

REPORT FROM THE Center

Spring Symposium to Explore Religious Tolerance

The Center's Spring 2009 Symposium will address "Pluralism, Tolerance, and Freedom: What's At Stake?"

This is an important and timely topic. It is often said that when the United States adopted the First Amendment, it moved beyond "mere" religious tolerance to true religious freedom. But tolerance does not become irrelevant when freedom is protected. There are many indications that we are becoming a less tolerant society, and that this trend is shrinking the social and political space within which our freedoms can be exercised.

The Symposium will address issues of tolerance from a variety of perspectives, including both religious and non-religious contexts. Our speakers include

nationally known scholars in such areas as religious minorities in America, religion and the media, religion and politics, interfaith understanding, and philosophy.

These programs should prove insightful to anyone interested in combating intolerance through education and constructive engagement, among the Center's core missions.

The Symposium begins on Thursday, February 5, and continues on consecutive Thursdays through March 5. Following the Center's customary practice, each program will consist of a public presentation followed by audience

discussion, and each will be offered twice: once at 11 a.m. and again at 7:30 p.m. in the Boyd Dining Center at Virginia Wesleyan College. All programs are free and open to the public; no reservations are required.

The schedule of specific speakers and topics can be found in the Calendar of Events on page 8 and on the Center's Web site.



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REFLECTIONS FROM THE DIRECTOR



Religious Monument Raises First Amendment Dilemma

The freedoms protected by the First Amendment overlap. The Religion Clauses prohibit government establishment of religion while protecting the right of private persons and groups to practice their religious faiths freely. The First Amendment also protects the freedoms of speech and the press, the right of peaceable assembly, and the right to petition for "a redress of grievances." The overlapping nature of these freedoms means, for example, that religious expression is both a form of protected free exercise and a form of protected speech, just as religious worship might be thought of as a protected form of assembly.

In recent years, the courts have increasingly treated cases involving religious *continued on page 2*

*Congress shall make no law respecting
an establishment of religion,
or prohibiting the free exercise thereof.*

continued from page 1

expression as speech cases. Yet religious speech can raise thorny constitutional issues not raised by other forms of speech. When private individuals or groups seek to use public spaces to present religious messages, the Free Speech and Free Exercise clauses bump up against the Establishment Clause in complex and ambiguous ways. The U.S. Supreme Court has an opportunity to clarify the relationship among these clauses in an important First Amendment case that will be decided this year.

The case, *Pleasant Grove City v. Summum*, began when the city refused a request by a small religious group called Summum to install a monument displaying its core teachings in a public park. The park already contained several other monuments and memorials donated by civic groups, including a Ten Commandments display accepted by the city 32 years earlier. The proper way to

approach the First Amendment issues in this case is far from clear, and each of the alternatives seems to violate one core First Amendment value while upholding another.

There is a well-established rule that the government may not engage in viewpoint discrimination; that is, it may not regulate the use of public forums to allow some forms of private speech and exclude others based on their content. It was on this basis that the federal Tenth Circuit Court of Appeals ruled that the city was required to display Summum's monument. This approach raises an obvious practical problem – must a city accept every monument offered by anyone? As Chief Justice Roberts asked during oral argument, just because we have a Statue of Liberty, “do we have to have a statue of despotism?” or, as Justice Scalia suggested, “a monument to chocolate cookies?”

Yet the alternative approaches raise other constitutional difficulties. One possibility would be for the city to accept the monument as gift and then display it as its own. This solves the viewpoint discrimination problem because the Supreme Court has ruled that when the government itself is speaking, it may choose its own message without worrying about the First Amendment. This approach would allow the city to accept some monuments and reject others, and better control the use of limited public space.

The problem is that displaying a religious monument as a form of government speech would seem to be a clear violation

of the Establishment Clause. And this strategy would presumably require the city to adopt the older Ten Commandments monument in the same way, compounding the Establishment violation. Moreover, the Establishment Clause requires the government to be neutral in matters of religion by not favoring one faith over another, so it couldn't adopt one while rejecting the other. In other words, short of accepting every permanent display offered by anyone (or tearing down the Ten Commandments monument), the city risks violating the Establishment Clause if it accepts Summum's offering and violating the Freedom of Speech Clause if it rejects it.

