

Religious Diversity, Education, and the Concept of Separation: Do Good Fences Make Good Neighbors?

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For more than two centuries, the doctrine of separation has been central to Americans' understanding of the constitutional relationship between church and state. While the practical meaning of that doctrine has evolved in response to shifting interpretations by the courts, separation remains the key concept in formulating constitutionally permissible relations between religious and state institutions, including our schools. Thomas Jefferson famously described his understanding of the doctrine as a "wall of separation between Church and State," a particularly apt metaphor given the concept's perennial deployment as a defensive bulwark first against undue state interference in religious affairs and most commonly today against undue religious interference in secular affairs.¹ Even after two centuries Jefferson's wall remains a rampart manned on either side by two mutually suspicious camps equally convinced of the justice of their cause as well as the expansionist designs of their opponents. But, as the poet Robert Frost once said, "something there is that doesn't love a wall."² For it seems that Jefferson's wall is in constant need of mending, often breached — from the perspective of one camp or the other — by overzealous secularists bent on driving all traces of religion from public life or religious fanatics conspiring to foist their beliefs off on others.

It is clearly the role of the courts to "mend" the wall of separation wherever actions violate current legal understandings of what is or is not constitutional. However, the doctrine of separation is also applied by ordinary citizens — including students, parents, teachers, and school administrators — in their day-to-day decisions about school curricula, activities, speech and other issues that attempt to avoid running afoul of the Constitution while operating in a culture that is, according to Harold Bloom, "religion soaked, even religion mad."³ It is here, I believe, in this daily application of the idea of separation to educational decision-making that the concept is often misunderstood, misapplying it in ways that infringe upon the free exercise rights of religious students or failing to apply it to actions that clearly put schools in the position of endorsing religion. Such mistakes are a result of educators' failure to understand adequately the concept of separation, a tendency exacerbated, I think, by the popular metaphor of a "wall" as an accurate depiction of the meaning of separation. Like Frost's neighbor in the poem "Mending Wall," we like the metaphor of our Founding Father so well we are not willing to go behind the metaphor and "ask to know/What I was walling in or out/And to whom I was like to give offense."⁴

I propose in this essay, therefore, to analyze the concept separation. In doing so I will draw a distinction between the constitutional *doctrine* of separation as it has been interpreted by the courts and the *conceptualization* of separation operationalized by educators faced with the challenge of determining how the doctrine applies to the

day-to-day decisions they make in schools. My purpose is to explore where the conception of separation becomes a misapplication of the doctrine of separation, doing violence to schoolchildren and their rights to be citizens, to be or not be religious, and to learn most fully and completely about themselves and their world. I will try to attend to the question of what we are walling in and out and to whom it is like to give offense. In short, I will ask whether good fences do, in fact, make good neighbors and whether schools might be better served by different metaphors as they attempt to negotiate the difficult terrain between the constitutional doctrine of separation and their role in transmitting and transforming a culture both steeped in and conflicted by religion

THE CONCEPT OF SEPARATION

Separation as a constitutional doctrine governing relations between church and state is, of course, enshrined in the First Amendment to the United States Constitution, which says “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” It is important, however, to understand the historical and philosophical context of the doctrine, its interpretation by the courts, and the way implicit conceptualizations of it inform educational decision making in order to know how and where they may fall short as useful guides for navigating between the legal requirements of the doctrine and the educational role of schools in the culture. In other words, what assumptions are made about the meaning of the *concept* “separation” in its implementation in schools that are not required by the legal “*doctrine*” of “separation”?

The idea of church-state separation articulated in the First Amendment evolved from roots in the Protestant Reformation, the Enlightenment, and the scientific revolution of the seventeenth and eighteenth centuries. The idea of separation was implicit in the Reformation’s rejection of the mediating role of institutionalized religion, its emphasis on the individual experience of grace, and its empowerment of the individual believer to read and interpret scripture for himself.⁵ This revolt against the institutional authority and corruption of the established church preceded a scientific revolution that introduced new conceptions of knowledge, truth, and reality that, in their power to explain, predict, and control the natural world, not only challenged religious understandings of the world but required for their very operation the setting aside of religious presuppositions and the resistance of any attempt to restrain those operations by appeals to religious dogma.⁶ Philosophical efforts to reconcile faith and reason — whether by attempting to show that received beliefs were in fact reasonable or by attempting to distill a reasonable core from received dogma and superstition — simply furthered the dichotomization of human experience between faith and reason, supernatural and natural, sacred and secular, individual and community already implicit in the Reformation and scientific revolution.⁷ It was but a logical next step to divide institutional responsibility for these two domains of human experience by assigning one to the purview of churches and the other to the purview of the state and science.

