

PREFACE

On March 23, 2000, fifty-seven men and women from government, business, labor, law, academia, non-profit organizations, the media, and different religious faiths and faith-based organizations gathered at Arden House, Harriman, New York, for the Ninety-sixth American Assembly entitled "Religion in Public Life." For three days the participants worked together to define policies and actions concerning the role of religion in American public life. This was the second in a new American Assembly series entitled *Uniting America: Toward Common Purpose*, which is designed to help reverse some of the most difficult and divisive forces in our society.

Martin Marty, Director of the Public Religion Project and Professor, University of Chicago, chaired this Assembly as well as a distinguished Leadership Council for the project, consisting of fourteen leaders of major religions in the United States. The list of members of the Council appears at the end of this report. The co-directors for this Assembly were Azizah Y. al-Hibri, Professor, University of Richmond School of Law; Jean Bethke Elshtain, Professor, University of Chicago Divinity School; and Charles C. Haynes, Senior Scholar, the Freedom Forum First Amendment Center. The background papers prepared by the co-directors will be published by W.W. Norton & Company as a book, tentatively entitled *Matters of Faith: Religion in American Public Life*, in their American Assembly series.

This Assembly sought to identify as wide a circle as possible of shared values among the many religions in the United States in order to help create an atmosphere of mutual respect in public life in which their religious differences could be discussed in a less divisive way and in which those shared values could help resolve non-religious issues, and thus lead towards a more united America. Among the specific issues addressed were the following:

How should we address religion in public education?

How should the First Amendment guarantees apply to current controversies concerning religion in public life?

Should state-religious institution partnerships be encouraged?

How should we live with our differences on such issues as sexual orientation, abortion, physician-assisted suicide?

What role should religion play in business and corporate governance, not-for-profit organizations, academia, citizen action, and science and technology?

During this Assembly, participants heard opening remarks by David R. Gergen, Commentator, *The Newshour with Jim Lehrer*; Professor, John F. Kennedy School of Government, Harvard University; and a Trustee of The American Assembly, in addition to serving as co-chair of the *Uniting America* series. Participants also heard a keynote address by Os Guinness, Senior Fellow, The Trinity Forum. There were also panel discussions: "Religion and Public Education: A Public Policy Issue," moderated by Dr. Haynes, which included Martha H. Ball, Shabbir A. Mansuri, Elliot M. Minberg,

Kimberly A. Plummer, and Forrest L. Turpen, as panelists; and "A Dialogue on Pluralism," moderated by Martin E. Marty, with Diana Eck, Cheryl Sanders, and Ines Talamantez as panelists.

Following their discussions, the participants issued this report on March 26, 2000. It contains both their findings and recommendations. The text of this report is available on The American Assembly's website on the World Wide Web (www.americanassembly.org), along with information about other Assembly programs.

The American Assembly gratefully acknowledges those funders whose generous support helped make this Assembly on religion in public life possible:

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As this Assembly is part of the overall American Assembly series, Uniting America, our appreciation is also expressed to those who have funded the series:

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Anonymous

Other topics to be addressed in the overall American Assembly Uniting America series include family as the core unit of society (September 2000), racial divisions (spring 2001), and the inter-sector cooperation (among business, government, and civil society) necessary to help move our society back toward common purpose (fall 2001). A distinguished Leadership Advisory Group helped to design this series, and will convene toward the end of 2001, after the fifth Assembly in this series, to issue its own overview report of the principal findings and recommendations from the entire series. This leadership group is co-chaired by three trustees of The American Assembly, Mr. Gergen, Karen Elliott House, and Donald F. McHenry, and by Paul O'Neill. A full list of its members can be found at the end of this report. This series will undertake not only to make the necessary recommendations, but will also develop action plans and follow-on activities necessary to achieve their policy recommendations.

The American Assembly takes no position on subjects that it presents for public discussion. In addition, it should be noted that the participants took part in this meeting as individuals and spoke for themselves rather than for the organizations and institutions with which they are affiliated.

