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Religion in Public Schools: Discerning the Needed Balance of Religion in Public Schools

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Abstract

The recent approach of public educators eliminating any mention of religion in school curricula may prove to be detrimental to the developing education of students. Over the years, United States federal government, as well as many state and local governments, have attempted to interpret the appropriate relationship between religion and public schools. The highly debated issue has been the question of what role, if any, religion should have in America's public schools. Wary of violating any legal constraints, many public schools nowadays have tackled the issue of religion by steering clear of it, or merely neglecting to adequately cover topics concerning it. Debate over the issue of religion in school curricula have fallen under two camps. Some scholars argue that religion should be utterly eliminated in public schools whereas other scholars argue that religion should be a vital component in the school curricula of public schools. In this article, I argue that though endorsement of religion violates the legal principles of the United States, this does not insinuate that religion in school curricula should be excluded altogether. In order to prove such assertion, I will first examine the legal standards of the U.S. under the First amendment as they pertain to religion. I will next analyze the case of *Everson v. Board of Education of Ewing Township* (1947) and how it aided in establishing the concrete guidelines and interpretation of the Establishment Clause and how such interpretation disallows the promotion of religion in public schools. In the last portion of my article, I maintain my argument by detailing the necessity of discussing and referencing religion in a well-rounded education and how such was effectively carried out recently by a school district in California. As teachers have more than ever avoided the mention of religion,

scholars may find that further research on the integration of religion in school curricula must be implemented in order to assess the adequate balance of religious assimilation needed in school curricula.

It is with great irony when a nation, performing under the principle of separation of church and state, possesses an oath of loyalty to their country that includes the words "Under God" and that every coin it produces contains the motto "in God we trust." From the time George Washington placed his hand on a Bible and swore to uphold a godless constitution, the United States became a nation not only distinguished for its emphasis on secularism but furthermore recognized for its staunch religiosity. Tracing back to the colonial days, there has always been a powerful inclination to mix religion with public affairs. Whether it be over contemporary political struggles of abortion or gay marriage that draw on religious institutions, or a mere controversy over a monument on public property that contains the Ten Commandments, it is evident that issues involving religion have been woven deeply into the fabric of the U.S. government and nation. Perhaps the most controversial issues in recent decades have been those that deal directly with religious activities pertaining to government and public schools. Over the years, the federal government, as well as many state and local governments, have attempted to effectively interpret the delicate, yet, appropriate relationship between religion and public schools. Specifically, with respect to school curriculum, the highly contested issue has been the question of what role, if any, religion should have in America's public schools. In determining the appropriate place of religion in curricula, many contend that because constitutional constraints disallow the promotion of religion, all material related to religion should be eliminated. In this article, I argue that though endorsement of religion violates the legal principles of the United States, this does not insinuate that religion in school curricula should be excluded altogether. In order to prove such assertion, I will first examine the legal standards of the nation under the First amendment as they pertain to religion. I will next analyze the case of *Everson v. Board of Education of Ewing Township* (1947) and how it aided in establishing the concrete guidelines and interpretation of the Establishment Clause and how such interpretation disallows the promotion of religion in public schools. In the last portion of my article, I maintain my argument by detailing the necessity of discussing and referencing religion in a well-rounded education and how such was effectively carried out recently by a school district in California.

Before I analyze how the religious clauses of the First Amendment and the doctrine of separation of church and state deny the endorsement of religion in public schools, it is important to first discuss the history of these legal principles and examine them in the larger framework of the United States. Together, the Establishment Clause and Free-Exercise Clause of the First Amendment preserve the belief that all Americans possess freedom of religion. In

