

## **Separation of Church and State: Fact or Fiction?**

**Author(s): Wesley D. Hickey, Peggy Gill, and Rebecca Ratliff Fredrickson**

### **Affiliation:**

2008

Separation of Church and State: Fact or Fiction?

Authors: *Wesley D. Hickey, Peggy Gill, and Rebecca Ratliff Fredrickson*

Affiliation: The University of Texas at Tyler

## **INTRODUCTION**

Court cases over the past several decades have been consistent in following the constitutional mandates separating religious issues and public education, thus eroding government sponsored activities associated with faith (Irons, 2007). This has created concern in some segments of society that values religious beliefs, and there are political groups that believe public school decline is due in part to a lack of religious instruction (Bergel, 1988). But how separate is church and state in our public schools? Are the legal precedents followed? The purpose of this paper is to look at the public schools' requirements in separating issues of church and state, and measuring whether this is the reality in schools in one area of the southern United States.

### **First Amendment**

Religion was an important factor in the founding of our country. Early colonists had left Britain, a country which had a government sponsored religion through the Church of England. Although there were similar beliefs among many in the new land, there were variations of Christianity that wanted the right to believe as they wished (Jacoby, 2004).

Along with these religious variants were skeptics. Thomas Paine, although not one of the founding fathers, was a deist whose publication of *Common Sense* helped create the impetus toward American independence from Great Britain. Although Paine was imprisoned for his writings that questioned Christian doctrines, deistic beliefs were common among many founders of the United States (Wilson and Ricketson, 1989).

Deism is a belief in a supreme being who creates the laws of the universe and is no longer involved (Stenger, 2007). Therefore, deistic philosophy denies the miracles of the Bible, including a virgin birth and resurrection from death as attributed to Jesus, as well as any of the miracles he performed. In addition, deism does not adhere to the belief of a god who interferes with the daily life of humans through prayer. A quote by Albert Einstein is often used by deists to help describe God,

My religion consists of a humble admiration of the illimitable superior spirit who reveals himself in the slight details we are able to perceive with our frail and feeble minds. That deeply emotional conviction of the presence of a superior reasoning power, which is revealed in the incomprehensible universe, forms my idea of God. (Pollock, 2001, pp. 57-58)

Along with Thomas Paine, Thomas Jefferson, James Madison, John Adams, Ben Franklin, and George Washington were deists. These founding fathers were religious skeptics, and were instrumental in insuring that the Constitution of the United States guaranteed the separation of church and state through the first amendment. The government is not to be in the business of religion, either through establishment or prohibiting the free exercise of individuals (Jacoby, 2004).

The constitution does not mention God anywhere in the document (Feldman, 2005). The founders, despite warnings of the wrath of God from religious leaders, chose to base the document on human rights instead of a divine plan (Jacoby, 2004). The new country was going to be a democracy, not a theocracy, and religious belief, or lack thereof, was to be a personal philosophy of which the government had no concern.

However, the impact of religion can still be seen in all aspects of the government today. In a recent Harris poll, nearly 80% of Americans stated a belief in God, with 66% stating it was "absolutely true" (Harris Poll, 2003). Moreover, children in many schools are required to daily state the Pledge of Allegiance to the United States of America, including the wording "one nation, under God" (eNotes.com, 2008). Additionally, in 2001, Congress voted 404 to 0 for a resolution that encouraged public schools to display signs reading, "God Bless America" (Drier & Flacks, 2003, p. 397). The United States has a cultural environment that struggles to balance the constitution and religious faith.

### School Prayer

Despite the First Amendment, public school educators used the Bible for studies and often mandated school prayer into the middle of the 20<sup>th</sup> century. The first case regarding school prayer decided by the Supreme Court was *Engel v. Vitale* (1962), which looked at a school policy requiring the start of day with the following prayer: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country." The court justices found this prayer unconstitutional, ruling that it was a state-sponsored religious activity.

