UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

THE NEW AMERICAN SETTLEMENT:

RELIGIOUS DIVERSITY, DEMOCRACY & PUBLIC SCHOOLING

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

Degree of

DOCTOR OF PHILOSOPHY

By

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Norman, Oklahoma
2016

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THE NEW AMERICAN SETTLEMENT:
RELIGIOUS DIVERSITY, DEMOCRACY & PUBLIC SCHOOLING

A DISSERTATION APPROVED FOR THE
DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES

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Except thyself may be
Thine enemy
Captivity is consciousness
So's Liberty
- Emily Dickenson (1830-1886)

To the spirit of Liberty within all souls.

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ABSTRACT

As the United States becomes increasingly religiously diverse, public schools must also face the implications of such diversity. While all public schools may not witness such diversity in the classroom, it is a socio-cultural phenomena impacting the greater public conversation about what it means to be a democratic nation with the constitutional provision of religious liberty. Because of an increasingly secularistic norm promoted in many schools and religious exclusivism dominating others, public schools risk marginalizing religious minorities. Furthermore, most public schools do not provide adequate education on religious thought or religious liberty, resulting in religious illiteracy that threatens to undermine an understanding of other nations in the international community, many of which are devoutly religious. However, attention to teaching about religion is not sufficient; schools must become places in which religious liberty may thrive and new understandings of the concept can continue to develop. This dissertation proposes a "New American Settlement" in the form of a thought experiment as a way for public educators and public schools to take religious liberty seriously and address continually expanding religious diversity – and the issues sparked by it – in keeping with constitutional commitments. The New American Settlement is a blend of educational thought and philosophy, including theories of multiple educational agency, experience, and care theories, as a way to regard religion as a live option – a critical component of taking religious liberty seriously. Furthermore, the New American Settlement considers specific religious notions that can be legitimately incorporated into secular educational thought to develop a system that takes religious liberty seriously. Practical application within schools is also considered as a thought experiment; the

results of which conclude that the New American Settlement is much more feasible for most public school teachers than is dedicating more time, which many do not have, to teaching about religion.

I. Introduction

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein." - Justice Robert H. Jackson, *West Virginia State Board of Education v Barnette*[1]

"Having bought Truth deare, we must not sell it cheape, nor the least graine of it for the whole World, no not for the saving of Soules, though our owne most precious; least of all for the the bitter sweetning of a little vanishing pleasure." – Roger Williams, *The Bloudy Tenent*[2]

Of the ideals that dot the canvas of American imagination, liberty is surely among the most compelling. Americans sing proudly of it: "Oh, say! Does that star-spangled banner yet wave/O'er the land of the free and the home of the brave?" "Our country 'tis of thee, sweet land of liberty, of thee I sing." Allies give gifts in honor of it: the Statue of Liberty sits proudly on the banks of New York Harbor. Poets spin prose around it: Walt Whitman (1819-1892) declares, "more precious than all worldly riches is Freedom."[3] Emily Dickinson (1830-1886) weaves a poignant vision:

> No rack can torture me/My soul's at liberty/Behind this mortal bone/There knits a bolder one. You cannot prick with saw/Nor rend with scymitar/Two bodies therefore be/Bind one, and one will flee. The eagle of his nest/No easier divest/And gain the sky/Than mayest thou. Except thyself may be/Thine enemy/Captivity is consciousness/So's liberty.[4]

Soldiers die striving for it, and entire movements are emboldened by it, forming their framework around it. Nineteenth century Abolitionist Frederick Douglass (1818-1895)

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[1] West Virginia State Board of Education v. Barnette (No. 591) (United States Supreme Court 1943).
[2] Roger Williams, *The Complete Writings of Roger Williams, Volume 3: Bloudy Tenent of Persecution* (Eugene, Or: Wipf & Stock Pub, 2007).
[3] Walt Whitman, *Walt Whitman: Poetry and Prose*, ed. Justin Kaplan (New York, N.Y: Library of America, 1982), 1073.
[4] Emily Dickinson, *The Complete Poems of Emily Dickinson*, ed. Thomas H. Johnson (Boston: Back Bay Books, 1976), 181.

proclaims, "No man can put a chain about the ankle of his fellow man, without at last finding the other end of it fastened about his own neck."[5] The remarkable Abolitionist Harriet Tubman powerfully remarks, "I had reasoned this out in my mind, there was one of two things I had a right to, liberty or death; if I could not have one, I would have the other."[6] Elizabeth Cady Stanton (1815-1902), among the most famous of American Suffragettes, spoke pointedly of liberty, "We hold these truths to be self-evident: that all men and women are created equal."[7] Nineteenth century Poetess Ella Wheeler Wilcox (1850-1919) sagely resounds:

> Therefore I do protest against the boast/Of independence in this mighty land. Call no chain strong, which holds one rusted link. Call no land free, that hold one fettered slave. Until the manacled slim wrists of babes/Are loosed to toss in childish sport and glee/Until the mother bears no burden, save/The precious one beneath her heart, until/God's soil is rescued from the clutch of greed/And given back to labor, let no man/Call this the land of freedom.[8]

Hinmatóowyalahtq'it (Chief Joseph, 1840-1904) of the Nez Perce, observes, "You might as well expect the river to run backward as that any man who was born free should be content penned up and denied liberty to go where he pleases."[9] Civil Rights activist Martin Luther King Jr. reinforces the American ideal of freedom: "I say to you that our goal is freedom, and I believe we are going to get there because however much

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[5] Frederick Douglass, *Frederick Douglass on Slavery and the Civil War: Selections from His Writings* (Mineola, N.Y: Dover Publications, 2003), 29.
[6] Sarah Bradford, *Harriet Tubman: The Moses of Her People* (Mineola, NY: Dover Publications, 2004), 17.
[7] Lori D. Ginzberg, *Elizabeth Cady Stanton: An American Life*, First Edition edition (New York: Hill and Wang, 2009), 58.
[8] Ella Wheeler Wilcox, *Poems of Problems* (Chicago: W.B. Conkey Company, 1914), 154–155.
[9] Thelma Moore and Carolyn Durling, *Whispers on the Winds: Messages of Wisdom from the Ancients* (S.l.: Strategic Book Publishing, 2012), 150.

she strays away from it, the goal of America is freedom."[10] Liberty is both the aim and the reminder: Humorist and author Mark Twain (1835-1910) speaks candidly of American freedom, saying "It is by the goodness of God that in our country we have those three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them."[11] And, on personal liberty, Henry David Thoreau (1817-1862) writes, "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away."[12] American life seems smitten indeed with the idea of liberty, of personal and collective freedom. And, while no path to freedom is perfect, it seems to be a constant Clarion cry, pointing out injustices.

There are many ways to interpret liberty, many conversations that could take place, many resources, scholars, and histories to examine. Grounded in the conviction that the centuries of commitment, however imperfect, to liberty are worthy of continual striving, this project is about one particular aspect of that ongoing conversation: religious liberty in America. More specifically, it examines religious liberty from within the context of education. Its primary concern is the experience of children and their religious identity within the public school. In these pages, I develop the argument that urges public schools and their stakeholders, which should include all citizens, to take religious liberty and the religious experience of children seriously through the curriculum and

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[10] *Making a Way Out of No Way: Martin Luther King's Sermonic Proverbial Rhetoric*, First printing edition (New York: Peter Lang Publishing Inc., 2010), 241.
[11] *Following the Equator: A Journey Around the World*, Revised ed. edition (New York: Dover Publications, 1989), 195.
[12] Henry David Thoreau, W. S. Merwin, and William Howarth, *Walden and Civil Disobedience*, Reissue edition (New York: Signet, 2012), 226.

school culture. Rather than arguing for the inclusion of religion as a subject, which has much support in theory but little in practice, this project goes further and points out that it is not only the lack of exploring religion as an object of study that is often missing from public education, but the inclusion of children's own religious identity as a valuable aspect of who they are as developing people and citizens is largely missing from the public school experience.[13] There are many ramifications that follow from this missing element of schooling, just as there are a number of exceedingly important reasons to support religious liberty in schools. This chapter will touch on each of these in turn. At its most basic, the point shall always be drawn back to the children we teach, to the human persons we guide, for it is they who matter most, they who rely upon us all as educational agents to provide them with the best ways forward as they evolve into their potential – or not as is too often the case. Before delving into the rationale for this project, however, let us first clarify some terms, specifically the that of *religion*, *religious experience*, *religious liberty*, and *education*. It should also be noted that I use the terms *liberty* and *freedom* interchangeably in these pages, despite any etymological differences between them.

Discussion of Concepts & Terms

Religion, Religious Experience & Religious Liberty

Religion

[13] Warren A Nord, *Does God Make a Difference?: Taking Religion Seriously in Our Schools and Universities* (Oxford ; New York: Oxford University Press, 2010), 44–57; Charles C Haynes, "Religious Liberty in Public Schools," in *Religious Freedom in America: Constitutional Roots and Contemporary Challenges*, ed. Allen D Hertzke, Studies in American Constitutional Heritage (Norman, OK: University of Oklahoma Press, 2015), 123.

Defining "religion" is an increasingly difficult task. Scholarship of old barely questioned the term, settling on the general agreement that religion formed around the belief in a deity and the practices that developed around that belief. Today, scholars debate what can be said about religion – is it universal? Merely a human construct?[14] Does it even exist as a separate category? Indeed, recent scholarship argues that religion as its own category is a modern construct and that it cannot really be understood apart from the culture within and around which it develops.[15] Others more easily group religion into major "world" religious categories – Hinduism, Islam, Judaism, etc. – and go on to speak about them in more universal terms.[16] The point to this discussion is that religion is tricky to define – it may even be undefinable. That is for religious studies scholars to debate. While there is merit in the argument that one should not consider religion as a separate category, for this discussion of religious liberty and education it is necessary to treat religion as such, acknowledging that there is no way to truly separate aspects of culture from one another, nor do these pages seek to objectify religion. For

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[14] Sigmund Freud and Peter Gay, *Civilization and Its Discontents*, trans. James Strachey, The Standard Edition edition (New York: W. W. Norton & Company, 1989); Sigmund Freud and Peter Gay, *The Future of an Illusion*, ed. James Strachey, 1 edition (New York: W. W. Norton & Company, 1989).

[15] *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago: University Of Chicago Press, 2005); Brent Nongbri, *Before Religion: A History of a Modern Concept*, Reprint edition (New Haven, Conn.: Yale University Press, 2015); Daniel Dubuisson, *The Western Construction of Religion: Myths, Knowledge, and Ideology*, trans. William Sayers (Baltimore, Md.: Johns Hopkins University Press, 2007); and for a contrary argument see Jeppe Sinding Jensen, "Conceptual Models in the Study of Religion," in *The Oxford Handbook of the Sociology of Religion*, Reprint edition (Oxford; New York: Oxford University Press, 2011), 246.

[16] Huston Smith, *The World's Religions: Our Great Wisdom Traditions*, Rev Rep edition (San Francisco: HarperOne, 1991); Jacob Neusner, ed., *World Religions in America, Fourth Edition: An Introduction*, 4 edition (Louisville, Ky: Westminster John Knox Press, 2009); Stephen Prothero, *God Is Not One The Eight Rival Religions That Run the World and Why Their Differences Matter* (Harper,2010, n.d.).

the purpose of this project, I submit that religion is a broad category that includes the belief or conviction in the existence of the Transcendent/Immanent Ultimate – or God, by any name or number one chooses, and has its own models of God.[17] Atheism and agnosticism, here, are described in relation to religion but are not included in the category. Indeed, many Atheists would find labeling Atheism as a religion deeply troubling.[18] Every religion has a model for the divine – or multiple models. Theologian Sallie McFague argues that in the attempt to understand the infinite, humans construct models, which become their way of understanding and relating to Ultimate Reality.[19] Some simply term this the "supernatural," but that is incomplete, for it implies that all beliefs in God or the divine submit that God is beyond human experience – which many reject. Thus, religion is not merely the belief in the supernatural, but it does have basis in and conviction around the idea that there is some kind of organizing unity that is beyond human control or complete understanding and is in some way involved with the created world. From there, religions diverge, forming their own understandings of what this ultimate principle is like. While a number of theorists argue that religion does not have to have a belief in the divine in some capacity, for the sake of simplicity I reject the notion. For one thing, it merely confuses the issue because most who hold that they are members of a religion have some kind of belief in Ultimate Realty/God/gods. Such negations often simply reject the concept of a supernatural being and not necessarily the

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[17] Sallie McFague, *Metaphorical Theology: Models of God in Religious Language* (Philadelphia: Fortress Press, 1982), 105–106.

[18] Consider, for example, remarks against religion in general by such writers as Sam Harris and Richard Dawkins: Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason*, Reprint edition (New York: W. W. Norton, 2005); Richard Dawkins, *The God Delusion*, Reprint edition (Boston: Mariner Books, 2008).

[19] McFague, *Metaphorical Theology*, 105, 108.

belief in God as an immanent, organizing presence, or something akin to Paul Tillich's "ground of being" – or even Joseph Campbell's idea of Ultimate Reality as "Primal."[20] For these pages, religion, then, is a system of beliefs around some sort of understanding of divine presence or Ultimate Reality/God, however varied it may be.[21] Furthermore, in general I use the term "God" in these pages, mainly for the sake of simplicity. I mean for it to include all models of divine presence, Ultimate Reality, transcendent/immanent-ultimate and the like, except when speaking of polytheistic deities, in which case I will use specific names associated with them; often these deities are concrete manifestations of Ultimate Reality.[22] Thus, religion, for our purposes can be described as the varying beliefs and practices that evolve around human models of Ultimate Reality/God, which is always at least somewhat beyond the comprehension of finite minds.

Religious Experience

Religious experience is obviously a related category, but for our purposes it is a way of describing what one might say is the foundation of religion itself – the experience of Ultimate Reality. I use the term religious experience to describe more than what one experiences in religious settings, although those experiences may certainly be included. Religious experience is in a sense *a priori* to religion. In that way, it is akin to

[20] Paul Tillich, *A History of Christian Thought*, Edition Unstated edition (New York: Touchstone, 1972), 189; Joseph Campbell, *The Hero with a Thousand Faces*, Third edition (Novato, Calif: New World Library, 2008).

[21] I am aware that certain branches of philosophical Buddhism may not entirely fit this way of contextualizing religion, however the term "Ultimate Reality" is an attempt to circumvent this problem.

[22] For example, Hinduism has many gods, but they are usually considered in some way to be an embodiment of Brahman – Ultimate Reality.

spirituality, for it includes the inward experience of divine presence or God that transcends definition and description. Religious experience is partly what makes religious liberty such a volatile subject. If religion were only about committing to a corporate creed and following along with the instruction of religious leaders, it would be possible for outward forces to make changes to that religious structure to fit whatever particular agenda is desired. Religious experience defies mere institutionalized religion, however, and is the unknown in the equation. Religious experience is a maverick, in a sense, for it is not something that outward forces can control however much they may influence it. To provide a concrete example, during the nineteenth century Americans were enveloped in what is now termed the Second Great Awakening.[23] Sociologists and historians describe this period of time as a movement away from the established somewhat emotionally-subdued Protestant churches to a more charismatic experience. Americans embraced a new way to look at God, Jesus, and salvation by droves.[24] If we only examine the surface, the change makes little sense. What was the catalyst for such drama that rocked the foundation of American Protestantism and literally reshaped the way American's engaged in Christian practices? It was surely not a change from the top of an institution, nor was it better marketing. The participants in the cosmic makeover of American Christianity *felt* a quickening, a change in the way they experienced God and received the Gospel. It was their experiences that made the movement unstoppable. Such experiences may not be common, but they are the driving force behind sincere religious conviction. It is not for this project to debate what is a legitimate religious

[23] Stephen Prothero, *Religious Literacy: What Every American Needs to Know--and Doesn't* (New York, N.Y.: HarperOne, 2008), 14.
[24] Ibid., 112–113.

experience. However, sincere belief that comes from religious experience, whatever shape it may take, is of vital importance to the task at hand for it is what makes religion volatile and unpredictable. It compels people to risk life and limb, it emboldens and drives them, so for educators and public school stakeholders to dismiss religion as merely one commitment among many a human person makes in his or her lifetime is shortsighted to say the least. Of the depth of religious experience, religion scholar Huston Smith writes, "The reality that excites and fulfills the soul's longing is God by whatsoever name."[25] Writing of religious experience in general, Christian theologian Miroslav Volf remarks, "When we come to "rest" in the divine…the relation to the divine becomes the axis of our lives. It shapes how we perceive ourselves and the world, what desires we have and how they are satiated."[26] Following our description of religion, religious experience is one's inward relationality to that which is ultimately beyond complete comprehension – God. From there, it compels humans to act, in influences the ways in which we participate in life, and it shapes personal and collective identities, and thus it impacts choices and behavior.

Religious experience is of vital importance to the study of education, for adults are not the only people who have religious experiences. In fact, significant identity changes prompted by religious experiences happen during childhood. In his book *Ordinary Resurrections: Children in the Years of Hope*, Jonathan Kozol writes of the depth of children's faith life. The book recounts Kozol's years teaching children in Mott Haven,

[25] Huston Smith, *Why Religion Matters: The Fate of the Human Spirit in an Age of Disbelief* (New York, N.Y.: HarperCollins, 2001), 3.
[26] Miroslav Volf, *Flourishing: Why We Need Religion in a Globalized World* (Yale University Press, 2016), 81.

an area of the South Bronx riddled with poverty, pediatric asthma, and, at the time, pediatric and maternal AIDS.[27] All of the children are black or Hispanic, and all are very poor.[28] Despite – or perhaps because of – the challenges these children face, they have surprisingly engaged faith; they muse about the nature of God, they establish their own rituals and practices, and it is clear throughout the stories Kozol tells of these inner-city children that their faith matters to them. In fact, perhaps it would be better to speak of it this way: they do not defend a set of beliefs, they have experiences of God that are so real to them they become part of their very identity. Kozol recalls one child named Elio who was sure that he could tell how God was feeling: "He doesn't seem to doubt that God has power to affect his life, but he believes that he has power too, because his own behavior, as he seems to be convinced, can help determine whether God feels good or bad."[29] Elio believes that when something wrong occurs, God cries; Kozol ponders this and asks him how he knows and Elio replies: "I can hear God crying."[30] This forms the basis for a special process of reconciliation that Elio willingly initiates.[31] Another child, Lucia, experiences God another way. "How powerful is God?" Kozol asks – "He's powerful to make hearts," Lucia tells him.[32] She goes on to say, "What would make the world better is God's heart. I know God's heart is already in the world. But I would like if He would…*push* the heart more into it. Not just

[27] Jonathan Kozol, *Ordinary Resurrections*, 1 edition (New York: Crown, 2000), 3.
[28] Ibid., 4.
[29] Ibid., 65.
[30] Ibid.
[31] Ibid., 66.
[32] Ibid., 71.

halfway. Push it more!"[33] Kozol does not argue that these children are little theologians, rather, "I simply think the gifts of faith and fantasy they bring to us are often beautiful and wise in their simplicity. To me, these are the bread and wine; and I am always thankful to receive them."[34] However simplistic or sophisticated, that children ponder life's "big" questions and travel along their own faith path is perhaps the most important reason why taking religious liberty in school seriously matters; it matters that we as educators protect their right to develop their own minds and hearts, which brings us to the subject at hand: religious liberty.

Religious Liberty

Religious liberty is, fortunately, somewhat more concrete than either religion or religious experience. Still, it begs some discussion, most of which will take place in chapter two. For the time being, we may understand religious liberty as the affirmation of the right to conscience regarding one's faith commitments. Roger Williams, one of the earliest Americans to clearly articulate an understanding of religious liberty argued for the separation of church and state over a century before Thomas Jefferson's famed "wall of separation."[35] He believed that "soul libertie" demanded a free conscience to follow God's will however one discerned it and that to link the government with the church jeopardized the purity of the church itself.[36] Much later, Thomas Jefferson and James Madison would argue for the same practical approach to institutionalized religion

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[33] Ibid., 72.
[34] Ibid., 79.
[35] Warren A Nord, *Religion and American Education: Rethinking a National Dilemma*, 1st New edition edition (Chapel Hill: The University of North Carolina Press, 1995), 135.
[36] John M. Barry, *Roger Williams and the Creation of the American Soul: Church, State, and the Birth of Liberty* (New York: Penguin Books, 2012), 308, 333.

and government, albeit less theologically. Article 16 of Virginia's Declaration of Rights (1776), which was influenced heavily by Madison, states: "That religion, or the duty which we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore, all men are entitled to the free exercise of religion, according to the dictates of conscience…"[37] Madison believed state established religion undermined both the church and government: "religion is essentially distinct from civil Government, and exempt from its cognizance; [and] a connection between them is injurious to both."[38] These thinkers, and many others, helped lay the groundwork for the idea that, though religious commitment may influence public life, government has no business involving itself in church affairs, nor can it gain its public authority from the power of the pulpit. Though today the conversation about religious liberty in America often focuses on the separation of church and state and upon the dangers of religious actors influencing state matters, earlier conversations saw the need for such separation as a protection for churches as well as for the government.[39] Thus, the early American conversation around religious liberty seemed to hold two foundational points: that preventing a state establishing religion by separating government from institutionalized religious bodies is essential,

[37] T. Jeremy Gunn Witte, John, *No Establishment of Religion: America's Original Contribution to Religious Liberty* (New York: Oxford University Press, 2012), 162.
[38] Michael I. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* (New Haven: Yale University Press, 2012), 249.
[39] Roger Williams, *A Plea for Religious Liberty* (CreateSpace Independent Publishing Platform, 2014); Neal Riemer, "Madison: A Founder's Vision," in *Religion, Public Life, and the American Polity*, ed. Luis E. Lugo (Univ of Tennessee Pr, 1995), 40.

and that human persons must have freedom of conscience or "soul liberty" (though, shamefully at this time in history, not all people were considered full persons).[40]

The First Amendment describes, however vaguely, religious liberty in practice: "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof…" So it would seem that part of religious liberty is the ability to practice one's religious convictions apart from governmental restrictions, while at the same time safeguarding citizens from any one organized religious body garnering the authority of the state, and vice versa. Twentieth and twentyfirst century advocates defend religious liberty on more fundamental grounds; it is not merely a practical application of governmental organization, but a fundamental principle, a first right.[41] The Universal Declaration of Human Rights, Article 18 asserts, "Everyone has the right to freedom of thought, conscience and religion…to manifest his religion or belief in teaching, practice, worship and observance."[42] The U.S. International Religious Freedom Act of 1998 begins with these words: "Congress makes the following findings: (1) The right to freedom of religion undergirds the very origin and existence of the United States." It goes on to say, "Freedom of religious belief and practice is a universal human right and fundamental freedom…"[43] More than just a right, religious liberty scholar Allen Hertzke suggests that "the right to religious liberty lies in human nature

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[40] Steven D Smith, *The Rise and Decline of American Religious Freedom* (Cambridge, Massachusetts: Harvard University Press, 2014), 46.
[41] Allen D. Hertzke, ed., *The Future of Religious Freedom: Global Challenges* (Oxford ; New York: Oxford University Press, 2012), 5–7.
[42] "The Universal Declaration of Human Rights," accessed July 9, 2015, http://www.un.org/en/documents/udhr/index.shtml.
[43] Frank Wolf, *International Religious Freedom Act of 1998*, 1998, http://www.state.gov/documents/organization/2297.pdf.

itself, *who we are*."[44] Religious liberty is a fundamental right because part of what it means to be human is to develop and exercise our conscience and our sense of relationality with the world around us – and for many, that relationality is intrinsically imbedded in our religious experience. To deny a person religious liberty – the freedom to believe and to practice those beliefs in accordance with one's conscience – is among the severest of restrictions.

Lest it be considered a free-for-all, religious liberty does not imply that religious actors can simply do whatever they want, nor is religion a legitimate support for extremism. Far from it, religious convictions are just that and come with specific precepts, commitments, and restrictions which place specific sets of limits upon the believer. Religious liberty is, fundamentally, the protected right to adhere to the system of belief that one finds ultimately compelling. Put another way, if we take Williams' "soul liberty" at face value, we assert that human being's soul must be permitted to be formed in the image of its maker and that restricting one's ability to practice sincere faith injures one's freedom as a citizen – or a student – as well as one's spirit. Huston Smith puts it beautifully,

> the reality that excites and fulfills the soul's longing is God by whatsoever name. Because the human mind cannot come within light-years of comprehending God's nature, we do well to follow Rainer Maria Rilke's suggestion that we think of God as a direction rather than an object. That direction is always *toward the best* that we can conceive…[45]

In this view, religious liberty is not a thing itself, but a parameter that safeguards the intrinsic process of the "soul's longing" toward goodness. We do not often speak of

[44] Hertzke, *The Future of Religious Freedom*, 7.
[45] Smith, *Why Religion Matters*, 3. Emphasis mine.

such romantic things as the soul's longing, especially in academia, but we should, for to reiterate, adults are not the only one's whose soul's long. Children, far more in touch with mystery and magic, have a natural sense that reality is more than what we can see, rationalize, and explain. As educators, it is our sacred (I use the word intentionally) trust to see to it that a child's right to explore the innermost reaches of her or his own soul is protected from the harshness of nihilism and futility.[46] To develop this idea further, two literary examples involving children are helpful. The first is from Ntozake Shange's *Sassafras, Cypress & Indigo*, named after the three sisters in the story.[47] Of the three, Indigo is the most overtly imaginative and magical; she is also much younger than they, still a child living with her mother in South Carolina. Indigo, unlike the adults in her life, knows that life is more than what can be seen. Her dolls talk – they really do – and so do the Ancestors, those who with wisdom embody the experiences of slaves long gone and the true power of spiritual freedom, not unlike Dickinson's poem: "Captivity is consciousness/So's liberty." Indigo listens and longs, and she has the unusual capacity as a child to ignore the smothering good intentions of the adults in her life to keep her feet on the ground and her imagination in a box. Uncle John, who is not really her uncle but an eccentric neighbor, sees the way in which Indigo engages in life, hears her confessions and her questions, and gives the little girl a violin.[48] The instrument has magic in it too, so the pair is well matched. It would be incorrect to say that Indigo learns to play the violin, or teachers herself to play it; rather the two fuse and channel the music of the spheres, bringing about varying reactions from those who hear her play

[46] Volf, *Flourishing*, 200–201.
[47] Ntozake Shange, *Sassafrass, Cypress & Indigo: A Novel* (St. Martin's Griffin, 2010).
[48] Ibid., 43.

as the music calls to the depths of them – some pretty and not-so-pretty places. Indigo has much to teach us, but she exemplifies the sense of mystery that exists within the child who has not been dampened by convention. And, while none of this sounds particularly religious, Indigo most certainly responds to that which both transcends ordinary reality and that dwells within the deepest part of her being. In the end, she grows into a level-headed, thoroughly whole-hearted woman with deep compassion and a yearning to continue healing people. Her childhood experience and ability to follow her soul's "libertie" allow such depth to develop.

Louisa May Alcott does not characterize her "little women" with quite the flair of Shange, but these sisters also embody what childhood wonder is all about.[49] *Little Women* is usually understood from the perspective of Jo – Alcott's pseudo identity – but it is helpful to explore the story from the perspective of all the women. In this case, Marmee, the girls' mother is a wonderful example of how a teacher deals with the growth and development of young people. In a sense, she acts as a spiritual director, encouraging play, imagination, and openness while encouraging the girls to develop their own ethical and moral compass. Each of the daughters is profoundly shaped by the deftness of Marmee at encouraging them to call forth that which is already within them, and these childhood experiences of tapping into both their depth and what lies beyond them forms them into the adults and generous citizens they become.[50] Once more, Alcott's characters do not directly deal with religious liberty questions (although her father, Amos Bronson Alcott was an educator and religious leader), but they do signal

[49] Louisa May Alcott, *Little Women* (New York: Bantam Classics, 1983).
[50] Ibid., 529.

the intensity of childhood spiritual development and the importance of providing safe spaces for such development to occur.

From an educational standpoint, religious liberty is a right and *a trust*, but it is also a *practice*. It is a right because, at the very least, our founding documents and many others that have followed agree that freedom of conscience is a basic right, and because, though there may certainly be exceptions, religious experience – even the experience of pondering one's place in the universe – is a universal human experience. It is a trust because, as citizens of a democracy, we commit ourselves to safeguarding religious liberty as a right, and also to safeguarding the proper distance between the religious oversight of government, and the governmental oversight of religion. And, it is a practice, particularly for educators, because religious experience is not stagnant, it is ever evolving within the experience of people. To practice religious liberty within the context of education means to create environments in which children's religious identity can develop, whether that means growth of religious conviction or diminishment of it. This leads well into our next subject – what do we mean by education?

Education

If religion and religious experience resist concrete definition, education should be easier to pin down. Or is it? For most people, the word *education* brings to mind an activity done in schools, or schooling. Even the most devoted teachers blur the lines between schooling and education. In her recent book, *Reign of Error*, Diane Ravitch speaks of "public education" when she describes the public school system, without

overtly acknowledging that public education is also a much broader concept.[51] Education, while it includes schooling, is a much broader concept, and reducing it to schooling hides from our view aspects of culture that contribute to education. Philosopher of Education, Jane Roland Martin puts it this way: "In reducing education to schooling, the deep structure of educational thought causes us to lose sight not only of the culture's vast array of educational agents but also of the vast amount of cultural stock that is not in the school's portfolio."[52] Martin conceives of education as *encounter*, which, simply put, means that education happens whenever and however a person interacts with elements of cultural stock that then become "yoked" with individual capacities.[53] I will discuss Martin's theory in chapter three as it is enormously useful for the task at hand. For now, suffice it to say that education is broader than schooling, and that education can happen anywhere, at anytime, to any person. When the parameters of education are expanded to to include encounter and experience, then all such encounters come under educational examination, which is essential. Consider, for example, television advertising about prescription medication. If education is reduced to schooling, then these ads are probably not going to be explored for their educational content or potential miseducational dangers. However, even if such ads exist for the purpose of consumer promotion they absolutely do educate, or miseducate as the case may be. Now, if schooling is only one place or method of education, and education is a broad concept that includes any number of encounters,

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[51] Diane Ravitch, *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools*, 2013, 4.
[52] Jane Roland Martin, *Education Reconfigured: Culture, Encounter, and Change* (New York: Routledge, 2011), 37.
[53] Ibid., 7, 26.

these ads are well situated within the educational realm. What they imply about health, about prescription drug use, even about the ethnicity and gender of the users now matter from an educational perspective. This means, as well, that they can be justifiably critiqued from an educational standpoint for they are no longer out of the realm of education.

Consider another example: the modeling industry. Recent trends in fashion modeling, particularly in women's fashion, flaunt the increasing ideal of ultra-thin bodies. Skinny women in skinny jeans pack the runway and appear on the covers of fashion magazines. Women's bodies in such venues are increasingly scantily clothed; complete nudity is now commonplace in the simplest make-up or perfume ad with hands covering strategic places so as to avoid the classification of pornography. Women's heads are cut out of movie shots, television commercials, and photographs, showing women's bodies from the neck down. Researchers point to the sexual objectification of females through these sorts of images, which contribute to the acceptance of violence towards women.[54] The effects of this practice are untouchable if we do not see this as a form of education. Viewed merely as entertainment or marketing, the ultra-thin/ultra-skin craze is merely a fad to sell purses and scents, and other things not spoken of in polite company. But, viewed as an educational encounter, the whole picture changes. We can justifiably comment on the violence done to the

[54] Caroline Heldman, "Sexual Objectification (Part 1): What Is It? - Sociological Images," accessed February 22, 2016, https://thesocietypages.org/socimages/2012/07/02/sexual-objectification-part-1-what-is-it/; Caroline Heldman and Michael Cahill, "The Beast of Beauty Culture: An Analysis of the Political Effects of Self-Objectification" (Western Political Science Association, Las Vegas, 2007), 1–39; Neil M. Malamuth and James V.P. Check, "The Effects of Mass Media Exposure on Acceptance of Violence against Women: A Field Experiment," *Journal of Research in Personality*, no. 15 (1981): 436.

image of a woman when her head is consistently cut off from view. We can talk about the impossibility of achieving the coveted size double-zero body and the terrible effect on a woman's health and self-esteem by trying to reach that goal. We can scream about the messages it sends to our young women – that what they look like is their only value. And we can look in horror at the messages about women sent to our young men.[55] It matters that we understand education in the broadest sense possible, for cultural liabilities can only be corrected if they are seen.

For the purpose of this project, it is important to expand the parameters of education outside of schooling in order to see the educative value of children's (and adult's) religious identity and religious experience. If education is reduced to schooling, it is easy to assume that a student's faith life is something she or he can simply leave behind at the school doors. But, if we understand education as encounter, it is apparent that a child's religious experience, however conceived, is an important part of their development and it is most definitely part of their educational experience, whether it is acknowledged in the classroom or not. Moreover, broadening the parameters of education beyond schools acknowledges the importance of public conversations around religion, diversity, and secularism that may not relate directly to schools but that most certainly impact educational encounters. Furthermore, we can acknowledge that religious actors are educational agents, too. Martin E. Marty argues that, in some respects, all schools, even private schools, impact the public and thus are relevant to a

[55] Heldman and Cahill, "The Beast of Beauty Culture: An Analysis of the Political Effects of Self-Objectification," 8.

discussion on the ways in which public schooling impacts culture.[56] In a similar sense, all education is public education, for the division between what is private and what is public is blurry at best.

Education & Religious Liberty

While religion as a topic receives much consideration in academic circles, surprisingly few modern scholars of education take the question of religious liberty and religious identity within the parameters of the school community seriously.[57] John Dewey, often considered the founder of Educational Studies as a discipline within academic study, paints an overall negative picture of religion in his classic essays entitled, "A Common Faith."[58] In these essays, Dewey takes the position of what is known as the "secularization theory" in social science.[59] The popular theory argued, in essence, that religion in the face of enlightened scientific discovery was unnecessary – that "God is dead."[60] Science and rationality were the new unifiers for the Western world. There simply was no need of religion, or at least not of religions that had at their center the belief in the "supernatural." Of course, reducing religion to beliefs and

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[56] Martin E. Marty, *Education, Religion, and the Common Good: Advancing a Distinctly American Conversation About Religion's Role in Our Shared Life*, 1 edition (San Francisco: Jossey-Bass, 2000), 69–70.
[57] Nord, *Does God Make a Difference?*, 202.
[58] John Dewey, *A Common Faith* (New Haven: Yale University Press, 1991); Joseph P. Viteritti, *The Last Freedom: Religion from the Public School to the Public Square* (Princeton: Princeton University Press, 2007), 72–73.
[59] Peter L. Berger, ed., *The Desecularization of the World: Resurgent Religion and World Politics* (Washington, D.C. : Grand Rapids, Mich: Wm. B. Eerdmans Publishing Co., 1999), 2; Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century: Resurgent Religion and Global Politics* (New York: W. W. Norton & Company, 2011), 1–3.
[60] Friedrich Nietzsche, *Nietzsche: Thus Spoke Zarathustra*, ed. Robert Pippin, trans. Adrian Del Caro (Cambridge ; New York: Cambridge University Press, 2006), 5.

customs centered around the "supernatural" to explain aspects of life that humans simply did not understand betrays an abiding ignorance in religion itself and of theological reasoning. Nonetheless, the view was common.[61] Recent scholarship demonstrates that the secularization thesis is largely false: yes, much of the Western world is becoming less devotional, but religious affiliation is actually on the rise globally, including pockets within the United States, which despite the disfavor with which religion is often portrayed in the media, is still quite religious.[62] Dewey goes so far as to suggest that religion is useful insofar as it provides human "association," but in the face of new "associations" it is no longer a necessary or important element of social structure.[63] He argues that religious people are "idealists" and implies they lack intellectual development, rooted instead in an "idealizing imagination."[64] Dewey's overt intolerance for religion and religious thought in these essays is extremely problematic, for it fosters the same intolerance of which religious people are often accused. Moreover, it betrays an utter lack of understanding of theological reasoning and assumes that a secularist worldview is neutral.[65] Such a position is pervasive today,

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[61] Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion*, Reprint edition (New York: Anchor, 1990); Steve Bruce, *God Is Dead: Secularization in the West*, 1 edition (Malden, MA: Wiley-Blackwell, 2002); David Martin, *A General Theory of Secularization*, 1st Harper Colophon Edition,1978 edition (New York: Harper & Row, 1978); Robert Booth Fowler et al., *Religion and Politics in America: Faith, Culture, and Strategic Choices*, Fifth Edition (Boulder, Colorado: Westview Press, 2013), 309–312.

[62] 1615 L. Street et al., "America's Changing Religious Landscape," *Pew Research Center's Religion & Public Life Project*, May 12, 2015, http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/; Berger, *The Desecularization of the World*, 2; Toft, Philpott, and Shah, *God's Century*, 8–11.

[63] Dewey, *A Common Faith*, 62.

[64] John Dewey, *Democracy and Education* (Radford, Virginia: Wilder Publications, 2009), 296; Dewey, *A Common Faith*, 63, 70.

[65] Dewey, *A Common Faith*, 71–72.

particularly within systems of education in the West, which often accepts the same idea: secularism is neutral while religion is not. Unfortunately, while secularism can be neutral, neutrality is not inherent in the concept, but must rather be reinforced from the outside.

Dewey views religion from a reductionist perspective, which is, perhaps, not surprising given his place in the philosophical paradigm of pragmatism. He argues that religion exists because historically it was an attempt to understand causality: "Where there is no insight into the cause of unusual events, belief in the supernatural is itself natural."[66] He goes on to say, "It [religion] gave an "explanation" of extraordinary occurrences while it provided techniques for utilizing supernatural forces to secure advantages and to protect members of the community against them when they were adverse."[67] Such a view is, sadly, not uncommon, but it is a narrow perspective. Religions usually include myths (the "explanations" of which Dewey speaks) among their traditions – from the ancient Greeks and their myths about the gods of Mount Olympus to the creation stories of the Old Testament. Myths were never meant to be taken literally, but neither are they untrue; rather, they are different ways of conceiving of and explaining experience.[68] Certainly, one purpose of myths is to explain the happenings of nature and human events, but rarely do myths address only one level of human experience – they are multi-vocal stories that convey many layers of meaning. Moreover, the need to explain events and occurrences is merely one aspect of religion.

