

Watering America's Pluralist Roots: The Case for Open Religious Dialog in American Public Schools

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The longest lasting and most intimate interaction with government for most Americans takes place in US public schools. The Court's choice to enter into the national religious debate intensified the rhetoric and polarized many Americans into opponents and proponents of increasing religious instruction in public schools. This work narrates the positions of Christian Americanists, pluralists, and secularists in this debate. It argues that court-originated policy governing religion in schools is a failure. A return to Constitutional Pluralism would benefit all people in the United States.

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Religion and School Policy

Every morning, sleepy students across the United States rise from their chairs, clasp their hands to their hearts, and pledge their allegiance to the United States of America. They profess a commitment to liberty and representative democracy as well as an unwillingness to allow the political dissolution of the republic. These principles, penned by Christian Minister Francis Bellamy in 1892, reflect bedrock principles among Americans. They borrow inspirational language from the foundational documents of the United States and reflect hard earned wisdom from strife and Civil War. Most Americans would have difficulty finding fault in requiring young people to recite it each morning, especially if it retained its original form.

In 1954, Mr. Bellamy's words were modified after petitions from the Knights of Columbus and other Baptist ministers. At the Knights' insistence, the United States Congress added the phrase "Under God" to the pledge (Kao, 2007, p. 184). The seemingly innocuous nature of that short phrase belies the profound change it made to the meaning of the pledge. The new pledge, and the controversy surrounding its

recitation by American school students, is part of a widening debate regarding the place of religion in American public life. This debate “is best understood not as a debate between believers and atheists, but on the contested meaning, significance, and propriety of civil religion in America itself” (Kao & Copulsky, 2007, p. 121). The pledge debate opened a new front in the smoldering war over religion’s place in public life.

The fact that the controversy plays out in America’s public schools is not incidental. Schools are seen as an important transmitter of culture to youth in the United States (Spirituality and Education, 2000), and all Americans share a stake in the values we pass on to future generations. The pledge controversy, along with other intersections of religion and public life, heightens the tension and raises the stakes for all sides of the national debate on religion.

For most Americans, faith is an essential element of life. It provides moral stability, a frame of reference for understanding the world, and a guide for social and political action. According to a 2002 Pew Research Center poll, 59% of Americans consider religion to be very important to their lives (Pew Global Attitudes Project, 2002). Religion is part of America’s national character and remains so despite opposite trends in many other industrialized nations (Halman & Draulans, 2006). It has been translated from parents and religious leaders to children from generation to generation. The ability to pass on a particular religious vision and outlook is viewed as a fundamental American right and has been jealously guarded by American citizens throughout the existence of the United States.

This work explores the historical roots of the policies that govern the public exercise of religion in American schools. It continues by explaining the positions of prominent ideological groups with a stake in an intensifying national debate over religion in schools. It concludes by evaluating the intentions of the constitutional framers and arguing for a more flexible and nuanced policy.

Defending and Expanding Public Religion in American Schools

Debate regarding the role of religion in schools began in the late 18th century. At the time, a certain level of religious activity in schools was assumed, although that activity would be considered watered down by contemporary proponents of religion in public school. The religion that became a part of the school day in 19th century America was not meant to instigate argument or to indoctrinate students into a particular style of religious thinking. When religion entered the public sphere, it was usually uncontroversial (Moore, 1999). The more enthusiastic debate centered on balancing the rights of native-born protestant Americans with newly arrived Catholics from Ireland and Southern Europe. Catholic parents chafed at the use of the King James Version of the Bible and were concerned by the actions of prominent Massachusetts educator Horace Mann, who advocated for mandated school prayer and Bible reading (Moore, 1999).

In the contemporary debate, the proponents for an increased role for religion in schools can be loosely grouped into three philosophical ideologies: Christian

Americanism, religious Pluralism, and religious charter school movement. The most vocal and visible group contends that the United States' laws and government were formed by biblical Christian principles, that the Founding Fathers were Christians and intended the United States to be a Christian nation, and that American citizens are primarily Christian (Sturm, 2008). Though this philosophy has deep historical roots, it has gained ground in recent decades as the national political spectrum drifted right. Chancey (2007) labeled this ideology Christian Americanism.

