

F I N D I N G

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G R O U N D

A First Amendment Guide to Religion and Public Education

Charles C. Haynes, Ph.D., Editor

**THE FREEDOM FORUM
FIRST AMENDMENT CENTER
AT VANDERBILT UNIVERSITY**

- 1** A Guide to Finding Common Ground
- 2** A Return to First Principles
- 3** Religious Liberty in American Public Life
- 4** The Supreme Court, Religion, and Public Education
- 5** Strategies for Finding Common Ground
- 6** Religion in the Curriculum: Questions and Answers
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About the Editors

Charles C. Haynes, Ph. D., is recognized as a leading authority on religious liberty issues in public education. Currently a Visiting Professional Scholar at The Freedom Forum First Amendment Center at Vanderbilt University, he was formerly the executive director of the First Liberty Institute at George Mason University in Fairfax, Va. He has recently served as president of the National Council on Religion and Public Education. Dr. Haynes is the author of *Religious Freedom in America: A Teacher's Guide* and *Religion in American History: What to Teach and How*. He co-authored *Living With Our Deepest Differences: Religious Liberty in a Pluralistic Society*, a social studies curriculum developed by the Williamsburg Charter Foundation. Dr. Haynes formerly taught world religions at Randolph-Macon College and social studies in both public and private secondary schools. Dr. Haynes is a graduate of Emory University (B.A., Religion), Harvard Divinity School (M.T.S., Religion and Education), and Emory University (Ph.D., Theological Studies).

Oliver Thomas, Esq., is a consultant for The Freedom Forum First Amendment Center at Vanderbilt University and is a leading authority on church-state law. Mr. Thomas has worked with groups ranging from the Southern Baptist Convention to the American Civil Liberties Union. Recently, he chaired the coalition of 68 national religious and civil liberties groups that drafted and worked for the passage of the Religious Freedom Restoration Act. Mr. Thomas has lectured at Harvard, Notre Dame and Regent law schools. He has worked with more than 300 school districts on issues pertaining to religion and public education. Before returning to his home state of Tennessee, Mr. Thomas taught church-state law at Georgetown University Law Center. Mr. Thomas is a graduate of the University of Tennessee and the New Orleans Baptist Theological Seminary. He has earned law degrees from the University of Virginia and the University of Tennessee.

This guide is designed to provide general information on the subject of religious expression and practices in schools. It is printed with the understanding that the author is not rendering legal or other professional services. If the reader has specific legal questions, the services of a qualified, licensed attorney should be sought.

Acknowledgments

Since 1988, efforts to find common ground in schools and communities across America have been greatly enhanced by the vision of the First Amendment Religious Liberty clauses as articulated in The Williamsburg Charter. A special word of appreciation is due to Dr. Os Guinness, who served as Executive Director of The Williamsburg Charter Foundation, and to the other drafters and signers of the Charter.

The work to find common ground by putting into practice the guiding principles of the First Amendment has many advocates throughout the country. No single person has done more to advance this work than Oliver Thomas, the legal editor of this guide. Mr. Thomas, one of the nation's outstanding constitutional attorneys, co-chaired with me the coalition that produced the consensus statements contained in chapters 6, 10, and 11. He is also one of the leaders of our projects in California, Georgia, Utah and elsewhere.

Dr. Nicholas Piediscalzi has been and continues to be of particular importance to the work represented by this guide as evidenced not only by his outstanding career and his many writings (including the excellent piece in chapter 7 of this guide), but also by his current leadership of the California Three Rs Project (Rights, Responsibilities, and Respect).

Of the many others who have given professional and personal support for the work of finding common ground, Diane Berreth and Ron Brandt at the Association for Supervision and Curriculum Development, Forest Montgomery at the National Association of Evangelicals, Wynell Schamel at The National Archives, Lloyd Duck and Larry Bowen at George Mason University, and Virginia MacLaury of Washington, D.C. deserve special mention. Strong leadership has been provided in every region of the nation by many dedicated people including Warren Nord in North Carolina, Ray Briscoe and Susan Rather in Utah, Dan Sweat, Werner Rogers, Ron Benson and Gwen Hutcheson in Georgia, John Brophy and all of the Steering Committee and regional leaders of our California project, Charlotte Crabtree in California, Evelyn Holman in Maryland, Mort Sherman and JoAnn Shaheen in New York, Jean Craven in New Mexico, and many others.

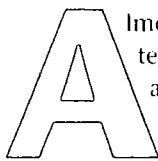
A debt of gratitude is also owed to the many scholars and teachers who have worked throughout the years to encourage study about religion in the public schools in ways that are constitutionally permissible and educationally sound. This guide builds on the work of Thayer Warshaw, Charles Knicker, Austin Creel, Lee Smith, Wes Bodin, and many others too numerous to list here.

Finally, The Freedom Forum First Amendment Center at Vanderbilt University has made production of this guide possible. Under the leadership of John Seigenthaler, Chairman, and Paul McMasters, Executive Director, The First Amendment Center has demonstrated a strong commitment to the vital importance of First Amendment religious liberty principles for our time. The outstanding staff of the Center has done much to support this project. Special thanks to Bracey Campbell for his constant encouragement, to Natilee Duning who helped edit the manuscript, and to David Smith who is responsible for the excellent design inside and out. And, of course, deep appreciation must go to my Associate Editors, John Leach and Alyssa Kendall who did much of the hard work.

Charles C. Haynes
November 1994

Foreword

by John Seigenthaler



Almost weekly now, U.S. citizens read in newspapers or see on television reports of a “Muslim terrorist” threats or attacks aimed at some “enemy of Islam.”

The news-media drumbeat has led many of us to the false impression that the Muslim faith is a religion built on a foundation of violence and fanaticism. Nowhere have most of us been taught about the history of Islam or what Muslims today actually believe. We know little about the vision of Muhammad in 610 A.D. that began the revelations known as the Qur’an, accepted by millions of Muslims throughout the world as the word of Allah or God. We are unaware that it is from this experience that the faith of Islam had its beginning.

More than 1300 years later, American school children, who read and hear about the growing influence of the Islamic world on our lives, learn very little about the prophet Muhammad or the religious tradition of Muslims. Neither are they taught about Siddhartha Gautama, the founder of Buddhism, nor about the prophets or precepts of any of the other major world religions.

Considering the failure of public education to take religion seriously in the curriculum, it should not be surprising that our children know little about Muslims, Hindus, Buddhists or others. Even religions closer to home for most Americans, Christianity and Judaism, are barely discussed in many textbooks, including those about American history. Students learn little about Abraham, Moses, Jesus and others central to understanding world history, literature or the arts.

With each new advancement, communications technology moves us closer to relationships with peoples and cultures across the globe. Considering the impact that the religions of the world will have on our future, it must be said that our public system of education is failing our children by leaving them ignorant of this important realm of human history and experience.

The simple suggestion that religion is a subject children need to know about to be well-informed citizens frightens some educators. The mere mention of a curriculum that would include teaching about religion causes a knee-jerk response: It would violate the U.S. Constitution; it would contradict the First Amendment.

After all, has not the Supreme Court struck down, over and over, efforts by educators to mandate prayers in public schools? Indeed it has. The Court has ruled that state-mandated prayer in schools violates the Establishment clause of the First Amendment.

But, as Charles Haynes says in *Finding Common Ground*, there is a sharp and clearly defined constitutional difference between “teaching religion” to students and “teaching *about* religion” to students. Haynes has spent much of his adult life analyzing the reasons that cause some educators to react negatively when the subject of teaching about religion is raised. He understands, because he has faced the fire of those who want religion promoted in schools and the ire of those who want all references to religion removed from schools. He knows that the field in which he has chosen to walk and work is land-mined and booby-trapped.

Across the country, he has found school systems in trouble, locked in controversies about the place of religion in the schools. He has offered them a way to find common ground, an approach he has refined during the months he has spent at The Freedom Forum First Amendment Center at Vanderbilt University. There are projects in California, Utah, Georgia, Maryland, Tennessee and elsewhere that attest to his effectiveness. Through these efforts, many schools have committed themselves to protect the religious liberty rights of students and to find the proper role for religion in the curriculum.

Haynes has spent most of the last year defining and refining a master guide that will help lead public schools through a maze of dangerous emotional and constitutional detonators to what he identifies as “common ground.” Basically, he tells us that the First Amendment provides a shared space in which people who disagree can meet to negotiate their differences with civility and respect.

Through his work, Haynes has found general agreement among parents, teachers, administrators and students that few are happy with a system of education that denies knowledge to students, or that fails to take religious liberty seriously. Public schools must work for fairness, doing everything possible to protect the freedom of conscience of every student and parent. And a quality education, most agree, *must* include an understanding of the religious influences that have played a vital part in the molding of nations, including our own. It *must not* include advocacy of a particular religious (or non-religious) point of view. Between the “must” and the “must not” lies common ground.

Thanks in large measure to the First Amendment guarantee of religious liberty, the thread of religious practice runs through the fabric of our national development like a red thread through white cloth. There have been moments when religion in America has uplifted and inspired the life of the nation. There have also been moments when religious controversies and conflicts have degraded the quality of our national life. All any citizen can ask of the public schools — and the least anyone should expect of them — is a curriculum that educates students to understand as much as possible about the religious phenomena that are crucial to understanding ourselves and our neighbors here and around the world.

The question Charles Haynes addressed in the course of this project at The First Amendment Center was whether guidelines for teaching about religion could be constructed within the principles of the Religious Liberty clauses of the First Amendment. His answer — which, in my judgment is overwhelming in its compilation of objective evidence, practical application and intellectual inquiry — is clearly in the affirmative.

Finding Common Ground does not affirm the teaching of religion in the public schools. It does affirm teaching *about* religion and the vital importance of protecting the liberty of conscience of students of all faiths or none in the spirit of the First Amendment. The authors of the first 16 words of the Bill of Rights were men of religious conviction motivated by a passion for religious liberty and a fear of religious oppression by the state. James Madison, drafting his preliminary proposals for a Bill of Rights, wrote in 1789: "The civil rights of none shall be abridged because of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner or in any pretext, infringed."

That thought was the genesis for the Religious Liberty clauses of the First Amendment.

One hundred and seventy-three years later, Justice Tom Clark wrote for the U.S. Supreme Court: "The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality."

Neither Madison nor Clark ever had the slightest thought that their words would be used to prevent school children from learning about this nation's religious heritage or about the religious history of other peoples and nations. Both, I am convinced, would rejoice in the sensibility and sensitivity of *Finding Common Ground*.

And so should public school educators.

A Guide To Finding Common Ground

by Charles C. Haynes

The public schools of America have become battlefields in the culture wars that deeply divide our nation. Bitter clashes over such issues as religious holidays, equal access, religion in the curriculum, and religious practices have placed children and teachers in the crossfire of controversy and dissension. Extremes have surfaced on all sides, and any notion of a common vision for the common good is often lost in the din of charge and counter-charge. As alienation and frustration deepen, public education is weakened and our future as one nation of many peoples and faiths is called into question.

This guide is built on the conviction that finding common ground on many of the issues that divide us is possible within the civic framework provided by the Religious Liberty clauses of the First Amendment to the U.S. Constitution. The key is for all sides to step back from the debate and to give fresh consideration to the democratic first principles that bind us together as a people. Then, in light of our shared civic commitments, we can work for policies and practices in public education that best protect the conscience of every student and parent in our schools.

What Is at Stake?

Finding Common Ground will be most useful to those school leaders and parents who understand the vital importance of achieving new solutions to old debates about religion and public education. To say that conflicts over religion and values in public schools threaten our nation and our schools is not to suggest that the United States is on the brink of becoming Bosnia or Northern Ireland. Thanks in large measure to the Religious Liberty clauses of the First Amendment, this country remains the boldest and most successful experiment in living with religious

differences the world has ever seen. Nevertheless, at a time of unprecedented religious division and diversity in America, we would do well to remember that *E Pluribus Unum* remains a fragile experiment sustained only by a virtuous citizenry.

Recent events suggest that any escalation in the culture wars will make the public square of America (and thus the public schools) an increasingly hostile and angry place in which to debate public policy. Writing about one such event, the murder of Dr. Gunn in Florida, Charles Colson warns, "The crime was not only senseless, it was symbolic — its message that a democracy poisoned by hatred and division can be as dangerous as the streets of Sarajevo ... Our public square threatens to become Matthew Arnold's darkling plain, where ignorant armies clash by night."¹

At issue for this nation, as for much of the world, is the simple, but profound question that runs through modern experience: *How will we live with our deepest differences?*

Nowhere is the need to address this question greater than in public education. Not only are schools the storm center of controversy involving religious differences, they are the principal institution charged with transmitting the identity and mission of the United States from one generation to the next. If we fail in our school policies and classrooms to model and to teach how to live with differences, we endanger our experiment in religious liberty and our unity as a nation.

A Question of Fairness

We have much rethinking to do if public schools are to continue as the place of nation-building they were founded to be. For users of this guide, a painful first step might be for all sides to acknowledge the failure of public education throughout our history to find a constitutionally permissible and educationally sound role for religion in the schools.

Many chapters in our history illustrate the futile quest for a false consensus over beliefs. Thomas Jefferson, the great "separationist" himself, failed to see that absence of "sectarian" teaching in the schools does not ensure governmental neutrality or fairness. Jefferson assumed that what he understood to be "nonsectarian" teaching about nature's God was simply the truth of the matter, and thus the proper aim of education. As Robert Healey has pointed out, "The kind of religion which Jefferson believed had a place in public education corresponded exactly with his own beliefs."² In the 19th century, Horace Mann proposed "natural religion" for the schools of Massachusetts, and indeed a generalized Protestant curriculum lasted well into this century (Jorgenson 1987).

In recent decades, a good many Americans have assumed that the Supreme Court decisions of the early 1960s (prohibiting state-sponsored prayer and devotional Bible reading) settled the question about religion and public education. Others have resisted the Court's rulings and continued to advocate state-sponsored religious practices in the schools. Until very recently, much of the leadership in public education and the textbook industry attempted to avoid further controversy concerning religion by avoiding religion altogether. The fact that the Supreme

Court in the prayer and Bible-reading decisions encouraged teaching about religion has been widely ignored by many people on all sides of the debate (Piediscalzi and Will 1981).

The repeated failure of public schools to find a proper constitutional and educational role for religion has helped to convince growing numbers of religious conservatives that the schools are hostile to religion. As the “textbook trials” in Tennessee and Alabama during the 1980s demonstrated, the exclusion of religious perspectives from the curriculum and the adoption of “values clarification” and some self-esteem programs fuel charges that a particular world view is being consciously promoted in the schools — be it “secular humanism” or, more recently, “New Age religion” (Bates 1993).

Confused by these new accusations of indoctrination, many public school leaders respond defensively, stating flatly that the schools simply offer a “secular program of study” consistent with the First Amendment prohibition of state-sponsored religion. Unfortunately, some who take this position tend to equate the absence of religion in the curriculum with constitutional neutrality in matters of faith.

In fact, avoidance of religion and exclusion of religious perspectives is anything but neutral or fair. Students need to learn that religious and philosophical beliefs and practices are central to lives of many people. Omission of discussion about the religious and philosophical roots of developments in history, economics, literature and other subjects gives students the false impression that the religious traditions and ethical systems of humankind are marginal and that only nonreligious ways of seeing the world are valid (Haynes 1990, 1991). One does not have to agree that there has been a conscious effort by public school educators to impose “secular humanism” to acknowledge that a secular view of human life and history pervades the curriculum, and that some widely used approaches to values education are rooted in psychological theories antithetical to many traditional religions (Nord 1990).

Much more needs to be said about the larger questions that concern the underlying philosophical assumptions of the public school curriculum and about what constitutes “fairness” in teaching history, literature, economics and other subjects. My purpose here is only to suggest that the charges and countercharges about “values and religion” in the public schools must be seen in the light of the long debate about the role of religion and religious perspectives in the curriculum.

If we are ever to find common ground, public education leaders must go behind the rhetoric and acknowledge what is valid about criticisms of the curriculum. Conversely, critics of public schools must be careful to acknowledge that most public school teachers and administrators do not intend to promote a secular or New Age world view. Both sides must develop an honest assessment of what is actually going on in the curriculum and then begin to explore together how to make it more balanced.

All sides need to recognize that the current battles about “world views” cannot be resolved either by excluding all religious perspectives or by establishing one religion (or world view) over all others. Both approaches have been tried in our history, and both violate the spirit and the letter of the First Amendment.

A Return to First Principles

This guide offers a new approach to conflicts over values and religion in the public schools, an approach rooted in the civic agreement we *share as citizens* across our differences, specifically those principles that flow from the Religious Liberty clauses of the First Amendment. Clearly, religious consensus in the United States is not possible, and any attempt to impose one in public education would be unjust and unconstitutional. At the same time, civic consensus is not only possible but necessary for the health of our nation. Civic agreement, however, must be built on the recognition that the democratic first principles of our framing documents are obligations of citizenship for citizens of all faiths or none. In matters concerning religion and the schools, the First Amendment's religious liberty principles provide the civic ground rules within which we negotiate our differences and find common ground.

Because of the necessity to begin with civic principles, chapter 2 contains a summary of *The Williamsburg Charter*, a reaffirmation of the importance of First Amendment religious-liberty principles for our time. Drafted by representatives of many faiths, and by former Presidents Ford and Carter and some 200 other leaders of national life, the Charter was presented to the nation on June 25, 1988, the anniversary of Virginia's call for a bill of rights. The document calls Americans to forge agreements that both recognize religious distinctiveness and affirm the principles of religious liberty that provide the guidelines for civil discourse. In the words of the introduction:

The Charter sets forth a renewed national compact, in the sense of a solemn mutual agreement between parties, on how we view the place of religion in American life and how we should contend with each other's deepest differences in the public sphere. It is a call to a vision of public life that will allow conflict to lead to consensus, religious commitment to reinforce political civility. In this way, diversity is not a point of weakness but a source of strength.

For conflict to lead to consensus, there must be agreement on common ideals. The Charter articulates guiding principles that flow from the First Amendment Religious Liberty clauses. Briefly stated, these principles are:

Rights: Religious liberty, or freedom of conscience, is a precious, fundamental and inalienable right. A society is only as just and free as it is respectful of this right for its smallest minorities and least popular communities.

Responsibilities: Central to the notion of the common good, and of greater importance each day because of the increase of pluralism, is the recognition that religious liberty is a universal right joined to a universal duty to respect that right. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves.

Respect: Conflict and debate are vital to democracy. Yet if controversies about religion and politics are to reflect the highest wisdom of the First Amendment and advance the best interest of the disputants and the nation, then *how* we debate, and not only *what* we debate, is critical.

Working within this civic framework of rights, responsibilities, and respect, citizens are able to negotiate differences and to forge agreements. In the school districts and communities where this framework has been put in place, most Americans across the religious and political spectrum are ready to work together to develop a common vision for the common good in public education.

Finding Common Ground

The most heartening example of how the guiding principles of the First Amendment can work to build common ground are three agreements reached in the last five years on the role of religion in the public schools (reproduced in Chapters 6, 11, and 12). Beginning in the late 1980s (in the wake of the “textbook trials” in Alabama and Tennessee), I joined with Oliver Thomas, then General Counsel of the Baptist Joint Committee, to convene leading educational and religious organizations in an effort to find common ground on some of the religion-and-schools conflicts. Recognizing that the lawsuits and shouting matches were dividing our communities and undermining our schools, we came together convinced that we could (and must) do better.

After a year and a half of much discussion and debate, we reached our first agreement, “Religion in the Public School Curriculum: Question and Answers.” Four months later we forged a second agreement, “Religious Holidays in the Public Schools: Questions and Answers.” This was followed by a third statement providing guidelines for implementing the Equal Access Act.

What is historic about the first two of these agreements is that for the first time in the history of public education a broad spectrum of religious and educational groups agreed on at least some of the religion-and-schools issues that have divided us for so long. The National Association of Evangelicals, the American Jewish Congress, the National Education Association, the Christian Legal Society, the National School Boards Association, the Association for Supervision and Curricu-

lum Development and many other national organizations agreed on the constitutionally permissible and educationally sound ways in which religion may be included in the curriculum.

These statements acknowledge the importance of study about religion in public education, and warn against both religious indoctrination and hostility to religion in the policies and curriculum of the schools.

To date, more than a million copies of these agreements have been circulated throughout the country, providing a starting point for local communities and schools seeking to forge their own agreements. Much as we did on a national level, local school districts are discovering that the civic framework of the First Amendment does work if tried, enabling citizens to find common ground across their deepest differences.

Yes, But How?

For many years now, Mr. Thomas and I have worked in many school districts throughout the nation, helping to resolve disputes about religion and public education. We have found that where communities are committed to working together in the spirit of the First Amendment, consensus is reached, new policies are drafted, and significant changes take place in the classroom. Significantly, support for these efforts comes from both the “right” and the “left” of the political and religious spectrum.

The starting point for local communities must be an agreement that the ground rules of the debate will be the “three Rs” of religious liberty: rights, responsibilities, and respect. Within this framework, all perspectives have a right to be heard, and each citizen has an obligation to protect the freedom of conscience of all others. Agreeing on civic principles allows the dialogue to begin and enables people of all faiths or none to work toward consensus on the proper role of religion in the public schools.

If the resulting agreements and policies are to inspire broad support in the community, all stakeholders must be fully represented in the discussion. When reaching out to critics of the schools, particularly conservative religious groups, school leaders must look beyond stereotypes to find those representatives most interested in dialogue and consensus. Given the lack of civility in the public square of America today, it is not easy to build bridges of understanding and trust, but it can be done.

While there are extreme voices in the debate, we know from experience that most teachers, parents, and administrators, and school board members are committed to a principled dialogue, and to fair, open public schools. This includes the vast majority of parents often labeled as members of the “religious right.” Sadly, a few groups on either side thrive on “demonizing” the opposition, often lumping all individuals and groups under one frightening label. Tactics such as these may

successfully raise millions of dollars through direct mail, but they destroy the fabric of our life together as citizens. The media feed the problem by allowing the extremes to dominate the debate.

To get beyond the labels, trust needs to be carefully rebuilt. Building trust, of course, requires a willingness to listen. But listening is meaningless if parents or others in the community sense that most questions have been answered before the process begins. A number of school-reform advocates, for example, stress the importance of local participation, but then resist the possibility that local communities may not endorse the reform. Some state mandates encourage communities to write “mission statements,” but leave little room for local decision-making about the educational mission of the schools.

Listening and trust are also difficult, if not impossible, in districts unprepared for conflict concerning religion and values in the schools. Every district should have comprehensive policies on these issues, developed and endorsed by a broad spectrum of the community and followed up by teacher and administrator education focused on implementation. Using this guide to take a “pro-active” — rather than a crisis-management — approach to areas of potential controversy is an opportunity for public schools to demonstrate a genuine interest in the concerns of parents, and a concrete commitment to finding a proper role for religion and religious perspectives in the schools.

Local participation in the process of shaping school policies and curriculum is particularly important in the arena of “values education.” While there is widespread agreement about the importance of civic and character education, we are divided on how, or if, schools should address social and moral issues about which we disagree. (The disastrous handling of the Rainbow Curriculum in New York City is a case in point.) Local communities and schools, applying the guiding principles of the First Amendment, must find their own approaches. As is the case in a democracy, there will be winners and losers. But if the opposing sides have had a place at the table, and if there is genuine effort to protect the conscience of all parents and students, then the “losers” on a particular policy or curriculum decision will remain supporters of the public schools.

A Common Vision for the Common Good

If we are to live with our religious differences in increasingly divided and diverse schools and communities, we must acknowledge that what divides us is often deeper than what unites us. The source of our unity, therefore, must be the guiding principles of our common compact. The agreement we must now seek in public education is not an agreement over religious beliefs or political policies, but rather



a shared commitment to the religious liberty principles by which citizens with deep religious differences can negotiate their differences with civility and respect. As American citizens, we can and must develop out of our differences a shared understanding of the role of religion and values in public schools, and, in so doing, reforge a common vision for the common good in public education.

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¹Charles Colson, *The Washington Post*, April 11, 1993.

²Robert Healey, *Jefferson on Religion in Public Education* (New Haven: Yale University Press, 1962), p. 17.

A Return to First Principles

2

The Williamsburg Charter articulates a vision of the First Amendment Religious Liberty clauses that is urgently needed in the United States today. Drafted by representatives of America's leading faiths and signed by nearly 200 national leaders in 1988, the Charter helps to define the guiding principles, the shared obligations of citizenship, that enable Americans to negotiate their differences with civility and respect.

The civic framework of the First Amendment as described in the Charter is an essential starting point for seeking common ground on the role of religion in public education. We strongly advise communities to use the Summary of Principles reprinted below as the civic "ground rules" for discussion and debate about the whole range of issues concerning religion and the schools. (The full text of the Williamsburg Charter is given in Appendix A.) By beginning with the democratic first principles that we share across our differences, we can find ways to further our ideal of *E Pluribus Unum*, one nation of many peoples and faiths.

No free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

— George Mason,
Virginia Declaration of Rights
1776

THE WILLIAMSBURG CHARTER

SUMMARY OF PRINCIPLES

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ...

The Religious Liberty clauses of the First Amendment to the Constitution are a momentous decision, the most important political decision for religious liberty and public justice in history. Two hundred years after their enactment they stand out boldly in a century made dark by state repression and sectarian conflict. Yet the ignorance and contention now surrounding the clauses are a reminder that their advocacy and defense is a task for each succeeding generation.

We acknowledge our deep and continuing differences over religious beliefs, political policies and constitutional interpretations. But together we celebrate the genius of the Religious Liberty clauses, and affirm the following truths to be among the first principles that are in the shared interest of all Americans:

1. Religious liberty, freedom of conscience, is a precious, fundamental and inalienable right. A society is only as just and free as it is respectful of this right for its smallest minorities and least popular communities.
2. Religious liberty is founded on the inviolable dignity of the person. It is not based on science or social usefulness and is not dependent on the shifting moods of majorities and governments.
3. Religious liberty is our nation's "first liberty," which undergirds all other rights and freedoms secured by the Bill of Rights.
4. The two Religious Liberty clauses address distinct concerns, but together they serve the same end — religious liberty, or freedom of conscience, for citizens of all faiths or none.

5. The No Establishment clause separates Church from State but not religion from politics or public life. It prevents the confusion of religion and government which has been a leading source of repression and coercion throughout history.

6. The Free Exercise clause guarantees the right to reach, hold, exercise or change beliefs freely. It allows all citizens who so desire to shape their lives, whether private or public, on the basis of personal and communal beliefs.

7. The Religious Liberty clauses are both a protection of individual liberty and a provision for ordering the relationship of religion and public life. They allow us to live with our deepest differences and enable diversity to be a source of national strength.

8. Conflict and debate are vital to democracy. Yet if controversies about religion and politics are to reflect the highest wisdom of the First Amendment and advance the best interests of the disputants and the nation, then *how* we debate, and not only *what* we debate, is critical.

9. One of America's continuing needs is to develop, out of our differences, a common vision for the common good. Today that common vision must embrace a shared understanding of the place of religion in public life and of the guiding principles by which people with deep religious differences can contend robustly but civilly with each other.

10. Central to the notion of the common good, and of greater importance each day because of the increase of pluralism, is the recognition that religious liberty is a universal right. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves.

We are firmly persuaded that these principles require a fresh consideration, and that the reaffirmation of religious liberty is crucial to sustain a free people that would remain free. We therefore commit ourselves to speak, write and act according to this vision and these principles. We urge our fellow citizens to do the same, now and in generations to come.

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Religious Liberty in American Public Life

by Charles C. Haynes

From the colonial era to the present, religions and religious beliefs have played a significant role in the political life of the United States. Religion has been at the heart of some of the best and some of the worst movements in American history. The guiding principles that the Framers intended to govern the relationship between religion and politics are set forth in Article VI of the Constitution and in the opening 16 words of the First Amendment of the Bill of Rights. Now that America has expanded from the largely Protestant pluralism of the seventeenth century to a nation of some 3,000 religious groups, it is more vital than ever that every citizen understand the appropriate role of religion in public life and affirm the constitutional guarantees of religious liberty, or freedom of conscience, for people of all faiths or none.

The philosophical ideas and religious convictions of Roger Williams, William Penn, John Leland, Thomas Jefferson, James Madison, and other leaders were decisive in the struggle for freedom of conscience. The United States is a nation built on ideals and convictions that have become democratic first principles. These principles must be understood and affirmed by every generation if the American experiment in liberty is to endure.

The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right.

—James Madison
1785

The Religious Liberty clauses of the First Amendment to the Constitution are a momentous decision, the most important political decision for religious liberty and public justice in history. Two hundred years after their enactment they stand out boldly in a century made dark by state repression and sectarian conflict. Yet the ignorance and contention now surrounding the clauses are a reminder that their advocacy and defense is a task for each succeeding generation.

—The Williamsburg Charter
1988

WHAT CITIZENS SHOULD KNOW

The citizen should be able to:

- 1** Explain the position that religious liberty is a universal human right, the preservation of which depends upon a reciprocal responsibility to respect that right for everyone.
- 2** Explain how the constitutional principles of religious liberty are the ground rules that enable people of all faiths and none to live together as citizens of one nation.
- 3** Explain the principles of religious liberty or freedom of conscience as found in the First Amendment of the U.S. Constitution.
- 4** Explain various interpretations of the constitutional relationship of religion and government in American political life.
- 5** Explain the significant role religion and religious belief have played in American history and politics.
- 6** Explain the relationship of religious liberty to the strength and diversity of religious life in the United States.
- 7** Take, defend, and evaluate positions on constitutional issues regarding religious beliefs and practices.

FRAME OF REFERENCE**Conceptual perspective**

I. The central place of faith in the idea of religion.

The radical pluralism of faiths in the United States today makes it difficult to define religion without excluding religions that may not fit a chosen definition. If, however, citizens are to understand the role of religion in American public life and support religious liberty for all, they need to appreciate that faith is of central importance to many Americans.

A. The centrality of religion in the lives of many Americans.

Without defining what religion is, we can, for purposes of civic understanding, focus on what religion does in the lives of believers. Ultimate beliefs and world views shape the lives of many people because they are regarded as the deepest source of meaning and belonging. In the United States, arguably the most religious of all the industrialized nations, religious beliefs are at the center of life for millions of Americans. These beliefs are not confined to worship and family life; they also shape the political and social views of vast numbers of citizens.

B. The expansion of religious pluralism.

The United States has moved beyond the largely Protestant pluralism of its early history to a pluralism that includes almost every religious expression in the world. This expanding diversity presents new challenges for American public life.

C. Religious liberty as freedom of conscience for all, including non-believers.

A growing number of people in the United States express no religious preference at all. Any discussion of pluralism and the role of religion in public life, therefore, must include secularists, humanists, non-believers, and others who do not profess any religious beliefs.

1. The protection of religion in its broadest sense.

The Supreme Court has accepted the necessity of broad recognition of world views (and the dangers of too narrow a definition of religion) by giving conscientious objector status to those who have “a sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption ...” (*U.S. v. Seeger*, 1965).

2. No one excluded from protection.

The important point for citizens to keep in mind is that religious liberty, or freedom of conscience, was intended by the Framers to protect the beliefs of everyone, not just those of recognized faith communities.

II. The American experiment in religious liberty.

Religious liberty in America is a key part of the boldest and most successful experiment in freedom the world has known. The strength and diversity of religion in the United States is due almost entirely to the full protection of religious liberty, or freedom of conscience, guaranteed by the Constitution.

A. Religious liberty as the “first liberty.”

Religious liberty has been called America’s “first liberty” because freedom of the mind is logically and philosophically prior to all other freedoms protected by the Constitution.

B. Definition of religious liberty.

In the American experiment, religious liberty is defined according to the following elements:

1. Freedom of conscience.

There shall be full freedom of conscience for people of all faiths or none.

2. Religious liberty, an inalienable right.

Religious liberty is considered to be a natural or inalienable right that must always be beyond the power of the state to confer or remove.

3. Right to practice any or no religion.

Religious liberty includes the right to freely practice any religion or no religion without governmental coercion or control.

C. Guarantees of religious liberty in the Constitution.

The guiding principles supporting the definition of religious liberty are set forth in Article VI of the Constitution and in the opening words of the First Amendment to the Constitution. These principles have become the ground rules by which people of all religions or none can live together as citizens of one nation.

1. Article VI of the Constitution.

Article VI concludes with these words: "No religious test shall ever be required as a qualification to any office or public trust under the United States." With this bold stroke, the Framers broke with European tradition and opened public office in the federal government to people of all faiths or none.

2. Religious Liberty clauses.

The First Amendment's Religious Liberty clauses state that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ..." Taken together, these two clauses safeguard religious liberty by protecting religions and religious convictions from governmental interference or control. They ensure that religious belief or nonbelief remains voluntary, free from governmental coercion.

a. State and local government included.

The clauses apply equally to actions of both state and local governments, because the Supreme Court has ruled that the Fourteenth Amendment's dictum that states are not to deprive any person of liberty makes the First Amendment applicable to the states.

b. Meaning of "no establishment."

"No establishment" means that neither a state nor the federal government can establish a particular religion or religion in general. Further, government is prohibited from advancing or supporting religion. This does not mean that the government can be hostile to religion. The government must maintain what the Supreme Court has called "benevolent neutrality," which permits religious exercise to exist but denies it government sponsorship. The No Establishment clause serves to prevent both religious control over government and political control over religion.

c. Meaning of "free exercise."

"Free exercise" is the freedom of every citizen to reach, hold, practice, and change beliefs according to the dictates of conscience. The Free Exercise clause prohibits governmental interference with religious belief and, within limits, religious practice.

(1) The difference between belief and practice. The Supreme Court has interpreted “free exercise” to mean that any individual may believe anything he or she wants, but there may be times when the state can limit or interfere with practices that flow from these beliefs.

(2) The traditional “compelling interest” test. Traditionally, the Court has required a government to demonstrate a compelling interest of the “highest order” before it can burden or otherwise interfere with religious conduct. Even then, the government has to demonstrate that it has no alternative means of achieving its interest that would be less restrictive of religious conduct.

(3) Restoring the “compelling interest” test. A 1990 Supreme Court decision, *Employment Division v. Smith*, states that government no longer has to demonstrate a compelling government interest unless a law is specifically targeted at a religious practice or infringes upon an additional constitutional right, such as free speech. The Religious Freedom Restoration Act, signed into law by President Clinton in 1993, restores the compelling interest test and ensures its application in all cases where religious exercise is substantially burdened.

III. Religion, public life, and politics.

The First Amendment separated church from state but not religion from public life.

A. The involvement of religious groups in public life.

Many religious groups consider it an article of faith to speak out on issues of moral concern in the public sphere. The Constitution protects the right of religious individuals and organizations to attempt to shape public policy and to exercise their influence. There are presently hundreds of nonprofit groups concerned with religious issues and public life in the United States.

B. Tax-exempt status dependent on nonpartisanship.

However, religious organizations that are exempt from taxation under Section 501 (c) (3) of the Internal Revenue Code may not engage in partisan politics by endorsing or opposing candidates for public office or by spending a substantial amount of their resources lobbying Congress.

C. Religious liberty and political responsibility.

In certain cases, the injection of religious views into political debate, though constitutionally protected, may be irresponsible.

1. Religious views in political debate are protected.

In the American experiment in self-government, disestablishment of religion, or separation of church and state, prevents religious institutions from establishing their faith as the law of the land and from receiving financial support from the state. At the same time, “free exercise” protects the right of religious views to be part of the political debate.

2. Religious attacks in political debate may be irresponsible.

It is important to remember, however, that some actions taken by religious organizations or individuals in the political arena (for example, attacks against the fitness of people to hold public office because of their religion) may not be unconstitutional but may be politically irresponsible violations of the spirit of religious liberty.

Historical perspective

The relationship of politics and religion has been a central issue in American life since the colonial era. For most of the European settlers who came to North American shores in the seventeenth century from England, France, and Spain—all nations with established churches—a society without an established faith was unimaginable.

The unity and morality of the community, it was believed, depended upon divine sanction of political authority and conformity of the populace in matters of faith. Eventually, however, by separating religion and government and by granting freedom to all religious groups, America launched a new political experiment unprecedented in the world's history.

I. The religious liberty sought by the Puritans.

Like many who arrived on these shores in the seventeenth century, the Puritans of Massachusetts Bay came to America seeking religious freedom.

A. Religious freedom not sought for others.

The freedom they sought, however, was for themselves and not for others. The Puritans felt called by God to establish “new Israel,” a Holy Commonwealth based on a covenant between God and themselves as the people of God.

B. All laws to be grounded in God's law.

Though there were separate areas of authority for church and state in Puritan Massachusetts, all laws of the community were to be grounded in God's law and all citizens were expected to uphold the divine covenant. Massachusetts was to be an example to the world of God's kingdom on earth, “a City upon a hill.”

II. Roger Williams and the origins of freedom of conscience in Puritan America.

Very early in the Massachusetts experiment, dissenters arose to challenge the Puritan vision of a holy society. The first dissenter, Roger Williams (c.1603-1683), was himself a Puritan minister but with a very different vision of God's plan for human society. Williams argued that God had not given divine sanction to the Puritan colony. In his view, the civil authorities of Massachusetts had no authority to involve themselves in matters of faith. The true church, according to Williams, was a voluntary association of God's elect. Any state involvement in the worship of God, therefore, was contrary to the divine will and inevitably led to the defilement of the church.