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[66] Ibid., 69.
[67] Ibid., 69–70.
[68] Karen Armstrong, *A Short History of Myth*, 1st edition (Edinburgh ; New York: Canongate U.S., 2005), 4–22.

People of faith identify as such for many reasons, not the least of which is the encounter of God/Ultimate Reality. Dewey, however, sees the original purpose of religion as an attempt to "secure the favor of overruling powers," not as one that includes seeking or responding to the personal experience of the divine.[69] This is somewhat ironic, since one of Dewey's most significant contributions to the study of educational theory is his emphasis upon *experience*. We will take up this matter in chapter three, for Dewey's theory of experience is a way forward toward a more inclusive and just educational theory of religious liberty.[70] For now, however, Dewey's main direct contribution to the study of religion is dismissive at best, intolerant at worst, and problematic to say the least given his status in the field of education, and given that little has been done by scholars to confront what could easily be considered miseducation.

If Dewey is a proponent of the now largely outdated secularization thesis, other educational theorists point to additional gaps in holistic thinking regarding religion and education. Many scholars, such as Jane Roland Martin and Maxine Greene simply devote little time to the subject, although Martin makes significant contributions regarding educational agency that I will apply to religious liberty and education in chapter three.[71] Greene deals heavily with religious sects as actors in the history of religion and public schooling, as do a number of other historians, but little is said about religious experience or religious liberty.[72] Unlike many of her contemporaries,

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[69] Dewey, *Democracy and Education*, 11.
[70] John Dewey, *Art as Experience* (New York: Berkley Pub. Group, 2005), 5.
[71] Martin, *Education Reconfigured*; Jane Roland Martin, *Educational Metamorphoses: Philosophical Reflections on Identity and Culture* (Lanham: Rowman & Littlefield Publishers, 2006).
[72] Maxine Greene, *The Public School and the Private Vision: A Search for America in Education and Literature* (New York: The New Press, 2007).

educational scholar Nel Noddings takes religion on directly – and with questionable results. Noddings argues that there is a 'well-documented shift of emphasis away from formal religion toward "spirituality"' in the United States, despite statistical data to the contrary.[73] According to the latest polls from the Pew Research Center's *Religion & Public Life*, while the "nones" (unaffiliated, including "spiritual but not religious") are on the rise, they are far from a majority, nor do they come close to outnumbering the religious observant.[74] Whether or not the increase of the "nones" will continue is dependent upon a number of factors, not the least of which is immigration and what beliefs new citizens bring to the table. Moreover, the category of "nones" or "spiritual but not religious" is extremely problematic and most pollsters do not have a concrete definition.[75] A person may legitimately be both "spiritual but not religious" and a person of faith – many non-church going Christians consider themselves to belong to this category while still claiming to be Christian. Noddings is correct, however, when she criticizes the lack of articulate education regarding religion in public schooling; a massive overhaul in public teacher training must be undertaken in order to deal fairly and comprehensively with religion.[76] Sadly, her own writing is one such example of why such teacher training is so vexing. Noddings betrays a lack of academic background in the study of religion and treads dangerously on theological ground, even

[73] Nel Noddings, *Education and Democracy in the 21st Century* (New York: Teachers College Press, 2013), 126.
[74] Street et al., "America's Changing Religious Landscape."
[75] Robert Wuthnow, *Inventing American Religion: Polls, Surveys, and the Tenuous Quest for a Nation's Faith*, 1 edition (Oxford ; New York: Oxford University Press, 2015), 150–152.
[76] Noddings, *Education and Democracy in the 21st Century*, 126–127.

while arguing for open classroom dialogue about religion.[77] In an attempt to address what Warren Nord notes as a significant lack of education about religion in public schools, Noddings tackles such large concepts as monotheism, polytheism, and theodicy (the problem of the existence of evil in the face of omnipotent divinity).[78] While the motivation for such discussions is about cultivating openness and critical thinking skills, Noddings betrays her own ignorance of religious thought. For instance, she states, "the insistence on a perfect, one-and-only God also leads to religious intolerance."[79] Were Noddings a trained theologian, she would recognize the multiple fallacies in this statement, not the least of which is that one may conceive of God as completely perfect and the entire ground of all beingness and still honor all paths to that "one-and-only" God, whatever form and shape they might take. Much as Madison argued that the State is not competent to make theological decisions, neither is the public school.[80] With ignorance at the helm, schools may do better to teach nothing about religion at all. Yet, there is a more balanced approach that can be taken: namely, it is less important that students are schooled about religion than it is that the religious identity of students is protected and allowed to flourish. This is something that is sadly quite vacant from most educational theories. Rather than conceiving of ways in which to dialogue about issues that are largely the territory of parents and religious leaders, it is much more effective to create an environment that protects a student's right to believe and at the same time

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[77] Nel Noddings, *Educating for Intelligent Belief or Unbelief* (New York: Teachers College Press, 1993), 2–3, 19–33; Nel Noddings, *Educating Moral People: A Caring Alternative to Character Education* (New York: Teachers College Press, 2002), 105–106, 113.
[78] Noddings, *Educating for Intelligent Belief or Unbelief*, 18–25.
[79] Ibid., 22.
[80] Riemer, "Madison: A Founder's Vision," 40.

shapes students toward a respectful disposition. Public school teachers are not asked to become spiritual directors, ministers, or theologians, nor should they attempt it anymore than they should attempt to be psychologists.[81] What teachers in public schools can do, however, is cultivate an atmosphere that is inclusive and accepting – even if it means defending a student's right to think that everyone else is wrong.

If I have painted a negative picture of the work on religious liberty – what I would call more of a vacancy than anything else – within modern educational scholarship, there is hope within the discipline for religious liberty and the examination of religious pluralism within the public school system. If the majority of scholars look upon religious liberty and religion's presence in the public school classroom and curriculum with skeptical eyes, or no eye at all, there are substantial concepts woven into educational philosophy that lend themselves well to a conversation about religious liberty and education, which, I believe, can help our conversation emerge from the narrowed parameters of teaching "about" religion only to substantially entertaining and promoting religious liberty – including emerging concepts of religious liberty – within the culture of public schools. In particular, Jane Roland Martin's work on cultural miseducation and education as encounter are pivotal and will be applied in subsequent chapters as will Dewey's theory of education as experience. Other educational thinkers, some of whom helped formed much of Dewey's own philosophical background, will have a voice in the pages of this project, for they contribute to the development of a more robust commitment to religious liberty within the school community.

[81] Noddings, *Education and Democracy in the 21st Century*, 128–130.

The Problem with Teaching "About" Religion

In the aftermath of landmark Supreme Court decisions (beginning in the 1940's) that clarified – or attempted to – the proper role of religion in public schools, educators, administrators, and parents felt sometimes at a loss for how to interpret the decisions.[82] Some districts ignored them, others decided the safest thing to do was to evacuate any sign of religion from the premises.[83] The Court, while restrictive of religion in the classroom, never argued for total exclusion. In *McCollum v Board of Education*, Justice Robert Jackson wrote:

> The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity – both Catholic and Protestant – and other faiths accepted by a large part of the world's people. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for a part in which he is being prepared.[84]

Schools had a large task ahead of them to determine how best to interpret the Court's decisions; how should schools determine what they could or could not do when the Court's decisions themselves were largely made on a case by case basis? Is prayer completely banned from schools, or only if it is composed by school employees and/or the State?[85] What about student-led religious clubs?[86] If Bible reading is not allowed, what about teaching about the Bible?[87] What of religious symbols in the school? What

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[82] Many of these landmark U.S. Supreme Court cases are discussed in-depth in chapter two.
[83] Haynes, "Religious Liberty in Public Schools," 119.
[84] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948).
[85] Engel v. Vitale (United States Supreme Court 1962).
[86] Good News Club v. Milford Central School (Supreme Court of the United States 2001).
[87] School District of Abington Township, Pennsylvania v. Schempp (United States Supreme Court 1963).

constitutes a religious statement? What role could religious leaders play, if any? During the last several decades, educators and scholars have sought to address these issues, resulting in impressive amounts of cooperation among politicians, policy makers, and religious leaders.[88] As impressive are the documents produced by people like Charles Haynes, and entities such as the First Amendment Center and the American Academy of Religion.[89] The emphasis is primarily upon what can and cannot be done in schools regarding religion, and by whom, and the result has been a push in liberal education to take teaching *about* religion seriously. Scholars point to the influence of religious actors in society, and the dangers of not understanding other people's religious motivations, including the religious motivations of other nations.[90] Steven Prothero's influential study on religious literacy concluded that few Americans demonstrate competency in the area of religious history or religious cultures, and given the pervasive presence of religion in America, the growth of religious diversity, and the convergence of globalized religious movements, Prothero and others found the results unsatisfactory.[91] Today, most liberal scholars and educators agree that religion is an important subject of

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[88] Haynes, "Religious Liberty in Public Schools," 119–121.

[89] Charles C Haynes et al., *Finding Common Ground: A Guide to Religious Liberty in Public Schools*, 2011 First Amendment Center edition (Nashville, TN: First Amendment Center, 2007); Charles C Haynes, "A Teacher's Guide to Religion in the Public Schools" (Nashville, TN: First Amendment Center, 2008), http://www.freedomforum.org/publications/first/teachersguide/teachersguide.pdf; The AAR Religion in Schools Task Force, "Guidelines for Teaching About Religion in K-12 Public Schools in the United States" (American Academy of Religion, April 2010), https://www.aarweb.org/sites/default/files/pdfs/Publications/epublications/AARK-12CurriculumGuidelines.pdf; *The First Amendment in Schools: A Guide from the First Amendment Center*, Edition Unstated edition (Alexandria, Va: Assn for Supervision & Curriculum, 2000).

[90] Prothero, *Religious Literacy*, 10–13.

[91] Ibid., 28–48.

study within public school curriculum, as do I.[92] But, I argue in these pages that teaching *about* religion is not enough, and further that teaching about religion without the presence of staunch attention to religious liberty has dangers of its own. While I doubt those who advocate including religion in the curriculum would disagree, little to date has been done in terms of scholarship or strategies regarding religious *liberty* in public education beyond surface statements that deem it important.[93] This project challenges the assumption that teaching about religion will solve the problems of intolerance and ignorance attributed to religious illiteracy alone.

Teaching *about* anything tends to objectify it and to a certain extent this is unavoidable. However, restricting religion's presence in schools to subject matter alone risks objectifying religious actors themselves. For example, imagine a group of students, most of whom identify as either Christian or "none," but there is one Buddhist in the class. If, as an educator, your primary goal is to instruct your students *about* Buddhism – the history, practices, customs, etc. – how do you think your Buddhist student will react, especially when they are quite literally out-numbered? Some students may have the courage and confidence to insert an opinion, even a correction, here and there (which may likely be valid given the brevity with which most teachers must address religious traditions), but many will not. But, if religious identity is taken

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[92] Nord, *Does God Make a Difference?*, 108. Here, "liberal" is not intended to convey partisan political parties, but rather refers to the historical thread of liberal education that created the structure of the public school system.

[93] Warren Nord and Charles Haynes do argue that religious liberty should be taken seriously, but their focus is upon a broader foundation of including religious as subject matter and does not develop a robust way forward within the deep structure of educational foundations. See Warren A Nord and Charles C Haynes, *Taking Religion Seriously Across the Curriculum*, First edition. edition (Alexandria, Va. : Nashville, Tenn: Association for Supervision & Curriculum Development, 1998), 16–23.

seriously, then you are much more likely to approach the situation with the child's religious experience in mind. You might ask him or her ahead of time if he/she would like to talk about his/her experiences, family traditions, etc. Different from Noddings' suggested approach that emphasizes questioning religious beliefs and views against a (unacknowledged) secularist ethic, you might instead ask other students to chime in with things that sound familiar to their own faith or practices, or about things they find interesting, confusing, or even upsetting. In all likelihood, if an educator sets the tone, children will happily participate, particularly if you are quick to establish the parameter of civil discussion. At this stage, you have not only educated *about* a religious tradition, you have provided an avenue for real experience and encounter, and likely fostered the beginnings of interfaith dialogue and tolerance, two things needed for democracy to thrive.

Beyond the classroom, teaching about religion does not satisfactorily address the issues children may face outside of curriculum, in the schoolyard, the lunchroom, at gym class. If teachers take the religious experience of students and religious liberty in general seriously and attend to this aspect of children's experience in the classroom in addition to teaching about religion, a tone of civility and curiosity is set beyond the classroom walls, influencing school culture itself.

There is another problem with simply teaching *about* religion and it is this: when one approaches a subject as an object from the outside, one likely imposes one's own world view. Nothing is truly neutral – all human persons have a lens of perception influenced by culture, experience, and identity. So, whether you are a devout religious person or a staunch secularist – or find yourself in the vast in-between space of the two – if you

teach only *about* something, it is likely that your approach will not invite participation in the alternate worldview that any religion has to offer. As important as it is to have knowledge about religious traditions, it is vital to understand – both teacher and student – that there are many worldviews, and many of them are represented by religions or sects. The rhetoric around teaching about religion within liberal education seems to suggest that one can be neutral, but when any framework is not recognized, it places its own biases on the subject it addresses. More important than children realizing that religious actors exist is the realization that there are different ways of understanding reality itself. When religious liberty is taken seriously, a fuller understanding of how religious people think and understand the world around them can emerge, not as a weird perspective but as a *legitimate* way of contextualizing and operating within the world around us.[94] This is extremely important for children to understand.

Through the course of the decades since the first Supreme Court decisions regarding schools and religion, the conversation around religion's place in the school has taken many turns. Today, we often hear the polarized opinions categorized into "left" and "right" – as if there are only two sides to this multifaceted issue. From one politically liberal perspective, there is the fear of religious indoctrination if religion is allowed too thoroughly within the classroom walls. And, that fear is not unfounded; certainly some public schools have seemed to promote one religion to the exclusion of the non-religious and of religious minorities. From the position of politically and religiously conservative stakeholders, they fear that their children will be formed by secular curriculum that lacks a similar moral center to that of their own commitments. Again,

[94] Nord, *Does God Make a Difference?*, 83.

the fear is justified as many public schools embrace curriculum changes that normalize things like reproductive rights and homosexual relationships. Those kinds of issues are centers for heated debates and are not so simply summed up as one side being for equal rights and the other for religious rights, though often it is described as such. The heart of the matter is usually a deeply held worldview, and despite the popular media's tendency to make one or the other out to be irrational and reactionary, both perspectives (and the many in between) have valid points of difference that should not easily be dismissed, regardless of how partisan politics polarizes the public commons. Whatever "side" one is on, it is clear that public schooling lacks an effective solution at present to the problem of increasing polarization between liberal and conservative politics and the growth of religious diversity. Teaching about religion, though important, is not enough. Only an honest attempt to cultivate a school culture that fully embraces religious liberty and the spiritual and religious development of students will suffice.

Why Now?

The discussion over religion's place in the public school is more than a century and a half old; many excellent books and scholarly articles have been written about it, though few from the perspective of educators specifically dealing with the principle of religious liberty, and I am aware of none that argue it from a First Rights perspective. That in itself warrants another study. In addition to a new perspective, this project is timely due to changes and challenges that are both domestic and international, namely 1) the growth of religious diversity within the United States, diversity that is no longer simply sectarian but is divergent in terms of worldviews and religious commitments, 2) increasing polarization in American political life that is at least in part articulated on

religious grounds, and 3) the increasing restrictions on religion internationally and its implications for US foreign relations and security. Let us consider each of these in turn.

Domestic Concerns: The Changing Landscape of American Religious Diversity & Polarization

It seems the one constant in American religious life is that it is always changing. Religious diversity is nothing new. Indeed, before European explorers first landed on the Eastern shores, countless religious expressions existed within First Nation communities.[95] Europeans brought varying forms of Christianity. Judaism dates back as early as the 1620's in the colonies, and Africans – free and trafficked – brought multiple forms of religious expressions.[96] Religious diversity, which to a large degree can be thought of as sectarian diversity during the colonial period Protestant Christianity was the dominant form of religion practiced among Colonists, was largely responsible for the religious liberty committed to in the founding documents.[97] More than a century before Thomas Jefferson argued for a "wall of separation" between church and state, religious leader Roger Williams argued for a "wall of separation" and penned many documents in favor of religious liberty, including "A Plea for Religious Liberty," arguing that freedom of conscience and, thus, of religious belief, is a crucial part of peace.[98] He writes, "God needeth not the help of a material sword of steel to assist the

[95] Neusner, *World Religions in America, Fourth Edition*, 12.
[96] Ibid., 56–57.
[97] Ahmet T. Kuru, *Secularism and State Policies toward Religion: The United States, France, and Turkey*, 1 edition (Cambridge ; New York: Cambridge University Press, 2009), 98.
[98] Williams, *A Plea for Religious Liberty*.

sword of the Spirit in the affairs of conscience…"[99] Persecuted for his own dissenting beliefs, Williams was exiled from the Massachusetts Bay colony in 1635.[100] Rogers was not alone in his failure to satisfy the orthodoxy of his region. During the same era, Anne Hutchinson, a laywoman and midwife, defended her right to conscience when accused of heresy. Trial transcripts from 1637 record Hutchinson's powerful words to the Boston magistrates:

> For you have no power over my body. Neither can you do me any harm, for I am in the hands of the eternal Jehovah my Savior. I am at his appointment. The bounds of my habitation are cast in Heaven. No further do I esteem of any mortal man than creature in his hand. I fear non but the great Jehovah, which hath foretold me of these things. I do verily believe that he will deliver me out of your hands.[101]

The experience and activism of figures like Williams and Hutchinson, followed by the leadership of Thomas Jefferson, James Madison and others paved the way for the ongoing conceptualization of religious liberty in America, but it did so not simply because it seemed like a good idea, but because diversity of faith and thought was already present, necessitating the freedom to deviate from a singular orthodoxy in order to promote social cohesion, unification, and peace.

Religious diversity continued to grow, so much so that the first World Parliament of Religions met in Chicago in 1890. This occasion in American history demonstrated both that religious diversity in American was a reality and that many religious leaders and laypersons supported the concept of religious tolerance, though the majority of Americans identified as Christian. Despite this commitment – and perhaps because of it

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[99] Ibid., 7.
[100] Barry, *Roger Williams and the Creation of the American Soul*, 4.
[101] Eve LaPlante, *American Jezebel: The Uncommon Life of Anne Hutchinson, the Woman Who Defied the Puritans*, Reprint edition (New York, NY: HarperOne, 2005), 120–121.

– the dominant belief among the American people up through the early parts of the twentieth century was that there were basic faith-based tenets that were part of the American ethos, tenets upon which most people could readily agree.[102] That those beliefs happened to coincide with Protestant Christian teachings was largely overlooked in the dominant public conversation until the rise of Catholic immigrants forced the conversation to include religious diversity in a more realistic way. Indeed, with a few exceptions, the landmark U.S. Supreme Court cases that applied the religious liberty clause to the States, cementing a Jeffersonian interpretation of the "wall of separation between church and state" as a principle within constitutional law, revolved around the tensions between public schools whose philosophical and practical framework was largely Protestant and private Catholic schools. We will return to this conflict in chapter two, but for now the point I mean to highlight is that, though religious tensions persisted during this early period of American educational history – violently at times – it nevertheless was largely a tension between forms of Christianity. Even when other players entered the mix, such as in *McCollum v Board of Education* (1948) when an Atheist mother battled against time-release programs, the public conversation largely accepted that most people agreed on a few basic Christian values. Other religious – or non-religious – traditions existed to be sure, but they did so *within* a dominant Christian worldview.[103]

Today, the religious landscape of the United States is changing into a very different creature, one in which, despite a solid majority of citizens who still identify as

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[102] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 76–110.
[103] James Davison Hunter, *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010), 204.

Christian, organizes itself around the concept of pluralism rather than simply embracing the diversity that is present from within a Christian worldview.[104] Put another way, the US has always been religiously diverse, but the basic threads of Protestant Christianity helped order much of US public life. Other traditions encountered pockets of tolerance and intolerance within a conversation that to a large degree assumed basic Protestant values. Today, the landscape of American religious life not only shows that religious diversity is on the rise, but that the broader framework has shifted to one of diversity itself. James Davison Hunter argues that this reordering of American society makes social cohesion more challenging.[105] When diversity *is* the social order, then how do citizens develop the kind of cohesion necessary to sustain a nation? One suggestion might be that Americans order around civic values and that is enough to ensure social cohesion, but the growth of globalization threatens even coherent civic values as well. In any case, the growth of religious diversity and the shifting framework of pluralism pose challenges that educators and educational systems must take seriously.

According to religion scholar Diana Eck, the U.S. is now home to practically every religion on the planet, certainly to every religious tradition identified as a "world religion," including the many variations that exist within those broad faith groups.[106] Through waves of immigration over the past two centuries and the eagerness of many Americans to learn about religious traditions not their own, the faces of Buddhism, Hinduism, Sikhism, Islam, Judaism, Jainism, Baha'i, Paganism, Wicca, Orthodox

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[104] Ibid., 201.
[105] Ibid., 202–203.
[106] Diana L. Eck, *A New Religious America: How a "Christian Country" Has Become the World's Most Religiously Diverse Nation*, 1 Reprint edition (San Francisco: HarperSanFrancisco, 2002), 4.

Christianity, and many others color the religious landscape. Moreover, America has grown her own unique faith expressions. Movements such as Mormonism, Seventh Day Adventist, New Age, Pentecostal, Christian Science, Scientology, and New Thought originated through unique American experiences and have all grown to substantial numbers. New waves of immigration continue to reshape American religious life, and by extension public life, particularly as various Mexican and South American expressions of Christianity – Catholic and Evangelical/Pentecostal – and Islam quickly grow.[107] Furthermore, the trend of the so-called "nones" appears to be on the rise.[108] As noted, "nones," according to pollsters, are people who either identify as non-religious, atheist, agnostic, or "spiritual but not religious." Such a sweeping category is inherently problematic as there is an obvious identity difference between someone who claims atheism and someone who simply does not identify with organized religion but who still holds sincere beliefs in Ultimate Reality/God. Because of it, the prevailing diversity and the justifiable movement towards inclusion and tolerance contribute to the shifting reality that diversity *is* the new framework. Is Christianity withdrawing as the dominant theoretical system and the U.S? Such a social transition is bound to be fraught with tension and strife. Indeed, while religious diversity is on the rise, we seem to be witnessing the growth of political polarization as well as tensions from the so-called

[107] Street et al., "America's Changing Religious Landscape"; 1615 L. Street et al., "Religion in Latin America," *Pew Research Center's Religion & Public Life Project*, November 13, 2014, http://www.pewforum.org/2014/11/13/religion-in-latin-america/; 1615 L. Street et al., "The Shifting Religious Identity of Latinos in the United States," *Pew Research Center's Religion & Public Life Project*, May 7, 2014, http://www.pewforum.org/2014/05/07/the-shifting-religious-identity-of-latinos-in-the-united-states/.

[108] Street et al., "America's Changing Religious Landscape."

"right" and "left" grow.[109] In addition to the challenges Americans face domestically as religious diversity increases and political polarization does as well, there are significant international concerns that support the need to take religious liberty seriously as we educate tomorrow's citizens.

International Concerns

Restrictions on religion are on the rise globally.[110] A brief examination of global restrictions will help draw implications for the trends within the U.S., particularly because the data available points to the correlation between restrictions, persecution, and even terrorism. In Brian J. Grim and Roger Finke's groundbreaking book, *The Price of Freedom Denied*, the authors explore extensive quantitative data, collected in the International Religious Freedom Reports, which details incidents of religious persecution in most countries across the globe.[111] The data is far more than suggestive, and though the reporting of persecution is likely low, it conclusively demonstrates that violent religious persecution is pervasive.[112] Grim and Finke note that restrictions on religion come from two main sources: legal restrictions and social restrictions. The two tend to create a cycle that leads to, and reinforces, religious persecution.[113] The authors

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[109] Kuru, *Secularism and State Policies toward Religion*, 52–60; Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 2011); James Davison Hunter and Alan Wolfe, *Is There a Culture War?: A Dialogue on Values and American Public Life* (Washington, D.C: Brookings Institution Press, 2006); Fowler et al., *Religion and Politics in America*, 306–309.

[110] *Rising Tide of Restrictions on Religion* (Washington, D.C: The Pew Forum on Religion & Public Life, 2012), 9.

[111] Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press, 2010). 11

[112] Ibid, 18-20.

[113] Ibid, 9.

demonstrate that religious freedom is intertwined with other freedoms, and that restricting religious freedoms not only leads to persecution on religious grounds, it also fosters an environment of social conflict in general.[114] Simply put, the authors clearly show that religious restrictions, imposed by the state or through social pressures (the two usually reinforce one another), lead to persecution.

Clearly, religious persecution is a human rights issue. Violent persecutions are the stuff of collective nightmares as the tragedy of the Holocaust reminds us. Yet, there is another aspect of religious restrictions that is equally troublesome. Quite simply, excessive restrictions on religion can provide a seedbed for acts of terrorism. According to Chris Seiple and Dennis R. Hoover, religious persecution can stir up sympathy for radicals, who position themselves in an anti-state stance.[115] It may seem like terrorist acts are religiously motivated, but it is just as likely that the acts themselves are political, supported by those who feel persecuted for their beliefs, as the suicide note left by one of the Brussel's terrorists confirms.[116] Seiple and Hoover argue that religious pluralism contributes to positive social capital, and that pluralism, not secularism, is the answer to taming religious radicalism.[117] Thus, while some argue that religious commitments provoke violence, it seems the opposite is just as true; where religion is permitted to flourish alongside other religions (without imposed restrictions, but *with* the agreement to tolerate one another), an agenda of social peace is more likely to

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[114] Ibid, 62, 205-206, 212-213.
[115] Chris Seiple and Dennis R. Hoover, "Religious Freedom and Global Security," in *The Future of Religious Freedom: Global Challenges* (New York, N.Y.: Oxford University Press, 2013), 315–30.
[116] Eszter Zalan, "Brussels Attacker Felt 'hunted Everywhere,'" accessed March 26, 2016, https://euobserver.com/justice/132794.
[117] Ibid, 322.

succeed.[118]

A Way Forward: The American Settlement

As we have seen, the increase of religious diversity in the United States, the appearance of political polarization, and the challenges of a global world in which religion is both a significant player and a tenuous struggle, makes the intersection of religion and education a vital area of study and an area of human experience in which thoughtful, honest exploration should be a priority for the field of education. There are many approaches one could take, but I believe one model is particularly useful: The American Settlement.

Examining the historical roots of American religious freedom, Steven D. Smith, argues that prior to the 1940's, the U.S. held to a set of beliefs that was committed to "Constitutional agnosticism and constitutional contestation," resulting in what he calls the American Settlement.[119] Put simply, there were generally two somewhat opposing stances with varying interpretations within American culture prior to the 1940's. One, which Smith calls Providentialism, held to the belief that the United States is a divinely accountable nation with religious principles underlying constitutional rights. The other stance, embodied by people like Thomas Jefferson, took a more "soft" secularist approach, using broader religious language if any and calling for a "wall of separation" between church and state (not between religion and the public square). Within the context of Constitutional agnosticism and contestation, both positions were accepted as

[118] For a discussion of the religious pluralism fostering civil peace, see Robert D. Putnam and David E. Campbell, *American Grace: How Religion Divides and Unites Us*, First Edition edition (New York: Simon & Schuster, 2010), 515-550.
[119] Steven D Smith, *The Rise and Decline of American Religious Freedom*, 2014, 109.

viable arguments; one could be opposed to the other, but one did not argue that the other had no place within the public commons. However, through a series of Supreme Court decisions (and the rhetoric and logic within some of the dissents), the secularist stance was prioritized and eventually became the standing orthodoxy on matters of religion and politics.[120] We will discuss these cases and what I call the privatization of religion in chapter two. For the time being, suffice it to say that when a single position becomes orthodox, anything opposed to it ceases to be a valid position and instead becomes illegitimate, or, to use religious language, heresy. Today the conversation about religion and the public commons in the United States is shaped by secularism rather than a commitment to contestation and civil discourse.[121] It requires little stretch of the imagination, then, to accept the possibility that the U.S. may eventually adopt a more rigid version of secularism, moving from passive to assertive policy and social stances. Of course, the opposite could happen. With the influx of Latino/a Catholics and Evangelicals, Muslims, and other more religiously committed groups, it is possible that the American Settlement may be reborn, but most indicators suggest a growth toward assertive secularism, or its opposite: exclusivist religion.[122] One thing is certain, the current rhetoric around "neutrality" is sadly misleading and lacking in substance – within schools and within politics. For, as Smith insightfully points out, true neutrality is a myth: "the fundamental difficulty is that the ostensible neutrality of the modern

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[120] Ibid, 123-128.

[121] Prothero, *Religious Literacy*, 66–68; Nord, *Does God Make a Difference?*, 77–79, 81–82; Hunter, *To Change the World*, 19.

[122] For a discussion about Latino/a voting & faith intersections, see John C. Green, *The Faith Factor: How Religion Influences American Elections*, 1 edition (Washington, D.C: Potomac Books Inc., 2010), 34-35, 38.

secular state turns out to be, on closer examination, little more than a sort of political optical illusion."[123] An open system of contestation with civility and inclusivity as its grounding is a much better option and is fundamental to vibrant democracy. This project proposes just such an option – a "New American Settlement" in which a plurality of views is valid ways of seeing the world and with it the acceptance of civil debate and compromise as a way forward. The New American Settlement is built on the old foundation of openness and contestation, but embraces new concepts of the commons, the common good, care-centered ethics, kindness, an agency of limits, and the philosophy of education as relationship. These ideas will be developed throughout the project and woven together fully in chapter five when the New American Settlement is clearly articulated.

Looking Ahead

This chapter made the case for taking religious liberty seriously in public schools. This platform departs somewhat from previous scholarship that emphasizes the importance of teaching *about* religion in schools in order to foster more religious literacy amongst students. In addition, it contextualizes the project solidly within educational thought, for in order for schools to change, the foundations of education must be open to change and those who educate teachers must themselves change, and thus the torch gets passed along. The remaining chapters build a framework and develop a working theory of the New American Settlement in public schooling.

Chapter two briefly examines the history of religion and public schooling – the

[123] Smith, *The Rise and Decline of American Religious Freedom*, 2014. 130

"School Question," as it is commonly known. It demonstrates that the School Question has been, and remains, a substantial point of contention and debate in public schooling.[124] It explores the common school movement as a movement imagined in part by religious people. It goes on to examine the landmark Supreme Court decisions that have helped shape the School Question – and it argues that such decisions have led to what I call the "privatization of religion," which poses significant problems for religious liberty in public schooling.

Chapter three explores the contributions from Educational Studies scholars and philosophers that are helpful in developing a New American Settlement. In particular, I examine the work of Jane Roland Martin, John Dewey, and Nel Noddings, along with some of the less-sung but nonetheless influential educational voices of Friederich Froebel, Jane Addams, Booker T. Washington, Maria Montessori, Paolo Freire, Louisa May Alcott, and Myles Horton. Though diverse in their writings, I highlight aspects that contribute to the theory of cultural miseducation and the ethic of care, which are at the heart of New Settlement.

Chapter four brings another player into the conversation: religious voices. It makes little sense to argue that schools must take religious liberty seriously and exclude religious voices from the theoretical groundwork.[125] Rather, I pull on the thread within many religious traditions, coined most recently by ecological theologians as the "commons." Most arguments made to include religion seriously in the curriculum

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[124] Steven K. Green, *The Bible, the School, and the Constitution: The Clash That Shaped Modern Church-State Doctrine* (Oxford ; New York, NY: Oxford University Press, 2012), 8–9.
[125] For example, see Philpott's argument for "grafting" religious voices with secular positions to cultivate an ethic of reconciliation: Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (New York: Oxford University Press, 2012), 8–12.

assume a religious studies perspective, and while this is an important area of study, it is certainly not the only way to explore religion, nor does religious studies always get to the heart of the religious matter as it often makes religion an object of sociological study. As important to understanding religion and to taking religious liberty seriously is the exploration of theology and theological reasoning. Compelling arguments made on religious grounds are made theologically, including some of the most heartfelt statements on religious liberty. To exclude theological "talk" from the conversation is unsatisfying and treads dangerously into the territory of "orthodoxy" whereby, despite encouraging diverse voices, one position – that which categorizes religion as a mere subject – is normative. Theological voices make little sense in this context, but in New Settlement they have the opportunity to be understood as an alternative worldview to the secular one we have created within the American public square.[126] The "commons" relates beautifully to educational theories of care, cooperation, and inclusivity, and I believe that bringing the diverse voices of religious thinkers together with educational thinkers will help conceptualize the New American Settlement.

Chapter five brings the findings of the previous chapters together and further explore New American Settlement with a specific intent: learning to live with religious diversity in public schooling. And, chapter six pulls everything together, highlighting both findings and more questions that need posed, if not answered.

[126] Hunter, *To Change the World*, 19.

II. The School Question & the Privatization of Religion

"Education in and for a democratic society must provide the schooling required for each student to develop his [or her] powers and interest to their full, to find himself [or herself], and to learn to live at least peacefully if not cooperatively with others." – Sidney Hook[127]

Few of us have reason to think that our lives will one day be under the watchful gaze of a nation – YouTube videos notwithstanding – let alone that our deepest and sincerest beliefs will be the topic of household conversation. One can reasonably speculate that Vicki Frost had no such ambition or desire, yet the life and, more specifically, the political and religious thought of this homemaker from rural Tennessee became the subject of a nationwide public debate during the summer of 1986.[128] What seemed like a small squabble turned into a dynamic legal battle, earning the popular title "Scopes II."[129] Briefly summarized, Frost – and other parents – objected to some of the material found in her children's public school readers, material she and others describe as "secular humanism." Frost, and other observant Christian parents felt that some of the material in the textbooks was inconsistent with their religious beliefs, and it threatened their ability as parents to educate their children according to their faith. Rather than simply removing her children from the local public school and enrolling them in a private religious school, Frost chose to stand in opposition to what she felt was imposed moral formation into secularism. To be sure, part of her decision came from her family's limited income, making private school fairly unaffordable – although later she

[127] Sidney Hook, "Introduction," in *The Middle Works of John Dewey, Volume 9, 1899-1924: Democracy and Education 1916*, ed. Jo Ann Boydston (SIU Press, 2008), xiii.
[128] Stephen Bates, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms* (New York, N.Y: Poseidon Press, 1993), 11–16.
[129] Ibid., 11.

did roll her children in a private religious school. To be fair to Frost, some local community members felt her case galvanized their own beliefs that the public school enforced a secularist stance that was untenable to their own faith commitments. Scholars would later agree that, by and large, public schools do just that.[130] In some ways, Frost was a pawn in a much bigger battle. That was certainly the case when the conservative organization Concerned Women for America heard of the situation and backed the cause, hoping, no doubt, for a Supreme Court hearing (which was ultimately rejected), and the liberal People for the American Way sided with the school district, effectively using local people's faces to fight a broader political battle as is so often the case. Frost argued that her children should be granted permission to use alternative reading material that would not negate her faith commitments. The school district refused and ultimately Frost lost the case. Today, "Scopes II" is still relevant, for, besides providing an example of the secularist framework of most American public schools (even those in religiously conservative areas) it points to an important and often overlooked problem: how can truly democratic public schooling be achieved in a nation of diverse, often polarized, citizens? The solution in Frost's case was really no solution at all; in the end, she withdrew her children and lived with public derision.[131] Educators should be troubled by the resolution, even if many agree with the dominant worldview of secularism promoted by the school textbooks in question. Such a solution lacks compassion, and it does not take the well-being of children into account; rather, it

[130] Prothero, *Religious Literacy*, 66–67; Viteritti, *The Last Freedom*, 73; Nord and Haynes, *Taking Religion Seriously Across the Curriculum*, 41–42; Bates, *Battleground*, 308–309.
[131] Bates, *Battleground*, 291, 323.

upholds State authority and reinforces a kind of orthodoxy that is troublesome both on religious and intellectual grounds.

This chapter is not about Vicki Frost, but it is about the same kind of troublesome exclusivist framework that exists in our public school system, handed down by powerful policy makers and reinforced by those charged with protecting public education – administrators and teachers alike. In order to make a case for taking religious liberty seriously in schools through New American Settlement, we must first understand where we are and how we got here. Such is the task of this chapter, which will examine, albeit briefly, the history of the "School Question" – that is, the role of religion and public schooling. Through the course of this chapter, I seek to make two primary points that are both instructional and necessary to the future work of imagining a New American Settlement: first, that the foundations of public schooling and the educational philosophy regarding it involve a kind of secularist approach that is progressively assertive, and second, that this is in part due to U.S. Supreme Court decisions regarding schooling and religion that have, for all practical purposes, privatized the latter. Both of these realities – the privatization of religion and the dominantly secular framework of public schools – pose significant challenges to diversity and religious liberty, and both trends need to be challenged on the grounds of ethical stability and constitutional legitimacy if we are to make headway in cultivating schools that can positively serve a diverse and pluralistic public.

The School Question: Historical Considerations

Since the earliest days of state-implemented public schooling, educators, administrators, politicians, and community stakeholders have debated the role of religion in education. Perhaps it is more accurate to consider this in light of sectarianism, for it was less a matter of whether or not religion had a role in education and more a question of what features of Christianity should influence public schooling, as the majority of the population, particularly those in authority positions belonged to one branch of Christianity or another. Some historians note that as states moved away from state-sanctioned religious institutions during the early nineteenth century – an official church, in other words – the emerging public school took the symbolic place of the church as the institution that could provide social cohesion, with the added benefit of crafting citizens and workers.[132] Indeed, philosophers of education like John Dewey sought this sort of replacement, but from within a secular worldview.[133] Dewey's *Pedagogic Creed* includes powerful final words that utilize religious language, although Dewey himself argued the irrelevance of religion in a scientifically enlightened culture:

> I believe, finally, that the teacher is engaged, not simply in the training of individuals, but in the formation of the proper social life. I believe that every teacher should realize the dignity of his calling; that he is a social servant set apart for the maintenance of proper social order and the securing of the right social growth. I believe that in this way the teacher always is the prophet of the true God and the usherer in of the true kingdom of God.[134]

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[132] Green, *The Bible, the School, and the Constitution*, 8–17; James W. Fraser, *Between Church and State: Religion and Public Education in a Multicultural America* (New York: Palgrave Macmillan Trade, 2000), 3, 38–43.
[133] Viteritti, *The Last Freedom*, 72.
[134] John Dewey, *My Pedagogic Creed* (Amazon Digital Services, LLC, 2013), 58.

