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## Public Schools May “Teach About Religion”—Not “Teach Religion”

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Question: *How and when might religious texts be studied in public schools?*  
 Answer: The short answer is this: Public schools may teach about religion, but may not teach religion. The "how" determines the "when." Take the Qur'an (or Koran, the holy book of Islam), for example. The Qur'an may be taught objectively without endorsing, promoting, inhibiting, coercing belief in, or entangling the school with Islam (or any other religion for that matter).

This answer, standing alone, is not an argument per se, but rather an assertion. The assertion becomes an argument once the reasoning is provided. For this purpose, the author will employ his "CLEAR Argument Paradigm" where "CLEAR" stands for Claim (Position), Limits (Qualifier), Evidence (Reasons, Grounds), Assumptions (Warrants & Backing), and Rebuttal (to objections). In a nutshell, the argument is as follows:

Religious texts may be studied in public high schools, ideally within a "world religions" or "global studies" program (Claim). This is "Constitutionally permissible" if doing so (1) serves a secular purpose, (2) neither advances nor inhibits religion and (3) does not entangle the state with religion), as the U.S. Constitution's "Establishment Clause" (First Amendment) requires (Limits). The U.S. Supreme Court has stated: "Courses in comparative religion of course are customary and constitutionally appropriate" (Evidence). This is perfectly consistent with our Founding Fathers' conviction that "Religion, Morality and knowledge" are "necessary to good government and the happiness of mankind" (Assumptions). If it is objected that teaching religious texts in public schools transgresses the so-called "separation of church and state," the U.S. Supreme Court has held that church and state are not mutually exclusive, and that the Constitution affirmatively accommodates, not merely tolerates, all religions in public life (Rebuttal).

The argument will now be presented more fully:

Claim. The question presented explicitly focuses on public schools, although it can just as easily apply to state colleges and universities. In the summer of 2002, for instance, a controversy flared up at the University of North Carolina, the oldest public university in America, when, shortly after the terrorist attacks of 9/11/2001, some 2,260 freshmen were asked to read and discuss Michael Sells's *Approaching the Qur'an*. Lawsuits were filed, resulting in one published decision at the end of the litigation: *Yacovelli v. Moeser*, 324 F. Supp. 2d 760 (United States District Court for the Middle District of North Carolina, July 7, 2004). Judge N. Carlton Tilley held (at 764) the following:

UNC [University of North Carolina at Chapel Hill] implemented a freshman orientation program which did not infringe upon the rights of its students under the Free Exercise Clause. UNC implemented a program asking students to discuss a religion thrust into recent controversy, and to do so from an academic perspective. Part of the purpose of this program was to introduce students to the type of higher-level thinking that is required in a university setting. Students who were not members of the Islamic faith, probably the great majority of students, were neither asked nor forced to give up their own beliefs or to compromise their own beliefs in order to discuss the patterns, language, history, and cultural significance of the Qur'an.[1]

In America, "when" and "how" religious texts might be studied in public schools is as much a *legal* question as it is a *pedagogical* (educational) question, and so the answer must take the U.S. Constitution into account. Since public schools are publicly funded, this question is really about what the American courts call "state action" when it comes to religion at school. Religion courses in public schools do not run afoul of the Constitution if the instruction promotes knowledge of a religion, rather than promoting the religion itself. Conversely, such courses may not, on purpose, actively denigrate religions.

### Enduring Question

How and when might religious texts be studied in public schools?

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**Public Schools May “Teach About Religion”—Not “Teach Religion”**

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Championing and Challenging Religious Texts in Public Schools

American courts have primarily focused on "how not to" teach religion courses in public schools. But what about "how to" teach such courses that are both pedagogically effective and constitutionally proper? And why teach about religion in the first place? What's the justification for inclusion in a public school's curriculum?

"Religious literacy" is most often cited by educators generally as the main goal of studying religious traditions. Our society is increasingly multicultural and religiously plural. To get along with religiously diverse associates in daily life, getting to know something useful about the religious traditions of the world is reason enough to study world religions in public schools. In his bestselling book, *Religious Literacy: What Every American Needs to Know And Doesn't* (2007), Stephen Prothero, a professor of religion at Boston University, argues that one needs religious literacy in order to be an effective citizen.