A. "Soul liberty" means freedom of conscience for all.

Williams' arguments for religious liberty had two principal parts.

1. *Freedom of conscience as God's will.*

Central to Roger Williams' arguments for separating church and state was his conviction that it was divine will that every individual's conscience remain free to accept or reject the word of God. Williams defined freedom of conscience, which he called "soul liberty," as the freedom of each person to follow his or her own heart in matters of faith without interference or coercion by the state.

2. *Religious intolerance and war.*

Citing Europe's long history of wars and divisions, Williams pointed out that coercion in matters of faith inevitably leads to persecution and bloodshed.

B. Rhode Island's experiment in religious liberty.

Williams found it necessary to seek religious liberty outside of Massachusetts Bay.

1. *The founding of Rhode Island.*

Banished from Massachusetts in 1635, Roger Williams founded Rhode Island, the first colony with no established church and the first society in America to grant liberty of conscience to everyone. Jews, Quakers, and others not welcome elsewhere made their home there.

2. *The wider significance of the Rhode Island's religious liberty.*

Eventually, Williams' conception of soul liberty had an impact far beyond the Rhode Island experiment. In the eighteenth century, dissenting religious groups, particularly the Baptists, were inspired by Williams' ideas to advocate disestablishment and freedom of conscience. Some historians also argue that Williams' writings influenced the Enlightenment philosopher John Locke (1632-1704), a key source for Thomas Jefferson's views concerning religious liberty.

C. Freedom of conscience as an American conviction.

The Puritans' demand for religious liberty for themselves became, in the vision of Roger Williams, a requirement of religious liberty for all.

1. *Early religious liberty outside Rhode Island.*

This revolutionary idea was echoed to a lesser degree (and for only a brief period) in seventeenth-century Maryland and later, more fully, in the eighteenth-century "holy experiment" of Quaker William Penn's colony of Pennsylvania.

2. *Gradual extension of religious liberty.*

Gradually, the extension of liberty to include not only one's own group but also others, even those with whom "we" disagree, became a central American conviction. It is this principle of full freedom for people of all faiths and of none that was embodied 150 years later in the First Amendment to the Constitution.

III. The movement toward religious liberty in the United States.

The momentous decision by the framers of the Constitution and the Bill of Rights to prohibit religious establishment on the federal level and to guarantee free exercise of religion was related to a number of religious, political, and economic factors in eighteenth-century America. Underlying all of these factors, of course, was the practical difficulty of establishing any one faith in an emerging nation composed of a multiplicity of faiths (mostly Protestant sects), none of which was strong enough to dominate the others.

A. **From toleration to free exercise.**

The period between 1776 and the passage of the First Amendment in 1791 saw critical changes in fundamental ideas about religious freedom.

1. ***The Virginia Declaration of Rights.***

In May 1776, just prior to the Declaration of Independence, the leaders of Virginia adopted the Virginia Declaration of Rights, drafted by George Mason. The first draft of the Declaration argued for the “fullest toleration in the exercise of religion according to the dictates of conscience.” This language echoed the writings of John Locke and the movement in England toward toleration.

2. ***Madison's objection: “toleration” versus “free exercise.”***

Although toleration was a great step forward, a 25-year-old delegate named James Madison (1751-1836) did not think it went far enough. Madison, also deeply influenced by the ideas of the Enlightenment, successfully argued that “toleration” should be changed to “free exercise” of religion. This seemingly small change in language signaled a revolutionary change in ideas. For Madison, religious liberty was not a concession by the state or the established church, but an inalienable or natural right of every citizen.

3. ***“Free exercise and the First Amendment.”***

In 1791, the free exercise of religion proclaimed in the Virginia Declaration became a part of the First Amendment, guaranteeing all Americans freedom of conscience.

B. **From establishment to separation.**

The decisive battle for disestablishment came in the large and influential colony of Virginia, where the Anglican Church was the established faith. Once again, James Madison played a pivotal role by leading the fight that persuaded the Virginia legislature to adopt in 1786 Thomas Jefferson's “Bill for the Establishment of Religious Freedom.”

1. ***Madison, Jefferson, and the struggle for disestablishment.***

Madison and Jefferson argued that state support for a particular religion or for all religions is wrong, because compelling citizens to support through taxes a faith they do not follow violates their natural right to religious liberty. “Almighty God had created the mind free,” declared Jefferson's bill. Thus, “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.”

2. *The “Great Awakening” and the struggle for disestablishment.*

Madison and Jefferson were greatly aided in the struggle for disestablishment by the Baptists, Presbyterians, Quakers, and other “dissenting” faiths of Anglican Virginia. The religious revivals of the eighteenth century, often called The Great Awakening (1728-1790), produced new forms of religious expression and belief that influenced the development of religious liberty throughout the colonies. The revivalists’ message of salvation through Christ alone evoked a deeply personal and emotional response in thousands of Americans.

3. *Evangelical fervor and religious self-government.*

The evangelical fervor of the Awakening cut across denominational lines and undercut support for the privileges of the established church.

a. *Support of religious choice by evangelicals.*

Religion was seen by many as a matter of free choice and churches as places of self-government. The alliance of church and state was now seen by many as harmful to the cause of religion.

b. *Leadership in Virginia of John Leland.*

In Virginia this climate of dissent and the leadership of such religious leaders as John Leland, a Baptist, provided the crucial support Madison needed to win the battle for religious liberty in Virginia.

4. *The final demise of religious establishment.*

The successful battle for disestablishment in Virginia is a vital chapter in the story of religious liberty in America. By the time of the ratification of the First Amendment in 1791, all of the other Anglican establishments (except in Maryland) were ended. The Congregational establishments of New England lasted longer. Not until 1818 in Connecticut and 1833 in Massachusetts were the state constitutions amended to complete disestablishment.

IV. The constitutional prohibition of religious tests for office in Article VI.

The only mention of religion in the Constitution of the United States prior to the adoption of the First Amendment was the “no religious test” provision of Article VI. The significance of this often-forgotten provision cannot be exaggerated. At the time of the Constitutional Convention in 1787, most of the colonies still had religious establishments or religious tests for office. It was unimaginable to many Americans that non-Protestants — Catholics, Jews, atheists, and others — could be trusted with public office.

A. *“No religious test” proposed at the Constitutional Convention.*

One aspect of religious liberty was inserted into the Constitution during its framing in Philadelphia.

1. *The role of Charles Pinckney.*

At the Constitutional Convention, Charles Pinckney (1757-1824), a delegate from South Carolina, proposed that “no religious test shall ever be required as a qualification to any office or public trust under the United States.” Though he came from a state that had established

the Protestant faith as the state religion, Pinckney represented the new spirit of religious liberty exemplified in the Enlightenment thinking of Jefferson.

2. *A tool for oppression outlawed.*

Remarkably, the “no religious test” provision passed with little dissent. For the first time in history, a nation had formally abolished one of the most powerful tools of the state for oppressing religious minorities.

B. *Religious tests imposed in some states.*

Most states followed the federal example and abolished tests for state office. But it was not until 1868 in North Carolina, 1946 in New Hampshire, and 1961 in Maryland that religious tests were abolished entirely. Maryland had required since 1867 “a declaration of belief in God” for all officeholders. When the U.S. Supreme Court struck down this requirement in 1961, freedom of conscience was fully extended to include non-believers as well as believers. No religious test can be imposed for any office at any level of government.

C. *Informal religious tests a factor in elections.*

Though the Constitution barred religious tests as a formal qualification for office, many American voters continued to apply informal religious tests in the political arena, particularly in presidential elections.

1. *Exclusion of Catholics.*

With two exceptions (Al Smith in 1928 and John Kennedy in 1960) all presidential and vice-presidential candidates nominated by the two major parties have been Protestants. The election of Kennedy, a Roman Catholic, broke the informal political barrier that had long excluded non-Protestants from the presidency.

2. *Religious dissension among Protestants.*

Even with Protestant candidates, religion has frequently been an issue. Beginning with attacks on the Deist religious convictions of Thomas Jefferson (Deism is a faith based on reason rather than revelation) and continuing to the recent discussions about which candidate is “born again,” questions about the “correctness” of a politician’s religion have played an important role in many national elections.

V. The First Amendment principles of religious liberty.

In the mind of James Madison and some of the others at the Constitutional Convention, the Constitution established a limited federal government with no authority to act in religious matters. That others were unsure had momentous consequences.

A. *Reassurance for those fearful of religious intolerance.*

Many Americans, including leaders of the Baptists and other religious groups, feared that the Constitution offered an insufficient guarantee of the civil and religious rights of citizens.

1. ***Madison's promise of a bill of rights.***

Many of those who suspected the proposed new constitution demanded a bill of rights as their price of moderating their heated opposition to its adoption. To win ratification, Madison promised to propose a bill of rights in the First Congress.

2. ***The enshrinement of religious liberty in the Bill of Rights.***

Madison kept his promise, and the Religious Liberty clauses adopted by the first Congress in 1789 became, when ratified by the required number of states in 1791, the opening words of the Bill of Rights.

B. **Religious liberty and the first principles of American liberty.**

Full religious liberty was first applied to acts of the federal government alone. Later it was applied to the states as well.

1. ***The First Amendment and the federal government.***

With the passage of the First Amendment, the principles of non-establishment and free exercise became the first principles of American freedom. The federal government was constitutionally prohibited from establishing or sponsoring religion and prohibited from interfering with the natural right of every citizen to reach, hold, exercise, or change beliefs freely.

2. ***The First Amendment and state governments.***

These prohibitions were extended to the states in the twentieth century, following Supreme Court rulings that the Fourteenth Amendment made the First Amendment applicable to the states.

VI. Religious influences in American political life.

Disestablishment was never meant to keep religious beliefs or institutions from influencing public life. From the beginning of American history, religions and religious believers have played a central role in shaping public policy and political debate.

A. ***De facto Protestant establishment.***

For many Protestants in the nineteenth century, disestablishment meant an end to the coercive power of the state in matters of faith and barred any faith from becoming the legally established religion. But disestablishment did not extinguish the Protestant vision of creating and maintaining a "Christian America." By numbers and influence, Protestantism became the *de facto* established religion of the nation. Many no doubt agreed with Daniel Webster when he argued in 1844 that "general tolerant Christianity is the law of the land."

B. **Protestant contributions to social reform.**

The close ties between Protestant churches and American culture led to many social and political reforms. This can most clearly be seen in the "Second Great Awakening" of the early nineteenth century when some Protestant leaders mounted a crusade to reform and revitalize America. Urban social work, schooling for poor children, the abolitionist movement, supported by Quakers, Methodists, and others, were only a few of the many reform movements inspired in large measure by the religious awakenings.

C. Nativist reaction to expanding pluralism.

A dark side to the Protestant vision of America became evident in the nineteenth century.

1. *The effects of immigration.*

The waves of immigrants coming to these shores in the nineteenth century challenged the Protestant domination of the culture. By 1850 Catholicism was the largest single American denomination, and by the end of the century large numbers of Jews had arrived to become citizens.

2. *The rise of anti-Catholicism and anti-Semitism.*

There were only a few Catholics and Jews in America from the earliest days of colonization. This dramatic influx of non-Protestants created fear and anxiety among some Protestants.

a. *Intolerance and the "Know Nothings" at mid-century.*

An anti-Catholic and anti-foreign nativist movement emerged in the first half of the nineteenth century, culminating in the 1840s and 1850s in the Know-Nothing Party. Catholics were the victims of violence and discrimination in many parts of the nation.

b. *Intolerance at the turn of the century.*

A resurgence of similar sentiments in the late nineteenth and early twentieth centuries contributed to widespread anti-Semitism, opposition to immigration, and the rise of the Ku Klux Klan.

D. The positive role of religion in helping shape public policy.

The ugly expressions of religious bigotry in the nativist movement represent some of the worst examples of religious involvement in politics and public policy. But religion has also been at the heart of some of the best movements in American social and political life.

1. *The contribution of African-American churches.*

The black churches have played a central role in the political and social history of African-Americans from the colonial period to the present. Indeed, black churches have shaped the lives of all Americans by providing much of the moral and political leadership of the civil rights movement.

2. *The contribution of Judaism and other minority religions.*

In the late nineteenth and early twentieth centuries, churches, synagogues, and temples provided vital support for Catholic, Eastern Orthodox, Jewish, and Asian Buddhist immigrants as they adjusted to life in the United States. Religious communities were also at the forefront of many reform movements during the Progressive Era early in this century. Various religious groups, notably Unitarians, Quakers, and Reform Jews, have been particularly visible in the peace movements and in the advocacy of social justice.

3. *Constitutional separation and the role of religion in public life.*

In these and in many other ways, religious institutions and believers have significantly influenced public policy in the United States throughout our nation's history.

a. *Benefits of religious moral leadership.*

Again, disestablishment was not meant to separate religion from public life. Politics and government in America have clearly benefited from the moral leadership and values of many religious traditions and convictions.

b. *Costs of religious zealotry.*

At the same time, the nation has suffered from violations of the spirit of religious liberty by religious groups who have at various times in our history used the public square to attack the religion of others or to deny others the full rights of citizenship.

Contemporary perspective

More people have died because of their religious convictions in the twentieth century than in any previous century. And there appears to be no end to the tragedy. Of the many wars waged throughout the world in the 1990s, more than two-thirds have religious or ethnic differences as a root cause. From Northern Ireland to Bosnia to Sri Lanka, religious differences contribute daily to death and destruction around the globe.

Even the explosion of freedom in Eastern Europe and the former Soviet Union, by any measure a tremendous advance for democratic principles, has been accompanied by a serious outbreak of religious and ethnic bigotry and division. One of the most frightening developments has been the dramatic rise of anti-Semitism throughout the region. Tensions between Muslims and Christians have resulted in violence in Bosnia, Azerbaijan and Armenia and other places.

How has the United States, the most religiously diverse nation in the world, managed to avoid the "holy wars" so prevalent today and throughout history? This remarkable achievement may be traced directly to the Religious Liberty clauses of the First Amendment. In spite of occasional setbacks and outbreaks of religious bigotry, the American experiment in religious liberty has held.

I. Religions remain active in American political life.

Religious liberty has allowed religions in the United States to grow and prosper as in few other places in the world. Not only are a large number of Americans deeply religious, but their religious communities continue to be actively involved in political life. This is evident, for example, in the civil rights and peace movements. Also, since the late 1970s, fundamentalist Christian communities together with other evangelical Christians have become a significant force in American politics, speaking out on a variety of social and moral issues.

II. Confusion about the role of religion in public life threatens religious liberty.

There are disturbing signs that the American experiment in liberty may be in danger from two extremes.

A. Two extremes on the issue of religion and public life.

On one end of the political spectrum there are those who seek to establish in law a "Christian America." On the other end are some who seek to exclude religion from public life entirely. Both proposals violate the spirit of religious liberty.

B. Teaching religion versus teaching about religion.

The controversy surrounding the role of religion in public life has left many citizens confused about the principles of religious liberty. This confusion is made worse by the absence of teaching about religion and religious liberty in many public schools. Teaching about religion in the schools is often confused with the teaching of religion, or religious advocacy and indoctrination.

1. *Change in some public schools.*

In the last few years a number of states, most notably California, have mandated more teaching about religion in the schools.

2. *Change in textbook treatment of the role of religion.*

As a result, textbooks have begun to include more about the story of religious liberty and the role of religion in American history and society.

III. The new challenges of exploding pluralism.

The confusion and ignorance surrounding the Religious Liberty clauses of the Constitution leave Americans in a weak position to meet the challenges of exploding religious pluralism in the United States. The violent religious divisions throughout the world serve as a dramatic reminder of how vital it is for Americans to understand and affirm the principles of religious liberty in a nation of some 3,000 religious groups.

A. Pluralism as meaning all faiths or none.

Religious pluralism in the United States has expanded beyond the Protestant, Catholic, and Jewish pluralism of the 1950s.

1. *Expanding pluralism.*

Pluralism now includes a growing number of people from all the world's religions, especially Islam and Buddhism. Pluralism must also take into account the nearly 12 percent of Americans who express no religious preference at all. This expansion will only continue.

2. *The burdens of exploding pluralism.*

The challenges of this diversity can be seen throughout American society. This pluralism is particularly evident in public schools. For example, dozens of different native languages are often found among the students of large urban schools. Similarly, many different religions are represented.

B. The First Amendment as providing ground rules for living together.

As the United States begins its third century of constitutional government, the nation raises certain important questions.

1. *Living together without religious consensus.*

Two urgent questions are how Americans of so many faiths will continue to live together as citizens of one nation and, since there is not (and cannot be) a religious consensus, what the civic values are that Americans of all faiths or none hold in common.

2. *Adherence to the principles of religious liberty.*

To answer these questions, American citizens must return to the democratic first principles articulated in the Religious Liberty clauses of the First Amendment. Religious liberty, or freedom of conscience, is at the heart of what it means to be an American citizen. Only in these principles can Americans find the ground rules that allow all citizens to live together with deep religious differences.

C. *The Williamsburg Charter.*

One effort to return to first principles is the Williamsburg Charter. Drafted by members of America's leading faiths and revised over the course of two years in close consultation with political, academic, educational, and religious leaders, the Charter was signed in 1988 by former Presidents Gerald Ford and Jimmy Carter, the two living chief justices of the United States, and by nearly 200 leaders of national life. With their signatures, these individuals strongly reaffirmed the principles of religious liberty as essential for developing a common vision for the common good. The Williamsburg Charter states in part:

We affirm that a right for one is a right for another and a responsibility for all. A right for a Protestant is a right for an Eastern Orthodox is a right for a Catholic is a right for a Jew is a right for a Humanist is a right for a Mormon is a right for a Muslim is a right for a Buddhist—and for the followers of any other faith within the wide bounds of the republic.

That rights are universal and responsibilities mutual is both the premise and the promise of democratic pluralism. The First Amendment in this sense, is the epitome of public justice and serves as the golden rule for civic life. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves.

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The Supreme Court, Religion and Public Education

by Oliver Thomas

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Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

The Supreme Court and the lower courts are the final arbiters of the Constitution. They tell us what the Constitution and, more specifically, the First Amendment mean. Their interpretation of the First Amendment's Religious Liberty clauses is critical to our understanding of the role of religion in public education.

For the first 150 years of our nation's history, there were very few occasions for the courts to interpret the religion clauses. This was due primarily to the fact that the First Amendment had not yet been applied to the states. As written, the First Amendment applied only to Congress and the federal government. In the wake of the Civil War, however, the 14th Amendment was passed. It reads in part that "no state shall ... deprive any person of life, liberty or property without due process of law" In the 1940 case of *Cantwell v. Connecticut*, the Supreme Court held that the free exercise of religion is one of the "liberties" protected by the due-process clause. Seven years later, the Court added the Establishment clause to the list. Together, these twin protections—free exercise and non-establishment—guarantee American religious liberty.

The Establishment Clause

The first of the two religion clauses reads: "Congress shall make no law respecting an establishment of religion" Note that the clause is absolute. It allows *no* law. It is also noteworthy that the clause forbids more than the establishment of religion by the government. It forbids even laws *respecting* an establishment of religion.

The Establishment clause sets up a line of demarcation between the functions and operations of the institutions of religion and government in our society. It does so because the framers of the First Amendment recognized that when the roles of the government and religion are intertwined the result too often has been terrible violations of human rights.

There is much debate about the meaning of the term “establishment of religion.” Although judges rely on history, the writing of the framers, and prior judicial precedent, they sometimes disagree. Some, including the present chief justice of the United States, argue that the term was intended to prohibit only the establishment of a single national church or the preference of one religious sect over another. Others, including a majority of the justices of the current Supreme Court, believe the term prohibits the government from promoting religion in general as well as the preference of one religion over another. In the words of the Court’s decision in *Everson v. Board of Education* (1947):

The establishment of religion clause means at least this: Neither a state nor the federal government may set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion ... Neither a state or the federal government may, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect “a wall of separation between church and state.”¹

To help interpret the Establishment clause, the Court has developed a three-part test sometimes referred to as the “Lemon test.” The test derives its name from the 1971 decision, *Lemon v. Kurtzman*, in which the Court struck down a state program providing aid to religious elementary and secondary schools.

The Lemon Test

The Lemon test asks three questions about the particular government action that is being challenged. (Remember, the Constitution limits the power of government, not of private citizens!) Each question must be answered in the affirmative if the government action is to be allowed under the Establishment clause. A negative answer to any of the questions means the act is unconstitutional. The questions are:

- 1 Does the law, or other government action, have a bona fide secular or civic purpose?
- 2 Does the primary effect neither advance nor inhibit religion? In other words, is it neutral?
- 3 Does the law avoid excessive governmental entanglement with religion?

If the answer to all three is “yes,” the law passes the Lemon test.

Let's look briefly at each prong of the test:

Does the law, or other government action, have a bona fide secular or civic purpose?

As a general rule, the purpose of activities in the public schools should be educational. If, for example, a teacher is planning an activity associated with a religious holiday such as Christmas, she should ask herself, "What educational purpose am I trying to accomplish?" If the only purpose for the activity is to celebrate the religious holiday, it probably violates the first prong of the Lemon test. Accommodating a student's free exercise of religion is generally considered a legitimate civic purpose and, therefore, permissible under *Lemon*—assuming, of course, that the school is not promoting the student's faith. For example, a teacher could allow an art student to paint a picture with a religious theme. In fact, to prohibit such art would probably violate the free-speech and free-exercise rights of the student. On the other hand, a teacher should not make assignments requiring such religious art.

Returning to the issue of accommodation, the framers of the Constitution did not intend that the two religion clauses cancel each other out. Any interpretation of the Establishment clause must take into account the Free Exercise clause and vice versa. In the words of Justice O'Connor:

Government pursues free exercise values when it lifts a government-imposed burden on the free exercise of religion ... When the manifest objective of a statute is to facilitate the free exercise of religion by lifting a government-imposed burden ... the religious purpose of such a statute is legitimated by the free exercise clause.²

Two years later in *Bishop v. Amos*, a unanimous Supreme Court echoed these sentiments: "Under *Lemon*, it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their missions."

This does not mean the government can lift all burdens on religion. To the contrary, the justices recently struck down a Texas law that provided a sales tax exemption for religious periodicals only.³ The Court did not believe that having citizens pay a modest sales tax when purchasing a magazine constituted any significant burden on religious exercise. On the other hand, the justices have been willing to give religion some breathing room under the Establishment clause, if the government burden is significant. For example, there is little doubt the courts would uphold the exemptions many states give students who object for religious reasons to attending sex-education classes.

**Does the primary effect neither advance nor inhibit religion?
In other words, is it neutral?**

Looking at the second prong of the Lemon test, a law is not unconstitutional simply because it allows individuals or churches and synagogues to advance religion, which is their very purpose. For a law to have forbidden effects under *Lemon*, the government itself must have advanced religion through its own actions. Allowing students to be released from school to receive religious instruction at a

nearby church, for example, does not violate the Establishment clause. It would violate the Establishment clause for the school to begin promoting, as opposed to merely announcing, such a meeting.

Not every government action that advances or inhibits religion is unconstitutional. Only government acts whose *primary* effect advances or inhibits religion are forbidden. Allowing a religious group to use a public school building after school hours would have an incidental or indirect effect of advancing religion. However, such a use would not violate the Lemon test. In fact, the Supreme Court in 1993 ruled unanimously that a public school is required to permit churches to use its facilities on the same basis as other community groups.⁴

Does the law avoid excessive governmental entanglement with religion?

The final prong of the Lemon test prohibits “excessive governmental entanglement with religion.” Rarely at issue in cases involving public education, the entanglement prong is most often associated with cases involving aid to parochial schools. Entanglement problems could arise if a public school was involving itself in religious matters, such as evaluating the content of student prayers or monitoring students’ religious activities. Most often the legality of a public school’s policies will be determined by their purpose and primary effect.

In recent years, the Lemon test has come under sharp criticism from some scholars and from a majority of the justices of the Supreme Court. Justice Sandra Day O’Connor, for example, has proposed a test that focuses on whether a particular governmental action amounts to an endorsement of religion. According to Justice O’Connor, a government action is invalid if it creates a perception in the mind of a reasonable observer that the government is either endorsing or disapproving of religion. In short, she believes the Establishment clause is designed to separate one’s standing in the civil society from one’s standing in a church. Her fundamental concern is whether the particular government action conveys “a message to non-adherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.”

Justice O’Connor’s “endorsement test” has, on occasion, been subsumed into the Lemon test. The justices have simply incorporated it into the first two prongs of Lemon by asking if the challenged government act has the purpose or effect of advancing or endorsing religion. Still, Justice O’Connor recently reiterated her dissatisfaction with Lemon, suggesting that the slide away from the test “is well under way.”⁵

Finally, several of the justices have proposed tests that allow more government support for religion than either the Lemon or endorsement tests. These justices support the adoption of a test developed by Justice Kennedy and known as the “coercion test.” Under this test the government does not violate the Establishment clause unless it (1) provides direct aid to religion in a way that would tend to establish a state church, or (2) coerces people to support or participate in religion against their will.⁶ Under such a test, the government would be permitted to erect such religious symbols as a nativity scene standing alone in a public school or other public building at Christmas.⁷ But even the coercion test is subject to varying interpretations, as illustrated by the Rhode Island graduation prayer decision in which Justice Kennedy and Scalia, applying the same test, reached different results.

Although the Court's interpretation of the Establishment clause is in flux, it is likely that for the foreseeable future a majority of the justices will continue to view government neutrality toward religion as the guiding principle. Neutrality means not favoring one religion over another and not favoring religion over non-religion, and vice versa.

The Free Exercise Clause

The second of the religious liberty clauses of the First Amendment states that the government shall make no law prohibiting the free exercise of religion. Although the text is absolute, the courts have had to place some limits on the exercise of religion. To take an easy example, courts would not hold that the First Amendment protects human sacrifice even if some religion required it. While the freedom to believe is absolute, the freedom to act on those beliefs is not.

As with the Establishment clause, the Supreme Court developed a test to help it interpret the Free Exercise clause. The test was first used in the 1963 case of *Sherbert v. Verner* and is sometimes referred to as the Sherbert test. The test has four parts—two that apply to any person who claims his free-exercise rights have been violated and two that apply to the government agency accused of violating those rights.

In order to claim the protections of the Free Exercise clause, a person (in this case a student) must show that his actions (1) are motivated by a sincere religious belief, and (2) have been substantially burdened by the government.

Notice that the religious beliefs need not be logical, rational or even sensible. They need only be sincere. Thus, the fact that a student's objection to something in the curriculum may seem unreasonable to the teacher is irrelevant. If the objection is sincere, it *may* be protected under the free exercise clause.

Sincere beliefs alone, however, do not make a free-exercise claim. In order to claim the protections of the Free Exercise clause, a student must also show that his religion has been substantially burdened by the government. Remote or incidental burdens will not suffice. Usually, coercion—direct or indirect—is required. If, for example, a school prohibited a student from handing out religious tracts to her classmates, this would probably be a “substantial” burden on her religious exercise. Requiring her to conduct her proselytizing at a reasonable time and place during the school day would not. Although some experts criticize its decision, at least one federal appeals court has ruled that merely exposing students to ideas that may offend their religion does not amount to a substantial burden on their religious exercise.⁸

As noted, a burden on religious exercise need not be direct in order to be protected by the Constitution. Indirect burdens that penalize one for exercising his faith may also be illegal. For example, in the *Sherbert* case, the plaintiff was denied unemployment-compensation benefits because she refused to accept work on her sabbath. The Supreme Court reversed, holding that Mrs. Sherbert could not be put to the “cruel choice” of having to give up either her government benefits or her religious convictions.”

Even if a person has shown that her actions are motivated by a sincere religious belief and have been substantially burdened by the government, the inquiry is not over. Under the Sherbert test, the government will still prevail if it can show that (1) it is acting in furtherance of a “compelling state interest,” and (2) it has pursued that interest in the manner least restrictive, or least burdensome, to religion.

A “compelling state interest” has been described as “an interest of the highest order”¹⁰ and must involve such paramount concerns as public health and safety. Although public schools clearly have a compelling interest in the education and welfare of children, a school must demonstrate that it has a compelling interest in applying a particular policy to a particular child. For example, the courts have recognized a compelling interest in compulsory-attendance laws, but in *Wisconsin v. Yoder*, the Supreme Court held that the state did not have a compelling reason to force Amish families to send their children to school beyond the eighth grade. The Court has also ruled that students may not be forced to salute the flag or recite the Pledge of Allegiance.¹¹ Similarly, a school may have a compelling interest in teaching children how to prevent the spread of A.I.D.S. through sex-education classes, but the school may not have a compelling reason to teach this to a child whose parents object on religious grounds. As a result, many states provide exemptions from their sex-education programs.

Even if the school has a compelling interest, it must pursue that interest in the manner least restrictive of a complaining student’s religion. In other words, the school must choose a course of action that does not violate the student’s religion if such a course of action is available and feasible for the school.

If, for example, a student objects to a particular reading assignment on religious grounds, the school may be required to assign an alternate selection. If the requests for exemption become too frequent or too burdensome for the school, a court might find its refusal to offer additional alternatives to be justified. For these students, the only reasonable alternative may be home schooling or a private religious school.

While courts may occasionally be willing to order alternative assignments for individual students, as a general rule they will not alter the curriculum for the entire class unless the assigned material amounts to an establishment of religion.¹² The courts have also held that the mere fact that assigned material coincides with the doctrines of a particular religion—be it Catholicism or secular humanism—does not mean that the school has violated the Establishment clause. In fact, it is unconstitutional to allow a person’s religion to determine the curriculum for all others.¹³

The application of the Sherbert test was sharply curtailed by the 1990 Supreme Court decision, *Employment Division v. Smith*. In *Smith*, a slim majority of the justices held that burdens on religious exercise no longer had to be justified if they were the unintended result of laws of general application. After *Smith*, only laws that (1) were intended to prohibit the free exercise of religion, or (2) violated other constitutional rights such as free speech were subject to the compelling interest test. Thus, a state could not pass a law stating that Native Americans are prohibited from using peyote, but it could accomplish the same result by prohibiting the use of peyote by everyone. In each case, the central religious ritual for some American Indians would be illegal.

In the three years following *Smith*, more than 50 reported cases were decided against religious groups and individuals. As a result, more than 60 religious and civil liberties groups, including the American Civil Liberties Union, Concerned Women for America, People for the American Way and the National Association of Evangelicals, joined to draft and support the passage of the Religious Freedom Restoration Act. The Act, which was signed by President Clinton on November 17, 1993, restores the compelling-interest test and ensures its application in all cases where religious exercise is substantially burdened.¹⁴

Already the Religious Freedom Restoration Act is being applied to public schools. In California, one school district was ordered to admit a Sikh boy whose religion required him to wear a ceremonial dagger (*kirpan*). This dagger could be worn as long as it was sewn into the sheath and could not be used as a weapon.¹⁵

Conclusion

The Establishment and Free Exercise clauses protect the liberty of conscience of every citizen by providing the legal basis for religious freedom in the United States. Though frequently criticized, the three-part Lemon test remains the principal yardstick for deciding cases under the Establishment clause. This test and its most likely replacement require the government to be neutral among religions as well as between religion and nonreligion. The compelling state interest test, as set forth in *Sherbert v. Verner* and the Religious Freedom Restoration Act, is the standard for free-exercise claims. Taken together, these tests are intended to ensure fairness and neutrality in the schools with respect to religion. Schools must accommodate students' religious rights, but teachers and other school personnel may neither advance nor inhibit religious faith.

The Religious Liberty clauses should not be thought of as at odds with one another—one favoring freedom of religion and the other opposed to an establishment of it. The framers wrote the provision forbidding establishment in order to safeguard the principle of religious liberty. Both secure the rights of believers and nonbelievers alike to be free from government coercion in matters of conscience. Together, they secure religious freedom. In the words of the Williamsburg Charter, the two Religious Liberty clauses are “mutually reinforcing provisions [that] act as a double guarantee of religious liberty.” It declared that the two clauses were:

essentially one provision for preserving religious liberty. Both parts, No Establishment and Free Exercise, are to be comprehensively understood as being in the service of religious liberty as a positive good. At the heart of the Establishment clause is the prohibition of state sponsorship of religion and at the heart of Free Exercise clause is the prohibition of state interference with religious liberty.



The Supreme Court, Religion and Public Education

For good or for ill, nearly everything in our culture worth transmitting, which gives meaning to life, is saturated with religious influences, derived from Paganism, Judaism, Christianity ... and other faiths accepted by a large part of the world's people. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that have moved the world society for a part in which he is being prepared.

Justice Robert H. Jackson in *McCorm* (1948)

Neither the State nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so. And it seems clear to me from the opinions in the present and past cases that the Court would recognize the propriety of providing military chaplains and of the teaching about religion, as distinguished from the teaching of religion, in the public schools.

Justice Arthur Goldberg in *Schempp* (1963)

Suggested Reading

Terry Eastland, ed. *Religious Liberty in the Supreme Court: The Cases That Define the Debate Over Church and State*. Washington, D.C.: The Ethics and Public Policy Center, 1993.

Endnotes

¹*Everson v. Board of Education*, 330 U.S. 1 (1947).

²*Wallace v. Jaffree*, 472 U.S. 38, 83 (1985) (O'Connor, J., concurring).

³*Bullock v. Texas Monthly*, 489 U.S. 1 (1989).

⁴*Lamb's Chapel v. Center Moriches School District*, 508 U.S. ___, 124 L.Ed.2d. 352 (1993).

⁵*Board of Education of Kiryas Joel v. Grumet*, ___ U.S. ___, (1994).

⁶*County of Allegheny v. A.C.L.U.*, 492 U.S. 573 (1989) (Kennedy, J., dissenting).

⁷*County of Allegheny v. ACLU*, 492 U.S. 573 (1989).

⁸*Mozert v. Hawkins County Board of Education*, 827 F.2d. 1058 (6th Cir. 1987).

⁹*Sherbert v. Verner*, 374 U.S. 398 (1963).

¹⁰*Wisconsin v. Yoder*, 406 U.S. 205 (1971).

¹¹*Barnette v. West Virginia State Board of Education*, 319 U.S. 624 (1943).

¹²*Mozert v. Hawkins County Board of Education*, 827 F.2d. 1058 (6th Cir. 1986); *Smith v. Board of Commissioners*, 827 F.2d. 684 (11th Cir. 1987).

¹³*Epperson v. Arkansas*, 393 U.S. 97 (1968); See also *Edwards v. Aguillard* 482 U.S. 578 (1987).

¹⁴Public Law 103-141.

¹⁵*Cheema v. Thompson*, ___ F.2d ___ (9th Cir. 1994.)

Strategies for Finding Common Ground

by Charles C. Haynes

Court decisions provide important legal guidance for school districts, but case law alone will not enable us to live with our deepest differences. Too often (and too quickly) in disputes about religion and public education, lawyers are called and lawsuits filed. Communities are further divided, and support for public education continues to erode.

We need to remind ourselves that First Amendment Religious Liberty clauses do not belong only to lawyers and judges; they belong to all of us. The principles of rights, responsibility and respect that flow from the First Amendment are obligations of citizenship for *every* American. When properly understood and applied, these principles allow communities to go beyond conflict and achieve consensus on the role of religion in the public schools. The strategies outlined below indicate some ways in which the civic framework provided by the First Amendment has worked in school districts to build common ground.

1. Agree on the Ground Rules

No religious consensus is possible in the United States, and to impose one would be both unconstitutional and unjust. A civic consensus, however, is not only possible, but necessary if we are to continue as one nation of many peoples and faiths. In any public-policy debate, all sides need to recall that, as citizens, each of us has already agreed to the democratic first principles that govern our common life. These principles are the “ground rules” within which we negotiate our differences in the public square of America.

What are the ground rules that flow from the First Amendment? Part of the answer is found in Supreme Court decisions as discussed in chapter 4. Court cases, however, are not the best starting point for establishing guidelines and ground rules in a school district. We suggest that communities begin with the “Summary of Principles” drawn from the Williamsburg Charter (chapter 2). By so doing, all sides are asked to go behind the court cases and to give fresh consideration to the guiding principles of our nation’s charter. At the heart of these principles are the “three Rs” of religious liberty:

Rights: Religious liberty, or freedom of conscience, is a precious, fundamental and inalienable right for all. Every effort should be made in public schools to protect the conscience of all students and parents.

Responsibilities: Central to the notion of the common good, and of greater importance each day because of the increase of pluralism, is the recognition that religious liberty is a universal right joined to a universal duty to respect that right for others. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves. The Williamsburg Charter calls this “the Golden Rule for civic life.”

Respect: Conflict and debate are vital to democracy. Yet if controversies about religion and schools are to reflect the highest wisdom of the First Amendment and advance the best interest of the disputants and the nation, then *how* we debate, and not only *what* we debate, is critical.

If these, or similar, civic ground rules are in place, then all sides come to the table prepared to take responsibility to protect the rights of others, and to debate differences with civility and respect. Within this framework, concern for fairness and for protection of conscience shapes the discussion and all agreements that may follow.

