

Religious Liberty & Religious Literacy in American Public Schools

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BYU International Center for Law and Religious Studies

Provo, Utah | July 7, 2017

RELIGIOUS FREEDOM CENTER

NEWSEUM INSTITUTE

CONGRESS SHALL MAKE NO LAW
RESPECTING AN ESTABLISHMENT
OF RELIGION, OR PROHIBITING
THE FREE EXERCISE THEREOF,
OR ABRIDGING THE FREEDOM
OF SPEECH, OR OF THE PRESS;
OR THE RIGHT OF THE PEOPLE
PEACEABLY TO ASSEMBLE, AND
TO PETITION THE GOVERNMENT
FOR A REDRESS OF GRIEVANCES.

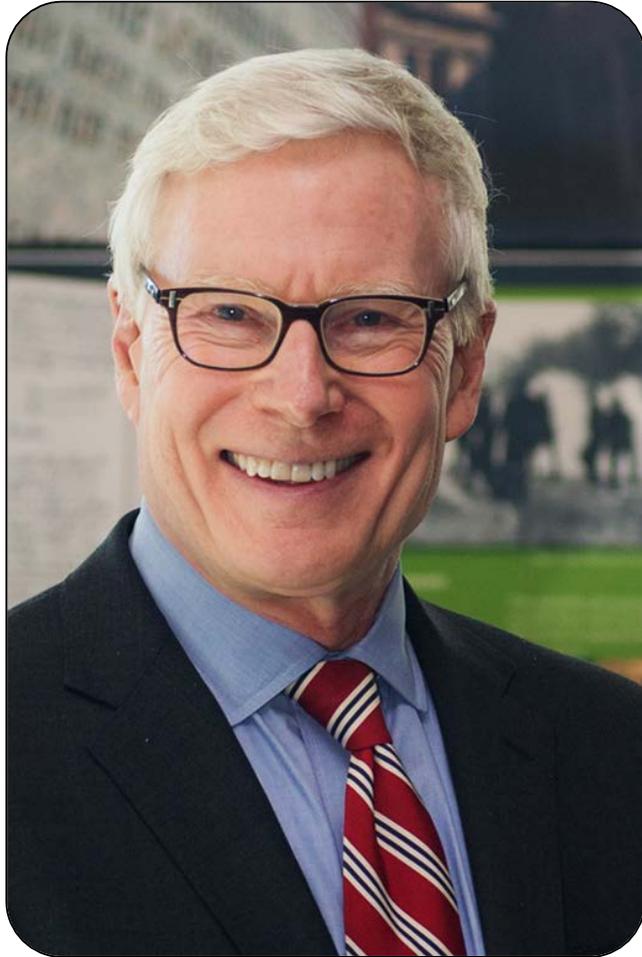
THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES



The Religious Freedom Center of the Newseum Institute is a nonpartisan national initiative focused on educating the public about the First Amendment and promoting dialogue and understanding among people of all religions and none.

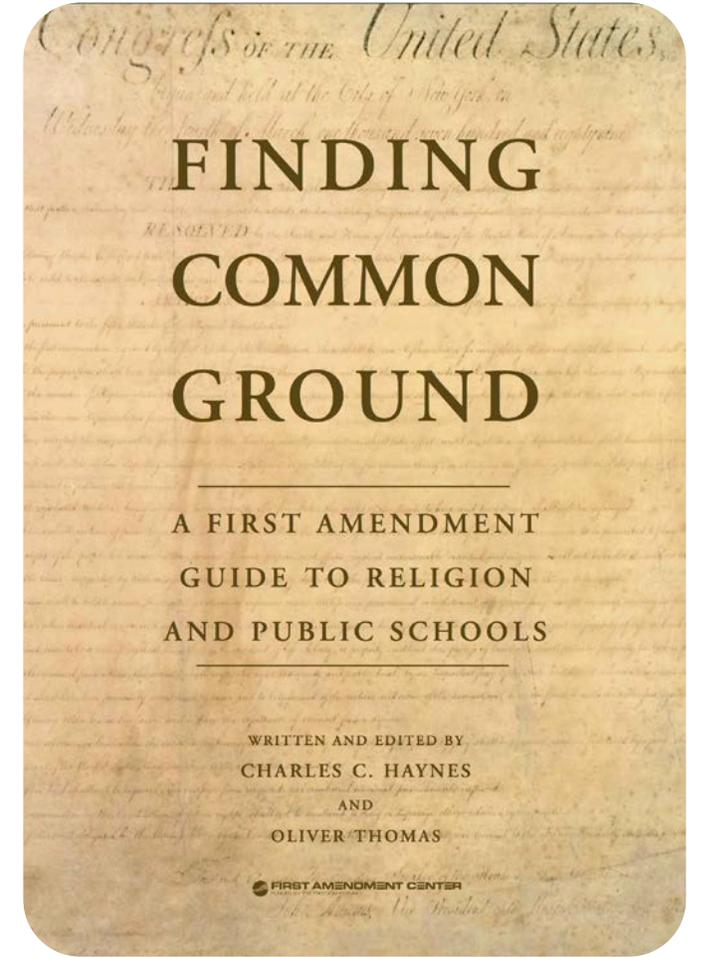
The screenshot shows the homepage of the Religious Freedom Center website. At the top, there is a dark blue navigation bar with the site's name and a search bar. Below this is a main banner area featuring a large image of people, with a white text box on the right that reads "BEARING WITNESS TO GENOCIDE" and provides details for a public event on April 21, 2016. Below the banner is a light blue bar with navigation links for "STUDENTS", "FACULTY", and "GETTING HERE". The main content area is divided into three columns: "INSIDE THE FIRST AMENDMENT" with a weekly column link, "NEWS" featuring an NPR "All Things Considered" article about religious liberty bills in Georgia, and "SAFE SPACE FOR FREE SPEECH" with a link to read more about graffiti at Emory University. A fourth column on the right features an article about James Madison's vision of religious freedom.

