

# REPORT FROM THE Center

## Spring Symposium to Examine Religion, Ethics, and Health Care

The Center's Spring 2014 Symposium, entitled "Who Lives? Who Dies? Who Decides?"

Religion, Ethics, and Health Care," will address several important and timely issues raised by recent social and technological developments in health care. Topics to be considered in the Symposium include:

- Termination or refusal of medical treatment
- Assisted reproductive technologies
- Genetic manipulation
- Cloning and stem cell research
- Doctor-assisted death
- The role of religious belief in medical decisions
- What if children are involved?

These and other related topics raise important and difficult questions for religion, ethics and public policy.

The Spring 2014 Symposium builds on the fall 2013 presentation by Dr. Howard W. Jones Jr., entitled "When Did You Become a Person?" which traced the development of in-vitro fertilization in the United States and set the stage for further exploration of issues raised by new reproductive technologies and related developments. Dr. Jones's presentation



inaugurated the *Justine L. Nusbaum Lectureship* in the Center for the Study of Religious Freedom at VWC.

The five-part Spring Symposium begins on Thursday, January 30, and continues consecutive Thursday evenings through February 27. Speakers include nationally and internationally recognized experts, Virginia Wesleyan faculty, and VWC students. All programs begin at 7:30 p.m. in Monumental Chapel on the Virginia Wesleyan campus; each will consist of a public lecture followed by audience discussion. The schedule can be found in the *Calendar of Events* on page 8 and on the Center's website. *All sessions are free and open to the public. No reservations are required.*

### IN THIS Issue

- CENTER LEADERSHIP IN TRANSITION 2
- RELIGIOUS FREEDOM IN THE NEWS 3
- RECOMMENDED READING 5
- NEXUS HIGHLIGHTS 6
- CALENDAR OF EVENTS 8

### REFLECTIONS FROM THE DIRECTOR



## Supreme Court Considers Prayer at Local Government Meetings

*In November, the Supreme Court heard arguments in a case testing the place of prayer in city council meetings. There have been dozens of cases in the lower courts on this issue in recent years, but it has been thirty years since the Supreme Court last considered the issue.*

In the earlier case, *Marsh v. Chambers* (1983), the Court upheld the Nebraska state legislature's practice of beginning its official sessions with a prayer offered by a Presbyterian minister paid by the state. But *Marsh* is an anomaly in First Amendment jurisprudence. Legislative prayer, whether in a state legislature or a town council meeting, is precisely the kind of government-sponsored religious exercise prohibited by the First Amendment's

*continued on page 2*

## Center Leadership in Transition

**Dr. Paul Rasor**, the Joan P. and Macon F. Brock Jr. Director of the Center for the Study of Religious Freedom, has announced that he will step down at the end of August 2014. Rasor has been director of the Center since May of 2005, when he was appointed to fill the vacancy created by the death of Catharine Cookson, the Center's founding director.



Dr. Timothy O'Rourke, Vice President for Academic Affairs and Kenneth R. Perry Dean of the College, commenting on Rasor's leadership, noted that "Paul has blended religious and legal scholarship, as well as community engagement, in the work of the Center."

**Ann Shappell**, Assistant to the Director, has also announced that she will retire this spring. Ann has served the Center since November of 2005, but her service to the college goes back to 1980. She worked in the office of Alumni Relations and the office of Community Relations, before becoming Director of Church Relations in 1997. She also served for two years as editor of the College magazine. In November 2005, Ann moved to the Center for the Study of Religious Freedom. Her superb organizational abilities, along with her competence and overall helpfulness, will be missed.



*continued from page 1*

Establishment Clause. Even the Court in the Marsh case assumed that this practice would fail any of the tests then (and still) used in these cases. In Marsh, however, the Court simply ignored these tests and instead upheld the prayer on historical grounds, noting that legislative prayer had an "unbroken history of more than two hundred years," beginning with the very first Congress in 1789.

### *Report from the Center*

is published twice a year by the Center for the Study of Religious Freedom at Virginia Wesleyan College.