It seems unlikely that the Supreme Court will require the city to accept the Summum monument. But the grounds on which it might permit the city to refuse are far from clear. This case could help clarify some very thorny First Amendment issues, or it could further cloud the already muddy First Amendment waters.

As the stories featured in the *Religious Freedom in the News* section on page 3 illustrate, some government officials are using the public forum concept in an effort to avoid the issues created by holiday displays. Whether this strategy will be successful in the long run remains to be seen, and will likely depend in part on the outcome of the *Pleasant Grove* case. One thing remains clear, however: a host of difficult legal and practical problems inevitably arise when religious displays are permitted on government property. ■

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Center Director Receives Award

More than 200 people gathered at the Norfolk Waterside Marriott Hotel on Saturday, September 6, for Iftar dinner, the evening meal breaking the fast during Ramadan. The event was sponsored by the Hampton Roads Chapter of the Rumi Forum, an international interfaith and human rights organization, and the Better Understanding Club of Old Dominion University. Following the dinner, Dr. Ali Yurtsever, president of Rumi Forum, presented the Rumi Forum 2008 Interfaith and Intercultural Dialogue Award to Center Director Paul Rasor. Rasor was one of two persons honored at this event; the other was Ms. Lesa Clark, Assistant Dean for the Office of Intercultural Relations at ODU.

The following stories illustrate some implications of the issues raised by the Supreme Court case discussed in the Director's column (page 1). The stories are taken from the Religion Clause Blog; comments are by Center Director Paul Rasor.

Nativity Scene To Go Up Without Opposition In Illinois Capitol Building

A press release issued on November 28, 2008, by the Springfield Nativity Scene Committee (SNSC) reports that a privately funded Nativity Scene will be displayed from December 1 until December 29 in the East Hall of the Illinois state Capitol Building. The unveiling ceremony will include a prayer and Christmas carols. Choirs will perform near the display throughout the Christmas season. The Secretary of State's office approved the display, apparently on the theory that this area of the Capitol is a designated public forum open to all. Dan Zanoza, Chairman of the SNSC, said: "The Nativity Scene is primarily meant to honor the birth of Jesus Christ. We are also hoping to demonstrate that such expressions of religious faith in the public square are legal under both the U.S. and Illinois State Constitutions." In support of that position, he cited a 1988 federal district court decision that upheld a crèche on Daley Plaza. The ACLU is not opposing the Capitol display, saying: "anybody can express their message there and frankly there is room in that space for lots of different messages." An earlier story in the suburban *Chicago Daily Herald* noted that the Nativity scene is believed to be the first one in the Capitol building in at least the last 20 years. The Capitol regularly hosts a Christmas tree, called a "holiday tree," and has occasionally had a Jewish Menorah on display.

Comment. The federal court case referred to is *Grutzmacher v. Public Bldg. Com.*, 700 F. Supp. 1497 (N.D. Ill. 1988). The ruling relied on the public forum doctrine and was based entirely on Free Speech grounds. The Court said the location must be open to other organizations (this is inherent in the public forum idea), and noted the long history of Daley Plaza's use by private organizations of all kinds.

Anti-Religion Sign Is Next To Creche In Capitol Under Open Forum Rules

Last October, the Alliance Defense Fund settled a suit it had brought against Washington state on behalf of private citizen Ron Wesselius who wished to put up a Nativity Scene in the state Capitol building next to a menorah and holiday tree that were previously approved. Under the settlement, Capitol campus facilities would be made available for public use on a non-discriminatory basis. On Monday, December 1, 2008, the Seattle Times reported that, taking advantage of that open forum designation, the Freedom from Religion Foundation (FFRF) had put up a sign for December at the Capitol reading in part: "Religion is but myth and superstition that hardens hearts and enslaves minds." (pictured left) A Nativity scene is also being put up near the sign by Ron Wesselius, plaintiff in last year's settled case. After Bill O'Reilly on Fox News carried a segment on Tuesday night (Dec. 2) that was critical of the FFRF display, the Governor's office received over 200 calls per hour objecting to the sign. Governor Chris Gregoire and Attorney General Rob McKenna issued a statement defending the state's non-discriminatory policy, saying that the state capitol "belongs to all citizens of Washington state."