Our Founder



Dr. Charles C. Haynes
Vice President, Newseum Institute

Founding Director
Religious Freedom Center



Our Mission: Your Freedom

RELIGIOUS FREEDOM CENTER

NEWSEUM INSTITUTE



The Mission



The Vision



The Problem

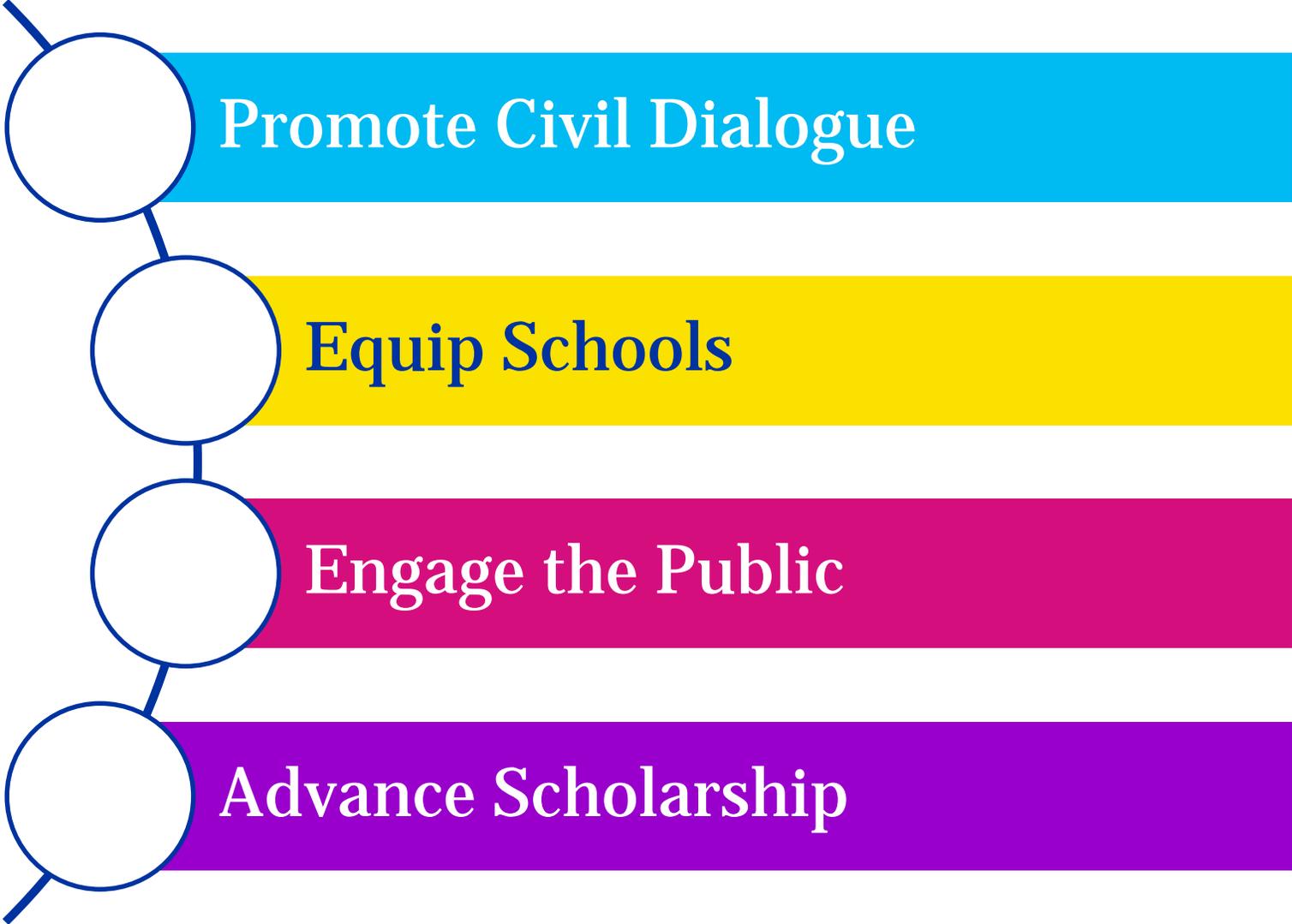


The Plan

Our Initiatives



**Educate
Leaders**



Promote Civil Dialogue

Equip Schools

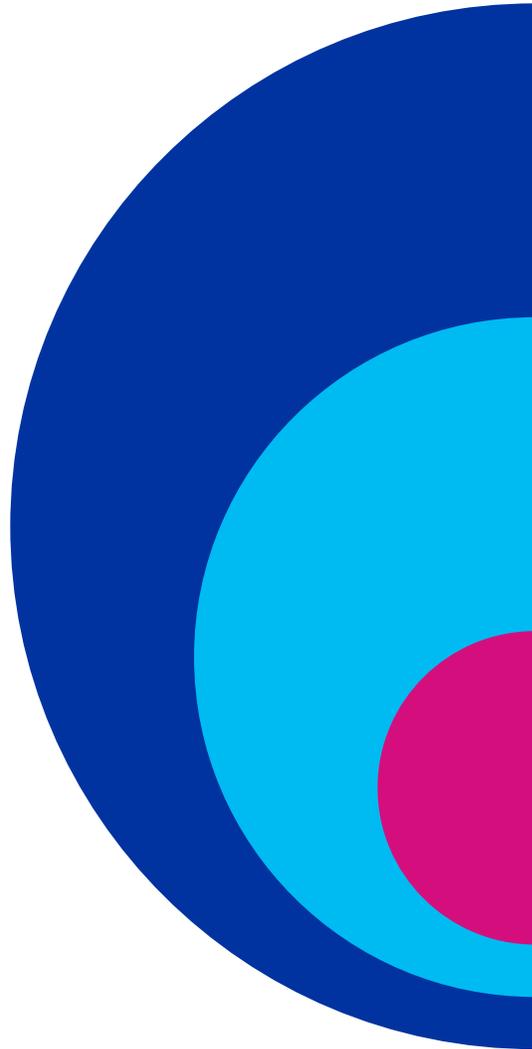
Engage the Public

Advance Scholarship

Blended Learning Model



Civic Competencies for Effective Leadership



Religious Literacy

Legal Literacy

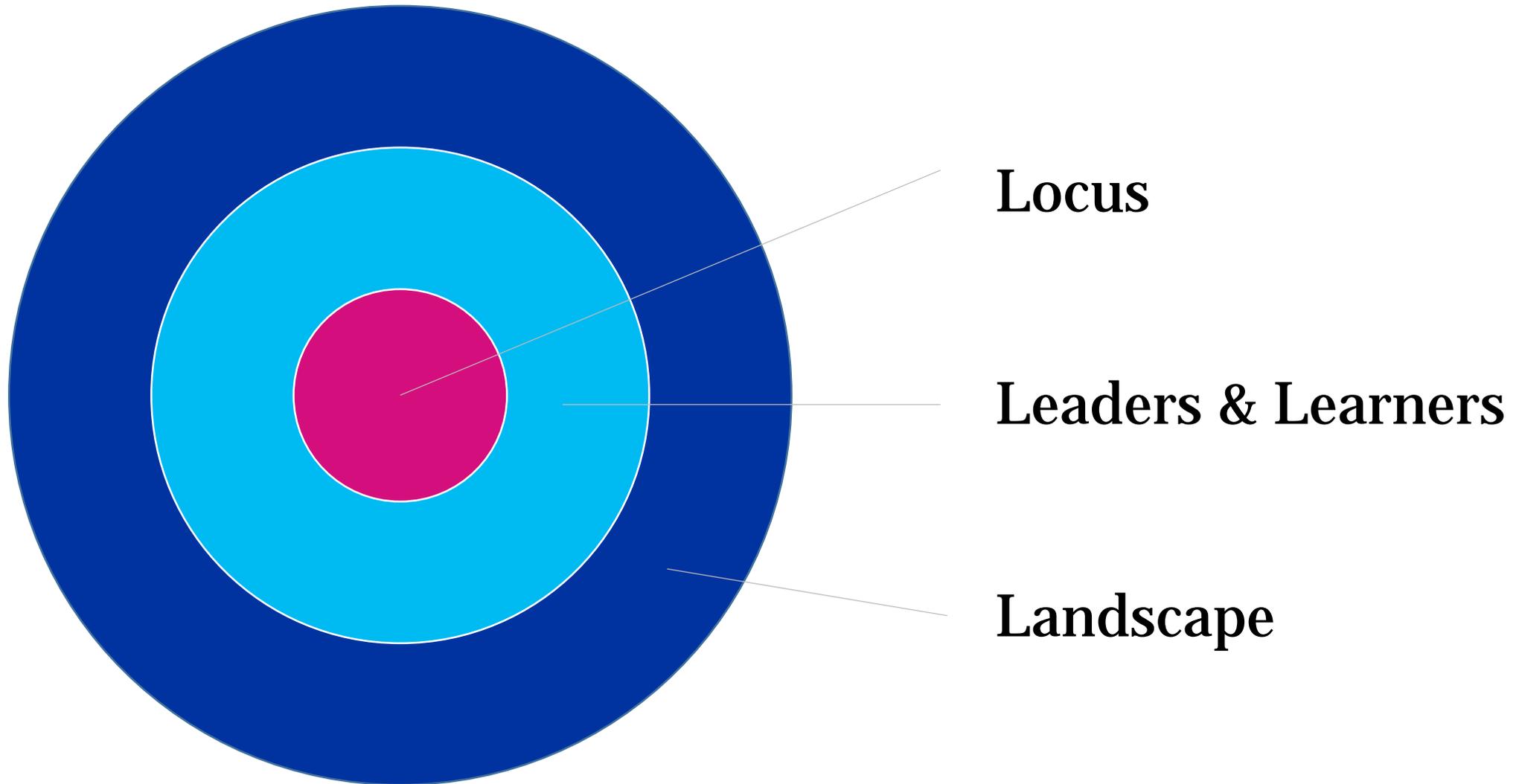
Civil Dialogue

Guiding Questions

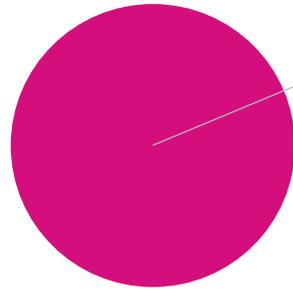
1. Why promote these these three civic competencies in **American education**?
2. Why begin with **civil dialogue**? What is it? What is it not? How is it taught?
3. What is **religious literacy**? How is it achieved? Why is it a prerequisite for religious liberty education?
4. What is **legal literacy**? What constitutional and human rights principles guide us? What are limits of the law?

1. Why American education?

Why American education?



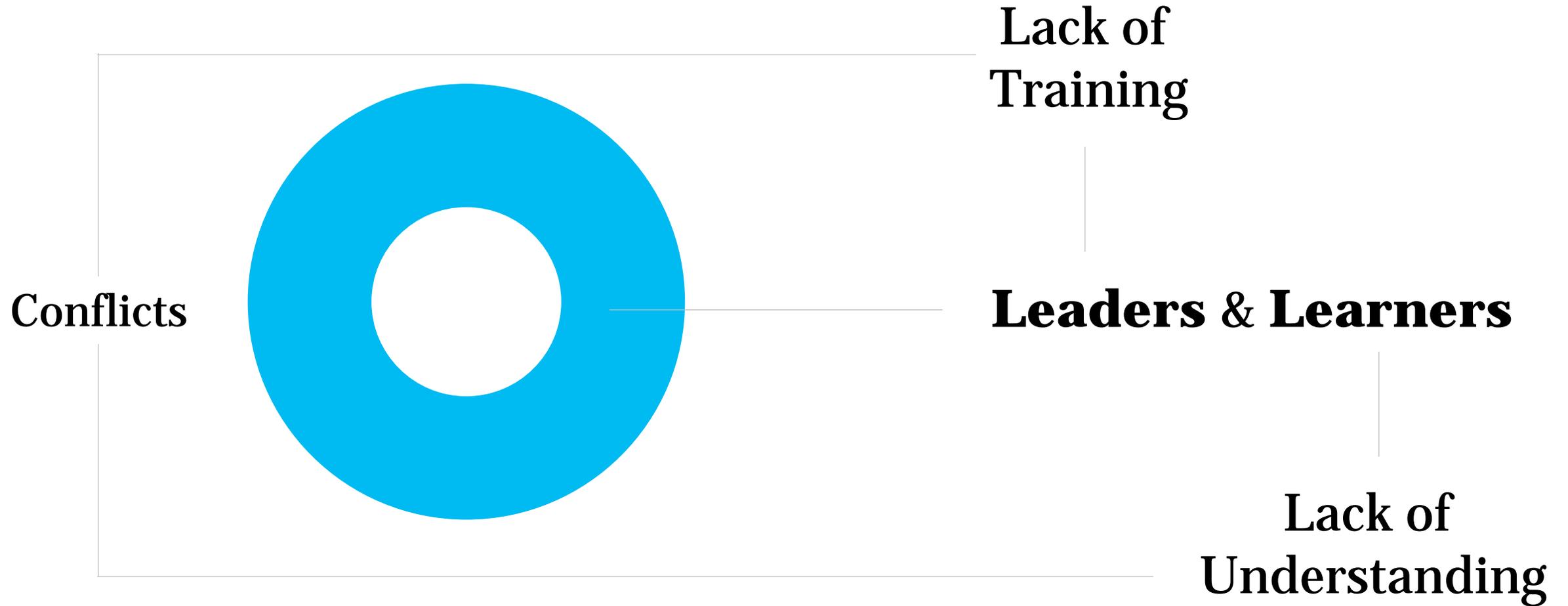
Why American education?



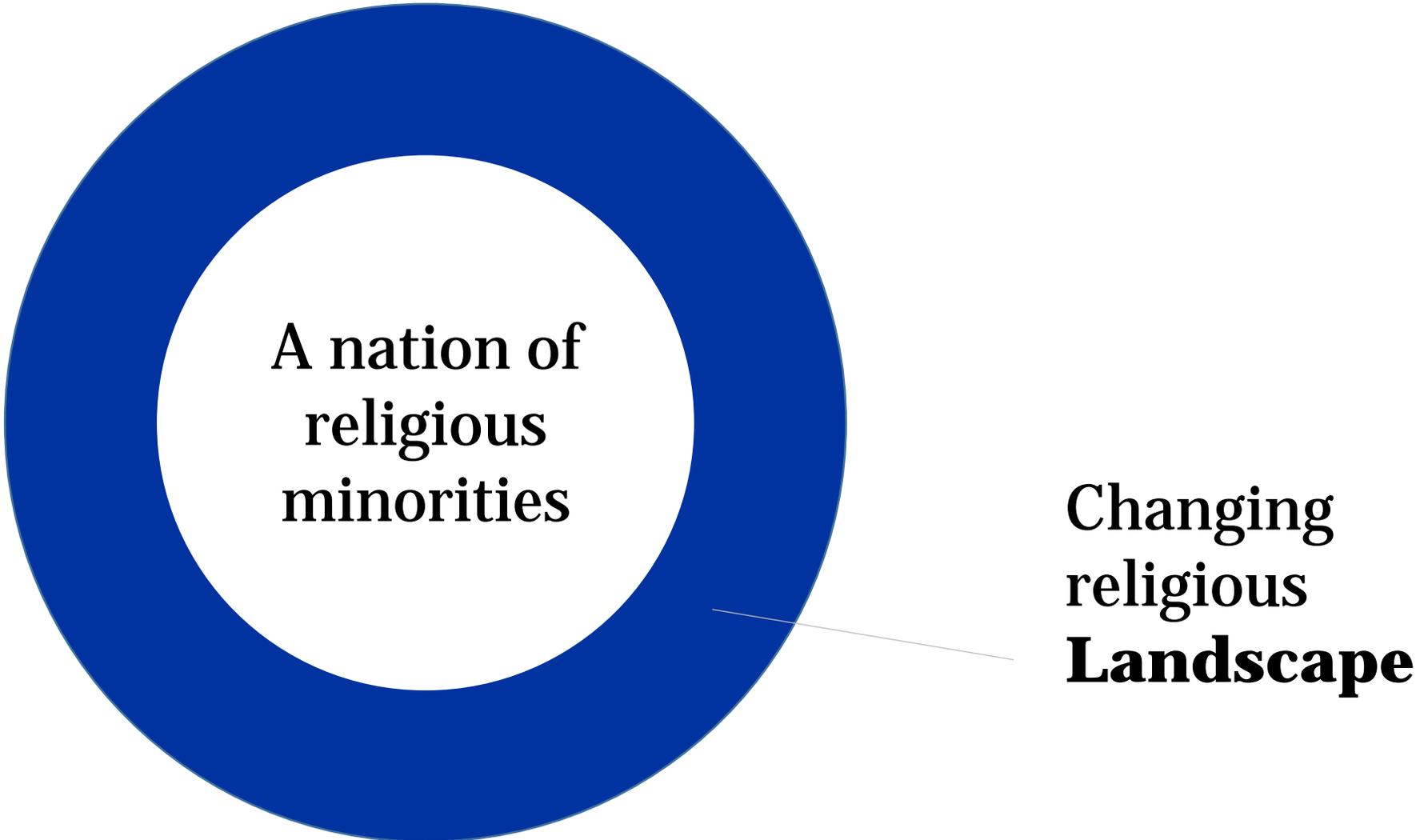
Locus for legal conflicts:

- Bible
- Evolution
- Graduation
- Holidays
- Pledge
- Prayer
- Religious clubs
- Religious garb
- And so on...

Why American education?



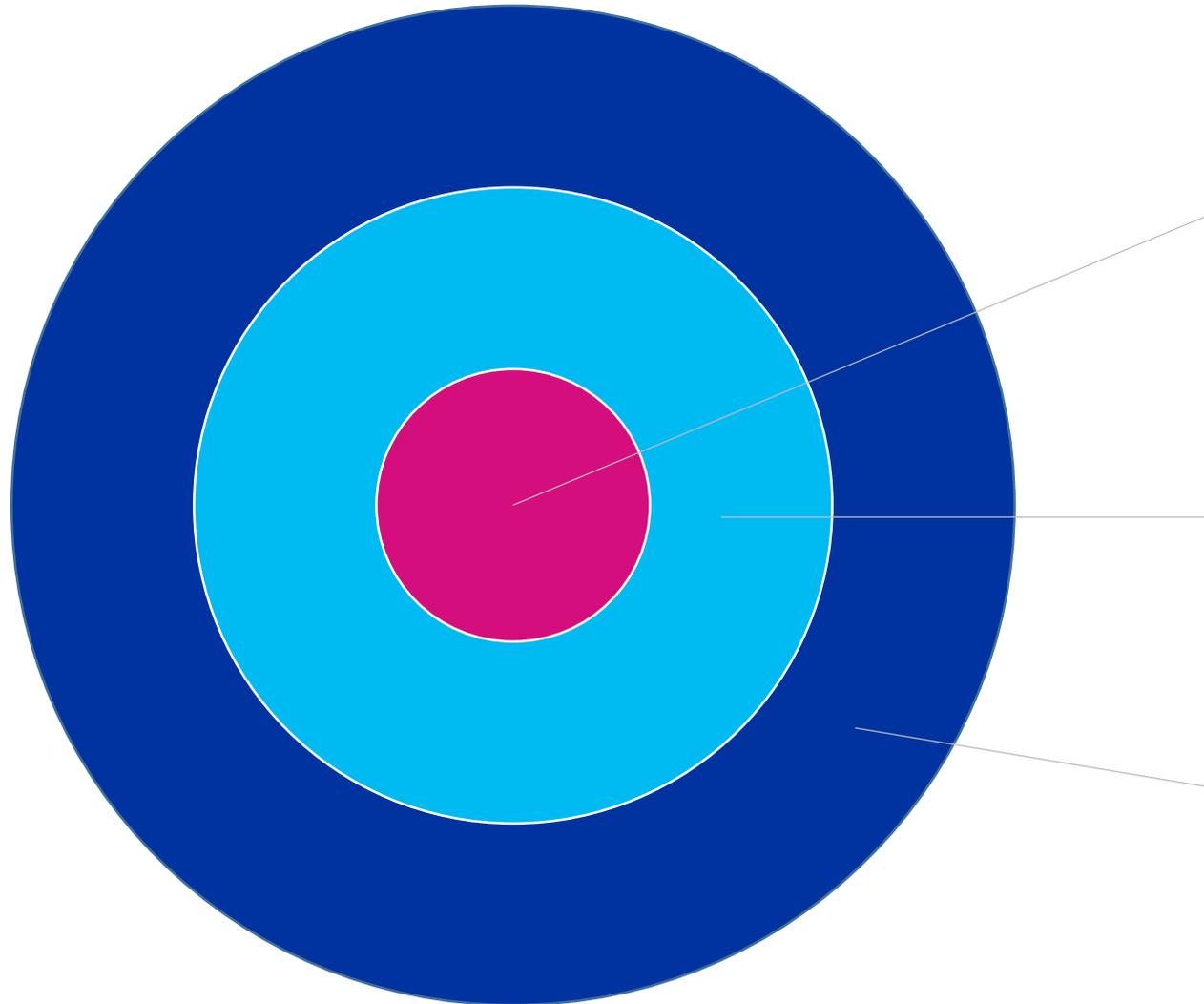
Why American education?