Since the *Engel v. Vitale* (1962) decision, there have been several other landmark cases regarding prayer. The court justices have ruled that sectarian, school-sponsored prayer is unconstitutional. However, there have been cases that suggest traditional, formal, non-sectarian forums, where the government has no role other than allowing the tradition to continue, may be constitutional (*Jones v. Clear Creek*, 1992). Although government policies mandating school prayer are unconstitutional, a student who wants to pray voluntarily may do so without interference, as long as he/she does not disrupt school activities (Hendrie, 2004).

### The Bible in Public Schools

Public schools have been important for religious groups in the dissemination of Biblical knowledge. Whether this takes the form of scriptural readings or deliverance of Bibles, a school provides a captive audience. The Gideons, purveyors of hotel room Christian literature, have attempted to use schools for their mission. There are still some suggestions of continued attempts at using schools to provide Bibles (Stephens, 2002), but this strategy has been ruled unconstitutional due to its promotion of religion (*Tudor v. Board of Education of Rutherford*, 1954).

The unconstitutionality of Gideon Bible distribution is due to the intent to proselytize, because Bibles may be provided and used in secular instruction. There is a current trend to provide elective courses in public high schools that focus on the Bible (Van Biema, 2007). About 8% of the high schools in America currently offer a Bible course as an elective, but instruction for the faithful is not to be allowed. These Bible courses are to be implemented as classes that teach the Bible, not preach the Bible (Prothero, 2006). However, this requirement is not always followed, with much instruction taking a Protestant slant (Chancey, 2006; Gehring, 1999), thus creating the foundation for potential legal problems.

A teacher taking a religious slant in student interaction has been ruled upon. In *Doe v. Duncanville* (1995), the courts determined that district employees may be present in religious gatherings among students, such as Fellowship of Christian Athletes, for custodial purposes, but they may not participate. This type of interaction with students extends to any sort of religious activity, from pre-game team prayers to general proselytizing. Students may voluntarily participate in prayers with their peers, but the government (such as teachers and coaches) must stay out of the proceedings (Hendrie, 2004).

## Other Religious Issues

There are not a large number of court cases regarding teacher religious freedoms in the public school setting. In *Tinker v. Des Moines* (1969), Supreme Court justices asserted that some free speech rights of both students and teachers do not end in school. Does this suggest that teachers may express their religious beliefs in the school environment as long as there is not a disruption?

Generally, the courts have ruled in favor of the school district's right to control certain teacher behaviors that are religiously motivated. A Virginia teacher sued a school district for requiring him to remove postings in his classroom that advertised the National Day of Prayer and discussed the religious beliefs of President George W. Bush and John Ashcroft. The 4<sup>th</sup> Circuit Court ruled that the school administration was within their rights to require the removal of these postings because they were outside the curriculum (*Lee v. York County School Division*, 2007). Other cases regarding a school district administrator's right to restrict curricular information in classrooms have favored the administration (*Williams v. Vidmar*, 2005), thus providing strong precedents in this area of concern.

Teacher dress may be a form of religious expression. Court justices ruled against the rights of a teacher to wear a "Jesus 2000, J2K" shirt as a spin-off from the Y2K concerns, stating that the school could require her to change or hide the message (*Downing v. West Haven Board of Education*, 2001). However, court justices have been more willing to allow public employees to express their religious beliefs through more traditional means, such as a cross being worn around the neck.

The justices in *Roberts v. Madigan* (1990) ruled on the right of a teacher to keep religious books and read the Bible silently in front of students. This case stated that the teacher did not have first amendment rights to engage in these religious behaviors at school. This type of ruling may suggest other prohibitions in schools, such as the playing of Christian music with students in the room or displaying Bible verses.

## METHODOLOGY

Survey research has a long history as a reliable method of obtaining information from a sample group regarding topics (Neuman, 2000). In this study, a survey was used to obtain information regarding religious practices within schools. The survey used topics obtained from pilot studies with practicing public school teachers and administrators relying on content validity (Gay & Airasian, 2000). In addition, the survey contained an "other" option in the event the religious practice observed at school was not one of the options.

