albanese, "Dominant and Public Center: Reflections on the 'One' Religion of the United States," *South Atlantic Quarterly* 81 (Winter 1982): 24.

4. This rough estimate includes Jews, Muslims, and adherents of Eastern religions; see *Year Book of American and Canadian Churches* (Nashville, 1984), p. 244. George Gallup estimates that about 6 percent of Americans adhere to non-Christian religions, with an equal number identifying with no religion at all; see Jackson W. Carroll, Douglas W. Johnson, and Martin E. Marty, *Religion in America: 1950 to the Present* (New York, 1979), p. 9. Note that many Eastern Orthodox Christian churches do not recognize Christmas but celebrate Epiphany on Jan. 6, and several Western Christian churches either do not celebrate Christmas as a holiday because it is not found in the Bible or celebrate the day (as Adventists do) without any of its modern trappings.

5. James H. Barnett, *The American Christmas* (New York, 1954), p. 21. Besides Barnett's excellent volume, see on the history of Christmas in America, Ruth C. Kainen, *America's Christmas Heritage* (New York, 1969), and Katherine L. Richards, *How Christmas Came to the Sunday Schools* (New York, 1934). For additional bibliography, see Sue Samuelson, *Christmas: An Annotated Bibliography* (New York: 1982).

6. Robert Bellah, "Civil Religion in America," in *American Civil Religion*, ed. Russell E. Richey and Donald G. Jones (New York, 1974), p. 23.

7. Emil G. Hirsch, "How the Jew Regards Christmas," *Ladies' Home Journal* 24 (Dec. 1906): 10, pointed out that "to the theological associations of the festival the Jew must take exception," even though Christmas had become "the symbol and expression of the tenderest sympathies to which the heart of man may throb in responsive rhythms." Cf. Emil G. Hirsch, *My Religion* (New York, 1925), pp. 150-67.

8. Indeed, Jews consistently fought efforts to "Christianize" Thanksgiving, precisely because they sought inclusion in America's "public religion." See Morris U. Schappes, *A Documentary History of the Jews in the United States 1654-1875* (New York, 1971), pp. 235-46; Hyman P. Grinstein, *The Rise of the Jewish Community of New York* (Philadelphia, 1945), pp. 269-70; *American Hebrew* 56 (Nov. 23, 1894): 86; and John F. Wilson, *Public Religion in American Culture* (Philadelphia, 1979), pp. 56-60. Easter and Good Friday, of course, are not national holidays and therefore pose no similar problems.

9. This tradition goes back at least as far as the so-called Maryland Toleration Act of 1649 which ruled that "noe person . . . professing to beleive in Jesus Christ shall from henceforth bee any waies troubled"; cf. Sidney E. Mead, *The Nation with the Soul of a Church* (New York, 1975), p. 25.

10. I am indebted to Congressman Bill Gradison and to Dr. Lester I. Vogel of the Library of Congress for their assistance in locating this material. According to Vogel, quoting Albert J. Menendez, "the first Christmas tree was

erected in the White House by Franklin Pierce. Benjamin Harrison was the first to publicly discuss his Christmas observance during an interview in 1889 with a popular woman's magazine. The first crèche didn't appear until the Eisenhower Administration" (Vogel to Sarna, Feb. 25, 1985); cf. Albert J. Menendez, *Christmas in the White House* (Philadelphia, 1983).

11. Bellah, "Civil Religion in America," p. 28; cf. Wilson, *Public Religion*, pp. 45-66; Cynthia Toolin, "American Civil Religion from 1789 to 1981: A Content Analysis of Presidential Inaugural Addresses," *Review of Religious Research* 25 (Sept. 1983): 39-48.