2. Include All of the Stakeholders

If agreements and policies are to inspire broad support in the community, all stakeholders must be fully represented in the discussion. On the school level or district-wide, the committee appointed to make recommendations should include a broad range of perspectives, making sure that those who are concerned about violations of conscience in the schools are given significant representation.

Religion-and-school policies, no matter how wise or clear, that are developed without strong community participation risk doing more damage than good. Policies shaped by a broad cross-section of the community are widely supported and successful. (See Appendix B for examples of policies created by a few school districts.)

When school boards or administrators reach out to critics of the schools, particularly religious conservatives, they must look beyond media stereotypes and identify those representatives most interested in dialogue and consensus. If school leaders are unsure who might best represent a particular point of view, they might contact national organizations such as the Christian Legal Society¹ or the American Jewish Committee² for suggestions about strong leadership in the local community.

Because we are a democracy, there will be “winners” and “losers” on policy issues and curriculum decisions. But if the different perspectives have been given full and fair hearing, and if every effort has been made to protect the conscience of all parents and students, then even those who may “lose” on a particular policy will most likely remain supporters of the public schools.

3. Listen to All Sides

Given the opportunity, the vast majority of parents, teachers, administrators, and school board members will commit to a principled dialogue, and will work for fair, open public schools. While it is true that a small number of people on all sides of

these issues resist efforts to reach common ground, most Americans, when given an opportunity, want to find a way forward that best serves the schools and the community. We have found this to be true in every region of the country and across all religious and political lines.

Establishing a climate where people listen to one another requires that we go beyond labels and rebuild trust. Public-school educators must keep in mind that, as leaders of institutions established by the people through the government, they are required to represent the Constitution and the Bill of Rights. Public schools are first and foremost models of the nation's charter. All else, including educational philosophy and proposals for change, should be decided by the people of each community working with school boards, administrators and teachers.

If we are to rebuild trust and to truly listen to one another, public-education leaders must acknowledge what is valid about criticisms of the way religion has been treated in many public schools and in the curriculum. At the same time, critics of the schools must recognize that the vast majority of public-school administrators and teachers do not intend to be hostile to religion, and want only to be fair in their treatment of parents and students. Putting aside labels and stereotypes and taking seriously the position of the "other side" are the starting points for genuine dialogue.

4. Work for Comprehensive Policies

School districts would be well advised to address a broad range of religion-and-schools issues in a "religion-and-schools" policy. By doing so, schools are able to say "yes" to a role for religion, even as they must say "no" to state-sponsored religious practices. No, public schools may not promote religion (or hostility to religion), nor may schools sponsor religious practices. But yes, there is a place for teaching about religions, and there are ways to accommodate the needs and requirements of religious students. Policies can be developed on student speech, distribution of literature, equal access, and other areas that signal strong support for protection of conscience and expression. (See chapter 13 for suggestions in each of these areas.)

Once the commitment is made to establish a comprehensive policy, begin the search for common ground with the areas where agreement is most likely to be achieved. Many communities have found it useful to begin with the role of religion in the curriculum (especially in light of the national agreement reprinted in chapter 6). It is not difficult to reach consensus about the importance of study about religion as a part of a complete education in the social studies, literature, art, music, and other subjects. (More difficult is the question of *how* it will be done.) Once the first agreement is reached, a foundation is created for consideration of more divisive questions.

An important key throughout the process is to go beyond asking "What is legal?," and to begin asking "What is the right thing to do for my community?" and "What best protects the conscience of every student and parent?"

5. Be Pro-Active

Some school leaders avoid addressing religion and school issues, convinced that to raise these questions may cause controversy where there is currently none. While it may be true that a pro-active approach to religious liberty questions is a risky and

delicate undertaking, it could be argued that the greater risk is to do nothing. Districts unprepared for controversy fare poorly when a conflict arises (and it will). Where there are no policies (or policies not known or supported by parents), there is a much greater likelihood of lawsuits, shouting matches at school board meetings, and polarization in the community.

Students, parents, teachers and administrators all need to know how the school or school district advises where and how religion be discussed in the classroom, how requests by students to form a religious club or to distribute religious literature will be handled, how holidays will be treated and how any number of other questions concerning religion and values will be addressed. A pro-active approach takes seriously the importance of articulating the proper role for religion and religious perspectives in the public schools. The resulting policies and practices create a climate of trust in the community, and demonstrate the public schools' active commitment to the guiding principles of our democracy.

6. Follow-Through

Be sure that the entire community is informed of all policies concerning religion, values, and religious liberty. If an effort has been made to keep the broader community involved through participation in the committee and through periodic public meetings, there will be people available to help explain the policy to the various constituents of the school.

Once disseminated and explained, policies raise expectations about school performance. That is why it is vitally important for schools to follow up policy statements with staff development for administrators and teachers. A commitment to teach about religion, for example, means nothing unless teachers are given support for such teaching. A policy that permits student-initiated religious clubs may do more harm than good unless accompanied by a clear understanding by administrators of how the Equal Access Act is to be applied (see chapter 12). Adoption of these or other policies concerning religion and public education should be immediately followed by forums for parents, workshops for teachers and administrators, and distribution of resources for classroom use.

Remember

First Amendment religious liberty principles do work—when tried. Without asking anyone to compromise their deepest convictions, schools and communities can find areas of agreement on questions that have long divided Americans. “A common vision for the common good” is still possible in public education.

Schoolbook Protests: Advice for Both Sides

Stephen Bates

Conflicts over the public school curriculum are commonplace, clamorous, and unproductive. The two sides talk (more frequently, shout) past each other. Protesters often suggest that anyone who disagrees must be un-Christian, immoral, racist, or sexist. And, as journalist Joseph Nocera has observed, school people often treat anyone who questions their judgment as “a potential enemy who must be bludgeoned into submission with a First Amendment tire-iron.”

Tips for Parents

1 Examine and comment on textbooks before they're adopted.

If your state or district doesn't make books available for pre-adoption inspection, lobby for such a policy.

2 Choose your battles.

Administrators will be more receptive on your first visit than on your tenth.

3 Read the book before you complain about it.

Don't rely on others' critiques.

4 Think before banning.

Think long and hard before trying to have a book removed from the curriculum or the library. You're in a stronger position if you seek an alternative assignment for your child.

5 In seeking an alternative, consider the magnitude of what you're asking.

You're in a stronger position if you try to excuse your child from a brief assignment — a story or two in a reader, a supplemental novel, a film — rather than an entire textbook. Don't ask for more special treatment (and more work on the part of the teacher) than you absolutely need.

6 Start with the teacher.

If necessary, work your way up the chain of command.

7 Recognize, and show that you recognize, that teachers and administrators may not view the assignment as you do.

When seeking an alternative, say that there's no need for one of you to convince the other, but you hope your family's views will be respected. When seeking to remove a book, say that you believe it conflicts with community values, even though it may reflect the values of school officials. In both cases, the issue isn't who's right; it's who decides.

8 Recognize, and show that you recognize, that teachers and administrators want what they believe to be best for the children.

9 Resist the temptation to engage in name-calling.

Don't suggest, even indirectly, that school officials are less devout, less moral, or less sensitive to minorities or women than you are.

Tips for Teachers and Administrators

- 1 **To preempt some protests, solicit community input before books are chosen.**
Make books publicly available before they are adopted. When dealing with a particularly controversial topic, consider forming an advisory committee reflecting a wide range of community views.
- 2 **Put in place a written procedure for dealing with complaints.**
Make clear what is required to initiate reconsideration of materials, who will act on the complaint, how quickly a decision will be made, and how a dissatisfied party can appeal the decision to a higher authority.
- 3 **When a protest does arise, focus on how the public participated in the book selection.**
Look at what's in the book and how it's used in the classroom. Don't imply that the adoption process was the only opportunity for public participation, and that subsequent complaints are somehow illegitimate. Don't expect protesters to be swayed by the book's pedigree — its awards, reviews, or status as a classic — or by your expertise.
- 4 **Keep in mind both sides of the public schooling paradox: The curriculum must reflect the will of the community.**
Truth is never a matter of majority rule, but, to a considerable extent, the public school curriculum is (within the bounds of the Constitution and federal and state law). Consequently, it's important to acknowledge the protesters' right to complain about what's going on in their tax-funded schools. Don't simply call them "censors"; respond to their arguments on the merits.
- 5 **Recognize that context doesn't erase all offenses.**
For instance, some parents simply won't allow their children to read racial epithets or profanity, even as a minuscule part of an assignment, and even in a classic book.
- 6 **Remember the civic obligation to respect freedoms of belief, speech, and religion, even for people with whom you disagree.**
Try to put yourself in the protesters' shoes. How would you feel, and how would you want to be treated, if your child were being taught something contrary to your deepest beliefs? Remember, too, that students learn important lessons about American liberties by seeing how school officials deal with dissent.
- 7 **Church-state separation is an issue with sectarian material, too, if the protesters want sectarian material in the classroom, if they want teachers to make religious judgments on their behalf, or if they want to remove material solely because it conflicts with their religious beliefs.**
It's not an issue if they want to remove material because it conflicts with their moral beliefs. To be sure, the distinction isn't always clear. Both faith and morality condemn stealing, for example. And it's not an issue if they want an alternative assignment, no matter what their motivation.

8 When parents are seeking an alternative assignment, don't accuse them of misconstruing the assignment or its impact on students.

Don't enlist psychologists or pastors to rebut their views. Rather, focus on whether an alternative is administratively and pedagogically feasible.

9 When parents request an alternative assignment, the school system should respond privately.

When protesters seek to remove a book from the curriculum or the school library, however, administrators should ordinarily respond publicly, especially before removing a book. Decisions that affect an entire classroom or an entire school affect the community; in most circumstances, the community should be fully informed.

10 Recognize, and show that you recognize, that the protesters want what they believe to be best for the children.

11 Resist the temptation to engage in name-calling.

Don't suggest, even indirectly, that protesters are extremists, zealots, or kooks.

12 Remember: Obnoxious people have rights too.

Stephen Bates, a senior fellow at the Annenberg Washington Program, is author of *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms*.

Endnotes

¹Christian Legal Society, P.O. Box 1492, Merrifield, VA 22116

²American Jewish Committee, 165 E. 56th St., New York, NY 10022

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Strategies for Finding Common Ground

Religion In The Public School Curriculum

Questions & Answers

Growing numbers of people in the United States think it is important to teach *about* religion in the public schools.¹ But what is the appropriate place of religion in the public school curriculum? How does one approach such issues as textbook content, values education, creation science, and religious holidays?

The following questions and answers are designed to assist school boards as they make decisions about the curriculum and educators as they teach about religion in ways that are constitutionally permissible, educationally sound, and sensitive to the beliefs of students and parents.

There are other questions concerning religion and the schools not addressed here, including school prayer, equal access, and how schools accommodate diverse religious beliefs and practices. For a full discussion of these broader issues, please contact The Freedom Forum First Amendment Center at Vanderbilt University or the sponsors listed at right.

The Questions & Answers are sponsored jointly by:

American Academy of Religion

*American Association of
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American Federation of Teachers

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*Americans United
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Christian Legal Society

*The Church of Jesus Christ
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National Association of Evangelicals

*National Conference of
Christians and Jews*

*National Council of Churches of
Christ in the USA*

*National Council on Religion
and Public Education*

National Council for the Social Studies

National Education Association

National School Boards Association

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Is it constitutional to teach about religion in public schools?

Yes. In the 1960s school prayer cases (that prompted rulings against state-sponsored school prayer and Bible reading), the U.S. Supreme Court indicated that public school education may include teaching about religion. In *Abington v. Schempp*, Associate Justice Tom Clark wrote for the Court:

[I]t might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment.

What is meant by “teaching about religion” in the public schools?

The following statements distinguish between teaching about religion in public schools and religious indoctrination:

- ❶ *The school's approach to religion is academic, not devotional.*
- ❷ *The school may strive for student awareness of religions, but should not press for student acceptance of any one religion.*
- ❸ *The school may sponsor study about religion, but may not sponsor the practice of religion.*
- ❹ *The school may expose students to a diversity of religious views, but may not impose any particular view.*
- ❺ *The school may educate about all religions, but may not promote or denigrate any religion.*
- ❻ *The school may inform the student about various beliefs, but should not seek to conform him or her to any particular belief.²*

Why should study about religion be included in the public school curriculum?

Because religion plays a significant role in history and society, study about religion is essential to understanding both the nation and the world. Omission of facts about religion can give students the false impression that the religious life of humankind is insignificant or unimportant. Failure to understand even the basic symbols, practices and concepts of the various religions makes much of history, literature, art and contemporary life unintelligible.

Study about religion is also important if students are to value religious liberty, the first freedom guaranteed in the Bill of Rights. Moreover, knowledge of the roles of religion in the past and present promotes cross-cultural understanding essential to democracy and world peace.

Where does study about religion belong in the curriculum?

Wherever it naturally arises. On the secondary level, the social studies, literature and the arts offer many opportunities for the inclusion of information about religions — their ideas and themes. On the elementary level, natural opportunities arise in discussions of the family and community life and in instruction about festivals and different cultures. Many educators believe that integrating study about religion into existing courses is an educationally sound way to acquaint students with the role of religion in history and society.

Religion also may be taught about in special courses or units. Some secondary schools, for example, offer such courses as world religions, the Bible as literature, and the religious literature of the West and of the East.

Do current textbooks teach about religion?

Rarely. Recent textbook studies conclude that most widely used textbooks largely ignore the role of religion in history and society. For example, readers of high school U.S. history texts learn little or nothing about the great colonial revivals, the struggles of minority faiths, the religious motivations of immigrants, the contributions of religious groups to many social movements, major episodes of religious intolerance, and many other significant events of history. Education without appropriate attention to major religious influences and themes is incomplete education.

How does teaching about religion relate to the teaching of values?

Teaching about religion is not the same as teaching values. The former is objective, academic study; the latter involves the teaching of particular ethical viewpoints or standards of behavior.

There are basic moral values that are recognized by the population at large (e.g., honesty, integrity, justice, compassion). These values can be taught in classes through discussion, by example, and by carrying out school policies. However, teachers may not invoke religious authority.

Public schools may teach about the various religious and nonreligious perspectives concerning the many complex moral issues confronting society, but such perspectives must be presented without adopting, sponsoring or denigrating one view against another.

Is it constitutional to teach the biblical account of creation in the public schools?

Some states have passed laws requiring that creationist theory based on the biblical account be taught in the science classroom. The courts have found these laws to be unconstitutional on the ground that they promote a particular religious view. The Supreme Court has acknowledged, however, that a variety of scientific theories about origins can be appropriately taught in the science classroom. In *Edwards v. Aguillard*, the Court stated:

[T]eaching a variety of scientific theories about the origins of humankind to schoolchildren might be validly done with the clear secular intent of enhancing the effectiveness of science instruction.

Though science instruction may not endorse or promote religious doctrine, the account of creation found in various scriptures may be discussed in a religious studies class or in any course that considers religious explanations for the origin of life.

How should religious holidays be treated in the classroom?

Carefully. Religious holidays offer excellent opportunities to teach about religion in the elementary and secondary schools. Recognition of and information about such holidays should focus on the origin, history, and generally agreed-upon meaning of the observances. If the approach is objective, neither advancing nor inhibiting religion, it can foster among students understanding and mutual respect within and beyond the local community.

Endnotes

¹ "Teaching about religion" includes consideration of the beliefs and practices of religions; the role of religion in history and contemporary society; and religious themes in music, art, and literature.

² This answer is based on guidelines originally published by the Public Education Religion Studies Center at Wright State University.

Rationale and Guidelines for Teaching about Religion

Growing numbers of educators throughout the United States recognize that study about religion in social studies, literature, art, and music is an essential part of a complete public school education. States and school districts are issuing new mandates and guidelines for the inclusion of teaching about religion in the curriculum. As a result, textbooks are expanding discussions of religion's role in history and culture, and many new supplementary materials concerning religion in history are being developed.

In light of this national trend to include more about religion in the curriculum, the question for teachers is no longer "Should I teach about religion?" but rather, "What should I teach, and how should I do it?" This essay is designed to provide the civic and academic framework for answering the questions of "what" and "how." The aim of the guidelines and suggestions that follow is to help classroom teachers meet the challenges of teaching about religion in ways that are constitutionally permissible, educationally sound, and sensitive to the beliefs of students and parents.

Knowledge about religions is not only a characteristic of an educated person, but it is also absolutely necessary for understanding and living in a world of diversity. Knowledge of religious differences and the role of religion in the contemporary world can help promote understanding and alleviate prejudice. Since the purpose of the social studies is to provide students with a knowledge of the world that has been, the world that is, and the world of the future, studying about religions should be an essential part of the social studies curriculum. Omitting study about religions gives students the impression that religions have not been and are not now part of the human experience. Study about religions may be dealt with in special courses and units or wherever and whenever knowledge of the religious dimension of human history and culture is needed for a balanced and comprehensive understanding.

*— From the Position Statement and
Guidelines of the National Council
for the Social Studies*

A Shift in Public Understanding

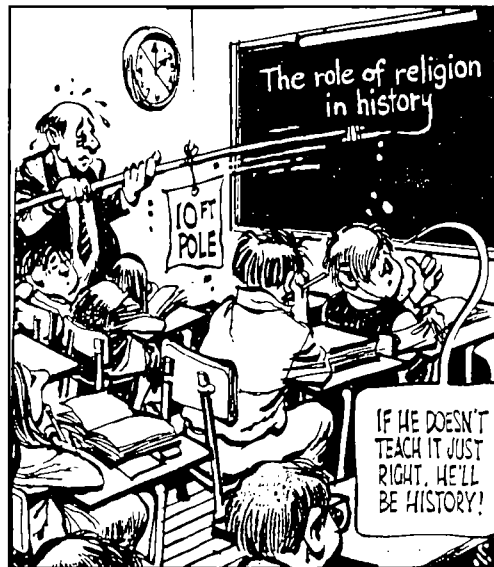
Editorial cartoons often reflect significant shifts in public understanding of controversial issues. The cartoon reproduced below appeared in 1985 amidst much confusion about what teachers might and might not say about religion. By the late 1980s, as the cartoon at bottom indicates, the question was no longer "Should schools teach about religion?" The question had become: "How should religion be studied about in public school?" Though still considered risky and difficult by many, there was a growing recognition that religion must be appropriately included in the curriculum.

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Rationale and Guidelines for Teaching about Religion



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Why Study about Religion is Important

Teaching about religion is important and necessary if public schools are to provide students with a complete education. Much of history, art, music, literature, and contemporary life is unintelligible without an understanding of the major religious ideas and influences that have shaped history and culture throughout the world. Even teaching religious liberty, the civic foundation that sustains the United States as one nation of many faiths, requires teaching about the role of religion in history and culture. A recent report by the Association for Supervision and Curriculum Development described the place of religion in the curriculum:

The proper role of religion in the school is the study of religion for its educational value. The task is to teach about religions and their impact in history, literature, art, music, and morality. It seems natural that the art curriculum, for example, must pay attention to the impact of Christianity on the work of Michelangelo, just as a history class focusing on the colonization of America must pay attention to the religious upheaval in sixteenth-century Europe that fueled that colonization.

Understanding the role religion plays in history and culture is of special importance in our increasingly diverse society. Expanding religious pluralism in the United States confronts our schools and our nation with unprecedented challenges. America has shifted from the largely Protestant pluralism of the eighteenth century to a pluralism that now includes people of all faiths and a growing number of people who indicate no religious preference. New populations of Muslims, Buddhists, and many other religious and ethnic groups are entering schools throughout the nation.

If we are to live with our differences, we must attempt through education to replace stereotypes and prejudices with understanding and respect. Students need to recognize that religious and philosophical beliefs and practices are of deep significance to much of our citizenry. Omission of discussion about the religious and philosophical roots of developments in history can give students the false impression that the religious and ethical traditions of humankind are insignificant or unimportant.

A Civic Framework for Teaching about Religion

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ...

The Religious Liberty clauses of the First Amendment to the Constitution provide the civic framework for teaching about religion in the public schools. The U.S. Supreme Court has interpreted the First Amendment to mean that public schools may neither promote nor inhibit religious belief or nonbelief. The public school curriculum may not, therefore, include religious indoctrination in any form (including hostility to religions or religion in general). Such teaching would constitute state sponsorship of religion and would violate the freedom of conscience protected by the First Amendment.

Religious indoctrination, however, is not the same as teaching about religion. In the 1960s school prayer cases (that prompted rulings against state-sponsored school prayer and devotional Bible-reading), the Supreme Court indicated that public school education may include teaching *about* religion. In *Abington v. Schempp* (1963), the Court stated:

[I]t might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment.

All public school teachers must have a clear understanding of the crucial difference between the teaching of religion (religious education) and teaching *about* religion. In 1988, a broad coalition of 17 religious and educational organizations published guidelines that distinguish between teaching about religion and religious indoctrination (reprinted in chapter 6). The guidelines state, in part:

- The school's approach to religion is *academic*, not *devotional*.
- The school strives for student awareness of religions, but does not press for student *acceptance* of any one religion.
- The school sponsors *study* about religion, not the *practice* of religion.
- The school *exposes* students to a diversity of religious views; it does not *impose* any particular view.
- The school *educates* about all religions; it does not *promote* or *denigrate* any religion.
- The school *informs* students about various beliefs; it does not seek to *conform* students to any particular belief.

In addition to these baseline distinctions, the Religious Liberty clauses provide guiding principles for how teaching about religion may best be carried out in the classroom. These principles are the civic values at the heart of American citizenship. They are so fundamental and enduring that they may be called the "Three Rs" of religious liberty:

Rights: Religious liberty, or freedom of conscience, is a basic and inalienable right founded on the inviolable dignity of the person. In a society as religiously diverse as the United States, it is essential that schools emphasize that the rights guaranteed by the Constitution are for citizens of all faiths and none.

Responsibilities: Religious liberty is not only a universal right, but it also depends upon a universal responsibility to respect that right for others, treating others as we ourselves desire to be treated. All citizens must recognize the inseparable link between the preservation of their own constitutional rights and their responsibility as citizens to defend those rights for all others. This is what the Williamsburg Charter calls the "Golden Rule for civic life."

Respect: Debate and disagreement are vital to classroom discussion and a key element of preparation for citizenship in a democracy. Yet, if we are to live with our differences, particularly our religious differences, *how* we debate, and not only *what* we debate, is critical. At the heart of good citizenship is a strong commitment to the civic values that enable people with diverse religious and philosophical perspectives to treat one another with respect and civility.

Rights, responsibilities, and respect, then, are the civic ground rules for teaching about religion in the public schools, just as they are the ground rules of American citizenship. When we teach about the many cultures and religions of our nation and the world, we must simultaneously teach our common ground — the civic values and responsibilities that we share as American citizens. If this is done, teaching about religion becomes an excellent opportunity to teach respect for universal rights and mutual responsibilities, within which the deep differences of belief can be negotiated.

Approaches to Teaching about Religion

Teachers need to make clear to students (and their parents) that teaching about religion is an important part of the curriculum in such subjects as social studies, literature, music, and art. Make them aware that all study about religion will be within the civic framework provided by the Constitution and will serve the educational goals of the academic program.

Natural Inclusion

Study about religion should take place within a historical and cultural context. Courses in history, literature, art, and music on the elementary and secondary levels, as well as discussions of community and instruction about religious festivals and cultures, offer many natural opportunities to include discussion about religious influences and themes.

Keep in mind, however, that these discussions are not courses in religion or theology. What is taught about the religion or religions of a particular historical period or present-day culture should be only what is essential to understanding the events or peoples under consideration. Decisions concerning how much to discuss religion and which religions to include in the discussion should be determined by the academic requirements of the course being taught.

Students should be told that their study of religious traditions as a part of their study of history and culture is necessarily limited. Make clear why certain religious influences and themes have been selected for study. Remind students that there is much more to learn about the complexity and richness of each faith. Alert them to the fact that there is a wide diversity of opinion about religious events and ideas, not only among the various religions but also within the traditions themselves.

Fairness and Balance

Classroom discussions concerning religious traditions in history, literature, or other courses must be conducted in an environment that is free of advocacy on the part of the teacher. While various perspectives should be presented, no religious or anti-religious point of view should be advocated by the teacher. When discussing religious beliefs, teachers can avoid injecting personal religious beliefs by teaching through attribution (e.g., by reporting that “most Buddhists believe ...”).

Fair and balanced study about religion includes critical thinking about historical events involving religious traditions. Religious beliefs have had a part in some of the best and some of the worst developments in history. The full historical record (and various interpretations of it) must be available for analysis and discussion. Teachers should use primary sources where possible so that students can work directly with the historical record.

Please note, however, that consideration of destructive or oppressive acts carried out in the name of a religious belief is not an opportunity to attack the integrity of the religion itself. All religious traditions can point to tragic chapters in their story and historical incidents where the ideals of the faith were not fully lived. This part of the record can be taught without condemning a particular religion or religion in general. Teaching that includes attacks on religion, or on the theology or practice of any faith, does not belong in a public school classroom.

Avoid making qualitative comparisons between religions (e.g. religion A supersedes or is superior to religion B). Structural parallels, on the other hand, such as pointing out that most religious traditions have scriptures and community worship, may be a helpful way to organize the class discussion. It is also appropriate to compare and contrast the different perspectives religious groups might have on historical or current events.

Respect for Differences

When teaching about the major faiths of humankind in history, teachers must take great care not to present religious truth claims as relative or to reduce all religions to a common denominator.

Sometimes, in an effort to sound “tolerant” or “neutral,” people speak of all religions as “all the same” underneath their differences. A *Peanuts* poster of some years ago parodied this approach by saying: “It doesn’t matter what you believe as long as you are sincere.”

For many religious people, however, such “toleration” from others distorts their faith and is anything but neutral. It matters very much to a Christian or to a Jew or to a Muslim what one takes to be ultimately true. These faith communities, and many others, ascribe to absolute truths derived from the sources of revelation and authority in their traditions.

The view that all faiths are ultimately the same may be compatible with some world views, but this is itself a philosophical position. For a teacher to advocate this view is a form of indoctrination.

Equally problematic are attempts by a teacher to “explain away” religious faith as merely social or psychological phenomena. Such teaching often leaves the impression that truth is relative and that there are no absolutes. It is permissible to present various theories of religion and to introduce students to the social, economic, and cultural context in which religions have formed and changed. However, it is first and foremost essential to report how people of faith interpret their own practices and beliefs, and how these beliefs have affected their lives historically as well as how they affect people’s lives today.

Remember, public school teachers are required to teach about the various approaches to religious truth without advocating one religious or philosophical position over another. Teaching respect for differences is a key part of understand-

ing the beliefs of the world's religious traditions. By taking care not to portray as relative or to reduce the truth claims of religions, the teacher allows the student to learn how each faith understands itself.

Use of Religious Scriptures

Study of history or literature would be incomplete without exposure to the scriptures of the world's major religious traditions. Some knowledge of biblical literature, for example, is necessary to comprehend much in the history, law, art, and literature of Western civilization, just as exposure to the Qur'an is important for understanding Islamic civilization. In this sense, the classical religious texts are part of our study of history and culture.

At the same time, students need to recognize that, while scriptures tell us much about the history and cultures of humankind, they are considered sacred accounts by adherents to their respective traditions. Religious documents give students of history the opportunity to examine directly how religious traditions understand divine revelation and human values.

In a history class, selections from these accounts should always be treated with respect and used only in the appropriate historical and cultural context. Alert students to the fact that there are a variety of interpretations of scripture within each religious tradition.

Role-Playing

Recreating religious practices or ceremonies through role-playing activities should not take place in a public school classroom. Such activities, no matter how carefully planned or well-intentioned, risk undermining the integrity of the faith involved. Religious ceremonies are sacred to those who practice them. Re-creations may unwittingly mock or, at the very least, oversimplify the religious meaning or intent of the ritual.

Role-playing religious practices may also violate the conscience of students who are asked to participate. Use audio-visual resources and primary-source documents to introduce students to the ceremonies and rituals of the world's religions.

Guest Speakers

When teaching about religions in history, it may be helpful to invite a guest speaker for a more comprehensive presentation of the religious tradition under study. Care should be taken to invite someone with the academic background necessary for an objective and scholarly discussion of the historical period and the religion being considered.

Faculty from local colleges and universities often make excellent guest speakers, or can make recommendations of others who might be appropriate for working with students in a public school setting. Religious leaders or clergy in the community can also be a valuable resource. Remember, however, that they have commitments to their own faith. Be certain that any guest speaker understands the First Amendment guidelines for teaching about religion in public education, and is clear about the nature of their assignment. When the goals of the course are clearly communicated and the task specific, religious leaders can be helpful.

Beliefs of Teachers and Students

Teachers

We have already seen that teaching about religion in public schools must never be used by teachers as an opportunity to proselytize or to impose religious or anti-religious views on the students.

What should the response be, however, when students ask the teacher to reveal his or her own religious beliefs? Some teachers prefer not to answer the question, stating that it is inappropriate for a teacher to inject personal beliefs into the discussion. Teachers of very young children, in particular, sometimes find this to be the most satisfactory response.

Many other teachers, however, do not wish to leave students guessing about their personal views. In the interest of establishing an open and honest classroom environment, these teachers answer the question straightforwardly and succinctly.

The teacher who decides to answer the question by telling the students his or her religious background should probably not do so at the beginning of the course. Such questions are best answered once the teacher has had an opportunity to demonstrate how various religious and nonreligious perspectives may be taught about with sensitivity and objectivity.

When answering the question, teachers may take the opportunity to say something like: "These are my personal beliefs, but my role here is to present with fairness and sensitivity a variety of beliefs as we study the history of the world's great cultures."

Answering the question briefly, with little elaboration or discussion, can be a good lesson in civic values. Students learn that people with deep convictions can teach and learn about the convictions of others in ways that are fair and balanced.

Students

Teachers should not solicit information about the religious affiliations or beliefs of students. Nor should students be requested to explain their faith or religious practices to the class. Such requests put undue pressure on students who may not wish to act as spokespersons for their tradition. Keep in mind also that students may not be qualified or prepared to represent their tradition accurately.

Students may choose on their own to express their religious views during a class discussion or as part of a writing project or art activity. This is appropriate as long as it is relevant to the subject under consideration and meets the requirements of the assignment.

At the beginning of the course, especially in the social studies, students should consider the civic values and virtues that will be the ground rules for class discussion. Teachers may wish to introduce the first principles of rights, responsibilities, and respect that flow from the First Amendment. By teaching within this framework, students learn to respect religious distinctiveness while affirming our civic consensus.

Ten Suggestions for Teaching About Religion

- 1 Religion is important; a central purpose of liberal education is to teach students about the place of religion in history and culture. The religious significance of curricular material (historical events and themes, literary texts, etc.) is an important criterion to use in selecting what is to be covered.
- 2 Many events, movements, and texts are open to conflicting interpretations (both secular and religious). Teachers should be sensitive to religious ways of understanding them.
- 3 The First Amendment requires that teachers be neutral regarding religion and religious ways of understanding the world; they are neither to promote nor denigrate religion.
- 4 I would argue that the spirit of the First Amendment also requires that teachers be fair in their treatment of religion. Indeed, we are morally and intellectually obligated to be *fair* in dealing with any important, controversial matter. In an ideal world this means:
 - a. *taking each of the (major) parties to the conflict seriously; this means*
 - b. *letting each party speak for itself through primary source material or guest speakers;*
 - c. *providing sufficient time and context so that positions are intelligible;*
 - d. *pursuing emotional as well as intellectual meaning (through literature, drama, art, film, etc.).*
 - e. *Fairness does not require equal time.*
- 5 There should be no official conclusions. (This does not mean that a teacher should not share her own views.) Students should not be required to agree with the teacher in class or on tests. It is often best to ask not what students think, but what various religious groups think: Why do liberals believe that the Bible is not inerrant? Why do fundamentalists believe that abortion is wrong?
- 6 That there are no official conclusions does not mean that there are no right answers. Neither fairness nor the First Amendment require us to embrace relativism. Education is an initiation of an ongoing discussion about the truth.
- 7 Particular sensitivity must be shown to children who come from minority faiths, ethnic backgrounds, etc.
- 8 Age is important; critical thinking and the ability to confront ambiguity and cultural conflict come with maturity.
- 9 If matters are very controversial, parents should be informed and teachers should consider instituting an excusal policy.
- 10 Some things may be too controversial.

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When civic values and responsibilities are in place, the classroom environment is conducive to exploring a broad range of beliefs and practices, of ideas and views, in a way that is nonjudgmental and nonthreatening. Students learn that differences, even our deepest differences, can be discussed with civility and respect, and that ridicule and prejudice have no place in our society.

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Meeting the Challenge

The United States is fortunate to have many talented and dedicated teachers. Given proper educational and administrative support, and working with sound materials, teachers will meet the challenge of study about religion in the core curriculum of the public schools. As schools go forward with teaching about religion, it is important that teachers:

- ❶ Take advantage of educational opportunities offered by national institutes and local continuing education courses to learn more about the world's great religious traditions and about the role of religion and religious liberty in United States and world history;
- ❷ Encourage school districts to offer pre-service and in-service education for all teachers faced with the responsibility of teaching about religion. Such programs should focus on how to teach about religion in ways that are constitutionally permissible, educationally sound, and culturally sensitive;
- ❸ Be familiar with state and local guidelines for teaching about religion in the curriculum;
- ❹ Have clear educational objectives for the inclusion of study about religion in courses where such study may be appropriate;
- ❺ Make certain that administrators, students, and parents understand how and when study about religion will take place in the classroom (and have guidelines and booklets available to help answer questions);
- ❻ Use textbooks and supplementary materials that discuss the role of religion in history and culture, and do so in a way that is fair and balanced.

Understood properly, and carried out with sensitivity, the challenge of teaching about religion in public schools is an exciting opportunity for enriching the curriculum. Teaching about religion within the civic framework of religious liberty can do much to prepare citizens for living and working together in a pluralistic society. Through education and commitment to civic values, public schools can and must ensure that our diversity remains a source of national strength.

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Getting To Know About You and Me

As a religious holiday approaches, students at my high school who will be celebrating the holiday prepare a presentation on it for an assembly. The Diversity Committee, which sponsors the assemblies to increase religious awareness, asked me last spring if I would help with the presentation on Passover, the Jewish holiday that commemorates the Exodus from Egypt. I was too busy with other things, and I never got around to helping. I didn't realize then how important those presentations really are, or I definitely would have done something.

This summer I was one of 20 teens who spent five weeks at the University of Wisconsin at Superior studying acid rain with a National Science Foundation Young Scholars program. With such a small group in such a small town, we soon became close friends and had a good deal of fun together. We learned about the science of acid rain, went on field trips, found the best and cheapest restaurants in Superior and ate in them frequently to escape the lousy cafeteria food. We were a happy, bonded group.

Represented among us were eight religions: Jewish, Roman Catholic, Muslim, Hindu, Methodist, Mormon, Jehovah's Witness and Lutheran. It was amazing, given the variety of backgrounds, to see the ignorance of some of the smartest young scholars on the subject of other religions.

On the first day, one girl mentioned that she had nine brothers and sisters. "Oh, are you a Mormon?" asked another girl, who I knew was a Mormon herself. The first girl, shocked, replied, "No, I dress normal!" She thought Mormon was the same as Mennonite, and the only thing she knew about either religion was that Mennonites don't, in her opinion, "dress normal."

My friends, ever curious about Judaism, asked me about everything from our basic theology to food preferences. "How come, if Jesus was a Jew, Jews aren't Christian?" my Catholic roommate asked me in all seriousness. Brought up in a small Wisconsin town, she had never met a Jew before, nor had she met people from most other "strange" religions (anything but Catholic or mainstream Protestant). Many of the other kids were the same way.

"Do you all still practice animal sacrifices?" a girl from a small town in Minnesota asked me once. I said no, laughed and pointed out that this was the twentieth century, but she had been absolutely serious. The only Jews she knew were the ones from the Bible.

Nobody was deliberately rude or anti-Semitic, but I got the feeling that I was representing the entire Jewish people through my actions. I realized that many of my friends would go back to their small towns thinking that all Jews liked Dairy Queen Blizzards and grilled cheese sandwiches. After all, that was true of all the Jews they knew (in most cases, me and the only other Jewish young scholar, period).

The most awful thing for me, however, was not the benign ignorance of my friends. Our biology professor had taken us on a field trip to the EPA field site where he worked, and he was telling us about the project he was working on. He said that they had to make sure the EPA got its money's worth from the study—he "wouldn't want them to get Jewed."

I was astounded. The professor had a doctorate, various other degrees and seemed to be a very intelligent man. He apparently had no idea that he had just made an anti-Semitic remark. The other Jewish girl in the group and I debated whether or not to say something to him about it, and although we agreed we would, neither of us ever did. Personally, it made me feel uncomfortable. For a high-school student to tell a professor who taught her class that he was a bigot seemed out of place to me, even if he was one.

What scares me about that experience, in fact about my whole visit to Wisconsin, was that I never met a really vicious anti-Semite or a malignantly prejudiced person. Many of the people I met had been brought up to think that Jews (or Mormons or any other religion that's not mainstream Christian) were different and that difference was not good.

