

Joshua Ward Jeffery, “A Wall of Separation?: Analyzing Evangelical Attempts to Bring Bible Classes Back to Public Education,” presented at the Stone-Campbell Journal Conference, Friday, April 5, 2019, Knoxville, Tennessee.

For much of American history, the relationship between religion and common schooling has created controversy. Practices such as prayers before classes¹ and football games², moments of silence to allow for meditation and prayer³, student devotional clubs⁴, and church use of school property after hours⁵, have all attracted the attention of the courts. But while all of these cases have created much consternation, the issue of the use of the bible in public school curricula has assuredly been one of the most polarizing issues of church-state relations in the United States. Since the Supreme Court ruling of 1963 in *Abington School District v. Schempp*, which found that mandated devotional reading of the Bible in public schools violated the Establishment Clause of the First Amendment, conservative Christian groups have waged a cultural war against the secularization of public schools.

One of the latest salvos in the war against bibleless classrooms has been fired by groups who have designed “bible history and literature” textbooks and curriculum for use in the public schools. These organizations, such as the National Council on Bible Curriculum in Public Schools (NCBCPS) and the Bible Literacy Project (BLP), argue that a knowledge of the bible and its content is necessary to fully understand and

¹ Engel v. Vitale, 370 U.S. 421 (1962).

² Santa Fe Independent School District v. Doe 530 U.S. 290 (2000).

³ Wallace v. Jaffree, 473 U.S. 38 (1985).

⁴ Board of Education of Westside Community Schools v. Mergens, 496 U. S. 226 (1990).

⁵ Child Evangelism Fellowship of South Carolina v. Anderson School District Five, 470 F.3d 1062 (2006).

appreciate the cultural history of Western Civilization. Towards such an aim, proponents of “biblical literacy” classes in the common schools often quote Justice Tom Clark’s opinion from the *Schempp* case, that “It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as a part of a secular (public school) program of education, may not be effected consistently with the First Amendment.”⁶ Building on this statement, both the NCBCPS and the Bible Literacy Project claim to provide textbooks and curriculum that comply with the Establishment Clause of the First Amendment by teaching the bible in a purely religiously neutral, even secular way that focuses upon history, geography, and literature. However, as limited analyses by religious studies scholars and the courts have shown, these claims of neutrality and secularity do not stand up to any level of scrutiny.⁷

NCBCPS and the BLP have advanced legislation to allow bible courses in a number of states, including in Arizona, Alabama, Arkansas, Missouri, Georgia, Tennessee, Texas, South Carolina, and Kentucky, and have sold their curriculum to a number of public school districts across the country. President Trump recently brought these laws and the resultant courses into the national spotlight by tweeting on January 28th of this year that, “Numerous states introducing Bible Literacy classes, giving students the option of studying the Bible. Starting to make a turn back? Great!”⁸ His

⁶ Ibid.

⁷ For Bible Literacy Project claims regarding legality, see <http://www.bibleliteracy.org/>. For the NCBCPS, see http://www.bibleinschools.net/images/pdf/legal_opinion.pdf.

⁸ Donald J. Trump, Twitter Post, January 28, 2019. https://twitter.com/realDonaldTrump/status/1089876055224184833?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1089876055224184833&ref_url=http%3A%2F%2Fnymag.com%2Fintelligencer%2F2019%2F01%2Ftrump-bible-literacy-public-schools.html

tweet made national headlines and focused the country onto a topic that only a few scholars have examined in much detail. Legislation allowing or requiring school districts to teach these Bible literacy and/or history courses has faced heavy opposition and controversy in some states, which in turn has helped to generate a small but growing body of scholarly literature on the topic. The slow growth of the literature on this important topic has resulted from several factors, including limited availability of the curriculum to researchers and high costs to obtain the curriculum from the publisher. A third factor has also limited scholarship: the fact that the subject of teaching the bible in public schools lies within a multidisciplinary nexus involving religious studies, legal studies, historical studies, and educational studies.⁹ Such a project, to do well, requires a familiarity with multiple literatures, methodologies, and theoretical frameworks.

