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Religion, Education, and the Theoretically Liberal State: Contrasting Evangelical and Secularist Perspectives

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RELIGION, EDUCATION, AND THE THEORETICALLY LIBERAL STATE: CONTRASTING EVANGELICAL AND SECULARIST PERSPECTIVES

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I. PRELIMINARY OBSERVATIONS

My assignment for this essay is to write about education from an evangelical Protestant perspective. Others in the symposium will address this topic from other religious or secular perspectives. Under these circumstances, my task becomes both personal and representative. As a self-identified evangelical Christian, I am supposed to write from my own perspective, while at the same time, representing more broadly the perspective of other evangelicals. Although this role is familiar to me, its difficulties should be clarified at the outset.

One difficulty is definition, particularly of the term "evangelical Protestant." For purposes of this essay, I would define evangelical Protestantism as involving the following:

> (1) Adherence to classic Christian orthodoxy, and hence to monotheistic Trinitarian theology, as reflected in ancient creedal statements such as the Apostle's and Nicene Creed.
> (2) Acceptance of the Protestant Old Testament and New Testament canon as inspired scripture and the preeminent source of religious authority, with such scripture regarded as reliable and true (i.e. infallible/inerrant).
> (3) An emphasis on a personal relationship between each individual believer and God, expressed as a relationship of trust and faith in Christ, which involves the individual turning away from sin and toward God (personal repentance).

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(4) An emphasis on "evangelism," based on a Biblical mandate to spread the Christian faith to persons of every national, ethnic, and cultural group. Thus, evangelicals believe that the Christian faith represents universal truth and the way of salvation applicable in every culture.[1]

Given the above characteristics, it should not be surprising that most evangelicals accept traditional Christian teachings regarding questions of personal and sexual morality.[2] Evangelicals in the United States have often been far more divided, however, regarding political matters, given the lack of a consensus on issues relating to economic and foreign policy, and the proper role of government.

Given this definition of an "evangelical Protestant," a broad range of theologically-conservative Protestants would fit the definition, including the following—often overlapping—sub-groups:

(1) The large group of theologically-conservative Baptists, including Southern Baptists and Independent Baptists.
(2) "Fundamentalists," defined narrowly to include those evangelicals who tend to interpret the scriptures, and particularly the first three chapters of Genesis, more literally than some evangelicals, and who usually reflect a "dispensational" theology.
(3) Pentecostals and Charismatics, who emphasize and practice the continued validity of "speaking in tongues" and other supernatural "gifts of the Spirit."

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[1] The word "evangelical" is often used to refer to all theologically-conservative Protestants. Given the format of this symposium, with only a single Protestant Christian contributor, this broader sense seems most appropriate. Others use the term more narrowly, for example by separating fundamentalists and evangelicals into separate groups, or imposing narrower definitional requirements. I have attempted to formulate a definition that is simultaneously broad enough to encompass the diverse kinds of theologically-conservative Protestants, while also highlighting some of the distinctive emphases of most theologically-conservative Protestants and of the self-identified "evangelical" movement. The definition is necessarily imperfect due to the large size and diversity of the group in question. For background on definitions of the term "evangelical," see CHRISTIAN SMITH, CHRISTIAN AMERICA? 13–19 (2000), J. CHRISTOPHER SOPER, EVANGELICAL CHRISTIANITY IN THE UNITED STATES AND GREAT BRITAIN 37–45 (1994), and see generally THE VARIETY OF AMERICAN EVANGELICALISM (Donald W. Dayton & Robert K. Johnston eds., 1991). For useful historical and interpretative work on evangelicalism, see generally GEORGE M. MARSDEN, UNDERSTANDING FUNDAMENTALISM AND EVANGELICALISM 1–6 (1991).

[2] *See, e.g.*, SAM REIMER, EVANGELICALS AND THE CONTINENTAL DIVIDE 72–102 (2003).

(4) Evangelicals remaining within the larger mainline Protestant denominations, including Methodists, Lutherans, Presbyterians, and Episcopalians.
(5) Evangelicals belonging to denominations which have broken away from their mainline counterparts as a protest against theological and/or moral liberalism (i.e. the Presbyterian Church in America), or which otherwise constitute a theologically-conservative portion of a historic Protestant group (i.e. the Lutheran Church—Missouri Synod).
(6) Evangelicals belonging to various "nondenominational" churches not identified with a traditional (i.e. Baptist, Methodist, Presbyterian) group.
(7) Evangelicals identifying with various denominations or local churches particularly associated with an ethnic minority, such as African-American churches, Korean churches, etc.
(8) Evangelicals who are relatively uninvolved with a traditional church congregation, although they may still participate in para-church organizations or regularly watch Christian media programs.[3]

Although this list is not complete, it is extensive enough to indicate the difficulty of accurately representing a single "evangelical" Christian point of view. Although there is a common core of belief and attitude on many matters, evangelicals within the United States cross so many cultural, racial, ethnic, language, class, and other lines as to understandably splinter on many issues. The sheer size of the group is also daunting. According to some estimates, Evangelicals represent somewhere between one quarter and one third of the population of the United States, and thus may number between seventy and

[3] *See* sources cited *supra* note 1; REIMER, *supra* note 2, at 3–21. It should be noted that some individuals I have grouped within the broader evangelical world identify much more strongly with their particularly theological or denominational tradition, such as Lutheran, and weakly or not at all with the broader term "evangelical." Yet, from a broader perspective these individuals are nonetheless "evangelicals." In addition, one significant group not mentioned in the text is the Anabaptists (i.e. Mennonites). Some sources and some Mennonites clearly place some parts of the Anabaptist movement within evangelicalism. Some, however, see Anabaptism as separate even from Protestantism, and in essence, as its own category. On the relationship between fundamentalism and evangelicalism, and differing uses of those terms, see, for example, SUSAN FRIEND HARDING, THE BOOK OF JERRY FALWELL: FUNDAMENTALIST LANGUAGE AND POLITICS, at xv–xvi (2000), and MARSDEN, *supra* note 1, at 1–6.

ninety-five million persons.[4] To describe an evangelical perspective on a subject is therefore to attempt to describe the perspectives of a large plurality of Americans.

A second difficulty intrinsic to this essay is inherent in the task of representation. I cannot presume that my views on a given subject are necessarily reflective of most evangelicals. Despite this problem, my own life experience has given me the opportunity to understand a large range of the evangelical world within the United States. I first became involved in evangelical Christianity in college, where I was involved in a campus group loosely affiliated with InterVarsity Christian Fellowship, a prominent evangelical para-church organization. In my early Christian life, I attended and was baptized in a large charismatic church. Subsequently, I was confirmed in the mainline Episcopal Church, participating in several different congregations. For the last fifteen years, I have been involved, as a member and ruling elder, with a local congregation of the Presbyterian Church in America ("PCA"), which is the largest of the theological-conservative denominations to have broken off from the mainline Presbyterian Church.[5] In addition, I have taught for many years at Samford University, which has been associated in various ways with the Southern Baptist Convention, and which also contains an inter-denominational evangelical Divinity School where I have both taught and taken classes. Finally, for much of my adult life I have lived in the South, where evangelical Christians are a prominent part of the culture. Thus, when I write from an "evangelical Christian" perspective, I try to think

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[4] *See, e.g.*, REIMER, *supra* note 2, at 5 (counting "only . . . those evangelicals who attend conservative Protestant denominations, evangelicals account for roughly one-quarter of the American population"); SMITH, *supra* note 1, at 16–17 (conservative Protestants constitute "about 29 percent of the American population"). Burkhard Bilger, a staff writer for The New Yorker, stated that "[t]he United States has an estimated eighty million evangelical Christians." *See* Burkhard Bilger, *God Doesn't Need Ole Anthony*, THE NEW YORKER, Dec. 6, 2004, at 70. The viewpoint that one-third of Americans are "evangelicals" has sometimes been linked to a Gallup poll in the 1970's finding that approximately one-third of Americans (34%) professed to be "born-again," defined as "a turning point in your life when you committed yourself to Jesus Christ." HARDING, *supra* note 3, at 19, 126 (citing GEORGE GALLUP, JR., RELIGION IN AMERICA (1982)).

[5] In order to be fully accurate, I should add that my local congregation is in the process of transitioning from the PCA to another Reformed/Presbyterian denomination.

beyond my own views to those of the many different strands of the evangelical church.

A third difficulty with this representative task concerns that of audience. As an academic who was raised in a secularized Jewish family from New York City, I am keenly aware of how alien and threatening evangelical Christians appear to many in the United States. Many Americans, particularly outside of the South, apparently live their day-to-day lives without much meaningful interchange with evangelical Christians. Certainly, many academics operate in a milieu in which evangelicals are marginalized, and only present, if at all, at the periphery.[6] Moreover, there seems to be very little interest in understanding—rather than demonizing—the evangelical world. Thus, among many Americans there is a striking combination of hostility and ignorance regarding the historical and contemporary role of evangelical Christianity in the United States. To take just one example, when The New Yorker interviewed billionaire philanthropist George Soros concerning his involvement in the 2004 Presidential campaign, Soros "contended that Bush's religious beliefs are in conflict with America's democratic traditions. 'The separation of church and state, the bedrock of our democracy, is clearly undermined by having a born-again President.'"[7]

Thus, Soros apparently believes that the tens of millions of Americans who can be characterized as "born-again" Christians are constitutionally excluded from serving as President. This

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[6] Bill Stuntz summarized attitudes toward Christianity in the legal academy as follows:

> Why should anyone think about law in Christian terms? Perhaps the answer is, no one should. That is surely the conclusion most American law professors would reach. Religion is not a topic of much conversation in the law school world; what little discussion there is tends to treat serious religious commitment as a disease—call it the germ theory of religion—perhaps especially if the religion is Christianity.

William J. Stuntz, *Christian Legal Theory*, 116 HARV. L. REV. 1707, 1707 (2003) (reviewing CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael W. McConell et al. eds., 2001)). Similarly, in a recent New York Times article, Peter H. Schuck, a Yale law professor, supported the "question[ing] [of] whether religious perspectives are welcomed at mainstream law schools" and explained that "[t]here is a sort of soft tolerance of competing views . . . but no real interest in exposing students to seriously developed contrary points of view that proceed from a strong faith-based perspective. Fundamentalism is derided." *See* Adam Liptak, *Giving the Law a Religious Perspective*, N.Y. TIMES, Nov. 22, 2004, at A16.