Difference, in America, is supposed to be good. We are expected — at least, I always thought we were expected — to respect each other's traditions. Respect requires some knowledge about people's backgrounds. Singing Christmas carols as a kid in school did not make me Christian, but it taught me to appreciate beautiful music and someone else's holiday. It's not necessary or desirable for all ethnic groups in America to assimilate into one traditionless mass. Rather, we all need to learn about other cultures so that we can understand one another and not feel threatened by others.

In the little multicultural universe that I live in, it's safe not to worry about explaining the story of Passover because if people don't hear it from me, they'll hear it some other way. Now I realize that's not true everywhere.

Ignorance was the problem I faced this summer. By itself, ignorance is not always a problem, but it leads to misunderstandings, prejudice and hatred. Many of today's problems involve hatred. If there weren't so much ignorance about other people's backgrounds, would people still hate each other as badly as they do now? Maybe so, but at least that hatred would be based on facts and not flawed beliefs.

I'm now back at school, and I plan to apply for the Diversity Committee. I'm going to get up and tell the whole school about my religion and the tradition I'm proud of. I see now how important it is to celebrate your heritage and to educate others about it. I can no longer take for granted that everyone knows about my religion, or that I know about theirs. People who are suspicious when they find out I'm Jewish usually don't know much about Judaism. I would much prefer them to hate or distrust me because of something I've done, instead of them hating me on the basis of prejudice.

Chana Schoenberger

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Studying Religion in the Public Schools

by Nicholas Piediscalzi

The academic study of religion is appearing in the public schools. While courses and units on religions are being added to the curriculum and while textbooks are including religious issues and topics, very little attention is given to developing a unified purpose and set of goals for the academic study of religion in public schools. This article suggests one of the ways in which this task might be approached.

A statement on the purpose and goals of public education religion studies in the United States, if it is to be relevant, should take into account the problems which arise out of the unique history of the public school system in relation to religious institutions, as well as Supreme Court decisions pertaining to religion studies in public education¹. The public schools in the United States have developed in large part according to a model conceived in the eighteenth century by Thomas Jefferson. Because the churches were in conflict over the essentials of basic theology — especially concerning the beliefs necessary for salvation — and because of his own philosophical presuppositions and concerns for national political unity, Jefferson, according to Robert Michaelson, called upon the public schools to combine aspects from both the Judeo-Christian tradition and elements from other world views, “which ... [our founding] fathers regarded as being common to all religions, the best in all religions, and the only aspect of any religion necessary to civic order and well-being.”²

Jefferson’s model made it possible for the public schools to include devotional readings from the Bible and the recitation of prayers. These became two significant rituals of what has been called America’s “civil religion.” Their designed purpose was to inculcate youth in a national democratic faith and morality in order to foster national unity and well-being. However, in practice, these rituals did not achieve their intended end. The theology and morality of majority groups in each state or region determined political alignments and educational curricula. This transpired because, when our Constitution was ratified, the First Amendment was applicable only to the federal government. Unlike Congress, states were allowed to have established religions. For this reason, the history of public education in the eighteenth, nineteenth and twentieth centuries is rife with religious controversies. At first, the controversy was among diverse Protestant denominations and sects. After large numbers of non-Protestant immigrants entered the United States, the conflicts were exacerbated since Jewish, Eastern Orthodox and Roman Catholic immigrants did not want their children indoctrinated in the pan-Protestant theology and morality taught in the public schools. Horace Mann’s solution for Protestant controversies — reading from the King James Version of the Bible without note or comment — was no solution, since the King James Version of the Bible was not acceptable to non-Protestants. At times the conflicts erupted into violent clashes. A parish priest in New England was tarred and feathered for exhorting his parishioners not to send their children to the public schools where the King James Version of the Bible was read. The Bible War was fought in the streets of Cincinnati over what version of the Bible would be read in the public schools. Immigrant groups founded parochial schools during this period as a means of preserving their ethnic and religious heritage and identities. Like the public schools, parochial schools inculcated youth in one faith and did not study religion from a pluralistic perspective.

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The conflict in the nineteenth century took place not only among various religious groups but also between a growing number of secularized intellectuals and many different religious communities. The latter conflict produced, according to Guntram Bischoff, “an almost simplistic, two-dimensional development of thematic attitudes toward religion. The traditional, seminary-cultivated theology of church and synagogue found itself in a kind of permanent and progressive confrontation with great debunkers who, more often than not, spoke from the rostrum of colleges and universities.”³ This bifurcation prevented the vast majority of Americans from becoming acquainted with the rise and development during this period of a new “science of religion” in European universities, and thereby deprived both groups of learning about the emerging European differentiation between indoctrination in religion and the academic study of religion.

The conflicts of the nineteenth century continue into the twentieth, some taking different forms and expressions. Subgroups within some religious bodies allege that a “secularist-humanist” conspiracy has excised traditional religions from the curriculum and textbooks. Others charge that “New Age” groups are seeking to infiltrate the curriculum and textbooks with their philosophies. Others object to the introduction of multicultural education, the inquiry method, moral education and values clarification programs. They believe that these innovations are responsible for a decline in academic achievement, lack of respect for authority, the breakdown of discipline in the schools and the promotion of relativism. All agree that their religious beliefs and values have been supplanted by “godless” philosophies and lax secular moral codes.⁴

At the other end of the spectrum, subgroups within some secular organizations assert that traditional religious bodies seek to reestablish their disestablished hegemony over the public schools. They also charge that those who seek to introduce the academic study of religions into the public schools are covert or unwitting agents of reactionary religious organizations.⁵

This long line of conflicts reveals that most Americans — educated and uneducated alike — hold a truncated view of religion and do not understand the nature and goal of the academic study of religion. They equate the study of religion with indoctrination in a specific religion and/or morality. Also, they view religion as a set of rational beliefs derived from texts and creeds to which individuals must give assent. They do not consider traditions, rituals, symbols and communal life to be expressions and “texts” of religious life. Moreover, even though they hold that being religious entails holding the beliefs of a given tradition, they also view religion, paradoxically, as a private matter. Religion is what one holds by himself or herself. Hence it is neither available nor open to study. This tendency ignores the social, cultural, and historical dimensions of religious life. Finally, the highly moralistic character of America’s religious roots and the demand placed upon the schools to be inculcators of a specific morality tend to lead people to identify erroneously inculcation in morality with the study of religion. These are one set of factors which must be considered when the purpose and goals of public education religion studies are developed.

Beginning in 1947, the United States Supreme Court heard a series of cases pertaining to religion studies in the public schools. In 1948, the Court in *McCullum* ruled unconstitutional programs involving religious instruction on school grounds. Four years later, “released-time” programs (dismissing students from school to allow attendance at religious instruction classes in their own religious institutions) were judged constitutional by the Court (*Zorach*). In 1962 (*Engel*) and 1963 (*Schempp*), the Court ruled unconstitutional required recitation of prayers and

devotional readings from the Bible. Each of these cases contain dicta which state that on both educational and legal grounds religion, which is a significant dimension of human history, should be neither ignored by the schools nor omitted from the curriculum on allegedly constitutional grounds. In addition to providing an educational and legal rationale for public education religion studies, the Supreme Court in these cases also expounded what it believed to be a constitutionally sound approach to religion studies in public education. According to the Justices writing in *Schempp*, religions should be taught objectively within a secular program of education, according to the canons of comparative religion and historical and literary scholarship.

The Supreme Court has thus provided flexible legal parameters for the public schools to use in teaching about religion.⁶ It is the responsibility of the schools to be well versed in these parameters, and to fulfill their intent as religion-studies programs based on the canons of responsible scholarship.

The preceding summary of Jefferson's model for public education, the religious conflicts in the schools as a reflection of the religious conflicts in the wider community, and Supreme Court decisions pertaining to religion studies in public education provide the foundation for the following proposed statement of the purpose and goals of public education religion studies. They are offered as a possible means for fulfilling the spirit of the Court's decisions, for providing educational objectives for religion studies in the public schools, and for meeting accepted scholarly theories and approaches to the study of religion. They also are suggested as a means for correcting the truncated way in which most Americans view religion.

The purpose of religion studies in public education is to help students attain, by means of methods commensurate with their stages of intellectual, emotional, and social development, a broad and balanced understanding of the nature and function of religions in their personal, social and historical lives and in the lives of others.

Religion in this context includes both theistic and non-theistic traditions found in all cultures. This broad approach to religion presupposes that all human beings require a world view by which to order the meaning and conduct of their lives and that these world views are one of the major religious dimensions of human life. At the same time, it is assumed that religions are the symbol systems of specific cultures and subcultures and, therefore, every individual religious commitment possesses a social element. The personal and social dimensions of religions always are related inextricably and, therefore, should not be considered as independent entities. Primary emphasis is placed in this approach on concrete historical, social and personal lives, because living communities and individuals always precede abstract study of them. Hence, any definition of religion must maintain concrete referents.

Broad and balanced understanding includes developing a complementary relation between an analytical study of religious phenomena according to the canons of empirical investigation and an empathetic understanding of the experienced world view of the religious group and individuals under study. The holding of these two approaches in harmonious balance will enable students to gain an understanding of how religions develop and change in history and the ultimate meanings they hold for their adherents.

Since the public schools generally include students from the ages of 5 through 18 and since there are major developmental differences between first- and twelfth-grade students, religion studies must select methods for developing balanced understanding which are appropriate to the age level of the students.

The following goals are suggested as a means whereby the above suggested purpose of public education religion studies may be attained. In each instance, the objective is to develop a broad and balanced understanding of:

- ① The many diverse ways in which the religious dimension of human life is manifested;
- ② How religions influence cultures and institutions and in turn are influenced by them;
- ③ The meaning and significance of making a religious commitment through either acculturation, nurture or conversion, or a combination of these, and living by the commitment;
- ④ The history of religions in America and the interaction of religions and culture in America, in addition to the conflicts between religions in America;
- ⑤ The relation of religions to moralities, and the difference between the two;
- ⑥ The numerous and different ways in which religions may be studied, including their strengths and weaknesses, and the dimensions of religions which seem to elude analytic investigation; and
- ⑦ The difference between studying about religions in a pluralistic context and practicing religion within a specific community, and the significance of each for the other.

Ideally, these goals should be fulfilled in programs whose basic design progresses in content and approach from the simple to the complex and from the concrete to the abstract, and are based on learning and teaching theories informed by sound psychological studies of human development.⁷ When this is done properly, students discover that genuine pluralism does not necessarily imply relativism. On the contrary, it requires a strong commitment to one's own faith in order to understand the position of another. In the words of Joseph Watras: "A quest for values cannot be satisfied by half-truths. Over-sociologizing is equally misleading, for it can be used to sidestep or denigrate deeply felt concerns ... The school system that takes a chance and affirms genuine pluralism with ... [all] sides interacting, maintaining the possibility of one finally dominating, [and] searching for the truth, all within limits, will revolutionize education."⁸

Eventually, this type of pluralism must either replace or modify Jefferson's democratic religio-political faith and morality as the unifying point of the public schools. As we have seen, the pan-Protestantism of Jefferson's model was unable to cope with the problems and dynamics of an increasingly diverse society. The introduction, development and refinement of public education religion studies as outlined here can make a modest and long-lasting contribution to the resolution of these problems and eliminate the gross misunderstandings, so widespread in our society, of the nature of religion and the goals of the academic study of religion.

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Endnotes

¹ Nicholas Piediscalzi. "Public Education Religion Studies Since the Schempp Decision (1963)," in Marvin J. Taylor, ed., *Foundations for Christian Education in an Era of Change*, (Nashville: Abingdon, 1976); and "A Survey of Professional Efforts to Establish Public Education Religion Studies," in Paul Will et al., *Public Education Religion Studies: An Overview* (Chico, Calif.: Scholars Press, 1981).

² Nicholas Piediscalzi. "The Public Schools and 'America's Two Religions,'" *Journal of Church and State* (Autumn 1966).

³ "A Call for the Study of Religion as an Academic Discipline," Richard U. Smith (ed.), *Religion and Public School Curriculum* (Proceedings of the National Council on Religion and Public Education), Part 2 of Religious Education (July-August, 1972).

⁴ James E. Wood, Jr., "Secular Humanism and the Public Schools: Myth or Reality?," *PERSC Newsletter* Vol. V (Winter 1978).

⁵ Guy B. Hammond, et al., "Secular Humanism: Social Studies Teachers and the Concern over Morality," *The Social Studies*, Vol. LXIX (July-August 1978).

⁶ For an excellent survey of these norms, see: Robert Michaelsen, "Constitutions, Courts and the Study of Religion," *Journal of the American Academy of Religion*, Vol. XLV (1977).

⁷ For examples of how this may be done, see: Harold M. Stahmer, "Religion and Moral Values in the Public Schools," *Religious Education*, 61/ 1 (January-February, 1966); W. Owen Cole (ed.), *World Faiths in Education*, (London: George Allen and Unwin, 1978); Joan G. Dye, "Learning About Religions through the Elementary Social Studies Program." Nicholas Piediscalzi and William E. Collie (eds.), *Teaching About Religion in Public Schools* (Niles, Ill.: Argus Communications, 1976).

⁸ "The Textbook Dispute in West Virginia: A New Form of Oppression," *Educational Leadership* (October 1975).



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Resources For Teaching About Religion in U.S. History

Many significant developments in American history have turned on religious events and movements secondary schools should include in their history curriculums. Most educators agree that without proper attention to the role of religion, the story of America is incomplete and distorted.

In view of the growing recognition that including religion and religious liberty in the curriculum is necessary and important, teachers of American history need to know what is being asked of them: that they identify what is now left out of the curriculum and what ought to be included. Responding to this need, Timothy Smith, professor of history at the Johns Hopkins University, developed a list of significant religious influences in the history of the United States. An Association for Supervision and Curriculum Development (ASCD) panel, working with Dr. Smith, revised and expanded the list for publication. The members of the panel were:

Diane Berreth, Deputy Executive Director, Association of Supervision and Curriculum Development, Alexandria, Va.

Edwin Gaustad, Professor of History, University of California, Riverside.

Herbert Greenhut, Social Studies Teacher, Wagner Junior High School, New York, N.Y.

Charles C. Haynes, The Freedom Forum First Amendment Center at Vanderbilt University.

Sister Mary Jessica Karlinger, Social Studies Teacher, Notre Dame Academy, Middleburg, Va.

Timothy Smith, Professor of History, Johns Hopkins University, Baltimore, Md.

The panel offers the following list of 29 religious influences in American history as a general guide for teachers of social studies and literature who are seeking to enrich their courses with appropriate consideration of the role religions have played in history and society. Also included are recommended readings for each area of study.



1. Religious motivations in Spanish, English and French exploration and colonization. These movements can be understood properly only in the context of the Renaissance and Reformation.

Quinn, David B., ed. *New American World*. 5 vols. New York: Arno Press and Hector Bye, Inc, 1979.

Wright, Louis B. *Gold, Glory, and the Gospel*. New York: Atheneum Press, 1970.

2. The existence of Native American religions and civilization prior to and during European settlement. Knowledge of the content of Native American religions during the early period is limited, being largely derived from Christian missionary accounts. This bias, however, can be corrected by more recent anthropological studies, including those of current tribal religions.

Beck, Peggy V., and Ana L. Walters. *The Sacred: Ways of Knowledge, Sources of Life*. Isale, Ariz.: Navajo Community College Press, 1977.

Neihardt, John. *Black Elk Speaks: Being the Life Story of a Holy Man of the Oglala Sioux*. Lincoln: University of Nebraska Press, 1979.

Underhill, Ruth M. *Red Man's Religion: Beliefs and Practices of the Indians North of Mexico*. Chicago: University of Chicago Press, 1972.

3. The role of Spanish missions as social institutions in the first Spanish settlements and in expanding the Hispanic frontier northward, 1550-1848, in what is now the southwestern and western United States.

Ellis, J.T. *Catholics in Colonial America*. Baltimore: Helicon Press, 1965.

Gibson, Charles. *Spain in America*. New American Nation Series. New York: Harper & Row, 1967.

4. The role of Puritan religion in the foundation of the Bible Commonwealths of New England and in shaping the later nation's sense of mission. The Puritans were convinced that they had been led by God to create a "new Israel," based on biblical law, that would be a model for old England. Though they wanted freedom for their own faith, they did not believe in or wish to establish freedom of religion for others, as witnessed by their attitude toward Quakers and Baptists.

Morgan, Edmund S. *The Puritan Dilemma: The Story of John Winthrop*. Boston: Little, Brown, 1962.

Stout, Harry S. *The New England Soul: Preaching and Religious Culture in Colonial New England*. New York: Oxford University Press, 1986.

5. The development of religious pluralism in the colonies of Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and to a large degree, in the Southern colonies. Long before the American Revolution, there was increasing public acceptance of the separation of church and state, especially in Rhode Island and Pennsylvania. Early pluralism was chiefly Protestant, of course. It involved a number of nationalities (Dutch, English, German, and African) and a host of religious denominations, from the formerly established churches to the radically pacifist Quaker and Mennonite communities.

Balmer, Randall. *A Perfect Babel of Confusion: Dutch Religion and English Culture in the Middle Colonies*. New York: Oxford University Press, 1989.

Bonomi, Patricia U. *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America*. New York: Oxford University Press, 1986.

Morgan, Edmund S. *Roger Williams: The Church and the State*. New York: W.W. Norton, 1987.

6. The work of Indian missions in shaping the relationships of the colonists with Native Americans, from John Eliot in New England through the Quakers, peace churches, and Methodists to Roman Catholic missions on the northern plains and in Alaska after the Civil War.

Beaver, R. P. *Church, State, and the American Indians*. St. Louis: Concordia Publishing House, 1966.

Bowden, Henry W. *American Indians and Christian Missions: Studies in Cultural Conflict*. Chicago History of American Religion Series. Chicago: University of Chicago Press, 1981.

7. The influence of the great colonial revivals, often called "The Great Awakening," 1728-1790, in the making of an independent republic and in the realignment of the denominations.

Heimert, Alan, and Perry Miller, eds. *The Great Awakening: Documents Illustrating the Crisis and Its Consequences*. Indianapolis: Bobbs-Merrill, 1967.

Isaac, Rhys. *The Transformation of Virginia, 1740-1790*. Institute of Early American History and Culture Series. Chapel Hill: University of North Carolina Press, 1982.

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8. The contribution of the Enlightenment's ideals of religious liberty and "civic virtue" to the thinking of the Founding Fathers, especially Thomas Jefferson, James Madison, and George Mason. Popular support for a Bill of Rights, containing the provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," came from many organized religious groups.

Gaustad, Edwin S. *Faith of Our Fathers: Religion and the New Nation*. San Francisco: Harper & Row, 1987.

May, Henry F. *The Enlightenment in America*. New York: Oxford University Press, 1976.

Miller, William. *The First Liberty: Religion and the American Republic*. New York: Alfred A. Knopf, 1987.

9. The growth of the anti-Catholic and anti-foreign nativist movement in the first half of the nineteenth century, culminating in the 1840s and 1850s in the Know-Nothing party. A resurgence of similar sentiments in the late nineteenth century contributed to anti-Semitism, opposition to immigration, and the rise of the Ku Klux Klan.

Belth, Nathan C. *A Promise to Keep: A Narrative of the American Encounter with Anti-Semitism*. New York: Times Books, 1979.

Billington, Ray A. *The Protestant Crusade, 1800-1860: A Study of the Origins of American Nativism*. New York: Macmillan, 1938.

Higham, John. *Strangers in the Land: Patterns of American Nativism, 1860-1925*. New York: Atheneum Press, 1963.

10. The place of religiously inspired moralism, Protestant millennialism, Methodist perfectionism, and the Christian Utopianism (exhibited by such groups as the Shakers) in nineteenth-century movements for social reform.

Foster, Lawrence. *Religion and Sexuality: Three American Communal Experiments in the Nineteenth Century*. New York: Oxford University Press, 1981.

Gaustad, Edwin S., ed. *Rise of Adventism: Religion and Society in Mid-Nineteenth-Century America*. New York: Harper & Row, 1974.

11. The role of Protestantism in the founding of American colleges and in the shaping of the common school movement. The latter preceded the public school movement and generally merged with it. On a mobile frontier, no one congregation was strong enough to support schools for even its own children, much less for all. By 1830, however, most churches and synagogues had discovered their common agreement about moral values, though Catholics and Jews objected to the Protestant orientation of public schooling. Catholics continued to develop their own parish and private schools.

Cremin, Lawrence A. *American Education: The Colonial Experience, 1607-1783*. New York: Harper & Row, 1972.

Cremin, Lawrence A. *American Education: The National Experience, 1783-1896*. New York: Harper & Row, 1980.

Warch, Richard. *School of the Prophets: Yale College, 1701-1740*. New Haven: Yale University Press, 1973.

12. The part played by religion, as practiced by both whites and blacks, in the movement to abolish slavery, 1825-1866. The success of the abolitionist movement, however, should not obscure Southern appeals during the same period to scriptural precedents to defend slavery.

Smith, H. Shelton. *In His Image, But . . . : Racism in Southern Religion, 1780-1910*. Durham: Duke University Press, 1972.

Thomas, Benjamin. *P. Theodore Weld: Crusader for Freedom*. New Brunswick: Rutgers University Press, 1950.

13. The function of religion, Catholic and Jewish as well as Protestant, in the formation of new communities on the frontier — as seen especially in the settlements of western New York, the Shenandoah and Mississippi Valleys, Utah, and the Great Northwest Territory—and religion's place in the emergence of a mixed English and Hispanic culture in the Southwest.

Dolan, Jay P. *Catholic Revivalism: The American Experience, 1830-1900*. Notre Dame: University of Notre Dame Press, 1978.

Johnson, Charles A. *The Frontier Camp Meeting: Religion's Harvest Time*. Dallas: Southern Methodist University Press, 1955 (reprinted 1985).

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14. The significance of the great revivals of religion led by Charles G. Finney, Dwight L. Moody, and the Catholic Redemptorist fathers, 1810-1890. The rise of large voluntary associations such as the American Bible Society, the American Sunday School Union, and the American Temperance Society is part of this movement. Urban social work, schooling for poor children, and freedom for African-Americans were partly fruits of the moral quickening of religious awakenings. At the end of the century, American Jewish women emerged as leaders of similar social crusades; their views were anchored in the same biblical texts that Protestant and Roman Catholic reformers had long employed.

Foster, C.I. *An Errand of Mercy: The United Evangelical Front*. Chapel Hill: University of North Carolina Press, 1960.

McLoughlin, William. *Modern Revivalism*. New York: Ronald Press Co., 1959.

Smith, Timothy L. *Revivalism and Social Reform in Mid-Nineteenth Century America*. Nashville, Tenn.: Abingdon Press, 1957.

15. The rise of indigenous religious movements in nineteenth-century America, such as the Latter-day Saints (Mormons), Disciples and Churches of Christ, Seventh-Day Adventists, Christian Scientists, and Jehovah's Witnesses.

Arrington, Leonard J., and Davis Bitton. *The Mormon Experience: A History of the Latter-day Saints*. New York: Alfred A. Knopf, 1979.

Moore, R. Laurence. *Religious Outsiders and the Making of Americans*. New York: Oxford University Press, 1986.

16. The centrality of religion in African-American culture after the Civil War and the implications of this religious tradition for the history of African-American schooling. Without knowing these implications, neither white nor black students can understand the situation of modern politics, where Martin Luther King, Jr., Jesse Jackson, and other ministers have led important movements centered in the African-American churches.

Hill, Samuel S., ed. *Religion in the Southern States*. Macon: Mercer University Press, 1983.

Sernett, Milton C., ed. *Afro-American Religious History: A Documentary Witness*. Durham: Duke University Press, 1985.

17. The place of the Bible in American literature and law. Biblical language was an important element in nineteenth century literature, as well as in American court decisions.

Frye, Northrop. *The Great Code: The Bible and Literature*. New York: Harcourt, Brace, Jovanovich, 1983.

Gaustad, Edwin, and Walter Harrelson, general eds. *The Bible in American Culture Series*. 6 vols. Philadelphia, Pa., and Decatur, Ga.: Fortress Press and Scholars Press.

18. The place of overseas missions, Catholic as well as Protestant, in American foreign relations, from the first expressions of national interest in the Near East in the 1830s to such events as the Boxer Rebellion in China, the Spanish-American War, and the modern involvement of black and white Americans in shaping our nation's policies toward Africa and Latin America.

Considine, Robert B. *The Maryknoll Story*. New York: Doubleday and Co., 1950.

Hutchison, William R. *Errand to the World: American Protestant Thought and Foreign Missions*. Chicago: University of Chicago Press, 1987.

Latourette, Kenneth Scott. *Christianity in a Revolutionary Age*. 5 vols. New York: Harper & Row, 1958.

19. Moral and religious consensus in the Progressive Era. Examples include the Women's Christian Temperance Movement, which eventually triumphed in the adoption of the Eighteenth Amendment forbidding alcoholic beverages; the labor union movement, as represented in the leadership of the International Ladies Garment Workers Union by New York Jews; the movement for municipal reform; reaction to the Triangle Shirt Factory fire; the struggle to temper the excesses of unbridled capitalism; and idealistic attitudes toward World War I, continued in the pacifist movement of the 1920s. Students cannot understand Woodrow Wilson's policies in either domestic or foreign affairs without knowledge of these developments.

Abell, Aaron I., ed. *American Catholic Thought on Social Questions*. Indianapolis: Bobbs-Merrill, 1968.

Hopkins, C. Howard. *The Rise of the Social Gospel in American Protestantism, 1865-1895*. New Haven: Yale University Press, 1940 (reprinted in 1967).



20. The centrality of religion in the new immigrant subcultures formed in America between 1880 and 1910, including Czech Roman Catholic, Ukrainian Greek Catholic, Romanian Orthodox, Hungarian and Finnish Protestant, and Asian Buddhist (especially in Hawaii). Many Jewish subcommunities existed, including the one that was chiefly German, called "Reform," and the one designated "Orthodox," composed of Polish, Russian, Romanian and other Jews from central and eastern Europe. Each community was built around religious congregations; each helped its members adjust to life in the United States. In many Catholic communities, this purpose was also served by the local parish school.

Dolan, Jay P. *The Immigrant Church: New York's Irish and German Catholics, 1815-1865*. Indiana: University of Notre Dame Press, 1983.

Handlin, Oscar. *The Uprooted: The Epic Story of the Great Migrations That Made the American People*. Boston: Little, Brown, 1951.

Howe, Irving. *World of Our Fathers*. New York: Harcourt Brace, Jovanovich, 1976.

21. The role of religion in providing health care to the urban poor in the nineteenth century, including the Lutheran, Methodist, and Baptist deaconess movements; Roman Catholic sisterhoods; Seventh-Day Adventist sanatoriums; and Jewish hospitals.

Marty, Martin E., and Kenneth L. Vaux, eds. *Health/Medicine and the Faith Traditions: An Inquiry into Religion and Medicine*. Philadelphia: Fortress Press, 1982. Traditions include Jewish, Catholic, Islamic, Reformed, and others.

Numbers, R. L., and D. W. Amundsen, eds. *Caring and Curing: Historical Essays on Health, Medicine, and the Faith Traditions*. New York: Macmillan, 1986.

22. The significance of the rise of Fundamentalists to the restructuring of evangelical movements in the twentieth century. The distinctions between Fundamentalists and the more traditional evangelicals (Southern Presbyterians, Southern Baptists, Disciples and Churches of Christ, and Wesleyans) are important. The Fundamentalists deeply affect conservative American politics to this very day. Students need to understand the tremendous growth of the Pentecostals and Roman Catholic charismatics and of such conservative denominations as the Missouri Synod of Lutherans or the Christian Reformed. They should also know how the resurgence of evangelicalism affected the peace churches and the African-American denominations.

Hutchison, William R. *The Modernist Impulse in American Protestantism*. Cambridge: Harvard University Press, 1976.

Marsden, George. *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism, 1870-1925*. New York: Oxford University Press, 1980.

23. The place of religion in the civil rights crusade surrounding Martin Luther King, Jr., and especially the roles of American Protestant, Jewish, and Catholic clergy in it. The moral and religious basis of King's commitment to civil rights was deeply rooted in his experience as an evangelical Baptist clergyman and his study of the non-violent movement led by Mahatma Gandhi. The moral outrage of Jewish rabbis, who had during the previous 30 years of the New Deal considered themselves allies of African-Americans, was echoed in the large commitment of Protestant and Roman Catholic laity and clergy to the civil rights movement. Nevertheless, the opposition of many religious congregations to civil rights, then and now, should be noted.

King, Martin Luther, Jr. *Stride Toward Freedom*. New York: Harper & Row, 1958.

Oates, Stephen B. *Let the Trumpet Sound: The Life of Martin Luther King, Jr.* New York: Harper & Row, 1982.

Wilmore, Gayraud S., and James H. Cone, eds. *Black Theology: A Documentary History, 1966-1979*. Maryknoll: Orbis Books, 1979.

24. The work of Reinhold Niebuhr and the "political realists," before and during World War II, in opposing the pacifism and isolation that had penetrated American religious communities. Isolationism, Niebuhr and his many students and followers believed, weakened the nation's resolve to oppose Nazism. Nevertheless, leaders of the Christian churches and of the American government did not translate this opposition into measures aimed at saving Jews from concentration camps.

Fox, Richard. *Reinhold Niebuhr: A Biography*. New York: Pantheon Books, 1986.

Kegley, C.W., ed. *Reinhold Niebuhr: His Religious, Social, and Political Thought*. Rev. ed. New York: Pilgrim Press, 1984.

Niebuhr, Reinhold. *Moral Man and Immoral Society: A Study in Ethics and Politics*. New York: Scribner, 1932.

25. The recent revival of the religiously based peace movement, based on a convergence of religious forces from all faiths. The Catholic bishops have come to the verge of condemning all nuclear war, including the threat of massive retaliation to deter it. The Mormon bishops have spoken out to prevent the use of Utah land as a base for movable MX missiles. The Methodist bishops have joined religious liberals in the Unitarian and Quaker churches to oppose such weapons. And the evangelical New Call to Peacemaking, uniting evangelical Mennonites, Brethren (Dunkers), and Friends, has led the peace crusade among Protestants.

Brock, Peter. *Pacifism in the United States: From the Colonial Era to the First World War*. Princeton: Princeton University Press, 1968.

Sider, Ronald J., and Richard Taylor. *Nuclear Holocaust and Christian Hope: A Book for Christian Peacemakers*. New York: Paulist Press, 1983.

26. The revitalization of Judaism continues. Adolph Hitler's early anti-Semitism intensified a flight to this country of small groups of Jews from central and eastern European communities. Within this country, publicly expressed anti-Semitism evoked a counterwave of visible Jewish self-affirmation. Reform, Conservative, Orthodox, and Reconstructionist Jews have reasserted their Jewish identity in bold new ways, and Reform Judaism has been particularly visible in the advocacy of social justice.

Philipson, David. *The Reform Movement in Judaism*. New York: KTAV Publishing House, 1967.

Poll, Solomon. *The Hasidic Community of Williamsburg*. New York: Free Press of Glencoe, 1962.

Potok, Chaim. *The Promise*. New York: Alfred A. Knopf, 1969.

Ruderman, Jerome. *Jews in American History: A Teacher's Guide*. New York: The Anti-Defamation League of B'nai B'rith, 1974.

Waxman, Mordecai, ed. *Tradition and Change: The Development of Conservative Judaism*. New York: Burning Bush Press, 1958 (reprinted in 1970).

27. Developments within the Roman Catholic faith, especially since the Second Vatican Council, such as the spread of a biblical approach to piety, liturgical renewal, ecumenical involvement, and the charismatic movement. Public discussion and debate within the American Catholic community about such matters as the role of authority, peace and justice issues, contraception and abortion, and the role of women have also become more evident. As Catholics have struggled with the question of how to be authentically Catholic in an American context, they have also gained greater acceptance as participants in American public life, as evidenced, for example, by the election of John F. Kennedy to the presidency.

Dolan, Jay P. *The American Catholic Experience: A History from Colonial Times to the Present*. New York: Doubleday, 1987.

Flannery, Austin, ed. *Vatican Council II: The Conciliar and Post Conciliar Documents*. Vol. 1. Northport, N.Y.: Costello, 1975.

Hennessey, James. *American Catholics: A History of the Roman Catholic Community in the United States*. New York: Oxford University Press, 1979.

Kelly, George A. *The Battle for the American Church*. New York: Doubleday (Image Books), 1981.

28. The involvement of American religious communities in international controversies, such as apartheid in South Africa and the many conflicts in Central America and the Middle East.

Geyer, Alan F. *Piety and Politics: American Protestantism in the World Arena*. Richmond, Va.: John Knox, 1963.

Gordis, Robert. *The Root and the Branch: Judaism and the Free Society*. Chicago: The University of Chicago, 1962.

Hanna, Mary T. *Catholics and American Politics*. Cambridge, Mass.: Harvard University, 1979.

Nichols, J. Bruce. *The Uneasy Alliance: Religion, Refugee Work, and U.S. Foreign Policy*. New York: Oxford University Press, 1988.

29. Expanding religious pluralism in the United States, as revealed in the expansion of the numbers of American Muslims, Buddhists, and Hindus in the rise of new religious movements. Since 1776, religious sects and denominations in the United States have grown from several dozen to several thousand. The new challenges of living together in a pluralistic society are evident in the increasing numbers of church-state cases heard by the U.S. Supreme Court and in the many controversies concerning the proper role of religion in the public schools.

Miller, Robert T., and Ronald B. Flowers. *Toward Benevolent Neutrality: Church, State, and the Supreme Court*. 3rd ed. Waco, Texas: Baylor University Press, 1987.

Littell, Franklin H., ed. *Religious Liberty in the Crossfire of Creeds*. Philadelphia: Ecumenical Press, 1978.

Needleman, Jacob. *The New Religions*. New York: Doubleday, 1970.

Wuthnow, Robert. *The Restructuring of American Religion*. Princeton: Princeton University Press, 1988.

Neusner, Jacob, ed. *World Religions in America*. Louisville, Ky.: John Knox Press, 1994.

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Recommended General Works

- Ahlstrom, Sydney E. *A Religious History of the American People*. New Haven: Yale University Press, 1972.
- Gaustad, Edwin S., ed. *A Documentary History of Religion in America*. 2 vols. Grand Rapids, Mich.: William B. Eerdmans, 1982, 1983.
- Hudson, Winthrop S. *Religion in America: An Historical Account of the Development of American Religious Life*. 4th ed. New York: Macmillan, 1987.
- Kosmin, Barry A., and Seymour P. Lachman. *One Nation Under God: Religion in Contemporary American Society*. New York: Harmony Books, 1993.
- Lippy, Charles H., and Peter W. Williams, eds. *Encyclopedia of American Religious Experience*. 3 vols. New York: Scribner, 1988.
- Marty, Martin E. *Pilgrims in Their Own Land: Five Hundred Years of Religion in America*. Boston: Little, Brown, 1984.
- Wilson, John F., and Donald L. Drakeman, eds. *Church and State in American History*. Boston: Beacon Press, 1987.

Lessons for Use in the Classroom

Living With Our Deepest Differences: Religious Liberty in a Pluralistic Society contains lessons from every period of American history focused on the story of religious liberty and the role of religion in American life. The curriculum is available on three grade levels: upper elementary, junior high, and senior high. Each lesson contains teaching strategies, historical background material, student documents, and extension activities. Written by Os Guinness, John Seel, Michael Cassity, Charles Haynes, and Oliver Thomas. For information about obtaining this curriculum contact John Leach at The Freedom Forum First Amendment Center, (615) 321-9588.

Religion in American History: What to Teach and How contains facsimiles of original source documents illustrating religious issues and themes in American history. Historical background material and teaching suggestions accompany each document. Written by Charles Haynes. Available from the Association for Supervision and Curriculum Development, 1250 N. Pitt St., Alexandria, VA 22314.

Pathways to Pluralism: Religious Issues in American Culture provides lessons on the role of religion in various periods of American history. Primary sources are used extensively throughout. Written by Robert Spivey, Edwin Gaustad, and Rodney Allen. Available from Addison-Wesley Publishing Company, (800) 227-1936.

World Religions in America: An Introduction is a collection of essays by leading scholars on the major religious traditions, the practice of these traditions in the United States, and the role of religion in American politics and culture. Appropriate for use in secondary schools. Edited by Jacob Neusner. Available from Westminster/John Knox Press in Louisville, Kentucky.

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Resources for Teaching about Religion in World History

The resources listed in this chapter are books, slides, filmstrips, films and recordings suitable for teaching about religions in public schools. Wes Bodin and Lee Smith of the World Religions Curriculum Development Center in Minneapolis are primarily responsible for identifying the listings in the original version of this bibliography. The materials created at their center are some of the best available for use in secondary schools.

Among the general works, teachers will find the newly published *World Religions in America: An Introduction* edited by Jacob Neusner and *The World's Religions* by Huston Smith to be particularly helpful. Dr. Neusner's book includes essays by outstanding scholars on the major religious traditions of the world and the experience of those traditions in the United States.

Elementary school teachers may wish to use some of the many children's books containing stories about the major religions of the world. A list of books often recommended by teachers may be obtained by writing to John Leach at the Freedom Forum First Amendment Center at Vanderbilt University.