A simple example will help illustrate the point. The NCBCPS, in an attempt to reassure school districts that their curriculum is compliant with the Constitution, has gone so far as commission a legal opinion from a law firm, attesting to the compliance of their curriculum with the First Amendment. This opinion, however, was written by attorneys who examined past court cases surrounding public school bible curriculum, and applied these rulings in a very generalized manner to the concept of a secondary school textbook focused on the Bible. The attorneys who wrote this opinion did not analyze the actual content of the text because they lacked the academic tools necessary to assess whether or not the actual content provided in the NCBCPS and BLP textbooks was religiously sectarian in nature. In order to determine if these two

⁹ Making this even more complicated is that fact that both the academic fields of religion and education each have multiple sub-fields, and that a thorough understanding of the issues requires engagement with theology, religious history, and biblical studies, as well as Foundations of Education, including philosophy of education, history of education, and the anthropology and sociology of education.

textbooks and their associated curricula actually comply with the rigors of the First Amendment, a content analysis of the curriculum is required. However, in order to fully evaluate the content of the curriculum, as well as to examine possible issues with instruction, a scholar must be familiar not only with varying biblical interpretations and understandings about the nature of the bible, but they must also understand the vagaries of church-state legal issues, as well as the very real challenges and complexities of teaching courses related to religion--especially the majority religion--in public school classrooms in the United States. This paper, then, is in some ways not just a literature review and assessment of important topics that should be examined further, but also a call-to-arms, for more scholars to cross disciplinary boundaries to study this important topic that impacts both the state of American Christianity, as well as the future of our Democracy.

A review of the contemporary literature on the topic of bible curriculum in the public schools must begin with Mark Chancey. Chancey is a Professor of Biblical Studies at Southern Methodist University, and the author of the majority of the scholarly literature on public school bible courses. Chancey holds a PhD in New Testament from Duke University. According to Chancey, he was contacted by the Texas Freedom Network in May of 2005 in order to assess the legality of the National Council on Bible Curriculum in Public Schools' textbook, *The Bible in History and Literature*. At the time of Chancey's review of the textbook, he wrote that he had been unable to locate any relevant scholarly review of the textbook, and so he was therefore breaking new ground. That new groundbreaking was described in Chancey's report for the Texas Freedom Network, *The Bible and Public Schools: Report on the National Council on Bible*

Curriculum in Public Schools (NCBCPS), which he published in 2005, the same year as the textbook was released.¹⁰ Chancy, a specialist in biblical interpretation, determined from both his review of the curriculum as well as pertinent Supreme Court decisions, that the NCBCPS curriculum did not pass Constitutional muster because the textbook was clearly sectarian in nature, specifically favoring and promoting fundamentalist Protestant Christian beliefs over and above mainline Christian, Catholic, Orthodox, Jewish, Muslim, or non-Abrahamic faiths. Reviewing the first edition of the textbook, Chancey provided numerous examples throughout his report of sectarian statements about the Bible that amounted to teaching fundamentalist theology as points of fact, which is unlawful in a public school classroom. Included in those examples are the idea that the Bible is the inspired word of God, and that the work of Jesus fulfilled the Law of God as found in Hebrew Bible.¹¹ While these beliefs are regularly taught and celebrated in the Churches of the Stone-Campbell Movement, they are not legally permissible to be taught in the nation's public schools, as these claims are theological in nature and subject to serious religious disputes, not only among various sectarian, denominational, and church groups, but also in the academy. The teaching of such religious beliefs in public schools as settled fact are clear violations of the establishment clause of the First Amendment.