We would like to express special appreciation for the fine work of the discussion leaders and rapporteurs in helping to prepare the first draft of this report: Joanna M. Adams, Marcia Beauchamp, Kathleen Brady, W. Clark Gilpin, Roberto S. Goizueta, Wayne Jacobsen, and Mark Silk.

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Report

FINAL REPORT

of the

NINETY-SIXTH AMERICAN ASSEMBLY

At the close of their discussions, the participants in the Ninety-Sixth American Assembly, on "Religion in Public Life," at Arden House, Harriman, New York, March 23-26, 2000, reviewed as a group the following statement. This statement represents general agreement; however, no one was asked to sign it. Furthermore, it should be understood that not everyone agreed with all of it.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness..."
The Declaration of Independence

"...no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."
Article VI, Clause 3, United States Constitution

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."
First Amendment to the United States Constitution

PREAMBLE

We, the participants in the Religion in Public Life American Assembly, in recognition of our religiously diverse American union, reaffirm the intrinsic worth and dignity of each human being and our commitment to the principle of religious freedom. These principles are embodied in our founding documents, the Declaration of Independence and the United States Constitution.

Our deliberations come at a propitious moment. The arrival of a new millennium concentrates our minds, inviting us to evaluate where we have been and where we seem to be going. Looking back, we acknowledge that the aspiration for religious freedom has been a powerful force in the founding and development of the American democratic experiment. We also acknowledge that the United States of America has been a religiously diverse society from its inception.

Looking at America today, we see a broad new range of religious communities that have become part of our society in the past several decades. Most of the world's religious traditions are now at home here. America's increasingly multi-religious reality challenges all of us to affirm anew the common covenants of our citizenship.

Unfortunately, both in the past and today, our diversity sometimes has become a source of division rather than a display of human religious possibilities within a common civic life. We frankly acknowledge, and we lament, the use and abuse of religion, whether historically or currently, to divide us from one another, to generate animosity between groups, and, in some cases, to suppress the very liberties on which this nation was founded. We honor the ways in which religious voices can enrich us all, even as religious pluralism presents enormous challenges to us as believers and nonbelievers, neighbors, and citizens. Taking up these challenges, we offer the fruits of our deliberations on issues ranging from the current meaning and implication of our basic founding documents and their twin commitment to disestablishment and the free exercise of religion, to how we debate current "hot button" issues like faith-based social services, religion in public schools, school vouchers, or abortion. It is our conviction that, as a society, we will not be able to engage these questions from a stance of civility and respect unless we listen to one another and learn to take seriously religious viewpoints and commitments different from our own.

Americans live in an era in which religion is extremely visible in public life. Yet, as a people, we are uncertain about appropriate public expression of religion. This Assembly believes that the way in which its participants engaged one another offers a model of constructive encounter, and we learned just how difficult it is to arrive at agreement and to note disagreement with respect. If we, as a society, fail to learn how to communicate in this constructive way, we will either drift off into indifference or disengage in anger. Either way, this would be a civic tragedy. This Assembly believes that fruitful engagement in America is possible; indeed, it is needed now more than ever, given the volatile issues before us.

A CIVIC FRAMEWORK FOR RELIGION IN PUBLIC LIFE

The Religious Liberty Clauses of the First Amendment of the U.S. Constitution presuppose a right to freedom of conscience based upon the worth and dignity of each person. The assurance of the free exercise of religion and the prohibition of religious

establishment provide a civic framework for religious conduct and expression in public life. The effectiveness of this civic framework entails both public and governmental affirmation of every person's freedom of conscience, the responsibility to protect that freedom, and respect and fairness in the debates concerning religion that are inevitable in a society of such remarkable religious diversity. This Assembly is convinced that the resilience of this civic framework and the possibilities it affords for diverse and robust religious life require sustained attention from American society generally and religious communities specifically. All across the country many communities are finding common ground on some of the most divisive religious liberty issues of our day. Encouraged by their successes, this Assembly challenges both the society and its religions to take the specific steps recommended in this document toward sustaining our nation's "lively experiment" in responsible religious freedom.

