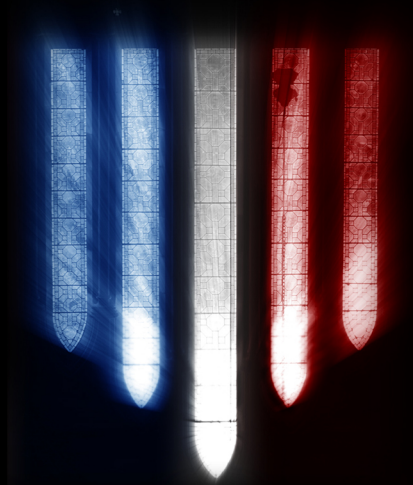




DEEP COMMITMENTS

THE PAST, PRESENT, AND FUTURE
OF RELIGIOUS LIBERTY

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10. Public Schooling and Religious Equality Cannot Coexist

Neal McCluskey

I wish to make two points: public schooling inherently creates religious conflicts in a pluralistic society, and public schooling is unavoidably discriminatory.

Public schooling has been a historical flash point for a fair number of religious conflicts. Most people tend to think of Catholic and Protestant conflicts, but, in the beginning of public schools, there were conflicts between more or less orthodox Protestants about what schools would teach. We continue to have conflicts among people who think religion has an important or essential role in education and those who think it should have no official place within the public schools for which everyone pays. Today, even with religion removed from any official place in public schooling, religious conflicts abound.

The Cato Institute runs something called the “public schooling battle map.” The map currently includes about 1,500 values- and identity-based public-schooling conflicts, and over 250 of those are explicitly and primarily about religion. It is not a comprehensive collection of every values- or identity-based conflict in American education; it’s a collection of those that are in the major media and can be found on Google Alerts. There are likely many more that don’t get reported.

Although there are 250 predominantly religion-based conflicts, there are all sorts of other conflicts that have a religious component but are not categorized as “religion-based” first and foremost.

Many freedom-of-expression conflicts are connected to religion—for example, questions about what you can wear to school or how you can style your hair if you're Native American and those issues are important to your religion. The teaching of human origins has, for a very long time, been maybe the hottest flash point, but that gets its own category because it has been so consistent and so time-honored. Then there's book "banning"—with the term "banning" in quotation marks because the controversies are not often about saying "you may not access the book," but about whether the school district is going to buy a book, put it in the library, or even more directly put it on a reading list. Most of these conflicts are connected to religious values, so the 250 "pure" religious conflicts are just the tip of the iceberg.

Many of these battles happen not at the district level but at the state level. Now, though, questions about bathroom access and locker room access are a federal issue that affects us all. Nobody is out of the reach of the bombs and the bullets that are fired in these religious and education-connected conflicts. Often, everybody is pulled in, even those who live in a district that isn't having these debates. With regard to bathroom access, some religions say, "Look, modesty and separation between the sexes are important, very important." We've also seen lots of debates over which religions get their holidays off—something that's been hotly discussed in New York City; Montgomery County, Maryland; and Hillsborough County, Florida, among other places. Of course, we've had debates about the origins and the development of life since at least the Scopes Monkey Trial in the 1920s.

Then there's the question of how religion is taught. This is not just about how districts and states handle the teaching of the Bible, which of course is important, and it's not just about Christianity. There have been fights in California and New Mexico over the appropriateness of yoga in schools, with some arguing that yoga has a religious component and therefore it would be government imposing religion on students. About 10 years ago, there was an

eruption of discontent from Hindus in California over the treatment of their religion and culture in a state-approved history textbook. Clearly, religion is still an issue in many public schools. These conflicts show that, although public schools are supposed to have a unifying effect, they may actually have a divisive effect.

Going beyond the conflicts, we must realize there is often inherent inequality in public schooling because it tends to be a zero-sum game—if one side gets what they want, the other side has to lose. If one side thinks creationism should be taught and the other does not, one side must lose. If one group thinks the book *Bless Me, Ultima*, which is one of the often-challenged books, should be on the 11th grade curriculum, and another group doesn't, one side has to lose. And if one group thinks religion is inherent to education and the other does not, again, one side has to lose.

Regardless, everybody has to pay for the public schools.