12. Menendez, *Christmas in the White House*, p. 113; *The Public Papers and Addresses of Franklin D. Roosevelt: 1944-45 Volume* (New York, 1950), p. 444; *Public Papers of the Presidents of the United States: Harry S. Truman . . . 1947* (Washington, D.C., 1963), p. 530; *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960-61* (Washington, D.C., 1968), p. 885; *Public Papers of the Presidents of the United States: John F. Kennedy . . . 1962* (Washington, D.C., 1962), p. 888; *Public Papers of the Presidents of the United States: Lyndon B. Johnson . . . July 1 to December 31, 1964* (Washington, D.C., 1965), p. 1666. President Jimmy Carter seems to have been unique in directing his brief Christmas messages specifically "to those of our fellow citizens who join us in the joyous celebration of Christmas" (*Public Papers of the Presidents of the United States: Jimmy Carter . . . September 29, 1980 to January 20, 1981* [Washington, D.C., 1982], p. 2764).

13. *Public Papers of the Presidents of the United States: Gerald R. Ford . . . July 10, 1976 to January 20, 1977* (Washington, D.C., 1979), p. 2872; *Public Papers of the Presidents of the United States: Ronald Reagan . . . July 3 to December 31, 1982* (Washington, D.C., 1983), pp. 1643-44.

14. *Jewish Daily Forward*, Dec. 14, 1910, quoted in Irving Howe and Kenneth Libo, *How We Lived* (New York, 1979), p. 200. For a remarkably similar contemporary statement, see the comments of Rabbi Gary E. Zola, quoted in Robert Webb, "Jewish Feelings at Christmas," *Cincinnati Enquirer*, Jan. 24, 1985, p. A-14.

15. Eli N. Evans, *The Provincials* (New York, 1973), p. 140.

16. See on this point *God's New Israel*, ed. Conrad Cherry (Englewood Cliffs, N.J., 1971), p. 16.

17. Kenneth N. White, "American Jewish Responses to Christmas" (unpublished Ordination thesis, Hebrew Union College-Jewish Institute of Religion, 1982); see also Walter M. Gerson, "Jews at Christmas Time: Role Strain and Strain-Reducing Mechanisms," in *Social Problems in a Changing World*, ed. Walter M. Gerson (New York, 1969), pp. 65-76.

18. Jonathan D. Sarna, *Jacksonian Jew: The Two Worlds of Mordecai Noah* (New York, 1981), p. 142.

19. *American Israelite*, Jan. 16, 1880, quoted in White, "American Jewish Responses to Christmas," p. 19.

20. *Time*, Jan. 1, 1940, p. 32, reprinted in White, "American Jewish Responses to Christmas," p. 298.