A nation of
religious
minorities

Changing
religious
Landscape

Laboratories for Democratic Freedom



**Locus: from battleground
to common ground**

**Literate Leaders &
Literate Learners**

**Landscape: requires
mutual understanding,
not agreement**

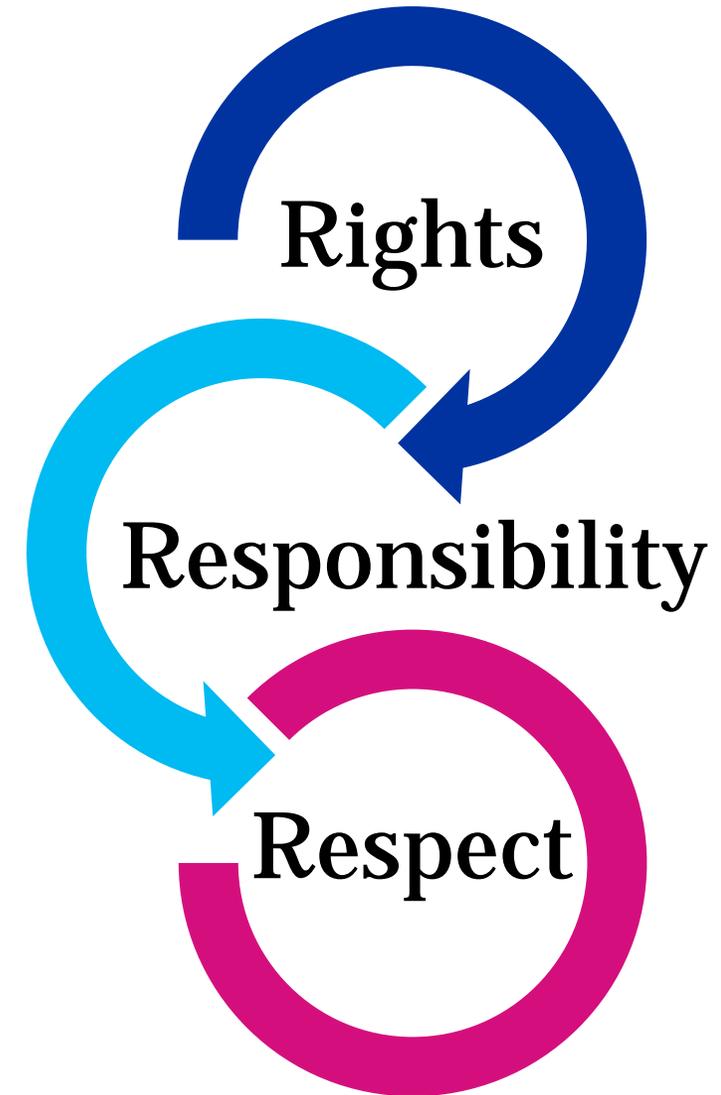
2. Why start with civil dialogue?

Why not?!

Guiding Framework

The “3Rs of Religious Liberty,” as articulated in the Williamsburg Charter, promote civil dialogue.

The Williamsburg Charter was signed by 100 national leaders on June 22, 1988, in commemoration of the 200th anniversary of Virginia’s call for a Bill of Rights.





Guiding Framework

The Williamsburg Charter

RIGHTS: Religious freedom, liberty of conscience, is a precious, fundamental, and inalienable right for **people of all religions and none**.

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 freedom 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 **guard for all others** those rights they wish guarded for themselves.

RESPECT: Conflict and debate are vital to democracy. Yet if controversies about religion and public life 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.

Resources for Dialogue

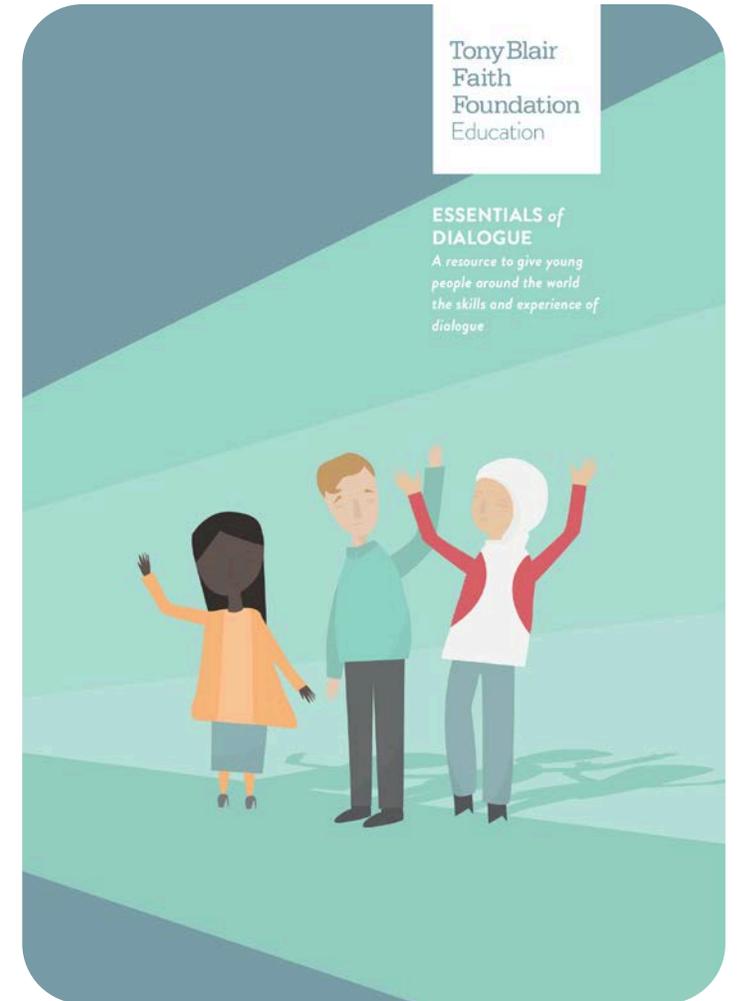
The Essentials of Dialogue
published by Generation Global.

Dialogue is...

- An encounter with difference
- A process for seeking understanding

Dialogue is not...

- Debate
- Mediation
- Conflict Resolution



Resources for Dialogue

1. Pluralism is not diversity alone, but the **energetic engagement** with diversity.
2. Pluralism is not just tolerance, but the **active seeking of understanding** across lines of difference.
3. Pluralism is **not relativism**, but the **encounter of commitments**.
4. Pluralism is ***based on dialogue***: an encounter, an opportunity to give and take, criticism and self-criticism.



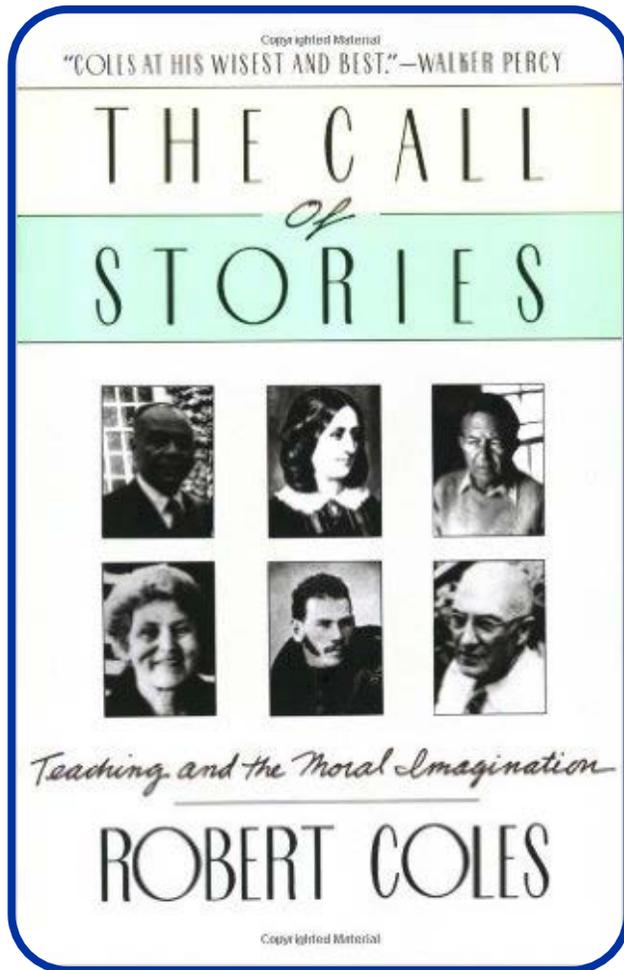
*Professor Diana L. Eck
Director of the Harvard Pluralism Project*

Resources for Dialogue

Robert Schreier classified seven ways of distinguishing “the other”: “We can **demonize** the other, treating the other as someone to be feared and eliminated if possible. We can, on the other hand, **romanticize** the other, treating the other as far superior to ourselves. We can **colonize** the other, treating the other as inferior. . . . We can **generalize** the other, treating the other as non-individual. . . . We can **trivialize** the other by ignoring what makes the other disturbingly different. We can **homogenize** the other by claiming that there really is no difference. We can **vaporize** the other by refusing to acknowledge the presence of the other at all.”

Resources for Dialogue

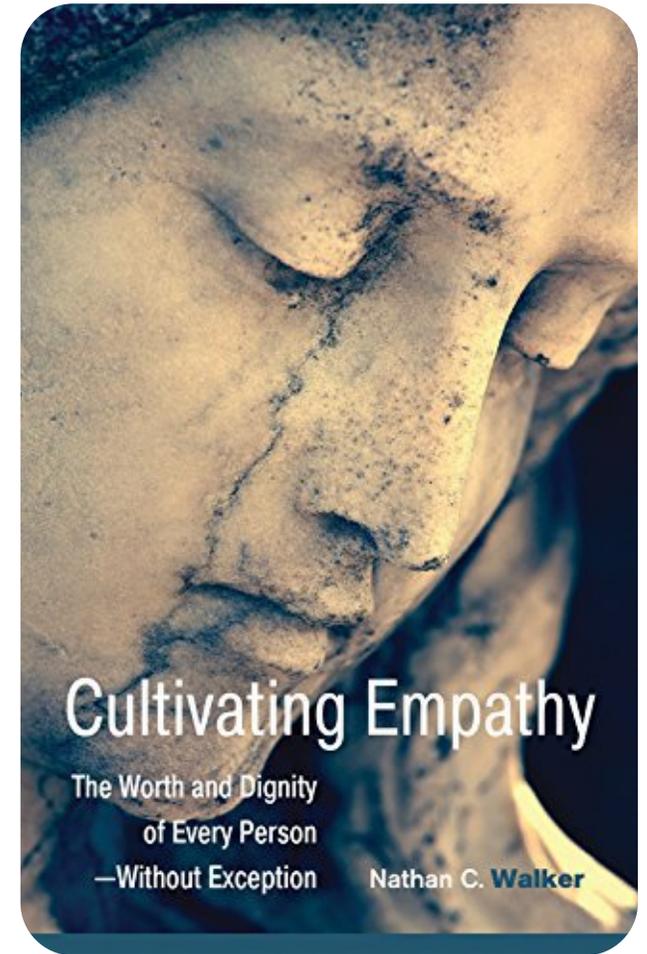
For Educators



The Moral Imagination is
“the ability to anticipate
or project oneself into
the middle of a moral
dilemma and understand
all the points of view.”