[7] Jane Mayer, *The Money Man*, THE NEW YORKER, Oct. 18, 2004, at 176, 184.

kind of large-scale exclusion of a group from a public office is of course one of the most profoundly anti-democratic positions one could take, yet Soros sees it as necessary to "America's democratic traditions."[8] Similarly, Soros' citation of the Constitution to support the exclusion of certain religious groups from public office is astonishing, given the Constitution's protection of religious liberty and the specific prohibition of religious tests for public office.[9]

In trying to explain Bush's appeal, Soros explained that "[i]n uncertain times, people want to escape to safety. They seek a father figure, who acts with conviction. . . . Bush does have conviction. He practically claims a link to God."[10]

Whatever one thinks of this typically demeaning analysis of George W. Bush's political appeal, the most striking thing about it from an evangelical perspective is its misunderstanding of evangelical religious experience. Soros apparently finds it so astonishing that anyone would claim a "link to God" that he has to place the adjective "practically" in front of it, while viewing it as a reason why Bush would be viewed as exceptional. Within the evangelical world, however, *everyone* claims a link to God. This direct link of the individual to God—with Jesus as sole mediator—is a key mark of evangelical religion. Throughout the evangelical world, ordinary people—rich, poor, and middle-class; African-American, Asian, Hispanic, and White; women and men; children and adults—of all vocations and regions of the country, talk endlessly with Jesus, and talk endlessly with others about their relationship to Jesus. While for Soros the claim that "God speaks to me" would be an impossible hubris threatening the foundations of the Republic, in evangelical America your hairdresser is likely talking to Jesus or about Jesus while she cuts your hair, and your lawyer may be praying for guidance on her lunch-break.

George Soros is obviously a highly intelligent individual who prides himself on promoting the "free expression of critical

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[8] *Id.*

[9] *See* U.S. CONST. art. VI ("[B]ut no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."); U.S. CONST. amend. I (religion clauses). Obviously, the exclusion of a person from federal office based on their religion would violate the "religious Test" clause, as well as the religion clauses.

[10] Mayer, *supra* note 7, at 184.

thought,"[11] and yet in the area of evangelical religion, he apparently speaks and acts without doing any historical, sociological, or legal exploration of his subject matter. Similarly, while Soros claims that he has "always been against dividing the world into 'us' versus 'them,'"[12] in the area of evangelical religion, he instinctively labels the "born-again" as a "them" who must be excluded from power.[13]

Unfortunately, this kind of blind spot in relation to evangelical Christianity is very common among many in the United States and exemplifies the response of many, and perhaps most, academics.

This blind spot toward evangelical Christianity among academics contributes to the creation of political or legal theories that, in one manner or another, question the legitimacy of evangelical political or societal involvement. Some years ago, I tried to respond to the work of Michael Perry, Kent Greenawalt, and others, who had constructed elaborate theoretical constructs that suggested that evangelical Christians could not, based on their religious convictions, participate fully in American political life.[14] Over time, it became clear to me that, aside from the benefit of talking with some very nice people, there was little purpose served in these dialogues. A world in which evangelical Christians are barred from serving in public office, or from voting based on their religious convictions, is fortunately not the world of either the United States Constitution or the contemporary

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[11] *Id.* at 178.

[12] *Id.* at 184.

[13] *See id.*

[14] *See* David M. Smolin, *Regulating Religious and Cultural Conflict in a Postmodern America: A Response to Professor Perry*, 76 IOWA L. REV. 1067 (1991); *see also* KENT GREENAWALT, PRIVATE CONSCIENCES AND PUBLIC REASONS 164–79 (1995); MICHAEL J. PERRY, LOVE AND POWER: THE ROLE OF RELIGION AND MORALITY IN AMERICAN POLITICS 100–05, 139–41 (1991). Some of the individuals in question may have changed their minds in the years since about limiting political involvement based on religious conviction. For example, Michael Perry's current webpage biography states, "[Perry's] forthcoming book, '*Under God? Religious Faith and Liberal Democracy*,' argues that political reliance on religious faith violates neither the Constitution's establishment clause nor the morality of liberal democracy. The book also addresses three issues at the center of American public life: school vouchers, same-sex marriage and abortion." *See* Emory Law School Faculty Profiles—Michael Perry, *at* http://www.law.emory.edu/faculty/facbio2.php?userid=mperry (last visited Mar. 24, 2005). Of course, the theoretical constructs in question were often inspired or based on the work of John Rawls. *See, e.g.*, GREENAWALT, *supra*, at 106–13.

political system. Despite the wishes of George Soros, or the elaborated theories of professors, such a world is not likely to exist anytime in the near future. The real limitations on religious persons acting politically must come from within their own religious traditions, or from the practical necessities of operating within a religiously pluralistic society with certain traditions on such matters. The apparently endless capacity of some Americans to construct theories questioning the legitimacy of evangelical Christian participation in the broader society can only be met by endlessly pointing out the obviously anti-democratic and unconstitutional features of such limitations, a task with which I finally became weary.

Yet, in accepting this assignment, in which I speak as and on behalf of evangelicals within an academic forum, I am once again implicitly encountering this problem. While I can hope that the Catholic nature of this forum will promise some friendlier readers, to the degree this symposium is read more broadly by American academics, the reception is likely to be chilly. Further, since this essay will be responding to the work of Professor Jim Dwyer, whose negative attitude toward evangelicals appears to rival that of Soros,[15] the same old battle to establish the political rights of evangelicals to a hostile audience is once again upon me.

Having seen all of this many times before, my inclination this time is to go beyond my usual calls for democratic inclusion of evangelicals, and address from a Christian perspective the fact and causes of hostility toward evangelicals. Unfortunately, to do so is to risk appearing insulting to secularists. Few like to see themselves in the mirror of other's perceptions. Certainly, it is not enjoyable for evangelicals to be told—by Soros and others—that they hold religious or political views as a flight from uncertainty and freedom, as though evangelical religion was fundamentally based on cowardice and other character flaws.[16] Nonetheless, there is a certain ideological consistency in this analysis: if you presume that evangelical religion is false, then the strength of evangelical conviction must be explained by some psychological process accounting for large numbers of people

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[15] *See infra* notes 47–49 and accompanying text.

[16] This is the sort of argument I take Soros to be making when he cites Erich Fromm's study of totalitarianism, *Escape From Freedom*, to explain the appeal of Bush and his religious conviction to American voters. *See* Mayer, *supra* note 7, at 184.

adhering to a fantasy. What secularists may not have understood is that the Christian faith similarly has long accounted for the rejection of Christianity.

This essay therefore has the ambitious agenda of presenting evangelical perspectives on both education and state regulation of religious education in a way that takes account of both evangelical theological perspectives and anti-evangelical hostility. Doubtless the essay will have multiple failings, but hopefully it will prove of interest and use to some.

II. THE CHRISTIAN TRUTH-CLAIM IN A CULTURALLY-DIVERSE WORLD[17]

Christianity is designed—Christians would say by God—to cross-cultural boundaries. Consider the New Testament, which records, among other things, the words of Jesus; yet the Gospels, with the exception of a few words, record Jesus' words in translation—koine Greek—rather than the original Aramaic. Apparently, it was more important to place the words in a language accessible across many cultures, than to record the words in the original form spoken by Jesus.

Christianity is designed—Christians would say by God—to be universal in its claims. The religion claims to express the truth and way applicable at every time and place, and in every culture. Therefore, Christianity is designed to have multiple points of contact with every non-Christian perspective and philosophy. From a Christian perspective, the truths found in non-Christian religions and philosophies are ultimately either compatible with, or already found within, Christianity. The errors found in non-Christian perspectives are distortions of the truths found in Christianity.

These abstract Christian apologetic views take on an edge in the contemporary world, particularly as many non-Christian perspectives have developed in direct response to, and in rejection of, Christianity. In those instances, the points of contact with Christianity are clear enough, but primarily negative. Thus, some Western intellectual traditions seem to mimic Biblical "liberation from oppression" narratives, but make

[17] This section of the essay will be presented essentially without footnotes. Of course I am not claiming that these views are uniquely mine; in the context of this essay, I am trying to address the issues in continuity with an evangelical perspective.

Christianity into the oppressor! So, particularly in the Western tradition, we have quasi-Biblical narratives in which Christianity is portrayed as tyrannical, oppressive, idolatrous, superstitious, cruel, and shrouded in darkness, while the non-Christian perspective is portrayed as just, liberating, worshipful of the Good, rational, kind, and filled with light.

Christianity, of course, acknowledges that people have often acted wrongly and oppressively in the name of God, Christ, and Christianity. The easy way of dealing with this problem would be to say that what humans do in the name of God is irrelevant. However, Christianity is a relational religion concerned with creating bonds and covenants among human beings. Thus, the religion continues to affirm the relative goodness and importance of the church, while struggling to heal the wounds that have flowed and continue to flow from the wrongs done by Christians and in the name of Christ. The alternative of promoting Christianity as an abstract truth with no present relevance to human relationships in this world is incompatible with the self-understanding of Christianity. From a Christian perspective, the religion applies to every area of life and every human relationship. The struggle of "sinful" human beings to follow the perfect teachings of God in their daily lives is central to the shared experience of Christians, and Christianity therefore finds meaning, rather than irrelevance, even in the failures of those who practice the religion.

Christians generally believe that the struggles of both Christians and non-Christians with the sinfulness of Christians, and of Christian institutions and organizations, should be placed in the context of our relationship with God. Christianity teaches that every human being has an inherent and fundamental relationship with God. Although analogies are always imperfect, "rejecting" God is like rejecting the air we breathe; atheism is as rational as fish deciding to "not believe" in the water in which they swim. Our very being is a derivative copy of the "I AM" who brought us into being, and who sustains our existence from moment to moment. Further, Christianity teaches that "fallen" human beings begin their existence alienated from God, with a fundamentally broken relationship with their Creator. Thus, we are generally born with a kind of "chip on our shoulder," looking for reasons to resent and rebel against God. Unless that relationship is healed, we will find reasons to hate, ignore, or

disbelieve in God, whether they are the callous acts of Christians, the horrific injustices that fill the world, some personal tragedy, or simply a personal preference to be free of the yoke of God.

The dynamic of our relationship to God permeates both a Christian understanding of education, and also a Christian understanding of the critics of Christian education. This essay will concern both. In order to begin with the positive, however, this essay will next present some perspectives on education.

III. EVANGELICAL PROTESTANT PERSPECTIVES ON THE EDUCATION OF CHILDREN

Christianity holds in tension a covenantal perspective in which children of Christians are deemed as being in a special (covenantal) relationship with God, and an individualist perspective in which each human being is responsible for their own relationship with God, without any benefit of family, racial, ethnic, or class favoritism.[18] There are many different ways of balancing these inherent tensions. For example, some baptize infants as a sign of their special place within the covenant, while others refuse to baptize infants because they cannot make an individual profession of faith ascertainable to the Christian community.

The nurture of children within the Christian community is fundamental within a religion where family relationships are used as analogies for the individual and community relationship with God. Although the Christian religion is a missionary and evangelistic religion, today approximately 90% of the demographic growth of the church worldwide comes from the birth of children to Christian families.[19] Whether these children

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[18] As will become apparent, I use the term "covenant" here in a non-technical sense to generally describe the relationships and obligations of a child born into a Christian family, rather than in the related, more theologically-technical sense used within Calvinist or reformed theological systems.