At this season of
THE WINTER SOLSTICE
may reason prevail.

There are no gods,
no devils, no angels,
no heaven or hell.

There is only
our natural world
Religion is but
myth and superstition
that hardens hearts
and enslaves minds.

Sometime overnight between Thursday (Dec. 4) and Friday (Dec. 5), the FFRF's 50-pound sign disappeared from the Capitol building, and then showed up at a local radio station where an unidentified man dropped it off. Meanwhile, other groups have applied to place displays in the Capitol, including a set of "Nativity balloons" from one applicant, and a "Festivus" pole (honoring a made-up holiday depicted by comedian Jerry Seinfeld) from another group. State troopers are now in the Capitol building guarding the display that remains – a Nativity scene. Presumably they will remain to guard other displays as well.

Comment. In its brief filed in the case of *Pleasant Grove City v. Summum* (see page 1), the City of Pleasant Grove worried that if the Supreme Court affirmed the Tenth Circuit Court of Appeals' order requiring it to accept Summum's monument, the inevitable result would be "monument clutter" on public grounds. The Olympia experience described here shows that using an open forum policy to avoid the constitutional issues can lead to the same thing, or worse, to what we might call "dueling monuments." Fortunately, the First Amendment permits the government to regulate the "time, place and manner" of public displays by imposing reasonable time limits or space-sharing requirements on individual displays, adopting a first come, first served policy, limiting the size of displays, and in other ways. But it cannot pick and choose which messages it wants to allow.

The following stories illustrate the continuing struggles over religion in the public schools. They also show that many public school officials continue to resist, or just don't get, the repeated court rulings on the proper – and improper – place of religion in the public schools.

North Carolina School District May Add Creationism To Curriculum

Articles in the Wilmington, North Carolina *Star News* on Tuesday and Wednesday (September 16 and 17, 2008) report that the Brunswick County School Board is looking for a way to teach creationism in the schools. The issue was raised at Tuesday's board meeting by parent Joel Fanti who told the board that it was unfair for evolution to be taught as a fact. Fanti said: "I wasn't here 2 million years ago. If evolution is so slow, why don't we see anything evolving now?" School board member Jimmy Hobbs responded: "It's really a disgrace for the state school board to impose evolution on our students without teaching creationism." School board Chairwoman Shirley Babson said she does not agree with teaching evolution, but the state legislature requires it. Board attorney Joseph Causey said it might be possible under state law to add creationism to the curriculum if it does not replace the teaching of evolution. Superintendent Katie McGee said her staff would research the issue. Meanwhile, according to the *Star News*, the county school system offers a high school Bible as Literature course. However it is not being taught this year because no students signed up for it.

Comment. Rulings by the Supreme Court and many lower federal courts are clear that creationism and its derivatives, such as intelligent design, are religious views that may not be taught in science classes alongside evolution. They may, however, be taught in courses on comparative religions or the history of ideas, for example. The Director's column in the Spring 2007 *Report from the Center* addressed these issues, and were explored at length in the Center's Spring 2007 Symposium.

For more information on these and other stories, visit the CSRF Web site at www.vwc.edu/csrf.

Diana Eck Comments on the Center



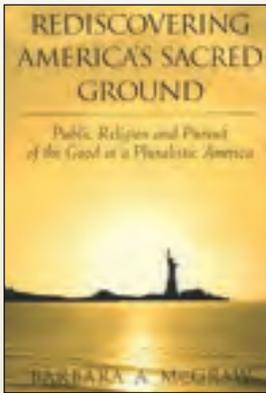
As the Center's Fall Newsletter noted, Dr. Diana Eck, Director of the Harvard Pluralism Project, gave the Cookson

Religious Freedom Lecture at VWC last October. After returning to Harvard, Dr. Eck included this message in the Pluralism Project Newsletter on November 25, 2008: "In Norfolk, Virginia, I gave the Cookson Lecture sponsored by the Center for the Study of Religious Freedom (CSRF) at Virginia Wesleyan College. The Center is truly a counterpoint to much of what is happening in our country today, and I encourage you to explore their website. It was a great pleasure to be hosted by CSRF Director Paul Rasor and our Pluralism Project affiliate, Professor Craig Wansink who has documented the world's religions in the Hampton Roads area of Virginia." The Pluralism Project's Web site is also full of interesting and useful information: www.pluralism.org