~ University of Kansas School of Medicine

For Religious Leaders



From Marginality to Mattering



Beyond Inferiority & Superiority

Beyond Inferiority & Superiority

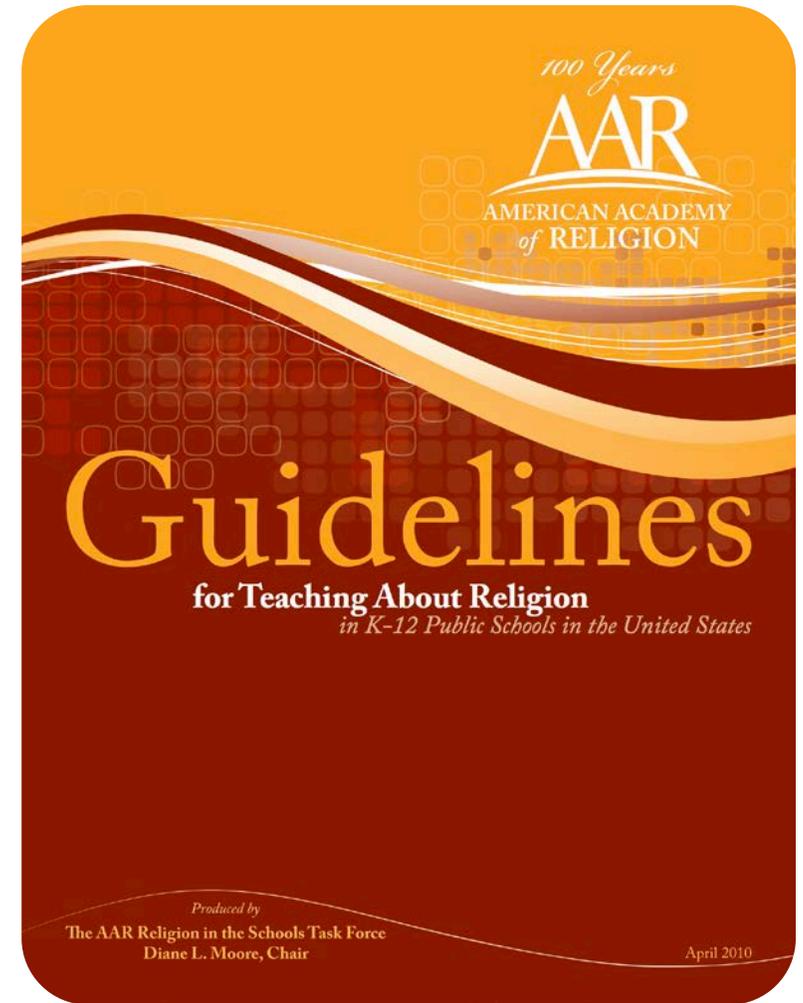


From Marginality to Mattering

3. Why promote religious literacy?

Three Premises

*Premise One: **Widespread illiteracy** about religion in the United States.*

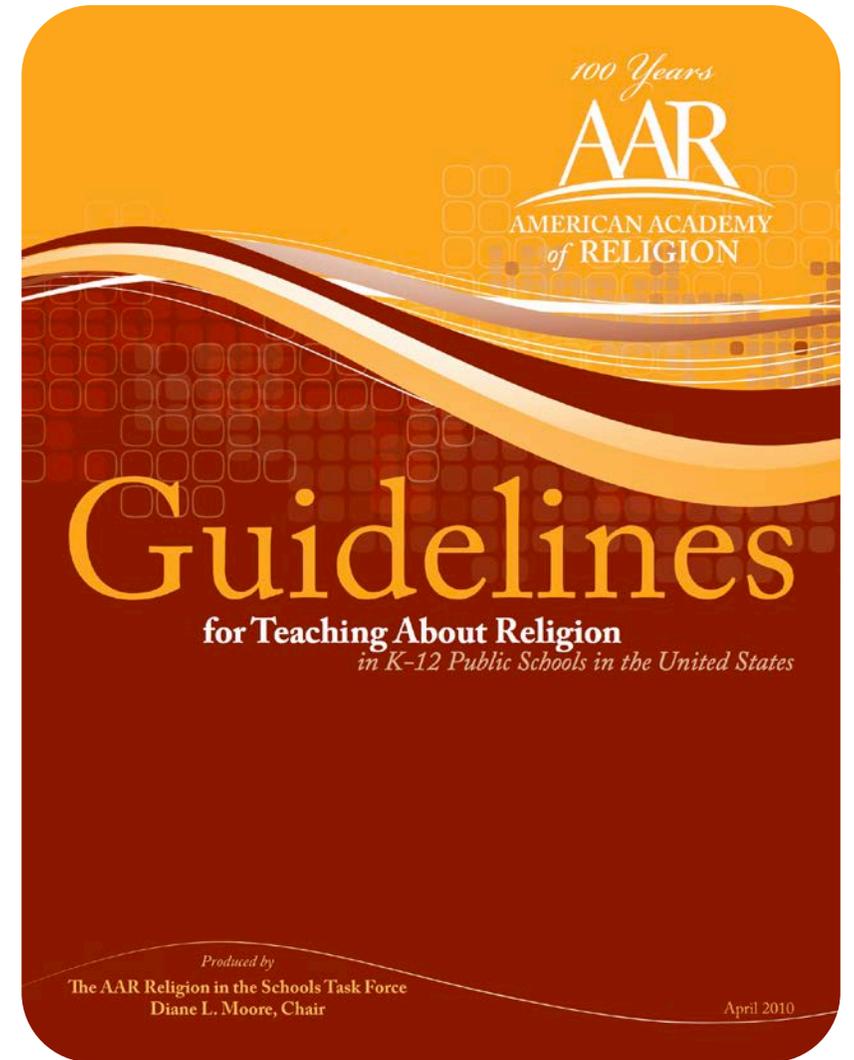


Defining Illiteracy

Religious illiteracy is “a lack of understanding about the following:

- **basic tenets** of the world’s religious traditions and other religious **expressions not categorized by tradition;**
- **diversity of expressions and beliefs** within traditions and representations; and
- profound **role that religion plays** in human social, cultural, and political life historically and today.”

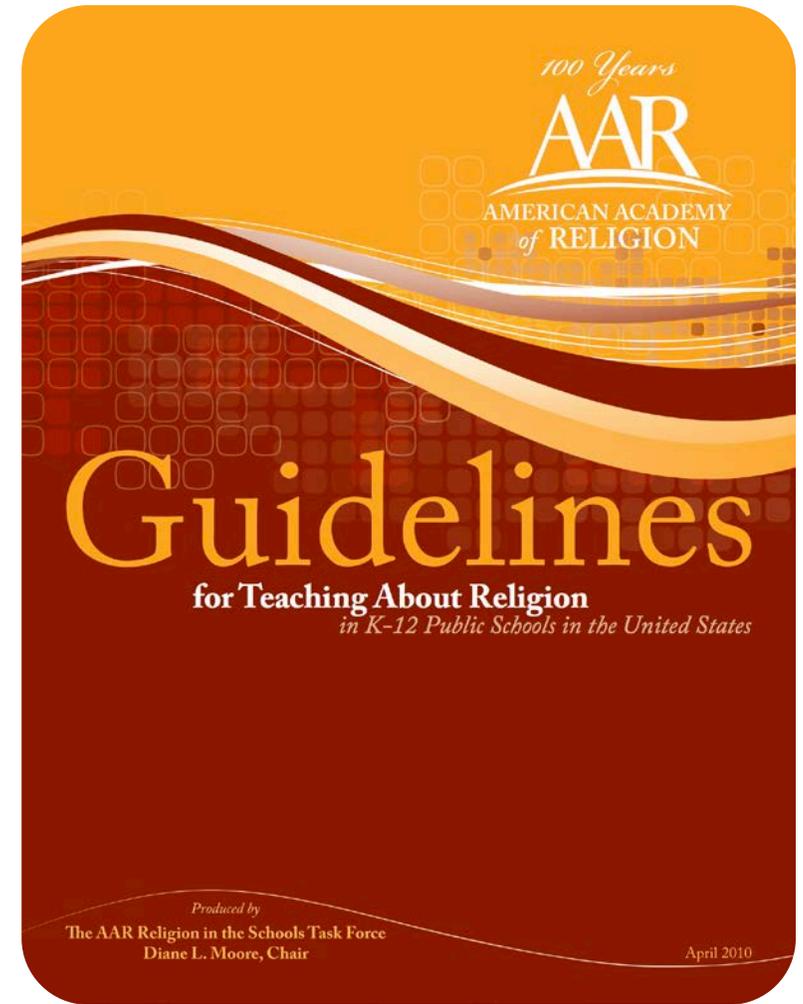
Conversely, **religious literacy** is defined as the ability to discern and analyze the **intersections of religion with social, political, and cultural life.**



Three Premises

*Premise One: **Widespread illiteracy** about religion in the United States.*

*Premise Two: Religious illiteracy often **fuels prejudice and antagonism.***

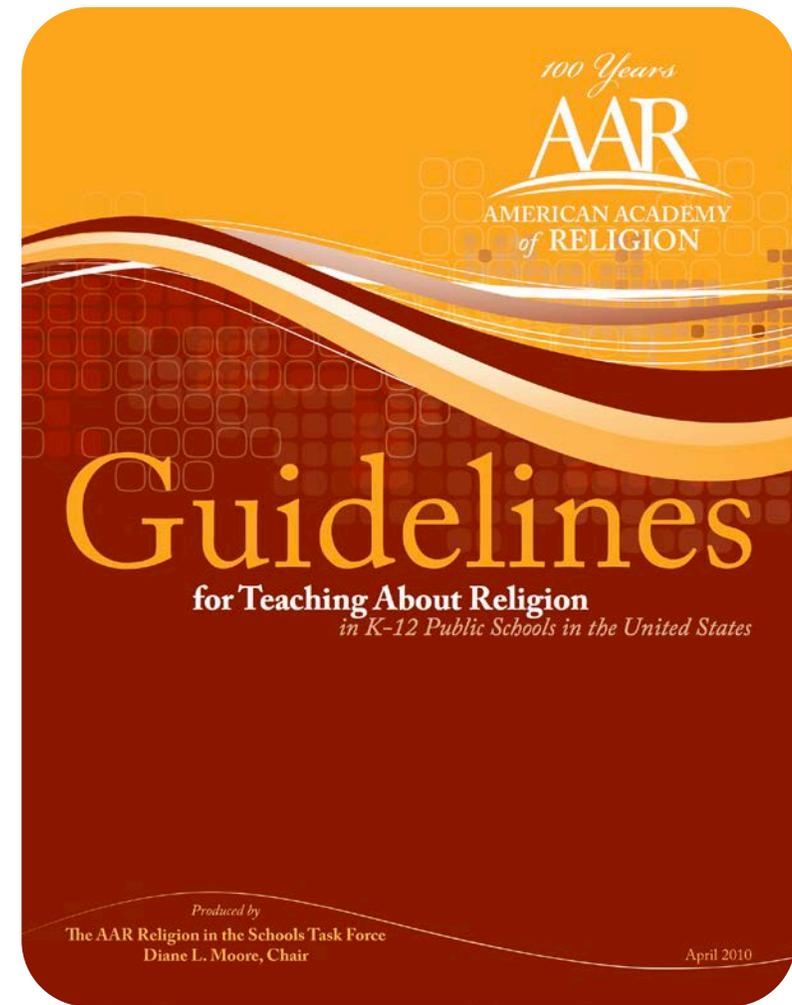


Three Premises

*Premise One: **Widespread illiteracy** about religion in the United States.*

*Premise Two: Religious illiteracy often **fuels prejudice** and **antagonism**.*

*Premise Three: **Diminish religious illiteracy** by teaching about religion from a nondevotional perspective.*



Distinct Approaches

Religious Education

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graph TD; A[Religious Education] --- B[Faith Formation]; A --- C[Theological Education];
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Faith Formation

**Theological
Education**

Civic Education

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graph TD; A[Civic Education] --- B[College, Career, Civic Life]; A --- C[Academic study of religion];
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**College, Career,
Civic Life**

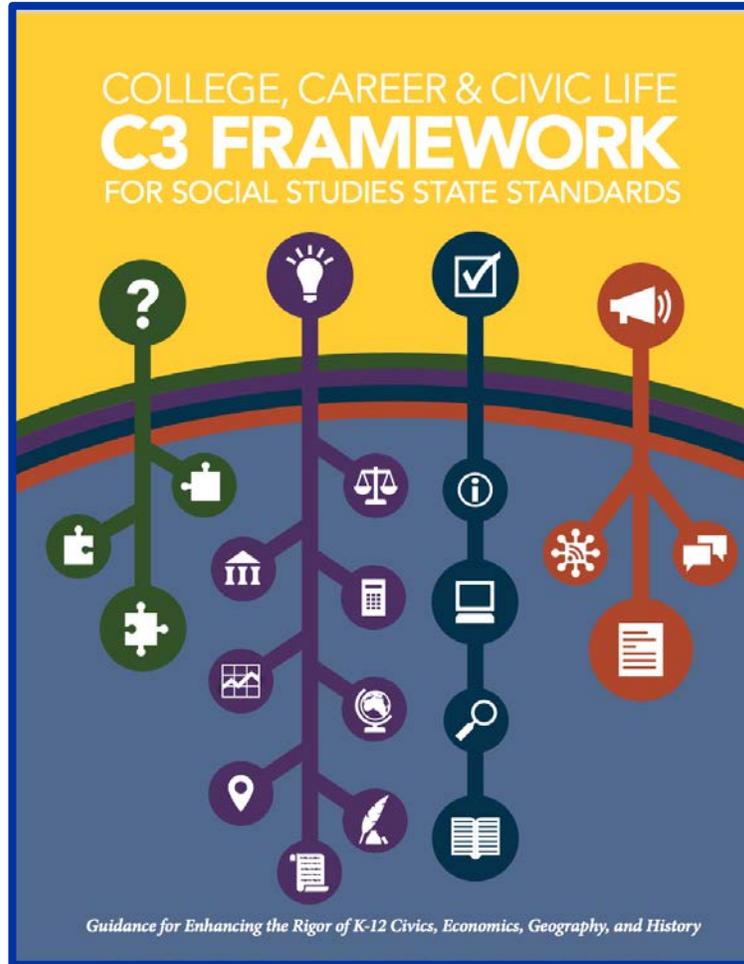
**Academic study
of religion**

Distinct Approaches

There is a difference between the teaching *of* religion—that is, religious indoctrination or faith formation—and the teaching *about* religion—that is, the **academic study** of religion. Consider these distinctions.

- 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 religion;
- the school sponsors **study** about religion, not the **practice** of religion;
- the school may **expose** students to a diversity of religious views, but may not **impose** any particular view;
- the school **educates** about all religions; it does not **promote** or **denigrate** religion;
- the school **informs** students about various beliefs; it does not seek to **conform** students to any particular belief

Religious Studies Supplement



SUPPLEMENT

Religious Studies Companion Document for the C3 Framework

Approved by
American Academy of Religion¹
825 Houston Mill Rd NE STE 300
Atlanta, GA 30329-4205

This Supplement was added to the C3 Framework in June 2017

Commitments and Context
In 2014, the National Council for the Social Studies (NCSS) reaffirmed its longstanding position that study about religions should be an essential part of the social studies curriculum in ways that are constitutionally and academically sound. NCSS emphasized that knowledge about religions is not only a characteristic of an educated person but is necessary for effective and engaged citizenship in an interconnected and diverse nation and world. It recommended that state departments of education work to ensure inclusion of study about religions, including the role of religion in history and society, in all social studies programs. Teachers teaching such courses should have appropriate professional training in the academic study of religion in order to facilitate meaningful, constitutional classroom dialogue grounded in content knowledge. NCSS affirmed that the First Amendment to the U.S. Constitution provides the civic framework for achieving these goals.

In 1963, the U.S. Supreme Court ruled that state-sponsored devotional practices are unconstitutional in public schools. At the same time, the Court made clear that the study of religion—as distinguished from religious indoctrination—is an important part of a “complete education.” 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 religions or the history of religion and its relationship to the advancement of civilization.”² Building upon the Supreme Court’s guidance, NCSS joined with sixteen leading educational, religious, and civil liberties groups in 1988 to reaffirm that the study of religion is essential to understanding both the nation and the world.³

Over the next two decades, NCSS and its affiliates contributed to the development of state social studies standards that included the study of religion.⁴ In 2000, twenty-one national organizations joined with the NCSS and the U.S. Department of Education to disseminate a document to every public school about the

1. The writing team was composed of the following individuals (in alphabetical order): Jessica Bitzer, West Hartford Public Schools (CT); Seth Brady, Naperville Central High School (IL); John Camardella, Prospect High School (IL); Niki Clements, Rice University (TX); Susan Douglass, Georgetown University (DC); Benjamin P. Marcus, Newseum Institute (DC); Diane L. Moore, Harvard Divinity School (MA); and Nathan C. Walker, Teachers College Columbia University (NY).

2. *Abington School District v. Schempp*, 374 U.S. 203 (1963).

3. “Religion in the Public School Curriculum: Questions and Answers” was first published in 1988 and disseminated widely by NCSS and other sponsoring organizations. Downloadable at www.religiousfreedomcenter.org.

4. Susan L. Douglass, *Teaching about Religion in National and State Standards* (Fountain Valley, CA and Nashville, TN: Council on Islamic Education and First Amendment Center, 2000). Downloadable at www.religiousfreedomcenter.org.