Prothero describes America as a nation of religious illiterates. Americans, while deeply religious, typically know little about their own respective religions, and far less about the religions of others—a civic problem of the first magnitude. One simply cannot make sense of the world without knowing something about the world's religions. To remedy the problem, Prothero proposes that public schools offer courses on the "Bible as literature" and on the world's religions, so long as this involves "teaching about religion" (allowed by the U.S. Constitution) and not "teaching religion" (unconstitutional).

Here, Prothero's formulation appears to be drawn from this statement: "And it seems clear to me from the opinions in the present and past cases that the Court would recognize the propriety of providing military chaplains and of the teaching about religion, as distinguished from the teaching of religion, in the public schools."<sup>[2]</sup> The U.S. Supreme Court elsewhere has held that the "study of religions and of the Bible from a literary and historic viewpoint, presented objectively as part of a secular program of education, need not collide with the First Amendment's prohibition."<sup>[3]</sup>

As to how religious texts may be studied in public schools, a good way to do so is comparatively—that is, phenomenologically. Comparisons require categories, so that "apples" may be compared with other "apples," not "apples" to oranges." A fairly straightforward paradigm was developed by the present writer for use in colleges and universities. Here's what the paradigm looks like:

#### The DREAMS Paradigm

Doctrinal Dimension (metaphysics, philosophy of religion) [Acronym: CASE]

- Cosmology (cosmogony/theodicy).
- Anthropology (soul/consciousness/purpose).
- Soteriology (predicament/salvation).
- Eschatology (afterlife/apocalypse).

Ritual Dimension (anthropology of religion) [Acronym: CROW]

- Calendar (type/special features).
- Rites of Passage (rites of life/life-crisis rites/rites of faith).
- Observances (festivals and fasts/pilgrimages).
- Worship (communal/domestic).

Ethical Dimension (philosophy of religion) [Acronym: LIVE]

- Laws (prescriptions/proscriptions).
- Intentions (motives/reactions).
- Virtues (saints/saintliness).
- Ethics (moral principles/social principles).

Artistic Dimension (art history, iconography) [Acronym: MAPS]

- Music (liturgical/devotional).
- Art & Architecture (visual arts, temples, shrines, pilgrimage sites/assembly halls).
- Performance (dance/drama).
- Symbols (literary/concrete).

Mystical Dimension (psychology of religion) [Acronym: GASP]

- Goal of Attainment (quest/preparation).

- Activities (spiritual exercises/mystical orders).
- Stages (path/progress).
- Peak Experiences (visions, auditions/transformations).

Social Dimension (sociology of religion) [Acronym: DORM]

- Distribution (heartland/diaspora).
- Organization (hierarchy/community).
- Relations (church/state relations/interfaith relations).
- Missions (domestic/foreign).

This first-order phenomenological description of religion may be more useful for the high school teacher than for students (although university students can certainly benefit from this method for the comparative study of world religions). A more basic approach is recommended. In another popular work, *God Is Not One: The Eight Rival Religions That Run the World and Why Their Differences Matter* (2010), Stephen Prothero offers his own solution to the problem of religious illiteracy by giving an overview of eight world religions, with an interesting approach that is highly useful for comparison and critical thinking.

In *God Is Not One*, Prothero argues the world's religions each responds to the "human predicament" as defined by each religion. Prothero offers this "admittedly simplistic" four-part approach to his illness/cure model of religious offers of salvation, liberation or harmony: "Each religion articulates: a problem; a solution to this problem, which also serves as the religious goal; a technique (or techniques) for moving from this problem to this solution; and an exemplar (or exemplars) who chart this path from problem to solution."<sup>[4]</sup> This is an excellent answer to the problem of "how" to teach world religions in a public school setting. Here are the problem/solution paradigms that Prothero presents for the eight religions he covers in his book:

