

## **Understanding the separation of church and state**

Citizens Project upholds the traditional American value, articulated in our U.S. and Colorado Constitutions, of church and state separation. Religious freedom in America and the flourishing of a diversity of religions in modern-day America owe much to the ideal of keeping the state separate from religion. However, a great deal of confusion exists around what is, and is not, permissible - especially in public schools.

### **Is church-state separation a myth?**

*The Myth of Separation*, independently published by David Barton in 1989, attributes statements to Thomas Jefferson claiming that Jefferson meant the wall of separation to be "one-directional" protecting the church from the government. The statements have been proven false, but the material still misleads the public, especially since Barton's book has been publicized and cited by public figures such as Pat Robertson, formerly of the Christian Coalition. In a 1992 document, the Colorado Christian Coalition added to Barton's claims that Jefferson said the government should be based on "Christian principles." Constitutional scholars have documented that this claim, too, is false.

### **The phrase 'separation of church and state' does not appear in the Constitution.**

True. Generally associated with Thomas Jefferson, the phrase 'wall of separation between church and state' appears in his 1802 letter to the Danbury Baptists. A second Constitutional influence, James Madison, advocates a "separation between religion and government in the Constitution of the United States," in an essay of the same period. The phrase summarizes the Constitutional principle of the First Amendment and Clause 3 of Article VI.

The Bill of Rights (the first ten amendments to the Constitution) outlines basic rights of the people. The First Amendment reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" these two clauses are referred to as the establishment clause and free exercise clause respectively. Free exercise provides religious liberty, while the establishment clause bars the government from favoring one religion over another through an establishment of religion. While government will not establish or favor one religion, it also will not bar persons from having a religion.

The other part of the Constitution that discusses religion is Clause 3 of Article VI: "No religious Test shall ever be required as a qualification to any Office or public trust under the United States." The conversations out of which this clause came are just one example that making the next statement illogical.

### **Wasn't this country founded by Christians for Christians?**

False. While several of the founders were Christian, the notion that the nation was founded *for* Christians is not true. Opportunities to exclude persons based on their faith or lack of adherence to an organized religion were discussed at length. At the time of the Constitution's creation, there were conversations about excluding Catholics, since they acknowledged foreign power through the Pope, and excluding Atheists, because they "have no principles of value." Newspapers of the period printed arguments for excluding Muslims and Deists, as well. Italy, Spain, Portugal, and England restricted political activity to members of their state religions.

Instead of favoring one Christian denomination over another or excluding followers of philosophies outside the Christian tradition, Constitutional designers chose a more inclusive route. Clause 3, Article VI, is the conclusion of those discussions. Authors of the Constitution were careful not to favor one religion over another and opened service to the government to all citizens.

Faith and religion were strong and important to many of these men, but in the end, religious language was kept to a minimum and the religious terms were kept nonsectarian.

Although these are the only areas of the Constitution that speak of the entanglement between religious organizations and the government, these two relatively small passages are not all there is. The principle for the separation of church and state encompasses not only phrases in the Constitution, but also the culture out of which the Constitution came, and verdicts in the Supreme Court.

### **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 affected 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:

The school's approach to religion is academic, not devotional.

The school may strive for student awareness of religions, but should not press for student acceptance of any religion.

The school may sponsor study about religion, but may not sponsor the practice of religion.

The school may expose students to a diversity of religious views, but not impose any particular view.

The school may educate about all religions, but may not promote or denigrate any religion.

The school may inform the student about various beliefs, but should not seek to conform him or her to any particular belief.

### **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 the 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?**

Whenever 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 instruction about festivals and different cultures. Many educators believe that integrating study about religion in 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.

### **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 a 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 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.