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*"First Prayer of Congress" by H.T. Matteson 1848*

In the case now before the Court, *Town of Greece v. Galloway*, the town board invited members of the local clergy to offer an opening prayer at its regular monthly meetings. For several years only Christian clergy were invited, and most prayers referred to "Jesus" or "Jesus Christ." After being sued the town occasionally invited prayers by representatives of other faiths, but most remained Christian. The town had no formal policy or guidelines relating to the content of the prayers. The federal district court upheld the prayer practice, but the U.S. Court of Appeals for the Second Circuit ruled that it violated the

Establishment Clause because it had the effect of endorsing a particular religion, Christianity.

The Supreme Court must consider a range of issues that reflect both the difficulty of the case

and the deep divisions within the Court. For example: Does the Marsh precedent control the case? What are the differences between town council meetings and state legislative sessions, and do they matter? If Marsh does not apply, which of the many (often inconsistent) Establishment Clause tests and Supreme Court precedents involving public displays of religion does apply? What if the prayers are non-sectarian? If that is the criteria, must town officials then review the prayers and act as censors? Are neutral prayers even possible, given that many of those attending the meetings are likely to be non-religious?

My own view is that government-



# RELIGIOUS FREEDOM

## *in the News*

*All items are from the Religion Clause blog.*

sponsored prayer of any kind, in any setting, is not permitted by the First Amendment. Rather than offer my own analysis of the difficult constitutional issues, however, I'd like to take a step back and ask a few more fundamental questions.

For example, why open a town council meeting with prayer at all? If the purpose is to ask God's blessing or guidance, that is a religious purpose and for that reason alone makes the practice unconstitutional. More commonly, an opening prayer is said to solemnize the meeting. Certainly this is a legitimate purpose, but we might ask whether prayer is the only way to do this. Why not a moment of silence, for example – the practice followed by the Town of Greece until 1999? Is there danger that council members won't take the meeting seriously without a solemnizing ritual?

Some defenders of legislative prayer argue that it is not really a religious exercise. Instead, it is a form of so-called ceremonial deism, a public ritual that uses religious language but that over time has ceased to have any religious meaning. This position may be useful in constitutional arguments, but it is a dangerous stance for anyone who takes her or his religion seriously. It demeans religion by suggesting that a prayer is not really a prayer, a religious act is not really religious.

In the end, government-sponsored prayer undermines one of the core principles of the First Amendment itself, namely that religious practices such as prayer and worship should be voluntary, and are not any business of the government. As K. Hollyn Hollman, general counsel for the Baptist Joint Committee for Religious Liberty puts it, when a town council meeting is opened with prayer, "a political assembly is transformed into a religious congregation. It is because of – not in spite of – the importance of prayer and religion that we object to this government assumption of religious functions."

The Supreme Court's decision is expected sometime this spring. ■

### **Jesus Statue on Federal Land Leased to Ski Resort Survives Establishment Clause Challenge**

In *Freedom From Religion Foundation, Inc. v. Weber*, decided on June 24, 2013, a Montana federal district court rejected an Establishment Clause challenge to the U.S. Forest Service's renewal of a Special Use Permit issued to the Knights of Columbus to allow the organization to continue to maintain a statue of Jesus near a ski slope on Montana's Big Mountain. The statue was originally placed on Big Mountain in 1954. Patterned after similar statues on ski slopes in Italy, it was intended to mark the memory of those who had died in World War II. In reaching its conclusion, the court said: "Big Mountain Jesus has been the subject of much frivolity over the years. In addition to serving as a meeting place on the mountain for skiers, and a site for weddings, it has not infrequently been observed adorned with ski poles, goggles, ski hats, mardi gras beads, and other attire, all secular in nature. ...to the extent Big Mountain Jesus may have had some religious significance at the time of its construction by the Knights of Columbus, over the course of the last 60 years the statue has become more of an historical landmark and a curiosity."



### **Outsourcing of Alternative School to Christian Institution Violates Establishment Clause**

In *Kucera v. Jefferson County Board of School Commissioners*, decided on July 9, 2013, a Tennessee federal district court held that the Jefferson County school board violated the Establishment Clause when, for budgetary reasons, it eliminated the county Alternative School and instead contracted with Kingswood School, a Christian institution, to operate the county's program for students who had been suspended or expelled from their regular school. The court noted that "the appearance of governmental endorsement of the Christian faith is too pronounced and non-believers, or students of a different faith, would likely feel divorced from Kingswood, a well-intentioned, but overtly Christian school."