[19] *See* Michael Jaffarian, *The Statistical State of the Missionary Enterprise*, MISSIOLOGY, Jan. 2002, at 15, 19. The statistic may be somewhat misleading. The author arrives at the gain due to conversion by subtracting the number leaving Christianity through conversion from the number becoming Christian through conversion. By contrast, the increase in Christians through birth stands alone. Thus, according to the author, in a typical year in the 1990's, the number of Christians increased by 25.2 million overall, with 19 million converting to Christianity, 16.5 million "defections" from Christianity (for a net gain of 2.5 million), and 22.7 million coming by natural increase. *Id.* at 19. Thus, one could state, based on these statistics, that only 54% of the new Christians in the world each year were due to

are counted as Christians, or seen as the most immediate mission field for evangelization, the fact remains that their religious nurturance is both a religious and a practical duty. Indeed, it is a truism that the Christian religion is always only a generation away from extinction.

This duty to nurture Christian faith in each new generation has complex implications for K–12 education. A part of that complexity comes from discerning the appropriate roles for home, school, and church. There is no single model in either the international Christian community, nor more narrowly among evangelical Protestants in the United States, concerning the right allocation of practical tasks within these three institutions. Some combine all three into the home, by home-schooling and "home-churching," while others find it important to divide the work among separate institutions.

Attitudes toward the proper role of government in education also vary widely, even within various theological communities. Many are quite comfortable sending their children to public schools, while others deride "government schools" as inherently godless institutions. Some would seek to infuse some degree of religion into public schools, while others would not want public schools teaching religion. These varying attitudes toward religion and education are related, in complex ways, to different religious attitudes toward government itself, a topic too complex to adequately address in this essay.

A common thread that would elicit broad agreement amongst diverse Christian viewpoints is the importance of treating children in a developmentally appropriate manner. The child is generally not perceived as an autonomous agent, or a miniature adult. The child is perceived as the proper subject of various legitimate human authorities, including parents, pastors, and teachers. The establishment of these authorities over the life of the child is not understood as an evil, but rather as a benefit to the child. It is the nature of the Christian religion to structure human relationships within a network of legitimate, yet limited, authorities; this truism is seen as applying to both children and adults. Thus, even religious traditions that emphasize that the child must ultimately make their own decision whether or not to

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natural increase (births). Of course, in either case, the increase to world Christianity from births is quite significant to the generational continuity of the church.

join the religious community would perceive it as perfectly proper and appropriate that the child be subject to religiously-grounded authorities. The child may have the right to rebel inwardly against God—however awful the consequences of that may be. The child has no "right," however, to actively rebel against the human authorities placed over him or her. And this principle, moreover, does not depend on those authorities themselves being Christian. A young child who converts to Christianity would generally be charged to obey and respect even non-Christian parents. A Christian child generally would be taught to respect and obey his or her public school teachers, regardless of the teacher's religion.

The requirement of obedience to authorities does have important limitations. Just as there are traditions within Christianity justifying disobedience—or even revolution—against political authorities,[20] there are some circumstances where children would be charged to disobey their parents or teachers. A child told to forsake or curse Christ, or directly instructed to engage in some immoral or unethical act, would be under an obligation to obey God rather than his or her parents or teachers. Contemporary Christians are generally as aghast at child abuse as anyone else in our society, and thus in instances of clear abuse would be willing to set aside the authority of the parent in favor of protecting the child. They would generally not, however, consider a spanking to the bottom to be abuse.

The vast majority of evangelicals within the United States therefore combine a voluntary tradition regarding religion with a belief that children, and adults, necessarily live within an ordered world of divinely-constituted human authorities. While the two are combined in somewhat different ways, and may appear confusing to outsiders, generally both truths are clearly embraced. The voluntary tradition correlates to the individualist strand that requires every person to encounter God, without any familial or other favoritism. This voluntary principle would emphasize that no one can be forced or made into being a

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[20] Relevant scriptural texts include *Exodus* 1:15–2:10; *Hebrews* 11:23; *Joshua* 2:1–15; *Esther* 4:1–5:2; *Daniel* 3, 6; *Acts* 4:1–22, 5:17–29. Relevant texts from the Western theological tradition include SAINT AUGUSTINE, ON FREE CHOICE OF THE WILL, bk. I, ch. V, at 11 (Anna S. Benjamin & L.H. Hackstaff trans., 1964); CALVIN, INSTITUTES OF THE CHRISTIAN RELIGION, bk. IV, ch. XX, §§ 31–32, at 1518–21 (John T. McNeill ed., Ford Lewis Battles trans., 1960).

Christian against his or her will, and that it would be wrong to try. By "Christian," one means, in this voluntary context, one who truly and eternally belongs to God, rather than merely one who would be externally counted as a Christian for purposes of church rolls. Within this personal encounter with God, all of the inborn obstacles to Christian faith must be overcome: our innate hatred of and resentment against God, our inner doubts regarding His existence and goodness, our personal struggles to overcome the evil (sin) within us, and the difficulty of trusting God amidst tragic circumstances in our own lives or those of others. This is a realm in which we may be taught, comforted, nurtured, and encouraged, but ultimately each individual must voluntarily "choose God" for themselves. Of course there are varying theological beliefs pertaining to the role God plays in our choice of Him, some of which give God the decisive and initiating role, but that also is a matter of our personal relationship with God.

Generally speaking, these voluntary and individualist emphases are not understood to negate the necessary role of divinely-authorized human relationships and authorities, nor of the existence of enforceable and fixed ethical and moral norms. Christianity does not teach that we only live in God's world if we choose God; to the contrary, however we may deny, ignore, or reject God, we live in relationship to God and within the world and moral order He has created. From a Christian point of view, escaping God and His ethical and moral order completely is simply impossible for us as creatures created in the image of God. Moreover, the human and natural world we inhabit requires the enforcement of some degree of ethical norms for the sake of the common good. In short, radical autonomy in which a human being creates and re-creates him/herself, as though a blank slate (*tabula rosa*), through his or her own non-contingent choices, is a mere fantasy. Attempts to create a society based on this sort of radical autonomy would be a suicide pact that would no more remove us from the rule of God than jumping off a cliff would constitute an effective rebellion against gravity.

Further, the varied Christian perspectives on governmental authority common within America all perceive God, in some manner or other, as the predicate of civil and political liberty. God is generally viewed as the original provider of legitimate rights, as in the Declaration of Independence, and as providing a

basis of accountability and limitation for all human and governmental authority. From these perspectives, individual liberty occurs because of, not despite, God. Individual liberty may sometimes include the political "right" to embrace the fantasy of radical individual autonomy, but it in no way requires the entire society to define liberty as equivalent to such a fantasy.

Thus, the widely varied evangelical Christian approaches to education would generally expect children to be raised within a set of legitimate societal and familial expectations. Whether children were enrolled in public, private, religious, or home-school, they would generally be raised within the world as it is, which is to say within God's world. This term, "God's world," expresses a rejection of radical human autonomy and an acknowledgement that we all live within the zone of creation: the world that God has made. As a matter of character, living in the world that God has made means that all children may be subject to legitimate expectations regarding their behavior. The daunting task of self-mastery requires that children be raised within structures of clear expectations, over time internalizing not only particular norms but also the capacity to guide their behavior according to norms.

As a matter of substantive content, living in God's world means acceptance of education as a means to transmit information necessary to life within contemporary society and culture. From this perspective, the attainment of a certain body of knowledge is an important developmental task of childhood. Thus, the overwhelming majority of evangelical Christians would want their children to possess the knowledge represented by a solid academic education in traditional subjects, such as history, geography, mathematics, science, and English.

As a matter of intellectual capacity, living in God's world also means acquiring a high level of intellectual skill. Thus, an overwhelming majority of American evangelicals would, like American parents generally, wish their children to acquire excellent intellectual and academic skills. Thus, contemporary theorists of Christian education emphasize the attainment of critical thinking, self-expression, and other higher-order intellectual skills, particularly in the high school years. There are several justifications common within the Christian world for pursuit of intellectual skill. First, there is recognition that life

within a complex society is aided by such skills. Second, there is a view that critical thinking skills make it easier to see through the deceptive lies and temptations of an often anti-Christian popular and higher culture. Third, there is a general appreciation for the honing of intellectual skills as simply another aspect of human development. Fourth, there is the understanding of higher academic attainment as a path to vocational success. All of these view higher intellectual attainment as completely compatible with living within the world as God has made it.

One of the fundamental divergences between theologically-conservative Christianity and some secular intellectual ideologies centers on this question of higher-order intellectual skills. Some secular intellectuals seem to believe that higher-order thinking is incompatible with orthodox Christianity, or indeed any other "orthodoxy." Thus, some seem to think that orthodox Christianity requires the individual to blind themselves to evidence or reason, makes the Christian unable to view the world from multiple perspectives, or is an escape from the complexities of life. Some Christian apologists would take the opposite perspective, and argue that higher-order thinking is dependent on certain fixed presuppositions, or even, on a theoretical level, on theistic presuppositions. This Christian apologetic argument can be summarized as follows:[21]

It has been known since the ancient world that "philosophical disputes involving competing basic moral premises and rules of moral evidence inevitably beg the question, argue in a circle, or engage an infinite regress."[22] Thus, the only way to reason forward toward a conclusion is to begin with presuppositions—including methodologies—that cannot themselves be conclusively demonstrated to dissenters as correct.

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[21] As in prior sections of the Article, the following section on apologetics is designed to be consistent with an evangelical perspective. My approach is generally consistent with the tradition of presuppositional apologetics, although that tradition itself has several different divisions, and I make no attempt to follow any one at all points. Presuppositional apologetics may constitute a minority approach to apologetics, particularly given the mistaken impression that this approach refuses to use "evidences." In any event, some useful sources include JOHN M. FRAME, THE DOCTRINE OF THE KNOWLEDGE OF GOD (1987), and CORNELIUS VAN TIL, THE DEFENSE OF THE FAITH (3d ed. 1967).

[22] H. Tristram Engelhardt, Jr., *Giving, Selling, and Having Taken: Conflicting Views of Organ Transfer*, 1 IND. HEALTH L. REV. 29, 39 (2004).

From this perspective, the choice of Christian theological presuppositions is no more "anti-intellectual" or intellectually arbitrary than beginning with, for example, those of John Rawls.