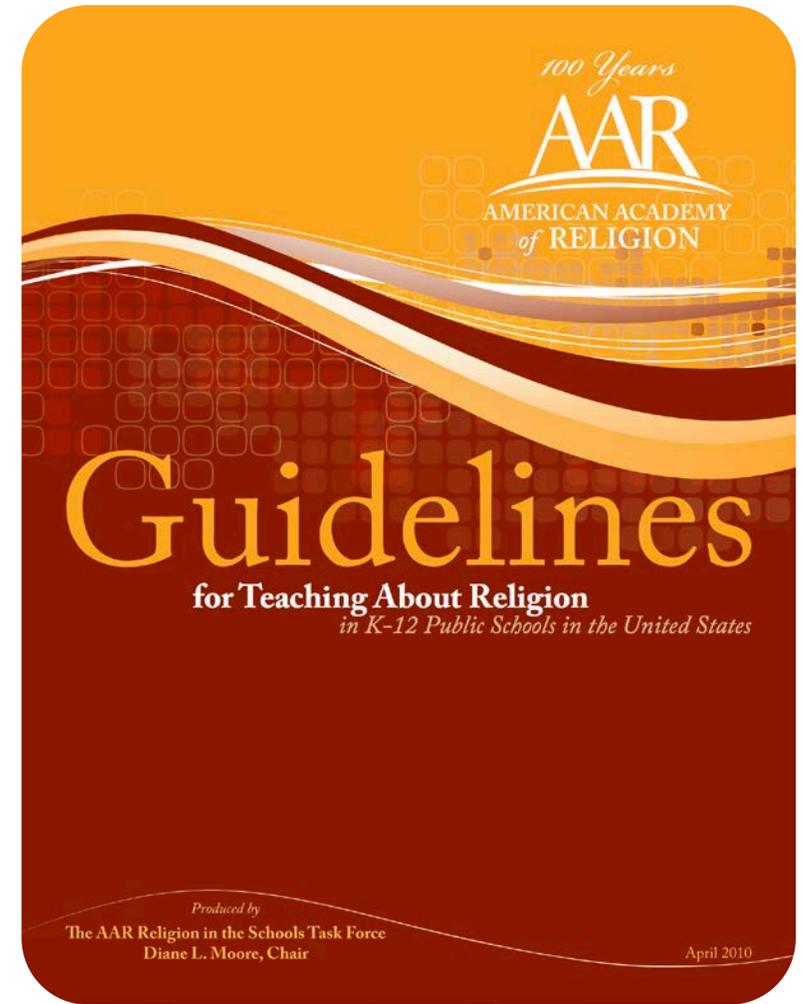
92 • C3 Framework

Defining Religions

Tools for becoming religiously literate

Professor Diane Moore, of the Harvard University Religious Literacy Project, further explains that:

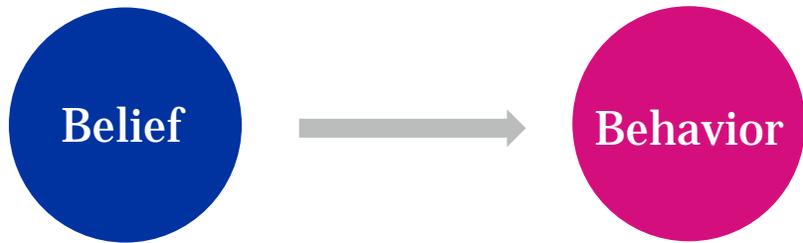
- religions are **internally diverse** as opposed to uniform;
- religions **evolve** and **change over time** as opposed to being ahistorical and static;
- religious influences are **embedded** in all dimensions of culture as opposed to the assumption that religions function in discrete, isolated, 'private' contexts.



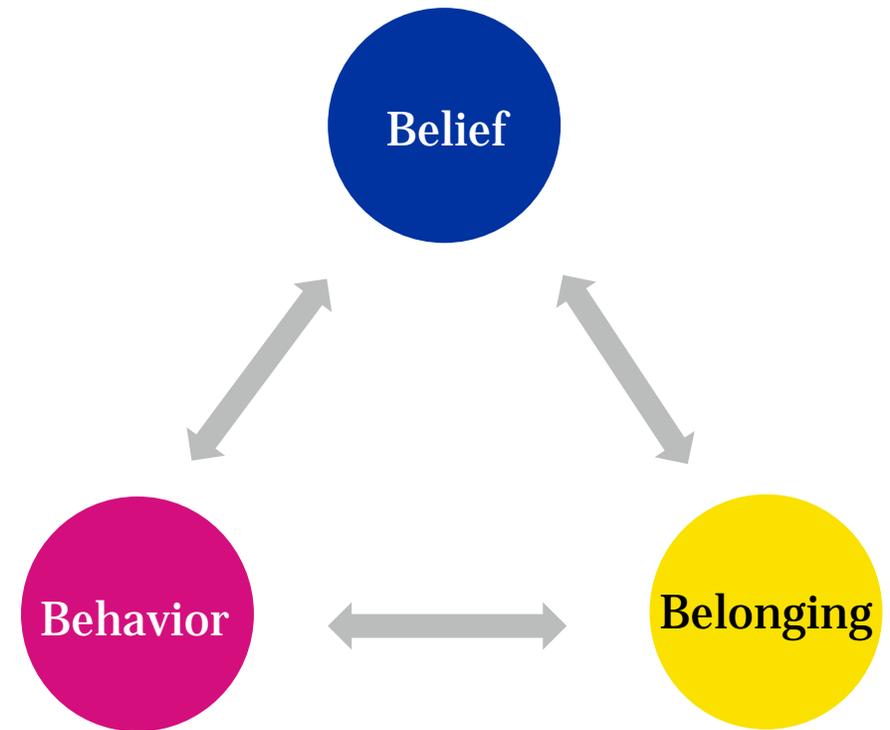
Religious Identity Formation

Tools for becoming religiously literate

Model 1.

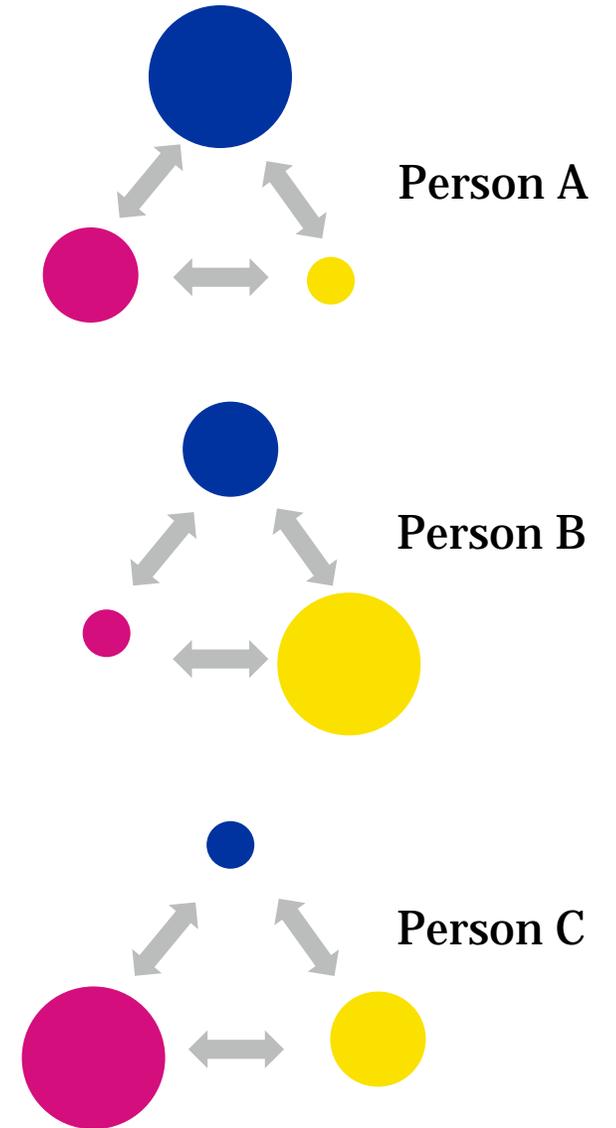
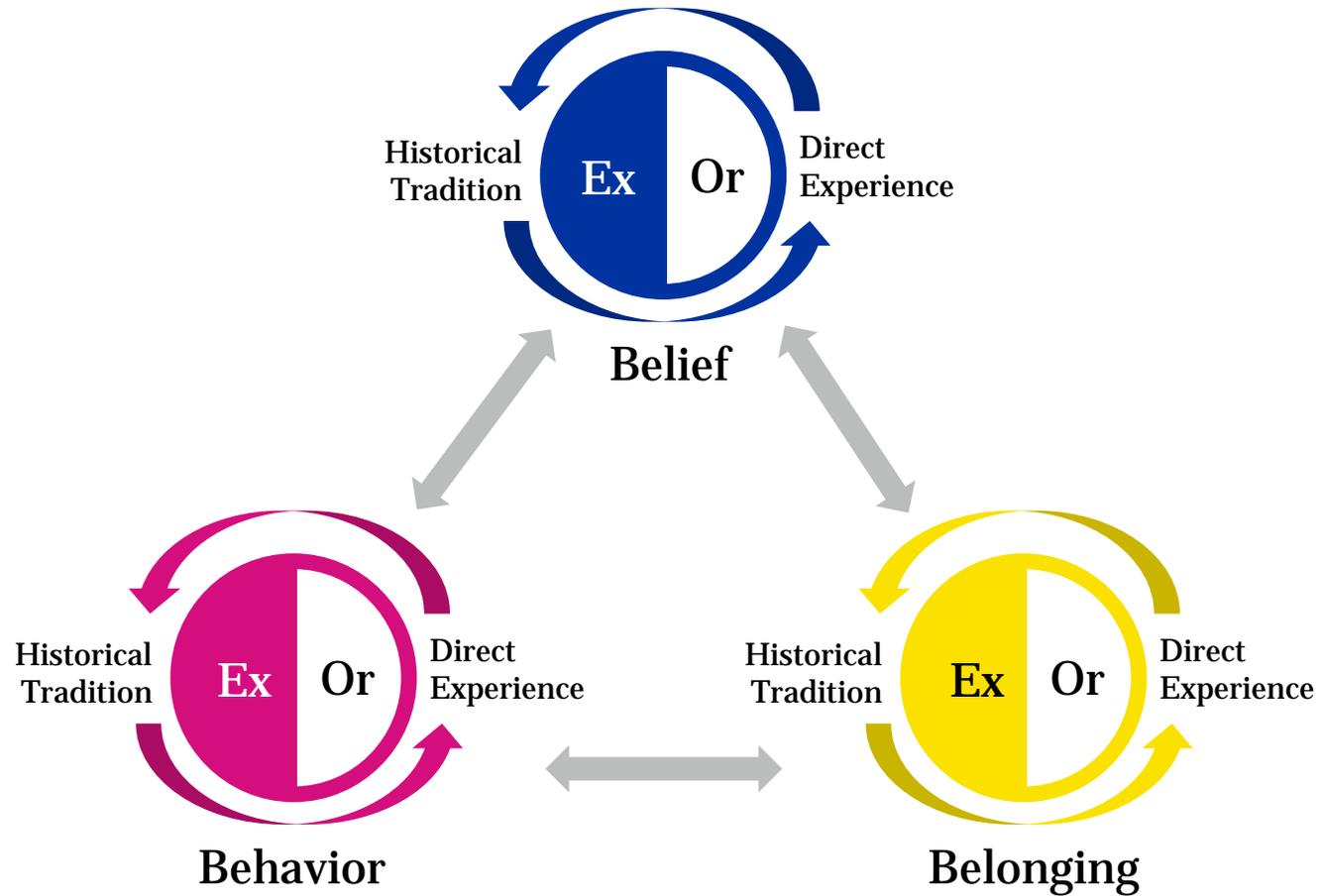