Challenges for American Society

This Assembly recognizes that although the principles of religious liberty are at the foundation of our civic life together, they have not at any time in our history been fully and fairly applied to all Americans. We call for an expanded understanding of these fundamental principles, taking into consideration our diverse heritage, and we urge a concerted effort to apply fully and fairly these principles to all groups in the society as, for example, Native Americans.

Respect for differences is basic to recognizing and protecting the right to freedom of conscience. Our civic agreement affirms that respect for competing claims about religion does not necessarily reflect agreement with those claims. Rather, it affirms the right of individuals and faith communities to bring their beliefs into the arena of public discourse.

This Assembly affirms a conception of our civic framework in which our citizens accommodate distinctive religious practices in the public sphere, including religious dress, calendar, rites, and ceremonies. The practical application of religious freedom depends on fair and accurate representation of religious communities in the wider civic culture--in schools, museums, and the media.

Challenges for Religious Communities

The American civic compact does not simply protect the diversity of religious practices; it also challenges religious communities to participate in working for the common good. We challenge religious communities not simply to tolerate religious diversity, but to reflect on the ways in which such pluralism can contribute to our common civic life. We further challenge religious communities to reflect upon the contribution that religious traditions can make to our understanding of the American commitment to the rights, dignity, and worth of persons.

We call on representatives of religious traditions to share their wisdom about concerns crucial to the improvement of life in contemporary American society. Among these are

social justice, family life, racial and ethnic reconciliation, care for the environment, and the relationship of individual and community.

We call on religious communities to engage in outreach education about their own faith with other faiths and the larger society in order to combat stereotypes, increase understanding, and invite cooperation on shared issues of civic concern. We should be cautious about attributing a single voice to other religious traditions since we are aware of different voices within our own.

Finally, we call on religious communities to speak up for one another. When the religious rights of one group are threatened, religious freedom is threatened for all.

Challenge to American Society and the Religious Communities Within It

Although ignorance is not the source of all problems, it is the source of some, and it is incumbent upon public education institutions, the educational arms of religious communities, and other organizations where people gather for civic action to make concerted efforts at a more substantive education of American citizens concerning the basic beliefs and characteristic practices of the nation's religious groups.

RELIGIOUS VOICES IN THE PUBLIC SPHERE

Our deep commitment to these principles leads us to emphasize the importance of vigorous religious involvement in public policy and civic life. Americans should recognize that they live in a country with strong and flexible institutions, and a remarkable capacity for living with--and sometimes resolving--intensely conflicting views without recourse to violence. Religious voices are a vital component of our national conversation, and should be heard in the public square. We reject the notion that religion is exclusively a private matter relegated to the homes and sacred meeting places of the faithful, primarily for two reasons. First, religious convictions of individuals cannot be severed from their daily lives. People of faith in business, law, medicine, education, and other sectors should not be required to divorce their faith from their professions. Second, many religious communities have a rich tradition of constructive social engagement and our nation benefits from their work in such varied areas as social justice, civil rights, and ethics.

We encourage people of faith to foster the emergence of a new American generation, one that better comprehends the significance of the increasing religious pluralism in this nation, and its implications for advancing civic dialogue. This will require people of faith to seek to communicate with one another and Americans of no religious convictions in ways that enhance mutual understanding and respect for the civil liberties of everyone. Because of existing realities, the burden for this process falls primarily on members of religious groups that have met wide public acceptance in their communities to help build

the connections with members of religious groups that have not yet been fully accepted and to ensure that they are not treated as strangers in their own land.

When religions admit past offenses in their relations with others, they contribute to the achievement of this goal. This requires taking seriously the testimony of less powerful religious groups regarding their experiences of oppression. Religious communities across the land should express clearly their commitment to forging a common ground that allows us to address important issues in the public arena.