This study used availability sampling of 78 administrative preparation students in a program of a regional university in Texas. These students included teachers, campus administrators, and central office administrators. The participants were in different levels of preparation toward either principal or superintendent certification. There were 72 responses from the sample, resulting in a 92% participation rate.

The sample was surveyed using an online method called Survey Monkey. Individuals were given the location of the survey site through either face-to-face class meetings or through e-mail if the class was online. The survey was completed anonymously.

The survey was analyzed as to religious (or quasi-religious) practices that the sample had either seen or participated in. These practices included those that have been considered unconstitutional by previous court cases, or are questionable regarding constitutionality.

## RESULTS

### Descriptive Statistics

The sample (n=72) was 67.6% female and 32.4% male (with one non-respondent) with 62.5% under the age of 40. 56.9% have a Bachelor's degree, and the remaining have a Master's. Over half of the

sample (54.2%) had less than 10 years experience in public education. The campuses, all of which were public, where these individuals were employed had greater than 500 students 56.7% of the time.

The sample was 98.6% Christian and 1.4% atheist/agnostic. In response to the question "Does God exist?," 97.1% were 100% sure, 1.4% were 90% to 99% sure, and 1.4% said it was unlikely. Despite the strong religious conviction of the sample, 58.3% stated that teachers do not have a responsibility to teacher students about God, as opposed to 30.6% who said they did. 75% of the sample believed that the courts have gone too far in separating church and state, and 54.9% believe that faith should be considered in the development of federal/state/local public policies.

### Seeing Others Displaying Religion

Only 32.9% of the sample has never seen teachers praying with other students, whereas 42.9% say they sometimes see teachers and students pray, 14.3% say there are occasional prayers, 7.1% see it often, and 2.9% see it daily. Regarding the discussion of religion, 79.7% of respondents say they see it sometimes, occasionally, often, and daily, with only 20.3% saying they never see it.

According to the survey, 78.3% of respondents have seen other teachers keep scriptures/religious symbols in their classroom, 60.9% listen to Christian music with students present, and 56.5% have witnessed prayers with students. Furthermore, 5.8% have seen teachers discuss the Bible with students, and 5.8% have seen religious leaders speak to classes. In the other comments, respondents noted seeing teachers praying in the hallways and at lunch, Christian music in assemblies, prayers at faculty meetings, and a principal who said prayers over the public address system, asked "What Jesus would do?", and allowed testimonies before the student body.

### Personal Display of Religion

Only 56 of the 72 sample answered this section of the survey. 75% of the respondents stated they had scriptures or religious symbols displayed in their classroom, 51.8% listen to Christian music with students present, and 44.6% prayed with their students.

## DISCUSSION

Religion is an important part of American life (Feldman, 2005), and studies suggest that it is likely a natural part of human existence (Dennett, 2006; Boyer, 2001). There is evidence to suggest that religious belief is strong enough to survive governmental efforts at elimination, as the population of Communist Russia maintained an overt level of belief at over 50% despite governmental attempts to eliminate this human trait (Gabel, 2007). Faith in religious tenets transcends governmental policy, whether that of Communism in Russia or the First Amendment in the United States.

This is not to suggest that religion is ultimately beneficial to society. There are legitimate arguments that question the belief that religion is good for humankind (Hitchens, 2007; Dawkins, 2006; Harris, 2004). In addition, states require teachers to adhere to the law, and since legal precedents require adherence to government neutrality toward religion, promotion of faith is illegal.

Nevertheless, the results of this survey tend to suggest that public schools promote religion in this geographic region. Teachers tend to witness and display religious (Christian) beliefs despite the constitutional and legal mandates requiring the government to remain neutral on religious matters. This research supports other evidence, both anecdotal and generalized, suggesting the permeation of Christian faith in the governmental operations of Western culture (Irons, 2007; Slack, 2007).

The Christian complaints about the removal of prayer in schools, attacks on Christmas, and other religious prohibitions are usually due to foundational constitutional violations. Students may voluntarily express their religious beliefs as long as no disruption occurs to the educational process. Even teachers may pray silently in ways that do not promote religion. This may cause concern among educators, but it appears to be better aligned with Christian precepts as stated in Matthew 6:5-6:

And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward. But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly (King James Version).