Dewey's anti-religion stance is understandable in light of his era and its glorification of scientific rationality; yet, his use of religious language and religious imagery is troublesome to say the least and it emphasizes the lived experience that religious language, no matter how it is used, is powerful. Moreover, religion is apparently difficult to remove entirely from educational considerations, even by a confirmed secularist such as Dewey, so it is far more appropriate to allow diverse religious language and beliefs to have a place within school culture than it is for secular theory to use religious language to secure its own agenda without competitive worldviews to challenge one another's assumptions.

In the earliest days of the Colonies, prior to the common school movement, schooling was far less politically complicated and far more diverse.[135] Some churches offered schooling as a way to live out commitments to help the disadvantaged and form their young members in their beliefs.[136] Most formal schools were private and were usually only affordable for wealthy families.[137] For others, schooling took place either informally in the home, or through apprenticeships into specific trades.[138]

Arguments for common schooling date back as early as 1779, when Thomas Jefferson urged Virginia to institute public schools. His plan ultimately failed, but as waves of new immigrants made the United States home, plans to improve social cohesion and to enculturate new immigrants into the American ethos (that is, the American ethos as articulated by those in authority positions) emerged. Education was

[135] Viteritti, *The Last Freedom*, 67.
[136] Ibid., 66; Green, *The Bible, the School, and the Constitution*, 13.
[137] Viteritti, *The Last Freedom*, 66; Green, *The Bible, the School, and the Constitution*, 13.
[138] Viteritti, *The Last Freedom*, 66.

seen as a critical – if not *the* most critical – component of such an agenda. Some eighty-or-so years after Jefferson's attempts, Horace Mann, the Secretary of the State Board of Education of Massachusetts, successfully achieved what Jefferson did not, and the common school was born.[139] This achievement was certainly not easy, and some of the staunchest activists were Christians, advocating for the common school out of a sense of Christian mission and duty.[140] Certainly, most understood the common school as a place in which "common" Christian values would be instilled: "[A nonsectarian system] earnestly inculcates all Christian morals; it founds its morals on the basis of religion; it welcomes the religion of the Bible; and, in receiving the Bible, it allows it to do what it is allowed to do in no other system, – *speak for itself*."[141] As support for a common school increased, so did tension around exactly what the common school would teach and whose values it would represent. As with other government institutions, the common school tended to not only reflect the culture out of which it emerged but the values and commitments of the dominant cultural elites, who, at that time were usually Protestant Christians.[142] It is no wonder, then, that the early common schools ordered the culture and curriculum around Protestant Christian beliefs that school leaders believed were simply common values: "In this age of the world, it seems to me that no student of history, or observer of mankind, can be hostile to the precepts and the doctrines of the Christian religion or opposed to any institutions which expound and

[139] Fraser, *Between Church and State*, 25.
[140] Ibid., 33–39; Hubert Morken and Jo Renee Formicola, *The Politics of School Choice*, First Edition edition (Lanham, Md: Rowman & Littlefield Publishers, 1999), 168.
[141] Massachusetts Board of Education, *Annual Report of the Board of Education*, 1849, 117.
[142] Viteritti, *The Last Freedom*, 67; Hunter, *To Change the World*, 41.

exemplify them."[143] With the rise of the common school movement, came political challenges. As Joseph Viteritti remarks,

> Once it was determined that we should all go to school together and learn from a standard curriculum, education became political. Because it was always assumed that the common curriculum would go beyond teaching the basics to incorporate certain fundamental values to which we should all subscribe, the common school created a crucible for fierce disagreement.[144]

Today, with an even more diverse population, public schools face an enormous task if they seek to be both a place that unites and respects difference.

As Protestants reacted to other religious traditions, many of them sought to apply the "wall of separation" to schools. Indeed, were it not for religious stakeholders, it is likely that the process of secularizing schools would never have happened, and if it did it would have been much later, for religious people were some of the staunchest supporters of secularization. In some ways, the conflicts we face today over items of religio-cultural stock such as prayer in school, Bible reading, and religious objects are a holdover from the earliest days of public schooling, a logical remnant of the past we would do well to understand. Theological and traditional differences (not to mention social and economic differences) between Protestants and Catholics came to a head in schooling issues.[145] Bible reading may have been an acceptable practice, but whose Bible? Catholics and Protestants used different translations and took different positions on sections of sacred scripture. Many Protestants viewed the Catholic Catechism with suspicion and distain, and the prayer practices of the two traditions seemed incongruent

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[143] Education, *Annual Report of the Board of Education*, 104; Green, *The Bible, the School, and the Constitution*, 7–8, 19.
[144] Viteritti, *The Last Freedom*, 67.
[145] Green, *The Bible, the School, and the Constitution*, 7.

to many. At the heart of the argument, however, was the reality that both Protestants and Catholics expected that their children would receive formation through school, and that formation should be as a Protestant or a Catholic, respectively. Today, religious identity often fluctuates, and many people only loosely consider themselves adherents of a particular tradition; some happily move from tradition to tradition and society permits that largely without negative social recourse. However, people with established religious identities, particularly when cohesive within a community of the same, generally prefer to raise their children according to their own beliefs and values – personal and collective. What happens in a setting in which diversity of such values must translate into the curriculum? That is just the sort of question Protestants and Catholics wrestled with during the mid to late nineteenth century – and what we continue to wrestle with today. The battle was often heated, and it resulted in at least three extremely significant developments: parochial schools, the reinvigoration of secular thought through liberal educational theories, and the pervasive question of how public funds should be spent regarding schooling – the root of the privatization conundrum. These battles took place at the pulpit, the podium, and especially in the courtroom.

In her fascinating account of popular constitutionalism, Sarah Barringer Gordon examines how religious liberty cases have been argued before the U.S. Supreme Court, and how religious actors, especially religious minorities, have helped shape constitutional law regarding religious liberty.[146] It is ironic to see the doors one religious

[146] Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America*, 1 edition (Cambridge, Mass: Belknap Press, 2010).

group unintentionally opens for another, often oppositional group. For instance, in fighting for their own rights, members of the Salvation Army argued cases (during the 1880s to early 1900s) that set precedent for the rights of Jehovah's Witnesses, who in turn offered up legal methodologies (1935-1940) that proved useful for the Nation of Islam (1950s-1970s).[147] The conservative Concerned Women for America, which many would consider fundamentalist Christian, opened doors (1970s-1980s) that would be used by marriage equality advocates (1970s-present).[148] To call this irony is perhaps an understatement. The pattern – of groups cutting trails for supposedly opposing groups behind them (historically speaking), however accidentally – is too consistent to be ignored. These legal battles helped form public opinion and law. To the chagrin of many, religious actors are largely responsible for ousting religion from the public schools, for, by fighting for their own (often minority) rights, they supported the trend toward government neutrality in matters of religion, disestablishment, and the (often unintended) process of secularization.

At the time, the move toward religious neutrality in schools was agreeable to the dominant Protestant Christian population whose values were still represented even if they were disguised as nonsectarian, though it was bad news for religious minorities and only partly good news for irreligious people who still dealt with thinly-veiled Protestantism. But, it seemed the process of secularization was agreeable to the majority. Taken to its logical conclusion, however, secularization without commitment to all sorts of diversity, including religious diversity, has largely resulted in *secularism*

[147] Ibid., 10–27, 96–97.
[148] Ibid., 169–170, 192.

that rejects religion as a viable public response altogether, as well as growing tension between conservative religious actors and liberal religious actors or non-religious people. Today, religious people are only beginning to see the philosophical error in privileging one worldview over all others – be it Protestant or secular. To be sure, the battle over vouchers in American schooling is largely situated within the problem of religious and spiritual formation in schools.[149]

Secularization & Secularism

At this point, it is useful to discuss the meaning of secularization and secularism. At its most basic, the term "secular" is generally used to denote things that are not overtly religious. An institution is secular in nature, therefore it is not a religious organization, though it can certainly include religious concepts and structures of thought, as even Dewey displays in his *Pedagogic Creed*. A somewhat silly, yet useful example of this is the categorization of Christmas music. Some Christmas songs are religious – they refer to God and to the birth of Christ – and others are secular, for they make no such reference, unless one considers animated snowmen a symbol of miracles. Yet, the holiday is undeniably a religious one – the "mass of Christ." It is not that the secular does not relate to the religious, rather it is that the secular does not claim religious authority, although it may still use religious language and symbols to translate meaning. This is a point we would do well to remember when we describe schools as secular in purpose.

The process of secularization is applicable to institutions like schools. It does not

[149] Morken and Formicola, *The Politics of School Choice*, 152–182; Kuru, *Secularism and State Policies toward Religion*, 68.

mean dislocating schools of their historical roots within religious traditions (be it Christianity, Islam, or any other religious path), it simply means that, as a process, it seeks to communicate its purpose and arrange its structure outside of any particular organized religious body. On its own, secularization in a religiously diverse population appears logical as a means of inclusion; if no particular religion is represented to the exclusion of others, then it makes room for diversity. In practice, when taken to an extreme secularization can lead to the absence and intolerance of religion in the public square. Like all extremes, many of the results of such a stance are untenable in a pluralistic society with members of varying levels of religious commitment. Historically, American commitments to secularization might be labeled "soft" or "passive" secularism.[150] This description refers to the variously interpreted belief that public institutions and practices should not be religious in nature and should not promote a religious position. Many religious people hold – and have held throughout American history – this position, including the far from orthodox Thomas Jefferson. They are passive secularists who agree that, in general, it is best to keep religious institutions out of public business, but who also recognize that personal religious convictions can never truly be kept out of public commitments, nor should they. Passive secularism occurs when the government has "a secular legal system and constitutional neutrality toward religions."[151] In other words, religion is not established in any official way, but it is also a permitted flavor within public discourse. Two main interpretations

[150] Nord, *Does God Make a Difference?*, 77.

[151] Ahmet T. Kuru, "Assertive and Passive Secularism: State Neutrality, Religious Demography, and the Muslim Minority in the United States," in *The Future of Religious Freedom: Global Challenges*, ed. Allen D. Hertzke (New York, N.Y.: Oxford University Press, 2013), 235.

within passive secularism play out – accommodationism and separationism.[152] Accommodationists argue in favor of public expression of religion, provided it avoids excessive entanglement and favoritism (at the expense of other religions), while separationists argue that religion should be permitted within the private sphere only. These two arguments have shaped many policy-making and judiciary decisions regarding religion and politics in the United States during the twentieth century.[153]

However, like anything else, separationist agendas can be taken to the extreme, leading to "hard secularism" or what Ahmet T. Kuru calls "assertive secularism."[154] Kuru's distinction is helpful, for the differences in secularism are often felt, but rarely articulated. Within an assertive secularist ideology, religious organizations, sentiments, and expressions are strictly prohibited in the public square, particularly if the public square is supported by the state. Such is the case in France and Turkey, which both have strict policies prohibiting religion in government, including public schools and policies governing public behavior.[155] Though historically the U.S. overall promotes passive secularism, the support that separationism receives through Court decisions and much of liberal cultural rhetoric (that, incidentally, confuses religion with *a* church or a specific religious institution) is leading to a progressively assertive secularism, felt in many areas of life, including public schools. This is certainly problematic for religious freedom. As Kuru notes, "religion-friendly passive secularism provides a more effective route for the integration of unconventional religious groups, including Muslims, than

[152] Ibid., 249.
[153] Ibid., 236.
[154] Ibid.
[155] Ibid.

assertive secularism, which is intolerant toward public religions."[156] As demonstrated by Court decisions we will discuss at length later in this chapter, and by the lack of religious voices in the curriculum and in textbooks, intolerance toward religion seems to be growing in American public schools.[157] Also problematic are the school districts which, reacting against an increasing secularist agenda, incorporate worship and other religious practices in their curriculum, for they, too, articulate an exclusivist agenda, privileging one religion over all others. More common than religiously exclusivist schools, perhaps, is a middle ground, still articulated within a secularist agenda, that seeks to teach about religion but gives little thought to the diverse religious identity of students. Whatever the response, American public education articulates its purpose and agenda within a secular framework that is becoming increasingly assertive.[158] In order to accommodate diversity and to promote the just treatment of students, however, the exclusivism of secularist framework must be challenged by the recognition that more than one worldview is legitimate. Unless we do that, public schools have little hope of meeting the needs of a diverse student-body or of being the placeholder for social unity their creators hoped.

Privatizing Religion: School, Faith & the Supreme Court of the United States

Up to this point, I have argued that increasingly assertive secularism is a significant roadblock to cultivating public schools that not only acknowledge but honor diverse worldviews. The interpretation of certain U.S. Supreme Court opinions is certainly one

[156] Ibid., 250.
[157] Nord, *Does God Make a Difference?*, 199–201; Fraser, *Between Church and State*, 6.
[158] Viteritti, *The Last Freedom*, 86; Hunter, *To Change the World*, 21.

of the main reasons why this has come to pass, but it has done so through the process that I call the "privatization of religion" – that is, relegating religious beliefs and language to the domain of one's personal life rather than religious commitment being a welcomed guest in public discourse. During the latter half of the twentieth century, the U.S. Supreme Court decisions concerning the First Amendment and public schools has supported this trend.[159] When wrestling with the Establishment and Free Exercise clauses of the First Amendment, interpretations tend to polarize the two concepts and decisions have, more often than not, been decided on the basis of Establishment, often rejecting the public value and relevance of religious commitments.[160] Understandable though many of these decisions may be, they are not without impact on religion and democratic life.[161] Today, the dominant agreement seems to narrate a view in which religion has little or no place in the public square. Let us examine some of them in light of privatization.

The First and Fourteenth Amendments

[159] The concept of "privatization of religion" will be discussed at length through the course of this chapter, allowing it to be clarified as we proceed. For now, suffice it to say that I mean the dominant public view that religious expression that might ordinarily be carried out in public life, through decision-making, policy-making, and dialogue, should be relegated to the individual's or community's private and personal expression. I believe that a theory could be crafted linking the privatization of many things through the corporatizing of basic needs, services, and entities with the privatization of religion and faith, which might help explain the decline of main stream religions in America, and the rise of fundamentalism and mega churches, but that is beyond the scope of this book and one best served for future exploration.

[160] Viteritti, *The Last Freedom*, 86.

[161] Robert R. Martin and Roger Finke, "Defining and Redefining Religious Freedom: A Quantitative Assessment of Free Exercise Cases in the U.S. State Courts, 1981-2011," in *Religious Freedom in America: Constitutional Roots and Contemporary Challenges*, ed. Allen D. Hertzke (Norman, OK: University of Oklahoma Press, 2015), 92–93.

The following is neither intended to be an exhaustive account of Supreme Court cases pertaining to the Establishment and Free Exercise Clauses (in public schools), nor to discuss each of the important cases (which is debatable, at any rate). Instead, it highlights some important precedents as well as useful lines of reasoning and insights (often occurring in the dissents) that help lay groundwork for the theory of the privatization of religion – and warn against it. Up until passage of the Fourteenth Amendment (1868), the First Amendment's Establishment and Free Exercise clauses were only a matter concerning Federal control over individual States. The amendment merely made it unconstitutional for the Federal Government to establish a religious sect as authoritative or to inhibit the free exercise of religion by the state. States could, more or less, determine in what ways to practice religious liberty, to make its own rules for issues like religion in school and policy-making.[162] Even with the passage of the 14th Amendment, which granted the protection laid out in the Bill of Rights to all persons regardless of State measures, it was questionable as to whether the Federal Government could tread on the ground of First Amendment protection and contradict States' rulings in matters of religion. However in *Cantwell v. Connecticut* (1940), the U.S. Supreme Court applied the free exercise clause to the states, and then in 1947 *Everson v. Board of Education of the Township of Ewing* ruled that the establishment clause was also applicable to states, therefore, it was unconstitutional for States to either establish a religion or to inhibit the free exercise thereof.[163] Thus, the Federal Government's reach

[162] Steven D Smith, *Foreordained Failure the Quest for a Constitutional Principle of Religious Freedom* (New York: Oxford University Press, 1999), 47.
[163] Cantwell v. Connecticut (United States Supreme Court 1940); Everson v. Board of Education of the Township of Ewing (United States Supreme Court 1947); Gordon, *The Spirit of the Law*, 31.

in matters of religion greatly expanded. The Supreme Court decisions that came after this interpretation played a vital role in influencing the ways in which religion is lived out in public life and public expression.

Either/Or dilemma of the Establishment & Free Exercise clauses

The interpretation of what precisely Establishment and Free Exercise means has shifted over time, as is obvious when reviewing Court Opinions, Dissents, and Concurrences.[164] Setting aside, for a moment, the meanings of these ideas, however, it also seems that the trend has been to interpret Establishment and Free Exercise as complete opposites rather than as complimentary ideas of the same principle.[165] In most cases, the Court decides whether an issue is one of Establishment or one of Free Exercise. But, when both ideas are clearly present, the tendency has been to highlight Establishment, privileging it at times to the detriment of the other.[166] The dilemma seems valid enough; at times it does seem as though in order to protect against the Establishment of religion, Free Exercise must be restricted, and vice versa (though, usually it is not vice versa, for anti-establishment appears more important to uphold as an ideal than free exercise in most Court decisions). However, the validity of this way of seeing the two ideas is questionable. Like Thomas Berg, who notes that, "the Establishment Clause was a full partner with the Free Exercise Clause in the dual

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[164] The precise meaning of "establishment" has never reached an entirely clear consensus.

[165] Berg, Thomas, "Disestablishment from Blain to Everson: Federalism, School Wars, and the Emerging Modern State," in *No Establishment of Religion: America's Original Contribution to Religious Liberty*, ed. T. Jeremy Gunn and John Witte, Jr. (New York: Oxford University Press, 2012), 312.

[166] For example, Lee v. Weisman and Edwards v. Aguillard are both firmly interpreted in light of Establishment; perhaps when viewed more from the perspective of Free Exercise they might have been decided differently.

protection of religious liberty," I suggest that the two are complimentary pieces of a singular concept.[167] Justice Rutledge sums this up well in his *Everson* Dissent when, remarking on the Founder's notion of religious liberty, he says: '"Establishment" and "free exercise" were correlative and coextensive ideas, representing only different facets of the single great and fundamental freedom.'[168] Where one clause appears to be censured, it is questionable if the other is really being understood properly. For example, Justice Stewart warns against a narrow or strict interpretation of the two clauses. Speaking of the idea of "the separation of church and state," he remarks, "The short of the matter is simply that the two relevant clauses of the First Amendment cannot accurately be reflected in a sterile metaphor which by its very nature may distort, rather than illumine, the problems of a particular case."[169] The point is that when the two clauses are either interpreted over and against one another, or interpreted out of historical and present-day contexts, decisions may become murky. Although an interesting task might be to examine the two clauses in light of a complimentary approach – much like the Daoist concept of Yin Yang where seemingly polar opposites are really complimentary aspects, each containing a portion of the other – it is nonetheless apparent in the Court's decisions that the Establishment Clause is often given priority when the two appear to be conflict.

From "State coercion" to "excessive entanglement"

[167] Berg, Thomas, "Disestablishment from Blain to Everson: Federalism, School Wars, and the Emerging Modern State," 312.
[168] Everson v. Board of Education of the Township of Ewing (United States Supreme Court 1947).
[169] School District of Abington Township, Pennsylvania v. Schempp (United States Supreme Court 1963).

Although what "Establishment" means in the First Amendment lacks specificity (probably because there was no reason to clarify it since religion was to be a State issue), the Framers of the Constitution may have viewed Establishment as setting up a religious sect with political authority and control, as was the experience in many of the Colonies.[170] By *Everson v. Board of Education* (1947), the grounds of interpretation shift to a more expansive, encompassing definition. Establishment, for both the majority Opinions and the Dissents, means aiding religion (a sect or religion in general), forcing attendance, coercion of creedal consent, providing funds for religious schools or for religious instruction, or participating in matters of religion. What any of these descriptions mean is open to interpretation as is evidenced by the Justices' own deliberations. Justice Rutledge's Dissent in *Everson* clarifies that, historically, the stringency with which Founders like Madison argued for anti-establishment was on behalf of protecting religious liberty.[171] Coercion by the State (or Federal Government) is a direct threat to religious liberty – and Democracy. As argued by Justice Jackson in his *Zorach v. Clauson* (1952) Dissent, "[the school program under review] is founded upon a use of the State's power of coercion, which, for me, determines its unconstitutionality."[172] One can see how coercive measures, when enacted by a powerful State government, can be understood as Establishment.[173]

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[170] Michael McConnell, "Establishment at the Founding," in *No Establishment of Religion: America's Original Contribution to Religious Liberty*, ed. T. Jeremy Gunn and John Witte, Jr. (New York: Oxford University Press, 2012), 53–54.
[171] Everson v. Board of Education of the Township of Ewing (United States Supreme Court 1947).
[172] Zorach v. Clauson (United States Supreme Court 1952).
[173] Example, Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948).

This position was later expanded further in cases like *Lemon v. Kurtzman* (1971) to develop a definition of Establishment as "excessive entanglement."[174] Religious matters, should they become "entangled" in the State, or should the State become entangled in religious matters, could be considered Establishment, and therefore unconstitutional. Thus, situations such as teacher salary augmentation in religiously affiliated primary schools (*Lemon*) and permitting religious instruction inside school walls (*McCollum v. Board of Education* - 1948) were interpreted as "entanglement." At this point, entanglement was generally understood as ways in which either public funding was used to support religious institutions or training, or where the compulsory power of the State might have aided religious institutions in obtaining students, participation, or support.

Entanglement & Potential

In order to gain clarity and assess cases in light of the Establishment Clause, the Court developed the "Lemon Test" – so called because of the standards argued in *Lemon v. Kurtzman* (1971). The test was developed during the decision over Rhode Island's 1969 Salary Supplement Act, which provided salary supplements to teachers at private schools, including religious schools. The Court found that the supplement was unconstitutional and developed a simple (perhaps overly so) test by which to determine whether or not something violated the Establishment clause. In brief, it states that legislation is only constitutional if: 1) it is specifically secular in purpose, 2) its primary effect "neither advances nor inhibits religion," and 3) it avoids entanglement by way of

[174] Lemon v. Kurtzman (United States Supreme Court 1971). Loc. syllabus.

"sponsorship, financial support, and active involvement of the sovereign in religious activity."[175] Perhaps for the first time, we had a way to measure constitutionality regarding Establishment, although the test has been criticized by many Justices over the years. The Lemon Test broadens the concept of entanglement to include the *potential* for entanglement in the future as a primary concern. Justice Douglas warns that "the zeal of the religious proselytizers promises to carry the day and make a shambles of the Establishment Clause."[176] There was no evidence suggesting proselytizing was happening in this case nor was it the issue at hand, yet the "promise" of it is what sparked fear. Whether or not that promise is a valid concern, this heads toward a more excessive emphasis on potential future issues than the earlier cases were willing to entertain. As *Lemon* itself asserts, "A given law might not establish a state religion, but nevertheless be one "respecting" that end in the sense of being a step that *could* lead to such establishment…"[177] Potential becomes grounds for an unconstitutionality ruling.

Lemon provided future Courts a way to measure Establishment – even if the test is problematic.[178] For example, *Stone v. Graham* used the test to determine that posting the Ten Commandments in public schools is unconstitutional because, despite arguments claiming it was not the school's intention, it can be seen as privileging a religion.[179] *Stone* implies that if something with religious symbolism which has no

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[175] Ibid.
[176] Ibid. (Douglas Concurrence)
[177] Ibid. (Burger's Opinion), emphasis mine.
[178] I believe that delving into the pros and cons of the Lemon Test is a distraction for this paper, which is concerned primarily with the trend of widening the frame of Establishment; suffice it to say that I think a good deal of logical and philosophical work could (and no doubt has been) be done on the strengths and weaknesses of the test, not the least of which is that it is unlikely that such an arbitrary examination will be a good fit for every situation.
[179] Stone v. Graham (United States Supreme Court 1980).

clearly-defined *secular* purpose, it must have a specific religious one, thus it violates the Establishment Clause. But, as Justice Renquist remarks in his Dissent, "The fact that the asserted secular purpose may overlap with what some may see as a religious objective does not render it unconstitutional."[180] *Edwards v. Aguillard* used *Lemon* to reject Louisiana's "Creationism Act," which prohibited teaching evolution in public schools without the accompaniment of "creation science."[181] But, *Edwards* also includes a warning against the test in Justice Scalia's Dissent, who, acknowledging the problems inherent in positioning the two Religion Clauses over and against one another, remarks,

> Abandoning Lemon's purpose test – a test which exacerbates the tension between the Free Exercise and Establishment Clauses, has no basis in the language or history of the Amendment, and, as today's decision shows, has wonderfully flexible consequences – would be a good place to start.[182]

Scalia also goes on to point out that "interaction with" religion and "establishment of" religion need not be viewed as one and the same, an important logical distinction.

Gradually the Court seems to have expanded its understanding of entanglement from clear examples of what was actually going on to what potentially might happen in the future. It is a small point of difference, but one important to note, for analyzing what *might* be the results of a ruling is far from a scientific, predictable practice. "Potential" is just that because many factors in the future can come into play to alter the course and end results.

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[180] Ibid.
[181] Edwards v. Aguillard (United States Supreme Court 1987).
[182] Ibid.

Religion, a Private Matter

Alongside the shift from a strict view of Establishment as advancing sectarian religious commitments to the potential for religious influence in the public square – a move seen through the Supreme Court cases studied thus far – the Court's understanding of the role of religion has changed as well. From the assumption that religion was an important aspect of society – "We are a religious people whose institutions presuppose a Supreme Being."[183] – comes a gradual assertion that religion is a private affair. *Lemon* states this explicitly: "The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice, and that, while some involvement and entanglement are inevitable, lines must be drawn."[184] Justice Douglas' Dissent in *Wisconsin v. Yoder*, one of the few cases in which Free Exercise (of religion) is prioritized, states that "religion is an individual experience."[185] Justice Kennedy remarks in *Lee v. Weisman*, that "the design of the Constitution is that preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere, which itself is promised freedom to pursue that mission."[186] Justice Scalia, in a slightly crass counter argument, points out that, "Church and state would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one's room. For most

[183] Zorach v. Clauson (United States Supreme Court 1952).
[184] Lemon v. Kurtzman (United States Supreme Court 1971).
[185] Wisconsin v. Yoder (United States Supreme Court 1972).
[186] Lee v. Weisman (United States Supreme Court 1992).

believers, it is not that, and has never been."[187] The point is apt, even if the analogy leaves something to be desired. Can religion, which has generally been a corporate experience, be considered private? What is private, and what is public, for that matter? Arguably, any belief held by a person has public implications; this is the heart of Jane Roland Martin's reprimand against education being reduced to mere schooling, for it puts anything outside of school off limits to educational critique. So, too with religious belief, which influence public life however much we may try to keep them private.

Cautionary Dissents

Jurisdiction

Although interpreting the 14th Amendment to place the restrictions of the First Amendment on States as well as the Federal Government, grants the Federal Government additional authority, there are still questions pertaining to jurisdiction with which the Court has wrestled. Just because the States are not allowed to establish religion or prevent the Free Exercise thereof, does not necessarily imply that the Federal Government should be watchdog of this. In other words, a strong case could be made that the First Amendment implies restraint whereby the Federal Government should be extremely cautious of interfering with matters of the State.

Though it is not related directly to public schooling, the case of *Employment Division v. Smith* is an example of the shaky territory of Federal intervention. Alfred Leo Smith, a Native American and member of the Native American Church, was fired by his employer on the grounds of drug abuse because of his participation of the

[187] Ibid.

sacrament of Peyote during services. He brought suit against his employer and the Oregon State Supreme Court ruled in his favor. The case was referred to the U.S. Supreme Court, who overturned the ruling. Huston Smith, a religious scholar, was actively involved in the aftermath of the case, seeking to raise awareness and aid litigation on behalf of protection for the religious freedom of Native Americans. He remarks,

> That the highest court's decision violated both the letter and the spirit of the Constitution – its letter, because the First Amendment forbids the federal government to take actions that would interfere with the free exercise of religion; its spirit, because the intent of the amendment was to turn religious issues over to the states – has already been marked, but the ethics of the case also warrants mention…That the U.S. Supreme Court singled out for oppressive action the weakest, most oppressed and demoralized segment of our society is travesty enough…[188]

Whether strictly justifiable or not, this case clearly demonstrates the Federal Government's self-granted ability to restrict potential State commitments to Free Exercise. Whereas the 14th Amendment, according to precedent, gives the rights guaranteed in the First Amendment to the people and not only the States, it is still worth considering when and where the Federal Government actually has prudent jurisdiction in making those decisions. *Smith* is clearly a case in which the Federal Court restricted Free Exercise, granted by the State. It is ironic that the Framers crafted the First Amendment to stop just this sort of infringement on liberty from happening.

Justice Jackson had a reputation in these kinds of cases for hesitancy on the grounds of jurisdiction. In general, his arguments vehemently upheld anti-establishment, but he also just as strongly drew attention to instances in which he felt the Court should not

[188] Smith, *Why Religion Matters*, 125–126.

even have a voice. A good example of this is in *McCollum v. Board of Education*, where Jackson rigorously questions the Court's legitimacy in hearing the case (in which it found that religious teachers instructing on matters of religion within public schools was unconstitutional); he warns that should the Court wade into these kinds of "local" matters it might open the floodgates of litigation – and he was right.[189] He goes on to warn against the Court becoming a "super board of education for every school district in the nation."[190]

What it means to be well-educated[191]

Although most of the Court's rhetorical grounding has little to do with education – its primary concern being whether or not a given situation is constitutional, and the constitution says little explicitly about education – there are a number of cautionary statements that warn against the educative danger of removing all traces of religion from public schools. Perhaps the most notable is, once again, Justice Jackson's Concurrence in *McCollum v. Board of Education*, no doubt quoted frequently as a testament to Jackson's eloquence. He warns that there is danger to public schools themselves in subjecting them to frequent lawsuits because people find their curriculum "inconsistent with…their doctrines;" he argues that it would "leave public education in

[189] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948).
[190] Ibid.
[191] Alfie Kohn, *What Does It Mean to Be Well Educated? And More Essays on Standards, Grading, and Other Follies* (Boston, Mass.: Beacon Press, 2004). I borrow the title of this book because, as Kohn points out, education is about much more than information and specific, normalized skills. A number of Justices caution that religion is a vital part, not only of culture, but also of education and that we should be wary against creating a system in which the public experience (in school, the public square, etc.,) is sanitized of religion.

shreds."[192] Jackson goes on to say that religion is imbedded in the history and culture of our nation and that to sanitize public schooling of religion altogether would, in a sense, be miseducative:

> The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity – both Catholic and Protestant – and other faiths accepted by a large part of the world's peoples. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for a part in which he is being prepared.[193]

Given that Jackson condemns Establishment in his written Opinions and Dissents, this is fair warning, indeed. Moreover, it highlights an important point as this nation becomes one of the most diverse in the world: how can we expect to turn out well-educated young adults without giving them both the factual tools and the capacity for empathy needed when encountering diverse religious traditions? For good or for ill, indeed, religion is a critical component to understanding individuals and culture, so it would seem that religious awareness is a valuable part of public schooling curriculum – a part, incidentally, permitted by the Constitution.[194] Justice Stewart makes a similar point in *Engle v. Vitale* when he notes the relevance of "the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government." Without an understanding of religion, gained in part through education, we limit the capabilities of understanding these "countless practices." Indeed, it is almost as if this shift toward privatization is a reordering of culture.

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[192] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948).
[193] Ibid.
[194] Stone v. Graham (United States Supreme Court 1980).

Insulation

Similar to the stance that religion is a private matter, children's exposure to religion has come into question. Some Justices' remarks have reminded the Court that anti-establishment does not mean insulation from or protection against religious exposure altogether.[195] There is a difference between exposure to religion and State coercive measures promoting religion. As Justice Stewart remarks in *Abington v. Schempp*, "The [religious exercises] become constitutionally invalid only if their administration places the sanction of secular authority behind one or more particular religious or irreligious beliefs."[196] Stewart's position reflects a balance that most falter in – one that acknowledges that neither religious nor irreligious positions are truly neutral. He also reminds the Court that local communities differ, and so do their cultures and customs. This diversity necessitates a flexibility in interpreting both Clauses with which most of the Courts seem to grapple – at times successfully, and less so at other times. As Justice Jackson remarks, "Devotion to the great principle of religious liberty should not lead us into a rigid interpretation of the constitutional guarantee that conflicts with accepted habits of our people."[197]

During the 1980's, conservative Christians challenged the process of secularism in schools and brought forward a number of cases involving the legality of student-led religious clubs in public schools. A number of lower-level court decisions were overturned by the Supreme Court, thus student's right to free exercise was upheld. In

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[195] Ibid.
[196] School District of Abington Township, Pennsylvania v. Schempp (United States Supreme Court 1963).
[197] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948).

1984, Congress passed the Equal Access Act (EAA), which further protected the right of students to participate in student-led religious groups.[198] Later, the Equal Access Act would support the rights of other student clubs, including LGBT groups, which is yet another example of the pendulum swing of which Gordon writes. However, despite these decisions, which support the free exercise of religion on the part of students, the Court has yet to provide a coherent argument against – or a way forward out of – privatization.

Concluding Thoughts: Privatizing Religion

Who makes it private?

Despite laying at the feet of the U.S. Supreme Court the responsibility for legal precedents that tend toward a movement to privatize religion, it is not the Court's responsibility alone. The social obligation ultimately lies with the way in which States, legislators, public officials, and the rest of this country's citizenry choose to interpret or enact the Court's decisions. Just because posting a copy of the Ten Commandments in schools has been ruled unconstitutional (*Stone v. Graham*), does not mean schools have to rid themselves of curriculum that exposes children to, and educate them about, religions in general. Yet, by and large that is exactly what we have done as a society in what might be described as an attempt to sanitize the public square of religion. That is not necessarily the fault of the Supreme Court decisions (even if some of those decisions are less generous toward religion than some would prefer), it is the way in

[198] Kuru, *Secularism and State Policies toward Religion*, 66.

which we interpret how those decisions should (or could) play out in public life that truly crafts our collective experience.

Illustrative of the impact of the Supreme Court decisions that contributed toward the privatization of religion is a rather infamous textbook case from the 1980's. Keep in mind, by this time, Court decisions were widely interpreted as a call to sanitize the public school of religious overtones; some schools swept religion out entirely while others fought back from an exclusivist agenda of their own. In 1987 – just three years after the EAA was signed into law – a federal court in Alabama found that many of the state's approved textbooks exclusively promoted secular humanism.[199] In a rather brash move, Judge W. Brevard Hand ordered nearly four dozen books removed from Alabama public schools. Accused of fundamentalism, Hand nevertheless points towards one of the themes of this project: permitting only one orthodox worldview in schools simply does not adequately respond to the religious diversity of the United States. Hand remarks, "with these books, the State of Alabama has overstepped its mark, and must withdraw to perform its proper non-religious functions."[200]

This response – the sanitization of the public square from all things overtly religious – is partly grounded in the notion of secularism and its presumed neutrality. More often than not, secularism is viewed as the alternative worldview to a religious one, and while there is some truth to that, with this understanding tends to come the view that religion is biased (which it is) and secularism is not. However, secularism is still a worldview – an organizing way which constructs understanding and influences conduct – and

[199] Kirsten Goldberg, "Federal Court Finds Secular Humanism a Religion," *Education Week*, March 11, 1987, online edition.
[200] Ibid.

therefore, by its nature, it has its own lens. Moreover, just as there is no one Christianity or one Buddhism, there is no one secularist view. If secular worldviews carry with them particular ways of navigating the world, and if religious worldviews do the same, then it would seem the idea of neutrality is equally available – and as easily dismissed – for both the secular and the religious. Only when we as citizens are willing to recognize this can we hope to achieve any sort of neutrality, if it is possible at all.

Let us examine neutrality for a moment longer. What does it really mean? Does it mean being objective? And, if so, objective about what? Scientists and philosophers alike generally agree that objectivity is a myth, that there is no such thing as a value-neutral position.[201] Human beings have inner and outer experiences (as does the entire cosmos) that shape them; without delving into the particularities of this shaping, it is important to acknowledge that value-neutrality or experience-neutrality is really not possible. Yet, we still seem to hold neutrality as an ideal in governing (at least in theory, more or – in more recent times – less). So, what is it we are really saying? To me, what is really being said by the ideal of "neutrality" when the Justices speak of it, is that we are trying to create a space in which both the individual and the collective may thrive according to Democratic principles, maintaining ideals and moral values generally held in common, but not at the expense of the good of the individual, small collective groups, or the collective at large. This stance suggests compromise as a tool, but also the cultivation of skills like empathy, vulnerability, compassion, and solidarity. Ironically, these are exactly the kind of things that a curriculum and school culture that embrace religious pluralism can foster.

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[201] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 130.