EDUCATING FOR CITIZENSHIP IN A RELIGIOUSLY DIVERSE SOCIETY

The participants in this Assembly wish to highlight the central role of education in providing citizens with a shared understanding of the role of religion in American public life. We urge all schools--public and private--to address the urgent need for Americans to learn more about one another in our religious diversity, to engage differences with fairness and respect, and to learn to work together as American citizens for the common good.

The public schools belong to all Americans. As guardians of our constitutional principles, teachers and administrators have a special obligation and responsibility to protect the religious liberty rights of students of all faiths and none, and to ensure that religion and religious conviction are treated with fairness and respect.

In recent years, a new consensus has emerged across a broad spectrum of religious and educational groups about many of the issues concerning religious expression by students in the public schools. A summary of these agreements and guidelines was sent by the U.S. Department of Education to every principal in early 2000. Unless these guidelines are translated into effective local policies and practices, they will mean little. It is, therefore, both timely and necessary for Americans to take the following next steps:

Every local school district should work with parents and community leaders to develop clear religious liberty policies on student religious expression that reflect the new consensus under current law.

School leaders should provide teachers and administrators in-service education focused on First Amendment and other constitutional principles and legal guidelines for implementing religious liberty policies.

Colleges and universities should take immediate steps to ensure that administrators and teachers are prepared to address issues concerning religious liberty and diversity in public schools.

In addition to the importance of protecting the religious liberty rights of students, this Assembly also believes that the education of America's youth should include teaching about religion. If students are to be properly educated and prepared for citizenship in a diverse society, they must know something about the important role that religion has played in history and culture and continues to play in shaping our world. In many public schools, religion is absent or significantly underrepresented in the curriculum, and this contributes to a lack of awareness among students about the religious traditions that form

the lives of many of their fellow classmates. The aim of instruction about religion should be neither to inculcate nor denigrate religion, but rather to foster greater understanding of religions. Critical to any teaching about religion in the public schools should be inclusion and respect for a full range of religious and nonreligious voices, and a recognition of religious pluralism as a source of strength for American society and democracy. At the same time, public school educators should be sensitive to the fact that religious faith often involves conviction about ultimate truth, and that for many people religious worldviews are not relative or interchangeable.

This Assembly believes that age-appropriate study about religion should be a part of all public and private elementary, secondary, and university education. In the public school context, we recommend training for teachers and administrators in how they can integrate study about religion into the curriculum. Training should be a part of degree programs for teacher certification as well as continuing in-service education. We encourage study about religion, where it naturally arises, in history, literature, and social science courses, and the development of elective courses in religious studies. Several states have already embarked on promising efforts to integrate study about religion into their curriculum, and we call upon other state and local entities to join in their effort.

We also believe that religious liberty and diversity are best protected in a school culture that teaches and models core civic virtues and moral values. Of course, parents are the primary educators of moral character. Schools should work with parents and others in the community to ensure that widely-held moral values such as honesty, caring, respect, and responsibility are reflected and taught in the mission and environment of the school. This can and must be done without either invoking religious authority or undermining the religious convictions of parents and students.

PUBLIC POLICY ISSUES ON RELIGION AND PUBLIC LIFE

Religious Liberty

Given that the principles of free exercise and non-establishment are the twin pillars of the American commitment to religious liberty, this Assembly is concerned that the U.S. Supreme Court's current free exercise jurisprudence does not sufficiently protect the ability of Americans to practice their faith. Under recent decisions, the Court leaves it to majority opinion, as expressed in legislative bodies, to accommodate religious practices where neutral laws of general applicability may restrict such practices. Increasingly, religious communities feel burdened by the Court's approach to these issues. While recognizing that legislatures have sometimes proven amenable to passing legislation to protect practices under these circumstances, we nonetheless believe that the Court ought to accord greater deference to individuals and communities acting out of their inalienable right of conscience. The religious freedom of unpopular religious groups, and the least

powerful among us especially, is too sacrosanct to be left to decisionmaking by the majority.