More controversially, it has been argued that the attribution of rational meaning to evidence, facts, or arguments is dependent on theistic presuppositions.[23] Thus, if one assumes a purely naturalist, materialist world governed entirely by the chance outcomes of the laws of nature, there is no reason to believe that human minds would possess the capacity to know or reason accurately. Indeed, within a mechanistic, dead universe, the existence of both life and consciousness appear anomalous. If the fundamental nature of the universe is dead matter governed by mindless laws of nature, then life and consciousness would appear to be incidental and inherently "meaningless" freaks of nature. Within such a world, the human habit of attributing meaning would be a mere fantasy, as it would correlate neither to any higher or inherent form of consciousness within or beyond the universe, nor to the nature of the universe itself. Attributing meaning within such a universe would be like the human habit of attributing human characteristics to animals or things: a kind of anthromorphism that reveals something about us, but distorts the nature of the thing referenced.[24]

Under such circumstances, it would be possible to view human perception and reasoning as adapted for survival of the species within the context of the planet earth, but there would be no reason to assign such perception and reasoning any capacity to distinguish the true nature of any part of the universe. We might be equipped with the accuracy of perception and reasoning necessary to further the survival of the species, just as an ant, cockroach, fish, or fawn has the accuracy of perception and reasoning necessary to the survival of their species. A cockroach knows man enough to flee, but does that mean it really *knows* man accurately? We may think our higher cognitive powers give

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[23] *See* Dan Edwards, *The Underlying Conventions of Theological Practice*, 53 MERCER L. REV. 1151, 1153 (2002).

[24] The argument in this essay generally compares a theistic perspective with a naturalist, materialist view of the universe. Other options—such as pantheism, and its scientific or quasi-scientific variations—may be increasingly popular, but are beyond the scope of this essay. It may be that secular cosmology and science are moving beyond the rigidly mechanistic view of the universe as a dead cause-and-effect machine. Christian apologetics also has responses to these alternative cosmological perspectives, but that debate is beyond the scope of this essay.

us much more insight into the true nature of reality than a cockroach, but there is no *a priori* reason why, like the cockroach, there might not be world upon world of information about reality that is irrelevant to our species' survival strategy and totally beyond our powers of perception and reason.

Thus, within a chance and materialistic universe, facts themselves would lose their significance, because any significance we gave facts would be an arbitrary survival strategy. The existence of "brute" or pure facts would also be questionable, since our limited knowledge would make every "fact" subject to being completely inaccurate in the light of other "facts" we do not know, or as human beings, may be incapable of perceiving. When you do not have the "whole picture," even that which you see may not be as it appears.

By contrast, the Christian worldview makes it rational to believe in limited but effective human capacities to attribute meaning, perceive facts accurately, and know truly.[25] From within a theistic worldview, the human capacity to perceive, know, and reason follow from our nature as creatures made in the image of God. Our capacity to perceive, know, and reason is an "image" or copy of God's capacity to perceive, know, and reason. Human consciousness and life are not aberrations in a dead and chance universe, but are deliberately constructed copies of the inner consciousness and life of God.

God knows comprehensively and without limitation; our own knowing is analogous to his knowing, expressed within the limitations of a creature caught in space and time, and therefore partial and limited. Under these circumstances, our thoughts are a form of thinking God's thoughts after Him, however much those thoughts are limited by our nature as creatures. Thus, if the omniscient God who created all things made us in His image, there would be reason to believe that our capacity for knowledge fits the world into which we have been placed and grants us real knowledge, beyond that necessary for mere physical survival.

Some theologically-liberal approaches try to relativise the Christian truth-claim by emphasizing that man's knowledge is always partial and hence can never be reliable.[26] Against this claim, the answer is that it is possible for a creature to know

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[25] *See* Edwards, *supra* note 23, at 1153.

[26] *See id.*

truth reliably, even when that knowledge is in a form appropriate for a creature. However much human philosophy may try to erect theoretical barriers that say, in effect, that it is impossible for an omniscient eternal God to reliably communicate with a limited creature, the answer is obvious: God, the author of knowledge, knowing, and knower, is capable of designing us so that we can receive truth in a form adapted to our nature as creatures. Put another way, we as creatures do not need to be able to know truth absolutely as God knows it, to know truth reliably as we know it.

Within the Christian theological tradition, it is generally asserted that God communicates real knowledge to human beings through several means, including special revelation—i.e. scripture—and the natural world.[27] Some assert that modern science developed within the West because the Christian presuppositions about the nature of man and the universe make it rational to explore the natural world in search of knowledge. The expectation that the natural world generally will operate in an orderly manner according to laws provides an impetus for empirical and scientific investigation. The propensity to master the physical world through the development of scientific technology logically follows from the Biblical account that humankind exercise "dominion" over the earth.[28]

Thus, even very theologically-conservative Christians usually hold a positive attitude toward the advancement of science and technology. The creationism controversy itself paradoxically represents this commitment to science despite the general view to the contrary. From a Christian perspective, the doctrine of creation makes it rational to explore and master the world in which God has placed us. From the Christian point of view, a purely naturalist account of the nature and origins of the universe reduces science to technique, technique to manipulation, and manipulation to a futile effort to understand a universe intrinsically foreign to our nature as conscious living creatures.[29] Since a naturalistic account of the universe can provide neither a basis for confidence in the scientific search for

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[27] *See id.*

[28] *Genesis* 1:28 (New King James).

[29] *See* PHILLIP E. JOHNSON, DARWIN ON TRIAL 150–54 (1991); Phillip E. Johnson, *Evolution as Dogma: The Establishment of Naturalism*, FIRST THINGS, Oct. 1990, at 15, 21–22 [hereinafter Johnson, *Evolution as Dogma*]; *see also Romans* 1:20.

truth, nor a foundation for the human attribution of meaning, a science wedded to a naturalistic cosmology is self-defeating.

This fundamentally philosophical point regarding science and creation is often obscured within the creationism controversy, in part because so much attention centers on the question of evolution. This focus on evolution highlights conflicting views among evangelical Protestants within the United States. Some accept theistic evolution, which teaches that God created species through the process of evolution. Others reject theistic evolution, but themselves divide over a range of issues, such as the age of the earth and the existence of literal "days" of creation. Yet, even the most literalist six day, young earth creationists accept those forms of so-called "evolution" that can be empirically observed in the present. These observable instances of "evolution" are viewed as variations within species created by God, rather than the evolution of one species from another. Ultimately, the very use of the term "creation science" by some in the most literalist camp suggests a felt need to affirm some kind of science.

One of the significant movements prominent within Christian understandings of science seeks empirical and statistical evidence for intelligent design.[30] These theorists seek to demonstrate the extreme unlikelihood that the naturalist mechanisms described in science could, in themselves, create a universe that would create us: living, self-conscious and reasoning beings. These theorists do not necessarily deny that evolution or other naturalist mechanisms were involved in our creation. Rather, their argument emphasizes the concept of intelligent design of the universe, or aspects of the natural world.[31] By searching for "evidence" of design, these theorists seek to overcome the bias of modern natural science, which is more willing to search for evidence of alien life forms, unseen parallel universes, or dimensions of reality, than to acknowledge

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[30] The literature for and against intelligent design is large and constantly growing. *See generally* MICHAEL J. BEHE, DARWIN'S BLACK BOX: THE BIOCHEMICAL CHALLENGE TO EVOLUTION (1996); WILLIAM A. DEMBSKI, THE DESIGN INFERENCE (1998); INTELLIGENT DESIGN CREATIONISM AND ITS CRITICS (Robert T. Pennock ed., 2001); Johnson, *Evolution as Dogma*, *supra* note 29. A classic popular defense of naturalist Darwinism would be RICHARD DAWKINS, THE BLIND WATCHMAKER (1987).

[31] *See* BEHE, *supra* note 30, at 196–97; DEMBSKI, *supra* note 30, at 9.

as "science" empirical and statistical evidence that the natural world is a product of intelligent design.[32]

A comprehensive exploration of the degree to which the various forms of creationism are compatible with modern scientific findings is beyond the scope of this Article. For present purposes, two points will suffice. First, the less literal forms of "creationism" appear virtually immune from being proven wrong through science, as they are capable of viewing any kind of naturalistic mechanism as means used by God. Thus, even if one rejects the view that it is a proper domain of the natural sciences to locate evidence of intelligent design, science is incapable of *disproving* the existence of a creator of natural processes. Second, the fundamental apologetic perspective of creationism is common to all forms of creationism, from theistic evolution to the most literal forms of Biblical creationism. All can assert that "creation" is foundational to the development and credibility of science, for without such a conceptual framework there is no reason to credit the scientific method as capable of giving us real knowledge about the nature of the universe. Thus, the creationist perspective does not *necessarily* alter in any way the scientific method or the findings of science itself, but rather relates to the nature of human and scientific knowledge.

Ironically, then, theologically-conservative Christians are met with two contradictory epistemological claims. Naturalists claim that we should be confident that human beings are capable of accurately finding truth apart from any God, simply through powers of observation and reason. According to this view, we should simply trust in our own powers of observation and reason, even without a metaphysical or scientific framework that would make it plausible for human knowledge to be reliable. By contrast, others claim that true knowledge is impossible for humankind even if an omniscient God wishes to communicate it to us, due to the gulf between human and divine ways of knowing. Against both claims, theologically-conservative Christianity would maintain that the existence of a theistic God is both a necessary and sufficient condition for humankind to attain reliable knowledge.

What does all of this have to do with education? The point of entry for this discussion was the common charge that

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[32] *See* Johnson, *Evolution as Dogma*, *supra* note 29, at 18–19.

theologically-conservative Christian education is somehow incompatible with higher-order thinking. To the contrary, however, from a Christian perspective, education not based on theistic presuppositions, in order to employ higher-order thinking, predictably must do one or more of the following: (1) Reduce argument and evidence to a game of rhetoric, in which the powers of reasoning, ever able to destroy another's positions, are always pointed outward to the arguments of others, but not pointed inward against one's own presuppositions; (2) Accept at the outset, the nihilistic conclusion that comes from employing pure human reason against one's own arguments, and give up the search for truth; (3) Arbitrarily assume that human beings are capable of employing evidence, perception, and reason to move toward truth, without any adequate cosmological foundation for that belief; (4) Concoct mock mythologies of "consent" in which human will substitutes for the incapacity to demonstrate truth, but use the term "consent" in a misleading form which allows you to impose your views or will on those whose views are arbitrarily deemed unacceptable.[33]

There is, in short, often a good deal of self-contradiction, or even at times intellectual dishonesty, in much of what passes for secular "higher-order thinking." One unfortunate effect of an education steeped in secular "higher-order thinking" is that it habituates the student to these forms of self-contradiction or intellectual dishonesty, as though they were normal.[34] In using the term "secular" here, I refer to intellectual processes that claim to operate contrary to, or completely severed from, any connection to religious presuppositions. There is another sense of "secular," which would involve applied reasoning which does not make any direct reference to revelation or God, and yet which rests comfortable upon Christian presuppositions. Hence, a Christian scientist or lawyer could assess evidence and arguments without commenting on those Christian presuppositions which make it rational to believe that such assessment could move usefully toward truth.