21. Sarna, *Jacksonian Jew*, p. 142.

22. *New York Reformer and Jewish Times*, Feb. 14, 1879, p. 5; *American Israelite*, Dec. 24, 1891, p. 5; *Time*, Jan. 1, 1940, p. 32; all found in White, "American Jewish Responses to Christmas," pp. 28, 276, 289, 298. De Leon was responding to Felix Adler's attack on the Christmas tree, cited below (n. 29).
23. *American Israelite*, Jan. 7, 1897, p. 5, reprinted in White, "American Jewish Responses to Christmas," p. 295.
24. Barnett, *American Christmas*, pp. 14–18; cf. White, "American Jewish Responses to Christmas," pp. 25, 37; Emma Lazarus, "The Christmas Tree," *Lippincott's* 19 (Feb. 1877): 229–30.
25. Frances B. Rothman, *The Haas Sisters of Franklin Street* (Berkeley, 1979), p. 8.
26. Anne Roiphe, "Christmas Comes to a Jewish Home," *New York Times*, Dec. 21, 1978, p. C6; Anne Roiphe, *Generation without Memory* (New York, 1981), p. 126.
27. Irving Canter found that about half of the Jewish youths whom he interviewed in 1960 "distinguished between religious and non-religious elements [of Christmas]. The crèche, pictures of Jesus, religious songs, sermons on the life and teachings of Jesus and prayers were not considered valid for public schools. However, the tree, the winter carols, and the ornaments were put in the non-religious category and therefore considered acceptable." See "Uncle Sam, the Hanukkah Man: Assimilation or Contra-Culturation?" *Reconstructionist* 27 (Dec. 1, 1961): 8.
28. *American Israelite*, Jan. 16, 1880, p. 3, quoted in White, "American Jewish Responses to Christmas," p. 94.
29. Felix Adler, "The Christmas Tree," *Jewish Times*, Dec. 31, 1869, quoted in Benny Kraut, *From Reform Judaism to Ethical Culture: The Religious Evolution of Felix Adler* (Cincinnati, 1979), p. 31, but note that Adler later changed his mind on this issue, *ibid.*, p. 176; *Sabbath Visitor* 11 (Dec. 21, 1883): 393, quoted in White, "American Jewish Responses to Christmas," p. 97.
30. *Occident* 24 (Feb. 1867): 510, reprinted in White, "American Jewish Responses to Christmas," p. 270.
31. *American Israelite*, Jan. 10, 1888, p. 5, quoted in White, "American Jewish Responses to Christmas," p. 100. For other examples, see Canter, "Uncle Sam, the Hanukkah Man."
32. Leonard Gross, "The Jew and Christmas," *Look*, Dec. 28, 1965, p. 24; *Congress Weekly*, Dec. 20, 1946, pp. 3–4, as quoted in White, "American Jewish Responses to Christmas," p. 116. Gross notes the case of one Orthodox Jewish day school that resolutely continued to hold classes on Dec. 25 on the argument that "Just as Our Lady of Mercy is open on Yom Kippur, so is Yeshiva of Forest Hills open on Christmas" (p. 23). Many Orthodox synagogues continue to schedule daily morning prayers at the regular weekday hour on Christmas, rather than at the later Sunday or holiday hour.
33. *New York Times*, Dec. 11, 1961, p. 38, quoted in White, "American Jewish Responses to Christmas," pp. 125–26.
34. The full letter first appeared in Abraham J. Karp, *Our December Dilemma* (New York, 1958), p. 8.

35. Avraham Weiss, "The Menorah-Crèche Controversy" *New York Law Journal*, Dec. 26, 1984, understands this problem, but argues that the tree, although it has "significant religious meaning," is still a "far more general symbol than the crèche." He attempts to distinguish symbols that have both universal and religious meaning (the tree and the menorah), from those that are religious alone (the crèche and the Torah scroll). Unfortunately, Rabbi Weiss offers no clear test for distinguishing one class of religious symbols from the other (why isn't a Torah scroll as "universal" as a menorah?). Still, it is easy to sympathize with his conclusion: "to permit the display of Christmas trees on public land while denying the right of placement of the *chanukah* [menorah] would be discriminatory." I am grateful to Professor Jeffrey Gurock for bringing this item to my attention.
36. Gerson, "Jews at Christmas Time," pp. 69–73.
37. See Jonathan D. Sarna, "The Impact of Nineteenth Century Christian Missions on American Jews," in *Jewish Apostasy in the Modern World*, ed. Todd Endelman (New York: Holmes and Meier, 1987), pp. 232–54.
38. "There are some who seem to evince no pride in the exploits of the Maccabees, how sad we feel that they should be so forgotten" (*Jewish Messenger*, Nov. 26, 1858, p. 113, as quoted in White, "American Jewish Responses to Christmas," p. 183). For Rabbi Isaac M. Wise's opposition to the kindling of Chanukah lights, see James G. Heller, *Isaac M. Wise: His Life, Work and Thought* (New York, 1965), p. 564. Lafcadio Hearn, in his 1873 discussion of the holidays celebrated by Cincinnati Jews, made no mention of Chanukah ("The Hebrews of Cincinnati," *Cincinnati Enquirer*, Nov. 9, 1873). To this day, Chanukah is a comparatively minor holiday in Israel.
39. Julius Eckman, "Hannukah and Christmas," *Occident* 24 (Feb. 1867): 510; *American Israelite*, Dec. 30, 1870, p. 9, both in White, "American Jewish Responses to Christmas," pp. 270, 186; see pp. 183–94 for Chanukah activities reflected in Jewish newspapers.
40. *American Hebrew*, Dec. 26, 1879, p. 61, as quoted in Yehezkel Wyszowski, "'The American Hebrew' Views the Jewish Community in the United States, 1879–1884, 1894–1898, and 1903–1908," (Ph.D. diss., Yeshiva University, 1979), p. 386; "Grand Revival," 1879 handbill in Solomon Solis-Cohen Archives, Philadelphia; 1879 newspaper clippings, YMHA scrapbook, YMHA Archives, 92nd Street Y, New York; Max Cohen to Solomon Solis-Cohen, Dec. 22, 1879, Solomon Solis-Cohen Archives; *Sabbath Visitor* 6 (Jan. 17, 1879): 20; *Proceedings of the Pittsburgh Rabbinical Conference, November 16, 17, 18, 1885* (New York, 1923), p. 18.
41. Steven M. Cohen, "The 1981 National Survey of American Jews" (typescript), p. 4.
42. Jakob J. Petuchowski, "The Magnification of Chanukah," *Commentary* 29 (Jan. 1960): 38. It is difficult to date precisely when Chanukah replaced Purim as the holiday on which Jews exchanged gifts. When Mordecai Kaplan made the suggestion in 1934 in his highly influential *Judaism as a Civilization* ([1934; New York, 1967], p. 451) the transfer had obviously not yet completely taken hold.