Under the Constitution, the courts are the branch of government charged with determining the legal meaning of the doctrine of separation, in effect, deciding what

is walled in and what is walled out. For the first one-hundred fifty years of American history they were not often called upon to do so since prior to the ratification of the fourteenth Amendment the First Amendment applied only to the federal government.⁸ Since 1940, however, with the application of the First Amendment to the states in *Cantwell v. Connecticut*, court decisions have led to the evolution of two rough tests that, in effect, serve to determine the location of the wall of separation.⁹ In 1963 *Sherbert v. Verner* led to the articulation of what became known as the “Sherbert test” for adjudicating claims under the free exercise clause of the First Amendment. This test requires someone claiming an infringement of their religious liberties to show that their actions were motivated by a sincere religious belief and that the government has substantially hampered those actions. For its part, the government must show that its actions were motivated by a “compelling state interest” and that it has pursued that interest in a manner least restrictive to religion.¹⁰ In its 1971 decision in *Lemon v. Kurtzman*, the Supreme Court developed the “Lemon test” for determining the limits of government action regarding religion under the establishment clause of the First Amendment. This test asks whether the purpose of the government action has a *bona fide* secular purpose, whether the primary effect of the action neither advances nor inhibits religion, and whether the action avoids “excessive government entanglement with religion.”¹¹

These tests — or, to be exact, the court decisions they embody — help define the current meaning of the doctrine of separation. They recognize that there can be no hermetically sealed wall between church and state, but that, to the fullest extent possible, government must remain neutral among religions *and* between religion and non-religion. They impose strict limits on what the government can do to religion or for religion. They are designed to insulate the mechanisms of the state — an institution representing all citizens regardless of religion — from control by the mechanisms of churches, institutions which necessarily limit membership to those who espouse a particular set of beliefs. To do otherwise would be fundamentally undemocratic. They also insulate the mechanisms of the various religions from the formal control of a government that, in a religiously diverse society, necessarily represents individuals of different religions or no religion. This would violate the individual’s freedom of belief and worship. They do not, however, require any dichotomization of culture or thought along sacred-secular lines, nor do they prevent individuals from bringing values formed in their participation on one side of the church-state divide to bear on their individual decision making in the other. Thus the doctrine of separation represents an effort to preserve the religious liberty of individuals in a religiously diverse democracy.

The historical and philosophical milieu from which the constitutional doctrine of separation emerged also saw the development of modern science, an approach to understanding, describing, and predicting the natural world that was predicated on the necessity of bracketing out predetermined ideas — including religious dogmas — in order to arrive at objective, reasonable conclusions.¹² In other words, science, like democracy in a religiously diverse society, relies upon a conception of separation of the sacred and secular in order to function effectively. According to Max Weber, “the tension between the value spheres of science and the sphere of the

holy is unbridgeable....The fate of our times is characterized by rationalization and intellectualization and, above all, by the disenchantment of the world.”¹³ Thus both American democracy, as articulated by its founders, and science emerged from an Enlightenment philosophical milieu that enshrined a conception of individual human reason resting upon, in Cornel West’s words, “a conception of truth and knowledge governed by an ideal, value-free subject engaged in observing, comparing, ordering, and measuring in order to arrive at evidence sufficient to make valid inferences.”¹⁴

Clearly, then, separation — the setting aside of “truths” predetermined by religious dogma — is central both to the operation of science and to the operation of democratic government in a religiously diverse society. However, to what extent is separation — understood as a bracketing off of religious beliefs from the interests and processes of an institution — necessary and/or desirable for the function of public education in a religiously diverse democracy? The constitutional doctrine of separation is, of course, applicable to public education since public schools are institutions of the state and their employees state agents. In fact, schools have been one of the most common contexts for church-state legal disputes over compulsory attendance, school prayer, creationism, vouchers and a host of other issues.¹⁵ Because of this many public schools have found it politically and legally expedient to avoid any trace of religion whatsoever in textbooks, curricula, or the activities of students and staff. Thus common practical conceptions of separation often go beyond the requirements of the constitutional doctrine of separation to present schoolchildren with visions of a world in which religion has played and plays no meaningful role.