Model 2. Haidt



Religious Identity Formation

Tools for becoming religiously literate

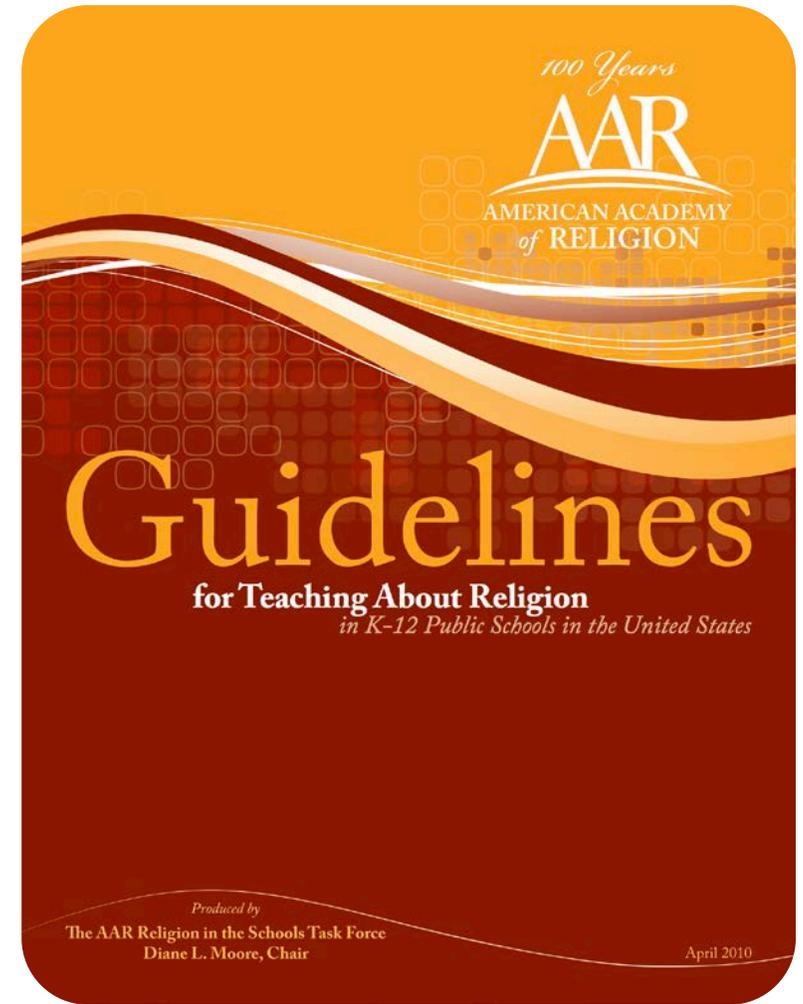


Defining Religions

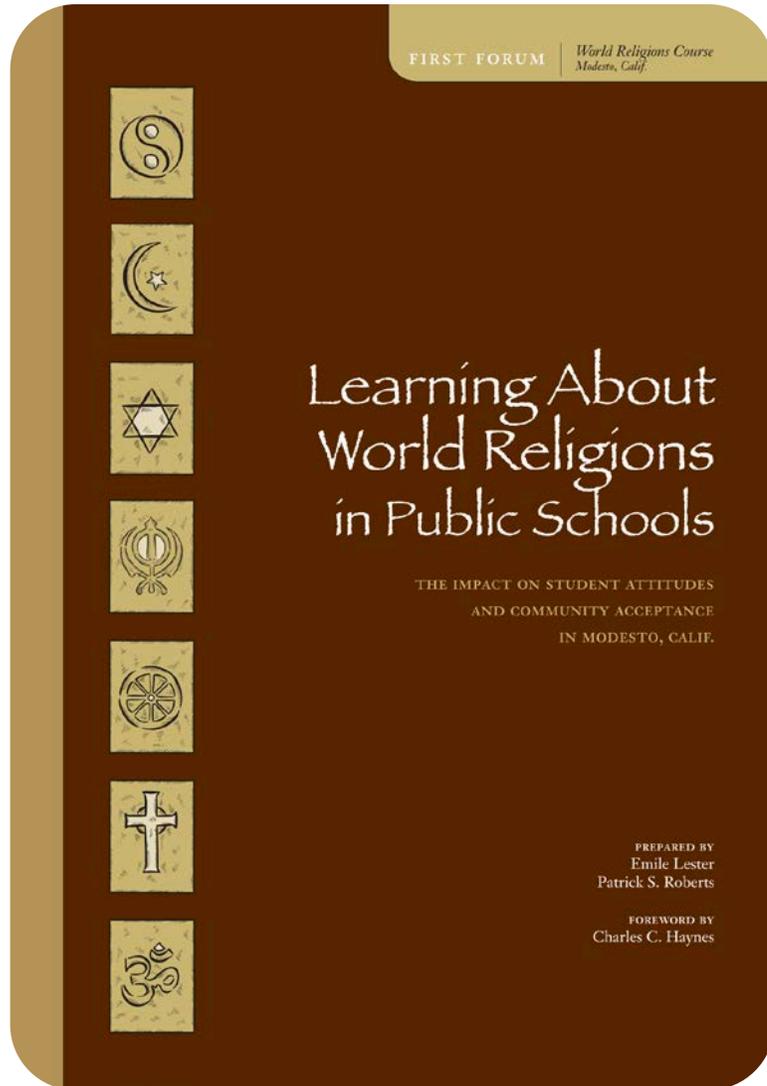
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Civic Outcomes



Pre-survey:

- Students alarmingly intolerant
- Students alarmingly illiterate

Post-survey:

- Exposure to difference did not change students' religious identities.
- Positive impact on students' respect for religious liberty.

Consensus to move schools from battleground to common ground

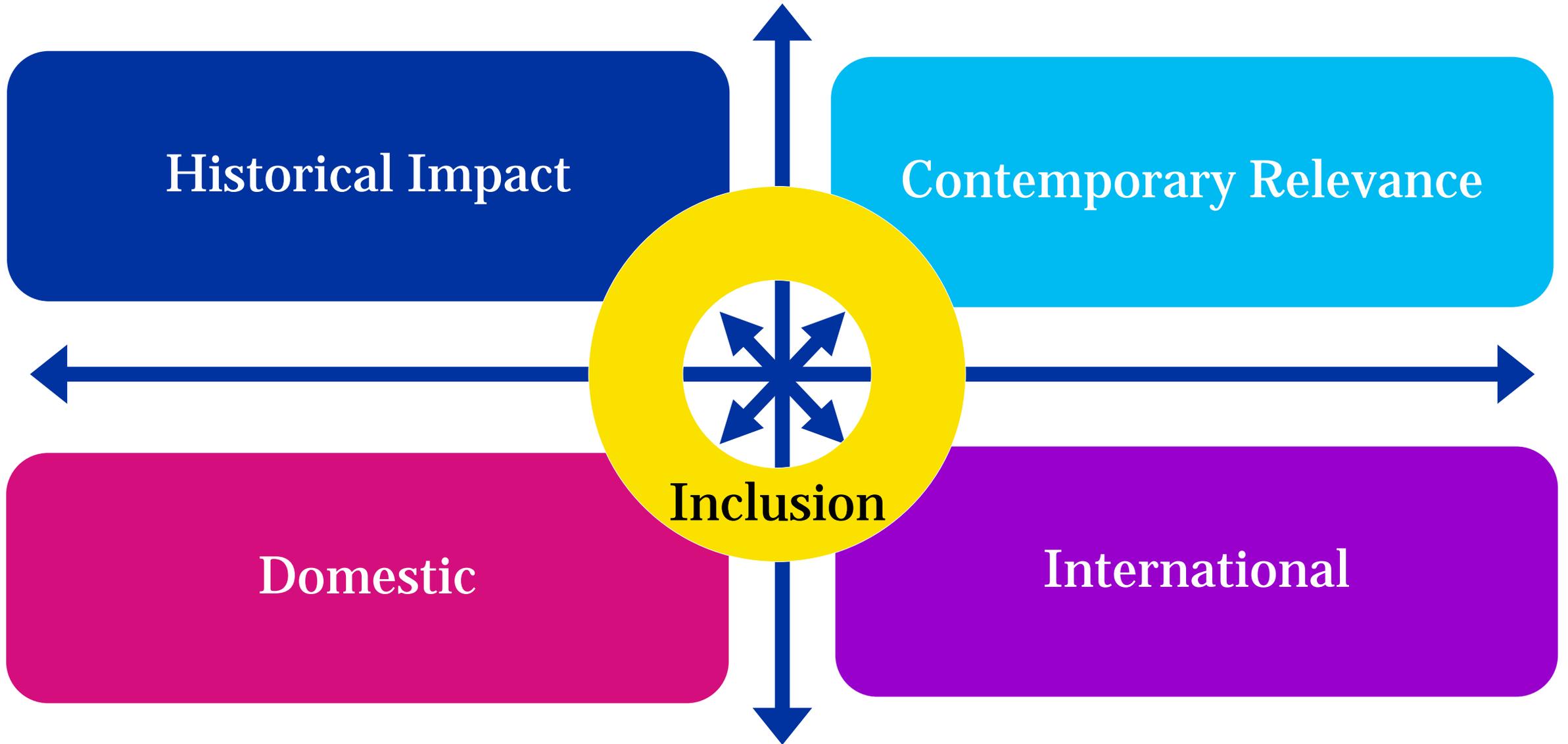
4. Why promote legal literacy?



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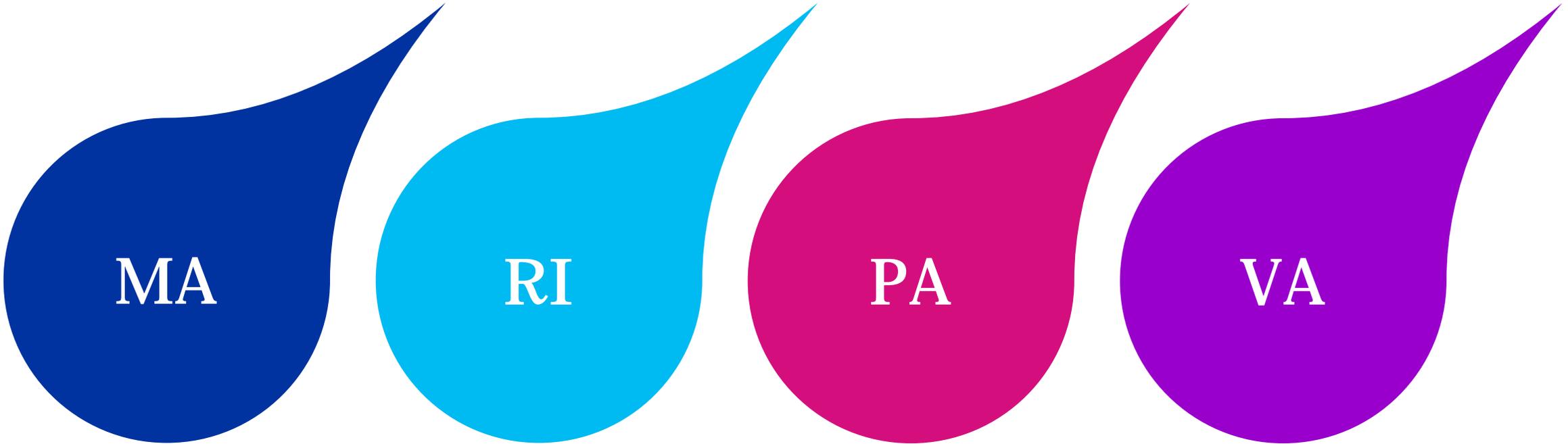
THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Impact, Relevance, Inclusion



Colonizing America

Sample Lessons



MA

RI

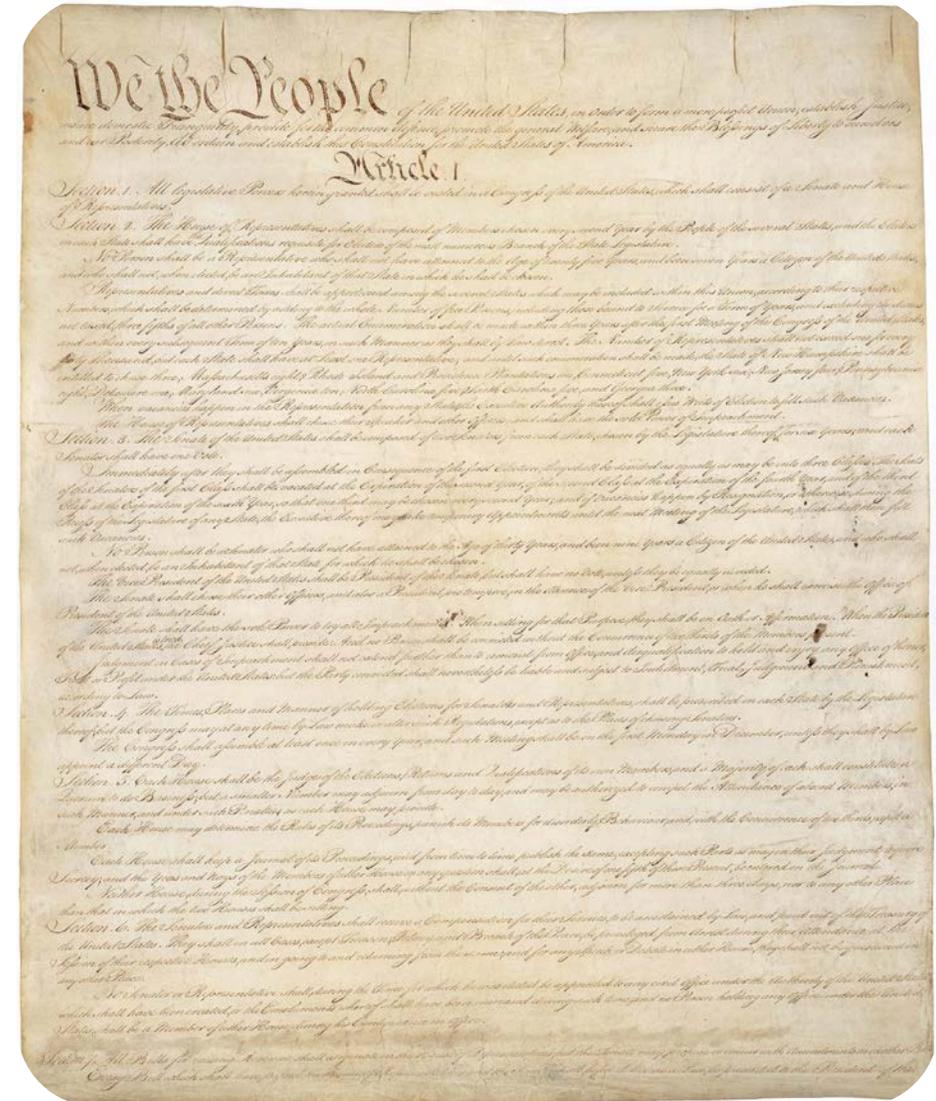
PA

VA

Constituting America

THE UNITED STATES CONSTITUTION (1789)

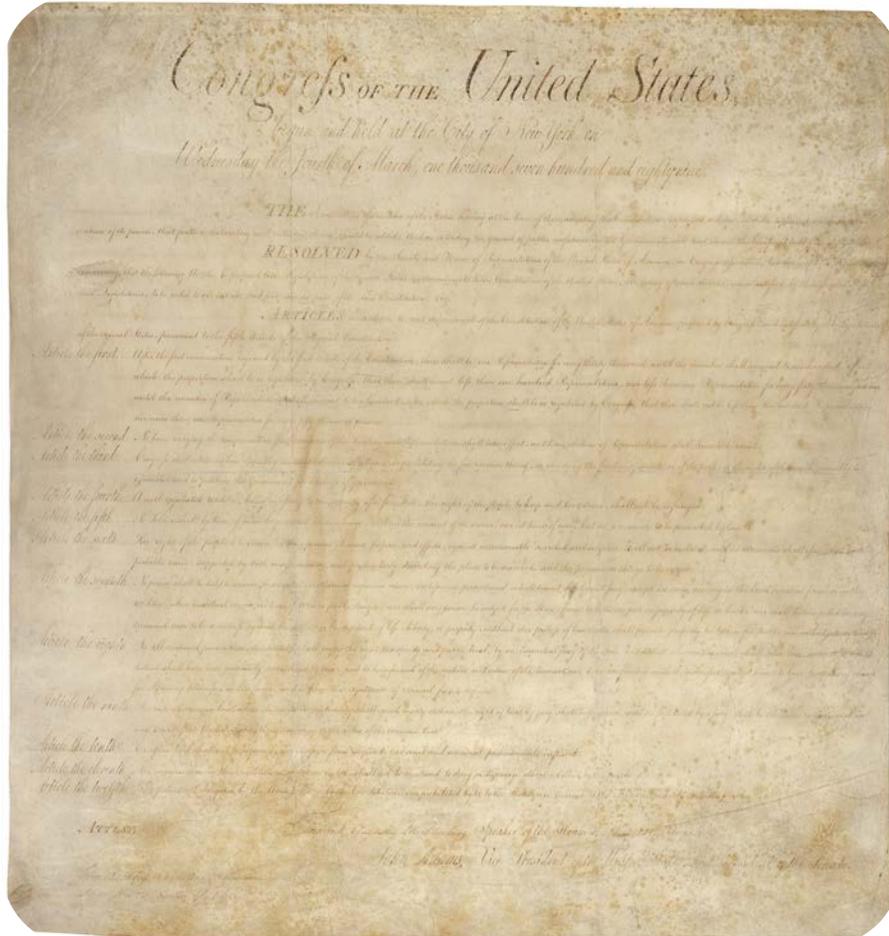
“[N]o religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” - U.S. Const. art. VI, § 3.