I. General Books

- Adams, Charles J., ed. *A Reader's Guide to the Great Religions*. Second edition. New York: Free Press, 1977.
- Ballou, Robert O., ed. *The Portable World Bible*. New York: The Viking Press, 1973.
- Bradley, David G. *A Guide to the World's Religions*. Englewood Cliffs, N.J.: Prentice-Hall, 1982.
- Carmody, Denise and John. *Shamans, Prophets and Sages: An Introduction to World Religions*. Belmont, Calif.: Wadsworth, 1985.
- Comstock, W. Richard, ed. *Religion and Man: An Introduction*. New York: Harper & Row, 1971.
- Dicks, Steward, Paul Mennill, and Donald Santaor. *The Many Faces of Religion: In Inquiry Approach*. Toronto: Ginn and Company, 1973.
- Encyclopedia of Religion*. 16 vols. New York: Free Press, 1986.
- Gaustad, Edwin S. *Religion in America: History and Historiography*. Washington, D.C.: American Historical Association, 1974.
- Hirmells, John, R. *Dictionary of Religions*. Baltimore: Penguin, 1984.
- Hopfe, Lewis M. *Religions of the World*. Beverly Hills, Calif.: Glencoe Press, 1976.
- King, Winston L. *Introduction to Religion: A Phenomenological Approach*. New York: Harper & Row, 1968.
- Larousse Encyclopedia of Mythology*. New York: Prometheus Press, 1959.

- Monk, Robert C. *Exploring Religious Meaning*. Second edition. Englewood Cliffs, N.J.: Prentice-Hall, 1980.
- Needleman, Jacob, and George Baker, eds. *Understanding the New Religions*. San Francisco, 1984.
- Neusner, Jacob, ed. *World Religions in America: An Introduction*. Louisville: Westminster/John Knox Press, 1994.
- Noss, David S. and John B. Noss *Man's Religions*. Seventh ed. New York: Macmillan, 1974.
- Ross, Floyd H. and Tynette Hills. *The Great Religions by Which Men Live*. New York: Fawcett: 1977.
- Sizer, Theodore M., ed. *Religion and Public Education*. Boston: Houghton Mifflin Co., 1967.
- Smart, Ninian. *The Religious Experience of Mankind*. New York: Scribner's, 1969.
- . *The Long Search*. Boston: Little, Brown, 1977.
- Smith, Huston. *The World's Religions*. New York: Harper & Row, 1991.
- Streng, Frederick J. *Understanding Religious Life*. Belmont, Calif.: Wadsworth, 1985.
- Wilkins, Ronald J. *The Religions of the World*. Revised ed. Dubuque, Iowa: Wm. C. Brown, 1984.
- Zaehner, R.C., ed. *The Concise Encyclopedia of Living Faiths*. Third ed. London: Hutchinson, 1977.

II. Hinduism

Books

- Bodin, W.J. and L.H. Smith. *The Hindu Tradition*. (Published formerly by Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.
- Basham, A.L. *The Wonder That Was India*. Third ed. New York: Taplinger, 1968.
- DeBary, William T. *Sources of Indian Tradition*. Vols. I and II. New York: Columbia University, 1958.
- Edgerton, Franklin. *The Bhagavad Gita*. Cambridge: Harvard University, 1975.
- Eliade, Mircea. *Yoga: Immortality and Freedom*. Second edition. Princeton, N.J.: Princeton University, 1969.
- Hopkins, Thomas J. *The Hindu Religious Tradition*. Belmont, Calif.: Wadsworth, 1971.
- Ions, Veronica. *Indian Mythology*. New York: P. Bedrick, 1974.
- Kirk, James A. *Stories of the Hindus*. New York: Macmillan, 1972.
- Koller, John M. *The Indian Way*. New York: Macmillan, 1982.
- Organ, Toy W. *Hinduism: Its Historical Development*. Woodbury: Barron's Educational Series, 1974.
- Morgan, Kenneth. *The Religion of the Hindus*. New York: Ronald Press, 1953.
- Probhavanda, Swami and Christopher Isherwood. *The Song of God: Bhagavad Gita*. New York: The New American Library, 1957.
- Radhakrishnan, Sarvepalli. *Indian Philosophy*. 2 vols. Second ed. New York: Macmillan, 1958.
- Reymond, Lizelle. *My Life With a Brahmin Family*. Baltimore: Penguin Books, 1958.
- Wood, Ernest. *Yoga*. Baltimore: Penguin Books, 1972.
- Zaehner, R.C. *Hinduism*. New York: Oxford University Press, 1966.
- Zimmer, Heinrich. *Myths and Symbols in Indian Art and Civilization*. New York: Harper, 1962.
- . *Philosophies of India*. Princeton, N.J.: Princeton University Press, 1969.

Slides

- Holy Places of India*. (International Society for Krishna Consciousness.)
- India—Hinduism*. Asian Religions Media Resources, Visual Education Service.
- Hinduism—A Vignette*. Sheikh Publications.
- Hinduism* (by Kenneth Morgan). Visual Education Service, Yale Divinity School.
- Life of Krishna in Indian Scriptures and Paintings*. (ACSAA Color Slide Project.)

Filmstrips

Hindu Tradition. World Religions Curriculum Development Center. Argus Communications, Social Studies School Services, 10200 Jefferson Boulevard, Room 1711, P.O. Box 802, Culver City, CA 90232-0802.

Hinduism. Time-Life Education Programs.

Understanding Hinduism. SVE.

Religions in India. Interculture Associates.

Films

Evolution of a Yogi. 28 min. Color. Hartley Productions. 1970.

Four Holy Men: Renunciation in Hindu Society. 37 min. Color. University of Wisconsin—Madison. South Asian Area Center.

Gandhi. 27 min. Color. Wolper Productions. 1964.

Ganges River. 17 min. Color/B&W. McGraw-Hill. 1955.

Hindu Family. 11 min. B&W. Encyclopedia Britannica. 1952.

Hinduism. 18 min. B&W. National Film Board of Canada. 1962.

Hindu World. 10 min. B&W. Coronet Instructional Films. 1963.

Image India: The Hindu Way. (Eleven films on Hindu ritual) Color. Syracuse University Film Center, 1455 East Colvin Street, Syracuse, NY 13210. 1969.

Imminent Deities. 30 min. Color. Time-Life. 1970.

India and the Infinite. 30 min. Color. The Hartley Film Foundation. 1980.

Mahatma Gandhi. 19 min. B&W. Encyclopedia Britannica. 1955.

The Long Search 2 - 330 Million Gods. (Hinduism.) 54 min. Color. Time-Life Multimedia. 1977.

Recordings

Folkways/Scholastic Records. Religious music and scripture reading.

Sheikh Publications, Inc. Hindu chant in Sanskrit.

Further Source of Information

Focus on Hinduism. (Anima Press.) Reviews films, videocassettes, filmstrips, slides, and records covering various cultural and religious subjects in Hinduism.

III. Judaism

Books

Albright, William F. *From the Stone Age to Christianity*. Second edition. New York: Doubleday, 1957.

Baeck, Leo. *The Essence of Judaism*. Revised ed. New York: Schocken, 1961.

—. *Judaism and Christianity*. Philadelphia: Jewish Publications Society, 1958.

Baron, Salo W. *A Social and Religious History of the Jews*. 8 vols. Second ed. New York: Columbia University Press, 1952.

Bodin, W.J. and L.H. Smith. *The Jewish Tradition*. (Formerly published by Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.

Bright, John. *History of Israel*. Third ed. Philadelphia: Westminster, 1981.

Donin, Rabbi Hayim. *To Be A Jew*. New York: Basic Books, 1972.

Encyclopedia Judaica. 16 vols. Jerusalem: Keter, 1972.

Epstein, Isidore. *Judaism*. Baltimore: Penguin Books, 1970.

Finkelstein, Louis, ed. *The Jews: Their History, Culture, and Religion*. New York: Harper, 1949.

Friedlander, Albert H. *Out of the Whirlwind: A Reader of Holocaust Literature*. New York: Union of American Hebrew Congregations, 1968.

- Garfiel, Evelyn. *Then Service of the Heart: A Guide to the Jewish Prayer Book*. North Hollywood, Calif.: Wilshire Book Co., 1971.
- Gersch, Harry. *The Sacred Books of the Jews*. New York: Stein and Day, 1972.
- Glazer, Nathan. *American Judaism*. Chicago: University of Chicago Press, 1970.
- Golden, Judah. *The Living Talmud*. New York: Mentor Books, 1955.
- Jacobs, Louis. *What Does Judaism Say About ...?* New York: Quadrangle, 1973.
- Neusner, Jacob. *The Way of Torah: An Introduction to Judaism*. Third edition. Belmont, Calif.: Wadsworth, 1979.
- . *The Life of the Torah: Readings in the Jewish Religious Experience*. Encino, Calif.: Dickenson Publishing Co., 1974.
- Sachar, Abran L. *A History of the Jews*. New York: Alfred A. Knopf, 1960.
- Sachar, Howard M. *The Course of Modern Jewish History*. New York: Delta, 1958.
- Scholem, Gershom G. *Major Trends in Jewish Mysticism*. New York: Schocken, 1961.
- Stadtler, Bea. *The Holocaust*. New York: Behrman House, 1974.
- Steinberg, Milton. *Basic Judaism*. New York: Harcourt, Brace and World, 1974.
- Weisel, Elie. *Night*. New York: Avon Books, 1958.
- Wouk, Herman. *This Is My God*. Garden City, N.J.: Doubleday, 1959.

Filmstrips

- Judaism*. Time-Life Education Programs.
- Jews in America; The Story of Hanukkah; The Story of Passover; The Story of Purim*. Anti-Defamation League of B'nai B'rith.

Films.

- Aspects of Jewish Theology—Parts I and II*. 60 min. B&W. Anti-Defamation League (ADL). 1968.
- Israel*. 32 min. Color. International Film Foundation. 1965.
- Israel: The Story of the Jewish People*. 27 min. International Film Foundation. 1980.
- Jerusalem: The Holy City*. 10 min Color. Encyclopedia Britannica. 1951.
- Jewish Legends and Tales*. 60 min. B&W. ADL. 1969.
- Jewish Worship*. 30 min. B&W. ADL. 1968.
- Judaism: Orthodox, Conservative, Reform*. 30 min. B&W. ADL. 1968.
- The Life Cycle of the Jew*. 31 min. B&W. Allendor Productions. 1965.
- The Long Search (7)—The Chosen People*. 53 min. Color. Time-Life. 1977.
- Who Are the American Jews?* 30 min. B&W. ADL. 1972.

Recordings

- Jewish Music Council, National Jewish Welfare Board.

Video

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Films, Slides, and Recordings

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- . *The Life of Buddha as Legend and History*. New York: Barnes, 1960.

Slides

- Buddhism in Southeast Asia and Ceylon*. Asian Religions Media Resources, Visual Education Service, Yale Divinity School.
- Buddhism: Buddha and His Teachings*. Sheikh Publications.
- Buddhist Tradition: Buddhism in Burma*. Argus Commendations.

Filmstrips

- Buddhist Tradition*. (Formerly published by Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.
- The Path of Buddhism*. Time-Life Education Programs.
- Understanding Buddhism*. SVE.

Films

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Buddhism. 16 min. Color/B&W. McGraw-Hill. 1962.
The Long Search (3)—Footprint of the Buddha. 53 min. Time-Life Multimedia. 1977.
Buddhist World. 11 min. Color/B&W. Coronet Instructional Films. 1963.
Glory That Remains (5)—Sermons in Stone. 30 min. Time-Life Multimedia. 1977.
Vejen. 22 min. Color. Carousel Films. 1972.

Recordings

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Video

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Slides

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Films

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Recordings

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Slides

Chinese Religion. Asian Religions Media Resources, Visual Education Service, Yale Divinity School.

Confucianism. Taoism. Sheikh Publications.

Filmstrips

The Faiths of China. Time-Life Education Programs.

Films

Buddhism in China. 30 min. Color. Picture Films. 1972.

Taoism. 22 min. Color. Hartley Film Foundation. 1981.

Recordings

Confucian Chants in Mandarin. Taoist Chants in Mandarin. Sheikh Publications.

IX. Japanese Religion

Books

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DeBary, William T. *Sources of Japanese Tradition*. New York: Columbia University, 1971.

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Slides

- Japan—Shinto and Buddhist*. Asian Religions Media Resources, Visual Education Service, Yale Divinity School.
- Japanese Buddhism. Zen Buddhism. Shinto*. Sheikh Publications.

Filmstrips

- Understanding Shintoism*. SVE.
- Buddhism in Japan*. (Formerly published by Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.

Films

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- Mood of Zen*. 13 min. Color. Harley Productions.
- The Path*. 34 min. Color. Warner Modular Publications.
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Recordings

- Folkways/Scholastic Records.
- Shinto Worship and Zen Chants in Classical Japanese*. Sheikh Publications.

Video

- Buddhism in Japan*, Social Studies School Services

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Books

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Slides

- Zoroastrianism, Religion of the Parsees*. Sheikh Publications.

Recordings

- Zoroastrian Chants in Avesta*. Sheikh Publications.

XI. Islam

Books

- Abd-al Rahman 'Azzam. *The Eternal Message of Muhammad*. New York: New American Library, 1965.
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Slides

- Islam-Hajj: *Pilgrimage to Mecca*. Sheikh Publications.
- Morgan, Kenneth. *Islam*. Visual Educational Service, Yale Divinity School.

Filmstrips

- Islam*. Time-Life Education Programs.
- Islamic Tradition*. (Formerly Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.
- Understanding Islam*. SVE.

Films

- History and Culture, Parts I and II*. 58 min. B&W. McGraw-Hill. 1962.
- Islam*. 19 min. B&W. National Film Board of Canada. 1962.
- Islamic Mysticism: The Sufi Way*. 25 min. Hartley Productions. 1972.
- The Long Search (5)—There Is No God But God*. 54 min. Color. Time-Life 1977.
- The Moslem World: Beginnings and Growth*. 11 min. Color/B&W. Coronet. 1965.
- They Were Kafirs*. 45 min. Danish Information Office. 1957.

Recordings

- Muslim Muezzin's Call to Prayer and Readings from the Koran in Classical Arabic*. Sheikh Publications.
- Principles of the Muslim Prayer*. Essentials of Islam. Life-History of the Prophet Muhammad. Holy Qur'an. Islamic Productions International, Inc.

Video

- The Islam Tradition*, Social Studies School Services.

Resources for Teaching
about Religion in
World History



XII. Christianity

Books

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- Bainton, Roland H. *Christendom: A Short History and Its Impact on Western Civilization*. Vols. I and II. New York: Harper & Row, 1966.
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Filmstrips

- Christianity. The Early Christians. Protestant Reformation. Four Great Churches*. Time-Life Education Programs.
- Christian Tradition*, five titles (Eastern Orthodox; Episcopal, Lutheran, Roman Catholic; Presbyterian, Reformed, Methodist, UCC; Baptist, Disciples, Assemblies, et al). (Formerly Argus.) Available from World Religions Curriculum Development Center, 6425 West 33rd Street, Minneapolis, MN 55426.

Films

- Christianity in World History to 1000 A.D.* 14 min. Color/B&W. Coronet. 1963.
- Coming of Christ*. 30 min. Color. NBC-TV. 1966.
- Crusades: Saints and Sinners*. 25 min. Color. Learning Corporation of America. 1967.
- Driven Westward (Mormons)*. 31 min. B&W. Teaching Film Custodians. 1940.
- The Holy Ghost People (Pentecostals)*. 52 min. B&W. McGraw-Hill. 1968.
- Holy Land: Background for History and Religion*. 11 min. Color/B&W. Coronet. 1954.
- Holy Roman Empire*. 14 min. Color/B&W. Coronet. 1961.
- The Hutterites*. 27 min. National Film Board of Canada. 1964.
- Life of Christ in Art*. 22 min. Color. Coronet. 1956.
- Medieval Crusades*. 28 min. Color/B&W. Encyclopedia Britannica. 1956.
- Medieval Times: The Crusades*. 14 min. Color. Coronet. 1965.
- Medieval Mind*. 24 min. Color. Coronet. 1969.
- Medieval Times: Role of the Church*. 13 min. Color/B&W. Coronet. 1961.
- Pilgrims*. 22 min. Color/B&W. Encyclopedia Britannica. 1955.



People, Power and Change. 29 min. Color. University of Minnesota. 1968.
Reformation The. 14 min. Color. McGraw-Hill. 1967.
Roger Williams: Founder of Rhode Island. 28 min. B&W. Encyclopedia Britannica. 1956.
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Video

The Christian Tradition. Social Studies School Services.

XIII. African Religions

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**Resources for Teaching
about Religion in
World History**

Religious Holidays in the Public Schools

Since 1776 the United States has grown from a nation of relatively few religious differences to one of countless religious groups. This expanding pluralism challenges the public schools to deal creatively and sensitively with students professing many religions and none.

The following questions and answers concern religious holidays and public education, a subject often marked by confusion and conflict. Teachers and school officials, as well as parents and students, should approach this discussion as an opportunity to work cooperatively for the sake of good education rather than at cross purposes.

School districts developing guidelines about religious holidays will want to base their policies in the shared commitment of respect for individual religious beliefs expressed in the constitutional guarantee of religious liberty. This means that public schools may neither promote nor inhibit religious belief or nonbelief. Drafters of such guidelines also will want to take account of the role of religion in history and culture.

Awareness of legal issues is essential in considering religion and public education, but the law does not supply answers to every question. Within the current legal framework, schools—their boards, administrators, teachers, parents, and students—must make many practical decisions regarding religious holidays. This work can be done only by showing sensitivity to the needs of every student and willingness to steer a course between the avoidance of all references to religion on the one hand and the promotion of religion on the other.

For further assistance and materials, contact The Freedom Forum First Amendment Center at Vanderbilt University or the sponsoring organizations listed at right.

The Questions & Answers
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*National Council of Churches of
Christ in the USA*

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National School Boards Association

10

What do the courts say?

The Supreme Court has ruled that public schools may not sponsor religious practices (*Engel v. Vitale*, 1962; *Abington v. Schempp*, 1963) but may teach about religion. While having made no definitive ruling on religious holidays in the schools, the Supreme Court let stand a lower federal court decision stating that recognition of holidays may be constitutional if the purpose is to provide secular instruction about religious traditions rather than to promote the particular religion involved (*Florey v. Sioux Falls School District*, 8th Cir., 1980).

Do religious holidays belong in the curriculum?

The study of religious holidays may be included in elementary and secondary curricula as opportunities for teaching about religions. Such study serves the academic goals of educating students about history and cultures as well as about the traditions of particular religions in a pluralistic society.

When should teaching about religious holidays take place?

On the elementary level, natural opportunities arise for discussion of religious holidays while studying different cultures and communities. In the secondary curriculum, students of world history or literature have opportunities to consider the holy days of religious traditions. Teachers find it helpful when they are provided with an inclusive calendar noting major religious and secular holidays with brief descriptions of their significance.

How should religious holidays be treated in the classroom?

Teachers must be alert to the distinction between teaching about religious holidays, which is permissible, and celebrating religious holidays, which is not. Recognition of and information about holidays may focus on how and when they are celebrated, their origins, histories and generally agreed-upon meanings. If the approach is objective and sensitive, neither promoting nor inhibiting religion, this study can foster understanding and mutual respect for differences in belief. Teachers will want to avoid asking students to explain their beliefs and customs. An offer to do so should be treated with courtesy and accepted or rejected depending on the educational relevancy. Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into the discussion. Teachers should avoid this by teaching through attribution, i.e. by reporting that "some Buddhists believe ..."

May religious symbols be used in public school classes?

The use of religious symbols, provided they are used only as examples of cultural or religious heritage, is permissible as a teaching aid or resource. Religious symbols may be displayed only on a temporary basis as part of the academic program. Students may choose to create artwork with religious symbols, but teachers should not assign or suggest such creations.

May religious music be used in public schools?

Sacred music may be sung or played as part of the academic study of music. School concerts that present a variety of selections may include religious music. Concerts should avoid programs dominated by religious music, especially when these coincide with a particular religious holiday. The use of art, drama, or literature with religious themes also is permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.

What about Christmas?

Decisions about what to do in December should begin with the understanding that public schools may not sponsor religious devotions or celebrations; study about religious holidays does not extend to religious worship or practice. Does this mean that all seasonal activities must be banned from the schools? Probably not, and in any event, such an effort would be unrealistic. The resolution would seem to lie in devising holiday programs that serve an educational purpose for all students—programs that make no students feel excluded or identified with a religion not their own. Holiday concerts in December may appropriately include music related to Christmas and Hanukkah, but religious music should not dominate. Any dramatic productions should emphasize the cultural aspects of the holidays. Nativity pageants or plays portraying the Hanukkah miracle are not appropriate in the public school setting. In short, while recognizing the holiday season, none of the school activities in December should have the purpose, or effect, of promoting or inhibiting religion.

**Religious Holidays
in the Public Schools**





What about religious objections to some holidays?

Students from certain religious traditions may ask to be excused from classroom discussions or activities related to particular holidays. Some holidays considered by many people to be secular (for example, Halloween and Valentine's Day) are viewed by others as having religious overtones. Excusal requests may be especially common in the elementary grades where holidays are often marked by parties and similar non-academic activities. Such requests are routinely granted. In addition, some parents and students may make requests for excusals from discussions of certain holidays even when treated from an academic perspective. If focused on a limited, specific discussion, such requests may be granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education. Administrators and teachers should understand that a policy or practice of excusing students from a specific activity or discussion can not be used as a rationale for school sponsorship of religious celebration or worship for the remaining students.

May students be absent for religious holidays?

Sensitive school policy on absences will take account of the religious needs and requirements of students. Students should be allowed a reasonable number of excused absences, without penalties, to observe religious holidays within their traditions. Students may be asked to complete makeup assignments or examinations in conjunction with such absences.

What steps should school districts take?

In a pluralistic society, public schools are places for persons of all faiths and none. Schools may neither promote nor denigrate any religion. In order to respect religious liberty and advance education, we recommend that each school district take the following steps:

- ❶ *Develop policies about the treatment of religious holidays in the curricula and inform parents of those policies.*
- ❷ *Offer pre-service and in-service workshops to assist teachers and administrators in understanding the appropriate place of religious holidays in the schools.*
- ❸ *Become familiar with the nature and needs of the religious groups in the school community.*
- ❹ *Provide resources for teaching about religions and religious holidays in ways that are constitutionally permissible and educationally sound.*

Tips for Planning Religious Holidays in Public Schools

Before planning a religious holiday activity in my classroom or school,
I would ask the following questions:

- 1 Is this activity designed in any way to either promote or inhibit religion?
- 2 How does this activity serve the academic goals of the course, or the educational mission of the school?
- 3 Will any student or parent be made to feel like an outsider, not a full member of the community, by this activity?
- 4 If in December: Do I plan activities to teach about religious holidays at various times of the year or only in December?
- 5 Am I prepared to teach about the religious meaning of this holiday in a way that enriches students' understanding of history and cultures?

Charles C. Haynes

Resources for Classroom Teachers

Elementary school teachers may wish to use some of the many books of children's literature containing stories about the religious holidays and traditions of the world's faiths. A list of books often recommended by teachers can be obtained by writing to John Leach at The Freedom Forum First Amendment Center at Vanderbilt University.

Calendars of religious and ethnic holidays can be obtained from the following organizations:

National Conference
71 5th Avenue
New York, NY 10003
(212) 206-0006

Educational Extension Systems
P.O. Box 259
Clarks Summit, PA 18411
(717) 586-6490

**Religious Holidays
in the Public Schools**



Religious Holidays and Public Schools: A Brief Legal Analysis

by Oliver Thomas

Although many controversies have arisen over religious holidays in public schools, the case law is scant. Because the Supreme Court has not ruled on the issue, there are no final or definitive answers.

The high court has ruled, however, that the government may not erect an explicitly religious symbol (such as a creche or menorah) unless it is part of a larger “secular” holiday display.¹ Many have criticized the Court’s ruling, describing it as the “plastic reindeer test” — referring to the nonreligious symbols that must accompany the display. Interestingly, a majority of the justices has stated that Christmas trees, unlike creches and menorahs, have attained a secular status in our society and can be displayed standing alone. This does not mean that schools should erect Christmas trees during the holiday season, but only that they probably can. Many Americans continue to view Christmas trees as religious symbols, and for this reason schools may wish to be more sensitive than the law requires. The Court also has acknowledged approvingly that Christmas carols are frequently sung in public schools.

One federal appeals court has addressed the recognition of religious holidays by public schools. The decision, *Florczy v. Sioux Falls School District*, upheld the school district’s policy and was allowed to stand by the United States Supreme Court. It is frequently cited as the controlling case on this controversial issue.² The relevant portions of the policy were as follows:

It is accepted that no religious belief or nonbelief should be promoted by the school district or its employees, and none should be disparaged. Instead, the school district should encourage all students and staff members to appreciate and be tolerant of each other’s religious views In that spirit of tolerance, students and staff members should be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it.

The Sioux Falls School District recognizes that one of its educational goals is to advance the students’ knowledge and appreciation of the role that our religious heritage has played in the social, cultural and historical development of civilization

The practice of the District shall be as follows:

1. The several holidays throughout the year which have a religious and a secular basis may be observed in the public schools.
2. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.
3. Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.



4. The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are temporary in nature. Among these holidays are included Christmas, Easter, Passover, Hanukkah, St. Valentine's Day, St. Patrick's Day, Thanksgiving and Halloween.
5. The school district's calendar should be prepared so as to minimize conflicts with religious holidays of all faiths.⁴

It is important to note that the Sioux Falls policy was permissible, not required. A better policy might have included more non-Christian holidays such as Rosh Hashana, Ramadan and Yom Kippur. Moreover, particular practices and activities under such a policy, such as nativity pageants and reenactments of the Hanukkah miracle, might still be unconstitutional.

Any teacher or administrator should ask herself the following questions as she plans holiday activities:

- ❶ *Do I have a distinct educational purpose in mind? If so, what is it? It should not be the purpose of public schools to celebrate or observe religious holidays.*
- ❷ *If I use holidays as an opportunity to teach about religion, am I balanced and fair in my approach? If I teach about Christmas and Easter, for example, do I also teach about non-Christian holidays?*
- ❸ *Does the planned activity have the primary effect of advancing or inhibiting religion? Does it, for example, promote one faith over another or even religion in general? Remember that the school's approach should be academic not devotional. It is never appropriate for public schools to proselytize.*

A common misconception is that it is permissible to promote Christianity at Christmas provided that other religions receive similar treatment at other times. For example, some teachers may try to justify celebrating Christmas by celebrating Hanukkah. This approach is wrong. First, Hanukkah is not a major Jewish holiday and should not be equated with Christmas, one of the two most important holidays in the Christian year. Second, one violation of the First Amendment does not justify another. If it is wrong to promote religion in the public schools at Christmas, it is wrong every other day of the year. Instead of "balancing" Christmas with Hanukkah, teachers should work to ensure that all holiday activities focus on objective study about religion, not indoctrination.

We have discussed what schools should and shouldn't do regarding religious holidays, but what about the school's duty to accommodate students and teachers who wish to observe religious holidays on their own time? What obligation do schools have to accommodate these concerns?

Schools are not required to close on a particular religious holiday but may choose to do so as a matter of administrative convenience as, for example, when large numbers of students are likely to be absent. When schools choose not to close on particular holidays, conflicts may arise. Most states have laws permitting a certain number of excused absences for religious holidays. Where no statutory exemption exists, the First Amendment's Free Exercise clause or the Religious Freedom Restoration Act would seem to require a reasonable number of excused absences for such religious observance.⁴ In no event, should a student be penalized for being absent from school to observe religious holidays.

A slightly different rule applies to teachers who wish to be absent to observe religious holidays. Title VII of the Civil Rights Act of 1964 requires school boards to make "reasonable accommodation" of their employees' religious needs. School boards may offer any accommodation that is reasonable, however, and are not required to accept the accommodation proposed by the employee.⁵ Moreover, schools are not required to accommodate an employee's religious needs if it would cause "undue hardship" on the employer, such as disturbing the board's collective bargaining agreement with the teacher's union or imposing more than *de minimis* costs on the employer.⁶ Courts have split over whether schools may provide teachers with extra days off with pay in order to observe religious holidays. Schools that provide employees with paid "personal" days, however, should not be allowed to deny their use for religious observances.

Endnotes

¹*Lynch v. Donnelly*, 465 U.S. 688 (1984); *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573 (1989).

²See e.g. *Johnson v. Shiverman*, 658 S.W. 2d. 910 (Mo.App. 1983).

³619 F.2d. 1311 (8th Cir.1980).

⁴See e.g. *Church of God v. Amarillo Independent School District*, 511 F.Supp. 613 (N.D. Tex. 1981), aff'd 670 F.2d. 46 (5th Cir. 1982).

⁵*Ansonia Board of Education v. Philbrook*, 479 U.S. 60 (1986).

⁶*T.W.A. v. Hardison*, 432 U.S. 63 (1977); *Estate of Thornton v. Caldor*, 472 U.S. 702 (1985).

Equal Access and the Public Schools

Questions & Answers

The Equal Access Act became law on August 11, 1984, passing the Senate 88-11 and the House 337-77. Congress's primary purpose in passing the Act, according to the Supreme Court, was to end "perceived widespread discrimination" against religious speech in public schools. While Congress recognized the constitutional prohibition against government promotion of religion, it believed that non-school-sponsored student speech, including religious speech, should not be excised from the school environment.

The Supreme Court, by a vote of 8-1, held in *Westside Community Schools v. Mergens* (1990) that The Equal Access Act is constitutional. This chapter is designed to help school board members, administrators, teachers, parents, religious leaders, and students understand and conform to the Act.

The title—*The Equal Access Act*—explains the essential thrust of the Act. There are three basic concepts.

The first is *nondiscrimination*. If a public secondary school permits student groups to meet for student-initiated activities not directly related to the school curriculum, it is required to treat all such student groups equally. This means the school cannot discriminate against any students conducting such meetings "on the basis of the religious, political, philosophical, or other content of the speech at such meetings." This language was used to make clear that religious speech was to receive equal treatment, not preferred treatment.

The second basic concept is protection of *student-initiated and student-led meetings*. The Supreme Court has held unconstitutional state-initiated and state-endorsed religious activities in the public schools. (This Act leaves the "school prayer" decisions undisturbed.) However, in upholding the constitutionality of the Act, the Court noted the "crucial difference between government speech endorsing religion, which the Establishment clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise clauses protect."

These guidelines are sponsored jointly by:

American Academy of Religion

American Association of School Administrators

American Federation of Teachers

American Jewish Committee

American Jewish Congress

American United Research Foundation

Association for Supervision and Curriculum Development

Baptist Joint Committee on Public Affairs

Christian Legal Society

Department of Education of the U.S. Catholic Conference

General Conference of Seventh-day Adventists

National Association of Secondary School Principals

National Association of Evangelicals

National Conference of Christians and Jews

National Council of Churches of Christ in the USA

National Council on Religion and Public Education

National Council for the Social Studies

National Education Association

National PTA

National School Boards Association

The third basic concept is *local control*. The Act does not limit the authority of the school to maintain order and discipline or to protect the well-being of students and faculty.

While the Act does not cover every specific situation, an understanding of the three basic concepts — as fleshed out by the questions and answers below — should be a sufficient guide for addressing most situations.

Many of the sponsors of these guidelines were actively involved in the debate over equal access. Some supported the Act, others remained neutral, and some opposed it. All of the sponsors, however, agree that the provisions of the Act need to be understood clearly as public secondary schools develop policies concerning student groups.

The Equal Access Act

(20 U.S.C. 4071-74)

Denial of Equal Access Prohibited

Sec. 4071.

- (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.
- (b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time.
- (c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—
 - (1) the meeting is voluntary and student-initiated;
 - (2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;
 - (3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
 - (4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
 - (5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.
- (d) Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof —
 - (1) to influence the form or content of any prayer or other religious activity;
 - (2) to require any person to participate in prayer or other religious activity;



- (3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
 - (4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
 - (5) to sanction meetings that are otherwise unlawful;
 - (6) to limit the rights of groups of students which are not of a specified numerical size; or
 - (7) to abridge the constitutional rights of any person.
- (e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.
- (f) Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

Definitions

Sec. 4072. As used in this subchapter—

- (1) The term “secondary school” means a public school which provides secondary education as determined by State law.
- (2) The term “sponsorship” includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.
- (3) The term “meeting” includes those activities of student groups which are permitted under a school’s limited open forum and are not directly related to the school curriculum.
- (4) The term “noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

Severability

Sec. 4073.

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

Construction

Sec. 4074.

The provisions of this subchapter shall supersede all other provisions of Federal law that are inconsistent with the provisions of this subchapter.

The Following Questions and Answers Indicate How the Act is to Work:**What triggers the Equal Access Act?**

The creation of a "limited open forum." A limited open forum is created whenever a public secondary school provides an opportunity for one or more "noncurriculum-related student groups" to meet on school premises during noninstructional time. The forum created is said to be "limited" because it is only the school's own students who can take advantage of the open forum. Outsiders are not granted an independent right of access by the Act.

Must a school board create a limited open forum for students?

No. The local school board has exclusive authority to determine whether it will create or maintain a limited open forum. However, if a school has a "limited open forum," it may not discriminate against a student group because of the content of its speech.

What is a "noncurriculum-related student group"?

In *Mergens* the Supreme Court interpreted a noncurriculum-related student group to mean "any student group [or club] that does not directly relate to the body of courses offered by the school." According to the Court, a student group directly relates to a school's curriculum only if (1) the subject matter of the group is actually taught, or will soon be taught, in a regularly offered course; (2) the subject matter of the group concerns the body of courses as a whole; or (3) participation in the group is required for a particular course or results in academic credit.

Schools may not substitute their own definition of "noncurriculum-related student group" for that of the Court.

Did the Supreme Court give any examples of "noncurriculum-related student groups"?

The Court noted that unless a school could show that groups such as a chess club, stamp-collecting club, or community service club fell within the definition of curriculum-related set forth by the Court, they would be considered noncurriculum-related for purposes of the Act.

In *Mergens*, the Court found at least three groups that were noncurriculum-related for that school: (1) a scuba club, (2) a chess club, and (3) a service club. Each of these clubs was found to be noncurriculum-related because it did not meet the Court's criteria set forth in question 3 above.

What examples did the Court give of curriculum-related student groups?

The Court noted that “a French club would directly relate to the curriculum if a school taught French in a regularly offered course or planned to teach the subject in the near future. A school’s student government would generally relate directly to the curriculum to the extent that it addresses concerns, solicits opinions, and formulates proposals pertaining to the body of courses offered by the school. If participation in a school’s band or orchestra were required for the band or orchestra classes, or resulted in academic credit, then those groups would also directly relate to the curriculum.”

Who determines which student groups are, in fact, curriculum-related?

Local school authorities, subject to review by the courts. However, the Supreme Court has made clear that a school cannot defeat the intent of the Act by defining “curriculum-related” in a way that arbitrarily results in only those student clubs approved by the school being allowed to meet.

When can noncurriculum-related student groups meet?

A limited open forum requiring equal access may be established during “noninstructional time,” which is defined as time set aside by the school before actual classroom instruction begins or after it ends.

Can noncurriculum-related student groups meet during the day?

The Equal Access Act is not triggered by student club meetings that occur only during instructional time. The constitutionality of allowing or disallowing student religious clubs to meet during instructional time has not been expressly ruled upon by the Supreme Court.

To what schools does the Act apply?

The Act applies only to public secondary schools (as defined by state law) that receive federal financial assistance.



May a school establish regulations for meetings that take place in its limited open forum?

Yes. The Act does not take away a school's authority to establish reasonable time, place, and manner regulations for its limited open forum. For example, a school may establish a reasonable time period on any one school day, a combination of days, or all school days. It may assign the rooms in which student groups can meet. It may enforce order and discipline during the meetings. The key is that time, place, and manner regulations must be uniform and nondiscriminatory.

May schools promote, and teachers participate in, some club meetings and not others in a limited open forum?

Some of the Act's language implies that schools may not sponsor any noncurriculum-related club. Other language suggests that schools can sponsor all noncurriculum clubs except religious ones. Subsequent to the *Mergens* decision, some schools have in fact promoted, or assigned teachers to teach, drama or debate clubs and the like, even though the school does not offer formal instruction in these subjects or give credit to those who participate in such clubs. There may be other clubs (such as political clubs) for which school sponsorship is inappropriate.

School sponsorship of some noncurriculum-related student clubs does not mean, however, that a limited open forum does not exist or that non-sponsored clubs may not meet.

May a school require a minimum number of students to form a noncurriculum-related club?

Not if it "limit[s] the rights of groups of students." Care must be exercised that the school not discriminate against numerically small student groups that wish to establish a club. If the number of clubs begins to tax the available space in a particular school, one teacher might be used to monitor several small student groups meeting in the same large room. The key is to be flexible in accommodating student groups that want to meet.

What does "student-initiated" mean?

It means that the students themselves are seeking permission to meet and that they will direct and control the meeting. Teachers and other school employees may not initiate or direct such meetings, nor may outsiders.

May outsiders attend a student meeting?

Yes, if invited by the students and if the school does not have a policy barring all “nonschool persons.” However, the nonschool persons “may not direct, conduct, control, or regularly attend activities of student groups.”