Razor's Recommended Reading

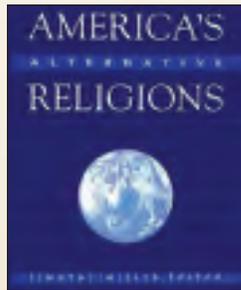
Three of the presenters in the Center's Spring 2009 Symposium have written books that permit deeper exploration of the issues raised by the Symposium. See the story on page 1 and the calendar on page 8.



Barbara A. McGraw, *Rediscovering America's Sacred Ground: Religion and Pursuit of the Good in a Pluralistic America* (2003).



Gustav Niebuhr, *Beyond Tolerance: Searching for Interfaith Understanding in America* (2008).



Timothy Miller, ed. *America's Alternative Religions* (1998).

The Center's library has several additional books addressing issues of toleration, including these: Mendus, Susan, *Toleration and the Limits of Liberalism* (Atlantic Highlands, NJ: Humanities Press International, 1989), McKinnon, Catriona, *Toleration: A Critical Introduction* (New York: Routledge, 2006), Zagorin, Perez, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), and Beneke, Chris, *Beyond Toleration: The Religious Origins of American Pluralism* (New York: Oxford University Press, 2006).

BORROWING POLICY

All books in the CSRF collection are included in the college library's online catalog, and most are available to VWC faculty, students, and other interested users. If you would like to borrow a book, simply come to the Center offices, located on the first floor of Clarke Hall, during normal college business hours. If you are unable to come to the Center during these hours, please call the office at 455-3129, and we can make other arrangements. Specific policies can be found on the Center's web site, www.vwc.edu/academics/csrfeducation/library.php.

BOOKS RECEIVED

A few of the new titles in the Center's collection:

- AHDAR, Rex, *Worlds Colliding: Conservative Christians and the Law* (Aldershot, UK: Ashgate, 2001)
- BEYER, Peter, *Religions In Global Society* (New York: Routledge, 2006)
- EDGE, Peter, *Legal Responses to Religious Difference* (The Hague: Kluwer, 2002)
- FELDMAN, Stephen B., *Please Don't Wish Me a Merry Christmas: A Critical History of the Separation of Church and State* (New York: New York University Press, 1997)
- GREENAWALT, Kent, *Religion and the Constitution, Volume 2: Establishment and Fairness* (Princeton, NJ: Princeton University Press, 2008)
- HORSLEY, Richard A., *In the Shadow of Empire: Reclaiming the Bible As a History of Faithful Resistance* (Louisville: Westminster John Knox, 2008)
- KROTOSZYNSKI, Ronald J., Jr., *The First Amendment in Cross-Cultural Perspective: A Comparative Legal Analysis of the Freedom of Speech* (New York: NYU Press, 2006)
- LINDHOLM, Tore, and Cole W. DURHAM, Jr., eds., *Facilitating Freedom Of Religion Or Belief: A Deskbook* (London: Brill, 2004)
- MONSMA, Stephen V., *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money* (Lanham, MD: Rowman and Littlefield, 1996)
- NIEBUHR, Gustav, *Beyond Tolerance: Searching for Interfaith Understanding in America* (New York: Viking, 2008)
- ROOF, Wade Clark, *Spiritual Marketplace: Baby Boomers and the Remaking of American Religion* (Princeton, NJ: Princeton University Press, 1999)
- SWIFT, Donald C., *Religion and the American Experience: A Social and Cultural History* (Armonk, NY: M.E. Sharpe, 1998)
- WEAVER, Russell L., and Donald E. LIVELY, *Understanding the First Amendment* 2nd ed. (New York: LexisNexis, 2006)
- WEBER, Paul J., ed., *Equal Separation: Understanding the Religion Clauses of the First Amendment* (New York: Greenwood, 1990)
- WITTE, John Jr, and Frank S. ALEXANDER, eds., *The Weightier Matters of the Law: Essays on Law and Religion* (Atlanta: Scholars Press, 1988)
- WOOD, James E., E. Bruce THOMPSON, and Robert T. MILLER, *Church and State in Scripture, History and Constitutional Law* (Waco, TX: Baylor University Press, 1985)