Christian Americanism

Christian Americanists view the 18th and 19th centuries as a golden age for American public education. This view rests on their belief that Christianity monopolized religion and morality during that period (Harding, 2009) and the perception of relative uniformity in American classrooms regarding the use of Christian documents and principles in instruction (Moore, 1999). Many Americans believe structural problems regarding American schools would be solved by returning to the policies of that era. Christian Americanists are uncomfortable with the representation of cultural Pluralism as a virtue. Netland (2001) argues that cultural Pluralism "poses special challenges to the Christian faith" (p. 12). The perception of danger resulting from the Christian Americanist interpretation of pluralism has led many to actively work against Pluralism in public schools.

Christian Americanists believe that the federal Supreme Court's interpretation of the First Amendment Establishment Clause prevents them from exercising their religion freely. They argue that the court's rulings on religion in school target Christianity and make it impossible for Christians to express their faith. Since 1948, the Supreme Court issued rulings that blocked religious instruction by clergy in classrooms, prevented teachers from leading prayer, and banned schools from posting copies of the Ten Commandments in classrooms (Davis, 2010). Lower federal courts also draw criticism from Christian Americanists for rulings that ban the instruction of Creationism or Intelligent Design as scientific theories.

These decisions create a cohesive, if vague, policy regulating religious action in schools. The *Lemon v. Kurtzman* (1971) case codified these guidelines. The court's ruling generated assessment measures that require government action to have a secular purpose, not to have the effect of either advancing or inhibiting religion, and not to result in excessive government entanglement with religion (*Lemon v. Kurtzman*, 1971). Though the courts have remained consistent for 60 years regarding these issues, Christian Americanists remain dissatisfied. Many Christian Americanists argue that the limitations placed on religion in schools mandated by the *Lemon* case make it impossible for them to exercise their religion freely.

Christian Americanist leaders deploy a variety of strategies to create opportunities for expansion of their brand of religion in public schools. In Florida and Texas, Christian leaders pushed the legal envelope by encouraging and defending students who lead organized prayer before sporting events (Boston, 2009). In North

Carolina a fundamentalist Christian organization named the National Council on Bible Curriculum in Public Schools developed a curriculum that argued the primacy of the Bible, called the scientific age of the earth into question, and attempted to undermine scientific data supporting the theory of evolution (Boston, 2006). The council sold this curriculum to public schools in North Carolina and Texas, where it came under academic scrutiny and faced legal challenges. More recently, conservatives on the Texas State board of education approved a school curriculum that calls the principle of the separation of church and state into question and claims that the nation was founded on Christian principles (Robelen, 2010). Each of these cases reflects a loose strategy by Christian Americanists to align the public education experience in the United States more closely to their worldview.

Religious Pluralism

Other proponents for an expansion of the role of religion in public schools justify their position as the continuation of American religious Pluralism. Though they share the desire for religion to be taught in public school classrooms, Pluralists differ from Christian Americanists significantly in the reasons and methods for achieving that end. Pluralists are concerned about government endorsement of religion but argue, "The greater risk is that by expunging all religious subject matter from lesson plans, students determine that religious liberty is either unimportant or so difficult to manage in a plural society that it is best to ignore it" (Branch, 2007, p. 1431). Like Christian Americanists, Pluralists find fault with the federal court system's 60-year history of strict interpretation of the First Amendment's establishment clause. They differ from their counterparts by arguing that the rulings themselves are the cause of religious strife and misunderstanding. From their perspective, court rulings like the Lemon case fuel religious quarrels and undermine the religious Pluralism protected by the First Amendment of the Bill of Rights.

Subscribers to the Pluralist view argue that the only way to ensure the survival of First Amendment religious freedom is to teach religion in schools. Branch (2007) summarizes this perspective: "Is a classroom not the appropriate place for students to develop a practical sense of the meaning and consequences of religious freedom?" (p. 1431). Pluralists argue that respect for dissimilar cultures and religions must be learned. For them, schools offer an opportunity to instill respect and tolerance for varying viewpoints by instructing students about the beliefs and practices of dissimilar faiths.