regard to religion, the First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The groundwork behind the religious clauses traces back to the young days of the American nation. Early immigrants of the American colonies had been largely motivated by the desire to worship freely in the manner of their choosing, particularly after the English Civil war and religious disputes that had taken place in France and Germany. In the late 1600s, English philosopher John Locke contested that legitimate government could not impede free religious expression (Patterson 124). The Founding fathers crafted the First Amendment to reflect this belief by providing freedom of religion through the two aforementioned clauses. However, great judicial and scholarly dispute has been generated as a result of the seemingly present contradiction between the two clauses in guaranteeing freedom from laws relating to an establishment of religion yet simultaneously promoting free exercise of religion. Nevertheless, the highly-recognized doctrine of separation of church and state derived from the First Amendment. The phrase, "separation of church and state", which does not appear in the Constitution itself, traces back to an 1802 letter by Thomas Jefferson to the Danbury Baptists, where Jefferson spoke of the collective effect of the two religious clauses (par. 2). Though first used by Baptist theologian Roger Williams, it was later used by Jefferson as a depiction of the First Amendment and its restriction on the legislative branch of the federal government in disallowing the promotion or establishment of religion.

Since the case of *Everson v. Board of Education of Ewing Township* (1947), the legal principles behind the Establishment Clause and "separation of church and state" have played vital roles in constraining religion in public schools. Thus, it is pertinent to first delve into the background of this case before analyzing the Establishment clause in the context of public schools. Briefly, *Everson* concerned a New Jersey law that sanctioned transportation for students attending private religious schools. Though the Court voted to uphold the statute, it repudiated the narrow and strict interpretation of the clause and interpreted it in favor those in support of separation of church and state (1). The Court adopted a novel and expanded stance on the Establishment clause. In essence, the Establishment clause became construed to forbid government promotion of religion. One of the most fundamental principles of the Supreme Court's Establishment jurisprudence is that the Constitution forbids not only state practices that "aid one religion...or prefer one religion over another," but also practices that "aid all religions" (15). Given such, the Court fundamentally held that government should neither promote nor be hostile toward religion; state practices must be neutral. Through Justice Hugo Black, the Court also held that the Establishment Clause "by law was intended to erect 'a wall of separation between Church and State'" (18). By borrowing not only the words, but credibility of Jefferson and Madison, the decision served to further establish a concrete, metaphorical

division among church and state. Thus, not only does the holding denote *Everson* as one of the most important cases concerning the Establishment Clause but also concerning the principle of church-state separation. In effect, the case defined the legal framework of religion and the state, which would ultimately be employed in the context of public schools.

In relation to public schools, legal precedent demonstrates that through implementation of the Establishment Clause as well as the doctrine concerning a separation of church and state, the government has prohibited teachers, as well as school boards, from endorsing religion through school curriculum. Two landmark cases in particular that have fostered the appropriate guidelines for religious instruction are *McCullum v. Board of Education* (1948) and *Abington Township School District v. Schempp* (1963). *McCullum* addressed the debatable practice of “released time” which was used as a method of teaching religion. The court upheld that the use of public school facilities by religious organizations to provide religious instruction to school children violates the separation of Church and state (203). The Court, through Justice Hugo Black, declared: “Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend religious classes. This is beyond all questions a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith...” (210-11). Given the Court's statement, Justice Hugo continues with the opinion of the court and proclaimed that a public school system aiding religious groups to promote religion is a direct violation of the wall of separation between church and state. With respect to public school education, the holding proved to be an early test of this separation and affirmed that religious instruction should not be mandated nor endorsed. Likewise, the case of *Abington Township School District v. Schempp* (1963) tackled a similar issue concerning religious instruction. The Supreme Court declared that the Bible reading is a direct violation of the Establishment Clause. The opinion of the case, written by Justice Tom C. Clark, affirmed that the government at all levels, as required by the Constitution, must remain neutral and unbiased in matters of religion “while protecting, all, prefer[ring] none, and disparage[ing] none” (215). The Bible reading had been a clear infringement of the Establishment clause, for as stated above, it had demonstrated favor, rather than neutrality, toward religion. Whether through Bible reading or the practice of “released time,” the cases of *McCullum* and *Schempp* had nevertheless pronounced that endorsement of religion is not permissible in public school systems.