Two Principles: One Right

THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION (1791)

“*Congress* shall make no law respecting an **establishment of religion**, or prohibiting the **free exercise thereof**; or abridging the freedom of **speech**, or of the **press**; or the right of the people peaceably to **assemble**, and to **petition** the Government for a redress of grievances.” - U.S. Const. amend. I

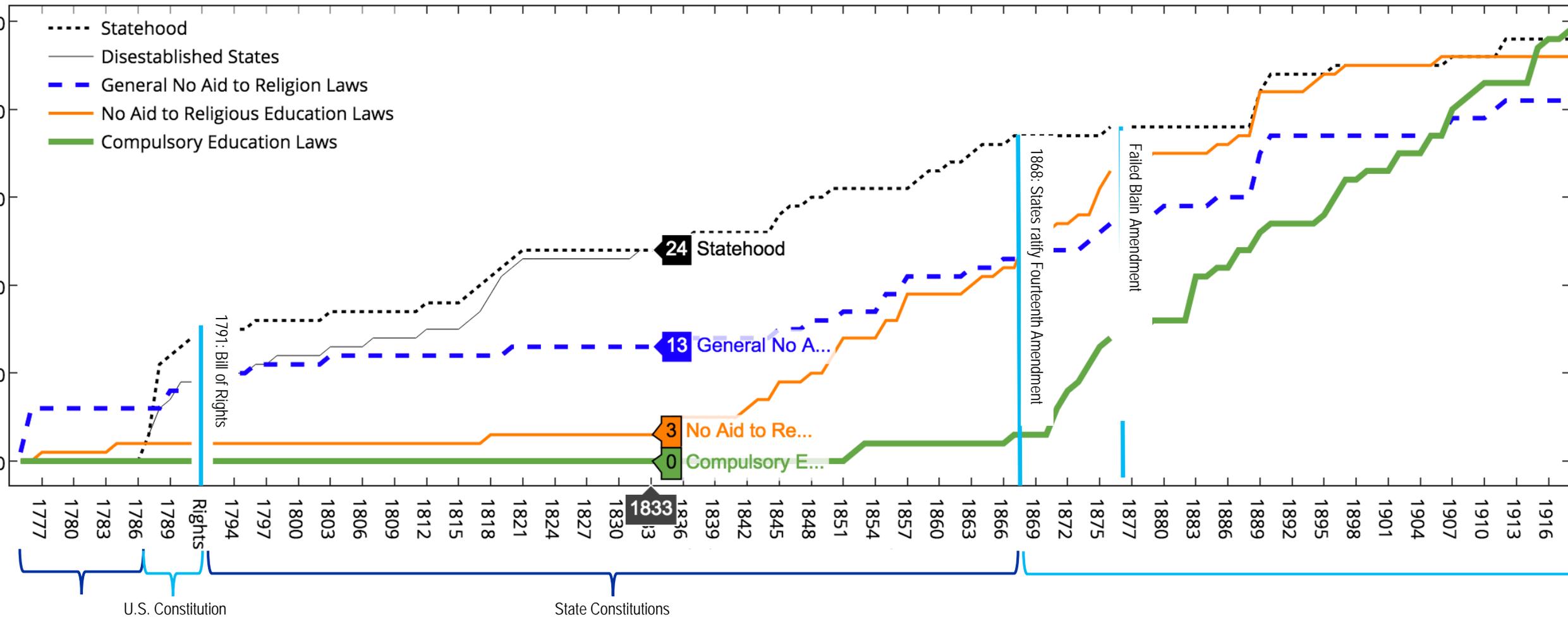


Separation as Constitutional and Biblical Principle

Nine states disestablished religion by the time United States Bill of Rights was constituted.

State	Admission to Union	Year to Disestablish Religion
1) Delaware	7 December 1787	No established religion in original constitution
2) Pennsylvania	12 December 1787	No established religion in original constitution
3) New Jersey	18 December 1787	No established religion in original constitution
Georgia	2 January 1788	1798, Article III §10
Connecticut	9 January 1788	1818, Article VII
Massachusetts	6 February 1788	1833, Article XI
4) Maryland	28 April 1788	1785-1810, Article 36
5) South Carolina	23 May 1788	1790, Article VIII
New Hampshire	21 June 1788	1784-1819, Article 6
6) Virginia	25 June 1788	1776-1786, Article I §16
7) New York	26 July 1788	No established religion in original constitution
8) North Carolina	21 November 1789	No established religion in original constitution
9) Rhode Island	29 May 1790	No established religion in original constitution
Vermont	4 March 1791	1807

State Constitutions

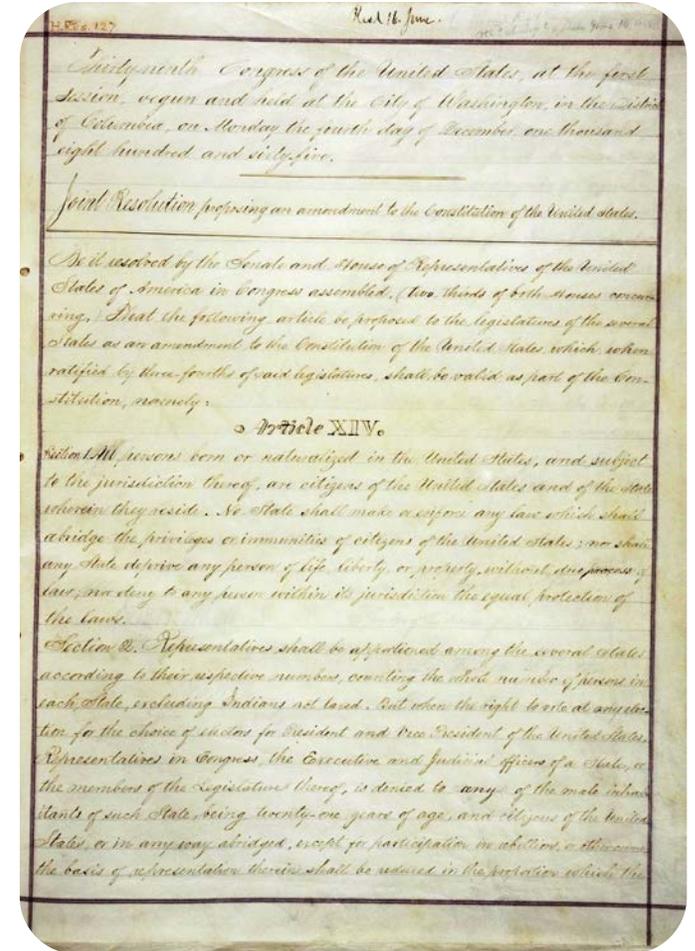


Reconstructing America

FOURTEENTH AMENDMENT (1868)

The Fourteenth Amendment was a post-Civil War reconstruction amendment that provides that:

“No... State [shall] deprive any person of life, liberty, or property, without **due process** of law; nor deny to any person within its jurisdiction the **equal protection** of the laws.” - U.S. Const. amend. XIV

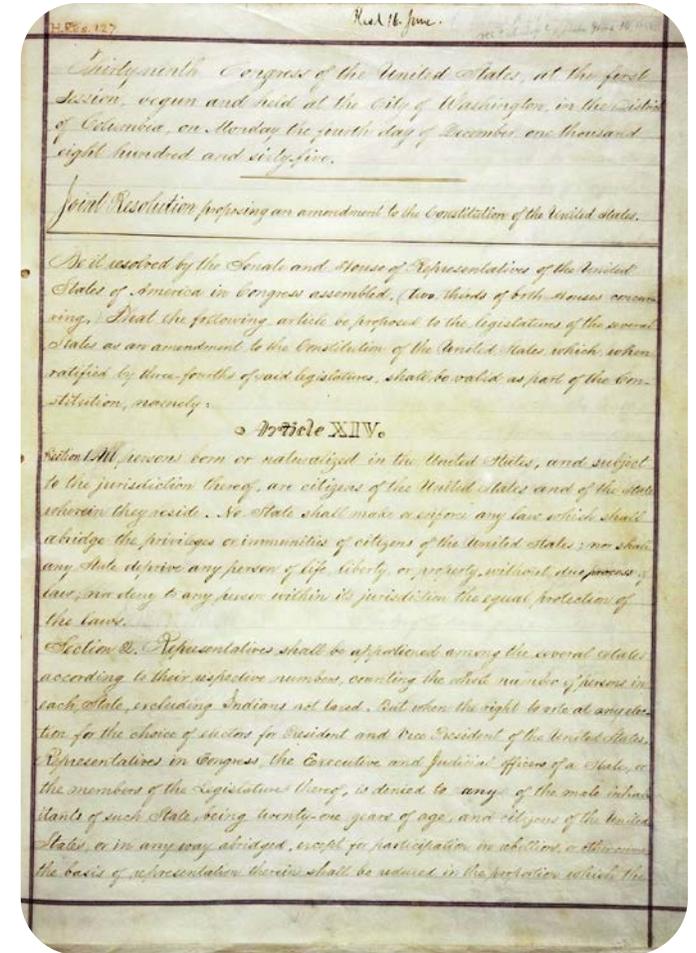


Incorporating America

INCORPORATION OF THE FOURTEENTH AMENDMENT (1925-1963)

The U.S. Supreme Court used the Fourteenth Amendment's Due Process and Equal Protection clauses to incorporate the First Amendment to state laws over a 38 year period:

- freedom of **speech** (1925);
- freedom of the **press** (1931);
- freedom of **assembly** (1937);
- the free exercise of **religion** (1940);
- the disestablishment of **religion** (1947); and
- the right to **petition** (1963).



Whiteness as Prerequisite for Citizenship



In 1922, Japanese immigrant Takao Ozawa was denied citizenship on the grounds that Japanese were not considered white—a ruling referenced by the high court in later justifying the internment of Japanese Americans during World War II (*Korematsu v. United States*).

Bhagat Singh Thind, an Indian Sikh, was unable to persuade the U.S. Supreme Court that Indians, as a branch of Aryans, were Caucasian. Even though he had previously served in the U.S. Army during World War I, the court upheld the decision to revoke his citizenship status.



Human Rights Frameworks

ARTICLE 18, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

"Everyone has the right to **freedom of thought, conscience and religion**; this right includes freedom to **change his religion or belief**, and freedom, either **alone or in community** with others and in **public or private**, to **manifest his religion or belief in teaching, practice, worship and observance.**"



International Frameworks

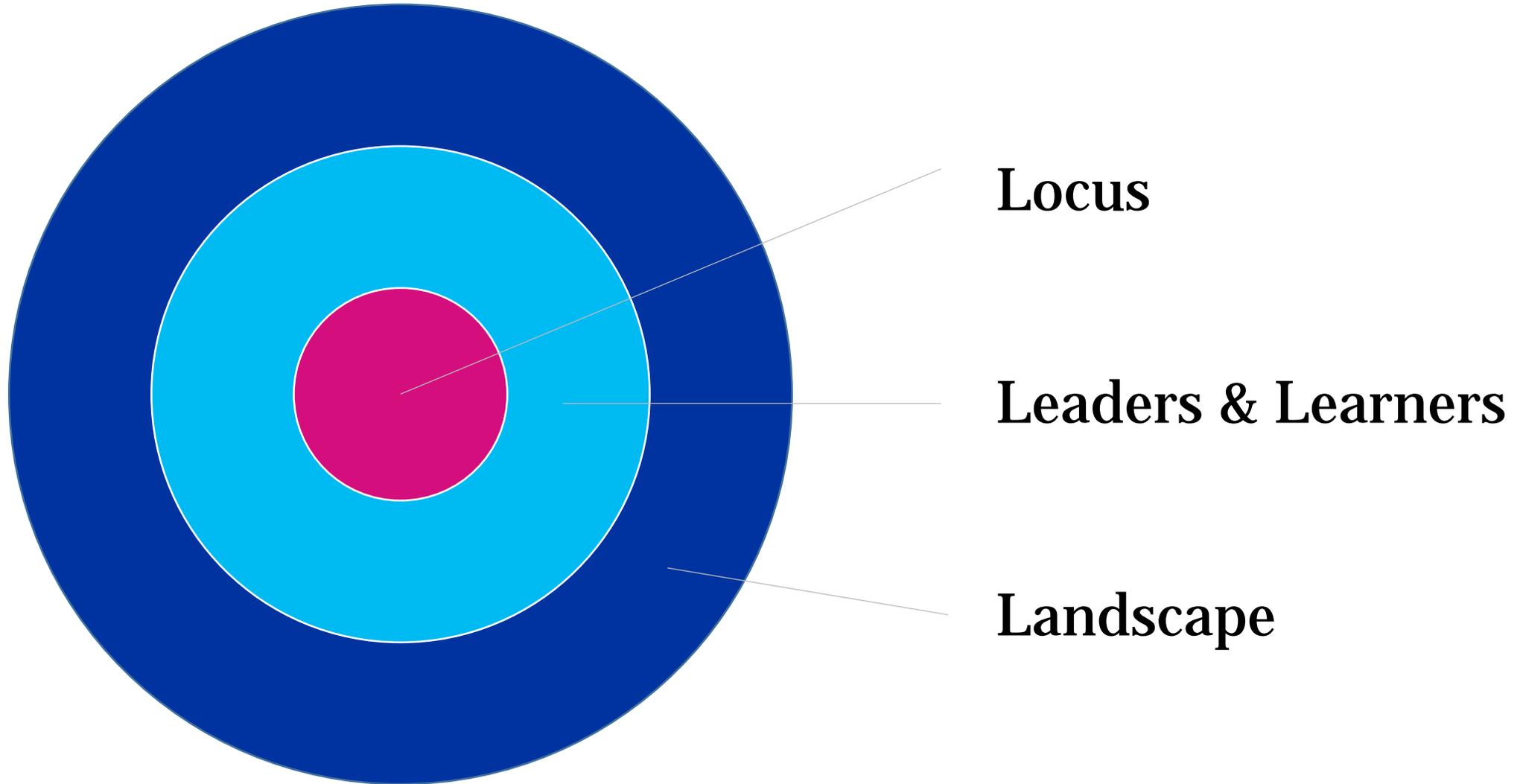
Of

For

From

Within

Religious Literacy & Religious Literacy



Sample Questions

1. Is it constitutional to teach about religion in public schools?
2. Is it legal for students to pray or share their religious beliefs in public schools?
3. Can public school teachers join students in religious activities in public schools?
4. Can a teacher be fired for wearing religious garb while in the public classroom?