For better or for worse (and I would emphasize the latter), by the guidance of the Supreme Court's decisions, religion is popularly viewed as a private affair, a matter of personal choice and conviction with little relevance for public life. Even when religion is acknowledged as relevant, the dominant contemporary agreement is that religion should be a personal matter, that there is simply too much diversity to satisfy everyone on religious grounds, that religion is emotional and even irrational and we should guide the commons through the application of rational thought.[202]

The problem is, religion is not a private matter. Certainly religious practices can be deeply personal, but they are no more private than we are as individuals. How much sense does it make to suggest that one of the most structurally vital ways of understanding our deepest self can be entirely separated from the ways in which we relate to others and to the world around us? Certainly we can agree to refrain from intentionally imposing certain beliefs on others, but the only way in which we can hide those most basic beliefs we hold about ourselves, the world, and the way life works is to step firmly into the territory of hypocrisy and inauthentic living. Religion matters partly because it functions whether we acknowledge it or not. It is a bit like asking a woman to forget she is a woman when discussing abortion, or a Native American to forget her or his heritage when recounting the history of "Western Expansion" (resulting in genocide of the Native Americans). Our identity is a vital part of our contribution to the public square; it will come out in one way or another, and religious beliefs and the way they

[202] Unarguably, there are many dissenters to the idea that religion should remain private; evangelical fundamentalists engaged in political discourse are a good example. Yet, the dominantly acceptable view is that religion should remain a matter of one's personal experience and within the confines of one's religious community.

live out those beliefs are an integral part of many people's identity.[203] As religio-political activist Jim Wallis remarks in his most recent book, "faith should be lived out in our public life for the common good."[204] It is best to allow religious identity to honestly have a seat at the table in order to mitigate unhealthy and violent outbursts born of frustration, marginalization, and disenfranchisement.

We, as citizens, as educators, as leaders, and as students need to think honestly and compassionately about what it means to allow religious expression to flourish within the bounds of the Religion Clause. It is permissible to teach about religion, even in public schools. But, this is not saying enough; children and teachers need the space to be honest about who they are, about what their ancestral story is, and schools need the freedom to responsibly explore what it means to be religiously diverse in their particular cultural situation. This opens the door for many more questions and much more work to be done. Perhaps Justice Jackson's words can remind us of an important ideal to this end: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by world or act their faith

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[203] Eric Gregory, "America and the Church: Introduction," in *An Eerdmans Reader in Contemporary Political Theology*, ed. William T. Cavanaugh, Jeffrey W. Bailey, and Craig Hovey, First Edition edition (Grand Rapids, Mich: Wm. B. Eerdmans Publishing Co., 2011), 217; Abdolkarim Soroush, *Reason, Freedom, and Democracy in Islam: Essential Writings of Abdolkarim Soroush*, trans. Mahmoud Sadri and Ahmad Sadri (New York, N.Y.: Oxford University Press, 2002), 122–130; Philip Newell, *The Rebirthing of God: Christianity's Struggle for New Beginnings*, 1 edition (Woodstock, Vermont: SkyLight Paths Publishing, 2014), 23–28; John B. Cobb Jr., ed., *Progressive Christians Speak: A Different Voice on Faith and Politics*, 1st Printing edition (Louisville, Ky: Westminster John Knox Press, 2003), xii–xvi; Joerg Rieger and Pui-lan Kwok, *Occupy Religion: Theology of the Multitude*, Reprint edition (Rowman & Littlefield Publishers, 2013), 4; Hunter, *To Change the World*, 4; Bates, *Battleground*, 309.

[204] Jim Wallis, *On God's Side: What Religion Forgets and Politics Hasn't Learned about Serving the Common Good* (Grand Rapids, Michigan: Brazos Press, 2013), 5.

therein."[205] Privatizing religion does just that – it promulgates a false understanding of neutrality that prescribes the values around which we shape our lives in the public commons.

Moving Forward

One may reasonably argue that secularism is not the tone of all public schools; there are plenty of examples in which public schools allow religious expression to have its say. Yet, those are the exception within a dominant secularist framework. Moreover, these exceptions are all too often the opposite side of the same exclusionary coin, for they rarely embrace religious diversity; instead, reacting against perceived threats to the religious values of those who have a more powerful and represented voice, those schools often promote a single version of religion.[206] Neither approach satisfactorily addresses religious diversity or the religious identity of students, and both are arguably in violation of constitutional law. The heart of the problem for both is the belief in – or reaction against – the privatization of religion, which is reinforced again and again by

[205] West Virginia State Board of Education v. Barnette (No. 591) (United States Supreme Court 1943).

[206] Consider, for instance, the following recent news articles: Mollie Reilly, "School Prayer Measure Gets Push From Democrats," *The Huffington Post*, accessed February 26, 2016, http://www.huffingtonpost.com/2014/01/02/south-carolina-school-prayer_n_4532094.html; Nick Wing, "High School Sued For Allegedly Forcing Kids To Attend Christian Assemblies," *The Huffington Post*, accessed February 26, 2016, http://www.huffingtonpost.com/2013/04/26/mississippi-high-school-lawsuit_n_3164796.html; Antonia Blumberg, "North Carolina High School Denies Student Secular Club," *The Huffington Post*, accessed February 26, 2016, http://www.huffingtonpost.com/2014/02/14/north-carolina-school-secular-club_n_4784275.html; Melinda D. Anderson, "The Misplaced Fear of Religion in Classrooms," *The Atlantic*, October 19, 2015, http://www.theatlantic.com/education/archive/2015/10/the-misplaced-fear-of-religion-in-classrooms/411094/; Amy Julia Harris, "Here's One Way Churches Are Getting Religion into Public Schools," *Reveal*, April 1, 2015, https://www.revealnews.org/article/heres-one-way-churches-are-getting-religion-into-public-schools/.

Supreme Court decisions. Ultimately, that is the battle Vicki Frost fought – the assumption that her religious values and those of her children did not relate to what her children studied in school. Of course, Frost herself might not be any happier with a school structure that deeply committed to religious liberty, for that means that all person's religious convictions are permitted a voice at the table. This is untenable to many a religious actor, which is, as we have discussed, partly why secularism has become the framework of public schooling. Nevertheless, in order to adhere to Constitutional commitments and just practices, public schools must find a way to take religious liberty seriously.

The next chapter looks at schooling from the inside out; rather than telling schools what they should do, it grapples with educational theory, and proposes that there are dynamic areas of connection within educational philosophy and thought that can easily contribute to the task of a New American Settlement within schools.

III. Making Religion a Live Option in Schools: Educational Foundations

"But a good teacher must stand where personal and public meet, dealing with the thundering flow of traffic at an intersection where "weaving a web of connectedness" feels more like crossing a freeway on foot. As we try to connect ourselves and our subjects with our students, we make ourselves, as well as our subjects, vulnerable to indifference, judgment, ridicule." – Parker J. Palmer[207]

There are many challenges to the kind of inclusivity demanded by the religion clauses of the First Amendment in schools. In addition to the parameters established by the U.S. Supreme Court and the difficulties in determining how those standards should be applied, there are myriad of other complex considerations. Some parents agree with teaching about religion, others do not. Some parents fear exposing their children to faiths other than their own, while others do not want to legitimize religions at all. Most teachers do not have the academic background or teacher training to take on subjects as potentially volatile as faith commitments.[208] Rarely do teachers receive the training or support needed to even facilitate conversations about religion and religious issues in a satisfying way. Because religion contributes to – and creates – worldviews with specific moral and ethical commitments, religious identity is extremely complex, so value-neutral conversations are unlikely. Teachers and parents bear the brunt of these kinds of conversations, but other stakeholders contribute to the complexity. Administrators often do not see the first-hand implications of faith commitments or of the impacts when the school is sanitized of religion. More often than not, school boards react to the issue of

[207] Parker J. Palmer, *The Courage to Teach: Exploring the Inner Landscape of a Teacher's Life*, 1 edition (Jossey-Bass, 2009), 18.
[208] Nord, *Does God Make a Difference?*, 201–202; Marty, *Education, Religion, and the Common Good*, 47–49.

religion and schooling from a political viewpoint, either attempting to shape schools around the values of secularism or, in some cases, of one particular religious tradition. I chatted recently with a colleague who taught in a public middle school in a large city. Her students were primarily Latino, many of whom were immigrants to the U.S. from Mexico, while many others were first generation Americans who struggled with English since it is often not spoken at home or in their local communities. Along with all the other aspects of their culture, many of these children have a strong Catholic identity, including a reverence for Nuestra Señora de Guadalupe (Our Lady of Guadalupe). Many of my colleague's students wore their rosary around their necks (usually a chain of beads, joined at one end by a medal – often Nuestra Señora de Guadalupe – and culminating with a crucifix). One day, the school Principal ordered the students to cease wearing their rosaries; he argued that it had become a gang symbol in some areas of the country and such symbols were strictly prohibited. He felt justified with his position, and from a secularist framework, one could argue his point of view was reasonable. However, whether certain gang members have usurped the symbol of the rosary as a gang sign is a secondary issue to the primary one at hand: children with sincere faith commitments choosing to live out part of that commitment with a symbol (which is often a personal reminder of those commitments) were subjected to the arbitrary decision of one person who failed to understand and acknowledge the constitutional principle of Free Exercise. Whatever else it taught them, that moment must have had profound implications in the identity development of the children who were no longer allowed to even gently live out their faith commitments at the place that was supposed to be helping them form into adults and citizens: their school. This kind of situation

occurs with regularity across the United States.[209] In 2000, Nashala Hearn, a young Muslim woman, challenged her Oklahoma public school's directive to remove her hijab (headscarf), which administrators categorized as a hat (prohibited inside the school building). Ultimately the school settled the case, allowing Nashala to retain her headscarf during the school day.[210] Besides a good example of issues students have between schools and Free Exercise, these situations point to an even more troubling one: the fundamental structure of most American public schools fails to adequately value the diverse religious identity of their students and their rights to First Amendment protection around those identities.[211]

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[209] Devin Neeley, "Farmington Schools: Rosaries 'Inappropriate' at School, against Dress Code," *KOB Eyewitness News 4*, April 29, 2015, online edition, http://www.kob.com/article/stories/s3781418.shtml#.VZ7hGGC4lcA; Wayne Laugesen, "Rosary Ban in Colorado School Sparks Controversy," *National Catholic Register*, accessed July 9, 2015, http://www.ncregister.com/daily-news/rosary-ban-in-colorado-school-sparks-controversy/; "N.Y. Teen Suspended for Wearing Rosary Sues School | First Amendment Center – News, Commentary, Analysis on Free Speech, Press, Religion, Assembly, Petition," accessed July 9, 2015, http://www.firstamendmentcenter.org/n-y-teen-suspended-for-wearing-rosary-sues-school.

[210] Jesse Lee, "Nashala's Story," *The White House Blog*, June 4, 2009, https://www.whitehouse.gov/blog/2009/06/04/nashalas-story; Allen D. Hertzke, "Religious Freedom in the American Constitutional Heritage: Global Impact and Emerging Challenges," September 7, 2011; Engy Abdelkader, "Muslim Women, Religious Freedom, and EEOC v. Abercrombie," *Cornerstone*, June 5, 2015, http://berkleycenter.georgetown.edu/cornerstone/eeoc-v-abercrombie-the-ruling-and-its-implications-for-religious-freedom/responses/muslim-women-religious-freedom-and-eeoc-v-abercrombie; "Officials Defend Ban on Head Scarf," *NewsOk.com*, November 27, 2003, online edition, http://m.newsok.com/officials-defend-ban-on-head-scarf/article/1957706; Brian Knowlton, "U.S. Takes Opposite Tack from France in Head Scarf Debate," *The New York Times*, April 3, 2004, sec. News, http://www.nytimes.com/2004/04/03/news/03iht-scarf.html.

[211] Linda Wertheimer explores first-hand accounts from students and parents about the complexities regarding religion and public schooling: Linda K. Wertheimer, *Faith Ed: Teaching About Religion in an Age of Intolerance* (Boston: Beacon Press, 2015); also see Nord, *Does God Make a Difference?*, 61–79; Warren A Nord and Charles C. Haynes, *Taking Religion Seriously Across the Curriculum*, First edition. edition (Alexandria, Va. : Nashville, Tenn: Association for Supervision & Curriculum Development, 1998), 5–9, 27; Stephen Bates, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms* (New York, N.Y: Poseidon Press, 1993); Stephen R Prothero, *Religious Literacy:*

The Deep Structure of Educational Thought

For a moment, let us consider the situations described above as symptoms of a greater problem. We have discussed the dominance of secularism within public schools as a system and the Supreme Court decisions that have fostered such a stance, but there is a level beneath these issues that is a fundamental contributing factor to the intolerance of diverse religious identities (either of religion at all or of religion other than one's own) within schools. Jane Roland Martin might call this part of the "deep structure" of educational thought;[212] that is, the hidden assumptions and philosophical reasoning that goes into the foundations of education, and the beliefs about schooling, children, and society. Much of the current deep structure is useful, but some is quite damaging, as Martin points out. It is useful to understand this way of conceptualizing education because it allows the logical pitfalls of current thinking around religion and schooling to be examined much more thoroughly and seen not merely as a surface issue but as symptoms of a deeper breach.

Martin is among the most widely celebrated contemporary American philosophers of education, and while she does not deal specifically with the issue of religion – in fact, she believes religion is an all too often divisive force[213] - her work on educational theory is enormously useful, for she points to deeply held assumptions in Western education and schooling that are harmful to democracy, to children, and to justice. Martin observes that education, like any aspect of culture, has its own sets of values and

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What Every American Needs to Know--and Doesn't (New York, N.Y.: HarperOne, 2008), 66–67.

[212] Martin, *Education Reconfigured*, 26–28.

[213] Jane Roland Martin, *Cultural Miseducation: In Search of a Democratic Solution* (New York: Teachers College Press, 2002), 35.

assumptions, many of which go unnoticed in the crafting of educational thought. Comparing education's deep structure to the deep structure of language, Martin explains,

> The deep structure label is meant to suggest…that like the generative grammar posited by linguists, the West's most basic beliefs about education are tacit rather than explicit. The label is also intended to indicate that, as the deep structure of language serves to generate sentences, the deep structure of education serves as a set of rules for generating ideas about education; that, as the former places limits on what can be said in a language, the latter constrains what can be thought about education. Thus, as the one is compatible with different languages, the other is compatible with different proposals regarding the way education *should* proceed.[214]

Education's deep structure, then, guides and directs based upon cultural values and objectives, which are often assumed, floating beneath the surface of observation. Martin argues that there are some specific deep structural assumptions that are powerfully constrictive and without properly understanding them they contribute to cultural *mis*education. Martin observes two "rock-bottom dichotomies" in the deep structure of educational thought: the nature/culture divide and the two/sphere split.[215] Both of these are thought models that occur because of a dualistic paradigm. The nature/culture divide is simple to understand: dominant Western thought conceives of the world of human beings and that of the rest of the biotic world as separate domains, that of "man" versus "nature."[216] In scientific terms, this is quite nonsensical, for human beings are among the billions of different biotic creatures living in a vast biosphere. Yet, this division lies at the heart of intellectual and practical pursuits that place humans above "the natural world" and contribute to faulty ethical standards that continually result in environmental

[214] Martin, *Education Reconfigured*, 27.
[215] Ibid., 28–32.
[216] Ibid., 29.

devastation from human-caused devaluation of the planet.[217] Martin reminds us that, though conceptually one could argue that the nature/culture divide is value-neutral, practically speaking the world of culture – or "man" – is considered superior (given that "man" is the originator of such a conception, that is not surprising).[218] Much like "separate, but equal," the reality is that one is given more value than the other, however irrational it may be. In both racial and biotic matters, it makes no sense to argue the superiority of one over the other; we are all literally connected to one another and depend upon one another and upon the intricate web of life for our very survival.

The second dichotomy of which Martin speaks bears more obvious relevance for the topic of religious liberty, though the nature/culture split should not easily be dismissed as it contributes to the very foundation of dualism promoted since at least as early as Greek philosophy. The "two-sphere split" – Martin's second deep structural error – conceives of human life in two separate domains: the public and private.[219] This split is at the heart of the privatization of religion, though religion has certainly not always been fundamentally privatized, nor is it in other parts of the world or subcultures. For Martin, these two sphere's are represented by the home and the professional or public world.[220] Martin is deeply concerned with matters of gender and sexism, and she points

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[217] Thomas L. Friedman, *Hot, Flat, & Crowded Why We Need a Green Revolution & How It Can Renew America*, 1 edition (Farrar, Straus and Giroux, 2007), 5–8, 31–41; John B Cobb, *Sustainability: Economics, Ecology, and Justice* (Eugene, Or.: Wipf & Stock, 2007), 11; Tony Juniper, *Saving Planet Earth* (London: Harper, 2007), 15–31, 94–100; Al Gore, *An Inconvenient Truth: The Planetary Emergency of Global Warming and What We Can Do About It*, Fifth Edition edition (Emmaus, Pa: Rodale Books, 2006); Sallie McFague, *A New Climate for Theology: God, the World, and Global Warming* (Minneapolis, Minn.: Fortress Press, 2008), 9–22.

[218] Martin, *Education Reconfigured*, 29.

[219] Ibid., 30.

[220] Ibid.

out that traditionally these two domains were also largely divided along gendered lines as men were the acceptable actors within the professional and public world and the home was left to women's care. Of course, this is a generalization, but it is one that has a long documented history; one cannot reasonably argue that women and men have always shared equally these domains. The second point Martin makes is that, in addition to the dichotomy of public and private, the former has been positioned above the latter, making the private domain subservient to the public domain.[221] Martin observes:

> Now it is logically possible for society or culture to be divided into two spheres without one of them being considered superior to the other. However, just as the assignment of mind to culture is thought to demonstrate its superiority over nature, the assignment of reason to the world of work, politics, and the professions is viewed as demonstrating its superiority over the world of home and family.[222]

There is a certain logic to the conceptualization of these two spheres, but punctuated with hierarchically assigned value, the two-sphere split is troublesome because it devalues the home and privileges public life.

The two-sphere split can be thought of from another perspective that is equally relevant to education and schooling. Most of us would argue that there are some aspects of life and of our identity that are private and others that are public, but what of the things that are so integrated into who we are that, while they may be deeply personal, they are lived out publicly? For most religious persons, faith is just such a thing. One's identity as a person of faith is deeply personal and is often nurtured in private – both in one's own interior world and in the home (and, often, in houses of worship or within

[221] Ibid., 30–31.
[222] Ibid., 31.

faith communities, which are usually still considered private in that they are not in the domain of the "public" square) – but it crisscrosses the boundaries of the private/public dichotomy regularly because religious identity is functional; it is who one is in one's inner life, and also who one is as one walks in the world. Imposing the two-sphere split on a religious actor is deeply problematic and pragmatically impossible. The same could be said for those who describe themselves as "spiritual but not religious;" such a category, as problematic as it is, is suggestive in itself. If one has an active, authentic spiritual life, it cannot help but overflow into one's interactions with others. Indeed, only inauthenticity could spawn a spirituality that is left inside one's home. Religious persons are all too often described as hypocritical, and this is the root of the accusation – that their claimed beliefs are not lived out in everyday life. To suggest, then, as the Court has done and many a public commentator continues to do, that religious people should keep their religion a private matter is impractical and lacks critical observation.

The two dichotomies in education's deep structure revealed by Martin are the root of the narrowed perspective that education equates to mere schooling alone. When the cleavages of the deep structure are revealed, when humans understand themselves as members within the rest of the biotic world, when the home and that which is "private" are understood as contributing cultural stock as educational agents, then broadening the description of education can happen to include any potential encounter with items of stock. Only then can the things which are educative be examined for what they bring to the table, their advantages and disadvantages, their miseducative powers and their contributions to cultural stock. With respect to religious liberty, when the privatization of religion is revealed as an impossibility, then not only are schools and the ways in

which they treat religious actors up for examination, so too are religious actors – from religious leaders, to places of worship, to religious rhetoric – for their roles as educational agents and transmitters of cultural stock. Relegating religion to the private sphere harms children whose identities are partly developed through religious ties, but it also does religion no favor; it marginalizes it, at once dismissing its value and also failing to hold it accountable for the role it plays in educational or miseducational processes.

Religion as a "Live Option"

Martin's examination of education's deep structure in general helps us notice another deep structural assumption held about religion specifically: religion, as Nord notes, is generally not considered a "live option" within schools.[223] This includes areas of the country that defiantly oppose Supreme Court decisions and attempt to flood their districts with exclusivist religion – other religions are not a live option either. This is an assumption that undergirds common behaviors and attitudes towards religious liberty in schools; when religion, in all its plurality, is seen as an interloper rather than offering different frameworks that help religious members make sense out of life, religious liberty is in jeopardy. The dominance of secularism (not simply secularization as a tool of inclusion and cooperation, but as the primary worldview), the privatization of religion within and outside of Constitutional law, and the reduction of religion to a mere subject of study in schools points to this deep structural assumption that must be addressed if we are to take religious liberty seriously in schools.

[223] Nord, *Does God Make a Difference?*, 81–83.

Warren Nord is one of the strongest voices supporting "taking religion seriously across the curriculum."[224] In his final book, published posthumously, Nord urges educators that students must not only learn about religion on the surface, they must learn about it with enough depth that they understand it is a "live option."[225] In other words, religion is not simply a set of beliefs held by other people that conflict with a secular worldview, but it is rather a way of orienting one's life. All people orient their lives around some kind of "live option" or worldview; secularism (either passive or assertive) is the current dominant public option in the United States and in much of the West, but it is not the only legitimate option. Put another way, religions offer up alternative worldviews to a secular one; these are ways of understanding the world that are different, but no less legitimate than secularism. It is this notion – that there is but one legitimate worldview or "live option" – that our schools must rid themselves of if they are to take religious liberty seriously and make possible a New American Settlement. Only when the worldviews offered up by religious traditions are legitimized as relevant rather than marginalized as archaic, ignorant, or belonging only to a private sphere, can religious liberty flourish. The relevance of this idea transcends religious liberty as well. When only one option is legitimized in schools, there is a far greater opportunity for students who do not fit the "norm" to be marginalized. Moreover, multiple live options help students see an important truth: worldviews are just that, *views*, interpreted by finite minds. Much like Martin's idea that the narrowing of education to what goes on in schools unnecessarily constricts and hides educative

[224] Nord and Haynes, *Taking Religion Seriously Across the Curriculum*.
[225] Nord, *Does God Make a Difference?*, 83.

contributions going on in other ways, so too does failing to see that people operate from within a worldview that is far from neutral. Failing to see that all humans function from a lens of interpretation allows flawed behavior and thought to remain uncontested. The remainder of this chapter explores contributions specific to educational studies that justify and unpack the deep structural assumptions concerning religion as a live option, and provides a rationale for changing it.

What We Bring to the Table: John Dewey & Paolo Freire

Chapter One discussed Dewey's direct contribution to the School Question and it was less than flattering since he epitomizes an exclusively secularist agenda. To be fair to Dewey, he did not have the past seventy years of increasingly assertive secularism or polarization in public schools to look back upon; were he alive today, he would, perhaps, support a more pluralistic approach to religion and schooling. Despite Dewey's shortsightedness in this area, his importance to the field of education cannot be overstated, and he made a number of theoretical contributions that can offer a corrective to his failure to consider religion a live option. In particular, Dewey develops a theory of experience as the ground of education in his short, but famous, work *Experience and Education*.[226] Briefly summarized, Dewey argues that education, to be truly educative and impactful as a means to cultivate character, must be experiential – it is not enough to learn facts and store them away somewhere in one's brain.[227] Dewey explains, "I assume that amid all uncertainties there is one permanent frame of reference: namely,

[226] John Dewey, *Experience and Education* (New York: Simon & Schuster, 1997).
[227] Ibid., 29.

the organic connection between education and personal experience."[228] We must have *an* experience in order for it to stay with us and inform further development. And, we do have experiences all the time. Some would argue – as Dewey does in his equally notable work *Art as Experience* – that to have an experience, one must be fully present in the now, while others might say we do nothing but have experiences.[229] Using Dewey's criteria, we can also say that experiences are not created equally. Some are educative, others are mis-educative. The goal of schooling is, in Dewey's mind, to help students have experiences that open up potential for further growth.[230] Mis-educative experiences constrict the mind, dull the senses, and reduce the potential for the person to have a fuller experience of life in the future.[231] Experiences that are helpful advance the possibility of flourishing for the one having the experience, and thus, help cultivate a better world for everyone else. As Dewey notes, "the trouble is not the absence of experiences, but their defective and wrong character – wrong and defective from the standpoint of connection with further experience."[232] According to Dewey, a central task of the teacher is to make way for the right kind of experiences, based both on the student's own past development and character, and upon that which she/he needs to learn in order to grow.

Dewey goes on to spell out the idea of the *continuity of experience* in which he posits that each experience one has makes way for the next experience and becomes its

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[228] Ibid., 25.
[229] Dewey, *Art as Experience*, 36–38.
[230] Dewey, *Experience and Education*, 27–28, 36.
[231] Ibid., 25–26.
[232] Ibid., 27.

framework for interpretation.[233] Similarly, our experiences are viewed through the lens of past experiences, so a task of the educator is to have enough cultivated wisdom and sensitivity to try to see that experiences will be helpful, and to mitigate those that will not. The continuity of experiences becomes a means through which one establishes habits and, thus, character. It is vital, then, for education to be constructed in such a way that not only gives students the opportunities they need to have helpful experiences toward their own growth, but also wise enough leaders and mentors that can help students see, process, and understand the kind of character they are cultivating.

This reasoning has implications for religious liberty in the school. The experiences a student has both inside and outside of school are potentially educative or mis-educative, according to Dewey (and streams of educational thinkers who have come after him). The way in which a student is treated in relation to his/her religious identity, the way religion itself is discussed (or not discussed as the case may be), and the extent to which religion (and by implication, religious actors) is seen as a live option are powerfully educative or miseducative. If one of the primary goals of schooling is to harness the quality of experiences in such a way that they educate rather than miseducate – or, put another way, that they contribute to growth rather than constrict it – then the religious identity of students and the ways in which other students are taught to respond to other students is a subject that should be on every educator's agenda.

Dewey's theory contributes further to taking religious liberty in schools seriously: students are not isolated vacuums awaiting an educators input; they already have a multitude of experiences that have led them to wherever they are in their current

[233] Ibid., 25–35.

development as people. In many instances, part of these experiences are religious or relate to their religious convictions and commitments. For the school to ignore this development as irrelevant or, worse still, ignorant, betrays the flaw of education's deep structure with regard to religion. Regardless of the tone of the school about religion, regardless of its commitment to a secular framework or an exclusivist and reactive one, students bring with them all of their own personal experience in relation to religion. For educators to fail to take religion seriously as a live option interrupts Dewey's continuity of experience, or along Martin's reasoning it unnecessarily restricts education which leads to mis-education.

The revolutionary educator, Paolo Freire, is instructive at this point. Freire develops a "pedagogy of the oppressed" in his book of the same title.[234] Freire's primary task is contributing to a body of knowledge that legitimizes the struggle of marginalized people (although he disputes the term "marginalized") and gives educators (formal and informal) insight into power dichotomies and decolonization. He argues that the current model of education often falls into the pattern of a "banking method;" that is, students, particularly those from less powerful classes and portions of society, are viewed by educators as repositories into which information is to be dropped.[235] More often than not, this "information" is really a tactic to indoctrinate students into the dominant framework of those in power.[236] Viewing students this way hardly takes their life experiences seriously, rejecting the continuity of experience as anything but a means for

[234] Paulo Freire and Richard Shaull, *Pedagogy of the Oppressed*, trans. Myra Bergman Ramos, 2nd edition (London; New York: Penguin Books Ltd, 1996).
[235] Ibid., 52–53.
[236] Ibid., 59.

students to be manipulated into a set agenda. Freire argues that educators and students alike must reject the banking method, otherwise injustice will continue to thrive. He insists that students must bring their own experiences to the table in authentic dialogue. He writes, "The solution is not to "integrate" them [the oppressed/students] into the structure of oppression, but to transform that structure so that they can become "beings for themselves."[237] Put more generally, the purpose of education is not to indoctrinate students into one and only one way of understanding the world; the structure of education itself must allow for multiple live options so that students may bring their own genuine experiences to the educative process that helps them continue to grow, and learn from one another's differences. Freire calls this kind of educative stance a practice of freedom, which is apt for our discussion of religious liberty:

> Education as the practice of freedom – as opposed to education as the practice of domination – denies that man is abstract, isolated, independent, and unattached to the world; it also denies that the world exists as a reality apart from people. Authentic reflection considers neither abstract man nor the world without people, but people in their relations with the world.[238]

Part of these "relations with the world" include the relationality with a person's religious beliefs where other actors and processes integrate in ways that influence identity. It becomes a matter of justice, then, to view religion as a live option in schools. When a system of education establishes one framework as legitimate and positions it against all others, it concedes to the process of oppression of which schools have often been accused. But, that should not be the foundation upon which education is built – the

[237] Ibid., 55.
[238] Ibid., 62.

heart of education, rather, is to reveal, as Parker Palmer says, a "hidden wholeness" developed through educative encounters that promote growth and flourishing.[239]

Whole Student Transformations: Jane Roland Martin's Educational Metamorphoses

Jane Roland Martin continues to provide valuable insight as we evaluate religion as a live option in schools. Though Martin's work is far too complex to summarize in brief, all of her theorizing supports the premise that education is about "learning to live."[240] This implies, of course, that living is more than mere existence, and that it is not something one does well without conscious awareness. Life is a process of growth, of change, of movement – the continuity of experiences that characterize the quality of one's life. Learning to live requires diligent attention, in Martin's view, to cultural stock – its assets and liabilities – and to educational agency, which is why she argues for seeing education in broad terms so that cultural liabilities and agents who contribute to miseducation do not go unseen.[241] Another way of saying this is that education is really about promoting flourishing of individuals and communities, and by extension, the rest of life. This concept does not reject the reality of suffering, it simply urges us to examine the roots of that suffering and correct them as we are able. Thus, schools, as institutions charged with the task of educating (even though there are plenty of other

[239] Palmer, *The Courage to Teach*, 63–65.
[240] Jane Roland Martin, *The Schoolhome: Rethinking Schools for Changing Families*, Reprint edition (Cambridge, MA: Harvard University Press, 1995), 85–119.
[241] Martin, *Educational Metamorphoses*, 59.

educational agents outside of schools) should also be about the business of helping students learn to live in a way that fosters flourishing.

Martin identifies the process of learning to live specifically; she calls it "educational metamorphoses," which are "whole person transformations."[242] Martin argues that people go through transitions and transformations of identity, caused by educational encounters, in which they become "yoked" to new items of cultural stock and, emerging from that, they become someone entirely new.[243] Now, practically speaking, no one transforms so completely that no aspect of their former self remains. The butterfly still bears the DNA of herself as a caterpillar. But, sometimes personal transformations are so dramatic that it seems that an entirely new person is revealed. Even when that is not the case, circumstances and one's response to them often causes deep transformations so that new aspects of one's self develop or latent potentials reveal themselves.

Educational metamorphoses happen to everyone. Who remains entirely the same throughout their life?[244] While most of us go through many of these transformations, our educationally formative years, a good portion of which are usually spent in schools, are opportunities for powerful educational metamorphoses. Martin asserts that the first educational metamorphosis often occurs at a very young age.[245] Schools not only contribute to educational metamorphoses as educational agents, they also should be places in which students can safely navigate these interpersonal changes. Such transformations are not for the school to manipulate into place, and they will happen of

[242] Ibid., 16.
[243] Ibid., 6, 13.
[244] Ibid., 22.
[245] Ibid., 16.

their own accord as students encounter other cultural stock and educational agents, but the obligation of educators is to allow the process to happen with the least likelihood of the kind of constriction of which Dewey warns.

With respect to religion, we must understand that students will likely have their own religio-educational metamorphoses. That is, most students will go through some kind of discernment process with regards to religion, influenced in part by their own interpersonal experiences and by the encounters they have with other religious (or non-religious) actors and cultural stock (such as scripture and religious stories or myths). Rarely does an individual go through life without questioning the religious beliefs, or lack thereof, with which they were raised, and the high school and early college years are commonly years during which people consider themselves "seekers." In my own classes on World Religions at the college level, it is typical to have at least half of my class going through the process of questioning their religious beliefs and identity, and many of them go through complete transformations during the semester (often, interestingly enough, back into the religion of their upbringing from which they had distanced themselves during High School). Transformations, for good or for ill, are realities. The danger concerning religion and schools is this: when religion is not a live option, schools risk objectifying and oppressing students who are going through an educational metamorphosis that is religiously oriented, or contributing to a miseducative metamorphoses regarding religion. Instead of helping students learn to live, schooling here conceived becomes a process of indoctrination, manipulating them into a dominant framework that does not consider religion a legitimate live option.

The Challenge to Care

The purpose for schooling is multifaceted. It, of course, includes learning basic skills that are useful to everyone such as rudimentary mathematics that allow one to complete everyday computations (change from the grocery store, measurements for those new curtains, ingredients to double a recipe, etc.), reading and writing, familiarity at least with history, basic sociological concepts, etc. Although Freire justifiably argues against the banking method of education, there will always be a bit of knowledge-depositing that happens through the educational process of schooling. The story hardly ends there, however. Historically, one of the primary reasons for creating a public school system was an attempt to integrate immigrants into the larger society, instilling common values and commitments.[246] Of course, some would call this indoctrination, and their complaints are valid for those who determine which values are transmitted through public institutions and how are, to a large extent, cultural elites that have the power to make those decisions to a large degree. Still, there is validity in so-called citizenship education; certainly a positive outcome of schooling are emerging adults who are equipped to engage in the democratic process of American citizenry. Most educators, however, argue that the story does not end here; their "job" is not only to see that students have a competent if rudimentary skill-set, nor merely to form citizens in a certain image. Most teachers believe that at least part of their work is about cultivating good people, people with ethical and moral reasoning who will contribute in a positive way to our shared experiences. This, of course, does not mean that schooling is the only place in and through which such educative processes happen, but a school system that does not provide a platform for students to develop their ethical capacities is hardly

[246] Green, *The Bible, the School, and the Constitution*, 11–17.

worthy of the name. The development of character education is a result of such a stance. Character education is not without its flaws, and in many circles it has fallen out of fashion. A viable thread of educational thought has emerged out of the same commitment to ethical development, however, and though educational theorists term it differently depending upon their own background, we might simply call it "care.

Care-Sensitive Ethics

Feminist philosopher Karen Warren gives a good theoretical description of care that is useful when we apply it to the task of New Settlement. Warren argues that most of Western society is divided into up-down hierarchies (usually represented by a patriarchal system) whereby certain people have most of the power (usually male elites), and the rest (usually the majority) have little power.[247] In such a system, violence is prevalent, disenfranchisement of members is common, and there is very little traction to take things like human-caused environmental destruction or racism seriously. This is quite similar to Martin's observation that the deep structure of educational thought assumes a nature/culture divide and a two-sphere split: both theoretical assumptions translate practically into a social system that lacks equity and justice for all. Warren's description is perhaps more inviting for the imagination: the up-down hierarchy model clearly helps us imagine relationships that do not support the full autonomy of each member, whether it be society "at large" that structurally assumes some people are more valuable than others, or schools that support the banking model of education in which students have very little to say about the process. Of course, in

[247] Karen Warren, *Ecofeminist Philosophy: A Western Perspective on What It Is and Why It Matters* (Lanham, Md.: Rowman & Littlefield, 2000), 107.

such a model, teachers often have very little say as well since the curriculum is often dictated by higher-ups (a useful term when discussing up-down hierarchies) who have a set agenda, which often has to do with emphasized test scores and other political and economic considerations instead of good educative practices. This kind of a system, perhaps unintentionally at times, encourages various forms of violence toward those in the "down" position, particularly when those with a slightly higher (yet still downward) position become frustrated with those in the "up" position. How often do kind-hearted teachers loose patience with children out of sheer frustration with a system in which they have little say?

Warren suggests that the solution to such systemic injustice is not switching the roles of members but in dismantling the structure of the system altogether by transforming ethical reasoning through what she calls care-sensitive ethics that promote an "ethic of flourishing."[248] Flourishing, for Warren, is the heart of the educative process, much like Martin's "learning to live."[249] Life is about flourishing, and education should do what it can to encourage flourishing while correcting that which diminishes life; miseducation restricts one's natural impulse toward flourishing, towards learning to live. Care-sensitive ethics is self-descriptive; it is the position that, along with all of the other tools we bring to the metaphoric table of moral and ethical reasoning, care should be at the center. For, if humans are to be able to substantially and adequately address issues of dominance and injustice, and to correct such systemic problems as environmental degradation, sexism, racism, and all the other "isms," then what is needed is to cultivate

[248] Ibid., 37.
[249] Martin, *The Schoolhome*, 85–119.

the capacity to care. "To tell the proper moral story of the matter, attention to and cultivation of human capacities to care and to engage in care practices is needed. Providing that missing moral piece is what I think care-sensitive ethics is all about."[250]

Care-sensitive ethics acknowledge both the human capacity to care, and the fact that, based on the evidence, we do not care nearly enough. It legitimizes care as an aspect of intelligence, not merely a warm-fuzzy feeling, but authentic and critical engagement. Human beings are hard-wired for empathy and care,[251] and, as Warren remarks, "Emotional intelligence recognizes that emotions matter for rationality."[252] Thus, *care* must be an aspect of any adequate ethic.[253]

Care-sensitive ethics recognizes that context matters, that ethical universals are always based upon the dominant forces in any society, and given that they rarely take into account the marginalized. A system of care honors both ethical principles *and* the context of the lives through which they will be lived out, again emphasizing care as a foundational prescriptive.[254] Furthermore, care-sensitive ethics are grounded in the discerning power of care, or as Warren calls them, "care practices."

> *Care practices* are practices that either maintain, promote, or enhance the health (well-being, flourishing) of relevant parties, or at least do not cause unnecessary harm to health (well-being, flourishing) or relevant parties. The care-practices condition functions as a situated universal principle for choosing among ethical principles (in the fruit bowl) and for helping resolve moral conflicts.[255]

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[250] Ibid, 121.
[251] Jeremy Rifkin, *The Empathic Civilization: The Race to Global Consciousness in a World in Crisis* (New York: J.P. Tarcher/Penguin, 2009), 42-43.
[252] Warren, *Ecofeminist Philosophy*, 109.
[253] Ibid, 110.
[254] Ibid, 113-115.
[255] Ibid, 115.