By contrast, theologically-conservative Christians generally believe that their worldview makes training in "higher-order thinking" rational, good, and useful. When such thinking is

[33] *See generally id.*
[34] *See id.* at 19–20.

admitted to be a good gift of God, it can be taught as something more than a parlor trick, rhetorical flourish, or weapon for destroying whatever one wills to destroy. Within a Christian worldview, evidence and reasoning can move us toward truth. The capacity to perceive reality from multiple perspectives would be seen as a good gift of God, which helps us appreciate the complex nature of reality, as well as facilitating communication across cultural and ideological boundaries. Moreover, such higher-order thinking is critical to Christianity's capacity to express and transmit truth in the widely varying cultures and languages of the world.

This matter of the cross-cultural reach of Christianity is little appreciated by most secular intellectuals within the United States, who generally still consider Christianity as principally a Western religion. Of course, Christianity is not Western in its geographic origins and historically has been deeply influential in several different non-Western civilizations, including the Byzantium and Russian empires.[35] Thus, the fact that Christianity was deeply influential within the West, does not make Christianity in its origins or history an exclusively Western religion. This point has been underscored in the twentieth century, which has seen a dramatic demographic shift within the Christian religion.[36] In 1900, Europe accounted for more than 70% of the world Christian community, while by 2000, this percentage had shrunk to less than 30%.[37] Since evangelicals are generally deeply involved in world missions, their churches are generally quite aware of these trends.

The awareness of the cross-cultural reach of Christianity, combined with the missionary spirit, impacts Christian educational programs. For example, one popular home-school program places a major emphasis on educating children about the various cultures of the world, including a broad range of books and resources, at several different grade levels, centering

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[35] *See generally* WALTER KOLARZ, RELIGION IN THE SOVIET UNION 283–321 (1961); WARREN TREADGOLD, A HISTORY OF THE BYZANTINE STATE AND SOCIETY 119–26 (1997).

[36] *See, e.g.*, PHILIP JENKINS, THE NEXT CHRISTENDOM 89–92 (2002); Dana L. Robert, *Shifting Southward: Global Christianity Since 1945*, INT'L BULL. MISSIONARY RES., Apr. 2000, at 50.

[37] *See* Robert, *supra* note 36, at 50.

on non-Western cultures.[38] It is common for "fundamentalist" curriculum to include substantial coverage of the history, geography, and varied cultures of the world.[39] While a secular cynic would likely complain that Christian children are only learning about other cultures so they can destroy them, the perspective of many evangelicals is that Christianity is capable of being incarnated and indigenized within these various cultures in authentic ways. That has been the history of the church from the day of Pentecost onward: to teach universal truth in as many languages and cultures as exist on the face of the earth. Cultures, after all, are neither static nor museum pieces to be preserved as though dead; cultures are constantly developing through internal developments and interactions with other cultures. The history of the West is itself, of course, simply just one of many products of the Christian missionary enterprise of reaching and then transforming cultures.

The complex Christian understanding of the unity of truth within cultural diversity requires a variety of higher-order intellectual skills, involving multiple and critical perspectives. Within the context of Christian education, these encounters with non-Western Christian and non-Christian cultural phenomenon would help the child to be self-critical of their own culture, as they become aware that their own culture is certainly not equivalent to Christianity, and include elements that are even anti-Christian in their implications.

In summary, most theologically-conservative Protestant Christians would, amidst their diverse perspectives on education, generally be able to agree on the following principles:

> (1) The voluntary principle of individual relationship to God, with the understanding that an individual child or adult cannot be forced to love God and profess Christ, and

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[38] *See, e.g.*, Sonlight Curriculum Catalogue, at 129–30 (Apr. 2004–Mar. 2005), http://www.sonlight.com. "Sonlight" is evangelical Christian in perspective, while marketing their curriculum to persons of varying religious perspectives. *See id.* at 130.

[39] For example, A Beka, one of the most prominent fundamentalist publishers, publishes and recommends textbooks on various aspects of World History, Geography and Culture for grades 5, 6, 7, 9 & 10. Examples of these recommendations include: Old World History and Geography (grade 5); New World History & Geography (grade 6); History of the World (grade 7); World Atlas & Geography Studies: Eastern Hemisphere (grade 7); World Geography (grade 9); World History and Cultures (grade 10). *See generally* A Beka Home School Catalog (2004), http://www.abeka.org (last visited Mar. 29, 2005).

that it would be unethical to attempt to use coercion within those boundaries.
(2) The covenantal and creation principles, which state that it is appropriate for all children to be raised under the divinely-appointed authority of parents and those adults chosen by their parents to teach them, and in which it is appropriate to teach all children the necessary self-mastery and self-control for life in society through enforcement of fixed moral and ethical norms.
(3) The covenant and creation principles as applied to the children of Christian parent(s), which hold that it is proper to teach Christianity to children as the truth, rather than as a mere possibility and option.
(4) A developmental approach to childhood, which deems it a good to place children under parental and adult authority, rather than as a violation of autonomy rights.
(5) A view of childhood and education which views the transmission of academic and cultural knowledge as a part of the developmental task of childhood, and therefore as a good rather than as an imposition upon the child.
(6) A view of childhood and education that perceives cognitive skills and higher-order thinking as an important goal of education, particularly within the high school years, and perceives no contradiction between such skills and a belief that the Christian faith is true.
(7) A desire that children be exposed to a variety of world cultures, not based on a view of cultural or value relativism, but rather based on the global mission of Christianity: to make the Christian faith an indigenous and genuine part of every people-group and culture on earth.[40]

IV. STATE REGULATION OF RELIGIOUS EDUCATION: "RELIGIOUS SCHOOLS V. CHILDREN'S RIGHTS" OR PROFESSOR DWYER V. EVANGELICALS?

Discussion of state regulation of religious education does not occur in a political or cultural vacuum. The context of such academic discourse within the United States is a large cultural gap between the academic community and the nation, particularly in relation to theologically-conservative Christianity. Within the academic community, theologically-conservative

[40] *See supra* Part III.

Christianity is viewed as an aberrant sub-culture.[41] The legitimacy of this sub-culture participating in politics and the culture based on their beliefs is considered doubtful due to the purported failure to abide by supposedly fundamental principles of the American order.[42] In the context of the 2004 Presidential election, academics are overwhelmingly secular "blue-state" Americans who alternate between ignoring and feeling threatened by their more religious "red-state" counterparts.[43] This is not to say, of course, that all theologically-conservative Christians vote Republican—although a majority apparently have in recent years—but rather that the cultural gulf noted in the 2004 Presidential election mirrors in significant ways that between academics and the larger American society.[44]

Within the larger culture, there is nothing odd or unusual about theologically-conservative Christian beliefs. This is not to say that most Americans are theologically-conservative Christians, but rather that there are sufficient numbers of theologically-conservative Christians to make them a mainstream part of American culture, at least in most parts of the United States.

The academy within the United States thus is among a group of significant cultural institutions that are out of sync with the broader culture on matters of religion. Other such institutions include the mainstream news media, the national Democratic Party establishment, and the entertainment industry.[45] The predominate ethos within these significant institutions tends to regard theologically-conservative Christianity as an alien and aberrant presence within the broader society.[46]

While Christianity has played a formative role in much of the history of the Western intellectual tradition, the tradition has clearly developed strands that have deliberately distanced themselves from its theological roots. These deliberately secular strands of the tradition have developed an apologetic against theologically-conservative Christianity. According to this

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[41] *See supra* note 6 and accompanying text.

[42] *See supra* notes 6–9 and accompanying text.

[43] *See* Don Feder, *Christians Eat Lions in 2004*, FRONTPAGEMAGAZINE.COM (Nov. 8, 2004), *at* http://www.frontpagemag.com/articles.

[44] *See id.*

[45] *See id.*

[46] *See id.*

apologetic, traditional forms of Christianity are oppressive, outmoded, superstitious, and lack intellectual credibility. Thus, many American academics are a product of an intellectual formation largely ignorant of the substantial Christian intellectual heritage. Trained to view religion principally through the lens of intellectual traditions which developed in opposition to traditional forms of the Christian faith, some cannot understand how any intelligent person of good will can be either a traditionalist Catholic or evangelical Christian. One plausible explanation from this point of view is that such persons have been brainwashed or indoctrinated—for example, by their parents, or religious community.

Jim Dwyer's work on state regulation of religious education evidences this difficulty.[47] While Professor Dwyer claims to be trying to construct a theory about putting the interests of children first,[48] these strands of his theory are overwhelmed by a contempt for theologically-conservative Christians. Lest some think I exaggerate, consider the following quotation:

> I wish merely to suggest that, in mainstream American culture today, moral autonomy may be a necessary precondition for social respect. The great majority of those who populate this culture tend to regard negatively adults who appear not to possess this attribute. This is evident in the readiness of many to disparage those who espouse ideologies or engage in practices for which they can give no reason other than an appeal to authority internal to their belief system. We may confront them, ridicule them, or simply look askance at them for their blind adherence to the dictates of authority or imitation of others. This negative regard may be strongest among highly educated liberals (who, so it is said, control the mainstream media), but less educated persons and political conservatives, if they do not themselves belong to a religious community that disavows self-determination in the realm of morality, are also likely to condemn unreflective dogmatism when they perceive it. This attitude must pose a self-respect problem for any individual who participates in mainstream American life—for example, by working in a plant or office with persons of diverse backgrounds and beliefs, by getting involved in politics at a

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[47] Although Professor James G. Dwyer has written several relevant works, this essay will concentrate on his book, RELIGIOUS SCHOOLS V. CHILDREN'S RIGHTS (1998).

[48] *See id.* at 3–6.

> level that brings together diverse constituencies, or by receiving information through the mainstream media—but who is not, or is not perceived to be, morally autonomous. The aftermath of the Scopes Trial in the 1920s, with widespread ridicule of the Fundamentalist Christians who opposed the teaching of evolution, led Fundamentalists to withdraw almost entirely from the political realm. Their reappearance on the political landscape in the 1980s generated fear and hostility on the part of mainstream Americans, liberal and conservative. The backlash against them triggered complaints by Fundamentalists and even some mainstream scholars that they were being denied their place in our democracy, silenced in the public sphere. Some see this as a matter of fairness to persons with religious outlooks, but I see it as a problem for the education of their children. Knowing that these children will incur the scorn of mainstream America if they grow up to be like their parents, why do we not act to prevent that, for their sake, rather than expect mainstream Americans to develop a respect for people who argue dogmatically for reactionary policies based upon religious premises we do not share?[49]

In response to this extraordinary passage from Professor Dwyer, I would note the following:

(1) Note the "we" for whom Professor Dwyer speaks: "we" who may "confront," "ridicule," or "look askance" at religious fundamentalists, do not share their religious premises, and should act to prevent their children from growing up to be like them.[50] Professor Dwyer simply assumes his readers are not religious fundamentalists or members of traditionalist religious communities. Alternatively, he considers any such reading his book to be interlopers and outsiders in the dialogue in which he is engaged.