A religious instruction model pioneered by Modesto, California, demonstrates the Pluralists' argument (Lester & Roberts, 2008). Modesto is a diverse community with substantial populations of citizens belonging to religions from around the world. Though caught in the mire of ethnic and religious strife, school community leaders developed a religious study program for their public school that highlighted understanding and tolerance for all faiths in the community. Students at Modesto schools could opt out of the program; however, few chose that option. Instead, the program had a measurable impact on the health of the community's religious diversity and helped to re-establish

communication and understanding among citizens from different religious and ethnic groups. According to Lester and Roberts (2008), who studied the Modesto experiment, “[t]he secret to Modesto’s triumph was that what the two sides wanted was not as far apart as the two sides themselves originally thought” (p. 198). Religious Pluralists believe that including religion in public education can alleviate the escalating national religious debate.

Religious Charter School Movement

Some see a solution in the developing charter school movement. Charter schools receive public funding to meet the needs of students with unique homogeneous interests. The Supreme Court ruled that charter schools may coalesce around accommodating students of particular faiths; however, these schools may not explicitly endorse a particular religion or provide instruction that aligns with teachings from any one religion (Weinberg, 2009). Some educators favor religious charter schools as a solution to the rancorous debate surrounding religion in public schools (Bailey & Cooper, 2009; Hillman, 2008). According to Lawrence Weinberg, “Charter schools shift the balance of power in education away from the state and closer to parents” (Weinberg, 2009, p. 300). Weinberg and others see religious charter schools as a way to meet the needs of diverse religious interests without trampling supporting individual religions over one another or establishing one religion as superior to others.

These charter schools do expand the role of religion in public school but are not considered a satisfactory solution by either Christian Americanists or religious Pluralists. For Christian Americanists, faith-based charter schools place limits on school policies that impede school leadership from fully encouraging their religious practices among faculty and students (Cooper, 2009). Religious Pluralists also oppose the expansion of religious charter schools (Eches, Fox, & Buchannan, 2011). For them, the state-subsidized social isolation of distinct religious groups runs contrary to the vision the founding fathers had for a pluralist American society. Neither set of proponents see religious charter schools as a viable option for resolving the debate regarding their core platforms for expanding the role of religion in American public education.

Secularism in Public Schools

Opponents of religion in school primarily organize around a secular interpretation of American history, law, and politics. They argue that the First Amendment of the Constitution demands a strict separation of church and state and leaves no loopholes for believers to bring faith into the classroom. Their version of the American story begins with enlightened American Founding Fathers designing a government free from the messy entanglements with religion that characterized European states. For Secularists, the role of religion is codified in the First Amendment. Thomas Jefferson consolidated and strengthened this position by creating a doctrine separating church and state. The nation’s courts and policy makers further solidified this doctrine with over

200 years of precedents ruling against religious establishment and in favor of secularism in government. Opponents view the contemporary debate regarding religion in public schools as an assault on an essential principle in American government and a threat to a secular democracy.

Foundations of Secular Public Schooling

Secularists run the gamut from Atheists to Agnostics and include members of many different religious identities. The essence of their argument lies in the principle that a state-supported religion is a hazard to religious freedom. For Secularists, any government use of tax revenue to support a particular form of religious expression is unconstitutional (Finkelman, 2008). This includes supplying money for religious education, teaching religious canon in a public institution, and endorsing particular religions through practices like faculty-led prayer or posting religious documents. According to Secularists, John Adams and George Washington advanced this interpretation during the national debate over a 1797 Treaty with Tripoli (Moore & Silverman, 2010). For secularists, the freedom to worship or not worship must be defended through strict adherence to the wall of separation envisioned by Jefferson and laid down as settled law early in American history.