A school may decide not to permit any nonschool persons to attend any club meetings, or it may limit the number of times during an academic year a nonschool person may be invited to attend.

Obviously, no nonschool person should be permitted to proselytize students who are not voluntarily attending the meeting to which the nonschool person is invited.

May teachers be present during student meetings?

Yes, but there are important limitations. For insurance purposes or because of state law or local school policy, teachers or other school employees are commonly required to be present during student meetings. In order to avoid any appearance of state endorsement of religion, teachers or employees are to be present at student religious meetings only in a “nonparticipatory capacity.” The Act also prohibits teachers or other school officials from influencing the form or content of any prayer or other religious activity.

May a teacher or other school employee be required to be present at a student meeting if that person does not share the beliefs of the students?

The Act provides that no school employee may be required to attend a meeting “if the content of the speech at the meeting is contrary to the beliefs” of that employee. If a school establishes a limited open forum, however, it is responsible for supplying a monitor for every student group meeting if a monitor is required.

Does the assignment of a teacher to a meeting for custodial purposes constitute sponsorship of the meeting?

No.

Does the expenditure of public funds for the incidental cost of providing the space (including utilities) for student-initiated meetings constitute sponsorship?

No.



**If a school pays a teacher for monitoring a student religious club,
does this constitute sponsorship?**

Congressional debate apparently took for granted that payment of a school-required monitor for any club was an “incidental cost of providing the space for student-initiated meetings.”

**Does the use of school media to announce meetings of
noncurriculum-related student groups constitute sponsorship
of those meetings?**

No. The Supreme Court has interpreted the Act to require schools to allow student groups meeting under the Act to use the school media—including the public address system, school paper, and school bulletin board—to announce their meetings if other noncurriculum-related student groups are allowed to use the school media. Any policy concerning the use of school media must be applied to all noncurriculum-related student groups in a nondiscriminatory manner. Schools, however, may inform students that certain groups are not school-sponsored.

Do school authorities retain disciplinary control?

Yes. The Act emphasizes the authority of the school “to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.” Furthermore, the school must provide that the meeting “does not materially and substantially interfere with the orderly conduct of educational activities within the school.” These two provisions, however, do not appear to authorize a school to prohibit certain student groups from meeting because of administrative inconvenience or speculative harm. For example, a group cannot be barred at a particular school solely because a similar student group at another school has caused problems.

**What about groups that wish to advocate or discuss changes
in existing law?**

Students who wish to discuss controversial social and legal issues such as abortion, drinking age, the draft, and alternative lifestyles may not be barred on the basis of the content of their speech. The school is not required, however, to permit meetings in which unlawful conduct occurs.

What if some students object to other students meeting?

The right of a lawful, orderly student group to meet does not depend on the approval of other students. All students enjoy the constitutional guarantee of free speech. It is the school’s responsibility to maintain discipline in order that all student groups are afforded an equal opportunity to meet peacefully without harassment. The school must not allow a “hecklers’ veto.”

May any groups be excluded?

Yes. Student groups that are unlawful, or that materially and substantially interfere with the orderly conduct of educational activities, may be excluded. However, a student group cannot be denied equal access simply because its ideas are unpopular. Freedom of speech includes ideas the majority may find repugnant.

Must noncurriculum-related student groups have an open admissions policy?

The Act does not address this issue. There are, however, several federal, as well as state and local, civil rights laws that may be interpreted to prohibit student groups from denying admission on the basis of race, national origin, gender, or handicap.

What may a school do to make it clear that it is not promoting, endorsing, or otherwise sponsoring noncurriculum-related student groups?

A school may issue a disclaimer that plainly states that in affording such student groups an opportunity to meet, it is merely making its facilities available, nothing more.

What happens if a school violates The Equal Access Act?

The law contemplates a judicial remedy. An aggrieved person may bring suit in a U.S. district court to compel a school to observe the law. Violations of equal access will not result in the loss of federal funds for the school. However, a school district could be liable for damages and the attorney's fees of a student group that successfully challenges a denial by the school board of its right to meet under the Act.

Should a school formulate a written policy for the operation of a limited open forum?

If a school decides to create a limited open forum or if such a forum already exists, it is strongly recommended that a uniform set of regulations be drawn up and made available to administrators, teachers, students, and parents. The importance of having such a document will become clear if the school either denies a student group the opportunity to meet or is forced to withdraw that opportunity. When the rules are known in advance, general acceptance is much easier to obtain.

What about situations not addressed in these guidelines?

Additional questions may be directed to the organizations listed as sponsors of these guidelines.



**Equal Access and
the Public Schools**
Questions & Answers

Religious Expression in Public Schools

by Oliver Thomas

Prayer and Speech

Is it legal to pray in public schools?" goes the common query. The answer of course is, "It depends." What it depends on is the kind of prayer we are talking about, and more importantly, who is doing the praying. Because people are usually talking about organized classroom prayer, often led by a teacher, we will begin our discussion there.

The Supreme Court has made clear that prayers organized or sponsored by a public school violate the First Amendment, whether in the classroom, over the public-address system or even at a graduation exercise.¹ The same rule applies whether the activity is prayer or devotional Bible reading. Even moments of silence, if used to promote prayer, will be struck down by the courts.² A "neutral" moment of silence that does not encourage prayer over any other quiet, contemplative activity will not be struck down, even though many students choose to use the time for prayer. Simply put, the Court has emphasized that it is none of the business of government to promote or sponsor religious exercises—especially among impressionable young students who are at school as a result of compulsory attendance laws.

As the caretaker for all the children in the community, a public school has the responsibility to protect the conscience of every student. This will include children of various religious faiths, as well as those of no religious faith. Only by maintaining a posture of neutrality can the school be fair to all.

This does not mean the school should be disrespectful of the important role religion plays for many students. To the contrary, the courts have made clear that students retain the right to exercise their religion, subject to some limitations, even in a public school.

Generally, individual students are free to pray, read their Bibles and even invite others to join their particular religious group as long as they are not disruptive of the school or disrespectful of the rights of other students. A student should not be allowed to pressure or coerce others in a public school setting, but within these broad parameters a student has wide latitude to exercise his faith. For example, a student may wish to pray before meals, read her Bible during study hall, create an art project with a religious theme or invite other students to attend church. All of these activities would appear permissible. In fact, the school might be guilty of

violating the student's free speech and free exercise rights if it tried to prohibit such nondisruptive religious activities. Under most circumstances, however, students may not use the captive audience of the classroom or other school-sponsored events to deliver a sermon.³

In addition, students have the right to gather with their fellow students for prayer and other religious activities within the limits described above. For example, students are permitted to gather around the flagpole for prayer before school begins, as many evangelical students do annually, as long as the event is not sponsored or endorsed by the school and other students are not pressured to attend. A school is not required, however, to allow adults to come on campus to lead such an event. It is the rights of students, not outside adults, that are protected. Teachers, like outside adults, generally have no right to pray with or in the presence of students in a public school.⁴ As representatives of the state, teachers are under an obligation to protect the rights of all students including non-believers. A teacher who abuses this position of trust may be terminated.

Students may also meet for prayer and religious study pursuant to the federal Equal Access Act. If a school permits extracurricular student groups to meet during noninstructional time, this Act requires that religious groups be given equal treatment. Again, the Act does not allow teachers or other adults to lead such meetings.⁵ The Act applies only to secondary schools as defined by state law. (See chapter 12 on equal access).

The most confusing and controversial part of the current school prayer debate involves graduation prayer. In the 1992 decision *Lee v. Weisman*, the Supreme Court addressed this issue. The case involved prayers delivered by clergy at middle school commencement exercises in Providence, Rhode Island. The school designed the program, provided for the invocation, selected the clergy and even provided guidelines for the prayer. The Supreme Court held that the practice violated the First Amendment's prohibition against laws "respecting an establishment of religion." The Justices based their decision on the fact that (1) it is not the business of schools to sponsor or organize religious activities, and (2) students who might have objected to the prayer were subtly coerced to participate. This coercion was not cured by the fact that attendance at the graduation was "voluntary." In the Court's view, few students would want to miss the culminating event of their academic career. For similar reasons, lower courts have struck down invocations at other public school events such as athletic contests.⁶

Confusion arose a year later when the Justices refused to grant an appeal in *Jones v. Clear Creek Independent School District*, a Texas case upholding the practice of graduation prayer. Although the Supreme Court has repeatedly cautioned that its refusal to hear one of the thousands of cases docketed with it annually does not mean that the Justices agree with the decision, some are encouraging schools to use the Texas case as a blueprint for circumventing the Supreme Court's decision in *Weisman*. And, although the case is binding only in the 11th Federal Circuit (i.e. Texas, Louisiana and Mississippi), it is being urged upon school districts nationwide. Some state legislatures, such as Tennessee's, have passed laws encouraging schools to pattern their graduation exercises after the *Jones* decision.

The distinguishing features of the prayer in *Jones* were:

- ❶ The prayer was student-initiated. That is to say the students voted to have the prayer.
- ❷ The prayer was student-led, as opposed to being led by clergy or other adults.
- ❸ The prayer was “nonsectarian” and “non-proselytizing.”

Although expert opinion is divided, all three of these factors raise significant questions. First, it is clear that constitutional rights are not subject to vote. To the contrary, the purpose of the Bill of Rights was to place some rights beyond the reach of political majorities. Thus, the Constitution protects a person’s right to freedom of speech, press or religion even if no one else agrees with the ideas he or she professes. Therefore, it is unlikely that students can vote to suspend the no establishment of religion clause and have organized prayer at a school-sponsored event.

It may also be immaterial that a student, as opposed to an adult, leads the prayer. A graduation exercise is still a school-sponsored event, and the students are still being coerced, however subtly, to participate in a religious exercise that some might find offensive.

Finally, the requirement that the prayer be “nonsectarian” and “non-proselytizing” not only fails to solve the problems addressed in *Weisman*, it may aggravate them. While some might like the idea of an inclusive, nonsectarian “civil” religion, many do not. To some Americans the idea of nonsectarian prayer is offensive. Many Americans, for example, feel compelled to pray “in Jesus’s name.” Moreover the Supreme Court made clear in *Weisman* that even nondenominational prayers may not be established by government in the public schools. In addition, the *Jones* decision puts courts and school officials in the difficult position of evaluating the content of prayers to determine if they are too sectarian for use in a public school. There is also the thorny problem of determining whether a particular prayer tends to proselytize. Such entanglement of school officials in religious matters could itself be unconstitutional. In fact, a Texas school district already has been sued for discriminating against those who wish to offer more sectarian prayers at graduation exercises.

Schools that follow the *Jones* model should understand the risks involved. If litigation results, those challenging the prayers (outside the 11th circuit) may prevail⁷. More importantly, if certain prayers are offered, some students and parents may feel unwelcome in their own public schools.

At the same time, it would seem possible for a school to provide a forum for student speech within a graduation ceremony during which time prayer might occur. For example, a school might choose to allow the valedictorian or class president to open the ceremony in whatever manner he or she wished. If such a student chose to utter a prayer, it seems unlikely it would be found unconstitutional unless the school had suggested or otherwise encouraged the prayer.

Again, there is a risk to such an approach. By creating a forum for student speech, the school may be stuck with most anything the student wishes to say. While the school would not be required to allow speech that was profane, sexually explicit, defamatory or disruptive, the speech could include political or religious views offensive to many, as well as speech critical of school officials.

A far better approach to the graduation prayer dilemma would seem to be a privately sponsored, voluntarily attended baccalaureate service held after school hours, perhaps at a local church. The school can announce the event and even allow it to be held on campus if other community groups are given similar privileges. In fact, the school is prohibited from discriminating against religious groups in the after-hours use of its facilities. Schools may not, however, sponsor such religious exercises. If a school board continues to insist on some accommodation of religion at the graduation exercise, a genuinely neutral moment of silence might be considered.

Although the school prayer debate has caused much confusion for teachers, administrators and board members, most questions are easily resolved if the school will keep in mind the distinction between government (in this case "school") speech endorsing religion which the Establishment clause prohibits and private (in this case "student") speech endorsing religion which the Free Speech and Free Exercise clauses protect.

Distribution of Religious Literature

An increasing number of students are requesting permission to distribute fliers and religious literature on public school campuses. This distribution of nonschool publications is not a new phenomenon but was common during the Vietnam War. Nevertheless, many schools are uncertain about the proper response to such requests, especially when the subject matter involves religion.

Court decisions on the issue generally fall into two categories. A minority of decisions hold that schools can prohibit the distribution of any publication that is not sponsored by the school. Of course, the ban must be applied even-handedly to all student publications. A school could not, for example, allow the distribution of political literature while barring religious publications. This is particularly evident in light of the Supreme Court's decision in *Westside Community School Board v. Mergens*, upholding the federal Equal Access Act. Under this minority view, however, a blanket prohibition on all student publications would be permissible.

The majority of courts take a different view. These courts hold that while schools may place some restrictions of the distribution of student publications, they may not ban them altogether. The courts base their decisions on the landmark case of *Tinker v. Des Moines School District*, which upheld the right of students to wear black armbands protesting the Vietnam War, even in a public school. Included in this right of free speech is not only the right to speak for oneself but also to distribute the writings (i.e., speech) of others. Thus, courts have generally upheld the rights of students to distribute nonschool publications subject to the school's right to suppress such publications if they create substantial disruption, harm the rights of other students or infringe upon other compelling interests of the school. Again, the *Mergens* decision makes clear that the fear of a First Amendment violation is not sufficient justification to suppress a student publication that happens to be religious.

Just because schools may not prohibit the distribution of all student materials does not mean that schools have no control over what may be distributed on school premises. On the contrary, courts have repeatedly held that schools may place reasonable “time, place and manner” restrictions on all student materials distributed on campus. Thus, schools may specify when the distribution can occur (e.g., lunch hour or before or after classes begin), where it can occur (e.g., outside the school office) and how it can occur (e.g., from fixed locations as opposed to roving distribution). One recent decision upheld a policy confining the distribution of student literature to a table placed in a location designated by the principal and to the sidewalks adjacent to school property. Of course, any such restriction must be reasonable.

It is also likely that schools may insist on screening all student materials prior to distribution to ensure their appropriateness for a public school. Any such screening policy should provide for a speedy decision, a statement of reasons for rejecting the literature and a prompt appeals process. Because the speech rights of students are not coextensive with those of adults, schools may prohibit the distribution of some types of student literature altogether. Included in this category would be:

- ❶ materials that would be likely to cause substantial disruption of the operation of the school. Literature that uses fighting words or other inflammatory language about students or groups of students would be an example of this type of material;
- ❷ material that violates the rights of others. Included in this category would be literature that was libelous, invaded the privacy of others or infringed on a copyright;
- ❸ materials that are obscene, lewd or sexually explicit;
- ❹ commercial materials that advertise products unsuitable for minors;
- ❺ materials that students would reasonably believe to be sponsored or endorsed by the school. One recent example of this category of speech was a religious newspaper that was formatted to look like the school newspaper.

In addition, schools have great latitude to control the speech that occurs in a classroom and, in that setting, can probably prohibit the distribution of student publications altogether. Similarly, schools may impose any reasonable constraint on student speech in a school-sponsored publication such as the school newspaper.

While schools have considerable latitude in prohibiting the distribution of materials that conflict with their educational mission, schools generally may not ban materials based solely on their content. Similarly, schools should not allow a heckler’s veto by prohibiting the distribution only of those materials that are unpopular or controversial. If Christian students are allowed to distribute their newsletters, Buddhists, Muslims and even Wiccans must be given the same privilege.

Adults and teachers from outside the school, on the other hand, have no right to distribute materials to students in a public school. Moreover, schools generally may not give the Gideons and other religious groups access to distribute their materials

on campus. At least one state attorney general has suggested outside religious groups could distribute materials on campus if the distribution were “passive”(i.e. materials were left for students to browse through and take if they wished), a wide variety of other outside community groups were given similar privileges and school personnel did not promote the materials.

Preserving the speech rights of students and maintaining the integrity of public education are not mutually exclusive. Schools should model First Amendment principles by encouraging and supporting the rights of students to express their ideas in writing. On the other hand, students should not expect to have unfettered access to their classmates and should be prepared to abide by reasonable time, place and manner restrictions. Schools must continue to maintain order, discipline and the educational mission of the school as they seek to accommodate the rights of students.

Released Time Programs

Many states have laws authorizing students to be released periodically for off-campus religious instruction during the school day. Such off-campus released time programs have been ruled constitutional by the United States Supreme Court. In an opinion by staunch separationist William O. Douglas, the court stated: “When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to accommodate sectarian needs, it follows the best of our traditions.”

Earlier, the justices had been asked to rule on a released-time program that provided for on-campus religious instruction. In this program, students were released from classes once a week to receive religious training in the public school. There were separate classes for Protestants, Catholics and Jews, and all religious instructors were under the supervision of the superintendent of schools. Students who did not wish to receive religious instruction were required to leave their classrooms and go elsewhere in the school for additional nonreligious studies. The Supreme Court held that the use of public schools and compulsory-attendance laws for religious training violated the First Amendment’s ban against laws respecting an establishment of religion.⁸ In the words of Justice Hugo Black: “Here not only are the State’s tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state’s compulsory public school machinery. This is not separation of Church and State.”

Returning to the off-campus, released-time programs upheld by the Supreme Court, schools are under no obligation to create such programs. The Court’s decision simply permits them. States are free to allow released-time programs when they are requested by students and their parents, but most states leave this decision up to individual school districts. If a released-time program is created, schools may not discriminate among religious groups. That is to say, the program must be administered in a fair and even-handed manner so that all religious groups are treated the same.

It should be noted that schools are not permitted to endorse or promote religious instruction, even when it is held off campus. Solicitation of students to attend religious classes may not be done at the expense of the school,” and only those students whose parents have signed permission slips should be allowed to attend.

Students who do not wish to attend may not be penalized. Of course, schools may not rent their facilities to religious groups for religious instruction during the school day.¹⁰

The question has arisen whether schools may give academic credit for released-time courses. Although the answer remains unclear, it is likely such a program would be unconstitutional, especially if credit is not given for other nonschool courses. There is very little to distinguish many of these religious courses from a religious education class, a nonacademic exercise for which schools could almost certainly not give credit.¹¹

Should Student-Led Prayers Be Permitted At Public High School Graduation Ceremonies?

YES

by Jay Allen Sekulow

Chief counsel, American Center for Law and Justice

Not only should student-led and student-initiated prayer be permitted at public high school graduations, it is a legally protected right.

In 1969, the Supreme Court ruled that student expression against the Vietnam War could not be quashed in public schools. The court ruled that neither "students or teachers shed their constitutional rights to freedom of speech or expression at the school-house gate."

It is now 1994, and once again there are those who seek to limit student speech. They claim that student-led prayers at graduation violate the Establishment clause. That argument doesn't hold any water.

The First Amendment prohibits government from establishing religion. It leaves untouched private expression. In *Westside Community Schools v. Mergens* (1990), the Supreme Court said: "There is a crucial difference between government speech endorsing religion, which the Establishment clause prohibits, and private speech, which the Free Speech and Free Exercise clauses protect."

NO

by Steven R. Shapiro

Legal director, American Civil Liberties Union

Last June, the Supreme Court decided not to review a Texas decision that allowed a student to deliver a nonsectarian and nonproselytizing invocation at high school graduation if that were the choice of a majority of the graduating seniors.

In the days and months following the Supreme Court's action, the radical right claimed that the court's action was an endorsement of student-initiated prayer and a vindication of the decision by the United States Court of Appeals for the Fifth Circuit in *Jones v. Clear Creek Independent School District*. In fact, the Supreme Court's action neither indicated approval, nor did it transform the 5th Circuit's decision into a national precedent.

The Supreme Court agrees to review only a small percentage of the cases that are presented to it every year. As was true in the *Jones* case, the court rarely explains its decision to deny review. The court has consistently emphasized that a decision to deny review is not a decision on the merits.

Contrary to what some are claiming, therefore, the decision to deny review in *Jones* simply means that the law

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A student's right to free speech, including religious free speech, does not end when he or she stands up at the graduation podium to accept a diploma.

Our organization sent nearly 15,000 bulletins to public school administrators nationwide last year, urging them to permit students to exercise free speech rights. The bulletins helped educate school officials and students by providing an accurate analysis of the law.

Last year, the Supreme Court decided not to hear *Jones v. Clear Creek Independent School District*, a case in which a federal appeals court permitted student-led prayer in a Houston-area school. If the case posed a constitutional crisis, you can bet the court would have heard it.

All of this sends a powerful message: Student-initiated and student-led prayer at graduation is protected free speech.

Don't be confused over the need for a separation of church and state. No one is suggesting that one religion be given preference over another. No one is suggesting that a school endorse any kind of religious belief. But religious speakers, even at school, must have equal access to the marketplace of ideas in America.

In 1969, when the Vietnam War controversy was raging, the Supreme Court ruled that students' expression against the war could not be squashed in public schools.

America survived those protests, some of which posed very real threats to life and property. Should not student prayers, which pose no threat to the Establishment clause, also be permitted?

The answer has to be yes.

remains as it was when the Supreme Court last considered the issue of graduation prayer in *Lee v. Weisman* in 1992. And in *Weisman*, the court unambiguously held that even nonsectarian and nonproselytizing prayers at public school graduation ceremonies violate the Constitution's separation of church and state.

The fact that a majority of students may want the school district to permit graduation prayer, even though it is prohibited by the Establishment clause, is as irrelevant in this context as it would be if a majority of students asked the school district to violate the First Amendment by engaging in censorship or to violate the Fourth Amendment by engaging in an unreasonable search of a student's belongings.

The American Civil Liberties Union strongly believes that *Jones* was wrongly decided and is flatly inconsistent with the Supreme Court's ruling in *Weisman*.

Since *Jones v. Clear Creek*, the ACLU has been engaged in several lawsuits over student-initiated prayers. In the most recent decision, federal Judge Albert V. Bryan in Virginia summed up the issue well when he wrote that "the notion that a person's constitutional rights may be subject to a majority vote is itself anathema.

"The graduating classes in Loudoun County certainly could not have voted to exclude from the ceremonies persons of a certain race," Judge Bryan said. "To be constructively excluded from graduation ceremonies because of one's religion or lack of religion is not a great deal different."

Endnotes

¹*Engel v. Vitale*, 370 U.S. 421 (1962); *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963); *Lee v. Weisman*, 505 U.S. ____ (1992).

²*Wallace v. Jaffree*, 472 U.S. 38 (1985).

³*DeNooyer v. Livonia Public Schools*, 799 F.Supp. 744 (E.D. Mich. 1992); *Guidry v. Calcasieu Parish Public School Board*, ____ F.Supp. ____ (M.D. La. 1989).

⁴*Roberts v. Madigan*, 921 F.2d. 1047 (10th Cir. 1991); *Webster v. New Lenox School District*, 917 F.2d. 1009 (7th Cir. 1990).

⁵20 U.S.C. Section 4071 et seq.

⁶*Doe v. Duncanville Independent School Dist.*, 994 F.2d. 160 (5th Cir. 1993); *Jager v. Douglas County School District*, 862 F.2d. 824 (11th Cir. 1989).

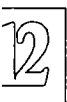
⁷*ACLU v. Black Horse Pike Regional Board of Ed.* Docket # 93-5368 F.2d (3rd Cir., June 25, 1993).

⁸*McCollum v. Board of Education*, 333 U.S. 203 (1948).

⁹*Doe v. Shenandoah County School Board*, 737 F.Supp. 913 (W.D. 1990); *Smith v. Smith*, 523 F.2d. 121 (4th Cir. 1975); *Perry v. School District*, 54 Wash.2d. 886, 344 P.2d. 1036 (1959).

¹⁰*Arizona O.A.G.* 86-078 (1986); *Iowa O.A.G.* 292 (1965).

¹¹See *Lammer v. Wimmer* 463 F.Supp. 867 (D.Utah 1978), *aff'd* in relevant part, 662 F.2d 1349 (10th Cir. 1981); *State ex rel Dearle v. Frazier*, 102 Wash. 369, 173 P. 35 (1918).



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Religious Practices of Students

Many school districts are making efforts to inform administrators and teachers about the religious practices of students. Knowledge about the religious needs and requirements of students promotes understanding between parents and school officials, and prepares teachers for questions or concerns when they arise.

Adherence to religious requirements such as special diet or dress is the responsibility of the parents and students, and not of the public school. In some cases, however, parents may request special accommodation (e.g., excusal from participation in certain school parties or events). Most of these requests may be easily granted (see chapters 4, 10, and 12) without disrupting the educational work of the school.

In rare cases, requests for accommodation may be impossible to grant for practical or constitutional reasons. Even in these instances, some accommodation may be offered. For example, schools are unable to prepare special foods for some religious needs, but, at the same time, they can label foods and offer a variety of choices. When considering these requests, school officials should use the First Amendment framework discussed in chapters 2 and 4 as a guide to treating the claims of religious conscience seriously and sensitively without putting the school in the position of endorsing or sponsoring religion.

The following information about student religious practices was compiled by the Religious Community Task Force in the Dallas Independent School District as part of a comprehensive policy on religion and schools issues. It is included here as an example of how a large, religiously diverse school district has acted to inform teachers and administrators about the religious practices of many students in the community. For the complete policy of the DISD, and for more information about the task force that helped create the policy, contact Jane Didear, Communications Division, Dallas Independent School District, 3700 Ross Avenue, Dallas, Tx., 75204.

Helpful Information Regarding Some Religious Practices Within DISD

A NOTE FROM THE NETWORK'S RELIGIOUS COMMUNITY TASK FORCE

The following information was collected from members of the DISD Religious Community Task Force. The items listed are general in nature. Some situations described are a blend of religious/ethnic/cultural practices which might have an impact on students during the school day. If you have questions or need more information about any of the items mentioned, inquiries are invited.

Most of the members of the Task Force represent large organizations, within which are many different levels of religious observers. Some students within each faith may follow all the dictates of the religion and others may observe only a few rituals. If the school can allow those things which do not disrupt normal classroom operations to occur, it avoids conflict for the student who feels under obligation to comply with family and religious mandates. If there must be an accommodation made for a practice to occur away from class, please arrange that through the principal.

Regarding the following material: Task force members have submitted the following information for easy reference, to cover areas which do not follow general cultural trends. The symbolic reference codes below indicate:

Quick reference symbolic codes:



Medical restrictions



Special diet or foods



Particular dress/clothing



Observances or rituals during school hours



Possible absences due to High Holy Days

Various Christian Traditions

The following Christian denominations on the task force: **Baptists, Disciples, Episcopalians, Evangelicals, Methodists and Presbyterians**, have students in DISD whose beliefs and practices are culturally predominant, and therefore do not require special accommodations during school time. For example, many families worship on Sunday mornings and/or on Sunday and Wednesday evenings, when school is not in session. There are no medical, dietary, clothing or holiday needs that require attention. However, some denominations report that extracurricular school activities and parent conferences conflict with some evening worship. In addition, some Christian evangelicals would prefer that schools have no winter or spring holiday celebrations rather than have students participate in those which are viewed by families and students as secular replacements for Christmas and Easter.

Baha'i



None.



Students 15 years and older may refrain from eating or drinking during school hours between March 2-20.



None.



None.



Eleven holy days throughout the year, during which students may be absent or not allowed to do ordinary work.

Buddhism



Ethnic medical attitudes may differ.



Students may prefer to be vegetarians.



None.



Students follow five moral Precepts and six Rules which include respect for all animal and human life.



Holy Days established on lunar calendar: Birth of Buddha; Bodhi Day; Cambodian, Laotian and the Vietnamese New Year.

Christian Science



Reliance on prayer for effective health care. Legal exemptions from inoculations, vaccinations and immunizations. Request exemption from disease study. No medications, no physical exams, no testing of vision, hearing or intelligence.



No caffeine, tobacco or alcoholic beverages.



None.



None.



None.

Church of Jesus Christ of the Latter Day Saints (Mormon)



None.



No coffee, tea, tobacco, alcoholic beverages.



Modest clothing.



None.



Normal school holidays.

Religious Practices

Eastern Orthodox

(includes: Antiochan, Armenian, Ethiopian (Coptic), Greek, Kenyan, Korean, Lebanese, Mexican, Syrian, and 5 Slavonic peoples: Bulgarian, Rumanian, Russian, Serbian and Ukrainian)



None.



Fasting (abstinence) is the refraining from eating identified foods and is not considered a special diet. Certain Feast Days are observed with a fast either prior to or on the feast day itself. If a student is fasting, he/she may: 1) fast every Wednesday and Friday except for designated fast-free periods, or 2) fast from at least meat or dairy products. Students who observe strict fasts may bring food from home. Lunchroom menus provide a varied selection for either fast.



None required.



None other than fasting, which occurs during lunch hour; no academic interruptions.



Students may attend services on their nameday to celebrate the Saint whose name they bear; or the following: Elevation of the Cross, beginning of the 40 Day Fast of the Nativity; Nativity; Epiphany; Great Lent; Annunciation of the Virgin Mary; Holy Week; Pasca (Resurrection) and Ascension Thursday. (Holy Trinity Greek Orthodox, 823-3509, will verify holidays.)

Hare Krishna



No animal-derived medications.



Lacto-vegetarians (do not eat meat, fish, fowl or eggs).



Male students may have small tail of hair at back of head (Sikha).



None. Students respectful of authority.



Dates according to lunar calendar. Janmastami; Vyasa-Puja Day; Diwali; Govardhan Puja; Srila Prabhupad's Disappearance Day; Nityananda's Appearance Day; Gaura Purnima; Ram Navami; Nirshringhadev's Appearance Day.

Hinduism



None.



Students may be strict vegetarians.



An area at home or office is often designated as an altar.



Students may have paint-like mark on the forehead from morning worship, usually done with family at home.



Dates according to Lunar calendar. Diwali; Govardhan Puja, Ram Navami.

Islam



Males examined by male doctors; females examined by female doctors. No injections during Ramadan.



No alcohol. No pork and any blood. No animals unless they are slaughtered (with prayer). Fish, if caught alive, may be eaten.



Males must cover bodies from abdomen to knees; females must cover all except face, hands, feet.



Worship prayers (Salah) five times: at dawn, noon, afternoon, sunset and night. Students need silent and convenient places to perform daily prayers. Weekly Friday noon prayers for males. Polytheistic or atheistic statements and blasphemy against any Holy Books may hurt students.



Ramadan Feast or Eid ul Fitr (end of fasting month); Eid ul Adha. Dates depend on actual sighting of the moon.

Jain Society Temple



None



No eating of root plants (for some members)



None



Fasting from 1-14 days.



Late August through early September.

Jehovah's Witnesses



Parents may request no blood transfusions.



No addictive or habit-forming drugs or tobacco.



None.



The only celebration is the memorial of Christ's death (lunar calendar—the first full moon after spring, after sunset).



Views on nationalism prohibit participation in flag saluting, the singing of national anthems or voting on elective offices. No participation in any religious celebrations or national holidays, such as Christmas, Easter, Thanksgiving, Halloween, Valentine's Day, etc. Areas that are a matter of conscience include extra-curricular activities such as sports, cheerleading, dating, attending parties or joining clubs. Alternative classroom materials and assignments could be directed to seasons versus holidays (such as "winter" rather than Christmas).

Judaism



None.



Some boys may wear a skull cap and/or a fringed undergarment under their shirts. Some girls may dress with arms and legs covered.



Some Orthodox students may ask to wash hands or pray before a meal. Some students may refrain from doing school projects that occur on Friday evenings and/or Saturdays before sundown. Some students will not be able to participate in musical experiences and on programs whose content affirms religious positions that differ from their own.



Kosher food (marked with Kosher seal, "K", etc.). Meat and chicken slaughtered by ritual law allowed. No shellfish or fish that do not have scales. No mixing of milk and meat products. No pork products. During Passover, a restricted diet allows no leavened food items such as bread; other holidays may require fasting.



Holidays begin at sundown the day before. Sabbath begins at sundown each Friday night and is complete at sundown on Saturdays. *Rosh Hashana*; Yom Kippur; *Sukkot*; Shemini Atzeret; Simchat Torah; Hanukah; Purim; *Passover* (first two and last two days of eight); and *Shavuot*. (Holidays in italics may be observed for two days.)

Religious Practices, *continued*

Lutheran Tradition

-  None.
-  None.
-  None.

-  None.
- ☒ The Nativity of our Lord; Epiphany; Wednesdays of Lent; Maundy Thursday; Good Friday; Easter Vigil Saturday; Easter Sunday; Ascension.

Native American Religions

(American Indians: 114 tribes)

-  None.
-  None.
- ☒ The Pueblo Indians of New Mexico, a few of whom attend DISD schools, observe religious feast days throughout the year. Importance of attendance at religious or healing ceremonies in Texas, Oklahoma, New Mexico, South Dakota or Arizona is related to the tribe with which the student is affiliated; children are expected to accompany their parents. Some tribes have "days of mourning" or "mourning periods" for the deceased of immediate or extended-family members.

-  Longer hair length for some male students; some older high school students wear medicine bags which may be seen conspicuously. Beaded and silver-crafted bolo ties. Girls wear hair/braid tie and beaded hair combs.
-  Religious observances vary from tribe to tribe. Students' practices and self image are derived from the tribes in which they are enrolled. DISD observes American Indian Heritage Month in November. The Parents Advisory Committee of the American Indian Education Program plans various cultural enrichment activities for the month.

Roman Catholic

-  No "contraceptive" teaching.
-  No meat on Ash Wednesday or Fridays of Lent, for students 14 or older. There is a period of fasting during the 40 days between Ash Wednesday and Easter.
-  Modest. Some wear religious medals. Ashes are placed on the foreheads of Catholics on Ash Wednesday as reminder of mortality.
-  Sign of the Cross before an undertaking and before meals.

- ☒ Holy Days of Obligation (celebrated by attending Mass) include: Ascension Thursday, 40 days after Easter; Assumption of Blessed Virgin Mary; All Saints Day; Immaculate Conception; Christmas Day; Mary, Mother of God; Easter Sunday; and Sundays throughout the year. Advent, 4 weeks before Christmas, observed as "waiting" period. Holy Week includes the Thursday, Friday and Saturday before Easter. Hispanic Catholics: Our Lady of Guadalupe, special Feast Day, preceded by 9 days of special prayers and services. The Posada, celebrated 9 days before Christmas, with visiting each evening to different homes or churches. Many Mexican families travel to home of parents for days of Holy Week, to the Texas Valley or to Mexico.

Seventh Day Adventists

-  None.
-  No pork or pork products. May prefer to be lacto-vegetarians. No habit forming drugs, alcohol or tobacco.
-  Modest dress.

-  None.
- ☒ Sabbath begins at sundown Friday and concludes at sundown on Saturday. Students may not be able to participate in school events on Friday nights.

Sikh

-  None.
-  No alcohol or tobacco.
- ☒ Baisakhi (Brotherhood), Birthday of Guru Nanak Dev.

-  None.
-  Boys wear headgear or turbans.

Unitarian/Universalists

-  None.
-  None.
-  None.

-  Families would like to have their children participate in public school activities without having them required to pray publicly. Students have the choice of whether or not to salute flags or pledge certain allegiances.
- ☒ During the spring, 13-14 year old students are often taken to U/U historic sites in other parts of the country.

Quick reference symbolic codes:

-  Medical restrictions
-  Special diet or foods
-  Particular dress/clothing

-  Observances or rituals during school hours
- ☒ Possible absences due to High Holy Days

Character Education in the Public Schools

by Charles C. Haynes

One of the most significant areas of “common ground” for many Americans is the desire to have strong character education in the public schools. There is growing recognition across the religious and political spectrum that character education in schools must be an essential component of the effort to develop civic virtue and moral character in our nation’s youth. The resources and strategies outlined in this chapter, drawn from the work of the Character Education Partnership, will help communities translate an interest in character education into a plan of action.

Character Education and Civic Virtue

First, a word of advice: Sound character education programs should be rooted in the democratic principles of the United States Constitution, the core civic values that bind America as one nation of many peoples and faiths. A strong commitment to these principles is crucial if we are to sustain and expand the American experiment in democratic freedom. Today the exploding ethnic and religious diversity of our nation makes it more important than ever that schools and communities re-affirm the obligations of citizenship that we share across our differences.

Properly taught, civic education in the United States *is* character education, because the strength of our democracy rests upon a virtuous citizenry. While the family and faith communities are primarily responsible for shaping moral character, the schools have the vital task of teaching and inspiring civic virtue. A central mission of schools has always been and must always be to transmit from one generation to the next the habits of the mind and heart necessary for good citizenship.

Civic virtue must be both modeled and taught in our nation’s schools. When school policies and classroom practices reflect constitutional principles, students learn to respect the rights of others, even those with whom they deeply disagree, and they learn to take responsibility for the welfare of the school community. The civic framework of rights, responsibilities and respect that we have discussed throughout this guide must be in place in all classrooms so that every lesson, whatever the subject, is simultaneously a civics lesson.

By teaching civic virtue and democratic culture, schools become training grounds for participation in the public square of America. Students not only learn about the public policy issues that confront our society, but also how to debate those issues with civility and respect. Civility allows for vigorous debate over deep differences, using persuasion and not coercion, accompanied by a willingness to seek the common good. Through open and fair debate, students learn the value of democracy, but also understand the dangers of majoritarianism. A recognition of their own inalienable rights must be joined to a commitment to guard those rights for all others.