From a Biblical perspective, public displays of religious belief border on hypocritical.

Regardless, the separation of church/state is a fiction within the public schools of the region surveyed. The desire to believe, along with the expectations of conformity among Christianity, creates an expectation to exhibit, share, and promote faith despite the law. The promotion of Christianity is definitely cultural, but religion in general may be natural, a part of our genetic make-up that may be difficult to suppress.

## REFERENCES

- Bergel, G. (1988). Banning prayer in public schools has led to America's demise. Retrieved May 28, 2007 from [http://forerunner.com/forerunner/X0098\\_Ban\\_on\\_school\\_prayer.html](http://forerunner.com/forerunner/X0098_Ban_on_school_prayer.html).
- Boyer, P. (2001). *Religion explained: The evolutionary origins of religious thought*. New York: Basic Books.
- Chancey, M. A. (2006). *Reading, writing, & religion: Teaching the Bible in Texas public schools*. Texas Freedom Network Education Fund.
- Dawkins, R. (2006). *The God delusion*. New York: Houghton Mifflin Company.
- Dennett, D. C. (2006). *Breaking the spell: Religion as a natural phenomenon*. New York: Penguin Group.
- Doe v. Duncanville Independent School District, 70 F.3d 402, 408 (5th Cir. 1995).
- Downing v West Haven Board of Education, 162 F.Supp.2d 19 (D. Conn. 2001).
- Drier, P., & Flacks, D. (2003). Patriotism and progressivism. *Peace Review*. 15(4), 397-404.
- Engel v. Vitale, 370 U.S. 421, 82 S. Ct. 1261, 8 L. Ed. 2d 601 (1962).
- eNotes.com. (2008). School prayer/Pledge of allegiance. Retrieved February 26, 2008 from <http://www.enotes.com/everyday-law-encyclopedia/school-prayer-pledge-allegiance>.
- Feldman, N. (2005, October 15). God, government and you. *USA Today*, Retrieved July 7, 2007, <http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=J0E046230475505&site=ehost-live&scope=site>.
- Gabel, P. (2007). An elemental impulse. *Skeptic* 13(2), 55-59.
- Gay, L. R., & Airasian, P. (2000). *Educational research: Competencies for analysis and application* (6<sup>th</sup> ed.). Upper Saddle River, New Jersey: Merrill.
- Gehring, J. (1999). Groups endorse guidelines on using the Bible in instruction. *Education Week*. 19(12), 7.
- Harris Poll. (2003, October 15). While most Americans believe in God, only 36% attend a religious service once a month or more often. Retrieved February 22, 2008 from [http://www.harrisinteractive.com/harris\\_poll/index.asp?PID=408](http://www.harrisinteractive.com/harris_poll/index.asp?PID=408).
- Harris, S. (2004). *The end of faith*. New York: W. W. Norton & Company.
- Hendrie, C. (2004). One-click compliance. *Education Week*. 23(22), 18.
- Hitchens, C. (2007). *God is not great*. New York: Twelve.
- Irons, P. (2007). *God on trial*. New York: Viking.
- Jacoby, S. (2004). *Freethinkers: A history of American secularism*. New York: Henry Holt and Company.
- Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir. 1992).
- Lee v. York County School Division, No. 06-1363 (4<sup>th</sup> Cir., May 2, 2007).