- Yoruba (West African): The problem is disconnection / the solution is connection with our destinies, to one another, and to sacred power<sup>[5]</sup>
- Hinduism: The problem is the perpetual cycle of birth, death, rebirth / the solution is liberation<sup>[6]</sup>
- Buddhism: The problem is suffering / the solution is awakening<sup>[7]</sup>
- Confucianism: The problem is chaos / the solution is proper social order<sup>[8]</sup>
- Daoism: The problem is lifelessness / the solution is flourishing, to live life to its fullest<sup>[9]</sup>
- Judaism: The problem is exile / the solution is to return to God<sup>[10]</sup>
- Christianity: The problem is sin / the solution is salvation<sup>[11]</sup>
- Islam: the problem is pride / the solution is submission<sup>[12]</sup>

This approach has much to commend it, although one may differ as to the problem/solution formulas. Starting in 1997, the present writer had adopted a similar approach in teaching world religions. Students were taught that world religions were systems of salvation, liberation or harmony and that the salvation, liberation or harmony that each religion offered was in direct response to the human predicament. In *Paradise and Paradigm* (1999), this author wrote:

As salvation systems, world religions have something to offer. Each religion's offer of salvation is referenced to a particular human predicament, whether that be sin, as in the case of Christianity, or suffering, as in the case of Buddhism. A religion cannot dispense salvation unless there is a presenting problem to be overcome. In Baha'i doctrine, the human predicament is ignorance resulting in the social chaos of disunity, not loss of immortality. The human predicament is not just individual, it is also corporate. In the Baha'i worldview, it is unity, not immortality, which is the Paradise that needs to be regained.<sup>[13]</sup>

In a nutshell, one can say that the Irano-Semitic religions (i.e. Zoroastrianism and the "Abrahamic religions," including Judaism, Christianity, Islam and the Baha'i Faith) offer types of "salvation," variously defined, while South Asian religions (i.e. Hinduism, Jainism, Buddhism and Sikhism) offer forms of "liberation," while East Asian religions (i.e. Confucianism and Daoism), along with some indigenous religions (such as the Yoruba tradition referenced above) emphasize the restoration of "harmony" in the cosmic and social order.

The problem/solution approach is just one that may be taken in response to the question, "How and when might religious texts be studied in public schools?"

Limits: The courts have addressed the relevant legal issues i.e. how not to teach religion in public schools. This defines

the "limits" as to when and how such instruction is both *effective* (in promoting religious literacy) and *legal* (when taught within constitutional limits).

The U.S. Supreme Court has not questioned the authority of state colleges and universities to offer world religions courses. Public schools are different. The U.S. Constitution places certain limits on the state's role with respect to religion in public schools. As to religion, the First Amendment (which, among other rights in the Bill of Rights, the First through Tenth Amendments, has been selectively "incorporated" and applied to the States by the Fourteenth Amendment) commands: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Thus the First Amendment enshrines two religion clauses: the Establishment Clause and the Free Exercise Clause. Most of the published public school court cases are analyzed under the Establishment Clause.

The prevailing constitutional analytical tests, when it comes to religion in public schools, are: the *Lemon* test, the Endorsement test and the Coercion test. (Prothero does not address these tests.) Briefly, a course on religion offered in a public school must: serve a secular, not religious purpose, neither advance nor inhibit religion, not entangle the state with religion, not endorse a religion, and not coerce belief or participation in religion. If a religion course taught in a public school does not violate the *Lemon* test or the Endorsement and Coercion tests, then that course will pass constitutional muster, if legally challenged.