Religion in the Workplace

Multi-religious America has posed new questions of the workplace. In the 1990s, the Equal Employment Opportunities Commission reported a significant rise in complaints of religious discrimination in the workplace, including failure to provide a reasonable accommodation of religious practice. Although the U.S. Constitution does not prevent private employers from instituting work rules that burden religious practice, this Assembly is convinced that freedom of religion in the workplace requires renewed legislative attention. The Guidelines on Religious Exercise and Religious Expression in the Federal Workplace may provide a starting point for wider civic attention to this matter.

Faith-based Social Services

A central public policy issue at the present time concerns the provision of public funds to religious or "faith-based" organizations to carry out social service programs of one sort or another. For example, the "charitable choice" provision of the 1996 welfare reform legislation specifies that state governments cannot discriminate against religious groups when contracting for services to help move welfare recipients into the workforce, nor can they require such groups to give up their religious values when acting as social service providers. While taking no position on the specifics of that provision, or all of its premises, this Assembly generally supports the concept of cooperation between government and faith-based organizations in the provision of social services. The religious character of their efforts often can be integral to their programs. At the same time, this Assembly acknowledges that taking public money imposes certain obligations on faith-based providers. These include, among other things, both the mandated responsibility not to use government funds for proselytizing, worship activities, and the like, and an obligation to be publicly accountable regarding their administration of social programs. Without laying down specifics, we call upon lawmakers, religious communities, and others involved in social welfare policy to seek to devise a workable cooperative arrangement that assures the religious integrity of providers and of those receiving the services, establishes standards of accountability for their use of the public purse, and ensures the availability of secular alternatives to the services they offer.

These important issues offer examples of the ways public policy ought to accommodate religious practices and undertakings. The experiment by this Assembly to address seemingly intractable religion-related issues--including school vouchers, abortion, same-sex marriage, and assisted suicide laws--did not produce consensus. We believe, however, that the discussion of these issues conducted within a context that promotes civility, mutual respect, and non-violence offers a model for society at large that holds the most promise for achieving areas of agreement among powerfully held opposing views.

THE MEDIA

We believe it is imperative that the news media adequately and accurately convey the character and varieties of American religious experience. It is indisputable that the American media have devoted increased attention to religious subjects over the past decade. Religion, which for decades could not be found on prime-time network television, today enjoys a real presence there. Across the land, dozens of newspapers have created "faith and values" sections and hired new staff to produce them. Hardly a month goes by without a "religion cover" on a major news weekly.

The news media, however, too often neglect stories with religious dimensions that do not tell simple morality tales. Religious perspectives on science, technology, ethical questions, and the arts--just to name a few areas--rarely see the light of day in either print or broadcast media. In many cases, reporters find it hard to come to terms with the religious motivations of the people they write about. The result is a picture of the world that leaves out one of its crucial dimensions.

When religious controversies make the news, journalists all too often seek out the most extreme views and ignore the frequent efforts of people of faith to achieve peaceful resolution. A journalistic tendency to polarize an issue by sensationalism can be particularly distorting in the religious arena.

We recognize, at the same time, that religious people need a better understanding of how the media work. Religious leaders have a special responsibility to educate their communities to understand that the media are not, and should not be in the business of representing religion simply as adherents would want it to be represented. In addition, religious leaders and other citizens with religious commitments and perspectives who want to make their views known should take the responsibility to enter the public arena by means such as letters to the editor and op-ed pieces, visits to editorial boards, and use of the Internet.

A PLAN FOR ACTION

We began this document with a reaffirmation of our basic commitment to the fundamental principle of the inalienable rights of religious freedom based upon the worth and dignity of each human being. We have developed a civic framework, articulated a call for citizens with religious convictions to engage civic life under shared civil rules for that engagement, and raised a number of vital and contestable public policy issues.

How do we move forward in light of our commitments, our claims, and our concerns? This Assembly urges the following agenda of action in the conviction that the well-being

of the American republic may hinge on how we deal with the many issues and concerns generated by religion in our public life. Although we did not seek unanimity, we came to substantial agreement on a number of vital issues for which there is no single solution or definitive resolution. There are, however, things that can and, we believe, should be done.