(2) Note the "them" whom Professor Dwyer describes: "They" who

> (a) engage in practices or hold ideologies for which they "can give no reason other than an appeal to authority internal to their belief system,"
> (b) show "blind adherence to the dictates of authority or imitation of others,"
> (c) are not, or do not appear to be, "morally autonomous,"

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[49] *Id.* at 172–73.
[50] *Id.* at 172.

(d) cannot retain their self-respect while interacting with others within the diverse realms of work and politics;
(e) are heirs of the Fundamentalist Christians of the 1920s who reappeared in American politics in the 1980s, and
(f) "argue dogmatically for reactionary policies based upon religious premises we do not share."[51]

This passage is typical of the rest of Dwyer's book in its approach to describing the kind of religion—and religious education—that he considers problematic. On one hand, Dwyer employs overdrawn negative stereotypes of Christian conservatives that fit relatively few people within the United States. For example, among the approximately one-quarter to one-third of Americans who are theologically-conservative Protestants,[52] there are very few who are incapable of giving any reason for their practices or beliefs aside from invoking the authority of the Bible or church tradition. Indeed, among the most "fundamentalist" of Christians, it is common to hear scientific arguments for creationism, empirical observations made to support moral principles, or the use of evidence to support historic Christian beliefs, such as the resurrection of Jesus. Whether these are credible to Professor Dwyer is another matter; the point is that even fundamentalist Christians commonly invoke reasons and evidence that, in Professor Dwyer's terms, would be external to their belief system. Similarly, there are very few traditionalist Christians who find themselves unable to function at work or losing self-respect due to their incapacity to deal with persons of diverse beliefs. Professor Dwyer's stereotype of the conservative Christian as a rigid, "blind," unreflective adherent incapable of functioning in a diverse society[53] would be funny if he were not so serious about it. Certainly there are some such personalities within the Christian world, but as overdrawn by Dwyer they are hardly typical. Moreover, this personality type of the blind adherent unable to deal with those of fundamentally different views seems to describe just as well the apparent inability of many within the secularist camp to accord respect to, and understand, the tens of millions of Americans who hold theologically-conservative religious views.

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[51] *Id.* at 172–73.
[52] *See supra* note 4 and accompanying text.
[53] *See* DWYER, *supra* note 47, at 172.

Although Professor Dwyer in some ways seems to be constructing straw men, which actually describe very few religious Americans, other aspects of his work target for opprobrium a large plurality of the American population. All those who believe that God has spoken clearly and authoritatively on certain fundamental moral and ethical matters would apparently fit within Dwyer's condemnation of those who lack "moral autonomy." It is basic to the traditional structure of Christianity, which teaches that there is one God who has revealed Himself to humankind, that (1) God has spoken clearly to human beings regarding many beliefs and practices, and (2) God's revealed will is authoritative. A wide range of Christians—not to mention Jews and Muslims—would therefore appear to lack "moral autonomy" in the sense apparently intended by Dwyer. Similarly, the percentage of Americans who believe that the traditional teachings of Christianity on a range of moral and ethical matters are correct and remain applicable today would also be significant. Thus, while even the most fundamentalist Christian will cite evidence and give reasons for believing God, at the end of the day even many comparatively moderate Christians agree with the sentiment, "God said it, I believe it, that settles it."

Indeed, as Part III of this paper suggested, there is a long-standing viewpoint within the church that moral autonomy, in the sense apparently favored by Professor Dwyer, is an illusion. There are, in short, no adequate reasons for holding a moral view—in the strict logical sense—from within a purely secularist perspective because in a purely materialist (amoral) universe, categories of morality are a human invention with no lasting significance. Within a naturalist world view, "autonomy" is itself either the illusion of a determined creature caught in the great cause-and-effect machine of a purely materialist universe, or the arbitrary assertion of pure self-will; in either view, it is hardly rational. From a Christian perspective, pure human autonomy is merely the vain assertion of independence by a creature who draws every breath in complete dependence on their Maker. Indeed, if there is a God who has revealed Himself to humankind, it would be rational, rather than irrational to listen to Him. And, despite Professor Dwyer, the perspective that there is such a God is not restricted to a few colonies of overwrought religious zealots.

Professor Dwyer's odd combination of overdrawn negative stereotyping accompanied by a lack of clear definitions leave him free to feed the religious prejudices of his (presumed) readers. Consider, for example, his description of Fundamentalists: "the sociopolitical world view that Fundamentalists share involves 'racism, antifeminism, anti-intellectualism, and plutocratic politics.' They advocate segregation of the races, traditional subordinate roles for women, and noninteraction with those who do not conform to the Fundamentalist ideal—in particular, nonwhites, Catholics, Jews, atheists, feminists, intellectuals, and liberals."[54]

This description fits the stereotype of religious conservatives dear to the heart of many of Professor Dwyer's secularist readers. It is comforting for some to think that most religious conservatives are a pack of ignorant racists and segregationists because this allows them to dismiss, without further thought or investigation, a religious movement that makes them deeply uncomfortable. While there are certainly some religious fundamentalists who fit the stereotype, a majority does not. Indeed, careful sociological investigation has shown that white conservative Protestants within the United States generally are not hostile to or prejudiced against persons of other races, and have attitudes toward race typical of other white Americans.[55] This is not to say that white Americans or white evangelicals have perfect attitudes toward race, but rather to point out that there is not a sociological association between evangelicalism and racism.

Moreover, even if one excludes the broader evangelical movement and only look at "fundamentalists" in the narrower sense of the term, Dwyer's stereotyping is inaccurate. For example, the Southern Baptist Convention has explicitly

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[54] *Id.* at 16–17 (quoting HAROLD BLOOM, THE AMERICAN RELIGION: THE EMERGENCE OF THE POST-CHRISTIAN NATION 232 (1992)).

[55] SMITH, *supra* note 1, at 219–22. Smith summarizes some of his findings as follows:

> Like other white Americans, only small minorities of white conservative Protestants support residential racial segregation, would legally oppose interracial marriages, or would object to sending their kids to a completely racially integrated school. Also like other white Americans, a majority reports that, in the past few years, someone in their family brought home for dinner a friend who was black.

Id. at 221.

repudiated its historical role in supporting slavery and segregation to the extent of having regular "Racial Reconciliation" Sundays.[56] Indeed, at this point, 20% of the membership of this bastion of white Southern fundamentalism is African-American.[57] The independent Baptist Jerry Falwell has described at some length his own journey on racial issues, and long ago repudiated the racist practices common in the South—and Southern churches—of his youth.[58] Falwell's Liberty University is, of course, open to persons of all races, and indeed, the University's percentage of African-American students apparently is higher than most of the leading secular Universities.[59]

Similarly, Dwyer's claim that "Fundamentalists" generally advocate "noninteraction" with Catholics[60] is decades out of date. Falwell broke this mold a quarter-century ago when he decided to attempt, within his *Moral Majority*, to include Americans of all—or no religious—faiths, including Roman Catholics, Orthodox, "practicing and non-practicing Jews," and "atheists and agnostics."[61] Indeed, Falwell has credited Paul Weyrich, a Catholic and one of his "very dear friends," with giving him the concept of a "moral majority."[62]

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[56] *See* Southern Baptist Church Executive Committee, *SBC Calendar Dates*, http://www.sbcec.org/calendar%20dates.htm (last visited Mar. 29, 2005).

[57] *See* Amy Green, *Southern Baptist Surprise! Why Are So Many African Americans Attracted to a Church That Was Once Identified with White Racism?*, CHRISTIANITY TODAY (Sept. 2, 2004), *available at* http://www.christianitytoday.com/ct/2004/009/23.54.html.

[58] *See* JERRY FALWELL, FALWELL: AN AUTOBIOGRAPHY 301–21 (1997).

[59] According to the College Board, Liberty University is "76% White/Non-Hispanic" and "11% Black/Non-Hispanic." CollegeBoard.com, *Liberty University At a Glance*, *at* http://apps.collegeboard.com/search/CollegeDetail.jsp?match=true&collegeId=3446&type=qfs&word=liberty%20university.com (last visited Mar. 29, 2005). By contrast, a study of twenty-six leading universities found only one with a "Black Student Body" above 10%: Emory University, at 10.4%. *See* The Journal of Blacks in Higher Education, *Ranking America's Leading Universities on Their Success in Integrating African Americans*, *at* http://www.jbhe.com/features/36_leading_universities.html (last visited Mar. 29, 2005).

[60] DWYER, *supra* note 47, at 16–17.

[61] *See* FALWELL, *supra* note 58, at 384. Falwell's autobiography describes at some length how he overcame his separationist background to form a broader coalition. *See id.* at 381–406. This transformation of the separationist Baptist movement is a major theme of Susan Friend Harding's interesting study. *See generally* HARDING, *supra* note 3.

[62] FALWELL, *supra* note 58, at 384.

If one looks to the broader evangelical movement, the alliance with Catholicism has become both religious and political. Thus, the "Evangelicals and Catholics Together" ("ECT") movement has constituted a significant organized effort at religious, cultural, and political alliance between evangelicals and Roman Catholics.[63] Indeed, among ordinary evangelicals it is commonplace to consider Roman Catholic friends to be fellow Christians.[64] Polling indicates that Pope John Paul II was viewed more favorably among evangelicals than either Jerry Falwell or Pat Robertson.[65]

Dwyer's stereotyping is thus grossly inaccurate, whether applied to fundamentalists in the narrow sense, or more broadly to all theologically-conservative Protestants or evangelicals. Dwyer has apparently employed a stereotype of white Southern dispensational/separationist fundamentalists from the period between 1920 and 1970 and applied it to all contemporary evangelicals.

Thus, throughout his text, Dwyer issues condemnations of so-called "fundamentalists" that seem to apply to all theologically-conservative Protestants. For example, when Dwyer complains of the re-emergence of "fundamentalists" into politics in the 1980s,[66] he appears to condemn the broader group of evangelicals, for it is generally the larger evangelical movement, including but not restricted to the narrower fundamentalist movement, which came into public view at that time. His complaint of political activism by those who lack "moral autonomy" or act politically based on religious premises "we do not share,"[67] would implicitly condemn the entire range of theologically-conservative Christians, Protestant and Catholic. His definition of "fundamentalism," in terms of the "conservative religious movement" occurring early in the twentieth century "among members of various Protestant denominations,"[68] would

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[63] *See, e.g.*, YOUR WORD IS TRUTH: A PROJECT OF EVANGELICALS AND CATHOLICS TOGETHER (Charles Colson & Richard John Neuhaus eds., 2002).

[64] *See* REIMER, *supra* note 2, at 48.

[65] *See* Religion & Ethics NewsWeekly, *Poll: America's Evangelicals More and More Mainstream But Insecure*, *available at* http://www.pbs.org/wnet/religionandethics/week733/release.html (Apr. 16, 2004) (March 2004 poll conducted by Greenberg Quinlan Rosner Research Inc.).

[66] *See* DWYER, *supra* note 47, at 173.