The screenshot displays the website for the Religious Freedom Center of the Newseum Institute. The top navigation bar includes links for NEWSEUM, NEWSEUM INSTITUTE, NEWSEUMED, and FREEDOM FORUM. The main menu lists ABOUT, INITIATIVES, ADMISSIONS, ACADEMICS, EVENTS, PARTNERS, RESOURCES, and CONTACT. A secondary menu features APPLY, EXPERTS, and SCHOLARSHIPS. A large banner image shows a group of people in a library setting, with the word 'RESOURCES' overlaid. Below the banner, a breadcrumb trail reads 'RELIGIOUS FREEDOM CENTER > RESOURCES'. The main content area is divided into two columns. The left column lists categories: BOOKS & REPORTS, COLUMNS & ARTICLES, CONSENSUS DOCUMENTS, TEXTBOOKS & LESSONS, MULTIMEDIA ARCHIVE, FREEDOM OF RELIGION Q&A, and RELIGION HEADLINES. Below this is a 'WHO'S WHO?' section with a 'DIRECTORY' link. The right column contains introductory text about the center's resources and a 'question & answer series'. Below the text are two featured sections: 'BOOKS & REPORTS' with an image of books and a description of available materials, and 'COLUMNS & ARTICLES' with a portrait of Charles C. Haynes and a description of his work.

A Complete Education

Is it constitutional to teach about religion in a public school?

“[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 affected consistently with the First Amendment.”

~ Justice Tom Clark in *Abington V. Schempp* (1963)

Student Prayers

Is it legal for students to pray in public schools?

1. Yes. The Supreme Court has **never outlawed prayer** in public schools.
2. Students are free to pray **alone or in groups**, as long as the prayers are not disruptive and do not infringe upon the rights of others.
3. But this right to *engage in **voluntary prayer*** does not include the right to *have a **captive audience** listen or to **compel** other students to participate.*

VIOLATIONS ▶

Prayers **organized** or **sponsored** by a public school – even when delivered by a student – violate the First Amendment whether in a **classroom**, over the **public address system**, at a **graduation** exercise, or even a high school **football game**.

Ask Yourself

How can I tell when a planned school action or activity might violate the **Free Exercise Clause of the First Amendment?**

1. Would this action or activity **substantially burden** a person's ability to act on a **sincerely held religious belief**?
2. Is this action or activity furthering a "**compelling state interest**"?
3. And have I pursued that interest in the manner **least restrictive**, or least burdensome, to religion?

Ask Yourself

How can I tell when a planned school action or activity might violate the **Establishment Clause** of the First Amendment?

1. Do I have a distinct **educational or civic purpose** in mind?
2. Have I done what I can to ensure that this activity is not designed in any way to either **promote or inhibit religion**?
3. Does this activity serve the educational **mission** of the school or the **academic goals** of the course/curriculum?
4. Have I done what I can to ensure that no student or parent may be made to feel like an **outsider**, and not a **full member** of the community, by this activity? If I am teaching about religion, am I **balanced, accurate, and academic** in my approach?

A Teacher's Religious Expression

Can teachers and administrators pray or otherwise express their religious or nonreligious views while in public schools?

- Yes, in faculty lounges during free time in the school day or before or after school but not carrying out their official duties.

VIOLATIONS ▶ School officials do not have the right to pray with or in the presence of students during the school day.

Can teachers and administrators wear religious jewelry or garb?

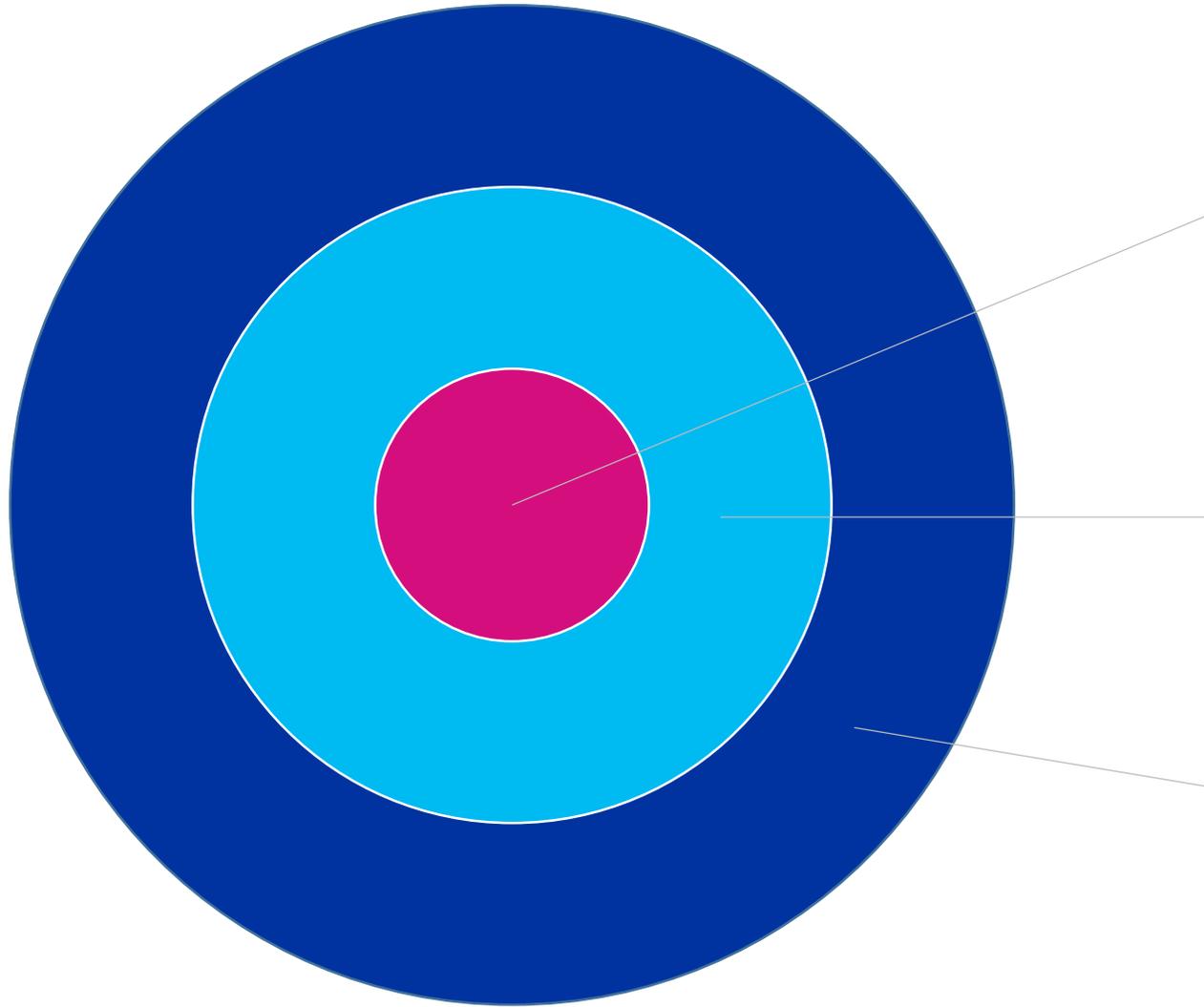
- Most experts agree that they can but they cannot wear clothing with a proselytizing message (e.g., a “Jesus Saves” T-shirt).

VIOLATIONS ▶ In Pennsylvania it is illegal for teachers to wear religious symbols or garb when in public schools.

Teachers' Religious Garb



Laboratories for Democratic Freedom

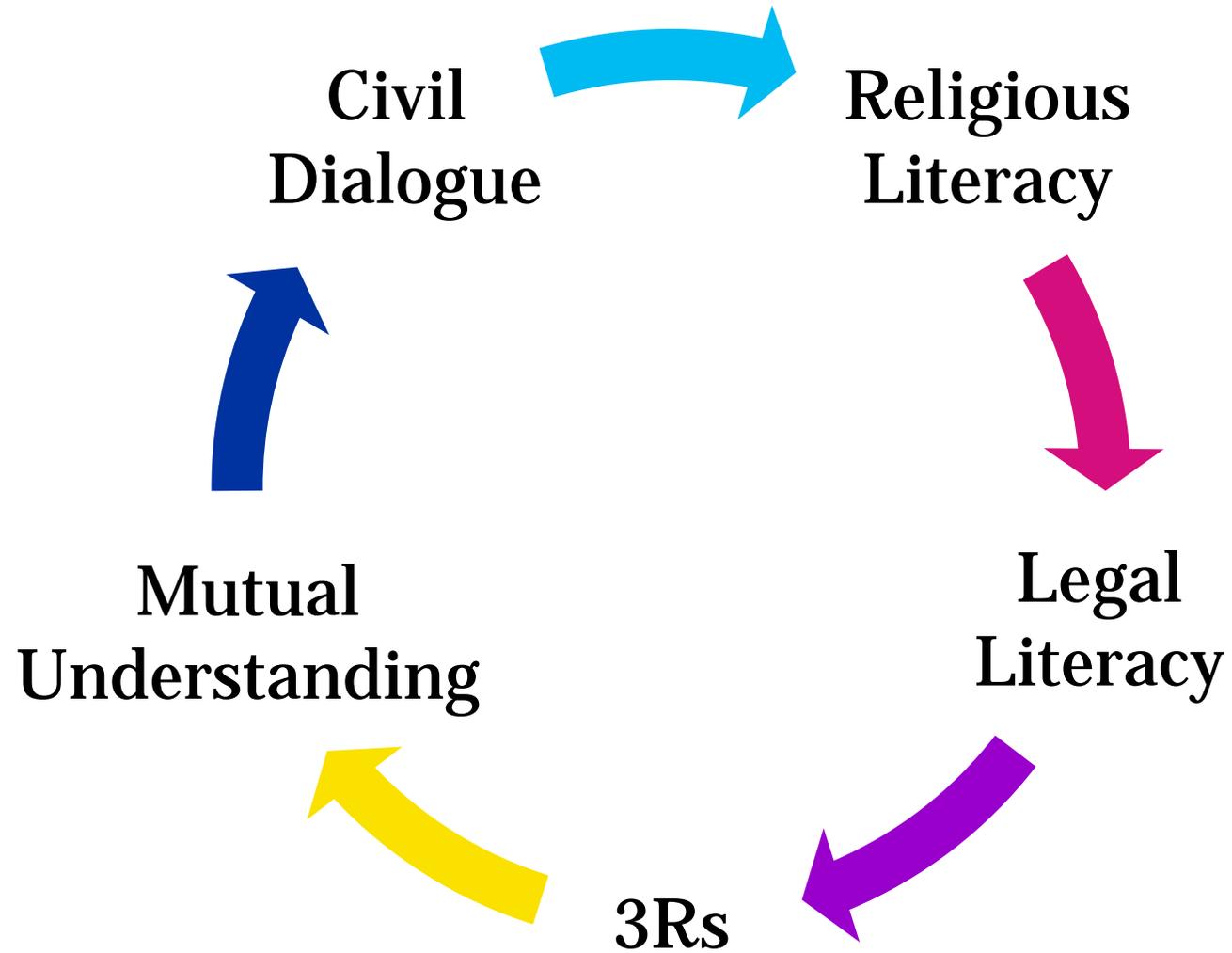


**Locus: from battleground
to common ground**

**Literate Leaders &
Literate Learners**

**Landscape: requires that
we learn together with our
deepest differences**

Circle of Civic Competencies



RELIGIOUS FREEDOM CENTER

NEWSEUM INSTITUTE

CONGRESS SHALL MAKE NO LAW
RESPECTING AN ESTABLISHMENT
OF RELIGION, OR PROHIBITING
THE FREE EXERCISE THEREOF,
OR ABRIDGING THE FREEDOM
OF SPEECH, OR OF THE PRESS;
OR THE RIGHT OF THE PEOPLE
PEACEABLY TO ASSEMBLE, AND
TO PETITION THE GOVERNMENT
FOR A REDRESS OF GRIEVANCES.

THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