Recent Success for Secularism

Secularists view the past half century's rulings on religion favorably. According to Michael Davis, "[t]he Court has never wavered on issues regarding religious activities on public schools – it has struck down every policy it has chosen to review" (Davis, 2010, p. 33). Unlike Christian Americanists who view court-mandated policy guidelines like the Lemon Test as assaults to their religious freedom or Pluralists who decry the rulings as divisive, Secularists view these rulings as a defense of protected First Amendment religious liberty. Court rulings against school prayer (*Abington v. Shemp*, 1963) and religious instruction in public schools (*Kitzmiller, et al. v. Dover Area School District*, 2005) affirm the secularist position and strengthen the separationist precedent. Secularists identify these court decisions as necessary responses to organized attempts by Christian Americanists and others to break down firm divisions between religion and public life.

Secularists are less sympathetic to the Christian Americanists than religious pluralists. Many secularists believe Christian Americanists are engaged in an organized effort to expand the role of religion in schools and popularize their brand of Christian belief at the expense of minority religious groups and non-believers. Secularists view the attempts by Christian Americanists to introduce religion in schools as mounting evidence of an organized Christian Americanist agenda.

The national debate regarding the introduction of the Texas State History Standards in the spring and summer of 2010 illustrates the secularists' point. A

Republican majority sitting on the Texas State Board of Education revised standards introduced by historians, educators, and administrators to reflect a more conservative interpretation of American History (Horan, 2010). The proposed changes de-emphasize the separation of church and state precedent, assert that the founding fathers were Christians in the mold of modern Christian Americanists, and play down societal divisions based on class, race, and religion (Boston, 2010). According to Eric Foner (2010), a preeminent historian, "Conservatives want students to come away from a Texas education with a favorable impression of women who adhere to traditional gender roles, the Confederacy, some parts of the Constitution, capitalism, the military, and religion" (p. 5). Secularists point to the politicization of the curriculum generation process, Texas' prominent role on influencing national textbook content, and the wholesale adoption of the conservative agenda by a partisan board as proof of an organized effort to push religion into America's public schools.

Other events similar to the Texas Curriculum controversy galvanize secularists. These actions include organized school prayer before football games in Texas (Savage, 2000), faculty-led prayer in public schools in Florida (Boston, 2009), and a House of Representatives bill emphasizing the Christian foundation and history of the United States (Hedges, 2008). In each of these efforts, Secularists justify their defense by pointing to the perceived assault on the separation of church and state in public schools.

Secularists also defend the curriculum from the intrusion of religion-based ideas like Creationism and Intelligent Design. Though recent court cases banned the instruction of Intelligent Design as a scientific theory, mounting evidence shows that a growing number of Americans believe that it is an appropriate instructional topic in public schools. Bowman (2007) found that 3 out of 10 college freshmen reported learning about creationism in their science classes and that 2 out of 10 claimed having received instruction about Intelligent Design. Trends like the one reported in this study are used by secularists to argue that organized religion is gaining ground in this debate and serve as a rallying point for the defense of the wall between church and state.

The Failure of Court-Originated Policy

On October 19, 2010, Delaware Senatorial Candidates Chris Coons and Christine O'Donnell faced off in a debate. While explaining the separation of church and state doctrine established by the Supreme Court, O'Donnell interrupted Coons by incredulously repeating him as he recited the First Amendment's Establishment Clause (Tenaty, 2010). O'Donnell's interjections implied that she believed Candidate Coons misunderstood the Constitution. From her perspective, he was ignoring its defense of the free exercise of religion at the expense of Christian Americans. Senator Coons' response emphasized the importance of keeping religion out of the public sphere through a wall of separation between church and state. Both candidates seemed unaware that James Madison's First Amendment could be used to support both arguments. Candidates Coons and O'Donnell are not the first politicians to notice the competing principles in the First Amendment's Establishment and Free Exercise

clauses. However, their flap demonstrates a widening gap in Americans' views regarding the public exercise of religion.