Evidence: The evidence for the legal standards outline above are referred to as "case law." Space does not permit a detailed survey of these cases. The U.S. Supreme Court has held: "Courses in comparative religion of course are customary and constitutionally appropriate."<sup>[14]</sup> The U.S. Court of Appeals, in *Roberts v. Madigan*, 921 F.2d 1047, 1055 (10th Cir. Colo. 1990), explains that there is a "difference between teaching about religion, which is acceptable, and teaching religion, which is not" (internal citation omitted). What about the "Bible as literature" courses that Prothero advocates (along with offering world religions courses)? The Supreme Court of New Jersey has pointed out that the "great weight of authority in the state courts holds that the Bible itself is not a sectarian book and can be read in the schools to inculcate fundamental morality."<sup>[15]</sup>

Assumptions: This Supreme Court jurisprudence is perfectly consistent with Article III of the historic Northwest Ordinance. On July 21, 1789, the First Congress of the United States, on the very same day that it approved the Establishment Clause concerning religion, also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River. Article III declared, in part: "Religion, Morality [sic] and knowledge being necessary to good government and the happiness of mankind, Schools [sic] and the means of education shall forever be encouraged."<sup>[16]</sup> In other words, schools should not only transmit knowledge, but should inculcate character development and a social conscience.

Rebuttal. If it is objected that the Constitution mandates separation of church and state, the U.S. Supreme Court has held: "Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any."<sup>[17]</sup>

Some may argue that religion should be taught at home or at one's church, synagogue, mosque or temple or other place of worship, but not in public schools. Yet there is no reason why religion cannot be taught in *all* these venues. The question then becomes. "How ought religion be taught? Which religion is taught?"

The answer seems obvious with respect to homes and places of worship. Home and place of worship is where one's own religion, or the religion of one's parents, would be taught, which makes the case for studying religious texts in public school all the stronger. Where else would students have the opportunity to learn about other world religions, as well as their own (while granting that some students are non-religious)?

One would also expect that the manner in which religions are taught about at school is necessarily different when done so at home or church. In public high schools and colleges, religious texts typically are presented as readings, just like any other required course readings, and the material is treated (or supposed to be treated) in a fairly objective, open-ended manner. In other words, while the subject matter of religious studies is religious, the approach is academic (and not religious).

Concluding Observations: Religions arguably have been the source of great good and great evil throughout history and down to the present. Take, for instance, the moral uplift so effectively expressed by the following religious text, conveying a universal ethic that transcends religious boundaries:

Be generous in prosperity, and thankful in adversity. Be worthy of the trust of thy neighbor, and look upon him with a bright and friendly face. Be a treasure to the poor, an admonisher to the rich, an answerer of the cry of the needy, a

preserver of the sanctity of thy pledge. Be fair in thy judgment, and guarded in thy speech. Be unjust to no man, and show all meekness to all men. Be as a lamp unto them that walk in darkness, a joy to the sorrowful, a sea for the thirsty, a haven for the distressed, an upholder and defender of the victim of oppression. Let integrity and uprightness distinguish all thine acts. Be a home for the stranger, a balm to the suffering, a tower of strength for the fugitive. Be eyes to the blind, and a guiding light unto the feet of the erring. Be an ornament to the countenance of truth, a crown to the brow of fidelity, a pillar of the temple of righteousness, a breath of life to the body of mankind, an ensign of the hosts of justice, a luminary above the horizon of virtue, a dew to the soil of the human heart, an ark on the ocean of knowledge, a sun in the heaven of bounty, a gem on the diadem of wisdom, a shining light in the firmament of thy generation, a fruit upon the tree of humility.óBaha'u'llah (1817ñ1892)[18]

Or consider Confucius' teaching that the universal principle of reciprocal altruism is the rule of life:

Tzu-kung asked, saying, "Is there one word which may serve as a rule of practice for all one's life?" The Master said, "Is not RECIPROCITY such a word? What you do not want done to yourself, do not do to others."óConfucius[19]

Here, the Golden Rule is enunciated, albeit in its negative form. Even Prothero, in *God Is Not One*, recognizes the essential oneness of religions (as) when it comes to their ethical precepts: "The world's religious rivals do converge when it comes to ethics"(3). On the Golden Rule in the world's religions, see the present writer's companion essay, "Religions Share Enduring Values." [20] Protheroóarguably the leading proponent of religious literacyóapproaches religion from the vantage of difference rather than similarity. The present writer advocates both, i.e. interpreting similarities by means of differences, and vice versa. Paradigms render parallels intelligible and account for differences. That said, students ought to be given the opportunity to form their own (informed) opinions.