Chancy further examined the question of *which* bible the NCBCPS curriculum taught as part of his analysis of the legality of the curriculum. Chancy found that the NCBCPS' 1995 textbook described only conservative Protestant Bibles. Chancy

¹⁰ Mark A. Chancey, *The Bible and Public Schools: Report on the National Council on Bible Curriculum in Public Schools (NCBCPS)*, report no. 6, Religious Studies, Southern Methodist University Occasional Papers (Dallas, TX: Southern Methodist University, 2005).

¹¹ *Ibid*, 2.

examined the textbook's sectarian use of the term *Old Testament* instead of the more universally accepted and non-sectarian descriptor *Hebrew Bible*, and also noted that the text authoritatively described the Bible as having 66 books, including 39 books in the Old Testament and 27 in the new. Excluded from this count were Deuterocanonical books found in Catholic, Lutheran, Anglican, and Orthodox Bibles, nor does the statement account for the fact that Jews typically divide books differently, and that while Jewish versions of the Hebrew Bible only contain 24 books, that the content of those books are the same as in the conservative Christian canon.¹² These descriptions of the Bible, again, as settled fact, violate the Establishment Clause of the First Amendment. In his report, Chancy also examined the NCBCPS with relation to theological claims juxtaposed with science¹³, as well as claims of historicity of the Bible compared to scholarly historical standards.¹⁴ He also attended to arguments in the NCBCPS curriculum that America was established as a Christian nation,¹⁵ and also found that large portions of the textbook were plagiarized from sources readily available online from conservative Christian websites.¹⁶

Chancy next wrote about NCBCPS in an 2007 article in the *Journal of the American Academy of Religion*. Chancy makes a number of arguments about bible-focused public school curriculum. His main argument is that the sparse coverage in the literature regarding bible curriculum in public schools is the result of "our guild's

¹² Ibid, 8.

¹³ Ibid, 16.

¹⁴ Ibid, 11.

¹⁵ Ibid, 18.

¹⁶ Ibid, 24-30.

avoidance of involvement in the efforts of public schools to teach about religion.”¹⁷

Chancy goes on to argue that religion scholars should involve themselves in this issue for a number of reasons, including the need to provide public school teachers with “academically informed perspectives on religion,” with the hope that by doing so, teachers will treat religious traditions other than their own with a greater amount of respect and understanding, and that better understanding of the diverse religions in America will increase the health of American democracy. Finally, Chancy contends that having scholars involved with religious studies might actually increase the number of high school students who go on to study religion academically at the college level. However, while noting that lacuna in the literature, Chancy also noted that both AAR and SBL had recently established working groups to make recommendations on teaching religion in secondary schools.¹⁸ Chancy argues that the NCBCPS curriculum is part of a larger agenda by fundamentalist Christians to “what they see as their rightful place in the center not only of American education but of society as a whole.”¹⁹ Finally, like in his scholarly report for the Texas Freedom Network, Chancy argues that the curriculum does not pass Constitutional muster because of the “theological, ideological, and political agendas” at play in the creation, marketing, and implementation of the materials.²⁰

¹⁷ Mark. A. Chancy, “A Textbook Example of the Christian Right: The National Council on Bible Curriculum in Public Schools,” *Journal of the American Academy of Religion* 75:3 (September 2007): 554-581.

¹⁸ *Ibid*, 556.

¹⁹ *Ibid*, 557.

²⁰ *Ibid*, 558.

After making his arguments, Chancy examines the current state of case law regarding the use of the bible in public schools. After reviewing a slough of typical church-state cases related to public education, Chancy examined *Gibson v. Lee County School Board*. In this U.S. District Court case out of the Middle District of Florida, the court found “it difficult to conceive how the account of the resurrection or of miracles could be taught as secular history,” and that therefore, the NCBCPS curriculum on the New Testament could not be legally taught.²¹ Chancy then moves from reviewing the pertinent federal court cases, to an analysis of the curriculum itself. Chancy notes the history of the development of the curriculum, and also demonstrates that NCBCPS has updated their curriculum several times in response to criticisms, including those made by Chauncy himself. The rest of the article largely follows the format of Chancy’s 2005 report, but with much more detailed analyses and examples.