A shared understanding of the civic virtues necessary for good citizenship is the starting point for achieving moral consensus in the public life of our nation.

Character Education and Religion

Second, a word of caution: When schools and communities adopt character education programs, they must keep in mind that the moral life of a great many Americans is shaped by deep religious conviction. Both the approach to character education and the classroom materials used should be selected in close consultation with parents representing a broad range of perspectives. When care is taken to find consensus, communities are able to agree on the core values they wish taught in the schools and how they wish it to be done.

The civic and moral values widely held in our society, such as honesty, caring, fairness, and integrity, can be taught without invoking religious authority. In public schools, where teachers may neither promote nor denigrate religion, these values must be taught without religious indoctrination. At the same time, teaching core values may not be done in such a way as to suggest that religious authority is unnecessary or unimportant.

Sound character education programs will acknowledge that many people look to religious authority and revelation for moral guidance. Such programs will affirm the value of religious and philosophical commitments, and avoid any suggestion that morality is simply a matter of individual choice without reference to absolute truth. Students will be encouraged to consult their parents and religious leaders for a fuller understanding of how their tradition addresses moral questions.

Character education can be hollow and misleading when taught within a curriculum that is silent about religion. When religion is largely ignored, students get the false and dangerous message that religious ideas and practices are insignificant for human experience. A complete education must of necessity include study about religion, where appropriate, throughout the curriculum. Religion and religious perspectives are taken seriously in the curriculum if students are exposed to the great ethical systems of world history, and to America's rich and diverse religious heritage. Mentioning religion is not enough. Students need to explore the place of religion in history, literature, art and music if they are to understand the ultimate beliefs and world views that provide the deepest and strongest sources of human meaning for much of humanity.

Character Education Partnership Mission Statement

The Character Education Partnership is a nonpartisan coalition of organizations and individuals who are concerned about the moral crisis confronting America's youth and dedicated to developing moral character and civic virtue in our young people as one way of promoting a more compassionate and responsible society.

To develop civic virtue and moral character in the youth of the United States is to strengthen the very fabric of our nation and to sustain the American experiment in liberty.

We recognize and affirm the primary role of the family in shaping the moral character of children, the vital task of schools in teaching and inspiring civic virtue, and the shared responsibility of each individual and community to model moral character and civic virtue.

By civic virtue, we mean living by the guiding principles of our nation's framing documents that are at the heart of our common compact as citizens.

By moral character, we mean living by core values widely held in our society, such as caring, honesty, fairness, responsibility, and respect for self and others.

We are a compassionate society if we demonstrate in our life together an active concern for the welfare of others.

We are a responsible society if we guard the fundamental rights of all citizens and carry out the obligations of citizenship by working toward a common vision of the common good.

While we affirm our commitment to shared civic and moral values, we also recognize that deep differences exist on moral and social issues before the nation. We affirm, therefore, our commitment to address such differences within the civic framework of rights, responsibilities, and respect.

Character Education Partnership's Programs and Activities

<i>National Clearinghouse:</i>	Collecting and distributing information on educational and community programs designed to develop moral character and civic virtue.
<i>Community Programs:</i>	Facilitating the implementation of character and civic development programs in communities throughout the nation by sharing information and resources.
<i>School Support:</i>	Working with school boards, teachers, and administrators to initiate and strengthen comprehensive K-12 character education programs.
<i>Publications:</i>	Disseminating information on successful character education programs.
<i>Annual/Regional Forums:</i>	Bringing together experts and concerned individuals to exchange information and further develop effective character and civic programs.
<i>National Awards:</i>	Recognizing exemplary programs in character civic education.
<i>Media Campaign:</i>	Raising public awareness of and increasing support for effective character and civic education programs.

Membership in CEP is open to organizations and individuals sharing a commitment to developing moral character and civic virtue in youth. Annual dues are \$25 for individuals and \$300 for organizations. For more information, or to join CEP, contact: John Martin, Executive Director, Character Education Partnership, 1250 North Pitt Street, Alexandria, VA 22314, (703) 739-9515.

Advice from CEP: How to Start a Character Education Program

The Character Education Partnership (CEP) defines character as understanding, caring about, and acting upon core ethical values such as respect, responsibility, honesty, fairness, and caring. Developing character in this comprehensive sense requires, we believe, a comprehensive educational approach — one that uses all aspects of schooling (academic subject matter, the instructional process, the management of the school environment) as opportunities for character development. Above all, we believe, the school itself must embody character. It must be a moral community that helps students form caring attachments to adults and to each other. These relationships will nurture both the desire to learn and the desire to be a good person.

A question which each school community must answer is: "What character education program should be used?" CEP believes that it is important for the parents and teachers of each school district to make that decision because "ownership" is vital to getting character education accepted in any school community. There is one caveat, however, and that is that the selected program should not violate society-wide values enshrined in the Constitution and otherwise widely shared. To facilitate the selection process, however, CEP has a data bank of programs that have been used successfully in different schools around the country from which a school community can select.



Although character is best developed by using all aspects of schooling as opportunities for character development, there are many ways to begin. Some schools start with commercially available “stand-alone” programs that require relatively minimal training of the faculty and staff. Other schools begin by trying to make a visible improvement in student attitudes and behavior in a problem area of the school environment such as the corridors, the cafeteria or the playground. There is not a single script.

The stories of successful character education efforts reveal many ways to get a program started and to keep it growing. However, there are certain common denominators: leadership, an effort to get parents involved, time for staff to discuss how to emphasize the school’s target values in all that the school does, and a more responsible role for students in acting upon the core values and solving real-life problems in the school environment. In the long term, each school should follow a plan of progressive integration of character education into all of the academic disciplines including staff development. In addition each school should obtain a caring commitment from the principal through the custodians and bus drivers; i.e., the entire school should strive to become a moral, caring community.

Ten Reasons for Character Education

from *Educating for Character* by Professor Thomas Lickona (Bantam, 1991).

- 1 **There is a clear and urgent need, as young people increasingly hurt themselves and others because of unawareness of and/or indifference to moral values.**
- 2 **Transmitting moral values to the next generation has always been one of the most important functions of a civilization.**
- 3 **The school’s role as character educator is even more vital when millions of children get little moral teaching from their parents, communities, or religious institutions.**
- 4 **Common ground exists on core moral values although there may be significant disagreement on the application of some of these values to certain controversial issues.**
- 5 **Democracies have a special need for moral education, because democracy is government of and by the people themselves.**
- 6 **There is no such thing as value-free education. Schools teach values every day by design or default.**
- 7 **Moral questions are among the great questions facing the individual person and the human race.**
- 8 **There is broad-based and growing support for character education in the schools.**
- 9 **An unabashed commitment to character education is essential if we are to attract and keep good teachers.**
- 10 **Effective character education is a do-able job which improves student behavior, makes schools more civil communities, and leads to improved academic performance.**

Fostering Character Education in Local Communities

(advice from the Character Education Partnership)

Learn about Character Education

- ❶ Educate yourself about character education by reading books, journals, and other materials. Learn how character education has helped (a) reduce antisocial behavior such as violence, teen pregnancy, substance abuse, and disrespect for parents, teachers and peers, (b) improve academic performance, and (c) prepare young people to be responsible citizens and productive members of society.
- ❷ Join national partnerships and networks to stay in touch with developments in the field of character education. The following groups will be helpful: (1) The Character Education Partnership, 1250 N. Pitt Street, Alexandria, VA 22314; and (2) ASCD's Character Education Network, Center for the Advancement of Ethics and Character, Boston University, 605 Commonwealth Avenue, Boston, MA 02215.
- ❸ Contact your local school officials to ask whether schools in your community provide K-12 character education, including community service learning. If so, ask to meet with the appropriate administrators and/or teachers to find out what local citizens might do to broaden public support for the program and enhance its effectiveness.

Introduce Character Education to Your Community

- ❶ Identify a group of administrators, teachers, community and business leaders from which to form a study group to read and discuss materials about effective K-12 character education and the most successful methods for building community consensus in favor of providing K-12 character education.
- ❷ Build broad local support for character education from other organizations you belong to, such as neighborhood groups, religious communities, and service organizations.
- ❸ Invite an expert in the field of character education to speak to, or lead study groups for, your organization.
- ❹ Advocate community support for character education by writing letters to the editors of newspapers, magazines and other media.
- ❺ When the climate is right, help to organize a public conference or workshop on character education with a number of local organizations and education groups serving as cosponsors.

Persuade Community Leaders and School Officials to Support Effective K-12 Character Education

- ❶ Ask local business leaders whether they are concerned about the attitudes of young people in the community and the job performance of new employees as they enter the work force. If so, ask whether they would be interested in forming a school-business-community partnership to foster character education in local school districts.
- ❷ Become knowledgeable about the various points of view concerning character education in your community. Meet with those who may be skeptical or reluctant in order to share information about what character education has accomplished in other communities.
- ❸ If K-12 character education is not provided by schools in your community, ask whether it has been considered and, if so, ask for the reasons behind this decision not to provide character education. If the decision was taken more than three years ago or if there has been no consideration, ask local school officials to consider the matter now in light of positive experiences and results in other school districts.
- ❹ If tight school budgets are an obstacle to the introduction of character education, meet with business, foundation, and philanthropic leaders about the possibility of raising funds to assist local schools in acquiring curricular materials and providing teacher training in order to get character education started. Experience shows that when quality character education is introduced, school administrators and teachers become convinced of its cost-effectiveness as the need declines for disciplinary and counseling resources and as academic performance improves.

Organizations that Provide Character Education Material

Association for Supervision and Curriculum Development

1250 N. Pitt Street
Alexandria, VA 22314-1403
(703) 549-9110
Fax: (703) 549-3891

ASCD has published the November 1993 issue of *Educational Leadership*, devoted to character education; *How to Plan a Program for Moral Education* by Merrill Harmon; and *Moral Education in the Life of the School*.

Baltimore County Public Schools

Towson, MD 21204
(410) 887-2063
Fax: (410) 887-4308

This program integrates the teaching of values throughout all curricular areas. Local school values committees are responsible for identifying a common core of values to be stressed for their school population. Materials include *How to Establish a Values Education Program in Your School: A Handbook for School Administrators*.

Character Education Institute

8918 Tesoro Drive
San Antonio, TX 78217
(800) 284-0499
Fax: (210) 829-1729

This organization distributes the Character Education Curriculum which is designed to help pre-kindergarten through middle school students build self-esteem, avoid substance abuse and negative peer pressure, understand and accept diversity in society, use self-discipline to achieve goals, and develop critical thinking skills.

Community of Caring, Inc.

1350 New York Ave., NW
Suite 500
Washington, DC 20005
(202) 393-1250
Fax: (202) 737-1937

Community of Caring combines teacher training, values discussions, teen forums, parental involvement and community service with already existing school programs to address early sexual development, teen pregnancy, substance abuse, and school dropout. It stresses the relationship between the decisions teenagers make in life and individual value systems by emphasizing the importance of respect, responsibility, trust, caring, and the family.

Developmental Studies Center Child Development Project

2000 Embarcadero
Suite 305
Oakland, CA 94606
(510) 533-0213
Fax: (510) 464-3670



This is an elementary school character education program designed to foster ethical, social, and intellectual development by helping schools to become “caring communities of learners” for all students. The program has been evaluated rigorously and shows positive effects on students’ classroom behavior, conflict resolution skills, democratic values, and reading comprehension capacities.

Ethics Resource Center

1120 G Street, NW
Suite 200
Washington, DC 20005
(202) 434-8478
Fax: (202) 737-2227

Ethics Resource Center produces video-based programs to help teachers develop and reinforce positive values and character traits in students, including *What Should You Do?: Deciding What’s Right*, a program for grades 4-6; and *Not For Sale: Ethics in the American Workplace*, which offers students an introduction to the relationship between personal morality, professional responsibility, and business ethics.

Heartwood Institute

12300 Perry Highway
Wexford, PA 15090
(412) 934-1777
Fax: (412) 934-0050

This institute fosters moral literacy and ethical judgment by providing an anchor for children in universal virtues common to the world’s cultures and traditions. Courage, loyalty, justice, respect, hope, honesty and love are presented in quality, read-aloud, multi-cultural stories which touch the heart and develop within the child a strong basis for moral character and development.

Jefferson Center for Character Education

2700 East Foothill
Suite 202
Pasadena, CA 91107
(818) 792-8130
Fax: (818) 792-8364

The Jefferson Center develops and provides curricula, programs, and publications that teach core values and ethical decision-making skills that foster good conduct, personal and civic responsibility, academic achievement, and work-force readiness.

Josephson Institute of Ethics

4640 Admiralty Way
Suite 1001
Marina del Rey, CA 90292
(310) 306-1868
Fax: (310) 827-1864

This institute publishes *Ethics: Easier Said Than Done*, December 1992, issues 19 and 20, focusing on developing moral values in youth. They coordinate the Character Counts Coalition, a long-term, grassroots campaign to combat violence, dishonesty, and irresponsibility through its network of over 30 organizations devoted to the education and training of young people.

Personal Responsibility Education Process

Network for Educational Development

13157 Olive Spur Road

St. Louis, MO 63141

(314) 576-3535

Fax: (314) 576-4996

PREP promotes school-business-community partnerships to develop student character, personal responsibility, and achievement. PREP provides over 22 public school districts in greater St. Louis, Mo., with program guidelines, curriculum resources, staff development, and parent training and information on current research, educational practices, and program evaluation.

Resources for Getting Started with Character Education

Educational Leadership, Character Education Issue (November 1993).

Available from Association for Supervision and Curriculum Development, Ordering Department, 1250 N. Pitt Street, Alexandria, VA 22314-1403, (703) 549-9110, Fax: (703) 549-3891. Cost: \$5.00.

Lickona, Thomas. "Getting Started and Maintaining Momentum," Appendix A in *Educating for Character*. Bantam, 1991.

Outlines 15 steps from "Develop a Leadership Group" to "Evaluate the Program."

How to Establish a Values Education Program in Your School: A Handbook for School Administrators. Baltimore County Public Schools Task Force on Values Education and Ethical Behavior (1991).

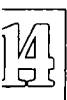
Outlines steps for establishing a local values education program, including assessment of school priorities and students, and involvement of all parts of the school and local community in each phase of the development process. To order, contact: Office of Planning, Baltimore County Public Schools, 6901 North Charles Street, Towson, MD 21204, (410) 877-2063, Fax: (410) 887-4308. Cost: \$2.00.

Amundson, Kristen J. "How to Institute a Values Education Program," *Teaching Values and Ethics: Problems and Solutions*. A Critical Issues Report. AASA, 1991.

Outlines specific steps a school or school district can follow in establishing a values education program: evaluating current policy, establishing a community task force, implementing and evaluating values activities and programs, and implementing a communications program. To order, contact: American Association of School Administrators, Publication Sales, 1801 North Moore Street, Arlington, VA 22209-9988, (703) 875-0730, Fax: (703) 841-1543. Cost \$14.95.

Moral Education in the Life of a School. A Report from the ASCD Panel on Moral Education. April 1988.

This report offers a useful framework for examining critical issues such as morality, religion, and achieving consensus on morality within a community. This booklet also offers 10 specific recommendations for educators to act upon. To order,



contact: The Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA 22314, (703) 549-9110, Fax: (703) 549-3891, ASCD Stock # 611-88038. Cost: \$6.00.

Personal Responsibility Education Process Handbook and Resources for Educators and Communities.

These handbooks describe St. Louis's school-business-community partnership promoting character education and list effective programs and activities being used there. To order, contact: PREP, The Network for Educational Development, 13157 Olive Spur Road, St. Louis, MO 63141, (314) 576-3535, Fax: (314) 576-4996. Cost: \$5.00 each.

Ryan, Kevin and Edward A. Wynne. *Reclaiming Our Schools: A Handbook on Teaching Character, Academics, and Discipline.* Macmillan, 1993.

Kilpatrick, William. *Why Johnny Can't Tell Right from Wrong.* Simon and Schuster, 1992.

The Character Education Partnership Board of Directors

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The Williamsburg Charter

The Williamsburg Charter was written and published expressly to address the dilemmas, challenges, and opportunities posed by religious liberty in American public life today. Beginning in the fall of 1986, the charter was drafted by representatives of America's leading faiths—Protestant, Catholic, Jewish, and secularist, in particular. It was revised over the course of two years in close consultation with political leaders, scholars from many disciplines, and leaders from a wide array of faith communities. Named after the Williamsburg in honor of the city's role as the cradle of religious liberty in America, it was presented to the nation in Williamsburg on June 25, 1988, when the first 100 national signers signed it publicly on the occasion of the 200th anniversary of Virginia's call for the Bill of Rights.

The stated purpose of the charter is fourfold: to celebrate the uniqueness of the First Amendment religious liberty clauses; to reaffirm religious liberty—or freedom of conscience—for citizens of all faiths and none; to set out the place of religious liberty within American public life; and to define the guiding principles by which people with deep differences can contend robustly but civilly in the public arena.

There are three main sections in the charter: first, a call for a reaffirmation of the first principles that underlie the religious liberty in American experience; second, a call for a reappraisal of the course and conduct of recent public controversies; and third, a call for “reconstitution” of the American people, in the sense of this generation reappropriating the framers’ vision and ideals in our time.

Numerous individual points could be highlighted in a document that has much to say on current issues in law and society—the place accorded to naturalistic faiths, the delineation of the relationship of the two religious liberty clauses, the mention of the menace of the modern state, the insistence on the danger of “semi-establishments,” and so on. But the two principal themes of the charter center on the importance of religious liberty as America's “first liberty,” and on the religious liberty clauses as the “golden rule” for civic life. These themes—the inalienable right and the universal duty to respect that right—are developed in various ways, ranging from exposition of first principles to contemporary guidelines, but the overall effect is a powerful restatement of a critical aspect of America's public philosophy.

This introduction to the Williamsburg Charter is taken from *Articles of Faith: Articles of Peace: The Religious Liberty Clauses and the American Public Philosophy*. Hunter, James Davison and Os Guinness, eds. Washington: The Brookings Institution. 1990.



The Williamsburg Charter

Keenly aware of the high national purpose of commemorating the bicentennial of the United States Constitution, we who sign this Charter seek to celebrate the Constitution's greatness, and to call for a bold reaffirmation and reappraisal of its vision and guiding principles. In particular, we call for a fresh consideration of religious liberty in our time, and of the place of the First Amendment Religious Liberty clauses in our national life.

We gratefully acknowledge that the Constitution has been hailed as America's "chief export" and "the most wonderful work ever struck off at a given time by the brain and purpose of man." Today, two hundred years after its signing, the Constitution is not only the world's oldest, still-effective written constitution, but the admired pattern of ordered liberty for countless people in many lands.

In spite of its enduring and universal qualities, however, some provisions of the Constitution are now the subject of widespread controversy in the United States. One area of intense controversy concerns the First Amendment Religious Liberty clauses, whose mutually reinforcing provisions act as a double guarantee of religious liberty, one part barring the making of any law "respecting an establishment of religion" and the other barring any law "prohibiting the free exercise thereof."

The First Amendment Religious Liberty provisions epitomize the Constitution's visionary realism. They were, as James Madison said, the "true remedy" to the predicament of religious conflict they originally addressed, and they well express the responsibilities and limits of the state with respect to liberty and justice.

Our commemoration of the Constitution's bicentennial must therefore go beyond celebration to rededication. Unless this is done, an irreplaceable part of national life will be endangered, and a remarkable opportunity for the expansion of liberty will be lost.

For we judge that the present controversies over religion in public life pose both a danger and an opportunity. There is evident danger in the fact that certain forms of politically reassertive religion in parts of the world are, in principle, enemies of democratic freedom and a source of deep social antagonism. There is also evident opportunity in the growing philosophical and cultural awareness that all people live by commitments and ideals, that value-neutrality is impossible in the ordering of society, and that we are on the edge of a promising moment for a fresh assessment of pluralism and liberty. It is with an eye to both the promise and the peril that we publish this Charter and pledge ourselves to its principles.

We readily acknowledge our continuing differences. Signing this Charter implies no pretense that we believe the same things or that our differences over policy proposals, legal interpretations and philosophical groundings do not ultimately matter. The truth is not even that what unites us is deeper than what divides us, for differences over belief are the deepest and least easily negotiated of all.



The Charter sets forth a renewed national compact, in the sense of a solemn mutual agreement between parties, on how we view the place of religion in American life and how we should contend with each other's deepest differences in the public sphere. It is a call to a vision of public life that will allow conflict to lead to consensus, religious commitment to reinforce political civility. In this way, diversity is not a point of weakness but a source of strength.

I. A TIME FOR REAFFIRMATION

We believe, in the first place, that the nature of the Religious Liberty clauses must be understood before the problems surrounding them can be resolved. We therefore affirm both their cardinal assumptions and the reasons for their crucial national importance.

With regard to the assumptions of the First Amendment Religious Liberty clauses, we hold three to be chief:

1. The Inalienable Right

Nothing is more characteristic of humankind than the natural and inescapable drive toward meaning and belonging, toward making sense of life and finding community in the world. As fundamental and precious as life itself, this "will to meaning" finds expression in ultimate beliefs, whether theistic or non-theistic, transcendent or naturalistic, and these beliefs are most our own when a matter of conviction rather than coercion. They are most our own when, in the words of George Mason, the principal author of the Virginia Declaration of Rights, they are "directed only by reason and conviction, not by force or violence."

As James Madison expressed it in his Memorial and Remonstrance, "The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right."

Two hundred years later, despite dramatic changes in life and a marked increase of naturalistic philosophies in some parts of the world and in certain sectors of our society, this right to religious liberty based upon freedom of conscience remains fundamental and inalienable. While particular beliefs may be true or false, better or worse, the right to reach, hold, exercise them freely, or change them, is basic and non-negotiable.

Religious liberty finally depends on neither the favors of the state and its officials nor the vagaries of tyrants or majorities. Religious liberty in a democracy is a right that may not be submitted to vote and depends on the outcome of no election. A society is only as just and free as it is respectful of this right, especially toward the beliefs of its smallest minorities and least popular communities.

The right to freedom of conscience is premised not upon science, nor upon social utility, nor upon pride of species. Rather, it is premised upon the inviolable dignity of the human person. It is the foundation of, and is integrally related to, all other



rights and freedoms secured by the Constitution. This basic civil liberty is clearly acknowledged in the Declaration of Independence and is ineradicable from the long tradition of rights and liberties from which the Revolution sprang.

2. The Ever Present Danger

No threat to freedom of conscience and religious liberty has historically been greater than the coercions of both Church and State. These two institutions—the one religious, the other political—have through the centuries succumbed to the temptation of coercion in their claims over minds and souls. When these institutions and their claims have been combined, it has too often resulted in terrible violations of human liberty and dignity. They are so combined when the sword and purse of the State are in the hands of the Church, or when the State usurps the mantle of the Church so as to coerce the conscience and compel belief. These and other such confusions of religion and state authority represent the misordering of religion and government which it is the purpose of the Religious Liberty provisions to prevent.

Authorities and orthodoxies have changed, kingdoms and empires have come and gone, yet as John Milton once warned, “new Presbyter is but old priest writ large.” Similarly, the modern persecutor of religion is but ancient tyrant with more refined instruments of control. Moreover, many of the greatest crimes against conscience of this century have been committed, not by religious authorities, but by ideologues virulently opposed to traditional religion.

Yet whether ancient or modern, issuing from religion or ideology, the result is the same: religious and ideological orthodoxies, when politically established, lead only too naturally toward what Roger Williams called a “spiritual rape” that coerces the conscience and produces “rivers of civil blood” that stain the record of human history.

Less dramatic but also lethal to freedom and the chief menace to religious liberty today is the expanding power of government control over personal behavior and the institutions of society, when the government acts not so much in deliberate hostility to, but in reckless disregard of, communal belief and personal conscience.

Thanks principally to the wisdom of the First Amendment, the American experience is different. But even in America where state-established orthodoxies are unlawful and the state is constitutionally limited, religious liberty can never be taken for granted. It is a rare achievement that requires constant protection.

3. The Most Nearly Perfect Solution

Knowing well that “nothing human can be perfect” (James Madison) and that the Constitution was not “a faultless work” (Gouverneur Morris), the Framers nevertheless saw the First Amendment as a “true remedy” and the most nearly perfect solution yet devised for properly ordering the relationship of religion and the state in a free society.

There have been occasions when the protections of the First Amendment have been overridden or imperfectly applied. Nonetheless, the First Amendment is a momentous decision for religious liberty, the most important political decision for religious liberty and public justice in the history of humankind. Limitation upon religious liberty is allowable only where the State has borne a heavy burden of



proof that the limitation is justified—not by any ordinary public interest, but by a supreme public necessity—and that no less restrictive alternative to limitation exists.

The Religious Liberty clauses are a brilliant construct in which both No establishment and Free exercise serve the ends of religious liberty and freedom of conscience. No longer can sword, purse and sacred mantle be equated. Now, the government is barred from using religion's mantle to become a confessional State, and from allowing religion to use the government's sword and purse to become a coercing Church. In this new order, the freedom of the government from religious control and the freedom of religion from government control are a double guarantee of the protection of rights. No faith is preferred or prohibited, for where there is no state-definable orthodoxy, there can be no state-punishable heresy.

With regard to the reasons why the First Amendment Religious Liberty clauses are important for the nation today, we hold five to be pre-eminent:

- 1. The First Amendment Religious Liberty provisions have both a logical and historical priority in the Bill of Rights.** They have logical priority because the security of all rights rests upon the recognition that they are neither given by the state, nor can they be taken away by the state. Such rights are inherent in the inviolability of the human person. History demonstrates that unless these rights are protected our society's slow, painful progress toward freedom would not have been possible.
- 2. The First Amendment Religious Liberty provisions lie close to the heart of the distinctiveness of the American experiment.** The uniqueness of the American way of disestablishment and its consequences have often been more obvious to foreign observers such as Alexis de Tocqueville and Lord James Bryce, who wrote that "of all the differences between the Old world and the New, this is perhaps the most salient." In particular, the Religious Liberty clauses are vital to harnessing otherwise centrifugal forces such as personal liberty and social diversity, thus sustaining republican vitality while making possible a necessary measure of national concord.
- 3. The First Amendment Religious Liberty provisions are the democratic world's most salient alternative to the totalitarian repression of human rights and provide a corrective to unbridled nationalism and religious warfare around the world.**
- 4. The First Amendment Religious Liberty provisions provide the United States' most distinctive answer to one of the world's most pressing questions in the late-twentieth century. They address the problem: How do we live with each other's deepest differences?** How do religious convictions and political freedom complement rather than threaten each other on a small planet in a pluralistic age? In a world in which bigotry, fanaticism, terrorism and the state control of religion are all too common responses to these questions, sustaining the justice and liberty of the American arrangement is an urgent moral task.
- 5. The First Amendment Religious Liberty provisions give American society a unique position in relation to both the First and Third worlds.** Highly modernized like the rest of the First World, yet not so secularized, this society—largely because of religious freedom—remains, like most of the Third World, deeply



religious. This fact, which is critical for possibilities of better human understanding, has not been sufficiently appreciated in American self-understanding, or drawn upon in American diplomacy and communication throughout the world.

In sum, as much if not more than any other single provision in the entire Constitution, the Religious Liberty provisions hold the key to American distinctiveness and American destiny. Far from being settled by the interpretations of judges and historians, the last word on the First Amendment likely rests in a chapter yet to be written, documenting the unfolding drama of America. If religious liberty is neglected, all civil liberties will suffer. If it is guarded and sustained, the American experiment will be the more secure.

II. A TIME FOR REAPPRAISAL

Much of the current controversy about religion and politics neither reflects the highest wisdom of the First Amendment nor serves the best interests of the disputants or the nation. We therefore call for a critical reappraisal of the course and consequences of such controversy. Four widespread errors have exacerbated the controversy needlessly.

1. The Issue Is Not Only What We Debate, But How

The debate about religion in public life is too often misconstrued as a clash of ideologies alone, pitting “secularists” against the “sectarians” or vice versa. Though competing and even contrary worldviews are involved, the controversy is not solely ideological. It also flows from a breakdown in understanding of how personal and communal beliefs should be related to public life.

The American republic depends upon the answers to two questions. By what ultimate truths ought we to live? And how should these be related to public life? The first question is personal, but has a public dimension because of the connection between beliefs and public virtue. The American answer to the first question is that the government is excluded from giving an answer. The second question, however, is thoroughly public in character, and a public answer is appropriate and necessary to the well-being of this society.

This second question was central to the idea of the First Amendment. The Religious Liberty provisions are not “articles of faith” concerned with the substance of particular doctrines or of policy issues. They are “articles of peace” concerned with the constitutional constraints and the shared prior understanding within which the American people can engage their differences in a civil manner and thus provide for both religious liberty and stable public government.

Conflicts over the relationship between deeply held beliefs and public policy will remain a continuing feature of democratic life. They do not discredit the First Amendment, but confirm its wisdom and point to the need to distinguish the Religious Liberty clauses from the particular controversies they address. The clauses can never be divorced from the controversies they address, but should always be held distinct. In the public discussion, an open commitment to the constraints and standards of the clauses should precede and accompany debate over the controversies.



2. The Issue Is Not Sectarian, But National

The role of religion in American public life is too often devalued or dismissed in public debate, as though the American people's historically vital religious traditions were at best a purely private matter and at worst essentially sectarian and divisive.

Such a position betrays a failure of civil respect for the convictions of others. It also underestimates the degree to which the Framers relied on the American people's religious convictions to be what Tocqueville described as "the first of their political institutions." In America, this crucial public role has been played by diverse beliefs, not so much despite disestablishment as because of disestablishment.

The Founders knew well that the republic they established represented an audacious gamble against long historical odds. This form of government depends upon ultimate beliefs, for otherwise we have no right to the rights by which it thrives, yet rejects any official formulation of them. The republic will therefore always remain an "undecided experiment" that stands or falls by the dynamism of its non-established faiths.

3. The Issue Is Larger Than the Disputants

Recent controversies over religion and public life have too often become a form of warfare in which individuals, motives and reputations have been impugned. The intensity of the debate is commensurate with the importance of the issues debated, but to those engaged in this warfare we present two arguments for reappraisal and restraint.

The lesser argument is one of expediency and is based on the ironic fact that each side has become the best argument for the other. One side's excesses have become the other side's arguments; one side's extremists the other side's recruiters. The danger is that, as the ideological warfare becomes self-perpetuating, more serious issues and broader national interests will be forgotten and the bitterness deepened.

The more important argument is one of principle and is based on the fact that the several sides have pursued their objectives in ways which contradict their own best ideals. Too often, for example, religious believers have been uncharitable, liberals have been illiberal, conservatives have been insensitive to tradition, champions of tolerance have been intolerant, defenders of free speech have been censorious, and citizens of a republic based on democratic accommodation have succumbed to a habit of relentless confrontation.

4. The Issue Is Understandably Threatening

The First Amendment's meaning is too often debated in ways that ignore the genuine grievances or justifiable fears of opposing points of view. This happens when the logic of opposing arguments favors either an unwarranted intrusion of religion into public life or an unwarranted exclusion of religion from it. History plainly shows that with religious control over government, political freedom dies; with political control over religion, religious freedom dies.

The First Amendment has contributed to avoiding both these perils, but this happy experience is no cause for complacency. Though the United States has escaped the worst excesses experienced elsewhere in the world, the republic has shown two distinct tendencies of its own, one in the past and one today.



In earlier times, though lasting well into the twentieth century, there was a de facto semi-establishment of one religion in the United States: a generalized Protestantism given dominant status in national institutions, especially in the public schools. This development was largely approved by Protestants, but widely opposed by non-Protestants, including Catholics and Jews.

In more recent times, and partly in reaction, constitutional jurisprudence has tended, in the view of many, to move toward the de facto semi-establishment of a wholly secular understanding of the origin, nature and destiny of humankind and of the American nation. During this period, the exclusion of teaching about the role of religion in society, based partly upon a misunderstanding of First Amendment decisions, has ironically resulted in giving a dominant status to such wholly secular understandings in many national institutions. Many secularists appear as unconcerned over the consequences of this development as were Protestants unconcerned about their de facto establishment earlier.

Such de facto establishments, though seldom extreme, usually benign and often unwitting, are the source of grievances and fears among the several parties in current controversies. Together with the encroachments of the expanding modern state, such de facto establishments, as much as any official establishment, are likely to remain a threat to freedom and justice for all.

Justifiable fears are raised by those who advocate theocracy or the coercive power of law to establish a "Christian America." While this advocacy is and should be legally protected, such proposals contradict freedom of conscience and the genius of the Religious Liberty provisions.

At the same time there are others who raise justifiable fears of an unwarranted exclusion of religion from public life. The assertion of moral judgments as though they were morally neutral, and interpretations of the "wall of separation" that would exclude religious expression and argument from public life, also contradict freedom of conscience and the genius of the provisions.

Civility obliges citizens in a pluralistic society to take great care in using words and casting issues. The communications media have a primary role, and thus a special responsibility, in shaping public opinion and debate. Words such as public, secular and religious should be free from discriminatory bias. "Secular purpose," for example, should not mean "non-religious purpose" but "general public purpose." Otherwise, the impression is gained that "public is equivalent to secular; religion is equivalent to private." Such equations are neither accurate nor just. Similarly, it is false to equate "public" and "governmental." In a society that sets store by the necessary limits on government, there are many spheres of life that are public but non-governmental.

Two important conclusions follow from a reappraisal of the present controversies over religion in public life. First, the process of adjustment and readjustment to the constraints and standards of the Religious Liberty provisions is an ongoing requirement of American democracy. The Constitution is not a self-interpreting, self-executing document; and the prescriptions of the Religious Liberty provisions cannot by themselves resolve the myriad confusions and ambiguities surrounding the right ordering of the relationship between religion and government in a free society. The Framers clearly understood that the Religious Liberty provisions provide the legal construct for what must be an ongoing process of adjustment and mutual give-and-take in a democracy.



We are keenly aware that, especially over state-supported education, we as a people must continue to wrestle with the complex connections between religion and the transmission of moral values in a pluralistic society. Thus, we cannot have, and should not seek, a definitive, once for all solution to the questions that will continue to surround the Religious Liberty provisions.

Second, the need for such a readjustment today can best be addressed by remembering that the two clauses are essentially one provision for preserving religious liberty. Both parts, No establishment and Free exercise, are to be comprehensively understood as being in the service of religious liberty as a positive good. At the heart of the Establishment clause is the prohibition of state sponsorship of religion and at the heart of Free Exercise clause is the prohibition of state interference with religious liberty.

No sponsorship means that the state must leave to the free citizenry the public expression of ultimate beliefs, religious or otherwise, providing only that no expression is excluded from, and none governmentally favored, in the continuing democratic discourse.

No interference means the assurance of voluntary religious expression free from governmental intervention. This includes placing religious expression on an equal footing with all other forms of expression in genuinely public forums.

No sponsorship and no interference together mean fair opportunity. That is to say, all faiths are free to enter vigorously into public life and to exercise such influence as their followers and ideas engender. Such democratic exercise of influence is in the best tradition of American voluntarism and is not an unwarranted "imposition" or "establishment."

III. A TIME FOR RECONSTITUTION

We believe, finally, that the time is ripe for a genuine expansion of democratic liberty, and that this goal may be attained through a new engagement of citizens in a debate that is reordered in accord with constitutional first principles and considerations of the common good. This amounts to no less than the reconstitution of a free republican people in our day. Careful consideration of three precepts would advance this possibility:

1. The Criteria Must Be Multiple

Reconstitution requires the recognition that the great dangers in interpreting the Constitution today are either to release interpretation from any demanding criteria or to narrow the criteria excessively. The first relaxes the necessary restraining force of the Constitution, while the second overlooks the insights that have arisen from the Constitution in two centuries of national experience.

Religious liberty is the only freedom in the First Amendment to be given two provisions. Together the clauses form a strong bulwark against suppression of religious liberty, yet they emerge from a series of dynamic tensions which cannot ultimately be relaxed. The Religious Liberty provisions grow out of an understanding not only of rights and a due recognition of faiths but of realism and a due recognition of factions. They themselves reflect both faith and skepticism. They raise questions of equality and liberty, majority rule and minority rights, individual convictions and communal tradition.



The Religious Liberty provisions must be understood both in terms of the Framers' intentions and history's sometimes surprising results. Interpreting and applying them today requires not only historical research but moral and political reflection.

The intention of the Framers is therefore a necessary but insufficient criterion for interpreting and applying the Constitution. But applied by itself, without any consideration of immutable principles of justice, the intention can easily be wielded as a weapon for governmental or sectarian causes, some quoting Jefferson and brandishing No establishment and others citing Madison and brandishing Free exercise. Rather, we must take the purpose and text of the Constitution seriously, sustain the principles behind the words and add an appreciation of the many-sided genius of the First Amendment and its complex development over time.

2. The Consensus Must Be Dynamic

Reconstitution requires a shared understanding of the relationship between the Constitution and the society it is to serve. The Framers understood that the Constitution is more than parchment and ink. The principles embodied in the document must be affirmed in practice by a free people since these principles reflect everything that constitutes the essential forms and substance of their society—the institutions, customs and ideals as well as the laws. Civic vitality and the effectiveness of law can be undermined when they overlook this broader cultural context of the Constitution.