[67] *See id.* at 172–73.

[68] *See id.* at 16.

include theologically-conservative Presbyterianism and other non-dispensational evangelicals. Dwyer's cited sources, on what he calls "Fundamentalist schools," center primarily on those which are fundamentalist in the narrower sense of the term—i.e., dispensational in theology and literalist in interpreting the early chapters of Genesis—but also include a book focused exclusively on Reformed (Calvinist) schools in Grand Rapids, Michigan, a book that focuses half of its attention on a school operated by a Charismatic congregation, and another work that covers a wide range of evangelical, charismatic and fundamentalist schools.[69]

If Dwyer had clearly defined and differentiated his terminology in describing the various strands of theologically-conservative Protestants, it would have given his work a greater degree of analytic clarity. As it is, his use of the term "fundamentalist" seems hopelessly confused and misleading. Of course, I cannot know whether this is a good-faith oversight or instead is a deliberate attempt to cast religious conservatives in a negative light. For present purposes, it is enough to say that his work has the effect of feeding the unfortunate, and often-inaccurate, stereotypes of many of his readers.

(3) Note Professor Dwyer's use of the term, "mainstream," to express the perspective that religious conservatives are a small minority generally despised by the majority of Americans.[70] This point seems to be an accurate description of how religious conservatives are regarded in academia, Hollywood, and the media. It does not describe, however, how they are regarded in most places in America. In most of America, theologically-conservative Christians are well-accepted and demographically significant participants in the institutions important to daily life, such as workplaces, public and private schools, political institutions, libraries and museums, shopping malls and stores,

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[69] *See id.* at 14, 184–85 n.14. Thus, Dwyer cites PETER P. DEBOER, THE WISDOM OF PRACTICE (1989), which focuses entirely on Grand Rapids (Michigan) Christian School Association schools, *see id.* at 136; SUSAN D. ROSE, KEEPING THEM OUT OF THE HANDS OF SATAN: EVANGELICAL SCHOOLING IN AMERICA (1988), which covers two church-sponsored schools, one from a charismatic church, and one from a "fundamentalist Baptist" church, *see id.* at xxi, 7–10, and MELINDA BOLLAR WAGNER, GOD'S SCHOOLS (1990), which examined schools in a certain location which "represented all strands of conservative Protestant Christianity," including "evangelical, fundamentalist, and charismatic, and . . . the older Holiness and Pentecostal tradition," *id.* at 11.

[70] *See* DWYER, *supra* note 47, at 172–73.

and charitable, religious, and community institutions. Professor Dwyer mistakes certain significant cultural institutions for the entire society.

(4) Last, but most significant, is Dwyer's conclusion that "we" should "act to prevent" the children of fundamentalists from growing up to be like their parents.[71] Dwyer's explicit reason for doing so is concern for these children, who otherwise will, like their parents, incur the "scorn of mainstream America."[72] This reasoning is extraordinary given that Dwyer is expositing a theory of justice devoted to pluralism and respect for persons. Instead of urging respect for this minority culture, Dwyer argues, let's just eliminate the minority culture![73] How elegant and simple! Curiously, Dwyer's solution to cultural diversity mirrors precisely the intolerance he had attributed to fundamentalists. According to Dwyer, fundamentalists "do not value religious freedom or diversity . . . but rather wish for America to become a Christian theocracy."[74] It is Dwyer, however, who proposes that the power of the state be used to "prevent" the children of fundamentalists from growing up to become fundamentalists.[75] Dwyer is a secular authoritarian; employing his own misuse of the term "fundamentalist," Dwyer could be described as a "secularist fundamentalist."

Dwyer's implicit agenda is apparently to make America safe for the kind of liberal secularism—or liberal religion?—he prefers by eliminating the political voice of religious conservatives.[76] Rather than constructing elaborate theories for why such religious conservatives are not permitted to act and speak politically based on their beliefs, as others have done, Dwyer constructs an elaborate justification for regulating religious schools toward the end of preventing religious conservatives from passing on their faith to their children.[77] Of course, Dwyer himself claims to be writing purely out of concern for children, and criticizes others when they allow group rights, parental rights, or societal concerns to trump the well-being of children.[78]

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[71] *Id.* at 173.
[72] *Id.*
[73] *See id.*
[74] *Id.* at 17.
[75] *See id.* at 161–66.
[76] *Id.* at 160–61.
[77] *Id.* at 168.
[78] *Id.* at 3–4.

However, it is Dwyer himself who gives his agenda away by citing with irritation the political activism of "fundamentalists":

> Knowing that these children will incur the scorn of mainstream America if they grow up to be like their parents, why do we not act to prevent that, for their sake, rather than expect mainstream Americans to develop a respect *for people who argue dogmatically for reactionary policies based upon religious premises we do not share?*[79]

If one were to apply Dwyer's approach to racial or ethnic minorities, or religious minorities such as Hindus, Buddhists, Muslims, or Jews, it seems doubtful that a legitimate University Press would have even been willing to publish his work. Generally, the fact that an unpopular cultural group engages in political activism would not be a reason to advocate that the state intervene to ensure that the children of the group be "prevented" from adopting the culture of their parents. However, within the secularized world of academia, the problem of what to do about Christian conservatives is apparently in another category, in which state coercion to suppress the population of certain groups is given a hearing as a legitimate option.

Dwyer, in short, is seeking to use state regulation of religious education to achieve cultural genocide for Christian conservatives within the United States. One definition of cultural genocide includes:

> [A]ny deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial or religious group on grounds of the national or racial origin or religious belief of its members such as . . . [d]estroying or preventing the use of . . . schools . . . or other cultural institutions and objects of the group.[80]

Dwyer's proposal, if enacted as intended, would meet this definition, element-by-element:

(a) intent to destroy the religion of a religious group:

Dwyer intends to destroy the religion of theologically-conservative Christians within the United States, by state

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[79] *Id.* at 173 (emphasis added).

[80] LEO KUPER, GENOCIDE 30–31 (1981). This definition comes from a preliminary draft of the Genocide Convention. It was later decided to remove cultural genocide from the reach of the Convention, but Leo Kuper maintains that cultural genocide nonetheless "is commonly treated as [a crime] in much contemporary writing where it is described as ethnocide." *Id.* at 31. I have chosen to use the more recognizable term cultural genocide.

regulation of education designed to "prevent" these forms of Christianity from being passed on to the next generation. While this would not necessarily destroy the group entirely, definitions of genocide do not require the complete elimination of a group: "intent to destroy, in whole or in part,"[81] is sufficient.

(b) "intent to destroy . . . on grounds of the . . . religious belief of its members":[82]

It is clear from Dwyer's extremely negative portrayal of "fundamentalism," that the supposed religious beliefs of the group on matters such as gender[83] and morality[84] are the grounds for his proposal.

(c) "deliberate act . . . such as . . . [d]estroying or preventing the use of . . . schools . . . or other cultural institutions . . . of the group":[85]

Dwyer's proposed program of state regulation of religious schools,[86] if enacted, would constitute a deliberate act intended to prevent the use of religious schools to pass certain kinds of religious faith from parents to children. Thus, although the schools would be allowed to exist, Dwyer would literally be "preventing the use of . . . schools . . . or other cultural institutions . . . of the group"[87] for the purpose intended by the group, which, of course, is the nurturance of the next generation in the beliefs and practices of the religious community.

Given the stated purposes of Dwyer's proposed regulation of religious education, it is unnecessary to discuss its details. Indeed, it would be offensive to even attempt such a discussion. Since I was asked to write this essay as a representative of evangelicals, I cannot enter into discussions regarding the details of regulations designed to destroy the group I represent. Rather, my dialogue with Professor Dwyer necessarily would involve a respectful request that he publicly repudiate his genocidal intent.

Professor Dwyer's proposals illustrate why it is that some theologically-conservative Christians seek to eliminate or

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[81] Convention on the Prevention and Punishment of the Crime of Genocide, *opened for signature* Dec. 9, 1948, art. 2, 78 U.N.T.S. 277, 277 (entered into force Jan. 12, 1951).

[82] KUPER, *supra* note 80, at 30.

[83] DWYER, *supra* note 47, at 39–40.

[84] *Id.* at 41–42.

[85] KUPER, *supra* note 80, at 30–31.

[86] DWYER, *supra* note 47, at 3–4.

[87] KUPER, *supra* note 80, at 31.

minimize state regulation of religious education. Many are concerned that even purportedly reasonable regulations of religious schools would lead, over time, to governmental action motivated by religious and political opposition to the very presence of theologically-conservative Christianity in American society. Given that some significant sectors of American society are dominated by those who share Professor Dwyer's motivations and attitudes, it would not be rational to grant even reasonable regulatory authority to the state. Why grant power to those who want to use it to eliminate you?

Some may understandably complain that Professor Dwyer is at least partly correct: there are some children suffering from substandard or abusive educational practices in religious schools, and governmental regulation of religious schools currently is too lax to alleviate this problem. Shouldn't something be done about those negative practices Professor Dwyer has so vividly described, assuming such could be done without deliberately targeting the religious group for elimination?

Doubtless, there are some educational practices within religious schools that should not exist, just as there continue to be substandard and harmful educational practices in many public schools, despite a myriad of regulations. One cannot tell from Professor Dwyer's work how prevalent such practices are because of his strategy of presenting evidence of the worst he can find as typical, while ignoring the more nuanced story told even by the sources he cites.

Professor Dwyer further clouds the issue with his clumsy attempts to denigrate religious practices. Thus, Dwyer complains that students at religious schools are "preoccupied with concerns about their sinfulness," or feel "torn between desire and conscience."[88] He recounts his own childhood experiences with the Catholic confessional, complaining that he found it "quite frightening" in his early elementary school years, while causing him "anxiety" and "embarrass[ment]" as he grew older.[89] Dwyer fails to demonstrate how a secular state can evaluate and regulate these kinds of teachings and practices in a religiously-neutral way. Will the state now make it illegal for children to be taught that they are sinners, because from a

[88] DWYER, *supra* note 47, at 41.
[89] *Id.* at 42.

"secular" perspective this causes "anxiety." Will the Catholic confessional be banned for children, because this practice causes fear, anxiety, and embarrassment? Dwyer fails to address the many *religious and secular* perspectives which view anxiety, inner struggles of conscience, shame, and fear as playing a legitimate role in the development of a healthy human being. After all, a person who simply does whatever he desires, feels no shame or embarrassment at personal wrongdoing, and has no fear of any negative consequences for his actions, would rightfully be diagnosed with serious psychiatric disorders.[90]

Given that Professor Dwyer is proposing governmental regulation of an activity,[91] it would be rational to determine the likely effects of such regulation. Certainly, if Professor Dwyer was truly concerned with the well-being of children, he would presumably want to marshal all of the existing evidence concerning the efficacy of regulations, rather than using children unnecessarily as regulatory guinea pigs. Presumably Professor Dwyer is aware of the commonplace problem of unintended consequences of governmental regulation, not to mention the problem of ineffective regulation.