SERIES CONTINUES

QUESTIONING FAITHS: *Open Windows and Revolving Doors*

Nearly half of all Americans have changed religious affiliation during their lifetimes. What is it about our various faiths that cause some people to leave them and others to join? What elements of our religious traditions make us uncomfortable, even when we stay? In its Tenth Anniversary year, the 2008-2009 NEXUS INTERFAITH DIALOGUE SERIES Nexus will invite members of different faiths to reflect on questions such as:

What attracts newcomers to my faith?

What causes newcomers to struggle or question their decision?

What do I most struggle with?

Are there skeletons in my own faith closet?

Why did I leave one faith tradition and join another?



This year's series of panel discussions began on October 20, 2008, and continues through March 30, 2009. The dates for specific faith traditions are listed below; see the calendar on page 8 for spring 2009 program times and locations.

Judaism: February 9

Christianity: March 9

Islam: March 30

DIRECTOR'S ACTIVITIES

Center Director Paul Rasor had two off-campus speaking engagements during the fall, and published a major article in a peer-reviewed scholarly journal.

SPEAKING ENGAGEMENTS

October 23: Presented a paper entitled "Theological and Political Liberalisms" at the 25th annual Symposium on Law, Religion and Ethics, Hamline University School of Law, St. Paul, MN.

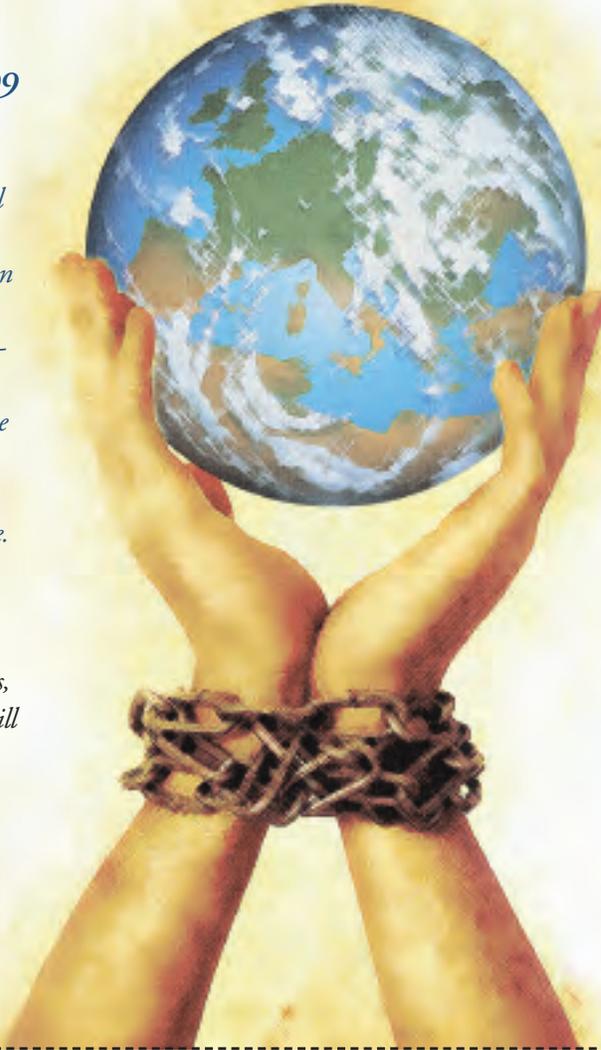
October 25–26: Delivered the keynote lecture entitled "Circumscribing Universalism: Navigating Some Universalist Shoals," at First Universalist Church, Minneapolis, as part of the congregation's 150th anniversary celebration, on October 25, and preached at the morning worship service on October 26.

PUBLICATION

"Theological and Political Liberalisms," *Journal of Law and Religion*, vol. 24, no. 2, Spring 2009.

Programs for fall 2009 had not been finalized at the time this Newsletter went to press. However, Director Paul Rasor will be teaching a new course at Virginia Wesleyan on Religion and Human Rights, exploring some of the international dimensions of religious freedom. He plans to hold one or more Brown Bag lunch discussions and to have other activities related to this theme.