This division is caused by the refusal of the Legislative and Executive branches of government to regulate the religious marketplace adequately by setting clear guidelines for public schools to follow in allowing religious expression and providing religious instruction. The current policy generated by the Federal Courts is vague, fails to encourage pluralistic religious instruction, alienates religious Americans, and assumes the untenable position that religion is a nonessential or invalid aspect of American life. The weakness of court-generated policy, coupled with increasing national diversity and a growing body of research, indicates that the United States would be better served by a clearer policy governing religious instruction in public schools (Ruyter & Merry, 2009; Ozelins, 2010). The new policy should be national in scope, secular in practice, and pluralistic in its outcomes.

While crafting the First Amendment, James Madison attempted to balance the competing interests of organized religion with personal religious autonomy protecting personal religious expression while launching a religion-free national government. His words left future Americans on both sides of the issue with an equal stockpile of constitutional ammunition to defend their points. Modern Secularists, Christian Americanists, and Pluralists each find support for their positions in the Constitution and among the Founding Father's surviving letters and journals. Religious instruction in public schools is increasingly important to these competing interests. Each group glimpses its own defeat when imagining public schools in the hands of their opponents. Consequently, political movements on the right and left galvanize around conservative and liberal versions of the role of religion in public life (Buchanan, 2010; Pew Forum on Religion and Public Life, 2007). As partisanship widens the gulf between competing viewpoints, the stakes grow larger and each side grows increasingly emphatic in defense of their position. The absence of consistent government policy regulating religion in schools intensifies the debate.

Madison's First Amendment ambiguity challenges contemporary politicians and educators looking to construct a lucid, fair, and constitutional policy for handling religion in public schools. Any substantive policy created by a district or course taught by a teacher creates a potential for controversy and lawsuits. Even benign attempts to discuss religion in a cultural context can end in disaster for teachers and districts (Lewy & Betty, 2007). State and national legislators have nothing to gain from entering the fray. Any stance on the issue is destined to anger well organized blocks of impassioned voters. As a result, policy makers have little incentive to include guidelines for religion in local curriculum or in state and national standards.

The nation's courts fill the void left by legislators and state and federal executive bureaucracies. For 160 years of Supreme Court history, the court gradually defined a doctrine that created a relative wall of separation between church and state. The Fourteenth Amendment extends this separation to state level policy, ensuring the Supreme Court has consistently ruled against causes that veered close to that wall (Perry, 2006). The majority opinions from these cases form the backbone of what passes for federal guidelines for educators seeking to teach religion in public schools.

The United States Department of Education issued a guiding document for educators teaching religion and for local policy makers in 2003. It summarizes the Supreme Court's rulings on several controversial practices in a set of guidelines for prayer in schools. These guidelines allow students to pray during non-instructional time, during school sanctioned moments of silence, and during student-organized events; however, they do not allow schools to sanction prayer in assignments, during most instructional time, or during school events, like graduation (U.S. Department of Education, 2003). The document is a warning against taking actions that the Supreme Court has rejected as unconstitutional. Educators attempting to follow these guidelines receive clear warnings against school prayer. Unfortunately, the document stops short of describing policies for other intersections of church and state in school, including courses on religion taught in schools.

The Supreme Court's position as the chief engine behind national policy governing religion in schools is the root cause of the policy's failure. The court's perceived isolation from the Democratic process delegitimizes the policy and inflames dissenters who argue, "An increasingly law-based culture has pushed aside the morality-based culture that once prevailed in America. A liberal crusade has evolved to create a kind of civil religion out of a particular political agenda" (Garry, 2005, p. 130). Though court decisions that ban Intelligent Design in the school curriculum (Kitzmiller, et al. v. Dover Area School District, 2005) and school prayer at organized events like football games (Sante Fe Independent School District v. Doe, 2000) attempted to separate religion from schools, their rulings serve as rallying points for Christian Americanists, Pluralists, and Secularists alike.