In other words, practicing the art of care helps us determine what is right, what is just, based on loving recognition that the "other" is not really "other" for we too are invested, through care and compassion, in the flourishing of the one for whom we care. Philosophically, much may need to be said about this (and has been said), but essentially such a position is the stuff of spirituality where, in quite simple terms, we are called and challenged to care for the other as ourselves. To cultivate this most essential capacity to care – our moral and ethical groundwork for dealing with systemic injustices – is a perhaps the deepest and most important of all educational tasks, and it quite naturally floats between the secular and the sacred as such an aim naturally entails what many would call spiritual living or learning to live.

Partnership Education

Riane Eisler develops a model for what she calls "partnership education" based on similar reasoning to that of Warren.[256] She argues that in order to address large-scale societal issues, in particular the outbreak of war, we must develop a new model of education.[257] According to Eisler, the dominant social systems of the West are built on a model of domination, and so most systems of education (which includes schooling) educate for violence, which transmits cultural commitments and values.[258] A partnership model, asserts Eisler, is the solution to such a situation, the guiding

[256] Riane Eisler, "Tomorrow's Children: Education for a Partnership World," in *Holistic Learning And Spirituality In Education: Breaking New Ground* (New York: State University of New York Press, 2005), 47.
[257] Riane Eisler and Ron Miller, eds., *Educating for a Culture of Peace* (Portsmouth, NH: Heinemann, 2004), 11–21.
[258] Ibid., 14–18, 24.

principles of which are based on "mutual respect and caring."[259] In fact, Eisler argues for a "4th R" (in addition to the classic three "R's" – reading, writing, and arithmetic) – the "R" of relationship.[260] Partnership education acknowledges that schooling is a process that involves mutual participation on the part of children, teachers, and other school members; children are not simply repositories for knowledge, but people about the process of learning. Viewed as such, teachers too are people in the process of learning, for they too are still learning to live. Such a revamping of the educative system takes children's full personhood seriously. As Eisler notes, "Partnership process makes it possible for children to experience relations where their voices are heard, their ideas are respected, and their emotional needs are understood."[261]

The Challenge to Care

Though Nel Noddings unnecessarily restricts the role of religion in schooling, she too argues the "challenge to care in schools."[262] Noddings notes that care is an essential, yet often overlooked part of education. Care includes the ability to "respond sensitively" to one another, and such response involves everyone in the schooling process: students, teachers, and schools themselves.[263] Noddings writes, "Responsiveness is at the heart of caring and also at the heart of teaching themes of

[259] Ibid., 19–21.
[260] Eisler, "Tomorrow's Children: Education for a Partnership World," 47.
[261] Eisler and Miller, *Educating for a Culture of Peace*, 25.
[262] Nel Noddings, *The Challenge to Care in Schools: An Alternative Approach to Education, Second Edition*, 2 edition (New York: Teachers College Press, 2005); Nel Noddings, *Caring: A Relational Approach to Ethics and Moral Education* (Univ of California Press, 2013).
[263] Noddings, *The Challenge to Care in Schools*, xvii–xviii.

care."[264] She argues that school structures often work against care, which creates the "challenge" of which she speaks, making it all the more important that educators take seriously the task of cultivating an atmosphere of care.[265] She describes the process as, "A *caring relation* is, in its most basic form, a connection or encounter between two human beings – a carer and a recipient of care, or cared-for. In order for the relation to be properly called caring, both parties must contribute to it in characteristic ways." In Noddings view, the capacity to care is a mark of personhood and is a transformative practice.[266] Thus, she urges, caring is the "bedrock" of successful education.[267] Noddings notes that such a practice involves at least four discernable steps: modeling, dialogue, practice, and confirmation.[268] Teachers and other educative leaders model caring, allowing children to respond in kind. Like Freire, Noddings insists that dialogue be open-ended, permitting children to learn to speak from their own experience, imagination, and uncertainty.[269] Like anything that needs cultivating, care requires practice, thus schools must provide avenues through which children can practice care and sensitivity to others, and as educators, we must be prepared to be present enough that we respond to student's efforts – the confirmation piece of Noddings four-part strategy.

Care is not an isolated thing, not an established protocol of how to behave. Rather, it is a cultivated capacity that educators and schooling must take seriously if education is

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[264] Ibid., xxv.
[265] Ibid., 20.
[266] Ibid., 24–25.
[267] Ibid., 27.
[268] Ibid., 22–23.
[269] Ibid.

to support flourishing. Care is part of learning to live. Another way of speaking of this is the development of compassion and empathy. If the task of education is to contribute to cultural assets rather than cultural liabilities, as Martin argues, and to promote the ability for all life to flourish, as Warren reminds us, then surely the capacity to care, to have compassion, and to meet situations and other persons from a place of empathy is indeed the bedrock of good educative practices. When we feel cared for, we are much more likely to reveal our more authentic self because we feel safe to do so. Creativity leaps forward, fresh ideas emerge, and life feels full of possibilities when true care enfold us. For children in the process of formation, care is a vital component of schooling. It is also essential for teachers; how much better would teacher retention be if schools were places of care? Moreover, if care is at the heart of schooling, the nurturing felt would spill over as such modeling encouraged others (students and teachers) to in turn treat others with care.

In order to take religious liberty seriously, to treat religion more than just a subject of study and to honor the religious (or non-religious) identities and experiences of students, care must be at the center of schooling. Care allows us to see that religion is a live option as we come in contact with religious actors. Let us consider Noddings' four-part system of care in relation to religious liberty: 1) teachers and schools model religious liberty by acknowledging that religion is a live option; or in schools where one religion is exclusively represented, that other religions (or non-religions), however much one may disagree with it, are live options, for people are *living* it. Teachers model tolerance and *interest* in student's beliefs and experiences, including unrepresented identities, but all from within a model of caring. One can model tolerance intellectually

and even interest, but there is a palpable difference when one truly cares about the person with whom they are engaging. 2) Teachers encourage the kind of dialogue that Freire urges – open-ended and rooted in the experience of students. These are not dialogue sessions intended to fit a school's agenda, such as the kind Noddings urges when she speaks of religion and education.[270] These are not sessions that intend to critique religious beliefs in light of more "rational" thought. Rather, they quite simply allow whoever may wish to come to the table, encouraging kindly responsiveness from whoever is present, guided by compassion and care. Here, care is transformed from something that can be used to justify a particular position ("we're making them do such-and-such because we care about their long-term well-being") towards something much less controllable, and something that ultimately respects, responds, and empowers. 3) Noddings' third step is practice. Practice does not simply apply to students – it is not only children who must practice the capacity to care enough to allow others to grow, discern, and flourish; teachers and other school leaders need practice as well (sometimes, they need it more). Practice acknowledges that we are unlikely to "get it right," at least at first, but it also implies that we can get better. In pluralistic communities, it is unlikely that everyone will be satisfied with the way in which religion is discussed and included in schooling. Yet, practice leaves room for such dissonance, carving out spaces for change, flexibility, and improvement. 4) In relation to religious liberty, I would include Noddings' fourth step – confirmation – as both the first and the fourth for confirmation also involves validation, which is an essential aspect of care and of relating to religious differences. Validating students is important in

[270] Noddings, *Educating for Intelligent Belief or Unbelief*, 2–17, 19–33, 78–96.

any caring environment, and when dealing with potentially dramatic differences in worldviews brought on by the division between secularism and religion, and by different religions, validation is crucial in order to open up the doors for modeling and dialogue. This model of care also recognizes that the learning process is not a one-way process. That which is learned on the part of students (and teachers) by participating in the parts of caring is passed on to others. Not only are students validated, they then learn how to treat others with care. Like Martin's notion of "circulating gifts" acquired through educational metamorphoses that result in learning better how to live, the gift of flourishing as one encounters and learns more how care can be extended to other people.[271] In their landmark book, *American Grace*, Robert Putnam and David Campbell argue that, according to their own acquired statistical data, Americans who developed unintended relationships with people from differing faith traditions generally became more tolerant.[272] For example, Christians living in a dominantly Christian neighborhood might become more tolerant of Judaism if someone who is Jewish moves in next door. Or, a person with a bias against Islam becomes more tolerant when he or she finds out their co-worker, whom they happen to like, is Muslim. A similar situation can be true of education: when religious identities are validated and schooling encourages care-sensitive ethics, children will likely allow the care they have for a fellow student of a different religious identity (or none at all) to wash away prejudices they may have inherited. But, more than simply the effect of "bumping" into one another, which may bring a certain degree of tolerance for difference, true care does far

[271] Martin, *Educational Metamorphoses*, 119–143.
[272] Putnam and Campbell, *American Grace*.

more than this; it cultivates the capacity in the student to face any difference from a place of compassion rather than a place of fear, which so often turns to hatred.

Conclusion: Educating for Live Options

For schooling to take religious liberty seriously, religious commitments must be considered "live options." It is also true that, in order for education to live up to the task of equipping people with the necessary tools to learn to live or to flourish, a worldview that is less rigid and exclusive than the current system of increasingly assertive secularism is needed. Thus, multi-live options are a consequence of authentic and ethical educative practices, nuanced toward the flourishing of all. In a way, taking religious liberty seriously opens a channel through which schooling may become a better version of itself. Like the child who learns how to show care by the modeling she witnesses from parents and teachers, and who, having learned that practices it in the way she relates to her friends, religious liberty can be a teacher of sorts, opening up educative practices. When schools have to take religious liberty seriously by cultivating curriculum and practices that make religion a live option, they also cultivate the kind of responsiveness that will impact many other areas of school life, transforming the school in the process.

This chapter has examined three primary contributions from educational theory: the importance of the continuity of experience, educational metamorphoses, and care-sensitive ethics and practices. The continuity of experience affirms that students must be accepted for who they are; their experiences thus far, and those they will have outside of school are all involved in who they will become. Part of a student's experience may likely be religious in nature; and all but a small few will go through a

process of discovering themselves in relation to the rest of life. Whether one claims to be Atheist, "spiritual but not religious," agnostic, or devoutly religious, pondering one's place in the universe is natural. In order to best serve students, to truly put their good first, educators must accept them for who they are, including their religious or non-religious identity. For education to be a just endeavor, it is not for us to view students as empty repositories awaiting our superior knowledge but rather as full participants in learning to live. This demands the acceptance that there are multiple worldviews, and the development of ethics that are context sensitive.[273] In a secular public school system, acknowledging the importance of a student's experience and identity requires us to allow the Muslim student to be Muslim, the Christian to be Christian, the Atheist to be Atheist, and recognizing that, except for the most broadly considered concepts, such as justice, care, and honesty, it is not up to us to determine how they should think. More than one live option exists as is evident by the faces looking back at us in the classroom.

As students embark on the path of learning to live, they will inevitably go through educational metamorphoses or whole-person transformations which occur based on encounters with cultural stock – some assets, others liabilities. It is not so much a question of *if* this process will happen, but *how* – and how we as educators will support our students so that the spirit of discernment will aide them in making decisions that will help move them forward toward flourishing. If anything prompts whole-person transformations, religious experience does; indeed, history is full of biographical accounts of dramatic religious transformations or conversions, from famous and little

[273] Warren, *Ecofeminist Philosophy*, 88–89.

known figures alike. In that way, religion is volatile and hardly predictable. If that is the case, then it is all the more important for religion to be understood as a live option. The student in our classroom who is going through a religiously-motivated identity transformation needs our understanding and our commitment to learning to live.

Foundational to religious liberty in schools is the ethic of care. The caring of which Noddings, Eisler, and Warren speak is not the kind of care that underpins forcing someone to become something they are not because you think it is better for them. Rather, it is responsive, sensitive care grounded in compassion that recognizes the importance of accepting and affirming the integrity of the whole person with which you are in relation. Care is the backbone of taking religious liberty seriously, for it motivates educators and students to deal with one another with compassion and empathy, accepting the inevitable differences between people that will surely arise. Backed with attentiveness to the experience of others, and to the process of growth and change we all go through, care harnesses the willingness and ability to consider multiple live options. Through modeling, dialogue, practice, and confirmation, teachers can take religious liberty seriously and craft an educative process that contributes to the flourishing of students.

IV. The Sacred Commons: Religion & Educational Praxis

"Behold, my friends, the spring is come; the earth has gladly received the embraces of the sun, and we shall soon see the results of their love! Every seed is awakened, and all animal life. It is through this mysterious power that we too have our being, and we therefore yield to our neighbors, even to our animal neighbors, the same right as ourselves to inhabit this vast land."[274]
– Tatanka Yotanka (Sitting Bull – Hunkpapa Sioux), 1875

Up to this point, I have argued the importance of taking religious liberty seriously in public schooling by legitimizing religion as a "live option;" in so doing I have used secular language and secular arguments, all the while defending religious actors. Chapter two examined the issue of religion and public schooling historically, referencing a number of landmark Supreme Court cases that demonstrate a trend toward privatizing religion. Chapter three brought together secular educational thought – much of which, incidentally, comes from committed secularists – that supports the goal of this project. There is something inherently problematic and troublesome, however, about a defense of religious liberty that does not attempt to include religious voices and religious thought as active contributors. Moreover, I can hardly critique current models in public schooling that include religion as mere subjects of curricular study, which risks objectifying it and its adherent, without doing things differently myself. There is a quandary in arguing religious liberty from strictly secular grounds for secular thought can really only rally around a basic sense of civic justice and pragmatism to support religious liberty. Arguments tend to go something like this: religious liberty is important in order to maintain peace between people with different backgrounds; democracy

[274] Bob Blaisdell, ed., *Great Speeches by Native Americans*, First Edition edition (Mineola, N.Y: Dover Publications, 2000), 166.

demands that religious people are free to practice their religion; and if we want the freedom to believe the way we want, we have to defend the rights of others to do so. These are all defensible arguments; there is nothing particularly wrong with them. If the only consideration at hand was to defend religious actors' right to free exercise from within a dominantly secular worldview, then those reasons – and other secular ones – might be enough. But, that is not the only consideration. There is something much deeper at hand with religious liberty than mere pragmatism. And, there must be something much more satisfactory to convince religious people to make room for people of different faiths when they feel their culture is fragmenting – an option that extends beyond the liberal tendency to glide over sincere religious differences. Arguments for religious liberty during the Colonial period were theologically grounded. As noted in chapter one, Roger Williams coined the phrase "soul libertie" as a way of getting at the religious conviction that God, by whatever name/model one uses, calls souls; true freedom is not in doing whatever one wants whenever one wants to, but in the ability to freely respond to that God-call. For religious people, such a stance is much more satisfying, for it reminds them that religious liberty is a foundational right of being a soul inhabiting Earth. Thus, this chapter is devoted to religious thought and language. It seeks not only to talk about what religious actors say and think, but to truly engage certain religious concepts in such a way that they themselves contribute to the New Settlement as active participants.

Given that most of the Earth's human inhabitants consider themselves religious persons or at least have a belief in God/Ultimate Reality, academia should not so easily

dismiss theological rationale regarding religious liberty.[275] If we wish to avoid objectifying religious people and religious thought, if we are truly committed to what religious liberty means, then theological arguments and religious language must also be taken seriously in the process of a New American Settlement. For all of the arguments made so far that are religiously neutral and secularly framed by myself and others, in order to achieve a New American Settlement, religious actors must also take a commitment to religious liberty seriously. And, to do that, we must make satisfying secular *and* religious arguments. Granted, not all religious actors will find the same religious arguments compelling, but the purpose of this exercise is to demonstrate integrative religious thought that is also constitutionally legitimate, and that can be used to develop a New American Settlement. The concepts herein also have another purpose: to provide a way for religiously diverse people to build bridges with one another and with our secular system of public schooling. Furthermore, an additional qualifier is necessary: I am not arguing against secular thought, nor am I urging public schooling to become a hybrid of different religious traditions. Quite the contrary. Secularization is useful when dealing with a diverse public of religious and non-religious people and secularism is a legitimate "live option;" the problem lies when any one system of thought – secular or a particular religion – becomes exclusive and dominates a public institution within a democracy.

[275] Conrad Hackett and Brian J. Grim, "The Global Religious Landscape: A Report on the Size and Distribution of the World's Major Religious Groups as of 2010" (Pew-Templeton Global Religious Futures Project, December 2012); Street et al., "America's Changing Religious Landscape"; "U.S. Public Becoming Less Religious," Religion in Public Life (Pew Research Center, November 3, 2015).

There are many examples throughout history of religiously-motivated social discord, hypocrisy, and violence. Some scholars, such as Karen Armstrong, note that many of those instances had motivations that were not religious, but they were nonetheless justified using religious language.[276] Religion is a great scapegoat. As noted in chapters one and two, much of the push toward secularization in public schools came from religious people who either wanted their own religious views, however watered-down, as the framework for schooling, while others, fearing indoctrination or over-exposure for their children to other traditions, argued for sanitizing the public school of religion. Many of the latter find the only tenable option private schooling for the sanitized version is unsatisfying as well. As culture has shifted, the dominant Protestant ethos in public schooling, which satisfied the religious views of many, has been replaced by increasingly assertive secularism, partly due to short-sighted Christian advocacy, and now many mainstream Christians find public schooling increasingly troublesome because their own values, which once dominated public schooling, are less and less reflected in the secularization process. Public schooling faces a crossroads, which, for many reasons, includes a strong push toward a voucher system. On the surface, vouchers may seem as though they might solve the problem of religious tension in schools, but many more problems arise with the creation of vouchers.[277] Without a cohesive and compelling argument toward the inclusion of religious liberty as a foundational goal of public schooling, it is likely that many religious actors will

[276] Karen Armstrong, *Fields of Blood: Religion and the History of Violence*, 1st Edition edition (New York: Knopf, 2014), 3–4.
[277] Ravitch, *Reign of Error*; Kohn, *What Does It Mean to Be Well Educated?*, 11–27; Morken and Formicola, *The Politics of School Choice*.

continue to push against a system of education that seems increasingly committed to exclusive secularism, while others will support the road towards towards it, resulting in ever-widening cultural cleavages. The secularist tendencies are not the only problem; deeply troubling for many politically conservative parents is the presence of different religious identities in schools. For many of these citizens, a secular argument for including religious liberty in schools, however logical and grounded in democratic principles, will never be compelling enough to garner their support. Only theological and religious language can offer them the tools they need to willingly engage with people who believe differently. While we may not be able to provide that language, we can develop the atmosphere in which these varied ideas can be heard; that atmosphere is the New American Settlement.

Despite the inclusion in recent bestseller lists, arguments against religion from secularists (be they Atheist or agnostic) are simply unsatisfying to many religious hearers. Authors like Richard Dawkins and Sam Harris may have valid points, but they simply fail to understand the heart of religious experience. Far more effective to counteract fears and bigotries that may stem from some religious views (or, masquerade as such) are the voices of other religious actors who seek the heart of their faith and find within it the wisdom to meet fear with love, difference with willingness. Like Freire's admonition against the elites crafting education for non-elites, non-religious concepts cannot speak fully about religious liberty. Not only does such an attempt risk objectifying – and by extension, oppressing – religious people (at least within a system like public education that holds power over students and parents by the authority of the State), it is impossible for secular thought to fully grasp what it means to be religious

and what religious liberty really means. Thus, inviting religious language and theological reasoning to the task of imagining New Settlement is necessary to accomplish our goal. New American Settlement recognizes that religions are multi-vocal – no single interpretation of what it means to be a Christian, Muslim, Hindu (etc.) exists – but it also accepts that for people of faith, religious convictions are more compelling than secular rationale when the conversation is about religion. In order to find a way to take religious liberty seriously, religious actors must be included as full participants, not mere subjects of study. This further allows religious people to dialogue with one another – and to disagree and offer alternative ways of interpreting religious commitments.

The specific aim of this chapter is to bring together the religious voices and theological concepts that can contribute to the educational common ground discussed in chapter three. It is not an attempt to include specific religious practices in the curriculum or to blur the boundaries of establishment, such as they are. It is not even an attempt to include the religious principles outlined herein within the classroom curriculum, although, in many cases there would be little constitutionally problematic with that. Nor do the following pages include even an abbreviated version of all religious thought regarding the subject of religion and schooling (which would be not be feasible). Rather, this chapter highlights religious views and reasoning that can contribute to the foundation of New American Settlement. These pages offer a justification on various religious grounds to broaden the concept of religion as a "live option" to include *religions* as "live *options*," to engage wisdom inherently religious with educational thought in such a way that compliments both, and to further contribute

to a foundation of religious thought that may compel religious people, however devout, to willingly work together for the common good. Furthermore, my hope is that this theorizing can help religious people more easily converse within secular frameworks toward a democratic solution to the religious/secular schism that plagues many aspects of American culture, and to that end to contribute to the realization of a New American Settlement.

Although the following pages include many religious traditions, the reader may rightly observe that Christian thought is somewhat more substantially represented. This is for two reasons. First, historically, the United States is more heavily influenced by Christian thought than any other tradition in terms of the sheer number of Christians who are and have been U.S. citizens. This is not the same thing as saying "we are a Christian nation;" it is merely the historical observation that Christianity, in varying forms, has been the dominant religious expression since the founding of the nation, and continues to be so.[278] Thus, as Prothero points out, Christian thought and history should receive a large portion of both our recollection and critique as the major player it has been.[279] Furthermore, I, myself, am a Christian, if a rather unconventional one, and although a significant amount of my academic training and teaching has been in the so-called "world religions," Christian theology dominates my own academic background. That being said, Buddhism, Judaism, Islam, and Native American traditions feature prominently in this section. My aim is not to give voice to every religious tradition that has relevance for education – that would be far beyond the scope of this project. Rather,

[278] Kwok Pui-lan, *Globalization, Gender, and Peacebuilding: The Future of Interfaith Dialogue* (New York: Paulist Press, 2012), 9; Prothero, *Religious Literacy*, 16.
[279] Prothero, *Religious Literacy*, 14–48.

it is to highlight areas of thought – four to be specific – that can *contribute* the most to the task of New American Settlement. To that end, some religious voices are raised up; the exclusion of others that may also be useful is not intentional. There are no doubt other connections to be made, other strands of similarity to pull from. Yet, the traditions discussed in relation to specific concepts are strongly suggestive for the task at hand. Furthermore, there is a difference between crafting the foundation of New American Settlement and the myriad of religious voices (and non-religious ones) that will be heard within the *practice* of it. The first excludes intolerant religious thought intentionally because such thinking goes against the purpose of *settlement* – of finding a way toward compromise and toleration within the public square. The second is the reality of community and social life – differences exist. New American Settlement seeks to make room for those differences, lessening the rigidity of such difference through compromise, and it provides a platform where differences need not lead to strict division. Thus, in order to make room for all, the theoretical foundation of New American Settlement highlights religious (and secular) thought that contributes to mutuality and understanding.

Contextualizing the Journey

Secular and religious language alike often speak of the common good, the idea that there are certain concepts and practices that benefit all people, or at least cause no substantial harm. It is, in fact, a democratic ideal. There would be no true democracy if all members simply wanted what was best for themselves. The common good speaks to the necessity and the ethic that we should cultivate a world in which all people can have a share in "life, liberty, and the pursuit of happiness." Some distinction needs to be

made between a secular approach to the common good and a religious one, for religion makes at least one additional contribution to the commitment: the common good is only good insofar as it recognizes that it is ordered around God/Ultimate Reality. To that end, these pages speak of "the commons" as a distinct yet related category that helps contextualize New Settlement within religious experience. The commons contains the common good, and it goes beyond it. To speak of the commons is to speak of the whole of life – the created universe and all that exists within it. The commons is an out-pressing of the reality of the divine, the emergence of a common community of life, encompassed by Ultimate Reality or as Tillich calls it, the "ground of being."[280] Ultimate Reality is both the center and the circumference. For religious people, the commons is a way of speaking about the life all of existence shares in relation to the *one* life.

An emerging arena of theological practice and reasoning (common to Christian, First Nation, and Pagan traditions alike) that is illustrative of the commons is ecological theology, which thoroughly develops a concept of the commons to include all life, not simply humanity. This notion expands the ideal of the common good to include that which is good for the entire biosphere and all of its inhabitants. By including these members, similar to opening up educational thought to include multiple educational agents, a wider perspective of what is truly good emerges. Ecological theologian John Hart speaks of the commons as "sacramental." He writes, "*Sacraments* are signs of the creating Spirit that draw people into grace-filled moments permeated by a heightened

[280] Tillich, *A History of Christian Thought*, 51.

awareness of divine presence and engagement with divine Being."[281] The entire cosmos is sacramental and as such all places provide the opportunity for divine in-breaking into the world. Put another way, ordinary reality is also an avenue in and through which the extraordinary may reveal itself. This model of God/Ultimate Reality strongly rejects the model that understands God as a supernatural being alone; rather the ground of being is here with us wherever we are because it the very essence of the commons. As Hart puts it, "all places are sacred because all creation is present in and to the Creator."[282] The celebrated feminist Christian theologian, Elizabeth Johnson, explains this model of Ultimate Reality another way:

> the one relational God, precisely in being utterly transcendent, not limited by any finite category, is capable of the most radical immanence, being intimately related to everything that exists. And the effect of divine drawing near and passing by is always to empower creatures toward life and well-being in the teeth of the antagonistic structures of reality.[283]

Perceiving Ultimate Reality in this way reorients the relationality of God/humans, humans/humans, and humans/non-humans, affirming the sacredness of all of life and the radical access to divine intrusion. The commons, then, is the community of God, which includes all life. It includes the common good, but only insofar as it incorporates the natural process of flourishing within the body of God.[284] And it rejects things that seem like they are good, but that cause harm to the broader community of God. Such a model of God rejects the privatization of religion as altogether preposterous.

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[281] John Hart, *Sacramental Commons Christian Ecological Ethics* (Lanham, Md.: Rowman & Littlefield Publishers, 2006), xiv.
[282] Ibid., xiii.
[283] Elizabeth A Johnson, *She Who Is: The Mystery of God in Feminist Theological Discourse* (New York: Crossroad, 2002), 229.
[284] For the "body of God" model, see Sallie McFague, *The Body of God: An Ecological Theology* (Minneapolis: Fortress Press, 1993).

Jewish thought contributes further to the commons. Will Herberg writes,

> Once we recognize that the *whole* of life stands under the divine sovereignty, we are unable to consent to the withdrawal of any area from the ultimate concern to which religion bears witness. The divine imperative is see to be directly pertinent to every human interest, to economics and politics as much as to "private" morality and devotion.[285]

Not merely arguing that one cannot reasonably keep one's beliefs in private while engaging in the body politic, Herberg casts the argument of divine sovereignty – a belief shared by most religious traditions in one form or another. Nothing is outside the body of God, therefore all must come under the purview of divine authority, including politics. It is not only that one's faith cannot help but be expressed in public but that there is nothing that should not come under the watchful eye of one's commitment to the sovereignty of God. Put this way, the privatization of religion is implausible at best. "The concern of religion extends to social life because no area of human existence can be withdrawn from the judgment and mercy of God."[286] Thus, within the paradigm of the commons, there is a blurred line between that which is perceived as public and private. Practically speaking, there is a difference between the two, but theologically reasoned, what is done in both arenas of life is within the body of God. As such, the commons prompts religious actors to live out their faith commitments publically, and to include that which is public in theological discourse, reasoning, and discernment.

Joerg Rieger and Kwok Pui-lan, both Christian postcolonial theologians, examine the recent American Occupy movement and develop a framework that they call a "theology of the multitude," which further illustrates the political spirit of the commons.

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[285] Will Herberg and Neil Gillman, *Judaism and Modern Man: An Interpretation of Jewish Religion*, Reprint edition (Woodstock, Vt: Jewish Lights Publishing, 1997), 133.
[286] Ibid.

Borrowing from the Greek term *ochlos*, which appears in the New Testament to describe the "multitude" or crowd that followed Jesus of Nazareth, they argue that the *ochlos* were the "common people."[287] The Occupy movement reminds Christianity of its roots as a radical movement within Judaism that was for and by the common people. A theology of the multitude not only includes all, but it does so with the well-being of all in mind. The authors note, "the multitude is all about relationship."[288] A theology of the multitude acknowledges divine dependence as well as dependence upon all others – human and non-human.[289] The commons includes individuals, of course, but as a multitude – the common people, each with a place in the commons. This sort of framework acknowledges interdependency, but it also reminds religious actors that there must be a commitment toward reconciliation and the acceptance of difference in our shared commons, many bodies within the body of God. Noting the tension between the so-called Right and Left, Jim Wallis highlights the gifts both sides have to give: a call to personal responsibility and to social responsibility.[290] He writes, "the common good comprises the best of both ideas – we need to be personally responsible and socially just."[291] In the commons, there is not only room for multi-vocal expressions of justice, but the demand for it. The commons requires co-mingling within our shared space. We are not isolated beings, capable of going it alone if only we had the troublemakers out of the way. Accordingly, we are, rather, relational creatures sharing

[287] Rieger and Kwok, *Occupy Religion*, 60.
[288] Ibid., 63.
[289] Ibid., 64.
[290] Wallis, *On God's Side*, 16.
[291] Ibid.

one body – social and cosmic. We must find a peaceful way of living out this, the truest expression of who we all are.

The commons provides a justification for further development of concepts that can contribute to a New American Settlement. Though many such religious concepts are applicable, there are three that fluidly weave together and that are somewhat universal among various religious expressions. The remaining pages in this chapter will explore the idea of *inter-relationality*, *loving-kindness*, and *kenosis*. Some religious traditions appear to emphasize one or more of these concepts more than others, but that is not a problem. Our purpose is to lift up these ideas as instrumental in building a New American Settlement. Moreover, it is important to note that these are not only concepts, they imply practices as well. Religion is a mixture of theory and practice, but no religion is authentic without an emphasis upon practical application. Like education, theory needs to be tested and lived out in experience, and often experience is precisely that which is in back of theory. Religion, authentically lived, calls us both deeper within and also outside of ourselves, living our innermost knowing out into ordinary experience, and thereby providing one of those beautiful opportunities for God-expression.[292] We, like the rest of the cosmos, are sacramental.

Interrelationality

Interrelationship is a concept present in many religious (and non-religious) traditions, but it is particularly well articulated in many so-called Indigenous traditions, or First Nation thought. I will lean heavily on Native American/American Indian beliefs

[292] Sallie McFague, *Blessed Are the Consumers: Climate Change and the Practice of Restraint* (Minneapolis: Fortress Press, 2013), 28, 34–35.

and practices to bring out the richness of this idea and to give it context and applicability.[293] It is no coincidence that such a profound concept, which is so well suited to a discussion on the commons and, by extension, New Settlement, is so beautifully conceived by people who have largely been excluded from American common public life. Taken seriously, interrelationality would require American life to cease marginalizing anyone based on race, gender, religion, etc.

The Lakota Nation speaks of *Mitakuye Oyas'in*; simplistically translated, it means "all my relations."[294] The phrase, used as a greeting, a farewell phrase, or a reminder, means far more than those three words. *Mitakuye Oyas'in* affirms the interconnection of all life. Carol Lee Sanchez puts it this way,

> Saying "all my relations" affirms this belief [that all life exists in interconnection] and, because it denotes familial relationship, consistently reminds the speaker of her or his personal connection to the universe. In addition to reminding the speaker of her personal relationship with all things, she is also reminding *those nonhuman things* that they are indeed related to her. This implies the kinds of interdependencies and interactions that take place within a family unit.[295]

Mitakuye Oyas'in acknowledges one's relationship in and with the commons. The familial connection implies both responsibility and care for other members, including

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[293] I am aware of the debate over the term "Indigenous" and between the terms "Native American" and "American Indian;" as such terms are still contested, I use the term "First Nation" when speaking overall of indigenous people, which recognizes the sophistication and history of these varying cultures, and I use tribal names when speaking of specific tribes. Although there are many similarities between First Nation communities, one cannot make sweeping claims on the basis of belief or practices, nor am I suggesting that all people from a particular community believe or live in the same way. These pages are conceptually oriented and build a theoretical framework for New American Settlement; they are not intended to make broad theological claims.

[294] Carol Lee Sanchez, "Animal, Vegetable, and Mineral," in *Ecofeminism and the Sacred* (New York: Continuum, 1993), 64.

[295] Ibid., 213. Brackets mine for clarification.

non-human members. *Mitakuye Oyas'in*, in a sense, extends the meaning of family, applying familial care to other beings and to the commons itself.

Daoism offers another way of approaching interrelationality through the concept of *yin yang*. Simply put, yin yang suggests that the universe is both dualistic *and* intrinsically relational. Symbolized by the circle divided by an s-shaped line, one side is black and one side is white. But, both sides contain a smaller circle of the opposite color. The implication is that, amidst the seeming division of kinds, each one contains aspects of the other. Wholeness takes place by uniting into a circle, but each part is irrevocably joined because each includes the other in their very makeup. The same can be said of all of us abiding in the commons; we are interrelated and connected because as some level we are made up of the same stuff of the universe, connected by the biotic processes of life that sustain us all, and by the same creative organizing structure.

Ecofeminist thought grounds its philosophy of care in interrelationship. This is both a philosophical/spiritual idea and a biological one: all of life is connected through an intricate web of being part of the biosphere, and therefore the fate of one impacts that of us all. One need only to consider imaginatively the ramifications of genetically modified seeds: we may feel comforted that we only purchase non-GMO foods (for those of us who can afford and have access to them), but what about the cheese we ate, produced from the milk of the cow who grazed off the field upon which GMO seeds blew from a neighboring field? Water poisoned in one location finds its way into the water supply of neighboring communities, and nuclear toxins from Japan blow onto the beaches of the West Coast as children delight in their newly discovered seashell, picked off the same beach. It may be sound like only a spiritual ideal to declare our

interrelatedness – sometimes translated as "oneness" – something most of us have trouble wrapping our minds around, and many of us completely deny, but the practical truth is, we share the same planet, the same atmosphere and biosphere, and there is no such thing as isolated activity that has no impact on anything outside of its confined area.

However, let us dabble into the loftier sounding "oneness" business for a moment. The heart of religious experience is the process through which we recognize our connection with that which is greater than ourselves, and thereby come to know ourselves at a deeper level than we ever imagined. The idea of oneness or interrelationship in this context claims that, through our diversity, there is an abiding unity of all that is exists, and it envelops every aspect of creation. Thus, we are dynamically interrelated beings, sharing interrelated beingness. Brazilian ecofeminist philosopher and theologian Ivone Gebara argues that:

> The notion of a free and autonomous person has been co-opted by the ruling classes, by colonialism, and by neocolonialism, by the capitalist free market, by contemporary wars, by advanced technology, by ideologies, and by religions utilized in promoting rivalries and eliminating poor peoples, especially blacks and native peoples, in order to uphold a power elite as it takes advantage of all the good things of the earth."[296]

Thus, an emphasis must be put on developing our concept of the human person as dynamically in relationship:

> The first thing to be affirmed in an ecofeminist perspective is the collective dimension of "person." This collective dimension is not only anthropological but also cosmic. And in this collective dimension the most important thing is neither autonomy nor individuality, but relatedness."[297]

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[296] Ivone Gebara, *Longing for Running Water: Ecofeminism and Liberation* (Minneapolis, MN: Fortress Press, 1999), 75–76.
[297] Ibid., 83.

To Gebara, we are not only related to all of life, but in that relatedness a much broader self emerges – one whose identity extends far beyond the boundaries our individuality.[298]

Sallie McFague gives interrelatedness as the basis for her developed ecological ethic in terms of how we relate to our "house" – ecological literacy about the "oikos:"

> We evolved together with the cosmos, and we are entirely dependent on certain conditions on planet Earth (water, food, land, climate, and so on) for our continued existence and well-being. Suddenly we see ourselves differently: not as post-Enlightenment individuals who have the right to life, liberty, and the pursuit of happiness, but as part of the vast network of interrelationships…[299]

In this view, we are intrinsically – biologically *and* spiritually – related to one another and to everything in creation, and this relationship requires something of us. It demands attention and attentiveness to those relationships in such a way that promotes the flourishing of life. "If we were to accept ecological unity as the working interpretation for our dealing with each other and with our world, we would have two responses: *appreciation* and *care*."[300] Care is at the heart of the matter, and our ability *to* care is an ethical imperative, and thus a critical component of any education. Interrelationship, then is not simply a statement of biology, or even an epistemological position, it is an imperative to live with care and concern directed for one another, and that "one another" includes the rest of the biotic community of which we are a part.

Applying interrelationship to the task of a New Settlement reinforces the very need for Settlement: we are not only connected in terms of practical biological

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[298] Gebara, *Longing for Running Water*.
[299] Sallie McFague, *A New Climate for Theology: God, the World, and Global Warming* (Minneapolis, Minn.: Fortress Press, 2008), 48.
[300] Ibid, 53.

interdependencies, but the very structure of life is interrelated. Lest one think this is a religious idea that bears no application outside of religion, recent scientific theories, such as quantum physics, quantum mechanics, chaos theory, and biocentrism all point to the interrelatedness of all things.[301] Simplistically, this is reflected in the so-called "butterfly effect." Illustrated by the analogy of a butterfly moving its wings, the vibration of which causes movement within the atmosphere, this idea posits that even incremental changes in supposed isolated circumstances affect all of life.[302] Put into theological language, Elizabeth Johnson affirms, "Reflecting its Creator, the universe has relationship as its fundamental code."[303] Thus, in terms of New Settlement, it is not just that we must agree to disagree. Interrelationship affirms that, despite our differences, we are all connected, and we need one another. This is a concept that transcends both religious institutions and is at the heart of religious experience, and it is also something that need not be couched in such a way that secular education excludes it from consideration, for interrelationality provides a broad door through which religious liberty can be taken seriously in public schooling. In so doing, interrelationality provides avenues through which all disputes that exist because of seemingly fundamental differences can at the very least be addressed with a commitment to compassion. Whatever else interrelationality says, in this particular

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[301] Robert Lanza and Bob Berman, *Biocentrism: How Life and Consciousness Are the Keys to Understanding the True Nature of the Universe*, 1 edition (Dallas, Tex.: BenBella Books, 2010).
[302] Edward N. Lorenze, *The Essence of Chaos* (Seattle: University of Washington Press, 1993), 206; Alwyn Scott, *The Nonlinear Universe: Chaos, Emergence, Life*, 2007 edition (Dordrecht, Netherlands: Springer, 2007), 282.
[303] Johnson, *She Who Is*, 228.

issue it calls us to come to the common table, acknowledging our common ancestry – our *Mitakuye Oyas'in* – to commit to finding common ground.