This implementation of a conception of separation that goes beyond the doctrine of separation is reinforced by the important role of science, both as an intellectual framework for education as well as a key component of its curriculum, which itself ideally requires a careful separation of preconceived ideas, religious or otherwise. Since the late nineteenth century, scholars interested in education such as G. Stanley Hall, E.L. Thorndike, and others attempted to establish education as an academic discipline in its own right and claim credibility for it by putting it on a “scientific” footing.¹⁶ This new scientific orientation led Max Weber to describe the teacher’s task as to “serve the students with his knowledge and scientific expertise” in order to “contribute to the technology of controlling life by calculating external objects as well as man’s activities.”¹⁷ This faith in the reasonable processes of science combines with faith in the reasonable processes of democracy in the work of John Dewey who, like Kant, attempted to distill the reasonable from the unreasonable in religion and offer as a “common faith” the claim that “there is but one sure road of access to truth — the road of patient, cooperative inquiry operating by means of observation, experiment, record, and controlled reflection.”¹⁸ Dewey proposed making this “method of intelligence, exemplified in science, supreme in education.”¹⁹ Meanwhile, as the study of education increasingly adopted the assumptions and methods of science, science became an increasingly important component of school curricula, particularly since the late 1950s.²⁰

The constitutional doctrine of separation, the profound impact of science as both a disciplinary framework and an important aspect of school curricula, and the popular conception of separation as a metaphorical wall together frame a dominant educational discourse which conceives of school as a political and epistemic community to which religion is an irrational and undemocratic threat. Going beyond the legal requirements of the doctrine of separation, this discourse promotes an implicit conception of separation that tends to wall in secular and scientific perspectives on the culture schools are charged with transmitting and transforming and wall out religious perspectives on that culture, its history, flaws, hopes. Before mending such a wall we might do well to ask, as Frost suggested, to whom are we like to give offense?

“SOMETHING THERE IS THAT DOESN’T LOVE A WALL”

When we reflect upon who or what Jefferson’s wall protects us from today the first thing that comes to mind is religious fundamentalism. We fear — perhaps rightly so — that Christian fundamentalists and conservative evangelicals will use their formidable social and political power to infringe upon the religious liberties of those espousing other faiths as well as the social, intellectual and political liberties of all Americans, religious or not. And we can find ample justification for this fear in our own history and the experience of other nations. But is someone or something else walled out in this process? Given its historical and philosophical antecedents, does our conception of separation as a wall go beyond the requirements of the doctrine of separation to, in effect, wall out those communities which are not direct heirs of the Enlightenment or refuse, in the interest of preserving their identity, to be assimilated into the culture of its heirs? Does this constitute a form of cultural violence that essentially violates one of the basic premises of the doctrine of separation, namely, the neutrality of the state?

In what follows I would like to analyze two cases briefly — Native American religion and Islam — that illustrate these questions. I cannot here offer anything like a detailed or comprehensive analysis of these religious communities’ relation to the concept of church-state separation, even if I had the expertise to do so, which I do not. However, I will argue that even a cursory review of some of their features as reported by scholars from within both traditions raises important questions about the way we typically extend the constitutional doctrine of separation via a conceptualization of separation that largely brackets religion out of the history, culture, and human experience schools are charged with both passing on and transforming.

Scholars of Native American culture, and often Native Americans themselves, observe that Native American spiritual traditions do not dichotomize existence and experience between the sacred and secular in anything like the way that Weber, Dewey and other Western heirs of the Enlightenment have done. Put in Weber’s terms, the world remains enchanted and sacred.²¹ Moreover, given the profound differences between the traditional tribal communities in which Native Americans lived and the modern nation state, there was little need to distinguish religious identity and communal identity. Religious beliefs were as central to the common

identity of the group as language, dress, cultural practices, and geographic location. In fact, some scholars of contemporary Native American cultures have argued that religious beliefs and practices have assumed an even more important role as a marker of group identity as other cultural elements like language, dress, traditional practices, and geographic proximity have disappeared due to the dominance of white culture.²² Thus cultural and religious identity are in many ways synonymous.

The encounter between such a culture and an educational system that enacts both a legal doctrine of separation as well as a conception of cultural separation is inherently violent. Its effect is an emotional and intellectual dilemma in which the children of such a culture are confronted with the choice of surrendering or subordinating their identity as the price of success within such a system or resisting it and thus ensuring their failure and marginalization within the larger society.²³ While we might argue that the doctrine of separation guarantees the freedom to practice one's religion, the exclusion of religious ways of understanding the world from an educational culture premised on the concept of separation is violent in precisely the same way as, for instance, the culture of compulsory heterosexuality in education is to gay and lesbian youth. This cultural assault was, in fact, precisely the intent of public education for Native Americans through the late nineteenth and much of the twentieth century.²⁴ Civilization — attaining or at least aspiring to the ideal of the educated citizen implicit in a political-intellectual system premised on separation — required the surrender of traditional markers of identity and the adoption of new ones. While contemporary education no longer intends the destruction of Native American culture, it is worth asking whether the conception of separation as commonly enacted in schools has a similar effect by implicitly excluding religious beliefs and practices from those worth knowing — or at least knowing about — enshrined in school curricula.