But they're not really "public" schools, they're government schools. When I say "government schools," people accuse me of using a pejorative to take a cheap shot at the public schools. But the accurate descriptor is crucial to understanding that your government is not allowed to discriminate for or against you. I don't use "government schools" to be pejorative; I use it because it's a critical point to understand. The government should not impose religion on anyone, so government schools should not impose religion on anyone. Clearly, that would be establishment of religion. It is also unacceptable to prohibit religion, especially when religion is singled out as something that can't be in the public schools. That's religious inequality under the law. As a result, one system of government schools can't serve all people equally.

The good news is that we can have public funding of education, coupled with freedom for families and educators. This is similar to what Milton Friedman wanted, which was to separate the funding from the provision of the schools. The government can provide the funding but doesn't have to provide the schools. That would allow both public education and freedom.

Vouchers are probably what first come to mind when we think about school choice. But there's a very serious and important objection to vouchers: people can reasonably object to their tax dollars going to a school that teaches X, Y, or Z. Nevertheless, vouchers are better than the current system. There's far less coercion and compulsion if you give choice to all the consumers of education rather than having a winner-takes-all system. Now, if 51 percent, or maybe 45 percent, or maybe a just powerful minority says, "We're going to teach X," then *everyone* has to accept it. That means much less freedom, much more coercion, than if everybody in a pluralistic society was allowed to choose schools that comport with his or her values.

The good news is there are ways to add freedom to the system without running into the legitimate concerns about vouchers: scholarship tax credits or tax credit-funded education savings accounts. With this system, people would have the freedom to donate to a scholarship-granting organization, and—depending on how the law is written—they could donate to the organization of their choice. Do you want to donate to a diocesan school system? Do you want to donate to a system of Montessori schools? That's your choice, and there is far less compulsion in that system than with vouchers.

But what about the "public good"? That is what a lot of people think public schooling is about. When we're trying to shape the next generation, there are two very important public good concerns: (1) Do we want to avoid dangerous teachings, un-American teachings, however that is defined? (2) Do we want to make sure everybody learns civics, about their role as a voter, about the separation of powers in government, and other similar things?

Those questions raise legitimate concerns, but those concerns shouldn't be impediments for more choice. When it comes to dangerous teachings, the likelihood of schools teaching children to kill certain groups or to overthrow the government is exceedingly rare—and such teachings would be problematic at a much

deeper level than a schooling question. As for civics education, it's certainly understandable to argue that the next generation of Americans needs to understand American values, understand voting, serve on juries, and similar things. However, research actually suggests that chosen schools are better than traditional public schools at inculcating civic knowledge and attitudes such as volunteering in the community. One possible reason is this: questions about civics—beyond the rhetoric of freedom, equality, and so on—can get very contentious. What is the role of the federal government? What do we mean when we talk about separation of powers? Should the public schools require students to perform community service to graduate? These questions become dicey, and different people with different values have different answers to them. What we might be seeing in civics classes is what has actually been documented in biology classes: public schools tend to gloss over anything that's controversial. They don't want controversy, they don't want conflict, they don't want parents coming to the principal or the school board saying, "I absolutely object to what you did." It's easier not to discuss things that are controversial.

Additionally, public education has become obsessed with test scores—reading and math scores in particular—and things like civics and social studies have been deemphasized. Therefore, chosen schools might be outperforming public schools in civics merely because they teach it. But that is not the main reason. Chosen schools, especially if they're private, bring people together voluntarily rather than forcing a "community" upon them. Voluntary schools can then have a coherent, rigorous set of norms and values that people agree on when they go to that school. "Choice" means schools no longer have to serve the lowest common denominator; firm teachings can exist for everyone.

Another big fear about school choice, maybe the biggest, is that we'll become balkanized. We succeed in life when we speak the same language, when we share norms, when we can do business

with people who are different from us. If we don't share an education system, maybe we'll each go off with our own group and we won't interact. Historically, that has not been the case. Self-interest can drive common language, norms, and values. People understand that if they want to succeed in this country, they need to know the norms, the culture, and the language.

Ultimately, our public school system has never and can never treat people of different religions—or nonbelievers—equally. The public school system has produced, or at least exacerbated, repeated conflict. More important, it is fundamentally at odds with American ideals. Only choice, only freedom in education, can bring true equality.