Information on specific events, including dates and times, will appear in the Fall 2009 Newsletter and Calendar, and on the Center's Web site.



The Center for the Study of Religious Freedom needs your support.

You can support the Center in many ways: by attending Center programs, by sharing news of the Center's work with others, and by your financial contributions. Please share this newsletter with your family and friends, and encourage them to come to Center events.

If you would like to make a financial gift to support the Center, you may use the form below, or you may make a gift through our web site, www.vwc.edu/csrf.

Your gifts allow us to improve our programs, strengthen our library and other resources, and continue our work of promoting religious freedom.

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Please designate my gift for:

Program Enhancement Fund Publication Fund Catharine Cookson Endowed Visiting Scholar Fund

Enclosed is a check for \$_____ payable to Virginia Wesleyan College. *(Note fund on memo line of check.)*

OR Charge my credit card \$_____ MasterCard VISA Card# _____

Expiration Date _____ Signature _____

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Please mail to: College Advancement, Virginia Wesleyan College, 1584 Wesleyan Drive, Norfolk, VA 23502-5599

Calendar OF EVENTS

FEBRUARY

Thursday, February 5, 2009



Beyond Tolerance

*Symposium session**

Gustav Niebuhr, M.A.,
Associate Professor in Religion
and the Media, University of
Syracuse

We live in an increasingly diverse culture and in an era of religious terror. How might we build up our vulnerable civil society? Do the times demand that we discover new forms to engage with and learn from one another?

Monday, February 9, 2009

Nexus Interfaith Dialogue:

Questioning Faiths: Open Windows and Revolving Doors – JUDAISM

7:30 – 9 p.m., Boyd Dining Hall

Thursday, February 12, 2009



Terror, Hate Speech, and the Limits of Tolerance

*Symposium session**

**Isabelle Kinnard, J.D.,
Ph.D.**, Vice President for
Education, Council for
America's First Freedom, Richmond, VA

Why do we make space in our democracy for groups whose religious commitments would deny that freedom to others? How can we remain true to our own core values and still recognize the rights of others to their freedom?

Thursday, February 19,
2009

Religious Freedom and the "Other" Religions:

American Attitudes Toward Unconventional Religious Groups

*Symposium session**

Timothy Miller, Ph.D.,
Professor of Religious Studies,
University of Kansas



Most American religious groups would say they value tolerance toward other groups. History, however, tells us that unconventional religious minorities have always experienced misunderstanding and intolerance. How have America's minority religions been treated by the majority in the past? Has America's increasing religious diversity in recent decades led to more tolerance in the present?

Thursday, February 26, 2009

False Tolerance: The Danger of Casual Relativism - *Symposium session**

Patrick Goold, Ph.D., Associate Professor of
Philosophy, Virginia Wesleyan
College



Can one be devoted to truth and yet be tolerant? Or does toleration require one to let truth slide in the interest of getting along? Can I be loving and tolerant? Or does toleration require a measure of indifference to others' views? Can I be tolerant and still have a spine?

MARCH

Thursday, March 5, 2009

Tolerating Religion in the Public Square: America's Sacred Ground *Symposium session**

Barbara McGraw, Ph.D.,
Director of the Center for
Engaged Religious Pluralism,
St. Mary's College of California



Religion has always been involved in American public life. Yet we tend to have a mixed reaction to this reality. For some, it is a deeply felt expression of faith; for others it can seem coercive, perhaps even a threat to church-state separation. How might principles such as freedom and tolerance help us sort through these tensions?

Monday, March 9, 2009

Nexus Interfaith Dialogue:

Questioning Faiths: Open Windows and Revolving Doors – BUDDHISM

7:30 – 9 p.m., Boyd Dining Hall

Monday, March 30, 2009

Nexus Interfaith Dialogue:

Questioning Faiths: Open Windows and Revolving Doors – ISLAM

7:30 – 9 p.m., Boyd Dining Hall

** All Symposium programs are presented at Virginia Wesleyan College, Boyd Dining Center, at 11 a.m., and repeated at 7:30 p.m.*

All events are free and open to the public. For more information, call 757.455.3129.



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