Notable, in this connection is the striking absence today of any national consensus about religious liberty as a positive good. Yet religious liberty is indisputably what the Framers intended and what the First Amendment has preserved. Far from being a matter of exemption, exception or even toleration, religious liberty is an inalienable right. Far from being a sub-category of free speech or a constitutional redundancy, religious liberty is distinct and foundational. Far from being simply an individual right, religious liberty is a positive social good. Far from denigrating religion as a social or political “problem,” the separation of Church and State is both the saving of religion from the temptation of political power and an achievement inspired in large part by religion itself. Far from weakening religion, disestablishment has, as an historical fact, enabled it to flourish.

In light of the First Amendment, the government should stand in relation to the churches, synagogues and other communities of faith as the guarantor of freedom. In light of the First Amendment, the churches, synagogues and other communities of faith stand in relation to the government as generators of faith, and therefore contribute to the spiritual and moral foundations of democracy. Thus, the government acts as a safeguard, but not the source, of freedom for faiths, whereas the churches and synagogues act as a source, but not the safeguard, of faiths for freedom.

The Religious Liberty provisions work for each other and for the federal idea as a whole. Neither established nor excluded, neither preferred nor proscribed, each faith (whether transcendent or naturalistic) is brought into a relationship with the government so that each is separated from the state in terms of its institutions, but democratically related to the state in terms of individuals and its ideas.

The result is neither a naked public square where all religion is excluded, nor a sacred public square with any religion established or semi-established. The result, rather, is a civil public square in which citizens of all religious faiths, or none, engage one another in the continuing democratic discourse.



3. The Compact Must Be Mutual

Reconstitution of a free republican people requires the recognition that religious liberty is a universal right joined to a universal duty to respect that right.

In the turns and twists of history, victims of religious discrimination have often later become perpetrators. In the famous image of Roger Williams, those at the helm of the Ship of State forget they were once under the hatches. They have, he said, “One weight for themselves when they are under the hatches, and another for others when they come to the helm.” They show themselves, said James Madison, “as ready to set up an establishment which is to take them in as they were to pull down that which shut them out.” Thus, benignly or otherwise, Protestants have treated Catholics as they were once treated, and secularists have done likewise with both.

Such inconsistencies are the natural seedbed for the growth of a de facto establishment. Against such inconsistencies we affirm that a right for one is a right for another and a responsibility for all. A right for a Protestant is a right for an Orthodox is a right for a Catholic is a right for a Jew is a right for a Humanist is a right for a Mormon is a right for a Muslim is a right for a Buddhist—and for the followers of any other faith within the wide bounds of the republic.

That rights are universal and responsibilities mutual is both the premise and the promise of democratic pluralism. The First Amendment, in this sense, is the epitome of public justice and serves as the Golden Rule for civic life. Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves. Whereas the wearer of the English crown is officially the Defender of the Faith, all who uphold the American Constitution are defenders of the rights of all faiths.

From this axiom, that rights are universal and responsibilities mutual, derives guidelines for conducting public debates involving religion in a manner that is democratic and civil. These guidelines are not, and must not be, mandated by law. But they are, we believe, necessary to reconstitute and revitalize the American understanding of the role of religion in a free society.

First, those who claim the right to dissent should assume the responsibility to debate: Commitment to democratic pluralism assumes the coexistence within one political community of groups whose ultimate faith commitments may be incompatible, yet whose common commitment to social unity and diversity does justice to both the requirements of individual conscience and the wider community. A general consent to the obligations of citizenship is therefore inherent in the American experiment, both as a founding principle (“We the people”) and as a matter of daily practice.

There must always be room for those who do not wish to participate in the public ordering of our common life, who desire to pursue their own religious witness separately as conscience dictates. But at the same time, for those who do wish to participate, it should be understood that those claiming the right to dissent should assume the responsibility to debate. As this responsibility is exercised, the characteristic American formula of individual liberty complemented by respect for the opinions of others permits differences to be asserted, yet a broad, active community of understanding to be sustained.



Second, those who claim the right to criticize should assume the responsibility to comprehend: One of the ironies of democratic life is that freedom of conscience is jeopardized by false tolerance as well as by outright intolerance. Genuine tolerance considers contrary views fairly and judges them on merit. Debased tolerance so refrains from making any judgment that it refuses to listen at all. Genuine tolerance honestly weighs honest differences and promotes both impartiality and pluralism. Debased tolerance results in indifference to the differences that vitalize a pluralistic democracy.

Central to the difference between genuine and debased tolerance is the recognition that peace and truth must be held in tension. Pluralism must not be confused with, and is in fact endangered by, philosophical and ethical indifference. Commitment to strong, clear philosophical and ethical ideas need not imply either intolerance or opposition to democratic pluralism. On the contrary, democratic pluralism requires an agreement to be locked in public argument over disagreements of consequence within the bonds of civility.

The right to argue for any public policy is a fundamental right for every citizen; respecting that right is a fundamental responsibility for all other citizens. When any view is expressed, all must uphold as constitutionally protected its advocate's right to express it. But others are free to challenge that view as politically pernicious, philosophically false, ethically evil, theologically idolatrous, or simply absurd, as the case may be seen to be.

Unless this tension between peace and truth is respected, civility cannot be sustained. In that event, tolerance degenerates into either apathetic relativism or a dogmatism as uncritical of itself as it is uncomprehending of others. The result is a general corruption of principled public debate.

Third, those who claim the right to influence should accept the responsibility not to inflame: Too often in recent disputes over religion and public affairs, some have insisted that any evidence of religious influence on public policy represents an establishment of religion and is therefore precluded as an improper "imposition." Such exclusion of religion from public life is historically unwarranted, philosophically inconsistent and profoundly undemocratic. The Framers' intention is indisputably ignored when public policy debates can appeal to the theses of Adam Smith and Karl Marx, or Charles Darwin and Sigmund Freud but not to the Western religious tradition in general and the Hebrew and Christian Scriptures in particular. Many of the most dynamic social movements in American history, including that of civil rights, were legitimately inspired and shaped by religious motivation.

Freedom of conscience and the right to influence public policy on the basis of religiously informed ideas are inseverably linked. In short, a key to democratic renewal is the fullest possible participation in the most open possible debate.

Religious liberty and democratic civility are also threatened, however, from another quarter. Overreacting to an improper veto on religion in public life, many have used religious language and images not for the legitimate influencing of policies but to inflame politics. Politics is indeed an extension of ethics and therefore engages religious principles; but some err by refusing to recognize that there is a distinction, though not a separation, between religion and politics. As a result, they bring to politics a misplaced absoluteness that idolizes politics, "Satanizes" their enemies and politicizes their own faith.



Even the most morally informed policy positions involve prudential judgments as well as pure principle. Therefore, to make an absolute equation of principles and policies inflates politics and does violence to reason, civil life and faith itself. Politics has recently been inflamed by a number of confusions: the confusion of personal religious affiliation with qualification or disqualification for public office; the confusion of claims to divine guidance with claims to divine endorsement; and the confusion of government neutrality among faiths with government indifference or hostility to religion.

Fourth, those who claim the right to participate should accept the responsibility to persuade: Central to the American experience is the power of political persuasion. Growing partly from principle and partly from the pressures of democratic pluralism, commitment to persuasion is the corollary of the belief that conscience is inviolable, coercion of conscience is evil, and the public interest is best served by consent hard won from vigorous debate. Those who believe themselves privy to the will of history brook no argument and need never tarry for consent. But to those who subscribe to the idea of government by the consent of the governed, compelled beliefs are a violation of first principles. The natural logic of the Religious Liberty provisions is to foster a political culture of persuasion which admits the challenge of opinions from all sources.

Arguments for public policy should be more than private convictions shouted out loud. For persuasion to be principled, private convictions should be translated into publicly accessible claims. Such public claims should be made publicly accessible for two reasons: first, because they must engage those who do not share the same private convictions, and second, because they should be directed toward the common good.

RENEWAL OF FIRST PRINCIPLES

We who live in the third century of the American republic can learn well from the past as we look to the future. Our Founders were both idealists and realists. Their confidence in human abilities was tempered by their skepticism about human nature. Aware of what was new in their times, they also knew the need for renewal in times after theirs. "No free government, or the blessings of liberty," wrote George Mason in 1776, "can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."

True to the ideals and realism of that vision, we who sign this Charter, people of many and various beliefs, pledge ourselves to the enduring precepts of the First Amendment as the cornerstone of the American experiment in liberty under law.

We address ourselves to our fellow citizens, daring to hope that the strongest desire of the greatest number is for the common good. We are firmly persuaded that the principles asserted here require a fresh consideration, and that the renewal of religious liberty is crucial to sustain a free people that would remain free. We therefore commit ourselves to speak, write and act according to this vision and these principles. We urge our fellow citizens to do the same.

To agree on such guiding principles and to achieve such a compact will not be easy. Whereas a law is a command directed to us, a compact is a promise that must proceed freely from us. To achieve it demands a measure of the vision, sacrifice and perseverance shown by our Founders. Their task was to defy the past, seeing and securing religious liberty against the terrible precedents of history. Ours is to



challenge the future, sustaining vigilance and broadening protections against every new menace, including that of our own complacency. Knowing the unquenchable desire for freedom, they lit a beacon. It is for us who know its blessings to keep it burning brightly.

Sample School District Policies

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The school district policies reproduced below reflect a variety of approaches in various parts of the nation to religion in the curriculum. Their inclusion in this guide is not intended as an endorsement of a particular approach or policy, but an illustration of how different communities have addressed these issues. We urge all communities and school districts to develop their own policies and guidelines using the strategies outlined in the guide. For additional sample policies on other issues concerning religion and the schools, write to the editors of this guide at The Freedom Forum First Amendment Center at Vanderbilt University.



Wicomico County Board of Education

Salisbury, Maryland

[Editor's Note: In 1991 the Wicomico County Board of Education adopted a policy establishing guidelines for teaching about religion and advising teachers on how to approach school programs and religious holidays. The adoption of this policy, despite its success and the community's endorsement of it today, was a slow and difficult process. Fortunately, through open discussions between parents, teachers and school administrators, consensus was reached on a policy that all members of the community could support. Parents who felt the policy's original draft represented one portion of the community's religious agenda, eventually were able to support a revised draft which they came to view as a sound policy intended to help the community sensitively address issues of religious liberty.

Wicomico County's success was due to several important factors: a diversified Values Committee which worked steadily on the policy; open community discussions about the proposed policy; and in-service training for teachers after the adoption of the new policy. Dr. Evelyn Blose Holman, superintendent of schools for Wicomico County, explains that the policy gives the schools guidelines, saving the community from "some of the rancor and debate" that surrounds religious liberty issues.

In order to further promote the goals of the policy, the county intends to adopt new materials for the study about religions, and the Values Committee has drafted a brochure addressing teacher's frequently asked questions in regards to the policy. Clearly, the adoption of such a policy requires hard work and continuing efforts, but as one parent notes, simply the discussions surrounding the policy have been good for the community, helping the county's schools embrace the values articulated in the policy.]

Wicomico County's Policy: Teaching About Religion

PREAMBLE

Any discussion of the place of religion in public education must be grounded in the principle of freedom of conscience, particularly as it is embodied in this nation's First Amendment to the Constitution which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ..."

This inalienable right to religious liberty depends neither upon political authority nor upon any election but is rooted in the inviolable dignity of each person.

Teaching about religion, then, must adhere to the American experiment which cherishes beliefs that are a matter of conviction rather than coercion. It must foster learning in an atmosphere permeated by the values adopted by the Wicomico County school system: compassion, courtesy, freedom of thought and action, honesty, loyalty, respect for others' rights, responsibility, responsible citizenship, self-respect and tolerance.

While the Supreme Court has prohibited religious indoctrination by the public schools, the court has made clear that teaching about religion is permissible under the First Amendment. Operating under the principle that knowledge is preferable to ignorance and recognizing the significant role religion has played in this



nation's public life and culture and in the wider arena of world history, the board supports teaching about religious history and tradition where appropriate in the curriculum.

POLICY

The board of education endorses teaching about religion where the curriculum guides indicate it is appropriate and when the classroom atmosphere encourages both teachers and students to be responsible and to respect the rights of each person.

Such teaching must foster knowledge about religion, not indoctrination into religion; it should be academic, not devotional or testimonial; it should promote awareness of religion, not sponsor its practice; it should inform students about the diversity of religious views rather than impose one particular view; and it should promote understanding and respect rather than divisiveness.

Consequently, the board endorses, where appropriate and feasible, the professional development of teachers who wish to learn more about the constitutionally appropriate place of religion in the curriculum. The board also supports the development of new instructional materials that will reflect age-appropriate content and activities for teaching about religion.

GUIDELINES

To help school administrators and teachers interpret and apply the Wicomico County Board of Education policy regarding teaching about religion in the schools, the following guidelines have been developed by the Values Committee of the Wicomico County Board of Education in consultation with the First Liberty Institute.

PART 1: CURRICULUM

- A. Religious instruction is the responsibility of parents and religious institutions, but teaching about religion is a legitimate part of a complete education on the elementary and secondary levels.
- B. Teaching about religion should always operate within the context of First Amendment rights and responsibilities. In order to ensure the activity is constitutional, its purpose and effort should be to educate about rather than promote religion. The activity should also avoid excessive entanglement between the schools and religious organizations.
- C. As a part of the curriculum, religious literature, music drama and the arts may be included, provided each is intrinsic to the learning experience in the various fields of study and is presented objectively.

Also, as part of the curriculum, students may be asked to read selections from sacred writings for their literary and historical qualities, but not for devotional purposes.

PART 2: SCHOOL PROGRAMS AND HOLIDAYS

- A. School programs, performances and celebrations will serve an educational purpose. The inclusion of religious music, symbols, art or writings may be permitted if the religious content has an independent educational purpose which contributes to the stated objectives of the approved curriculum.
- B. The use of religious symbols, provided they are used only as an example of cultural and religious heritage, is permitted as a teaching aid or resource. These symbols may be displayed only for the length of time that the instructional activity requires.
- C. The Supreme Court has made clear that public schools may not sponsor religious celebrations but may teach about religion. Secular and religious holidays provide opportunities for educating students about history and cultures, as well as traditions of particular religious groups within a pluralistic society.

However, teachers must exercise special caution and sensitivity whenever discussion about religious holidays occurs. Presentation of materials dealing with religious holidays must be accurate, informed and descriptive. Focus should be on the origins, history and generally agreed-upon meanings of the holidays. Since teachers will need to be aware of the diversity of religious beliefs in their classroom and in the county at large, they will need to be particularly sensitive to the rights of religious minorities as well as those who hold no religious belief. Respect for religious diversity in the classroom requires that teachers be fair and balanced in their treatment of religious holidays. Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject religious beliefs into the discussions. Teachers can teach through attribution, i.e., by reporting that "some Buddhists believe ..."

- D. On the elementary level, natural opportunities arise for discussion of religious holidays while studying different cultures and communities; in the secondary level, students of world history or literature will have opportunities to consider the holy days of religious traditions.
- E. Teachers need to be aware of the major religious holidays of all the represented religions in their classrooms so as to avoid, as much as possible, creating an undue burden on students who choose not to attend school on those days.

PART 3: SCHEDULING

- A. School scheduling should reasonably accommodate religious observances in the community. The yearly school calendar should minimize conflicts with the religious holidays of all faiths.
- B. The Wicomico School calendar shall continue to recognize national, state, school and community observances. Special days beyond those specified on the calendar may be accommodated as reasonably as possible, with students being asked to make up assignments or examinations without loss of status or penalty.

PART 4: PROCEDURES

- A. Recognizing the importance of religious liberty and freedom of conscience, school administrators and teachers will allow students to be excused, where it is feasible, from activities that are contrary to religious beliefs. Students are responsible for notifying school officials in advance and arranging for make-up work. Students and/or staff members wishing to be excused from activities that are contrary to their religious beliefs may make that request of the appropriate teacher or supervisor, within a reasonable time period to allow accommodations to be made.
- B. This policy holds for all lectures, programs and performances presented within the school during normal school hours. It is the responsibility of teachers and school officials to notify, whenever relevant, outside speakers and performers of Wicomico County's policy and its guidelines.
- C. Disciplinary questions that relate to violations of this policy by teachers or administrators will be resolved through the already established procedures of the board.
- D. Recognizing that no guidelines can give exhaustive treatment of this issue, the Superintendent may choose to refer disputes about implementation of this policy to an appropriate committee.



Des Moines Public Schools

Des Moines, Iowa

Final Report, Committee on Religion in the Curriculum, April 18, 1989

Introduction

On November 18, 1986, the Des Moines Schools' Board of Directors approved the establishment of a committee to study the District's curriculum and review the subject of how the topic of religion is approached within the curriculum and the classroom. From February 9, 1987, to February 1988, this committee, made up of 15 individuals representing a broad cross section of the religious diversity of the greater Des Moines community and three School District personnel, met regularly. The committee has functioned under the following purpose statement:

To determine if the curriculum in the Des Moines Public Schools *adequately* addresses and portrays the role religion has played in the development of American ideals, laws, customs, and traditions in all appropriate subject areas.

In the months of its deliberation, committee members interviewed teaching, supervisory, and administrative staff from music, science, literature, social science, etc.; surveyed curricula for selected course areas; heard presentations by students in the "elective" religion course; and reviewed studies and scholarship being produced across the nation by others concerned with the same issue. Time was also devoted to reviewing the various legal challenges in areas of religion in the schools.

Following the review phase, a subcommittee was formed to draft a report and recommendations of the committee's work. Once drafted, the report was circulated to the Board of Directors as a point of information and the committee held two



evenings of public comment. Following the public comment period, the committee members reviewed the input received from the community and a final recommendation was drafted.

Overview of the Concern

As the committee began its task of gathering and reviewing research, it was soon apparent that the topic of the place of religion in the curriculum was of interest across the nation and a copious amount of material was available for review. Although each district and/or association had areas of concern specific to the purview of each, the following central tenets were woven into each analysis:

Without exception, all of the material that the religion committee reviewed was concerned with establishing a manner within the educational framework to treat religion and religious matters in accordance with the requirements of the law and in accordance with sound educational policy. Each piece of research was also mindful of preserving the balance between the free exercise and establishment clauses of the First Amendment to the Constitution.

The following central observations could be found in almost all of the source material reviewed.

The quest for religious freedom that brought the European population to America receives little treatment in textbooks. A full account of some events such as the abolitionist movement, the civil rights movement, the temperance movement, and others have been generally omitted from textbooks to ward off the possible controversy caused by an exaggerated fear and misreading of the constitutional rulings separating church and state. This has caused a dilemma for teachers: how to walk a fine line between teaching about religion and yet not promote religion.

The fear factor and often exaggerated rhetoric surrounding this topic has resulted in teachers treating religion with benign neglect.

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Textbooks Virtually Ignore Religion

Teachers have transferred the aversion to teaching about religion to other topics and many times will ignore teaching about and/or discussing decisions of conscience because of a mistaken belief that to teach about social and moral responsibility is to teach religion.

Because there have been almost no policies in schools governing the role of religion in the curriculum, teachers who might want to teach about religion in a responsible manner were open to community pressures and had no policy guidance to rely upon.

It has also been found that supplementary volumes and curricula in these areas are rarely readily available in school libraries and other teacher support networks and, in most cases, do not exist, thereby further complicating the teacher's job.

It is also clear that policies on religion in the curriculum are necessary to dislodge the large textbook publishers, who look to large state adoptions of particular texts when they create their materials for marketing.

To be thoughtful citizens, to vote intelligently, and to relate to one another in school/college, students must understand the diversity of religion and the role it has played in the development of nations and cultures.

Often schools have allowed policies regarding the teaching of religion to evolve from de facto experience, which is not uniform.

In conclusion, all materials reviewed pointed to the need for school districts to develop district level policies governing the place and role of religion in the curriculum.

What Did the Committee Find in Des Moines?

As mentioned in the introduction, the Religion Committee, as a part of its year-long study, interviewed personnel and reviewed various curricula from the Des Moines District. The following summarizes the committee's observations:

There is a generally perceived need for instructional objectives governing the teaching about religion in appropriate curriculum areas.

The instructional objectives on teaching about religion and its role in history are inadequate in the history curriculum.

There were many concerns expressed about religious content in music programs.

The committee liked the elective course, Religion in Human Culture. The course is one of only four in the state.

The vast majority of students possess scant knowledge about the role religion has played throughout history and do not have an understanding of religious diversity.

Science is not a problematic area. Religious theory is not part of the science curriculum, and the current science curriculum objectives are adequate.

The nature of the literature curriculum facilitates the inclusion of instructional materials on the topic of the role of religion.

Textbooks provide little material on the role religion has played in the development of American ideals, laws, customs, and traditions.

The District's policy of not assigning homework on Wednesday nights to be due on Thursday and the practice of avoiding scheduled school activities on Wednesday nights conflicts with the proposed policy of neutrality in matters regarding religion in the District.

There is a need to adopt a formal policy regarding religion for the District. Up to this point, the District has been operating with statements of guidelines (appended) that have functioned de facto as policy statements; but these are not comprehensive and cannot be relied upon as can a policy statement.

Recommendation

It is recommended that the following policy be adopted and implemented by the Des Moines Independent Community School District:



Policy Regarding Religion

It is the policy of the Des Moines Independent Community School District that with respect to matters of religion the District is neutral.

The District's policy requires that there be no preference shown for any one religion over any other nor any preference shown for religion over non-religion or for non-religion over religion.

The District's policy does not mean indifference. It is essential to the educational mission of the District that teachers honestly, fairly, and forthrightly teach about religion. The District should offer instruction about religions and the role and influence of religion in history, literature, art, music, science or any other area of study in which religion has played a role.

The District's policy protects a teacher's teaching about religion in the context of the District's curricula. The District's policy of being neutral also protects a student's right to be free from being singled out and identified on the basis of religion by the District.

The District's policy of being neutral with respect to matters of religion is to be applied through its educational programs in such a way that:

- a. There may be the study of religion and religions, but not the sponsorship of the practice of religion.
- b. Students may be exposed to any and all religious views, but there shall be no imposition of any particular view.
- c. The approach to religion shall be one of instruction, not one of indoctrination. The purpose is to educate, not convert. The effort is an academic one, not a devotional one. The focus shall be on the study of what all people believe and must not be on teaching a student what to believe.
- d. There shall be encouragement of tolerance of various beliefs of a religious nature and an understanding about religion as an important cornerstone of a pluralistic and democratic society.
- e. A pupil's absence from school on a religious holiday shall be recognized as an excused absence, without penalty on scholastic or attendance records. In general, no student should suffer a penalty because of his/her involvement in religious activities related to his/her particular religious belief. So as not to disadvantage students for their religious observance, the scheduling of examinations, assemblies, field trips, graduation exercises, and other special events, including school-related programs for parents, should be avoided on religious holidays and, in selected instances, on the eve of certain religious holidays.

Procedures

1. The curricula shall include appropriate objectives regarding the role religions have played in the development of the various countries, cultures, movements, customs, traditions, and values.
2. There shall be consideration of the adequacy and appropriateness of all new instructional material in all areas relative to the role religion has played in the development of countries, cultures, movements, places, and persons. Special care shall be given, in this regard, in the areas of language arts, social studies, art, and music. Where there are not adequate text materials available, supplementary teaching materials shall be developed and made available to teaching personnel.

3. In determining all course content and curriculum, care and sensitivity shall be shown for the religious or non-religious beliefs, attitudes, and feelings of the students. Also, special attention shall be given to the developmental differences between elementary and secondary students. However, the decision to include—or exclude—material from the curriculum must be based on secular, not religious, reasons. Materials should not be deleted just because someone’s religious sensibilities might be offended. Materials shall be presented objectively.
4. A musical program prepared for and presented by the school should not be nor have the effect of being religiously oriented or a religious celebration. The total effect of a music program or concert must be non-religious. The study of religious music as a part of a music appreciation course or as part of a study of various lands and cultures is proper and is permitted.
5. There shall be no production or sponsorship of any religious program, religious holiday observance, or celebration, whether on or off school premises, whether optional or compulsory. This policy does not allow worship ceremonies of any kind or the presentation of religious dramas as part of a religious holiday celebration or observance.
6. Any non-instructional display of religious symbols of any kind by the District is prohibited. Religious symbols include, but are not limited to, any object or objects of worship, crosses, crucifixes, cult symbols, Islamic Crescents, nativity scenes, trees decorated as religious symbols, menorahs, Stars of David, etc.
7. The responsibility for the implementation of this policy and related staff training rests with the Assistant Superintendent for Instruction. In addition, the Religion in the Curriculum Committee shall continue as the advisory committee to the Assistant Superintendent for Instruction on matters regarding this policy.

Additional Recommendation

The District’s policy of not assigning homework on Wednesday to be due on Thursday should be discontinued.

The original purpose of the policy restricting the assignment of homework on Wednesday nights was to support religious education in the community. The committee found that the subsequent relabeling of this night from “church night” to “family night” did not change the initial purpose. It should be noted here that the individual student’s right to engage in religious activities free of interference, burden, or penalty by the district is protected by the recommended policy in general and specifically under section “E.”

Conclusion

In conclusion, Supreme Court Justice Clark says it best as he notes in a majority opinion written in the most prominent of school prayer cases, *Abington School District v. Schempp*:

The job of educators is to educate, not to instill religious devotion a person cannot be fully educated without understanding the role of religion in history, culture, and politics. And the law, constitutional or otherwise, is no impediment to the realization of this aim.



St. Louis Park Public Schools

Minneapolis, Minnesota

Introduction

The problem of the proper relationship between the public schools and religion has always been perplexing. It has often engendered controversy between different religious groups, as well as between the religious and nonreligious. The problem is particularly difficult when dealing with young, impressionable children.

The need for resolution of this problem prompted the formation of this committee. In our efforts to seek solutions, we deliberated among ourselves, and also obtained the views of many members of the community. A public meeting was attended by almost 200. Many opinions were voiced at that meeting. In addition, this committee received over 200 written responses from various individuals as well as additional written statements from interested organizations.

As a result, it has become obvious to the committee that there is no general agreement among large segments of the community regarding a proper course to follow. Aside from a feeling among many that there should be some general instruction as to different beliefs (which this committee has included in a later recommendation), there was no general consensus. We deliberately did not attempt to determine a "majority" position, nor base our recommendations on a mere polling, because the beliefs of all must be considered. The comments we received have indicated both the depth of individual beliefs, as well as the need and desire to accommodate the beliefs of all.

It is apparent that we live in a pluralistic society where there is great diversity of religious beliefs. There are 83 separate religious bodies in the United States, each with membership in excess of 50,000 members, as well as differing group and individual beliefs too numerous to count. There are also those who profess no formal beliefs whatsoever. The population of St. Louis Park is a microcosm of the American Community, with diverse convictions. With our mobile society, the complexion of the community is always changing.

Moreover, the choice of what, if anything, to believe, is, and should be, left solely to the individual. Each person is free to choose or reject any belief he or she wishes without interference from either government or other members of the community. The choice made by each person and family is entitled to the greatest respect. The public schools must exercise the utmost care to do nothing that would inhibit or belittle the religious or nonreligious beliefs of the families or children in their care. No child should be put in an embarrassing position because of his or her family's choice. The right of each person to worship as he chooses, or not worship at all, is inviolable.

The plurality of religious belief has indicated to us that the solution is not simply, as has been suggested, to recognize major Christian and Jewish holidays or practices. The question is not one of parity, because parity among only some religious groups is a disservice to all. Some religions object to all public worship and, even among Christians, observances are markedly different. Some worship according to no Bible, and some do not worship at all. It is not the function of schools to select among the great diversity of worship forms. If a majority, even a

majority consisting of several religions, can practice or observe its religion in the schools, we allow religion to become a divisive force in society, and turn one person against another.

It is for this reason that we did not attempt to formulate our opinion on the basis of what some might term a “majority” position. Our nation is designed to protect the conscience of the minority in areas of individual choice. With our mobile society, the majority today may well be the minority of the future. If the “majority” today can impose their views they are subject to being imposed upon tomorrow.

The committee has determined that the proper role of religion in the public schools is in its educational value and not in religious observance or celebration. It is obvious that religion is an important cultural value whose effects have been felt throughout history. Since the primary purpose of the public schools is to teach about the world that has been and the world that is, the part that religion has played in the historical and social development of humans is essential to the curriculum.

Moreover, the public schools can play a vital role in bringing about an understanding between peoples of different backgrounds. The public schools are perhaps the only meeting place for children of all backgrounds and beliefs. In that capacity the schools are invaluable in teaching our children about the beliefs of all, religious and nonreligious alike. Through knowledge will come understanding and mutual respect. We may and should teach about religion in history, and the history of religion.

But just as it is the place of the public schools to teach, it is not their place to proselytize or convert. The instruction, about which we have made detailed recommendations, must be objective. It should not be weighed in favor of one religion or in favor of all religions as compared with no religion.

Aside from this instruction in the curriculum, we feel that religion has no other formal place in the official public school programs. To allow any observance or celebration is to destroy the delicate balance that allows a community of plural beliefs to remain cohesive.

This is not to say that a child who is religious may not bring that religion to school with him. The entire purpose of our findings is that the beliefs of each child be respected. We do not wish to downgrade religion, but we recognize that the churches and public schools are different and serve different purposes. Just as we want complete freedom for churches, we also want freedom of choice for all individuals and respect for all views within the public schools.

Although our committee was of a diverse nature—six Jews, six Christians, one Unitarian and a rabbi, a priest, and a minister—we were able to find accord in the following recommendations. After 13 meetings stretching from January 24 to May 3, we found that by talking out our differences and by demonstrating respect for each other and care for those who would be affected by our decisions, we could arrive at what we think is a workable solution to the problem we were confronted with. If the citizens of St. Louis Park will demonstrate the same concern for each other, we will have no further dissension in this area.



1. Religious Holidays

- a. Religious holidays may be noted or recognized in the schools. They may not be observed or celebrated.
- b. At Christmas the schools should emphasize the universal values of that season that are shared by all, whether they be of a particular religion or of no religion. Thus, peace, goodwill, and brotherhood are appropriate for recognition at that time, as at any time in the year. However, these values should not be depicted as stemming from any religious event. Gift giving, either between the children or to the teacher, is not appropriate.
- c. Other holidays having religious connotation may be noted in their nonreligious aspects, such as Thanksgiving, Valentine's Day, and Halloween. Since the schools are not an extension of any or all churches, the recognition of those holidays should not be religious in nature.
- d. Parties before winter and spring vacation are appropriate during the week prior to vacation insofar as the curriculum allows. Interference with other school programs at these times should be kept to a minimum.
- e. The significance of holidays may be explained or discussed as questions from the children arise, so as to promote a better understanding among all faiths.

2. Religious Symbols

- a. A religious symbol is:
 - (1) Any object that portrays or recognizes the existence of a supreme being or deity. The Cross, Star of David, nativity scene, menorah, tablets, chalices, crescent, Buddha, and any other symbols that are part of a religious celebration or ceremony are in this category.
 - (2) Any object that is so closely associated with religion or religions or with the celebration of a religious holiday that it is looked upon by a segment of the population as being of religious nature. The dreidel, Christmas tree, Santa Claus, Lion of Judah, Easter eggs, and Easter bunnies are in this category.
- b. Display of religious symbols
 - (1) Any of the above described symbols may be displayed as part of a broad cultural study and left on display for the time their presence is necessary to the study.
 - (2) Any of the above described symbols may be displayed for show-and-tell of upper grade reports or class discussion so long as their appearance is volunteered by students, and so long as the symbols are removed from display upon completion of the report or discussion.
 - (3) Pictures of the above may be displayed on classroom student bulletin boards if they are maintained on a voluntary basis by the students so that the display is not the product of, encouraged or directed by, the staff or administration.
 - (4) At all levels, students should not be discouraged from expressing themselves through the use of religious symbols in art or shop assignments. Teachers must be careful not to encourage the reproduction of religious symbols to the exclusion of others.
 - (5) Display of posters depicting, encouraging, or inviting religious thought or action shall be limited according to the regulations regarding the display of all posters in the school.
 - (6) Some religious symbols, such as Santa Claus, Christmas tree, menorah, Easter eggs, and Easter bunnies have a peculiarly seasonal importance that cannot be ignored. While the display of such symbols or pictures

of them should not be encouraged, they may be displayed as part of a broad cultural study appropriate to the season. Such display should be limited so as not to exceed a one-week period, and should be restricted to classroom use.

3. Religious Music

a. Religious music is defined as:

- (1) Any music that recognizes the existence of a supreme being or deity. "The Messiah," "O Holy Night," "Silent Night," the Kaddish, Kol Nidra, and Maoz Tzur are examples of this music.
- (2) Any music that is suggestive of or that has become so closely associated with religions or religious holidays that it is looked upon by a segment of the population as being of a religious nature. "Santa Claus is Coming to Town," "Here Comes Peter Cottontail," "White Christmas," and "Dreydal" are examples of this music.

b. Nonreligious music

- (1) Examples of seasonal music that are not religious in nature are "Frosty the Snowman," "Jingle Bells," and "Winter Wonderland."

c. Religious musical programs

- (1) Musical programs prepared for or presented during school hours should not be religious or religious-holiday oriented. However, seasonal programs prepared for or presented during school hours may include religious music. Examples of acceptable programs are a pre-winter holiday program that includes winter, Christmas, and other music, or a program of holiday music from around the world that includes music from religious and nonreligious holidays from various nations and religions.
- (2) A volunteer group practicing outside of school hours may present a program of religious music in the school outside of school hours. Such a group would have much latitude in its choice of music and would be limited only by the rules governing use of the school facilities.
- (3) There should be no caroling in the public areas of the school during school hours.

d. Study of religious music

- (1) At all levels, the study of religious music as part of a musical appreciation course, as a musical experience, as part of a study of various lands and cultures is to be encouraged.
- (2) Seasonally appropriate religious music may be studied during the season when interest is highest.

e. Special note

- (1) In all public school programs and study, care must be taken to avoid presentation of the music as a celebration of a particular religion or religious holiday, and to ensure that there is no bias shown against any religion or nonreligion.
- (2) The faculty should determine the appropriateness of music presented or studied, and must be especially sensitive to the words of the music chosen so as not to promote or discourage religion.
- (3) Elementary level teachers have a great deal of control over their students, who are generally quite impressionable. These teachers should be especially careful to include a wide variety of music, religious and secular, so as not to emphasize to the exclusion of others the music of religion or religions.
- (4) Teachers must be especially sensitive to the feelings of students who



might wish not to participate for religious or a religious reasons.

4. Religion in the Curriculum

- a. Courses in the history, sociology, and literature of religions are to be encouraged in the public Senior High School curriculum.
 - (1) They must be elective.
 - (2) They must be planned so as not to espouse religion but to teach about it and its effect on our world.
 - (3) Those who determine the level at which such courses are offered should be aware of potential problems at lower levels:
 - a) Pressure from peer group
 - b) Overreaction to religious concepts
 - c) Lack of opportunity for electives
 - d) Interference with Confirmation studies through junior high level
 - (4) As with any other subject of historical, sociological, or literary study, religion should be viewed objectively and be subject to critical evaluation.
 - (5) Faculty teaching these courses should receive special training necessary to instruct in this area.
- b. Religion cannot be avoided at any level of education. When the subject occurs naturally in studying other topics, such as history, literature, other cultures, for example, it should be treated as part of that study. Study of the American Indian, the Pilgrims, Greek mythology, or the Crusades would be impossible without discussion of the role of religion.

5. School Calendar

- a. The school calendar should be prepared so as to minimize conflict with the religious holidays of all faiths.
- b. Where conflicts are unavoidable, care should be taken to avoid tests, special projects, introduction of new concepts, and other activities that would be difficult to make up. Conversely, the students who remain in school should continue to have meaningful learning experiences.

6. Publication, Implementation, Follow-up

- a. It is recommended that the guidelines as finally established by the School Board be made public no later than July 1, 1972, so as to assist those making plans for the coming school year and to avoid unpleasant surprises at holiday seasons.
- b. It is recommended that School Board, administration, and faculty establish an implementation committee to deal with questions arising from the guidelines.
- c. It is recommended that a review committee be established to evaluate the guidelines after they have been in effect for a period of one year.

7. Conclusion

We want our children exposed to cross-cultural literature and music, including that of all religions, and to those religions and their holidays, whether Eastern or Aboriginal, so long as the purpose or effect is not the encouragement or discouragement of religion. We feel that such exposure can be accomplished in St. Louis Park Public Schools with the cooperation of parents, teachers, and students.

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John Seigenthaler is chairman of The Freedom Forum First Amendment Center and a trustee of The Freedom Forum. He is chairman emeritus of *The Tennessean* in Nashville and the founding editorial director of USA TODAY.

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This guide is built on the conviction that finding common ground on many of the issues that divide us is possible within the civic framework provided by the Religious Liberty clauses of the First Amendment to the U.S. Constitution.

The key is for all sides to step back from the debate and to give fresh consideration to the democratic first principles that bind us together as a people.

Then, in light of our shared civic commitments, we can work for policies and practices in public education that best protect the conscience of every student and parent in our schools.

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Religious Liberty, Public Education, and the Future of American Democracy

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