Chancy’s next article, “Bible Bills, Bible Curricula, and Controversies of Biblical Proportions: Legislative Efforts to Promote Bible Courses in Public Schools,” appeared in *Religion and Education* during the Winter of 2007.²² As the title suggests, the focus of the article was on efforts in state legislatures to either authorize or require school districts to offer courses in Bible history and literacy. Chancy wrote that the article was to “serve as a guide to the Bible bill battles of 2006— battles that seem likely to be repeated in future legislative sessions.”²³ The article serves as an excellently researched set of local histories in Alabama, Georgia, and Tennessee, focused upon

²¹ Ibid, 560.

²² Mark A. Chancy, “Bible Bills, Bible Curricula, and Controversies of Biblical Proportions: Legislative Efforts to Promote Bible Courses in Public Schools,” *Religion and Education* 34:1 (Winter 2007): 1-20.

²³ Ibid, 1.

the legislative intent of the State Representatives and State Senators who approved Bible literacy classes in their states. Chancy, however, also provides another excellent service: a comparison of the NCBCPS curriculum with a new competitor: Bible history and literature curriculum created by the Bible Literacy Project (BLP). Chancy chronicles the controversy that ensued after NCBCPS supporters attacked the BLP curriculum as being too liberal and as distorting the Christian message.²⁴ After a truncated review of the contents of the BLP textbook, Chancy concluded that while the curriculum suffered from quality issues, that the text itself, in his opinion, passed Constitutional muster. Chancy found that “Regardless of the motivations of BLP members, the textbook displays what appears to be a good faith effort to be nonsectarian.”²⁵ Having examined the BLP textbook myself, I do not share Chancy’s view. While the BLP curriculum is *much* less sectarian than that of the NCBCPS text, the BLP book represents fundamentalist or evangelical Protestant faith claims and theology, in my opinion, as normative and as uninterpreted facts, in violation of the Establishment Clause. I make this claim as a person of faith with lifelong connections to the Stone-Campbell Movement.

In 2012, Chancy issued a second report for the Texas Freedom Network on the status of Bible History and Literature classes in the Texas.²⁶ This report is much more comprehensive than Chancy’s original report for TFN. It reflects Chancy’s growing understanding and expertise related to public education. Chapter One, titled “Building a

²⁴ Ibid, 13.

²⁵ Ibid, 3.

²⁶ Mark A. Chancy, *Reading, Writing, and Religion II: Texas Public School Bible Courses in 2011-2012*, (Dallas, TX: Texas Freedom Network Education Fund, 2012).

Weak Foundation,” addresses the relative lack of teacher preparation for teaching such courses, reviews resources available for teacher preparation and pedagogy inside the classroom, and also examines academic rigor.²⁷ Chapter Two examines in-depth many of the theological claims presented as established fact by the various curricula in play in Texas, including questions of history, inspiration of scripture, and biblical interpretation.²⁸ Chancy also spends an entire chapter examining how public school bible curriculum in Texas imposes Jesus through anachronism onto the pages of the Hebrew Bible, which is a clearly theological issue that has no legal place in public schools.²⁹ Finally, Chancy makes recommendations for “how to do it right,” focused on best practices in teaching the bible in a non-sectarian, legal way in public schools.³⁰

Lastly, Susan Marie Goers completed an Ed.D. dissertation at Concordia University (Portland), titled, “In God We Trust: A Multiple Case Study of the Implementation of Religious and Biblical Literacy Courses in Public Charter Schools,” examines a number of issues related to the teaching of Bible History and Literature courses in four different charter schools in various parts of the United States.³¹ Goers writes from a fundamentalist perspective at a Lutheran University associated with the Missouri Synod, and the contents and conclusion of her dissertation are highly problematic, to the point of being unscholarly. Goers cites with frequency the work of David Barton, a pseudo-historian whose work has been roundly debunked by historians

²⁷ Ibid, 1-20.