Loving-Kindness

Of the three main religious concepts discussed in this chapter, loving-kindness correlates most obviously to the educational thought highlighted in chapter three. Loving-kindness and care are compatible, but, in a sense, loving-kindness is more precise. Before we delve into the distinction, let us consider the religious background of loving-kindness.

In U.S. popular culture, loving-kindness is perhaps most often associated with Buddhism. Interestingly, many Buddhist writers do not use the term as such, preferring simply "kindness," compassion, or "affectionate love."[304] Kindness implies caring and generosity. Buddhist writer Geshe Kelsang Gyatso highlights, however, that kindness is not simply an act we participate in, but an attitude we look for in others. As a practice toward enlightenment, Buddhism urges adherents not only to "develop affectionate love for all living beings" but to "contemplate their kindness."[305] How interesting that we are not only called to be kind but to see the kindness of others – even when it is not readily visible. Such a development expands and pinpoints the educational foundations of care, implying that care is more than a skill that needs cultivated in us, it is something we seek in others. Moreover, this implies that kindness or care can be found anywhere and that one of our primary tasks is to look for it. Buddhist teaching takes the idea further

[304] Geshe Kelsang Gyatso, *Introduction to Buddhism: An Explanation of the Buddhist Way of Life*, 2nd edition (Glen Spey, N.Y: Tharpa Publications, 2008), 86.
[305] Ibid.

and asserts that, to find the kindness in others, we should look at all others as "our mothers." Geshe asserts, "If we regard all living beings as our mothers, we will find it easy to develop pure love and compassion…"[306] Like the arguments against using the term "father" to describe God in Christianity because not all fathers are caring, loving agents, the notion of looking at all others as mother in order to acknowledge the intrinsic kindness present in all beings is subject to similar criticisms. But, just as it is nonsensical to make equal God and fathers, the notion of mother in Buddhism points rather to an ideal than to the reality of many mothers. The ideal of mothering is the exemplification of kindness, loving care that also directs, guides, even admonishes when one strays. The practice of imagining that all others – even one's peers – embodying in some metaphoric way the ideal of mothering and thus seeking the kindness in them is transformative in practice. It is a way of encountering the world that acknowledges its flaws while refusing the substance of them. This kind of attentiveness to kindness comes with the expectation of finding it, even of drawing it out in others, and in turn it cultivates the kindness within ourselves as we look on the other expecting to find goodness. Abraham Lincoln expressed a similar idea in a rather opposite way: "those who look for the bad in people will surely find it." Thus, one aspect of kindness is the way in which we look at others and our expectations of them, which in turn cultivates our own character. The Qur'an says it this way: "those who act kindly in this world will have kindness" (39.10).

Buddhism contributes yet another related aspect to loving kindness in its belief in the *bodhisattva*. Bodhisattvas are beings who have achieved nirvana or oneness with all that

[306] Ibid., 88.

is and who, postponing their own entrance into Buddha-hood, remain engaged with people, helping them along the path to enlightenment.[307] The commitment of the bodhisattva is a supreme act of loving kindness, even sacrifice, for the ultimate goal is not only enlightenment but the attainment of such for others. It is a committed stance to end the suffering of other creatures by self-denial.

Like Christianity and Islam, Judaism conceives of loving kindness as an essentially responsive act on the part of humans toward God who is the ultimate giver of love. This love then should spill over into the way humans encounter one another. Herberg puts it this way, "The ethic of Judaism finds its source and power in the perfect love of God; *therefore* it is an ethic of total responsibility" and "the perfection we are called upon to achieve in this life is a perfection of self-giving love…"[308] Christian biblical tradition affirms that "whoever does not love does not know God, for God is love" (1 John 4:7). And, the Qur'an describes God as "One who is full of loving kindness."[309] Love is rooted in the divine, or the divine is love itself. The implication, thus, is that love is to be reciprocated; love sets the agenda of what it means to exist in relationship to the rest of the world and to ourselves. Elizabeth Johnson offers up a description of God/Ultimate Reality as "abounding in kindness." The nature of God, and the activity of God abound in loving responsiveness to creation. Moreover, "in loving kindness and fidelity God gathers a people to share in that holiness."[310] The kindness of God extends

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[307] Michael D. Coogan, ed., *Eastern Religions: Hinduism, Buddhism, Taoism, Confucianism, Shinto* (Oxford ; New York: Oxford University Press, 2005), 133–134.
[308] Herberg and Gillman, *Judaism and Modern Man*, 134–135.
[309] Jamal Badawi, "Love: An Islamic Perspective," *The Fiqh Council of North America*, accessed March 9, 2016, http://www.fiqhcouncil.org/node/15.
[310] Elizabeth A Johnson, *Abounding in Kindness: Writing for the People of God* (Maryknoll, New York: Orbis Books, 2015), 265.

to humans who, in turn and out of the kindness that prompts even holiness, are to share loving kindness with the rest of life. Such a concept of God requires us to extend kindness to one another, including kindness in the midst of tense difference. Yet it is not a requirement that falls short on people unskilled at participating in kindness (as most of us are at one point or another – just ask the store clerk or other drivers); such kindness is part of our very makeup as members of God's body – the commons – so, although we must cultivate it, like the Buddhist teachings on seeking kindness in others, we have within our nature that which is necessary to respond to kindness and to respond *with* it.

Speaking of this kind of response, Cynthia D. Moe-Lobeda, a Christian theologian writing on ecological and economic ethics, contributes to the concept of "neighbor-love."[311] Such a love is utterly relational, and it also acknowledges the inherent differences and diversity we all encounter as individuated members of the commons. The root of neighbor-love is, again, God's love, and it is foundationally active.[312] The imagery of neighbor-love implies both relationality and difference; neighbors may bear similarities, but who in a neighborhood experiences life with exact sameness? In the classroom, neighbor-love teaches children – and teachers – to extend kindness toward one another, even when vast differences are present. And, in light of interrelationality, we can rightly claim that everyone is neighbor to everyone else.

In *The Rebirthing of God*, John Philip Newell suggests that "there is no difference between love and justice."[313] The kindness that flows out of love and *as* love is also

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[311] Cynthia D. Moe-Lobeda, *Resisting Structural Evil: Love as Ecological-Economic Vocation* (Minneapolis, MN: Fortress Press, 2013), 169.
[312] Ibid., 169–171.
[313] Newell, *The Rebirthing of God*, 115.

justice, it creates just systems. Therefore, where love is missing, so too is justice. This should give us pause. Within an exclusivist framework, abundant kindness is not fully represented otherwise there would be room for "the other." How, then, can we claim to do justice, to engage in fairness when love and kindness are missing from the equation? Whether in our current system of increasingly exclusive secularism or a micro-system of private religious education that fails to validate other sincere beliefs, the lack of kindness represented speaks volumes to the level of justice present. If there is no satisfying difference between justice and love, then in order for social engagement to be just, loving-kindness must be the harmonizing frequency within which we abide.

What does loving kindness mean for a New American Settlement? Besides its relation to care, a concern expressed well by many educational thinkers, loving kindness creates a context within which justice may be served. The underrepresented are no longer so when love abides. Those who are oppressed can find their voice, and those who ordinarily would oppress, transformed by love, make room for dissonance. Kindness is a practice, to be sure, but it is also an atmosphere. Recognizing that our task is not only to act with care, but to seek out the kindness in others, and understanding that the intricacies of existence itself are abounding in kindness, we can seek solutions that honor religious diversity and religious identity. This, too, will transform our own capacity to show care. Moreover, religious actors themselves are compelled, based on their own beliefs demonstrated herein (beliefs that may not be articulated by all, but that are part of practically every religious tradition), to make the same kind of room for others that we are asking of committed secularists. In the classroom, loving-kindness need not be spoken of as an exclusively religious task – although there is nothing

unconstitutional about drawing attention to the concept of loving kindness in religious traditions – but it can be adopted in such a way that teachers and students are reminded that kindness both compels them to act in a certain way and is something to be sought in others, making way for authentic pluralism and peaceful ways of approaching difference.

Kenosis

With the understanding that the entire biotic community is relational, and that loving-kindness is an imperative ethic, must come a commitment to action, implications for how we are to live. Many eco-ethicists and eco-theologians – and simply those with a practical turn of mind – point to the necessity to embrace limits as a core value. It is simple enough. We abide within a finite planet, with finite resources – we are finite after all – and thus there is a point at which the system will be tapped out should our demands go un-tempered. Scientists point to overpopulation, overconsumption, and simply irresponsible consumption as tipping points for ecological devastation, so limits make logical sense. First Nation members seem to have a basic understanding that one should only take what one needs; indeed, most religious traditions have the same concept. It is only being a good member of the household to consume only that which you need and to clean up after yourself when you have completed your task.[314]

Sallie McFague points to the principle of limits and develops a theological framework based on the idea of *kenosis* – from the Greek "to empty" – as a spiritual response to ecological ethics. Kenosis has roots in biblical literature, particularly in the

[314] McFague, *A New Climate for Theology*, 53.

Fourth Gospel where the crucified revolutionary Jesus of Nazareth's side is pierced, from which flows out water and blood (John 19:34). Theologically, the imagery symbolizes Jesus emptying himself out of love for his friends, and, since the Gospel is really about the human relationship with God, the act is symbolic for God's emptying of Godself in the ultimate act of abounding care. It is akin to the idea of sacrifice, which McFague develops through the telling of the lives of modern day "saints," including John Woolman, Simone Weil, and Dorothy Day. Through a commitment to limits by way of voluntary poverty, Woolman, Weil, and Day demonstrate compassionate care for those who are forced to go without, living in solidarity with those on the margins.[315] McFague argues that such action sets an example for an ecological ethic where, by going without, we demonstrate tangibly our solidarity with a planet who needs us to consume less.[316] While we might debate about the feasibility and desirability of voluntary poverty, McFague makes a much needed point: that, in order for all to flourish, we must become aware of the ways in which we might consume less, might need less, so that others may live.[317]

Kenotic theology, translated into personal practices may seem overly sacrificial – who really wants, or even feels able to, embrace voluntary poverty? Is not life about flourishing? But, is that what the principle of kenosis is really about? Symbolically, God may pour out Godself as an act of love and care as depicted in the Fourth Gospel, but that is not to say that God empties Godself entirely. In fact, the idea is nonsensical,

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[315] Sallie McFague, *Blessed Are the Consumers: Climate Change and the Practice of Restraint* (Minneapolis: Fortress Press, 2013), 85-88.
[316] Ibid, 87-88.
[317] Ibid, 20, 36-37.

for if we understand God to be (as far as is possible to "understand" God) the ground of being, or the animated essence of all life, and not a finite being, a white-bearded man in the sky, then it is philosophically and theologically preposterous to suggest God empties all of Godself through kenosis and there is not more Godself! Clearly, that is not what the imagery suggests; rather, it is more like an ever-flowing fountain of essence, poured out in abundance for all created things – as beingness itself. God empties Godself, but is not bereft of God-nature. Moreover, because the act takes place symbolically through the human person of Jesus, it points to the recognition of God-presence or divine essence in all life – that the created order is sacred and sacramental, places and instances through which the divine may reveal itself. Thus, modeling kenosis not only means sacrificing out of love as an act of care, but it is, ironically, also the way in which one is filled up. Thinking of ourselves as isolated egos is no way to happiness. We are fulfilled as we engage in dynamic, caring relationship with others, which both requests the willingness to limit ourselves for the sake of the other, and promises a far more fulfilling adventure as our ego or overly-individuated self metamorphoses into an aspect of all that is and all that will ever be. McFague explains the paradox of emptying this way:

> To empty the self is not an act of denial, but of fulfillment, for it creates space for God to fill one's being. We are satisfied by nothing less than God; our deepest desire is to be one with God, even as Jesus was. Made in the image of God, our destiny is to become one with God, so that we too can say, not my will but Yours be done. This is not a loss, but a gain, the greatest gain.[318]

[318] Sallie McFague, "Sermon for Epiphany Chapel" (Vancouver School of Theology, Vancouver, 2008), 2.

Kenosis, then, is paradoxical, for it affirms that as we sacrifice for others, as we pour out care and kindness, we are filled by something far more substantial – the kindness and freedom that abounds as a conscious member of the commons.

The Daoist concept of *wu-wei* is similar to kenosis or emptiness. Wu-wei is inaction or non-resistance, but not in the generally perceived Western way of non-resistance that seems to passively accept whatever may be happening. Wu-wei is rather similar to Mahatma Gandhi's concept of nonresistance or active nonviolent-resistance (*Satyagraha* – "truth force"). The notion expresses a sense of understanding the perfection of universal flow, and of seeking to swim in the flow rather than in resistance to it. This is not the same as relenting to human injustices; rather it embarks on the path of release, which, as anyone who has tried it can testify, is no easy matter. Through releasing attachment to one's personal self or ego, one can unify with the wisdom of life or Ultimate Reality. Wu-wei is the position that one should take no action that is contrary to nature or the natural working of life: "at the core of the ethics of philosophical Daoism is *wu-wei*, or "noninterference," which demands that one submit to and move with, rather than against, natural processes and change."[319] The *Daode Ching*, Daoism's most famous text, frequently likens this concept to that of water – its gentle power of erosion through non-resistant flow. "Under heaven nothing is more soft and yielding than water. Yet for attacking the solid and strong, nothing is better; it has no equal."[320] The Dao also reinforces the idea of emptiness: "Empty yourself of everything. Let the mind become still."[321] Emptiness here is not the lack of anything,

[319] Coogan, *Eastern Religions*, 261–262.
[320] Laozi, Jane English, and Gia-fu Feng, *Tao Te Ching* (New York: Vintage Books, 1989), 80.
[321] Ibid., 18.

but the resolute commitment to non-resistance and stillness, what the Tao conceptualizes as the truth of the universe or Ultimate Reality: "yield and overcome; bend and be straight; empty and be full."[322] To translate into monotheistic language, one must align one's self with the Creator, and part of that will mean forgoing self-serving attitudes in favor of practices that support all of life.

Americans are perhaps more familiar with the concept of emptiness in reference to Buddhism than with that of Daoism or, somewhat ironically, Christian thought. The concepts are quite similar, however. Buddhism calls one to empty oneself as a means of self-renunciation that paves the way to unity with Ultimate Reality or crossing over into a state of enlightenment. As such, emptiness is both inactive and active, and it is the gateway for true freedom. To attain true liberty, one must be selfless.[323]Gyatso asserts, "Ultimate truth is emptiness. Emptiness is not nothingness, but lack of inherent existence. Inherent existence is mistakenly projected onto phenomena by our self-grasping mind."[324] Emptiness can be thought of as releasing the personal identity long enough to realize that one's true nature is a connected being in a collective commons. It is not denying one's self that which one needs to live, but stepping back from self-absorption so that, through abounding kindness, one sees the needs of others in relation to the whole. Buddhism's goal is "liberation from suffering, but this liberation comes only from deep insight into the actual nature of reality, an understanding of things as they actually are. This is the insight into the emptiness of all things and their

[322] Ibid., 24.
[323] Gyatso, *Introduction to Buddhism*, 79.
[324] Ibid., 123.

interrelatedness through dependent origination."[325] Just as kenosis requires a sense of limits, so does the Buddhist concept of emptiness, not as an act of martyrdom, but as a sensible response to the interrelation of all things and the needs of others, needs underscored by a commitment to abounding kindness. Through the practice of emptiness/kenosis/nonresistance, one can attain true soul liberty.

Part of a New American Settlement is a healthy attempt at kenosis by whatever term one wishes to use. Emptiness gives traction to the democratic imperative of compromise. When we realize that, in order for others to flourish and for peace to be present in the commons of human social life, we must be willing to place limits on ourselves; this plays out practically in the art of compromise. Such limits do not negate freedom; rather, as interconnected relational beings, the more the so-called other flourishes, the more I myself flourish. Within a democratic structure, true freedom is both the ability for the individual to live according to his or her conscience, and the willingness of the individual to give of themselves that others may also have the opportunity to flourish, for we are connected members of the commons. Within the commons, as one person flourishes so do all in some way, just as the opposite is also true. Religious liberty is partly about allowing the individual to live according to his or her conscience, but it is just as much about cultivating the capacity to give forward abounding kindness so that others may do the same. Separated from theological language, religious liberty sounds merely like any other "right;" rooted within

[325] *Buddhism: A Christian Exploration and Appraisal* (Downers Grove, Ill: IVP Academic, 2009), 46.

theological conceptions, religious liberty is also an obligation to live in such a way that supports the flourishing of others in the commons.

Conclusion

In a New American Settlement, not all will agree. That is a given. But, the concepts we have explored give us a framework through which New Settlement can take place in spite of differences. Indeed, if differences were not present, we would likely not need any of these principles or their correlative practices. Contextualizing life within the commons reminds religious actors, and even the "spiritual but not religious" that we share in existence – an existence that is within the body of God. Our interrelationality with all of life contributes to a commitment to see that everything we do effects everything else. Hard-heartedness and prejudice, however seemingly justified, do nothing but degrade the whole, including the one who holds such views. This is not only true of people who hold overtly bigoted attitudes, it is true of those of us who refuse to see the fear that is under the surface of apparent hatred or blame. The shared religious principle that life is abounding in kindness, that God/Ultimate Reality *is* love, and the understanding that we must actively seek to give and to see love everywhere emboldens us to imagine a New American Settlement replete with differences and to respond to apparent intolerance (which may, in some cases, really be difference in belief) with compassion rather than anger, resentment or hatred. Kindness is more than care, which can be reduced to a set of activities (though it certainly is not always so); kindness is the nature of things, of you and me however hard we try to hide it. And, it should be the way we go about doing justice, for justice without love is no justice at all. Kenosis reminds us that, for all the abundance and flourishing possible in the commons,

we must harness our ego and check it at the door if we want the best possible experience. Kenosis is also suggestive in terms of personal rights; sometimes, to do the right thing by the commons, we must willingly limit our own selves so that others might have room.

Once again, the concepts highlighted in this chapter are not universally taught among religious leaders, though they are present within the teachings of most religions to some degree. Not all believers will agree with these ideas, and many, if they do, will articulate them differently. Exclusivist religious actors will likely find some of these ideas incompatible with their own faith life. On the other hand, many of these ideas also float in the realms of secular thought – they do not belong to religion alone, although the way in which I have engaged them highlights their religious orientation. Furthermore, in advancing these concepts, I do not seek to foist them upon public schools as religious ideas to promulgate within the classroom. Rather, these are illustrative concepts that can help build a framework of New American Settlement that public educators *can* use. Because these concepts are both religious and applicable within a secular framework – they are not exclusively religious – they also help build a settlement concept that is inclusive of the variety of religious and non-religious voices that make up the American commons. How precisely do these concepts relate to public schooling within a New American Settlement? This is the topic of the next chapter which will develop a weaving of secular educational thought and translate these religious concepts in such a way that the two areas may participate in weaving a foundation for New American Settlement.

V. The New American Settlement

"And is this power benevolent or malevolent? I see it as purely benevolent. For I can see that in the midst of death life persists, in the midst of untruth truth persists, in the midst of darkness light persists." – Mahatma Gandhi[326]

It is unlikely that scholars shall ever grow tired of looking back on American history and attempting to put it into some sort of relatable context. As time marches on and sensibilities change, society reimagines itself and new issues arise; those who recollect on the past see the ghosts from whence these new experiences came. Indeed, without a sense of our past mistakes and glories – as individuals and as societies – we tend to make the same mistakes over and over again. History is included as a source of study in schools in part for this very reason; youth, with little reference point to the past, need a broader perspective in order to relate to the world. They look forward, and they should, but the past, rightly conceived, is a powerful teacher and guide into the future. As important are the different vantage points one takes as one looks into the past. We often hear remarks that history is told from the perspective of the winner, and while there is some truth to that, such a view is far too simplistic, for history is told from whatever vantage point upon which the teller is standing. Fortunately, this makes way for myriad ways of relating history; some of it is surely less reliable than others, but the multivocal quality of relating to and characterizing history at least allows for seeing errors, much like Martin's multiple educational agency does for education.[327] In his recent book, *The Rise and Decline of American Religious Freedom*, legal scholar and historian Steven D.

[326] Eknath Easwaran, *God Makes the Rivers To Flow: Sacred Literature of the World*, 3rd edition (Tomales, Calif.: Nilgiri Press, 2003), 203.
[327] Martin, *Education Reconfigured*, 37.

Smith contributes to the telling of American religious history in a unique way that helps clarify the pathways of history and trends of religious liberty in the United States. It is from his creative framework that this present project takes shape. We have discussed this in brief; now let us examine it more thoroughly, for in order to have a "New Settlement" – applicable to public schools – there must be an "Old Settlement."

The Old Settlement

Smith presents a history of religious engagement in the United States that he calls the "American settlement;" it refers, roughly, to the time period that includes the colonial era and the development of the American Republic, up through to the first U.S. Supreme Court cases that began deciding the constitutionality of religion in various aspects of public life (particularly public schools) during the 1940s.[328] Thus, the American settlement spans more than 150 years. Acknowledging that there are many exceptions to the rule and that no telling of history can fit everything into a nice, neat model, Smith's settlement is helpful in order to look back upon American religious differences, and to help us, then, look forward – to learn from our strengths and weaknesses. Indeed, Smith notes the "inelegance" of American settlement and argues that this is part of why most scholars have not seen it.[329]

Acknowledging the religious diversity present during the eighteenth and early nineteenth centuries in America, Smith argues that, among those who had a voice in the ways in which the Constitution would be written and interpreted (which obviously did not include First Nation peoples, people of color, or most women), there were two

[328] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 85.
[329] Ibid., 77.

general perspectives regarding the role of religion in public life, what he calls "providential" and "secular."[330] The terms, particularly the latter, have different meanings today, and both terms deserve clarification, which Smith gives at length. The providential view comes from the sense that God is in back of the plan for America; "Divine Providence" was a common way of referring to God and was particularly suggestive in terms of God's activity in the world. Thus, John Adams asserted that America is part of "a grand scheme and design of Providence."[331] Providentialists believed in part of the pragmatic value of religion in public life and in the overarching biblical narrative (for nearly all, according to historical study, were Christian). For many Christians of the colonial period and the early Republic, America was a new promised land, a chance to live out God's kingdom on earth, a return to the garden (Gen 2:8-16) .[332] It was inconceivable, as such, that Christianity should be a matter of private living, for the obligations of such a destiny were both personal and civic. Some providentialists spoke of this commitment in more practical terms, arguing that religion was a necessary backbone of moral and social order. George Washington's farewell address includes these words: "Of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports…And let us with caution indulge the supposition, that morality can be maintained without religion."[333] This basic understanding of religion's necessary role in public life was in back of the philosophies of Washington, Adams, Joseph Story, and other providentialist leaders. As Smith puts

[330] Ibid., 87.
[331] Ibid., 90.
[332] *God in America* (PBS, 2010).
[333] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 89.

it, "Providence runs to "the People of the United States" as a body or nation, not just to private individuals who happen to be pious."[334] Today, arguments abound for living out one's personal faith publicly from many quarters, but that is a moderate commitment compared to providentialists who firmly believed that the only way to have a just republic was to incorporate broad Christian commitments and practices into public and political life – including government.[335]

Secularists and providentialists were not nearly as politically polarized as today's "religious Right" and modern secularists. During the founding of the U.S., secularists were generally somewhat religious even if unconventionally so. It is useful to note that the rise of today's "new Atheism" owes itself to the scientific revolution and to the assumption on the part of some that religion's primary purpose was to offer explanations of how life works; they argue that science can do a better job of explaining life's questions.[336] This is a rather naïve view of religion, as chapter one explains. Nevertheless, during the founding years of the American Republic, science was far from an authority for most people, and most also had at least a loose faith commitment, a framework that included some sort of concept of God/Ultimate Reality.[337] Thomas Jefferson, one of the most famous of the secularists, held unconventional religious

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[334] Ibid., 90.

[335] Examples of the call to live out one's faith in public come from many traditions, many perspectives, and are too numerous to list, but the following may be illustrative: Wallis, *On God's Side*; Herberg and Gillman, *Judaism and Modern Man*; Philpott, *Just and Unjust Peace*; Soroush, *Reason, Freedom, and Democracy in Islam*; *10 Questions for the Dalai Lama* (MONTEREY VIDEO, 2007); Jimmy Carter, *A Call to Action: Women, Religion, Violence, and Power*, Reprint edition (Simon & Schuster, 2015); Rick Warren, *The Purpose Driven Life: What on Earth Am I Here For?*, Expanded edition (Grand Rapids, Mich.: Zondervan, 2013).

[336] Phillip E. Johnson and John Mark Reynolds, *Against All Gods: What's Right and Wrong About the New Atheism* (Downers Grove, Ill: IVP Books, 2010).

[337] Meyerson, *Endowed by Our Creator*, 44–57.

beliefs to be sure, but they did not reject the sense of a higher authority or Ultimate Reality: "For I have sworn on the altar of God eternal hostility against every form of tyranny over the mind of man."[338] Rather, Jefferson and others, including Madison, urged government to take no part in *sectarian* religion. Secularist positions at this time accepted the reality of religion and also that of sectarian diversity; politically, they argued that government and the church should be separate.[339] Up until that point, most of Europe had an official church which both received support from and sanctioned government. The newly emerging United States, with varying represented cultures and sects of Christianity (and small pockets of other faith traditions), needed a solution that would easily provide unification among the colonies. Agreeing on separation between church and state in the form of non-establishment and free exercise was logical; sects were free of one another, able to go about their work in whatever ways they chose to do so, and none was exclusively represented by federal government in a tacit way.[340] Implicit, however, were basic tenets of Christianity as the dominant social construct of the founding elites.[341] So, although providentialists and secularists during this period differed – often staunchly – in their approach to religion's role in government and in the public commons, there was a familiarity with one another's worldview, largely shared

[338] Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson*, 2nd edition (Wm. B. Eerdmans Publishing Co., 1996), 143, 181.
[339] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 93–94.
[340] Ibid., 48–57; Meyerson, *Endowed by Our Creator*, 166.
[341] Mark D. McGarvie, "Disestablishing Religion and Protecting Religious Liberty in State Laws and Constitutions (1776-1833)," in *No Establishment of Religion: America's Original Contribution to Religious Liberty*, ed. T. Jeremy Gunn and John Witte, Jr. (New York: Oxford University Press, 2012), 71–73.

by both positions.[342] Perhaps because of this, the American settlement could develop and thrive.

Smith argues that providentialists and secularists, however divided, found middle ground in the principle of contestation.[343] Both positions agreed on a soft constitutional framework; that is, the constitution should be interpreted with flexibility rather than a more rigid approach.[344] Similar to the notion of a living document which can be applied more fluidly as culture changes, a soft constitutional approach made room for multiple ways of understanding the heart of the Constitution which is more a than a mere document – it is a set of personal and social commitments. As such, a general rule of openness and contestation emerged.[345] This kind of open engagement acknowledged at least two principles: that compromise is the heart of a democratic solution, and that there is more than one legitimate way to understand life and to interpret our constitutional commitments. To use religious language, the American settlement agreed that there was more than one valid orthodoxy. Perhaps it did not go so far as to state that there is no orthodoxy – obviously some worldviews were off the table, like the many First Nation traditions – but neither secularists nor providentialists understood themselves as the only valid contender for legitimate constitutional interpretation.[346] Thus, as Smith notes, a system of openness and contestation existed during the founding of the nation and up through at least the turn of the twentieth century, even if there were

[342] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 93–94.
[343] Ibid., 101.
[344] Ibid., 95.
[345] Ibid., 103.
[346] Ibid., 95–103.

notable anomalies. Smith readily acknowledges that the settlement was imperfect; there were instances of violence regarding religion to be sure, but those events did not dominate the religious landscape in America, which would include the landmark interfaith event in 1893, the Parliament of the World's Religions, surely a symbol of settlement.[347] It is also significant to point out that Smith only argues settlement as it pertains to religion and not to other social issues.

For religion in public life, the American settlement worked; it gave voice to those who believed that America should be lived out as the "city on the hill," the biblical promise of the new Eden, and it gave equal position to those who argued the value of the "wall of separation" and constitutional neutrality and agnosticism.[348] While some worldviews were underrepresented (or unrepresented), the majority of opinions on religion's role in public life were legitimized in the public eye and in and through policy making. The principle of contestation ensured representation of both positions, and the result was fairly low religious extremism. In fact, fundamentalist Christianity only seriously emerged during the 1920's as the settlement fell into steep decline.[349]

The New Settlement

However appealing a return to the American settlement, it is unrealistic for a number of reasons. Although Christianity is still the dominant form of religiosity in the United States, it appears to be incrementally declining as such and the rise of the "nones" is

[347] Ibid., 109.
[348] *God in America*.
[349] George M. Marsden, *Fundamentalism and American Culture*, 2nd edition (New York: Oxford University Press, 2006), 3–5.

steadily increasing, along with Islam and other religious traditions.[350] As chapter one discussed, Christianity is no longer the dominant framework of American life, however prevalent it may be as a religious commitment; rather, a combination of pluralism and secularism has overcome the Christian framework of the public square. Thus, unlike the original settlement, which, however multi-vocal, generally came from a Christian worldview, American society no longer has that common feature.[351] The Old settlement is not possible. Furthermore, the categories of providentialists and secularists have dramatically altered. The American religious landscape has intensely changed; the differences it includes are no longer largely sectarian (i.e. different sects of one tradition – Christianity), but multi-religious. New religions have made their home in America, and the retrieval of traditions present during the earliest Colonial days by scholars and activists has resulted in an even more diverse and legitimized religious commons. As such, mainstream and liberal religious actors are generally more accepting of religious traditions different from their own. Moreover, the religious mind, if you will, has shifted and rarely do mainstream religious actors speak of the "city on the hill" as a literal manifestation. In recent decades, moderate and liberal religious American's increasingly identify with an apologetic interpretation of American history as a colonial

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[350] 1615 L. Street et al., "America's Changing Religious Landscape," *Pew Research Center's Religion & Public Life Project*, May 12, 2015, 2–3, http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/; see also John Micklethwait and Adrian Wooldridge, *God Is Back: How the Global Revival of Faith Is Changing the World*, Reprint edition (New York: Penguin Books, 2010); Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century: Resurgent Religion and Global Politics* (New York: W. W. Norton & Company, 2011). From 2007 to 2014 Christianity declined by 7.8%, while the unaffiliated increased by 6.7% and Islam grew by .5%. Whether or not this trend will continue is unknown; many factors, including immigration and the global rise of religion may impact the future American religious landscape.

[351] Hunter, *To Change the World*, 201.

force and less with America as God's chosen nation. That is not to say those ideas are dead; some still hold to them, but such rhetoric is simply not as accepted in the public square, for better or for worse. The flavor of religiosity in the United States has marinated to include more sensitivity to religious diversity and, at the same time, more acceptance for scientific explanations and reasoning.[352] In turn, fundamentalist Christian voices have become more staunch and fearful, incorporating anti-Muslim rhetoric with increasing frequency and often intolerant of religious diversity. Karen Armstrong notes, however, that such a stance is born of the fear of annihilation, and it is likely a founded fear as pluralism and secularism come to dominate.[353] The face of providentialist has not been the only thing to change; secularists have changed dramatically as well. In fact, it may be more appropriate to observe that the old secularists have more in common with today's mainstream and liberal religious actors than do modern secularists because the "old settlement" secularists were still often Christians. Today, secularism is heavily influenced by agnosticism and Atheism. Secularist arguments include a much wider range, from the belief that religion is evil and should be destroyed (according to the popular "new Atheists" such as Richard Dawkins and Sam Harris) or a more agnostically secularist approach that argues a

[352] For examples on sensitivity to religious diversity, see Eck, *A New Religious America*; Eboo Patel, *Acts of Faith: The Story of an American Muslim, the Struggle for the Soul of a Generation* (Boston, MA: Beacon Press, 2010); *Religious Pluralism in America: The Contentious History of a Founding Ideal* (New Haven: Yale University Press, 2004); Eboo Patel, *Sacred Ground: Pluralism, Prejudice, and the Promise of America*, 2013; Diana L. Eck, *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground*, ed. Barbara A. McGraw and Jo Renee Formicola (Waco, Tex: Baylor University Press, 2005).
[353] Karen Armstrong, *The Battle for God* (New York: Ballantine Books, 2001), xiii; Stephen Prothero, *Why Liberals Win the Culture Wars (Even When They Lose Elections): The Battles That Define America from Jefferson's Heresies to Gay Marriage* (San Francisco: HarperOne, 2016), 12.

harder degree of rigidness in terms of the separation of church and state, but is not necessarily anti-religion and might even include religious arguments.[354] Moreover, the emphasis of the argument for separation has changed from the Old settlement's desire for equal protection for government and for religion to the less inclusive argument for protection of the government *from* religion. We have discussed a number of times the dominance of secularism, so I shall not go into more detail here. Suffice it to say that the secularists of the "old settlement" were usually also religious people, while many secularists today are not, and the debate in the old settlement which was centered on religion's role in government has broadened to that of religion's role in public life. Yet, despite the inescapable differences American's now face that the old settlement did not, we are still grounded in a living Constitution that holds us to the commitment of a democratic solution to living with one another. Democracy in the American experiment is not a claim to rigid orthodoxy, but the process of myriad different actors figuring out how to live together so that all have access to the promise of "life, liberty, and the pursuit of happiness." Thus, while returning to the old settlement is impractical, there is room for a "New American settlement."

The New American settlement (henceforth "NAS"), is premised on the same grounds as the Old settlement: namely, that a democratic solution to political and social difference is not only possible, it is necessary in order for the United States to be a just place in which its citizenry can at least work toward equity, life, liberty and happiness, and, from a religious viewpoint, for life to flourish. There is no justice or liberty in rigid

[354] Johnson and Reynolds, *Against All Gods*, 12–20, 111; Dawkins, *The God Delusion*, 317–348; Harris, *The End of Faith*, 215.

orthodoxy when diversity exists, so more than one plausible worldview must be legitimate. This is true whether a religion, such as Christianity or Islam, provides the orthodox position, or when secularism does so. While there are different players on a changed field, NAS is also framed by the principles of openness and contestation. This means that more than one view is welcome at the table of public discourse. One might protest at this point: what about radical views of hatred, such as racial bigotry? But, by establishing the atmosphere of openness and contestation it, by design, places limits upon all rigidity, including marginal voices that are anti-democratic. Fear of radicalized voices often marginalizes them, but they only gain power that way. In a system of openness, you necessarily agree to being open yourself. In a system of contestation, you not only protect your right to contest, but that of others as well. Recalling chapter three's search for a way to include multiple "live options," openness and contestation admit just that – there are many live options, not just one, whether it be religious fundamentalism or secularism. Granted, some live options may be radically better than others in terms of how they function within democracy, but a system of openness and contestation allows this to be brought to light in a way that may lead toward compromise, even healing. We have seen where rigid orthodoxy and the reactions against it have led. As I am writing this, America is in the midst of a heated political debate as contenders for the primary presidential nomination vie against one another. Any sensible conversation is all but drowned out by hatred and violent language; a nation divided takes on new meaning as American's defame one another and party leaders turn out rhetoric that they think mirror their constituents' views, some of which is shockingly bigoted and ignorant. Polarization has not served us well; it certainly has

not served the commons well. It is time to cease pointing fingers at one another and to search for a more democratic solution; NAS can do just that.

The next section explores a weaving of themes from chapters three and four in order to build a conceptual framework for NAS. It includes both secular educational and religious themes. Following that, the remainder of the chapter will examine what such a framework looks like in schools and how NAS might play out in real life situations encountered by teachers and students. Furthermore, such a process is suggestive of another purpose behind education: relationship. If John Dewey argues that education is rooted in experience, and Jane Roland Martin argues that education is about encounter, a result of NAS is the suggestion that education occurs in and through relationship. Such a subject will be developed more thoroughly in the final chapter. It is also important to note that even though I suggest that NAS is applicable to all public life and religious engagement, the remainder of this chapter will explore it within educational parameters, and within schooling in particular. This is for two reasons: first, this project is about education and the situation of religious diversity within schools, and second, as the "laboratory of democracy" NAS in public schools provides a test case for NAS in broader public life, for schools mirror much of what goes on in broader society. Though schools are not required to collect religious data on its students, so it is impossible to know precisely how religious diversity plays out in public schools, as religious diversity grows in the U.S. schools will, but correlation, experience much of this diversity. Even where they do not directly see such diversity reflected in their student-body (because of private religious schools that may provide schooling for many religious groups), the

children who attend public schools are still impacted by growing religious diversity through out-of-school encounters and the media.

The Commons of the New American Settlement

Chapter four explored the concept of the commons from within a framework of religious thought; indeed, it proposed that the commons is a broader concept than that of the common good. In NAS, the commons as a conceptual tool is essential, though it need not be cast in religious terms or language. Borrowing from religious thought, however, NAS conceives of a commons that includes everyone. The common good can marginalize some people relative to whatever particular worldview is dominant – i.e. secularism, Protestant Christianity, Islam, Buddhism, Hinduism, etc. The commons recognizes that all people – and the rest of the biotic world – exist in relation to the rest of the world, that all have needs, that diversity and unity are both present. Much like the importance of biodiversity for a healthy forest, human communities need diversity in order to thrive. The commons is also suggestive for the quandary between individual rights and community rights; today, religious liberty (usually understood in terms of a community of religious people) is frequently pitted against individual freedoms (such as the issue of abortion and of gay marriage).[355] The commons, however, acknowledges that liberty is a hybrid process for communities and individuals, and it also exists within

[355] "Obergefell v. Hodges," *SCOTUSblog*, accessed July 9, 2015, http://www.scotusblog.com/case-files/cases/obergefell-v-hodges/; "Using Religion to Discriminate," *American Civil Liberties Union*, accessed March 16, 2016, https://www.aclu.org/feature/using-religion-discriminate; "Religious Liberty vs. Civil Rights: A Balancing Act," *USA TODAY*, accessed March 16, 2016, http://www.usatoday.com/story/news/nation/2014/02/27/arizona-religion-gays-lesbians-supreme-court/5872879/.

communities and within individuals. There is little either/or in the commons; rather there is the dynamic paradox of both/and.

