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Insights from Religion & Spirituality Studies: Broadening the Discussion
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A Primer on Dealing with Religion in Courses at Arizona Universities

Religion stands apart from most other fields of academic inquiry and instruction in that it is a matter of constitutional law when it occurs in a state-funded and affiliated educational institution. Two sections of the Arizona state constitution pertain to the issue of handling religion in the state’s educational institutions.

Arizona Constitution 2.12. Liberty of conscience; appropriations for religious purposes prohibited; religious freedom

The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

Arizona Constitution. 11.7. Sectarian instruction; religious or political test or qualification

No sectarian instruction shall be imparted in any school or state educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state, as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the state, or with the rights of others.

The definition of “religious instruction” and/or “sectarian instruction” under U.S. law has been, since 1963, governed by the U. S. Supreme Court decision in Abington School District v. Schempp.

In this decision, the test of the legitimacy of instruction involving religion is given as neither the advancement nor the inhibition of religion. The decision further authorized “a study of comparative religion or of the history of religion and its relation to the advancement of civilization,” and the study of religious texts for their “literary and historic qualities.” “The holding of the court today,” Justice Brennan wrote, “plainly does not foreclose teaching about the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed . . . it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion.” The court’s decision states that, “Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First
Amendment.” The decision defines the key distinction between legitimate and illegitimate handling of religion in classes at state institutions as, “the Court would recognize the propriety of . . . teaching about religion, as distinguished from the teaching of religion . . .”

These principles were further elaborated in Calvary Bible Presbyterian Church v. Board of Regents of the University of Washington, 1968, in which the U. S. Supreme Court upheld the teaching of a university course on the Bible as a work of literature of historical and cultural significance because it did not “advance any particular religious interest or theology.”

Since the Schempp decision, religious studies courses and programs have been created at state colleges and universities across the country, and in the state of Arizona, under the constitutional terms established by the case. The conduct of such courses is shaped further by Supreme Court decisions regarding instructors in state educational institutions leading devotional exercises in the classroom, such as Engel v. Vitale, 1962, Murray v. Curlett, 1963, and Chamberlin v. Dade County, 1964. These cases help to define prohibited engagement with religion in the classroom.

On the basis of the key distinction between teaching about and teaching of, such courses and programs may not involve actual religious practice of any kind, such as prayer, meditation, chanting, or other ritual activities in the classroom or require it in course-related fieldwork. Moreover, the purpose of readings and discussions may not be devotional or take the form of explorations of the spiritual development of students in the class. These guidelines conform to the restrictions on religion in public education in the Arizona Constitution, and are supported by two further Supreme Court decisions. In McCollum v. Board of Education, 1948, the court found unconstitutional the use of a state’s “tax-supported public school buildings . . . for the dissemination of religious doctrines . . .” even in a non-required, voluntarily chosen course. Furthermore, the 1971 decision Lemon v. Kurtzman determined that state educational institutions cannot award credit for religious activities. Arizona’s state universities adhere to this principle in approving for transfer credit only coursework at religious institutions that has an equivalent in the secular curriculum of the university, refusing to accept for credit courses from such institutions that serve the purpose of spiritual development. Offices in charge of determining transfer credit routinely confer with the religious studies programs of their respective universities for evaluation of courses whose status may be uncertain.

The validity of religious studies as an academic field distinct from religious education and training has recently been confirmed by the U. S. Supreme Court in Locke v. Davey, 2004, which upheld sections of the Washington state constitution practically identical to those of the Arizona state constitution cited above.

The court affirmed the ruling of a lower court that such constitutional prohibitions on funding religious education were non-discriminatory and validly applied to “instruction that resembles worship and manifests a devotion to religion and religious principles in thought, feeling, belief and conduct.” The case involved a state scholarship program which students could use at either state or private colleges for any program of academic
study, including religious studies programs at the University of Washington, Washington State University, and Eastern Washington University, but not for pre-ministerial theology programs. The decision reaffirmed the distinction between academic programs of religious studies and sectarian theological or religious instruction and training.

Based on the neutrality principle governing all treatment of religion in state educational institutions, instructors of courses involving religion in their subject matter should avoid structuring or presenting the course content in such a way that they or the curriculum are identified with one religion over another, or with religion over irreligion, or with irreligion over religion. This does not preclude objective criticism of aspects of religious belief, practice, or history, however, which is both justified by academic principles of open inquiry and by the fact of self-criticism within religious traditions.

The Supreme Court decisions in three cases provide principles applicable to such circumstances. *Joseph Burstyn, Inc. v. Wilson*, 1952, precludes censorship of course materials, such as films, that might be objectionable to some sectarian interest. In *Epperson v. Arkansas*, 1968, the court ruled that the teaching of scientific fact or theory that might be taken to implicitly discredit religious views can not be prohibited. And in *Calvary Bible Presbyterian Church v. Board of Regents of the University of Washington*, 1968, the court found that by adhering to academic principles of objectivity and neutrality, a university course on the Bible is invulnerable to objections that the course’s manner of presenting information or the conclusions to which it tended were contrary to the views of representatives of the religion in question. The only constraint that applies to courses in which religion might be criticized is the neutrality principle, i.e., such criticism must be made in a fair and even-handed manner, whether among different religious points of view or between religious and irreligious points of view, so that instruction neither advances nor inhibits religion.

The Religious Studies Program at NAU adheres to the principles outlined above. All of the members of its faculty are Ph.D. holding, trained professionals in applying academic principles of objective, open inquiry into the social and cultural manifestations of human commitment to religious identities, ideas, and practices. We are committed to examining religion with all the tools of the academic disciplines, and subjecting it in its various forms to the same critical analysis as any other object of scientific investigation. We consider an understanding of religion’s role, for good or ill, in human history to be vital to responsible citizenship in the twenty-first century. To that end, we neither advocate the value of religion, or of any particular religion, nor seek to discredit religion or any particular religion. Rather we promote the value of understanding what religion is, how it works, how it explains and justifies itself, and the issues and problems religion engages and provokes by its very existence as a phenomenon of human life. We encourage the examination of religion as a factor in human society, culture, history, systems of knowledge, communication, economy, polity, art, and literature in courses across the university, and stand ready to assist in any way we can the treatment of this subject in accordance with the legal principles that permit its consideration in a state institution such as NAU.