43. Twelve percent of Kansas City Jews had Christmas trees in their homes in 1962; more recent national data suggest figures ranging from 5 to 12 percent. See *Mid-America's Promise: A Profile of Kansas City Jewry*, ed. Joseph P. Schultz (Kansas City, 1982), p. 365; Steven M. Cohen, *The 1984 National Survey of American Jews* (New York, 1984), p. 51; Egon Mayer (personal communication). On the decline of the "Chanukah Bush" and the Jewish Christmas tree, see Milton Matz, "The Meaning of the Christmas Tree to the American Jew," *Jewish Journal of Sociology* 3 (June 1961): 129–37; Marden D. Paru, "Tannenbaum and the Jewish Problem," *Jewish Social Studies* 35 (1973): 283–89.

44. As early as 1878, Henrietta Szold suggested that Chanukah be reinterpreted: "Christmas truly fulfills its mission of bringing peace and good will to men. All this and more Chanukah should be to us" (*Jewish Messenger*, Jan. 10, 1879, p. 5, quoted in White, "American Jewish Responses to Christmas," p. 192). Cf. Alice Ginott, "The Annual Dilemma: Should a Jewish Child Celebrate Christmas," *Ladies' Home Journal* 95 (Dec. 1978): 201. For other suggested reinterpretations of Chanukah, see Petuchowski, "Magnification of Chanukah," pp. 38–43. More radical suggestions for bringing the two holidays into line are discussed in Benny Kraut, "A Unitarian Rabbi? The Case of Solomon H. Sonneschein" (forthcoming); Alvin J. Reines, *A Concise Guide to the Celebration and Understanding of Chanukah the Festival of Affirmation* (Cincinnati, 1980); and White, "American Jewish Responses to Christmas," pp. 41–54, 227–28; see also Irvin Canter, "Uncle Sam, the Hanukkah Man," p. 5; Daniel Bloom, "A Bloom by Any Other Name," *Moment* 10 (Dec. 1984): 63–64.

45. White, "American Jewish Responses to Christmas," pp. 229–36, traces examples of Jewish expressions of goodwill at Christmas time dating back to the nineteenth century; see also Barnett, *American Christmas*, p. 54.

46. *American Israelite*, Jan. 3, 1907, reprinted in Robert T. Gan, "A Documentary Source Book for Jewish-Christian Relations in the United States, 1865–1914" (unpublished Ordination thesis, Hebrew Union College-Jewish Institute of Religion, Cincinnati, 1967), p. 114.