Like these first Americans, some of the newest inhabitants of the U.S. can encounter a similar tension between religious identity and a system of public education that deploys the concept of separation as a tool to bracket religion out of the curricula and practices deemed relevant, worthwhile and permissible within the public school. Islam, for instance, is one of the fastest growing religions in the United States. According to one Islamic scholar, Islam distinguishes between the sacred and profane — the sacred and the not sacred — but not between the sacred and the secular.²⁵ In other words, there is no dichotomization of a natural world accessible only to reason from a spiritual world accessible only through belief. The natural world is a “second revelation” that is “orderly” — operating according to natural laws — and is capable of being understood by the individual through scientific investigation. Thus, theoretically, there would appear to be no fundamental conflict between Islam and the pursuit of scientific understanding. However, the common secular assumption that the natural world represents a reality completely separate from sacred rather than encompassed within it would seem to represent a restriction of the idea of Islam as encompassing both a supernatural and natural revelation. In addition, the traditional relation between the state and Islam is fundamentally different from that articulated in the United States constitutional doctrine of separation. Because Islam is a complete way of life, it ideally governs all activities

and relationships, including those that constitute the state. While the institution of the nation-state clearly exists in Islamic society, the importance of the *ummah* — the worldwide community of believers — points to a conception of communal identity in which religious identity is considered far more important than national or cultural identity.²⁶ In this respect Islam may be little different from some historical and contemporary manifestations of Christianity. However, such beliefs suggest a point of view at odds with the underlying philosophical assumptions of the concept “separation.”

Again, what happens when a culture in which religion is everything encounters a school culture in which religion is, if not nothing, irrelevant? Does it foster a cultural schizophrenia, a tendency to compartmentalize religion from the rest of one’s life in ways that may separate one’s religious identity as an irrational or at least irrelevant impediment to one’s intellectual growth? Obviously, the doctrine of separation imposes limits on what schools as institutions of the state can do to or for religion. The responsibility for cultivating the religious beliefs and understanding of the child falls to parents and their religious communities. However, does the application of a conception of separation beyond the political to the selection of what is worth knowing and what can be known frame the school as an epistemic community ideally defined by what Dewey called the “method of intelligence” — a community in which religious beliefs and influences can at best be seen as objects of this method but not alternatives or rivals to it? Does such a community of method necessarily take a profoundly influential aspect of human history and experience and banish it to educationally unused spaces of school, the hallways, the margins of the school day? Does this meet the criterion of the doctrine of separation that requires the state to be neutral between religion and non-religion?

CONCLUSION

Let me be clear about what I am not arguing for. I am not in any way suggesting that schools abandon or violate the constitutional doctrine of separation that requires the state to be neutral among religions and between religion and non-religion. This level of separation is vital to the operation of a religiously diverse democratic society. Nor am I arguing for “equal time” for creation stories as alternatives to evolution in biology classes. And I certainly do not wish to ignore or gloss over the many instances of undue religious intrusion into public education in the form of prayers at graduation ceremonies and football games, copies of the Ten Commandments placed on school walls, and the many other infringements of the doctrine of separation that continue to this day.

I am arguing that in combining the constitutional doctrine of separation with the conception of intellectual separation necessary to science we have tended to constitute public education as a political and epistemic community in which what Dewey called the “method of intelligence” defines what is worth knowing and knowing about. In effect, we have built the wall of separation higher than necessary and largely walled out religion as a deeply influential aspect of human culture worthy of our consideration. And the effect of this is profound. It leaves us deeply ignorant of the role of religion historically and in our contemporary world and unable

to understand those to whom it is important. The desperate scramble to educate the public on the simplest aspects of Islam in order to prevent violence after the terrorist attacks of September 11, 2001, is but one indication of this ignorance. It also leaves us unable to put our own religious beliefs in the sort of cultural and political perspective that might help us see how our actions affect others. It leaves unchallenged ignorance about the meaning of separation, leading some to engage in or advocate practices in schools that clearly violate the First Amendment. It unnecessarily exacerbates a sense of exclusion among some believers that helps drive the “choice” movements and threatens to push separation to the point of balkanization, a result inimical to democratic society.