A Religious Marketplace

The foundational document governing the role of religion in American schools is the United States Constitution. The Constitution was written before the creation of a nationalized public school system. Any attempt to use the Constitution in the contemporary debate regarding religion in public schools must interpret the intentions of the document's chief author, James Madison. This is a difficult task. The Founding Fathers are often commandeered by various groups seeking moral authority and legal high ground. The prolific writings of men like Madison make it relatively easy for partisans to find evidence to support their points. Madison, heavily influenced by the work of the economist Adam Smith, envisioned a religious marketplace of ideas where people would be free to choose their own religious beliefs and liberated from ugly state-religion entanglements (Lambert, 2003). Madison's challenge was to create a policy that allowed citizens to maintain benign personal spirituality, while protecting citizens from the potentially caustic effects of a state-supported religion. The experiences of the American founding fathers in European states were frequently cited during the Constitutional debates to decry the potential of organized religion to damage personal liberty when cloaked by the government and wrapped in political ideology (Lambert, 2003). Madison's First Amendment of the Bill of Rights ensured a permanent role for government in maintaining a balance between personal and organized forms of

religious expression by assigning government the task of regulating the free market of religious ideas.

Madison intended the First Amendment to allow government to police various sects of 18th century Protestant Christianity. Throughout the 19th and early 20th centuries, the free marketplace grew to include Catholicism and Judaism. These religious groups flourished in the United States largely because Madison's First Amendment allowed the government to issue policies that prevented Protestant Christianity from forcing its views on the newcomers. This lesson is essential to contemporary policy makers. According to Richard Alba and Nancy Foner (2005), "We are now in a new era of immigration, which has brought to this country many adherents of religions outside the Judeo-Christian sphere--Hindus, Muslims and Buddhists among them. If the state now privileges Christian expressions of morality and belief above others, then the successful inclusion of these immigrants and their children will be in peril" (p. 20). Though Madison could only envision a marketplace of relatively homogeneous Protestant sects, the history of United States is the story of the expansion of Madison's Constitutional liberties to increasingly diverse groups of Americans. The current debate regarding religion's role in public schools is the most recent iteration of this historical pattern. It is essential for education policy makers to resume their role as sheriffs of the religious marketplace. The first step must be the construction of a positive and cohesive educational policy governing religious instruction in public schools.

A Policy of Pluralism

The current policy, generated by the Federal Courts, provides policy makers with indicators regarding unconstitutional policy actions during religious instruction in schools. Any new policy must avoid requiring teachers or administrators to lead, encourage, or discourage prayer or religious expression. Instruction must avoid endorsing any religion or particular religious belief. Finally, any policy must allow individual students an opportunity for reasonable religious expression.

New policy governing religious instruction must aim to secure religious and cultural Pluralism. Standards of learning should be clearly communicated and positive in their tone. These standards should include comparing religious practices among Americans, highlighting the effects of religion on world and American history, and showcasing the pluralistic character of the United States. Students should be challenged to identify religion as a source of cooperation and human advancement, as well as a source of conflict and division. Students should be placed in a position to balance their religious rights with the responsibility of religious tolerance. These standards should be national in range, but local in implementation.

The American Constitution was designed to allow all ideas to flourish, religious and secular alike, based on their quality. Madison crafted a document that removed the government from the intellectual affairs of its citizens. Madison intended religion to flourish based on its own merit, as opposed to its adherence to a national ideology or a

cultural majority (McConnell, 2009). Recent policy governing religion in schools polarizes Americans by either ignoring the significance of religion to American people or by making it difficult for educators to deliver pluralistic religious instruction in American schools. Current practices like the rote recital of the pledge of allegiance and student-led prayer fail to instruct students about the pluralistic nature of American society. Christian Americanists, Pluralists, and Secularists alike find fault with the current policy.

A cohesive policy tolerating religious Pluralism in schools would assuage the division among Christian Americanists, Pluralists, and Secularists caused by 60 years of debate over the ad hoc policy generated by the Supreme Court. A standardized policy emphasizing religious instruction could calm Christian Americanists by reintroducing spirituality into schools and encouraging religious expression. Diffusing the Christian Americanists would benefit Secularists, who would no longer have to defend schools from Christian American proselytism. A return to Pluralism would benefit Americans by legitimizing personal religious expression, encouraging cooperation and understanding among diverse groups and micro-cultures, and aligning the public school experience more closely to the way Americans view the world. The time has come to include religious Pluralism in the public school experience.

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