47. Leonard Bloom, "A Successful Jewish Boycott of the New York City Public Schools—Christmas 1906," *American Jewish History* 70 (Dec. 1980): 180–88; Deborah Dash Moore, *At Home in America: Second Generation New York Jews* (New York, 1981), pp. 116–17; for other cases, see White, "American Jewish Responses to Christmas," pp. 144–46, 151–54.

48. Phillip E. Hammond, "The Rudimentary Forms of Civil Religion," in *Varieties of Civil Religion*, ed. Robert N. Bellah and Phillip E. Hammond (New York, 1980), pp. 154–55; cf. William A. Cole and Phillip E. Hammond, "Religious Pluralism, Legal Development and Societal Complexity: Rudimentary Forms of Civil Religion," *Journal for the Scientific Study of Religion* 13 (1974): 177–89.

49. Earlier court cases dealt with the issue of Christmas in the public schools, but the substantive legal issues involved here receded under the weight of Supreme Court rulings on the general questions of religion in the public schools. General guidelines permit Christmas assemblies and cultural

events so long as schools present them "in a prudent and objective manner and as a traditional part of the culture and religious heritage of the particular holiday." See *Florey v. Sioux Falls School District*, 464 F. Supp. 911, 918 (D.S.D. 1979), *aff'd*, 619 F.2d 1311, 1317, 1319 (8th Cir.), *cert. denied*, 449 U.S. 987 (1980); and David Silverberg, "Santa and the First Amendment," *Baltimore Jewish Times*, Dec. 19, 1980, pp. 56–59. For earlier disputes see Anson Phelps Stokes and Leo Pfeffer, *Church and State in the United States* (New York, 1964), pp. 382–84; Albert I. Gordon, *Jews in Suburbia* (Boston, 1959), pp. 188–94; White, "American Jewish Responses to Christmas," pp. 154–65. A particularly ugly dispute on this issue wracked the community of Westfield, New Jersey. A compromise reached in 1972 allowed a high school Christmas passion play to continue to be held, but only after school hours with attendance voluntary; see Evelyn Averick, *A Historic Narrative: The Story of Emanu-El* (New York, 1981), pp. 53–55.

50. "In East Orange, New Jersey, for example, the problem created by a Nativity scene . . . was resolved by erecting a huge Chanukah Menorah across from it" (Gordon, *Jews in Suburbia*, p. 190).

51. Gerald L. Houseman, "Antisemitism in City Politics: The Separation Clause and the Indianapolis Nativity Scene Controversy," *Jewish Social Studies* 42 (Winter 1980): 21–36; Judith E. Endelman, *The Jewish Community of Indianapolis* (Bloomington, 1984), pp. 250–51.

52. *Lynch v. Donnelly*, 465 U.S. 668, 104 S. Ct. 1335 (1984). On this case, see 98 Harvard Law Review 174 (1984); Nathan Z. Dershowitz, "Did the Crèche Case Set a Dangerous Precedent?" *Jewish Monthly*, May 1984, pp. 26–30; Ruti G. Teitel, "Memorandum: *Lynch v. Donnelly*" (typescript, Anti-Defamation League, Apr. 4, 1984).

53. *Lynch v. Donnelly*, at 1363, 1365. This follows the language of *Lemon v. Kurtzman*, 403 U.S. 602, 614 (1971).

54. *Lynch v. Donnelly*, at 1378. Brennan's argument follows the logic first set forth in *McCollum v. Board of Education*, 333 U.S. 203 (1948); cf. 98 Harvard Law Rev. 174 (1984) at 179.

55. *Lynch v. Donnelly*, at 1361, 1369.

56. *Id.*, at 1374, 1377 n. 14.

57. *Id.*, at 1364, quoting *Marsh v. Chambers*, 463 U.S. 783, 103 S. Ct. 3330, 3336 (1983).