- Neuman, W. L. (2000). *Social research methods: Qualitative and quantitative approaches* (4<sup>th</sup> ed.). Boston: Allyn and Bacon.
- Pollock, R. (2001). *The everything world's religions book: Discover the beliefs, traditions, and cultures of ancient and modern religions*. Massachusetts: Adams Media Corporation.
- Prothero, S. (2006). Teach the Bible in public schools. *Christian Science Monitor*. 99(81), 9.
- Roberts v. Madigan, 921 F.2d 1047 (10th Cir. 1990).
- Slack, G. (2007). *The battle over the meaning of everything*. San Francisco: Jossey-Bass.
- Stenger, V. J. (2007). *God: The failed hypothesis*. Amherst, New York: Prometheus Books.
- Stephens, S. (2002, December 9). Ohio school ends Bible distribution program. Retrieved May 29, 2007 from <http://pewforum.org/news/display.php?NewsID=1809>.
- Tinker v. Des Moines Independent Community School District, 393 U. S. 503 (1969).
- Tudor v. Board of Education of Rutherford, 14 N.J. 31 (1953), cert. denied 348 U.S. 816 (1954).
- Van Biema, D. (2007, March 22). The case for teaching the Bible. *Time*
- Williams v. Vidmar, No. 04-4946 (N. D. Cal. April 28, 2005).
- Wilson, J. D., & Ricketson, W. F. (1989). *Thomas Paine* (Updated Edition). Boston: Twayne Publishers.

## APPENDIX

### Teacher Survey on Church/State Issues

The following survey is designed to better understand church/state issues in schools. Please answer each question honestly. This survey is anonymous.

#### *Personal Information*

Are you ...

- Male
- Female

In which age category are you?

- Under 30
- 30-40
- 41-50
- 51-60
- Over 60

What is the highest degree you have earned?

- Bachelor's
- Master's
- Doctorate

How many years have you been employed as an educator?

- 1-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- Over 21 years

What is the size of your campus?

- Less than 200 students
- 200 to 500 students
- 500 to 1000 students
- More than 1000 students

Your school would best be considered ...

- Public
- Private secular

- Private religious
- Public charter

Which religious denomination best describes you?

- Christian
- Muslim
- Hindu
- Jew
- Atheist/Agnostic
- Other \_\_\_\_\_

Does God exist?

- I'm 100% sure.
- I'm 80 to 99% sure.
- I'm 60 to 79% sure.
- I'm 40 to 59% sure.
- I'm less than 39% sure.
- Unlikely.

Do you believe teachers have a responsibility to teach students about God?

- Yes
- No
- I don't know

Do you believe the courts have gone too far in separating church/state issues?

- Yes
- No
- I don't know

Should faith be involved in the development of federal/state/local public policies?

- Yes
- No
- I don't know

### *Religion in schools*

How often do you see school employees praying with students?

- Never
- Sometimes
- Occasionally
- Often
- Daily

How often do you see school employees discussing religion with students?

- Never
- Sometimes
- Occasionally
- Often
- Daily

Which of the following have you seen other teachers do? (Check all that apply)

- Keep scriptures/religious symbols in their classroom
- Listen to Christian music in their class with students present
- Pray with students at school
- Have Bible study with students during school time
- Allow religious leaders to talk to classes about religion
- Other (Describe) \_\_\_\_\_

Which of the following have you done? (Check all that apply)

- Keep scriptures/religious symbols in their classroom
- Listen to Christian music in their class with students present

- Pray with students at school
- Have Bible study with students during school time
- Allow religious leaders to talk to classes about religion
- Other (Describe) \_\_\_\_\_

Which of the following have you seen on your campus? (Check all that apply)

- Church involvement in school where religion is discussed
- Flyers regarding religious activities placed where students can see them
- Prayers before faculty meetings
- Christmas songs performed by choirs or other musical groups
- Nativity scenes at Christmas
- Bibles/religious literature handed out to students
- Prayers over the intercom
- Reading of Bible verses over the intercom
- Classroom observance of religious holidays
- Meeting of religious organizations on school campus (i.e., Fellowship of Christian Athletes)
- A moment of silent meditation over the intercom
- Releasing of student for religious instruction away from campus
- Other (Describe) \_\_\_\_\_

Which of the following occurs in your district? (Check all that apply)

- Prayers before Board meetings
- Prayers before football games
- Student/teacher holiday during Christmas
- Student/teacher holiday during Easter
- Faculty directly involved in Fellowship of Christian Athletes (not just supervisory)
- Athletic teams praying before or after games as a group
- Other (Describe) \_\_\_\_\_