The commons further contributes to the understanding that everything impacts everyone, however subtly. Those who are marginalized or oppressed are harmed, but in the commons everyone is impacted negatively by the harm brought to any member. NAS, then, incorporates such a sense of inclusivity – that not only are all included, but everyone's flourishing contributes to that of everyone else, as does its opposite. Played out in schools, the NAS commons radically incorporates all children, teachers, and other people within the school culture as contributing members; their behavior and the way in which they are treated impacts everyone else. NAS, then, affirms the necessity of acknowledging all as members who contribute to the whole, for better or for worse. The commons broadens the concept of school culture so that, as Martin describes, the missing educational agents are no longer missing. They are free to be appreciated and critiqued for the way in which they inform, and form, education.

Like Martin's theory of educational metamorphoses by way of cultural encounters described at length in chapter three, the NAS commons includes the process of metamorphoses and the cultural encounters that prompt them, incorporating them as legitimate components of education. Student transformations are validated within the NAS commons, and as such there is room for the gentle prompt to evaluate such transformations as either educational or miseducational. The NAS commons also acknowledges fully a student's experience in and out of the classroom, and permits the process of full continuity of experience so that the educative process can contribute to growth rather than inhibiting it (Dewey).

Relationship

At the heart of the NAS commons is the nature of human interaction – namely, relationship. Relationships are the backbone, the unending reality of the commons. Indeed, relationship is the foundation of education, for learning takes place not only through encounters (Martin) or experience (Dewey) but through relationality with both cultural stock and other agents. In NAS, relationship is rooted in the concept of interrelationality, discussed in depth in chapter four. This broadens the idea of relationship to include not only direct relations – with teachers, other students, and items of cultural stock – but with everyone and everything in the commons. We might think of this as relational educational encounter, direct and indirect. We are not only directly impacted by that which we encounter, but our relationality with that encounter informs and forms us as learners. Martin argues that educational encounters happen as we are "yoked" with items of cultural stock; a *relational* educational encounter implies that the process of yoking is more subtle and less clinical.[356] It is a circular, fluid process of being in relation to whatever or whomever we encounter. The stock and the process of relating to that stock create an educational transition or learning experience, however subtle. In the NAS commons, all aspects of life have relationship potential because all exist within the commons, thus all things are potentially educational.

Within schools, relationship implies a number of things. First, it suggests that all within a school culture are in relationship, be they agnostic, Atheist, Christian, "spiritual but not religious," Muslim, Jewish, etc. As any and all of these persons go through educational metamorphoses, it influences to some degree all others within the system as

[356] Martin, *Education Reconfigured*, 27–37.

relational beings. When religion or religious diversity are marginalized, those relationships still exist, but they cannot be developed in a healthy, positive way. NAS relationship also suggests that when something harmful happens to a student based on his or her religious identity – like singling someone out for wearing a rosary or for refusing the pledge of allegiance on religious grounds (*Minersville School District v. Gobitis*) – it is not only the individual who is harmed, but the whole community, made up of individual members.[357] NAS relationship also implies that educators have an obligation to establish a balanced way of relating to (relationship again!) religion and religious actors. There are no fringe members in the commons or in relationship – everyone matters. And, everyone has something to teach and to learn from everyone else. Relationship provides a link to the concept of openness: it is not only good sense to be open to other ideas, it is part of how relationship happens. Openness is an aspect of what it means to be relational creatures. NAS relationship, then, implies that for the good of all, kindness and care must be invoked as part of the educational framework.

Abounding Kindness

The New American Settlement is only possible when kindness abounds. As chapter three discussed, care has long been an aspect of good educational thought. It goes back much further than modern American educational theory – not doubt including the earliest forms of educational thought – and it is present in the ethos of many methodologies and influential educational theory, from Maria Montessori's *Casa dei Bambini*, to Frederick Froebel's *kindergarten* movement, from Booker T. Washington's

[357] Minersville School District v. Gobitis (United States Supreme Court 1940).

work culminating in the Tuskegee Institute to Louisa May Alcott's fictitious *Little Women*.[358] Educational concepts of care occasionally reinforce systems of domination as the one with power enforces something upon the one with less power out of "caring for" them. Chapter four argued that kindness, well developed by a number of religious thinkers, readily observes contextual ethics and lessens the possibility that care can become a servant of domination, for kindness implies selflessness and love of another while acknowledging the freedom and full agency of the other as a member of the commons.

In their article on former school offenders, Haney, Thomas, and Vaughn present research supporting "restorative school practices."[359] These practices are intended to re-integrate student offenders and victims, or, better still, prevent such offenses. As such, the researchers attempt to discover the ways in which schools and teachers may have contributed to the problem. Through personal interviews and interactions, the researchers discovered that, by and large, these students felt invisible and lacked a sense of cohesive belonging as members of the school. They write, "no restorative process can "re"integrate a victim or offender back into the classroom culture of which s/he *never* felt a part.[360] They found that invisibility "manifesting itself as shutting down, acting out, or quitting school" was the substance of the problem and they call educators to the task of creating "teacher-led dialogical sessions" in order to cultivate an

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[358] Maria Montessori, *The Absorbent Mind* (Radford, VA: Wilder Publications, 2009); Alcott, *Little Women*; Booker T. Washington, *Up from Slavery: An Autobiography*, n.d.; Friedrich Fröbel, *Froebel's Chief Writings on Education* (University of California Libraries, 1912).
[359] Kimberly Giaudrone Haney, Joy Thomas, and Courtney Vaughn, "Identity Border Crossings Within School Communities, Precursors to Restorative Conferencing: A Symbolic Interactionist Study," *The School Community Journal* 21, no. 2 (2011): 55–80.
[360] Ibid., 56.

atmosphere where students feel seen and a sense of belonging can grow.[361] Students need not be offenders or victims of bullying or violence to feel disenfranchised or lacking in school membership. All that is really required is the feeling of difference. Logically, everyone is different despite the similarities one shares with others, but categorical differences based on race, gender, religious identity, etc., particularly when one is among a small minority within a school, are vulnerable to a sense of invisibility when teachers and other students do not extend the invitation of membership. In terms of religious identity, like the offenders in the above research, students who feel disenfranchised may fall victim to bullying because of their religious or non-religious beliefs, or they may act out, displaying evidence of intolerance (religious or non-religious) themselves. The point that Haney, Thomas, and Vaughn make, though, is that, regardless of the offense, the problem stems, at least in part, from the lack of membership that these students felt. What is needed is a welcoming school environment; rules and boundaries are necessary, of course, but from *within* the context of membership. In order to establish this kind of atmosphere – indeed, to see that it is needed in the first place – extensive kindness that leads us to extending ourselves in order to serve the other is essential.

The kind of care the NAS proposes must be one that "abounds" with kindness, to use Elizabeth Johnson's imagery. Abounding kindness quells tempers, it replaces fear with compassion, and in so doing it makes room for acceptance of difference and conversation with an eye toward compromise. Kindness is a practice, not just a principle. And, applied to the principle of contestation, it can be the lynchpin upon

[361] Ibid., 61, 76.

which NAS can thrive. Kindness paves the way for civil contestation and makes openness to other people and ideas safe. As educators, seeking both to be kind and to see the kindness in others can transform difficult situations regarding diversity into educational moments through which the commons itself can transform. Abounding in kindness, humans can even be convinced to put the other first.

Kenotic Mutuality

A final aspect of NAS comes out of the principle of kenosis or limits, as discussed in chapter four. Here conceived, kenosis is not an exclusively religious concept, though clearly it has religious roots. But, practically speaking, it is the willingness to put someone else – or a whole bunch of people – before yourself. If we accept the context of the commons, and the direct correlation that we are all connected within the commons – in other words, we are in relationship with one another either directly or indirectly – and that kindness must abound for the NAS to take root, then what we might call *kenotic mutuality* is also a necessity and a natural result of the three other concepts applied to everyday life. Kenotic – from the Greek "an emptying" – mutuality upholds the value of members within the commons – in this case, students, teachers, or other members of the school community – and urges members to be willing to engage in a practice of sharing and making room for other members in terms of permitting alternative ideas and worldviews. It is a selfless act of allowing others the time and space to honestly be themselves, but it also acknowledges that all members should have that opportunity, and in that spirit it enlivens the idea of contestation, allowing for disagreement to take place from within a context of civility. Here, we are not using the term to describe a religious concept; rather, we are borrowing from a religious concept

in order to suggest more than just compromise which sometimes, in reality, feels like one party simply gave in to the another. Kenotic mutuality suggests processing difference in such a way that, in the end, all members receive the mutual benefit of participating in a process where everyone counts, even when compromise necessitates some restrictions. A commitment to abounding kindness via our place in the commons means that in a situation of diversity we must make room for everyone. Kenotic mutuality also implies that other people must, at times, limit themselves. If everything is on the table, not all of it will be acceptable contributors in a shared common space. Willingness to mutually give of ourselves, even limit ourselves, allows contestation and openness to result in compromises and applicable solutions.

Jeremy Rifkin presents an impressive amount of data suggesting that human beings are predisposed or "hardwired" toward empathy.[362] That this predisposition is not readily displayed throughout much of human history is not in question, but, he argues, one of humankind's most basic capacities – however under-or-undeveloped – is the ability to be empathic.[363] Rifkin urges us to take this capacity seriously, for it is what is needed to respond sustainably and ethically to the many urgent issues that vex our world, particularly ecological destruction and wars. "The empathic predisposition that is built into our biology is not a fail-safe mechanism that allows us to perfect our humanity. Rather, it is an opportunity to increasingly bond the human race into a single extended family…"[364] This may sound grandiose, but on a smaller, more personal scale

[362] Jeremy Rifkin, "RSA ANIMATE: The Empathic Civilisation - YouTube," accessed March 29, 2016, https://www.youtube.com/watch?v=l7AWnfFRc7g.
[363] Jeremy Rifkin, *The Empathic Civilization: The Race to Global Consciousness in a World in Crisis*, First Edition edition (New York: TarcherPerigee, 2009), 42.
[364] Ibid., 613–614.

the capacity to act out of empathy is essential for positive, healing human interactions. Empathy, according to the sociologist Brené Brown, is a result of one's willingness to be vulnerable.[365] In the classroom, Vaughn and Krutka write, "It was the willingness to be raw that led to civil, if not healing conversations," urging teachers to embrace vulnerability in themselves so that they may do so with their students.[366] Empathy and vulnerability are another way of talking about kenotic mutuality. Kenosis is more than limiting one's self, although at times it requires that, but it is embracing self-limits and, at the same time, opening oneself up in such a way that one has the capacity to share out of one's self, exposing one's self and, in so doing, extending compassionate care to the other.

In the classroom that encounters religious difference, this idea extends to students and to teachers. Kenotic mutuality instructs teachers that, though they may find flaws in the beliefs of others, it is not up to them to correct these beliefs. Rather, it is their responsibility to format their curriculum and classroom time in such a way that students feel validated as people, that students understand they are expected to participate in kindness, looking for the best in themselves and in others, as ideas emerge in civil dialogue. Demonstrating kenotic mutuality, teachers also convey such an ethic to students as they encounter differences both within and outside of the classroom. After all, education is not only about what happens during the school day. Far more important

[365] Brene Brown, *Daring Greatly: How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent, and Lead*, 1 edition (New York, NY: Gotham, 2012), 34.
[366] Courtney Ann Vaughn and Daniel G. Krutka, "Self-Reflections, Teaching, and Learning in a Graduate Cultural Pluralism Course," *International Journal of Action Research* 9, no. 3 (2013): 325.

is the cultivated capacity within students to be able to interact in the rest of their lives from a place of kindness and flourishing.

In sum, the New American Settlement is a combination of old and new. It situates itself in a pluralistic society, committed to openness and to the principle of contestation, but with new parameters of engagement. The NAS incorporates the understanding that 1) we all live and exist within a shared commons, which includes great diversity, that 2) the commons is a process of being in relationship with others, either directly or indirectly, that 3) abounding kindness coupled with a commitment to 4) kenotic mutuality must be the makeup of such an arrangement in order for democracy and life itself to flourish. There will, of course, be objectors to these ideas, but taken as a whole, this conceptual framework allows for actors from many perspectives to participate in dialogue in a rigorous and satisfying way without any of them renouncing their own worldview. It provides, in essence, a new set of rule, boundaries, and advantages for contestation within a democratic system.

Whispers of New American Settlement: Interfaith & Multicultural Initiatives

To say that American public schools need a New Settlement is not to suggest that efforts at building bridges between people of different faiths has not been successfully tried. For the most part, such experiments are labeled as "interfaith" – a movement in many parts of the world, including pockets all across the United States to foster dialogue and understanding between people from different faith traditions (though less geared toward cooperation between religious people and those who are not). Organizations such as the Interfaith Alliance attend to these tasks, and most large cities have several non-profit groups working on interfaith issues. This is relevant, important

work, but it lacks traction across some sectors of society and tends to be the pet project of well-educated, relatively affluent people, the majority of whom are older adults. Nonetheless, interfaith organizations are not without influence and the quells of interfaith studies in higher education is beginning to take shape across the country, largely due to efforts of the Obama administration, which has called for more work to be done in interfaith relations, especially among young people.[367] Why do we need a NAS if we already have a vibrant interfaith initiative beginning across the country? This section explores that idea alongside the reality of interfaith work, what I call "whispers" of NAS. Interfaith work, as well as other multicultural/pluralism initiatives like the Institute of Cultural Affairs, the National Coalition for Dialogue and Deliberation, and the United World Colleges, are valuable to be sure, but NAS can contribute missing components or additional theoretical and practical support that will be discussed at length in this section.

Though many people – scholars, religious leaders, and laypersons alike – have and continue to address the issue of religion in public life and schools in particular in a variety of ways, one movement that has received a great deal of press and positive notoriety is the Interfaith Youth Core (IFYC), an organization founded and led, along with others, by American Muslim Eboo Patel. IFYC has recently expanded its mission to include the development of college curriculum and a network of university programs across the country, incorporating a strong educational component in what was originally

[367] "President's Campus Challenge | Center for Faith-Based and Neighborhood Partnerships," accessed March 16, 2016, http://sites.ed.gov/fbnp/presidents-campus-challenge/.

conceived of as a youth movement.[368] It thus merits examination and exploration from an educational standpoint as it gains impact and traction on the American educational landscape.

Patel recounts the gradual creation of the IFYC in his book *Acts of Faith: The Story of an American Muslim, the Struggle for the Soul of a Generation*, as, similar to the Civil Rights movement, a group and community effort of colleagues, friends, and committed activists.[369] Patel is the primary spokesperson and president of IFYC, traveling worldwide addressing audiences about the organization and the need for a youth-based movement of religious pluralism as a means to reduce the cultural liabilities of religious intolerance, though he uses different language. IFYC grew in part out of Patel's intellectual journey; as a student at the University of Illinois (Champaign-Urbana) in the mid-1990's, he found himself swept away with the multicultural movement. He studied racism and was particularly taken with identity politics and radical thought found in such thinkers as Howard Zinn, H. Rap Brown, Huey Newton, and early Malcom X. Although privileged in terms of class structure, Patel struggled with racial discrimination and found personal power in his university days as he adopted the rhetoric of some of the more militant black theorists. He uses himself as an example of the kids he is trying to reach, saying that he might have taken the path of violence, wrought from anger and frustration, had he not recognized in a moment of clarity that his feelings and those of many who acted out violently in rebellion were

[368] IFYC, "Build Pluralism on Campus," *IFYC*, accessed March 16, 2016, https://www.ifyc.org/campus-staff.
[369] Patel, *Acts of Faith*.

frighteningly similar.[370] What actually turned Patel toward non-violent social activism was the combination of his own Muslim roots that emphasized service to others, and happening upon the writings and outreach of people like Dorothy Day and the Catholic Worker movement. Encountering loving, religiously rooted activism set him on a different course, one that would lead him into the arena of Interfaith cooperation.

The IFYC took shape as a discontented response on Patel's part (and other instrumental leaders) to the dominance of older voices in the Interfaith dialogue movement. He reminisces about attending conferences at which he was by far the youngest person. He was dismayed that the older attendees seemed content to dialogue, but he and his friends wanted to *do* something, a common theme he finds among the youth with whom he works.[371] In response, Patel sought to create a youth-centered movement of Interfaith cooperation. This impetus was further solidified when, in his research, he discovered that most terrorist organizations that use religious fervor as a tool are dominated by youth and led by older, masterful "teachers." The IFYC developed as a means and method of countering both the reality that older people are the guiding voices of Interfaith dialogue, and the danger of and to youth who encounter dynamic leaders of hatred without balancing voices of tolerance and reason. Patel states that the IFYC is simply about "young people building religious pluralism."[372] Patel tells the story of having an audience with the Dalai Lama. His Holiness was, as one might expect, very supportive of the concept of an interfaith youth initiative; he is a leading

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[370] Ibid., 41–49.
[371] Ibid., 72.
[372] Eboo Patel, *Acts of Faith: The Story of an American Muslim, the Struggle for the Soul of a Generation* (Boston, MA: Beacon Press, 2010), 158.

advocate for religious tolerance and diversity. Near the end of the meeting, the Dalai Lama pointed to Patel's friend, Kevin, a Jewish man and said, "Jew." He then pointed at Patel – "Muslim." He pointed to himself and his secretary and said, "Buddhists. This is interfaith. Now we have to serve others. But we [pointing to himself and his companion] are not young. Can we still join?" A very good question. It is significant to note that the IFYC is not only focused upon educating youth, it is almost exclusively youth-based and led by young Gen X's and Millennials.

The IFYC has three "pillars" or tenets: 1) intercultural encounters, 2) social action, and 3) interfaith reflection.[373] The movement was founded on diversity. At their first formal gathering to brainstorm what the movement would be like, they framed a basic notion that an effective movement would include youth from diverse faith backgrounds in the context of service to others. The Parliament of World Religions was meeting in Cape Town that year (1999) and had spoken of wanting more youth participation; they anticipated a large crowd of young people, but needed someone to organize it. So, the brainstormers of IFYC volunteered for the task and flew to South Africa to organize service and art projects with the youth attending the Parliament. That initial group of young leaders became the beginning of IFYC, and a number of subsequent projects – all aimed in one way or another as "service" – took place in various parts of the world with Patel acting as chief organizer. Eventually, Patel relocated to his own Chicago and the intercultural encounters continued thanks in part to Chicago's enormous diversity, and through the group's efforts across the globe to serve as a resource for others doing similar work.

[373] Ibid, 115.

The second pillar highlights that a hallmark of the IFYC is their commitment to "social action" or service – often referred to as service learning. The idea is that gathering together young people of different faiths under the auspices of a common project for the betterment of the community fosters understanding of religious differences in the process. The third pillar blends the other two together in a meaningful way through Interfaith reflection. IFYC created the Chicago Youth Council – a group of young people who come together to discuss their own religious beliefs and ideas with one another in a framework of pluralistic hospitality. The IFYC lifts up what they call shared values – values that most (if not all) religious traditions share in their fullest expression. Patel highlights hospitality, cooperation, compassion, and mercy.[374] No doubt others could be added – like love, the embryo of all of them. A question that arises along this line, however, is what exactly is meant by these shared values? Surely, differences in these values exist between religions since even people of the same faith interpret these values differently, let alone respond differently to how one thinks they should be lived out.

IFYC is certainly not the only attempt at youth interfaith engagement, but it is perhaps the most visible one and, due to the college program initiative, it will likely become the most represented organization around youth and interfaith understanding. Thus, examining IFYC against the background proposed for NAS is valuable, and much of it can be applied to other organizations. First, it is important to note that IFYC, for all its focus on youth and its youthful administration, does not include younger children as

[374] Ibid, 166.

a core age group. For the most part, IFYC members are high school and college age.[375] NAS, on the other hand, is applicable across age groups and should include younger students in its theoretical and practical framework. Indeed, IFYC's message is highly motivating, but it has not as yet developed a thorough educational philosophy, such as the kind developed around NAS, and this kind of educational theory is vital to cross-cultural and long-term traction. Like most interfaith initiatives, IFYC focuses on religious diversity – to be expected – but with few explicit plans that are sensitive to diversity in class, race, and gender and the ways in which these identity categories interact.[376] The reality of both public schools and the public square is that enormous diversity exists in the midst of religious diversity. Most interfaith efforts' appeal is generally concentrated among those who are somewhat affluent (and among Christians at least, most of the interfaith representation is white). The disenfranchisement of the wealthy is something we usually do not speak of for logical reasons, so interfaith efforts are stymied as those who already agree with one another come together to…agree with one another.

The most problematic component of interfaith movements, including IFYC, however is that it lacks a coherent commitment to the principle of contestation – indeed, it usually avoids it – and therefore it may be alienating to religious conservatives and secularists alike. This may work for much of interfaith dialogue in a less structured setting, but it cannot address the needs within public schools. Much of the time

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[375] IFYC, "Our Movement. Our Stories. Our Leaders," *IFYC*, accessed March 16, 2016, https://www.ifyc.org/student-as-leaders.

[376] Elisa S Abes, Susan R Jones, and McEwen, Marylu K, "Reconceptualizing the Model of Multiple Dimensions of Identity: The Role of Meaning-Making Capacity in the Construction of Multiple Identities," *Journal of College Student Development* 48, no. 1 (February 2007): 1–22.

interfaith initiatives focus upon the similarities between religious traditions to the exclusion of acknowledging the important differences. In the attempt to create harmony, they fail to legitimize notes of discord – contestation – that are naturally occurring. As we have discussed, NAS holds as a fundamental the principle of openness and contestation – not just openness about what we already agree on, but openness and dialogue around that which we disagree, and may likely always will differ. In order for interfaith work to cross the boundaries beyond Liberal or Prophetic religionists, the principle of contestation is a requirement. This is the primary reason why the interfaith movement is not currently enough to satisfy the bridges that need to be built between polarized American culture. Too often interfaith efforts give little attention to, or deny altogether, open contestation; because of this they may contribute further to the problem around religion in schools as some groups openly support secularism as the framework of schooling and the privatization of religion in the public commons, inadvertently stifling religious liberty in the process. Without the principle of contestation – the process of contesting one another's ideas – interfaith movements tend to be about creating sameness, which only contributes further to the culture wars faced in the United States. NAS is not about cultivating sameness but rather a process that legitimizes difference and permits disagreement, even discord, in order to come to democratic compromise.

Applying New Settlement within Public Schools: an imaginary approach

Specific Concerns

I have argued that the United States needs a New Settlement, and that public schools are an ideal place to begin to develop and apply NAS. But how do we begin? The

following pages are not intended to be exhaustive of the ways NAS can work, but they seek to provide an outline of practical possibilities. Because NAS has not been tried as such, beyond the "whisperings" discussed above, there is no hard data on its proposed success. Thus, I have created imaginary vignettes based on real life situations in schools (all of which we have discussed in other chapters) that demonstrate how NAS might be applied. The possibilities are endless, so the vignettes are not intended to be exhaustive either; rather, they offer applicability demonstrations of real life situations with all the mess that goes with them.

Teacher training

In all three sub-sections of American public schooling, teacher training is a significant issue. In addition to many states pushing to deprofessionalize teaching by eliminating certification, the plain fact is that few teachers in public schools, including those in colleges outside of the religious studies department, have any serious training in religion or religious diversity and the myriad of issues that go along with them.[377] What little training that some of them have often creates more problems than help, as Noddings aptly demonstrates when she attempts to tackle the weighty subject of how to teach religion in public schools with from a perspective of criticism.[378] As a scholar of religion, I have witnessed many conversations with public school teachers who have very little religion training themselves, discussing how they teach about the subject. They are all too often grossly in error, particularly when they attempt to pull out strands of similarity between religions, which end up mistakenly interpreting creeds, beliefs,

[377] Nord, *Does God Make a Difference?*, 201–203.
[378] Noddings, *Educating for Intelligent Belief or Unbelief*.

and conduct in an attempt to create sameness. Clearly, better education for our public school teachers is needed in order for them to be able to convey more appropriately the depth, richness, and diversity in the various world faiths. Much of this issue, however, can be addressed by professional organizations producing teaching resources developed by scholars in the field of religion. Videos, articles, and interviews with religious actors and religious scholars are good substitutes for teachers with little or no training in religion; some exist, more are needed.

More important to NAS than teachers receiving sufficient training in religion is the development among teachers to address and model the core principles of NAS. This task is much less specialized, and the simple truth is, such development will make better teachers of us all. Taking seriously a commitment to openness and contestation allows for differences to come out without them being seen as a threat, and without fear of religion being somehow unconstitutionally included in classroom curriculum. As teachers understand the commons and are given language that helps them convey such an understanding to students, the principle of relationship naturally arises and only needs to be nurtured. Kindness is both principle and practice, and it is something that should be easy for teachers to cultivate; if a teacher is unable to practice kindness, he or she would do well to consider another profession. As they practice, they can strive to see and bring out the kindness in their students and to model such a practice, helping students learn the art of reflecting and acknowledging the kindness in others. From there, the concept of kenotic mutuality is a small step, once again requiring practice on the part of the teacher and modeling to her or his students. The main principles that ground NAS can easily be addressed in a basic teacher's course and they can easily be

incorporated in a number of other teacher training college courses, such as classes like "school and society" and educational pluralism or diversity training. Moreover, workshops available as continuing education to teachers could easily address these main principles and give excellent ideas for how to practice them in a fraction of the time than a world religion's course could only be introduced. With these principles at the helm, teachers will be less concerned with creating sameness or offering critiques of specific religions and more committed to how their students relate to one another and the attitudes with which they convey their own beliefs, whatever they may be. And, while I completely support efforts to introduce courses in world religions in schools – provided they are taught by experts or utilize teaching materials produced by said experts – the development of teacher training in these foundational principles of NAS will do far more to promote a more harmonious school and public commons.

Textbooks & resources

For all practical purposes, textbooks largely overlook religion, as a number of studies spanning the past several decades indicate.[379] It is not only that textbooks need more information, such as sections on the major world traditions, but they often ignore religious motivations and actors in the retelling of historical events.[380] This clearly needs changed, and textbook publishers, which adhere to the increasingly assertive secularist approach to public education, should also be encouraged to embrace NAS.

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[379] Nord, *Does God Make a Difference?*, 247–249; Leslie Maitland Werner, "Education; Religion Lack in Texts Cited," *The New York Times*, June 3, 1986, U.S. edition; Paul C. Vitz, *Censorship: Evidence of Bias in Our Children's Textbooks*, Ex-library edition (Ann Arbor, Mich: Servant Books, 1986), 45–60.

[380] Nord, *Does God Make a Difference?*, 219–224; Maitland Werner, "Education; Religion Lack in Texts Cited."

This would mean that textbooks would become less about the banking model of education – inputting mere information – and more about discussion and dialogue around diversity.

In the meantime, there are a number of good resources available on religious history in the United States, religious diversity, pluralism, and other issues around religion in the public commons that can be used as supplements by teachers in the classroom. Many more could be produced and need to be, embracing NAS. Indeed, teaching students about NAS and its main principles would help any discussion of religion in the classroom. Funding for supplementary materials should become a serious commitment from faith groups and interfaith networks alike so that teachers have the resources they need and so that such resources are acts of NAS themselves instead of only a few voices represented for a specific intent.[381]

Special Courses

While most public schools in the United States fail to take religion seriously as a subject, there are a few pilot courses that offer education on world religions, such as one located in Modesto, California. The course has been extremely successful in bridging the gaps of religious differences, according to many first-hand interviews with parents and teachers.[382] Courses like this one are important, but they too should be taught within a NAS framework so as not to alienate both conservative and secular actors, or to promote a specific ideology. In reality, school districts need to make these decisions themselves based on the culture of the area and the kinds of diversity present within the

[381] See Appendix for a list of current teacher resources
[382] Wertheimer, *Faith Ed*, 159–184.

community. Too often, world religions classes are taught with a bias either for or against Christianity. Often professors of world religions classes assume that everyone in the room is Christian – or that they do not need additional information about it. They might exclude it as a topic because all other religions are compared to it (which is what a "comparative religions" course usually does), or because they do not want a heated debate from the Christians in the room. Privileging or marginalizing Christianity – or any religion for that matter – is unhelpful and betrays biases, and it certainly does not fit the parameters of NAS, which seeks to bring all parties to the table. If world religions are to be taught as a course, Christian thought must be given the same examination as any other tradition, and the principles of NAS must be included, which likely means inviting guests from various traditions to participate or present and dialogue with students.

There is a problem inherent with specialty courses like world religions, however, and that is, again, teacher capability. How many American public school teachers are trained to teach such a class? As a former professor of world religions, I can speak readily to the fact that it is a complicated and complex course. On the one hand, you are merely introducing each religion, but getting these introductions factually correct and putting them in dialogue with the other religions without trying to create sameness where there may not be any is an art form and requires expertise in the area. The only successful kind of specialty course will be one that is either taught by an expert under an adjunct arrangement (except in some private schools, which may be able to afford a full-time religion scholar) or by using expert-produced teaching aides.

Activities

While teaching about religion poses a myriad of problems in schools with regard to teacher training and resources, interacting with different religions is less problematic if NAS is the framework through which such interactions take place. With the parameters of openness and contestation, the commons, relationship, kindness, and kenotic mutuality clearly established, teachers with little training in the field of religion can help students of practically any age interact with religious difference. This can occur in at least two ways in most public schools: through service and through dialogue.

Many schools participate in the growing educational practice of service-learning. Somewhat obviously, service-learning is a way in which students learn through service. In general, teachers arrange with outside community partners (such as an organization like Habitat for Humanity or a local food bank) for students to come participate in a project like building a house for a family in need or serving meals at a local soup kitchen, and through interacting with the people they serve as well as the community partners with whom they work (and, hopefully, plenty of dialogue with their teachers), students learn in a concrete, dynamic way what mere textbooks could never convey. Service-learning may not be appropriate for younger students, depending upon the project, although service-learning need not be outside of the school. Projects such as edible gardens at schools may be perfectly appropriate and equally service-oriented. Service-learning with regard to religious diversity is slightly more tenuous in public schools, although college-level service-learning projects with religious partners should pose few problems. In order for service-learning to work in public schools in matters of religion, the community partner should be working on behalf of the greater community, not to support a particular religion. For instance, public schools would do well to avoid

partnerships in which students help build something for a religious body, but participating with religious actors to help serve those in poverty should pose few problems. Better still, public schools and interfaith groups can provide service-learning opportunities that aid the general public in no overtly religious ways; this would allow students the opportunity to see religious actors in action and to ask questions, but parents need not fear their children specifically aiding a particular religious tradition. Service-learning provides an excellent opportunity for reflection. In the many service-learning projects I have worked with my own students, they readily reflect on how their own values contribute to the particular project; I have yet to see any students convert!

More feasible than service-learning is an emphasis on dialogue. Here, as mentioned elsewhere, it is Freire's model of dialogue that is most appropriate, where students themselves provide the fodder for the discussion and teachers mediate it according to NAS principles. This, of course, requires teacher training and integration of these principles. Students of any age can easily participate to some degree and dialogues can be planned or happen naturally in the course of classroom activities.

David Bohm offers insight to the practical application of dialogue, what is now often referred to as "Bohm Dialogue." He cautions us that dialogue is not a discussion or debate with an predesigned outcome.[383] Dialogue is a process through which people with differing opinions and approaches can come to some sort of workable solution with one another. He writes, "It enables inquiry into, and understanding of, the sorts of processes that fragment and interfere with real communication between individuals,

[383] David Bohm and Peter Garrett, "Dialogue- A Proposal," 1991, 3, http://www.david-bohm.net/dialogue/dialogue_proposal.html.

nations and even different parts of the same organization."[384] Bohm asserts that many of our human-driven conflict arise out of hidden assumptions and thought patterns – ideas about which we may be unaware.[385] Dialogue allows us to converse with one another and, done correctly (that is, without coercive measures and without allowing frustration to block the flow of dialogue) we have the potential to see our own assumptions, many of which may be faulty. At the same time, a mirroring process occurs during dialogue in which we mirror to others their conveyed thoughts and feelings and they do the same for us.[386] Of course, human beings can never be a perfect mirror – we are not neutral pieces of reflective glass – but, through the course of dialogue, Bohm argues that thought patterns which cause division and dissention can be seen and thus contested, resulting in, at the very least, amiability within organizations and groups. The process of dialogue can help the process of contestation. Bohm argues that one of the first processes within dialogue is to suspend thought.[387] That is, one must be willing in a dialogue to suspend one's own opinions long enough to actually hear what other people are saying rather than simply defending one's own position. This kind of suspension is a practical result of kenotic mutuality. In an act of self-emptying or self-limiting, one suspends one's own position. Suspension is not a permanent condition; rather, it provide a pause in order to allow other people room to participate in dialogue. This pause also allows us to have the space in which for realizations to occur at a personal level; we have given ourselves time to process our feelings, our assumptions, to see differences

[384] Ibid., 1.
[385] Ibid.
[386] Ibid., 2.
[387] Ibid., 4.

and how they may be less problematic than we thought, or how they may be coming from a different place than we originally imagined. This pause time is vital to satisfying compromise; it provides a model of contestation that does not have to spiral into angry debate and thus is a practical application of kenotic mutuality.

About Age Groups

Obviously there is difference in the way in which NAS can be advanced within primary and secondary schools, high schools and colleges. But, that it can be developed in each level of public schooling is an important contribution to its validity. Younger students are certainly not ready for a world religions course; that is likely better reserved for high school students, or possibly late middle-schoolers. But, the basic concepts of NAS – the commons, relationship, kindness, kenotic mutuality, and openness/contestation – may be readily included in curriculum geared for young children. Teaching this age group about the value of everyone in the commons and the need for kindness and selflessness are surely the backbone of any good moral education.

For older students in middle school and high school, attention to the main concepts of NAS is still vital, but it can be achieved with more depth as student reasoning develops. By this age, students should be able to participate in service-learning projects off school campuses, and formal dialogue sessions can be frequent. This is also an age where specialty courses can be part of the school curriculum, and school projects geared toward understanding differences can be effective.

For college students, the simple answer to the problem of religious diversity and public interaction may seem to be to take a course offered in the religious studies department, such as world religions, or even a class on religion and politics, frequently

available through political science departments as electives. Some schools require a multi-cultural component, and classes like world religions fit this requirement well. But, there is still more that needs developed during the college years. By this time, students are now generally able to vote and to participate as full citizens even while continuing their educational process. It is not enough to take a class about different religions. NAS should still be part of the school culture. In order to do this, schools must make NAS part of their campus commitment, just as they take education regarding race and gender differences seriously. When NAS becomes a part of the overarching commitment of a college, then faculty are given the motivation and the support they need to address issues as they arise in their classes. While interfaith groups on campuses and religious studies departments are an important player, NAS should be integrated into the structure of colleges themselves, otherwise the standard of secularism as the dominant cultural framework will remain largely unchallenged.

A Special Word About Non-Religious Students

NAS is not a suggestion that all people are or should be religious. Rather, it takes diversity of religion and non-religion into account and promotes a framework that can be inclusive of all students – and teachers, whatever their beliefs may be. All people have beliefs; some are religious, some are not, many are a blend of both. All have a seat at the table, a place in the commons. NAS does not promote religion above non-religion, it simply seeks a democratic and just response to diversity and cultural polarization.

How the New American Settlement Might have Worked

I have touched on many of the ways in which NAS may be applied; no doubt there are many questions that will arise, which is delightful. For as those questions get raised, NAS may become a reality and not just a theory with demonstrated feasibility. In order to make NAS even more tangible, however, let us consider a few of the real life cases discussed in other chapters and see how they might have been handled if NAS was a reality. This is a purely imaginative process, but it bears examination and hopefully demonstrates further the applicability and need for NAS. In order to do so, we will consider the cases of Nashala Hearn (the young woman from Seminole, Oklahoma who was denied the right to wear the hijab), Vicki Frost (the mother who became the poster child for Scopes II), Vashti & James McCollum (the mother and son in the landmark Supreme Court case *McCollum v Board of Education*), and the unnamed boy who was denied the right to wear his rosary to school. These are not exhaustive accounts, but they represent how things might have been different if NAS was a reality during the time these events took place.

Vashti and James McCollum (1945)

The McCollum case centered around the division between secular and religious life. Vashti was an Atheist and raised her as one. But, the public schools during that period included a released-time program to accommodate religious education. Most people were amiable to released-time, and education was provided for Protestants, Catholics,

and in some areas Jews.[388] In some districts, schools actually released students to attend classes held at places of worship, but in the McCollum's case, released-time brought religious instruction inside the public school. James was encouraged to attend by teachers despite the protestations of his mother. He refused and had to spend the time sitting in the hallway awaiting the religious instruction's end, rather than being allowed to go home or to attend some other kind of course.[389] James felt ostracized and fell victim to bullying according to his testimony.[390] Eventually, Vashti McCollum filed suit against the school district, which felt religious instruction was an important part of guarding against immorality. The case went on to the U.S. Supreme Court, which found against the school district – released-time instruction on school grounds was not permissible according to the Court's interpretation of the First Amendment. How might things have changed had NAS been in place during this time? Historically speaking, this period marked the stark decline of the Old settlement, so NAS is historically implausible, but the situation itself is instructive. The legality of the case is not under question here; the Court, I believe, decided fairly. But, the educational practices are of deep concern.