²⁸ Ibid, 21-38.

²⁹ Ibid, 39-48.

³⁰ Ibid, 57-60.

³¹ Susan Marie Goers, “In God We Trust: A Multiple Case Study of the Implementation of Religious and Biblical Literacy Courses in Public Charter Schools,” (Ed.D. diss., Concordia University Portland 2017).

and theologians, including conservative Christian academics such as Tommy Kidd and Barry Hankins at Baylor University, and Justin Taylor at Crossway Publishing³²

Goers posits that the lack of formal education in public schools focused on religion has increased intolerance, especially towards Christians, as evidenced by school shootings where the suspects targeted professing Christians among their victims. She suggests that implementation of bible courses in public charter schools may be the answer to stopping these shootings and other violence in schools.³³ Goers marshals no evidence to demonstrate that school violence can be connected to the lack of instruction on religion in public schools, nor evidence that the implementation of pedagogy about the Bible in particular would be useful in stopping or limiting violence. Goers instead employs a case study approach that examined the implementation of Bible courses at four charter schools. The data described in the dissertation focuses largely on administrators in Charter Schools, their attitudes towards Bible curriculum, their motivations for offering the courses, their thoughts on teacher preparation and development in relation to Bible courses, and their attitudes towards the Bible as a primary source document for history.³⁴ Unsurprisingly, the charter school administrators supported the Bible curriculum, since they were the ones who chose the curriculum to be implemented in the Charter School, which are exempt from State Education Department standards. Motivations for offering the courses included inculcating patriotism (and an American Civil Religious worldview) and (ironically), providing

³² For criticism of Barton by Taylor, Kidd, and Hankins, see Justin Taylor, "Christian History: How David Barton Is Doing It Wrong," *The Gospel Coalition Blog*, May 12, 2017, <https://www.thegospelcoalition.org/blogs/evangelical-history/christian-history-why-david-barton-is-doing-it-wrong/>

³³ Goers, 1-2.

³⁴ Goers, 104-108.

opportunities for students to be exposed to diverse ideas. Goers reported that all administrators indicated that the heavy use of primary sources were of specific interest to them, as primary sources “allowed students to draw their own conclusions, speculate, and research more as they were intrigued by what they read” about the bible.³⁵ Such a bare reading of the Bible as a primary source is, according to one Federal District Court ruling, a violation of the Establishment Clause.³⁶

Goers’ data, however, suggest many interesting avenues for further research. For example, Goers use of ethnographic field interviews of school administrators could be adapted for classroom use. Researchers can, and should, observe classrooms where Bible Literature and History courses are held, in order to better understand how teachers use and teach the curriculum in the classroom, and how students understand the content that is taught. Curriculum, after all, is just a teaching tool, and that tool can be abused in the classroom. A good teacher might also recognize legal shortcomings in the curricula and modify their pedagogy accordingly, as well. Research could also be focused on the use of the Bible as a primary source in the classroom. Researchers could examine how these sources are introduced, what guiding questions the teachers provides to students in relation to the sources, and how students understand the sources after analysis. Ethnography could also be employed to study student and parent attitudes about the courses, and how the course might affect the religiosity of students. These suggestions, however, are just the tip of the iceberg when it comes to the amount of research that remains to be done on this important topic. This research, in order for it to be high quality in calibre, must be approached through an

³⁵ Goers, 106.

³⁶ Wiley v. Franklin, 468 F. Supp. 133 at 149 (E. D. Tenn., 1979).

interdisciplinary perspective that takes into account history, religious studies, law, and the academic study of education so that scholars may be fully informed about the intricacies and nuances of the issue at hand in order to make well reasoned conclusions about the legality, pedagogy, and best practices regarding teaching about the Bible in public school classrooms.

Thank you.