The questionó"How and when might religious texts be studied in public schools?ócould just as easily be answered, "Never." Such a jaundiced view of the study of religionsóand of its social goodóis completely beside the point. In this day and age, to be an effective world citizen, one needs to have a certain degree of "religious literacy." Where better (and where else) than in public high schools, colleges and universities? How better than by dispassionately and methodically studyingóand comparingóworld religions?

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#### Notes:

[1] See further Christopher Buck, "Discovering," *The Blackwell Companion to the Qur'an*, edited by Andrew Rippin (Oxford: Blackwell, 2006), 18ñ35. In the public school setting, two comparable controversies involved study of the Bible in public schools: *Wiley v. Franklin*, 468 F. Supp. 133 (E.D. Tenn. 1979) and *Herdahl v. Pontotoc County Sch. Dist.*, 933 F. Supp. 582 (N.D. Miss. 1996)

[2] *School Dist. v. Schempp*, 374 U.S. 203, 307 (1963) (Justice Goldberg and Justice Harlan, concurring).

[3] *Epperson v. Arkansas*, 393 U.S. 97, 106 (1968).

[4] Stephen Prothero. *God Is Not One: The Eight Rival Religions That Run the Worldóand Why Their Differences Matter* (New York: HarperCollins, 2010), 14.

[5] *Ibid*, 203.

[6] *Ibid*, 148.

[7] *Ibid*, 169.

[8] *Ibid*, 101, 113.

[9] *Ibid*, 279, 285.

[10] *Ibid*, 243.

[11] *Ibid*, 65, 72.

[12] *Ibid*, 25, 62.

[13] Buck, *Paradise and Paradigm: Key Symbols in Persian Christianity and the Baha'i Faith* (Albany: State University of New York Press, 1999), 200, 234.

[14] *Edwards v. Aguillard*, 482 U.S. 578, 607 (1987). Justice Powell, with whom Justice O'Connor joins, concurring.

[15] *Doremus v. Board of Education*, 71 A.2d 732, 739 (N.J. Super. 1950)

[16] See *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 400 (1993) (Justice Scalia, with whom Justice Thomas joins, concurring).

[17] *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984).

[18] Baha'u'llah, *Gleanings From the Writings of Baha'u'llah*, translated by Shoghi Effendi (Wilmette, IL: Baha'i Publishing Trust, 1990), 285.

[19] Confucius, *Analects*, Book XV, Chapter 23, translated by James Legge (Mineola, NY: Dover Publications, 1971).

[20] Buck, "Religions Share Enduring Values." *World Religions: Belief, Culture, and Controversy*. Santa Barbara, CA: ABC-CLIO, 2011. <http://religion2.abc-clio.com>.

**About the Author**

Dr. Christopher Buck (PhD, University of Toronto, 1996; JD, Thomas M. Cooley Law School, 2006), is a Pennsylvania attorney/independent scholar and a part-time instructor at Pennsylvania State University (Greater Allegheny). He has taught at Michigan State University (2000–2004), Quincy University (1999–2000), Millikin University (1997–1999), and Carleton University (1994–1996). Widely published, Buck also has authored book chapters as well as journal and encyclopedia articles on topics ranging from the comparative phenomenology of religions to African American studies. For use as classroom teaching tools, Buck is known for his "DREAMS" world religions paradigm—Doctrinal, Ritual, Ethical, Artistic, Mystical and Social dimensions of religion (with sub-dimensions)—for describing and comparing world religions, and for his "CLEAR" argument paradigm—Claim, Limits, Evidence, Assumptions and Rebuttal—a model to assist students in writing their own arguments. Buck's biography of Alain Locke—the first African American Rhodes Scholar (1907) and who Dr. Martin Luther King, Jr., in a 1968 speech, compared to Plato and Aristotle—presents Locke's philosophy of democracy in nine dimensions. Buck later edited and introduced previously unpublished essays and speeches by Alain Locke. In June 2011, Buck presented "Locke: Pioneer in Multiculturalism & Race Amity" at the National Race Amity Conference in Boston.



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