Although endorsement of religion is prohibited by such legal constraints, the importance of religion in the United States culture and history suggests that educators must not eliminate all integration of religion in the curricula. Because religion has played significant roles in history and art, and continues to do so, I maintain that teaching about religion, exclusive of endorsing it, belongs in a well-rounded curriculum. Tracing back all the way to the colonial days, religion

has been a fundamental force in shaping the United States' cultural world and molding the implications of their legal system. A curriculum that discounts religion would suggest that religion has not been as important in man's life as politics or civic duty or world affairs. In the decision of *McCollum v. Board of Education* (1948), Justice Jackson declared, "Nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with the religious influences derived from paganism, Judaism, Christianity – both Catholic and Protestant – and other faiths accepted by a large part of the world's peoples" (236). Justice Jackson's statement underscores the significant roles that religion has played in the cultural heritage of the American people. The quote further suggests that because "everything" important in man's development is associated in one way or another to religion, school curriculum cannot be taught without the mention of religion. Greenawalt, a professor at Columbia Law School, likewise suggests a similar perception: "When various subjects of human concern – history, morality, literature, and science – are presented without reference to religion, the irresistible implication is that these subjects can be well understood on their own without being placed in a religious perspective" (84). This attitude implies that a reasonably full and cultured life cannot be lived without the inclusion of religion in the school curricula of public schools. However, in making my case for the necessity of religion in school curriculum, I am not declaring that public schools should teach that a paramount religious perspective is necessary for a cultured life, but that they should not unconditionally disregard the possibility. Nevertheless, for the reason that religion has been of great importance to the culture of the United States, religious incorporations in school curricula is essential.

Though many would challenge such aforementioned assertions, the Modesto, California, public school district offers a compelling instance of how public schools can teach about religion exclusive of endorsing it. While public schools are increasingly wary of any reference of religion, the California district discovered, contrary to suspected belief, that students benefited from taking a required world religion class and that hostilities among students were smoothed (Lester). While many extreme advocates of the separation of church and state would "forbid any mention of religion in both published and taught curriculum" because of the possibility of endorsing religion, the district implemented a ninth-grade comparative religions class that ensured that the teachers were well prepared (Thomas 89). Likewise, though some may argue that the students may have encounter violations of their religious freedoms, the ninth-graders were well-knowledgeable of their rights as it is that they were required to begin the course with two weeks of analysis of First Amendment rights and the U.S. history of religious liberty. This in essence helped establish guidelines about how to teach about religion without proselytizing. Emile Lester, an assistant professor of government at the College of William and Mary, and Patrick S. Roberts, a fellow at the Center for International Security and

Cooperation at Stanford University, also testified that the students grew to appreciate and “respect others religious views” and became “more likely to accept that different religious share core moral values.” This case serves to prove that through proper means, constructive religious-based curriculum can be, contrary to popular belief, adequately brought into the classroom without being promoted.

In this article, I have maintained that although legal constraints disallow the promotion of religion in public schools, this does not suggest that religion in public schools should be eliminated altogether. Simply put by Greenawalt, “Most public schools now largely ignore religion” (81). Wary of violating any legal restrictions, many teachers and public officials have taken the approach of avoiding religion in school curriculum or neglected to adequately cover topics concerning religion. Thus, many teachers have in essence thrown the good out with the bad by avoiding the topic of religion altogether in order to steer clear of inadvertently violating the First Amendment. This research serves as a ground-work in providing the fundamental knowledge of the legal limitations placed on the establishment of religion in public schools and offers a case as to why this should not translate into an utter elimination of religion in public school curricula. As teachers have more than ever avoided the mention of religion, scholars may find that further research on the integration of religion in school curricula must be implemented in order to assess the adequate balance of religious assimilation needed in school curricula.

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