The McCollum's were among only a few religious or non-religious minorities – all of the children in James' class attended the religious education classes.[391] Taking

[388] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948); Jay Rosenstein, *The Lord Is Not On Trial Here Today*, Documentary, (2010).
[389] Rosenstein, *The Lord Is Not On Trial Here Today*.
[390] Illinois ex rel. McCollum v. Board of Education of School District (No. 71, Champaign County, Illinois) (United States Supreme Court 1948); Rosenstein, *The Lord Is Not On Trial Here Today*.
[391] Rosenstein, *The Lord Is Not On Trial Here Today*.

religious liberty and religious diversity seriously in a school that has a great deal of diversity is, in some ways, easier than doing so in a school with general religious cohesion. In a sense, the school with great diversity demands a response, and too easily a tiny minority is easy to overlook, however concerned educators are with student well-being. In the case of James McCollum, NAS may not have made a difference in the legal outcome, but it certainly would have changed James' experience. To start, the commons reminds us that all students and their experiences and identities are part of the school commons, thus James' identity, which he readily revealed, would be acknowledged as valuable even if only because James himself was valuable as a member of the commons. A strong sense of relationship would have curtailed the solution of ostracizing the boy because he held different beliefs. Both teachers and the other students, grounded in what it means to be in relationship, would see that James mattered, and that there was something very wrong in excluding him entirely. The administration of the school, taking relationship seriously, perhaps could have found another solution within the parameters of the curriculum so that James did not feel marginalized, or the instructors could have carved out a dialogue period where James could participate. Where kindness is the general atmosphere, bullying is not permitted, and, at the same time, such kindness might have encouraged James to participate in dialoging about his own views and that of his family's rather than feeling bullied and putting up a wall of defense, understandable in the situation. Teachers might have reached out to Vashti, not in an attempt to convince her to change her mind or to admonish her, but in order to try to find a solution to a problem they likely did not realize existed, and in a way that would not only allow them to acknowledge the

majority beliefs in their community, but that responsibly included dissident voices. And, Vashti, with that kind of outreach, may have opted to allow James to dialogue with others rather than insisting he not participate at all in religious activities. The give and take, but mostly give, present in NAS would surely have led to a more desirable atmosphere within the school even if the legality of the situation was still challenged. Rather than fear and anger being the general mood of the community over the situation, the agreement to openness and contestation would surely have made for better education and better community relationships.

Vicki Frost (1986)

If NAS would not have made any substantial legal changes to *McCollum v Board of Education*, so-called "Scopes II" would, I believe, have turned out much differently had NAS been in place. In fact, the issue may never have gone to court. Vicki Frost was only one parent in the situation, but she became the face for Scopes II and so it is to her we will refer. Frost's primary objection was over the readers used in her public school, which, she argued, presented a secular humanist viewpoint instead of her own Christian faith.[392] In reality, the primary objection was more about the exclusivist viewpoint of secular humanism and less about secular humanism as a live option, even though Frost disagreed with it. Frost, and other concerned parents, went before the schoolboard asking for alternative readers that did not reflect and exclusively secular humanist perspective and were denied. Eventually, the tension between the parents and the teachers and school administrators grew so contentious that the issue was taken to court,

[392] Bates, *Battleground*, 15–39.

but only after the school had evicted Frost from their premises by police force for attempting to remove her child from class.[393] Had NAS been in place, most of this would probably not have happened. Again, the principle of the commons and of relationship would have included Frost's views as valid, however irritating the schoolboard found them. Surely, alongside the principles of kindness and kenotic mutuality, an alternative reader could have been arranged; the State had already approved a number of them – Frost was asking for one of the other approved readings.[394] NAS would leave little room for the stubbornness of the schoolboard leaders. Moreover, NAS would have compelled the teachers and school principle to have compassion and to offer reasonable alternatives to Frost and her children, rather than the attitude of, to borrow the colloquial saying, "my way or the highway." Beyond the specific issue of the reader, Frost and her family felt completely ostracized within her community and they were related to with a great deal of recrimination and anger. There was little give to be found; but, with kindness and kenotic mutuality at the helm, such stubbornness could be worked out and a compromise – the heart of democracy – could be found, saving the school district money, the community fragmentation, and the Frost family pain and suffering.

Nashala Hearn (2004)

Nashala Hearn, a Muslim convert, living in Seminole, Oklahoma and attending public school, is a recent example of the problem our public schools face.[395] Hearn wore

[393] Ibid., 108–111.
[394] Ibid., 65–92.
[395] Lee, "Nashala's Story"; "Officials Defend Ban on Head Scarf"; Knowlton, "U.S. Takes Opposite Tack from France in Head Scarf Debate."

her hijab or headscarf as a symbol of her faith.[396] Her public school denounced it, arguing that it was considered a hat by the dress code and that, therefore, she was in violation. She challenged the order and a lawsuit was filed on her behalf; the school settled outside of court. Like most Oklahoma communities, Seminole is dominantly Christian and tends towards conservative Christian views.[397] For most Oklahoma schools outside of the large metropolitan areas (Oklahoma City and Tulsa), it must have been rather shocking for a student to wear a sign of their Muslim faith; Islam is growing, but remains a small percentage of the State's population.[398] Though the school authorities cited violation of an established dress code, which is entirely secular in nature, it can be presumed that the tension many conservative Christians feel in response to Islam may have been part of the problem. In a secular framework, the argument for excluding the symbol, even if religious reasons were behind it, could easily be made. Fortunately, the protection of religious liberty was successful in this case. If NAS were the dominant framework, however, like Frost's situation it is unlikely that a court dispute would have needed to be threatened. By accepting the commons as a reality, Hearn's identity would have been validated as legitimate, even if many were opposed to her beliefs. Teachers could have invited her to talk about her chosen symbol (privately and non-coercively), and the opportunity to engage in kindly discussion

[396] I am aware of the debate among Muslim women as to whether or not the hijab is an appropriate religious symbol; regardless, it is a historical symbol of faith.
[397] "Seminole, Oklahoma Religion," accessed March 17, 2016, http://www.bestplaces.net/religion/city/oklahoma/seminole.
[398] "Muslim Population Has Seen Dramatic Growth in Tulsa," *Tulsa World*, accessed March 17, 2016, http://www.tulsaworld.com/news/religion/muslim-population-has-seen-dramatic-growth-in-tulsa/article_876eb929-6780-5e79-91c7-b8d7d3f03a7f.html; "Snapshot," accessed March 17, 2016, http://okgazette.com/2015/04/10/islam-is-strong-growing-in-oklahoma/.

would have been present if Hearn was so inclined. School authorities, moreover, would not see their job as creating sameness, and would realize that they must recognize diversity and attend to the principles of NAS so that both civility and contestation had a place in the situation.

Isaac, the "unnamed" child (2014)

As discussed earlier, I recently had a conversation with a colleague who is also a public school teacher (middle school). She recounted a situation in which some of her students – all Latinos – had been told they could no longer wear their rosaries. The school principal cited the excuse of gang wear, instructing them to remove the rosaries, which were, for the students, symbols of their Catholic faith and identity. To simplify matters, we will refer to these students simply as "Isaac." The principal's instruction is clearly unconstitutional for the school is not promoting religion nor excessive entanglement; the rosary is Isaac's own silent statement of faith. It may be protected by free speech as well as by free exercise. Beyond the constitutional objections, however, a commitment to NAS would quickly solve this situation and protect Isaac's identity at the same time. Acknowledging the commons, the validity of identity and experience, and the sincere protestations of Isaac that the rosary was a symbol of his faith and not a gang symbol, the Principal would have little choice to relent. Moreover, my friend would have the resources and support needed to challenge the Principal if it was necessary. And, in the spirit of openness and contestation, multiple conversations among the students could have taken place so that all learned from the situation.

These are just a few examples of real life situations in which NAS could have played a part. In each, the outcome would have been much more tenable with the ethos of

education and democracy. Some lawsuits could have been avoided, but beyond that the fabric of the community – be it a school or a larger community – could have been saved from tears that eventually, if left unhealed, lead to disintegration.

Conclusion

Like its older version, the New American Settlement is not a neat package that can be easily and tidily applied. But, it does offer a solution for the century-long debate about religion in the public school and the issues we face with the polarization of society and the increase of religious diversity. NAS is built on the principles of the old settlement – contestation and openness, which lead to democratic compromise – but it goes beyond them, for a more fluid and yet deeper solution is necessary given the more complicated challenges we face. NAS is grounded in the idea of the commons – that all are members and thus all have value. NAS embraces the idea that, as members of the commons, we are all in relationship in some way – directly or indirectly – and that everyone impacts everyone else. The well-being of one contributes to the well-being of all, and the reverse is also true. Kindness is *modes operandi* of NAS; it is more complete than care, and suggests compassion along with the final component of NAS, kenotic mutuality. This kind of mutuality implies that in order to make room for one another there must be give and take, and sometimes there must be self-sacrifice or a giving up of certain expressions in order to allow others the opportunity to thrive. NAS does not suggest that all beliefs or opinions are equally valid or useful in cultivating a better society, but by creating this kind of framework, even things that do not serve the good can at least have a chance to be seen, heard, debated, and contested. NAS is not a

neat checklist of things to do; rather, it is a way of living. But, that is what education is all about, after all – learning to live.

VI. Concluding Thoughts – Climate Control, Relationship & the New American Settlement

"The real role of leadership in education…is not, and should not be, 'command and control'; the real role of leadership is 'climate control.'" – Sir Ken Robinson[399]

In his now classic Ted Talk – viewed by an estimated 250 million people – educational scholar and activist Ken Robinson gives a lucid and inspiring examination of what he calls education's "death valley" and what can be done about it.[400] Robinson tells the story about Death Valley, California, the driest and hottest spot in the United States. It is called Death Valley, he says, because nothing can grow or live there, for it has no rain.[401] But, one winter, the valley saw the unthinkable – seven inches of rain flooded the area over a short period of time. Nothing obvious changed in the valley right away as a result, but the following spring an apparent miracle occurred as flowers fleetingly blanketed the valley. The flowers did not come out of nowhere; the seeds were present all along, they simply needed the right conditions in which to flourish. Education is like that, Robinson argues; under the surface of all that seems to be wrong with American public schools lies the potential for learning to thrive. The potential is there because students and teachers are there, in all their diverse and varying forms, awaiting a change in climate so that flourishing is possible.[402]

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[399] "Sir Ken Robinson's Original Talk on TED Talks Education | PBS," *TED Talks Education*, accessed March 22, 2016, http://www.pbs.org/wnet/ted-talks-education/speaker/ken-robinson/.
[400] Ibid.
[401] Ken Robinson, *How to Escape Education's Death Valley*, accessed March 22, 2016, https://www.ted.com/talks/ken_robinson_how_to_escape_education_s_death_valley?language=en.
[402] Ibid.

Robinson argues that there are three fundamental things about being human that American public schooling, particularly under the Federal program of No Child Left Behind (and, presumably, he would include Race to the Top were he to give the talk today), fails to take into account that is causing this "death valley" experience.[403] The first is that "human beings are naturally different and diverse."[404] Standardized curriculum followed by an inordinate amount of standardized testing does not sufficiently address this phenomena – nor can it. For learning to take place, which is, for Robinson, the whole point of education, diversity within the classroom must be taken seriously and learning must be tailored toward the individual nature of students. Though he does not mention it, this is true for teachers as well – we are all different, with different capacities, identities, and interests. Second, children are naturally curious. Robinson remarks, "if you can light the spark of curiosity in a child" he or she will naturally learn. Sadly, the framework within which teachers and students have to go about the task of schooling often stifles curiosity.[405] Finally, humanity is "inherently creative." The process of living itself is creative; we imagine different alternatives and, to some degree at the very least, carve our lives out according to our creative powers and imagination. When those avenues are constricted by social structures of oppression or simply the lack of imagination, creativity lies dormant for all except the most rebellious or pioneering. Robinson notes that the teaching profession itself is a creative one, and that all too often, it is deprofessionalized in America as teachers become mere

[403] In fairness, these two Federal educational programs developed in part to keep States accountable for federal funding and student success.
[404] Robinson, *How to Escape Education's Death Valley*.
[405] Ibid.

test-givers and lack the authority to craft their own curriculum based on their expertise, experience, their sense of students' capacities and interests, and the community in which they operate.[406] According to Robinson, "one of the roles of education is to awaken and develop the powers of creativity."[407] But, how can this happen in a stifling environment that struggles under the weight of powerful committees who determine what should go on in the classroom without having any professional training in the area and with the endless pressure of excessive standardized testing? Though Robinson does not give a precise map of how to get out of this "death valley," his observations are timely and delivered with clarity, and he also holds the teaching profession up – up to both its potential and to accountability. Teachers suffer under a heavy load, but without the efforts of teachers to embrace their own creativity and role as leaders and to engage with students from this perspective, it is unlikely that any but the occasional flower will bloom.

Robinson's insights are useful for considering the benefits and difficulties with a New American Settlement. Indeed, one of the problems with NAS is feasibility; specifically, how can teachers take the time to consider, teach, and include the principles of NAS when they constantly struggle under the pressure of seemingly endless test-giving and rigid curriculum? Many of my colleagues in the public school system love the idea of more inclusivity in terms of religion, but in the next breath they say, "when do we possibly have time?" Their concerns are completely valid. Yet, as Robinson notes, the American public school system is crumbling under the weight of

[406] Ibid.
[407] Ibid.

these struggles, and to a large degree, teachers are the only ones who can successfully lead the changes needed to create an environment in which students can flower. The point is less about how pragmatic it is to apply NAS under the current trends of public schooling; it is about transforming those very trends to include NAS and other elements of education that is so desperately needed in public schooling.

NAS fits naturally within Robinson's observations. Human beings are diverse and different; their religious beliefs are a result of that, and impact such diversity. Indeed, it is not enough to say that there are different religions present in schools; rather, there are a myriad of different expressions of different religions in schools. Within the commons a plurality of dynamic and engaging beliefs exist – religious, non-religious, and all of those who cannot be completely defined as either one. For instance, consider the rise of the so-called "nones." This is a sociological category that is intended to include people who are not affiliated with the major categories of religious beliefs or with a particular religious tradition.[408] It can include Atheism and agnosticism, or the "spiritual but not religious." But, consider those groups further, among Atheists, there are those who are staunchly anti-religion – often called the "New Atheists" because of their hardcore, fundamentalist-like intolerance for anything that appears to be related to religion.[409] There are also those who simply do not believe in the existence of a God or gods. This does not necessarily reject or condemn religion. In fact, some Christian theologians were accused of Atheism; they believed that God could not be a created being because to be so meant God was finite, thus God did not have existence in the sense that the rest

[408] Putnam and Campbell, *American Grace*, 120–127; Green, *The Faith Factor*, 36–37; Wuthnow, *Inventing American Religion*, 150–155.
[409] Johnson and Reynolds, *Against All Gods*, 11–24.

of the created world exists. Often, among young people, Atheism is a rejection on similar grounds and not a statement that religion has no value or that the universe is a ball of pure chaos. Agnosticism comes from the Greek term that means "unknown" or "unknowable;" in practice it may convey a shrug of the shoulders, an "I have no idea if God exists or not," or it might mean that they believe Ultimate Reality is unknowable from finite expression. The category of "spiritual but not religious" is perhaps more troublesome – the "if it does not fit, put it here" category. When some people use this term, they indicate more precisely that they are unaffiliated with a particular *institution* or that they are "unchurched," but not necessarily that they do not adhere to the broader beliefs of a particular religion. In the U.S. many Christians identity with "spiritual but not religious;" somewhat in a Jeffersonian manner, they believe what Jesus taught, they simply choose not to be part of a modern Christian church for various reasons (there are far too many reasons to recount here). "Spiritual but not religious" can also mean that someone believes there is something "more" – a universal presence/Ultimate Reality – and they choose to embark on practices that hone creativity and intuition but do not consider themselves affiliated beyond their that of a child of the universe. There are two primary difficulties with the category of "spiritual but not religious," and both have to do with how it is identified or described. As a sociological classification, it is far too vague. As noted, it means different things to different people and, partly because its roots can be traced to myriad of historical traditions, such as Christianity, various pagan traditions, various uniquely American traditions, and modern approaches to spirituality from people like Deepak Chopra and Oprah Winfrey. The second issue is more disconcerting because, unlike a category that can be changed or clarified, it has to do

with a misunderstanding of what it means to be spiritual and what it means to be religious. The two are not exclusive of one another; quite the opposite. In most mystical traditions of the various world religions spirituality and religious experience are either one and the same or at least totally intertwined.[410] Separating them out creates unnecessary compartmentalization and complexity where it does not exist and fails to see some of the complexity that *does* exist. Moreover, it pits religion against spiritualty, when the truth is that religion without robust spiritual understanding and practice is hardly worthy of the name. Thus, in the "nones" category alone there are a myriad of potential differences and immense diversity. This makes teaching about religion inherently complex and troublesome, and without a commitment to NAS such a task can alienate rather than educate. It is vital to step into a framework that allows for diversity and difference to become strengths rather than function to polarize through standardization and conformity.

In Robinson's view, curiosity and creativity are also fundamental aspects of what it means to be human, however stifled they may be by systems and experiences designed in contradiction to them. NAS provides the principles and the framework for both to flourish, and, if children are naturally curious, then engaging in conversation about beliefs and identity is not something to be afraid of nor is it something that will take an exorbitant amount of effort or dangerously tread constitutional ground. I have noted that scholarship and legal precedent shows that our current system of public schooling has all but sanitized most schools of religious diversity; this is as true for schools that defy

[410] For instance, Sufism (a branch of Islam), Christian mysticism going back as far as the Desert Fathers and Mothers in the 3rd century, Jewish Mysticism and many First Nation traditions in the Americas and Australia.

the Supreme Court rulings and attempt to establish one religious position as it is for the more common secularist public school.[411] Another way of putting this is that schools seek conformity, from their students and their teachers, which is also Robinson's argument.[412] Conformity stifles the natural aspects of what it means to be human in Robinson's estimation: difference and diversity, curiosity, and creativity. NAS answers to those charges and claims that weaving its principles into school structures can help change all of that, for the same thing that is killing creativity in schools is also trampling upon an authentic commitment to religious liberty in the face of growing religious diversity.[413]

Summary of the New American Settlement

New American Settlement is premised on four principles. These ideas are a convergence of secular educational thought and philosophy, articulated by thinkers such as John Dewey, Jane Roland Martin, Paulo Freire, Karen Warren, and Nel Noddings, and religious thought from a number of traditions. It is important to note that, just as not all educational thought is included in the process of NAS, neither is all religious thought. NAS pulls together some of the most useful theories and principles within various educational and religious traditions, but it does not in anyway claim to be exhaustive. There are probably many other ideas that could be useful. And, there are plenty that are not useful at all. I intentionally do not pull from the divisive aspects of

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[411] Prothero, *Religious Literacy*, 66–68; Nord, *Does God Make a Difference?*, 77–79, 81–82; Viteritti, *The Last Freedom*, 73; Nord and Haynes, *Taking Religion Seriously Across the Curriculum*, 41–42; Vitz, *Censorship*, 45–60.
[412] Robinson, *How to Escape Education's Death Valley*.
[413] Ken Robinson, *Do Schools Kill Creativity?*, accessed March 22, 2016, https://www.ted.com/talks/ken_robinson_says_schools_kill_creativity?language=en.

religious thinking because they are unhelpful; the point of NAS is to cultivate a framework that will allow diversity to flourish. That divisive thought will arise in an NAS environment is a given, but instead of being a polarizing force or being swept under the surface to fester as is likely to happen in a system of enforced conformity, NAS offers a way to address these ideas through contestation, debate and civility leading to compromise. The principles of NAS initially may seem idealistic, but this is not a problem either because they do not lack applicability. Ideals are important. Without them, we would have nothing for which to aim. Consider, for instance, the American Civil Rights Movement or the Suffragette movement in the U.S. and England: the grounding principles, the stuff that helped everyone sustain the daily struggle and danger, were ideals – ideals that all people have inherent dignity and should be included in democratic representation, free from binding bigotry and hatred that subverts yet another ideal, freedom. Our Bill of Rights is in part pragmatic, but it is also premised on ideals and grand ideas of what it means to be human: the right to life, liberty and the pursuit of happiness. The soul of democracy is idealistic. Compromise is both an ideal and a practice. Ideals are only implausible when the willingness to put them into practice does not exist. Putting our noses to the grindstone can only be endured when we can also look up at the stars that give us reasons to move forward. Thus, NAS is full of ideals, but they are also applicable and well worth the struggle to put them into practice. Indeed, they are fundamental to good education and to what it means to cultivate good relationships – the heart of living together in a shared planet.

Borrowing from the concept of the common good and environmental theology from a number of traditions, NAS claims that schools and public life should be considered a

"commons." The commons embodies the common good, but expands the ethical implications of it by suggesting that, living in a common space, all within the commons are impacted by everyone else. Suffering and thriving on the part of any member impacts every other member in some way, directly or indirectly. So, it is not sufficient to claim that the majority of citizens embrace a certain worldview and therefore all should conform; every member matters, and the act of sharing the commons means that all are influenced by everyone else. In practical terms, this means that students who hold religious or non-religious identities and that suffer marginalization in some manner because of them are not the only ones who lose something in the situation – all members of the commons either directly or indirectly are impacted by this miseducation. The commons is not only made up of members but of the events and experiences that create an atmosphere that either encourages flourishing and supports true learning or stifles it.

The nature of the commons is relationship. Following from Martin's theory of education as encounter, this component of NAS goes further and is suggestive of another theory of education: education as relationship.[414] Borrowing from First Nation thought about interrelationality, education as relationship notes that it is not only the encounters one has and that one is "yoked" to that are educative, but the relationships within which one exists that educate. In a certain sense, all encounters are educative (or mis-educative), for, within the commons, all encounters entail relationship. We come to know ourselves through our relationship to and through others; some of those relationships will be positive, others negative, others seemingly neutral. Regardless,

[414] Martin, *Education Reconfigured*, 7–25.

self-knowledge grows as our relationships with others grow; these "others" include other people, as well as the rest of the biotic world, Ultimate Realty/God, and even our inner self.[415] However thoroughly we understand it, being human is all about being in relationship with and to others. In schools, relationships are vital components of learning. It is not so much *if* one will have relationships as it is the quality of those relationships. Within NAS, these relationships are not in isolation, but are part of the commons – the sense that we are all in some way connected with one another. It is, then, a sacred (not necessarily religious) trust to be in relationship; relationships matter for what they bring out in us, what they bring out in others, and what they cultivate in the school culture.

The third principle of NAS is a commitment to kindness. Woven from educational theories around care and care practices and from religious contributions to care, NAS embraces the idea of abundant kindness.[416] Such kindness intentionally cultivates empathy and compassion, and it also highlights an important practice: that kindness is not only about what we give, but it is also about what we look for in others. Seeking kindness out in others is as important as acting with kindness; in fact, it is another way to act out kindness, for by seeking it in the other, we acknowledge their inherent dignity as well, regardless of our differences.

Such a practice of kindness leads into the fourth principle of NAS: kenotic mutuality. Adapting the religious concept of kenosis or self-emptying, this principle acknowledges that, at times, we are required to limit our own selves in order to live in

[415] See Montessori's theory of the "inner teacher" in Montessori, *The Absorbent Mind*, 104.
[416] Johnson, *Abounding in Kindness*, 32, 191.

compassionate relationship with others. As teachers, kenotic mutuality is not only something we teach students, but something we model. Limiting ourselves – our opinions, even our discomfort with diversity – is an act of selfless caring for the other, who, by membership in the commons is related to us. In a sense, kenotic mutuality makes room for all to exist in the commons in spite of differences and diversity. Limits is antithetical to conformity, because it makes room for variation and different ways of being. Kenotic mutuality is necessary for compromise, a hallmark of democracy. Indeed, if the commons suggests that everything is on the table, and relationship acknowledges the impact that everyone's beliefs and identity has for everyone else, kindness and kenotic mutuality help to dialogue through those things that encourage the commons to flourish, and then to place limits on those ideas that are not acceptable within a diverse populous like a school. Kenotic mutuality allows us to see what is there, and to discover its educational or miseducational capacity and value. And, it acknowledges that sometimes we must limit our own self-expression for the good of all, while at the same time, legitimizing it as part of our identity, for good or for ill. Kenotic mutuality, in the end, also recognizes that by giving of ourselves we are given a great gift in return – vibrant community, the capacity to care, and the opportunity to receive care from others.

NAS serves two overt purposes: 1) so that religion is a legitimate "live option" in public schools, even if religious observances are not permissible, and 2) so that we have a way to ethically and compassionately address the reality of both religious diversity and growing polarization between the religious right, religious left, and secularism.[417] In

[417] Nord, *Does God Make a Difference?*, 83.

order for religious liberty to be taken seriously, as our Constitution demands, religion must be a "live option" or a legitimate contender in an atmosphere of openness and contestation.[418] Marginalizing student religious identities while in school, however inadvertently, is a gross injustice, and so is establishing a singular orthodoxy of belief in a country that is deeply diverse. This does not mean that all beliefs contribute to flourishing. Indeed, it is hard to defend movements like the Klu Klux Klan on any grounds. But, as Martin rightly points out, unless we broaden our understanding of what education is, educational agents – and miseducational ones – go unnoticed, though they continue to impact.[419] So, too, do religious ideas and ideas about religion. When religion is a live option, sentiments that are dangerous, either towards religion or from a religious perspective, can be attended to by thoughtful educators.

Tasked with Climate Control

Robinson sympathizes greatly with public school teachers; indeed, much of his audience for his Ted Talk on the "death valley" of education appeared to be made up of teachers. Teachers, he notes, are the "life blood" of successful schools.[420] Parker Palmer goes further and says that "the teacher is a mediator between the knower and the known, between the learner and the subject to be learned. A teacher, not some theory, is the living link in the epistemological chain."[421] Teaching is a creative task, and it is also a sacred one, for teachers are tasked with the helping to form young people into what they

[418] Smith, *The Rise and Decline of American Religious Freedom*, 2014, 101.
[419] Martin, *Education Reconfigured*, 33–37.
[420] Robinson, *How to Escape Education's Death Valley*.
[421] Parker J. Palmer, *To Know as We Are Known: Education as a Spiritual Journey*, Reprint edition (San Francisco: HarperOne, 1993), 29.

will become for the rest of their lives. It is an incredible opportunity, and an immense responsibility. We have all known marvelous teachers – some of them stick around and deal with the system the best they know how, others leave and pursue others ways of educating as they are called. A system such as ours, however, makes it difficult to be a great teacher even for those who are naturally inclined that way, and those to whom teaching does not come naturally often cannot receive the mentorship or guidance needed to cultivate their capacity for good teaching. Yet, for better or for worse, it is up to teachers to be about the task of "climate control."

For NAS to be truly successful, it needs to be embraced system-wide, from the top-down legislative and administrative levels, and from the ground up by teachers, parents and students. James Davidson Hunter makes the argument that change happens primarily at the level of ruling elites.[422] The majority can try to create change in society, but it only firmly takes root if the ruling elites wish it to be so, for they control the capacity to make law and back decisions with the resources to put them into practice. His theory explains a number of things, including the phenomena of major social changes that happen in spite of the fact that they have little traction with ordinary citizens.[423] At the same time, grass roots movements have power too; perhaps sometimes it is only the power to get the ruling elites to do something about a given situation, but they can certainly spark changes. Consider again the American Civil Rights Movement: the faces we remember are those everyday-looking Americans captured on film as they marched the streets for freedom. Places like Myles Horton's

[422] Hunter, *To Change the World*, 41.
[423] Ibid., 18–31.

Highlander School and Jane Addams' Hull House provided training for ordinary citizens to have voice and to raise awareness about injustices.[424] So, even though teachers need the support of their immediate administrative supervisors, and districts need the support of legislative bodies, changing the curriculum to reflect the principles of NAS is absolutely possible one classroom at a time. These principles are, fundamentally, part of good teaching. They are part of what it means to be a dynamic and compassionate educator who helps students "learn to live."[425] Competent schooling is more than just learning about subjects, it is more than testing adequately in science and math; it is about the common school culture, about being in relationship and learning from and through those relationships, and it is about cultivating the character to show and look for kindness, to embrace kenotic mutuality, and to permit differences even when one is opposed to them. As those who are tasked with "climate control" it is up to teachers – despite the odds against them – to practice educative principles that can transform schooling itself, though it be a mighty struggle at times. For, ultimately, it is not about us, it is about the children – children we are privileged enough to help guide and to whom we owe a more just, more loving, and more flourishing.

Our Relationships

As I write this final chapter, the world is in the midst of yet another crisis, this time strategized terrorist attacks on Brussels.[426] Again, the attacks seem to be the work of

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[424] Myles Horton and Judith and Herbert Kohl, *The Long Haul: An Autobiography*, First Edition edition (New York: Teachers College Press, 1997); Jane Addams, *Twenty Years at Hull-House*, Unabridged edition (CreateSpace Independent Publishing Platform, 2013).
[425] Martin, *The Schoolhome*, 85–119.
[426] "Brussels Attacks: Zaventem and Maelbeek Bombs Kill Many," *BBC News*, accessed March 23, 2016, http://www.bbc.com/news/world-europe-35869254.

militants using religion as an excuse – radicalized Muslims to whom most Muslims would deny the title.[427] Suicide bombers are among their weapons, but as dangerous are the weapons of insidious fear they inspire. How can anyone be convinced to do such a thing? Is there no end to the insanity that can grip a person, a group? Will the terror keep expanding beyond borders so that no one feels safe; will it ever end? There are many dangers here beyond the obvious, and although the lives lost and the families who mourn them are those with the most grief to bear, the world suffers with them. Whatever else these and other attacks say about international relations and politics, it is clear that the complexities of responding to religiously articulated extremism is not going away anytime soon. In light of these and other events, teachers must be able to respond in the classroom – to questions and concerns of students related to the attacks, yes, but also to the fear and intolerance that breeds fearful and intolerant responses. The attackers are not nameless monsters out of some science fiction novel; they are real human beings who went dangerously astray at some point during their own personal formation. For educators, this should give us pause to reflect on our own capacity to say, "not in my classroom." That is not to say that one educator can prevent the psychological spiral of a person that leads to extremism; but cultures in which such things can grow and out of which hatred can respond are but a collective of relationships, encounters, and miseducative experiences. For the safety of the future we must take religious identity seriously in our schools.

[427] Kelly Stevenson et al., "Brussels Attacks: Manhunt Underway as ISIS Claims Responsibility," *ABC News*, accessed March 23, 2016, http://abcnews.go.com/International/isis-claims-responsibility-deadly-brussels-terror-attack/story?id=37832022.

If education is partly, at least, about being in relationship and the dynamic push and pull of identity development through those relationships, then there is natural "spill over" from schooling. NAS is developed with public schools in mind, but it need not stop there; it is, in fact, a way in which the public commons can address religious diversity and polarization. On a small scale consider an example from a completely different source: animal welfare. There are many rescue groups across the country who have embraced education as a strategy for trying to bring awareness to animal welfare. They give talks in schools, introduce children to animals, teach them how to interact with dogs and the like. There is natural spill-over from this, much like riverbank overflowing. A child comes home from such an educative experience and sees her father kick the dog and immediately protests. Perhaps it is the first time the father sees he is taking his temper out on a live creature. Perhaps another child goes home and asks if their lovable pooch has been spayed; the parents may have never thought of it, but they do now. There is natural spill-over from all educational encounters by virtue of humans being relational creatures. So, too, where NAS is interwoven into the school culture, the kind of depth and capacity to engage with difference that embraces civility – even if one cannot develop respect for the particular difference – will flow from school to home, from home to other forms of relationships and public engagement.

Part of such engagement should also be with people and groups of community stakeholders who are members of various religious or non-religious groups. Communities of faith can help support the development of NAS within schools by lobbying school boards and legislative bodies to take religious liberty seriously, and they need not do so from a sectarian perspective or as a way of showing the superiority

of any particular tradition over another, but as a way to lend support to teachers and cultivate a public commons that makes room for us all, that subvert that which would diminish life not by marginalizing it but by shining a light on it. They can also be available for the kind of educative presentations that are done so well by the animal welfare activists in our example.

Another example might be illustrative at this point. In their book *Slow Democracy: Rediscovering Community, Bringing Decision Making Back Home*, Susan Clark and Woden Teachout describe an experiment in the city of Portsmouth, New Hampshire in which city officials partnered with the local middle school, including teachers, students, and parents, in order to see if they could discover a solution to the current problems of drugs and violence in schools.[428] They embraced the method of "study circles" in which students actively participated along with parents, teachers, and other concerned community members. Organizers gave each group specific questions to dialogue about and encouraged participants to get to know one another during the discussions. Students were heartened to learn that the adults in their circle still struggled with many of the things that concern young people – embarrassment, fears and nerves, etc. They met for five weeks and concluded by presenting findings that ultimately were presented to the city council and school board.[429] To the surprise of many adults, the dominant problems appeared not to be overt violence or drugs but bullying in school.[430] In all likelihood, the city council would never have adequately addressed the issues these students faced

[428] Susan Clark and Woden Teachout, *Slow Democracy: Rediscovering Community, Bringing Decision Making Back Home*, 10.2.2012 edition (White River Junction, Vt: Chelsea Green Publishing, 2012), 71.
[429] Ibid.
[430] Ibid.

without including them – and others – in a conscientious dialogue. This model is instructive and easily adapted to NAS, which itself lays the groundwork necessary for open, honest, and interactive dialogue. Dialogue circles may, indeed, be the simplest way to begin the work of NAS within schools, using religious diversity and political polarization over religious matters as the topic of genuine conversation.

The famous child psychologist, Robert Coles, studied the "spiritual life" of children, noticing through decades of individual encounters with kids that young souls are as eager to embark on the journey of discovery as any adult.[431] Indeed, they are perhaps more adventurous, less likely to allow fear to keep them from such a journey. As Coles puts it, they are pilgrims: "how young we are when we start wondering about it all, the nature of the journey and of the final destination."[432] The New American Settlement is also a journey, a kind of pilgrimage toward flourishing democracy. As such, it has guiding principles, but not rigid signposts, no standardized measurements, and no authoritative destination. It is about the task of protecting our First Amendment right to religious liberty, but, at its depth it is about so much more. Were we to embrace this journey, it is about developing the capacity to be fully human, to walk with one another despite our differences, and, if we are really lucky, to see that those differences are not a disadvantage at all but the stuff from which a great symphony of discovery and learning is created.

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[431] Robert Coles, *The Spiritual Life of Children*, Reprint edition (Boston: Mariner Books, 1991).
[432] Ibid., 335.

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APPENDIX

The following are sources that teachers may find particularly useful when teaching about religion or as they craft dialogues and activities that embrace NAS. The list is not exhaustive, but comprises some of the finest material available as well as sources of continuing research. These sources are primarily to aid teachers as they plan their own curriculum around religion and to answer specific questions about religion. Some, but not all, may be appropriate to discuss with or show to students, but teachers should use these resources at their own discretion. In all cases, teachers should preview the material before sharing it in a public school setting.

Organizations

American Academy of Religion
825 Houston Mill Road NE, Suite 300
Atlanta, GA 30329-4205
aarweb.org

David Mathews Center for Civic Life
mathewscenter.org

Dialogue Institute
Temple University
1700 N Broad Street, Suite 315
Philadelphia, PA 19121-0843
dialogueinstitute.org

Faith in Public Life
faithinpubliclife.org

First Amendment Center
firstamendmentcenter.org

Interfaith Alliance
1250 24th St, NW, Suite 300
Washington, DC 20037
interfaithalliance.org

Interfaith Youth Core
325 N LaSalle St, Suite 775
Chicago, IL 60654
ifyc.org

National Coalition for Dialogue and Deliberation
ncdd.org

Parliament of the World's Religions
70 East Lake St, Suite 205
Chicago, IL 60601
parliamentofreligions.org

Pew Research Center, Religion in Public Life
1615 L St, NW, Suite 800
Washington, DC 20036
pewforum.org

Religious Freedom Project
Berkley Center for Religion, Peace, and World Affairs
berkleycenter.georgetown.edu
3307 M St NW, Suite 200
Washington, DC 20007

World Council of Churches
oikoumene.org

Publications:

American Academy of Religion
American Academy of Religion Guidelines for Teaching About Religion in K-12 Public Schools in the United States
Online access to document: https://www.aarweb.org/about/teaching-about-religion-aar-guidelines-for-k-12-public-schools

ODIHR Advisory Council of Experts on Freedom of Religion or Belief
Toledo Guiding Principles on Teaching About Religion and Beliefs in Public Schools
Online access to document, available in English and Spanish:
http://www.osce.org/odihr/29154

United Nations
The Universal Declaration of Human Rights
Online access to document: http://www.un.org/en/universal-declaration-human-rights/

First Amendment Center
Finding Common Ground: A First Amendment Guide to Religion and Public Schools
Written and Edited by Charles C. Haynes and Oliver Thomas
Available in print or in PDF: http://www.un.org/en/universal-declaration-human-rights/

Videos:

10 Questions for the Dalai Lama (2006)

Beyond our Differences (2008)

Bill Moyers: The Wisdom of Faith with Huston Smith (1996)

God in America (2010)

H.H. Dalai Lama - Essence of Mahayana Buddhism (2012)

I Am (2012)

Joseph Campbell and the Power of Myth with Bill Moyers (1969)

Karen Armstrong: What is Religion? (2007)

Muhammed: Legacy of a Prophet (2002)

New Faiths, Old Fears: Muslims and Other Asian Immigrants in American Religious Life (2002)

Pillars of Faith - Religions Around the World (2006)

Rabbit Proof Fence (2002)

Religions of the World (2004)

The Story of India (2007)

We Shall Remain (2009)

W.H. McLeod, The Sikhs: History, Religion, and Society (1989)

Where the Spirit Lives (1989)

Books:

There are far too many excellent resources about religion to list here, however, the following list would provide a good initial background for teachers to begin to select their own texts (when allowed) and to dialogue about religious matters.

Armstrong, Karen. *The Case for God*. New York: Anchor Books, 2010. (particularly the first few chapters)

Campbell, Joseph. *The Power of Myth*. New York: Anchor, 1991.

Eck, Diana L. *A New Religious America: How a "Christian Country" Has Become the World's Most Religiously Diverse Nation.* New York: Harper One, 2001.

Fowler, Robert Booth, Allen D. Hertzke, Laura R. Olson, and Kevin R. Den Dulk. *Religion and Politics in America: Faith, Culture, and Strategic Choices.* Fifth Edition, Boulder, CO: Westview Press, 2013.

Hertzke, Allen D. *The Future of Religious Freedom: Global Challenges*. New York: Oxford University Press, 2012.

Smith, Huston. *Why Religion Matters: The Fate of the Human Spirit in an Age of Disbelief.* New York" HarperCollins, 2001.

---. *The World's Religions: Our Great Wisdom Traditions*. San Francisco: HarperOne, 1991. (a classic text on "world" religions and still a good place to start as teachers step into exploring various faiths)