Like Frost’s neighbor, we have been unwilling to go beyond our Founding Fathers’ metaphor and ask whether a high wall really does make good neighbors or whether it in fact makes strangers. If we were to do so, I think we might find that the wall we have built from the constitutional doctrine of separation and the extension to it built of our application of the notion of intellectual separation to just about everything deemed worth knowing in education constitutes a barrier to communication and understanding. We are no longer well served, I think, by the wall metaphor. We need a different metaphor, one that preserves the constitutional doctrine of separation necessary to preserving the neutrality of the state in a religiously diverse society but which also encourages the communication, understanding and dialogue necessary to democracy, one that respects religion and religious identity and encourages learning about others’ religion as well as one’s own. Perhaps something on the order of a backyard fence captures this ideal, something that keeps the kids and the dogs out of each other’s yard yet permits thoughtful conversations about those children and our mutual hopes for them. It seems that a good wall has not made for the best of neighbors between religion and public education; perhaps a good fence will.

1. Jefferson to Nehemiah Dodge, Robbins and Nelson, 1 January 1802, cited in Gordon C. Lee, *Crusade Against Ignorance: Thomas Jefferson on Education* (New York, 1961), 69.

2. Robert Frost, “Mending Wall,” in *The Harper American Literature*, Vol. 2, ed. Donald McQuade, et al. (New York: Harper and Row, 1987), 1505.

3. Harold Bloom, *The American Religion: The Emergence of the Post-Christian Nation* (New York: Simon and Schuster, 1992), 35.

4. Frost, “Mending Wall.”

5. Warren Nord, *Religion and American Education: Rethinking a National Dilemma* (Chapel Hill: University of North Carolina Press, 1995), 103.

6. Cornel West, *Prophesy Deliverance! An Afro-American Revolutionary Christianity* (Philadelphia: Westminster Press, 1982), 50.

7. See, for instance, John Locke, *The Reasonableness of Christianity*, ed. I.T. Ramsey (Stanford: Stanford University Press, 1958) and Immanuel Kant, *Religion Within the Limits of Reason Alone*, ed. and trans. Theodore Greene and Hoyt Hudson (Chicago: Open Court, 1934).

8. Oliver Thomas, “The Supreme Court, Religion, and Public Education,” in *Finding Common Ground: A First Amendment Guide to Religion and Public Education*, ed. Charles C. Haynes and Oliver Thomas (Nashville: Freedom Forum First Amendment Center, 1998), 4-1.

9. *Ibid.*

10. Ibid., 4-6.
11. Ibid., 4-2.
12. I realize, of course, that these claims of objectivity have been thoroughly undermined. See, for instance, Lorraine Code, *What Can She Know? Feminist Theory and the Construction of Knowledge* (Ithaca: Cornell University Press, 1991).
13. Max Weber, "The Prophet," in *Max Weber on Charisma and Institution Building*, ed. S.N. Eisenstadt (Chicago: University of Chicago Press, 1968), 301-2.
14. West, *Prophecy Deliverance*, 53.
15. See Barbara B. Gaddy, T. William Hall, and Robert J. Marzano, *School Wars: Resolving Our Differences Over Religion and Values* (San Francisco: Jossey-Bass, 1996), 240-64.
16. See G. Stanley Hall, *Educational Problems, Vol. II* (New York: D. Appleton, 1911); Edward L. Thorndike, *Education: A First Book* (New York: Macmillan, 1923).
17. Weber, "The Prophet," 293, 298-99.
18. John Dewey, "A Common Faith" (New Haven: Yale University Press, 1934), 32.
19. John Dewey, *Experience and Education* (New York: Macmillan, 1938), 81.
20. James W. Fraser, *Between Church and State: Religion and Public Education in a Multicultural America* (New York: St. Martin's, 1999), 159.
21. See Vine DeLoria, *Spirit and Reason: The Vine DeLoria Reader* (Golden, Colo.: Fulcrum Publishing, 1999), 354-68.
22. See William K. Powers, *Ogalala Religion* (Lincoln: University of Nebraska Press, 1982), 204-7.
23. DeLoria, *Spirit and Reason*, 130, 228.
24. See David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995), 12-24.
25. Ismae'il R. Al Faruqi, *Islam* (Brentwood, Md.: International Graphics, 1984), 53-54 and Rab N. Malik, *The Development of Muslim Educational Thought* (Ph.D. diss., University of Kansas, 1968), 112.
26. Al Faruqi, *Islam*, 61-62.