

Nailing religious tenets to the classroom wall

BY GENE NICHOL

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CHAPEL HILL -- As a minor component of its recent ideological forced march, the legislature passed a bill allowing our public schools to display the Biblical Decalogue. Local administrators are now empowered to highlight "documents ... such as the Magna Carta, the Mecklenburg Declaration, the Ten Commandments and the Justinian Code" that "have formed and influenced the United States legal system."

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Since there can have been no conceivable doubt about the legality of hanging the Magna Carta, the Mecklenburg Declaration or the Justinian Code (I wonder how many legislators know what that is?), the statute is designed to provide thin "secular" cover for displaying a central listing of religious tenets. For good-government, non-religious purposes, school children will now be told that the Sabbath should be made holy, that no gods are to be placed before the God of the Old Testament and that "the name of the Lord your God" must not be taken in vain.

One hopes that the legislators attesting to the decidedly secular and civic purposes of the listing didn't, accidentally, "bear false witness."

Even the most conservative constitutional theorists concede that the Establishment Clause clearly prohibits two things: the creation of a national church and the preference of one religious sect over another. What, pray tell, is the distribution of the Ten Commandments to school kids if it's not preferring one religion to another? The Ten Commandments is the only religious text mentioned in the statute. No provisions of the Koran, the Vedas, the Upanishads or the Tibetan Book of the Dead, it goes without saying, made the cut.

And, of course, there are three distinct versions of the Ten Commandments - Protestant, Catholic (and Lutheran) and Jewish. So now, in an officially delegated act of government power, school administrators will decide which of the three contested visions prevails in each district. As a Catholic in North Carolina, I have little doubt which sect will win out. But it's hard to think of a purer violation of the Establishment Clause than a government officer determining which characterization of the Ten Commandments is "ours."

It is curious how easily, and how often, the cry to use government authority to support "religion" becomes a demand for the ascendancy of "my religion."

But these, to be candid, are the objections of a separationist - an inadequate, and occasionally bruised, devotee of Jefferson, Madison and, incidentally, the First Amendment. I have long wondered, separately, though, as a Christian, about the fevered moves of the political right to post the Ten Commandments here and there on our public properties.

When pressed in private discussion, or even in open debate, about the actual motivation for such official displays, advocates will typically concede that the goal has nothing to do with the genesis of the rule of law or American juridical structures. It is rather, simply put, a call for overt and visible recognition that we are, and ever shall be, "a Christian nation."

I have little doubt this is the much-sought-for aim. That being so, it again illustrates the potent equality interests that drive the Establishment Clause - because if, indeed, we are labeled a "Christian" nation, some of us are tagged as insiders, while others are, explicitly or implicitly, cast back.

But, constitutionalism aside, isn't it odd that we seek to mark ourselves as "Christian" by homage to the Ten Commandments? These Old Testament dictates are hardly the high water mark of Christian teaching. The core of what the Bible itself refers to as Jesus' "doctrine" is laid out affirmatively, astonishingly, in the most moving speech ever made - the Sermon on the Mount. Why not post the best that Christianity has to offer?

It reads, you might recall, in part:

"Blessed are the poor, for theirs is the kingdom of God."

"Blessed are they that hunger, for they shall be filled."

"Blessed are the merciful, for they shall obtain mercy."

"Blessed are the peacemakers, for they shall be called children of God."

"But woe unto you that are rich! You have received your consolation."

"Love your enemies, do good to them which hate you, bless them that spitefully use you."

"Resist not evil: whoever shall smite you on your right cheek, turn to him the other also."

"Give to him that asks of you, for your Father makes the sun to rise on the evil and the good."

"Lay not up for yourselves treasures upon the earth, where moth and rust corrupt, for where your treasure is, there will your heart be also."

"Judge not, that you not be judged."

Is it possible that this central, unyielding, perfect statement of Christian philosophy is tougher to square with the actual agenda of the American political right?

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