Recommendations on general principles:

We call for a concerted effort to apply fully and fairly the principles of this report to all appropriate groups in our society.

We encourage an expansive approach to the accommodation of distinctive religious practices in the public sphere, including religious dress, calendar, rites, and ceremonies. We call upon religious communities to engage in outreach education about their beliefs and rituals with other faith communities and the larger society with the aim of combating stereotypes, increasing understanding, and inviting cooperation on shared issues of civic concern.

We encourage holding town meetings in communities and on the Internet on the role of religion in the public sphere and using such occasions to model a robust engagement run by people of differing religious and nonreligious perspectives. We also note the significance of the Internet in providing new and valuable sites for interreligious encounter in web-based town meetings.

We encourage the development of a national dialogue on religion in public life to provide a visible public forum for the serious and respectful discussion of matters of public concern by people of diverse religious and nonreligious perspective.

Recommendations on faith-based social services:

Religious communities, lawmakers, and others involved in social welfare policy should seek to devise a workable arrangement for cooperation between faith-based organizations and government that assures the religious integrity of providers and beneficiaries of services, the legitimate need for providers to be accountable for their use of public funds, and adherence to the mandate not to use government money for proselytizing, worship activities, and the like.

Recommendations on education:

Local school districts should work with parents and community leaders to articulate clear religious liberty policies for students and school personnel that reflect the new consensus under current law.

School leaders should provide in-service opportunities for teachers and administrators focused on First Amendment principles and legal guidelines for implementing religious liberty policies.

Colleges and universities should reform their curriculums to ensure that administrators and teachers are prepared to address issues concerning religious liberty and diversity in public schools and to teach about religion in their respective subjects whenever appropriate.

Responsible citizens should encourage teaching about the role of religion in American schools, public and private, from elementary through university.

Local schools should develop character education plans in cooperation with parents and religious leaders together with teachers and school administrators in order to ensure that widely-held moral values such as honesty, caring, respect, and responsibility are reflected and taught in the mission and environment of the school.

Communities and school districts should seek common ground on religious liberty issues as illustrated by the Three Rs Projects ("Rights, Responsibility, and Respect") of the Freedom Forum First Amendment Center and by the BridgeBuilders program.

Participants in this Assembly had the rare opportunity to debate matters of deep concern and commitment over a three-day period. We commit ourselves to continue this process by encouraging the formation of small groups in our own communities to discuss and debate the principles and recommendations of this report and other materials on religion in public life. As well, a sub-committee of this Assembly will develop and disseminate a study guide to be made available to leaders of local dialogue groups. We also pledge ourselves to widespread dissemination of this report in our own communities and states, including use of the Internet. For example, given our focus on education, we will see to it that those responsible for public education, from state superintendents of schools down to our local school boards, receive copies of this report, and we will encourage them to respond. We will undertake efforts to correct stereotyped portrayals of people of faith wherever they surface by embodying in our own communities concrete examples of how people with strong religious convictions can meet and reason together.

In the spirit of the Uniting America series of The American Assembly, of which this Religion Assembly is one program, we believe that the recommendations of this Assembly contribute to uniting America.

CONCLUSION

We live in an era marked by widespread mistrust of our basic institutions and characterized by a crisis of leadership in many spheres of American life. No single effort or report can solve these problems. That will be the work of engaged citizens over many years. However, there is much that can and should be done as we have shown. Policy makers may have the most visible and immediate responsibility for civic leadership. But the democratic wager is that each of us has a vocation of leadership and each of us is responsible for the well-being of all of us as a nation and a people. Our diverse communities of faith are a rich resource to our nation, reminding us that we can come to know a good in common that we cannot know alone. This Assembly's work together has reminded us that religious liberty is a bedrock value that animates our republic, undergirds our civic morality, and defines us as a people.

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