Yet, Professor Dwyer specifically refuses in his work to make any "evaluative comparison" of that part of the educational system that is highly regulated, to that part which he complains is under-regulated.[92] Specifically, Professor Dwyer rejects any "evaluative comparison" of public and religious schools deeming

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[90] One of the studies Dwyer cites regarding fundamentalist schools, Alan Peshkin's *God's Choice*, addresses the matter of character development and negative emotions as follows:

> BBA [Bethany Baptist Academy] students get the moral education that many American parents say they want for their children. BBA parents can revel in a school that is explicitly, exultantly moral. Those who accept genetically sinful human nature as fact can find comfort in the doctrinal bulwark Bethany builds to withstand Satan's onslaught. Those who accept moral upbringing as the foundation for strength of character as an adult can find no less comfort, their belief supported by the distinguished psychiatrist Bruno Bettleheim: "Today . . . we hope mistakenly that somehow more and more citizens will have developed a mature morality—without having first been subject as children to a stringent morality based on fear and trembling."

ALAN PESHKIN, GOD'S CHOICE: THE TOTAL WORLD OF A FUNDAMENTALIST CHRISTIAN SCHOOL 281 (1986) (quoting Bruno Bettelheim, *Education and the Reality Principle*, 3 AM. EDUCATOR 10, 12 (1979)).

[91] DWYER, *supra* note 47, at 3–5.

[92] *Id.* at 15.

it unnecessary to his proposal.[93] Yet, for some of his areas of concern, there should be substantial data available as to the success of regulation in producing the results he claims to seek, as well as some data regarding the success of religious schools in those areas. For example, although Professor Dwyer focuses great attention on academic education and "informed critical thinking," he makes no attempt to compare the standardized test results of public school students to those in various kinds of religious schools.[94] Instead, Professor Dwyer simply presumes that if certain religious and moral teachings are taught to children as true rather than debatable, the children will lack certain higher cognitive capacities.[95] Such a presumption, however, would be challenged by a Christian perspective that believes that higher cognitive functioning is assisted, rather than limited, by reasoning from certain fixed presuppositions. Professor Dwyer's lack of interest in comparative academic and cognitive comparisons of public school students with others suggests that his supposed concern with "informed critical thinking" hides a much narrower agenda: he wants children taught to question the presuppositions of the Christian religion, but does not mind at all if they are taught as truth the relativist presuppositions of a secularist mindset.[96] Certainly, he cannot make a case for state regulation of religious education to achieve the purpose of teaching higher critical thinking skills, without seeing whether the highly regulated public schools in fact have been successful in meeting that goal.

Further, although Professor Dwyer cites concerns that religious schools produce "adverse psychological effects for many students, including diminished self-esteem, extreme anxiety, and pronounced and sometimes lifelong anger and resentment,"[97] he ignores the data available to him in the very sources he cites. For example, one of Dwyer's sources, Alan Peshkin's well-regarded study of a fundamentalist school, found its students "significantly less alienated" than their local public school peers.[98] Similarly, Peshkin, despite his understandable concerns,

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[93] *Id.*
[94] *Id.* at 14–15.
[95] *Id.*
[96] *Id.*
[97] *Id.* at 15.
[98] PESHKIN, *supra* note 90, at 189; *see* Charles Glenn, *Why are Progressives So Hostile to School Choice Policies?*, CURRENT ISSUES IN COMP. EDUC., Apr. 30, 1999,

as a Jew, about the impacts of Christian fundamentalist schools, suggests that attendance at such a school, particularly for Christian students, would be a warm and supportive experience:

> From the inside, where I tried to experience Bethany's world to the extent that my conscience and convictions allowed me, I could see a marvelous order, an enveloping sense of peace, an abundance of the meaning and sense of community that so often accompany a collective religious experience. . . .
>
> Bethany is an extraordinary haven for those who believe. Indeed, it is not farfetched to think about Christian schools as Bettlehei . . . did about the kibbutzim: as special places, not for everyone, but surely of great value to many who seek the security of a particular type of value system and schooling.[99]

Peshkin's descriptions of a fundamentalist school hardly sound like the psychological torture chamber which Dwyer implies exist at fundamentalist schools, despite the fact that Dwyer claims that his descriptions of fundamentalist schools are based on the "consistent portrait" found in all of his cited sources.[100] The question is why Dwyer's overwhelmingly negative descriptions are so out of accord with so many of the "portraits" he himself cites?

Thus, the work of Professor Dwyer turns out to be virtually useless to an informed discussion of the role of the state in regulating religious education. Indeed, his work is counterproductive, because it undercuts the possibilities for trust and cooperation that would be necessary for such a discussion. To the degree that there are some number of children who would benefit from a greater degree of governmental regulation of religious schools, Professor Dwyer's work perversely makes such regulation less likely to occur. By confirming the worst suspicions of the conservative Christian world regarding the governmental regulation of religious education, Professor Dwyer will, if anything, stiffen the resistance of that community to such regulation. If the conservative Christian community were a tiny, powerless minority in American society, such resistance could easily be pushed aside by brute force. However, given that theologically-conservative Christians are a significant and

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at 1–3 (pointing out conflict between Dwyer and Peshkin on effects of fundamentalist schools).

[99] PESHKIN, *supra* note 90, at 283 (footnote omitted).

[100] DWYER, *supra* note 47, at 14, 184–85 n.14.

politically-effective plurality in American society, it is difficult to see how such regulations could be both enacted and enforced over their objections, at least in most states.

V. PROFESSOR DWYER'S "LIBERAL" THEORY OF EDUCATION

Professor Dwyer's essay in this symposium describes his liberal theory of education based on political theories of the liberal state. Aside from Professor Dwyer's denigration of evangelical Protestantism in his earlier work, I find his past and present use of political theory unpersuasive. I believe that the methodology of a "neutral" liberal state is "incoherent, because any determinate politics must necessarily rely upon and promote some contestable scheme of values."[101] Hence, I believe that the "progressive" hope that such a theory could give impartial reasons to "purge politics of the dogmas of orthodoxy" was vain.[102] Similarly, I find Professor Dwyer's hope that liberal political theory could give impartial or neutral bases for regulating religious education as equally vain. On a purely analytic basis, there is no "neutral" way to determine the proper scope of state regulation of religious education, as such regulations necessarily implicate "contestable scheme[s] of values."[103] Thus, Professor Dwyer's use of terms like "secular," "autonomy," "liberal," and "illiberal" load substantive value judgments into supposedly neutral terminology, while claiming all the while to reflect neutral views of contested issues. The result is that Dwyer promotes contestable value judgments, but in a hidden way, by privileging the values he prefers through his use of terms like "secular" and "liberal."

From my perspective, Professor Dwyer's "liberal" theory of education, and of political theory, is itself profoundly illiberal. To the degree that the term "liberal" refers to real limitations on governmental authority in existing democratic societies, the protection of the family, private education, and religious liberty against the intrusions of the state are an important part of the "liberal" state. I would not claim that the "liberalism" of contemporary democracies is value-neutral, or ideal, but its

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[101] *See* Andrew Koppelman, *The Fluidity of Neutrality*, 66 REV. POL. 633, 635 (2004) (citing WILLIAM A. GALSTON, LIBERAL PURPOSES: GOODS, VIRTUES, AND DIVERSITY IN THE LIBERAL STATE 92–94 (1991)).

[102] *Id.*

[103] *Id.*

limitations on government authority over the family and education have provided important social space critical to the flourishing of a variety of religious and non-religious visions of the good. Given that some political theorists are concluding that "the period of neutralist liberalism is now over,"[104] and that its academic dominance lasted for only a "brief period" of perhaps thirty years,[105] it would seem unwise to abandon political and social liberties that have developed over hundreds of years, based on passing academic theories.

To the degree that the mask of neutrality is increasingly being ripped off of academic theories of the liberal state, what is often found underneath is a naked set of values preferences. As my analysis of Professor Dwyer's work indicates, Professor Dwyer's personal views include a distinctly negative evaluation of certain kinds of religions commonly found within the United States—and the world. Once Professor Dwyer's proposals concerning state regulation of education are clearly seen emanating from his personal views, rather than from neutral general principles of the American or "liberal" political order, those proposals can be properly evaluated. This is not to say that debate over religious practices or beliefs are illegitimate or improper; however, as I have tried to demonstrate, Dwyer's discussion of religion and religious education has lacked analytic rigor and empirical accuracy. If we are to debate the merits of various religious practices and beliefs, let us do it well. If we are going to substantively evaluate which religious practices and government policies serve the comprehensive good of children, adults, and communities, let us admit what we are doing, rather than hiding those judgments behind supposedly value-neutral theories of liberal education or the liberal state.

VI. CONCLUSION

The Christian church historically has understood that some will be inordinately, even irrationally hostile toward her, particularly if humankind's hostility toward God becomes channeled into a hostility toward Christians and the church. Where Christianity and the church have in some manner

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[104] *Id.* at 636 (quoting Thomas Hurka, Book Review: George Sher, *Beyond Neutrality: Perfectionism and Politics*, 109 ETHICS 187, 190 (1998)).

[105] *See id.* at 635–36.

wrongfully harmed individuals or groups, the resulting combination of hostility toward the church can be overwhelming. Unraveling the varied strands causing hostility toward the Christian religion is ultimately something which, from a Christian perspective, can only be accomplished by God. In the meantime, however, Christians are best served by being trained to expect such hostility, whether deserved or not. Of course, the Christian faith has an odd way of reappearing in fresh ways even among those who were wronged by Christians, as illustrated by the amazing growth of Christianity among formerly colonized peoples. Hence, the expectation of hostility should not ultimately diminish the chastened optimism of the faith. This chastened optimism of faith comes from believing that God can reconcile to Himself even those whom have been harmed by God's people. In this way, God can, if He so pleases, use the church to overcome and heal the wounds caused by the church.

These comments are meant to place into a broader theological perspective the understanding of the church when encountering hostility and the desire to harm, as is often present today within the academic community in the United States. The cross-cultural reach of the church, which finds followers among a myriad of cultures, languages, and ethnic groups, sometimes seems to find a limit among those who for varying reasons have formed an identity in opposition to her. Yet, even this barrier is not seen as necessarily ultimate.

In relation to the academic community within the United States, it is particularly important that there be present those who can aptly and faithfully represent the various strands of the Christian church. Those persons are standing, for the moment, on generally hostile ground. While it would be easier to retreat from the academy into more comfortable climes, it is also important to stay and hear the voices of those who so distrust the church, for within those voices there will be some elements of truth, and correctives which the church may need to hear.

If there is to be some form of communication across the cultural and religious divide, then the Christian academic can serve as one of the conduits. And to the degree that communication, rather than mere raw power, is significant to both the church and her critics, then perhaps the Christian academic can ultimately be of service to both.