*continued on page 4*

# RELIGIOUS FREEDOM *in the News*

*continued from page 3*

## Wisconsin Supreme Court Upholds Faith Healing Homicide Convictions

In *State of Wisconsin v. Neumann*, decided July 3, 2013, the Wisconsin Supreme Court upheld the second degree reckless homicide convictions of the parents of an 11-year old girl who treated her undiagnosed diabetes with prayer instead of seeking medical treatment. The Court concluded, among other things, that the state statutes gave the parents sufficient notice that their conduct would carry criminal sanctions if their daughter died, despite a statute that protected faith-healing parents from child abuse charges.

## Faith Healing Mother's Conviction Upheld in Tennessee

In *State of Tennessee v. Crank*, decided September 26, 2013, the Tennessee Court of Criminal Appeals affirmed the conviction of Jacqueline Crank on one charge of child abuse or neglect related to the 2002 death of her teenage child. The mother turned to prayer instead of medical treatment for her daughter who eventually died of cancer. Tennessee has an exemption from child abuse charges for treatment "through prayer alone in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment." This exemption was apparently too narrow to cover Crank's attempts at faith healing.

## Suit Challenges School Graduation in Chapel with Christian Prayers

The American Humanist Association announced on September 12, 2013, that it has filed a federal lawsuit against the Greenville County, South Carolina school district challenging on Establishment Clause grounds its practice of holding graduation for a Taylors, South Carolina elementary school in the chapel of North Greenville University. The University describes itself as offering "a quality education in a biblically sound, Christ-centered environment." The complaint claims that the graduation ceremony in the chapel also included two student-led Christian prayers that had been reviewed and approved by school staff.

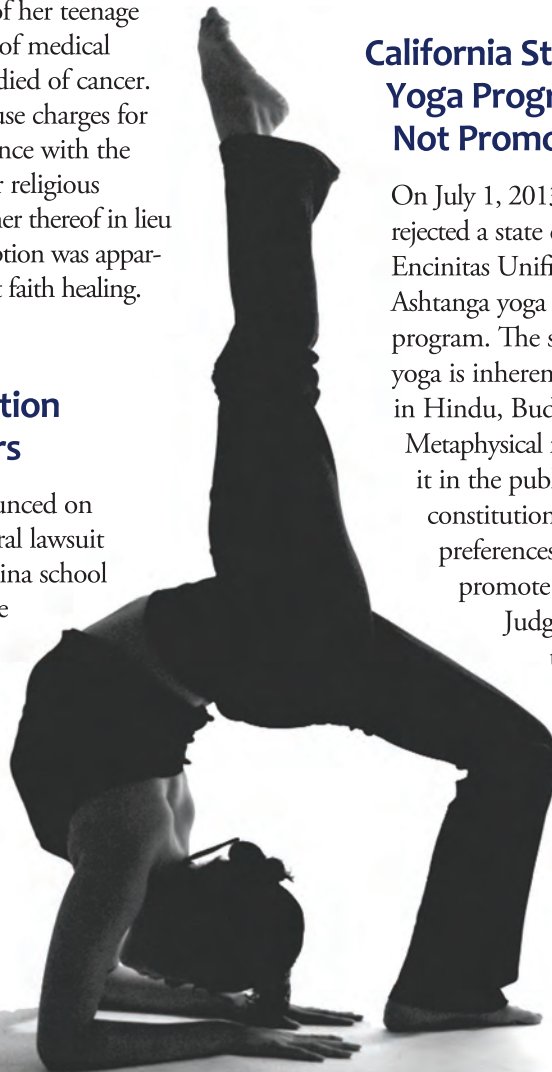


## Drug Paraphernalia Charges Burden Rastafarian Teen's Free Exercise Rights

In a case decided on September 24, 2013, a Minnesota appellate court held that a 15-year old Rastafarian boy's free exercise rights protected by the Minnesota Constitution were violated when he was adjudicated delinquent for possessing drug paraphernalia. The boy claimed that his religion requires him to carry his cannabis pipe. The court found that the drug paraphernalia statute as applied burdens the boy's sincerely held religious beliefs, and the state failed to show that the statute as applied is the least restrictive means to accomplish a compelling state interest.

## California State Court Judge Says Yoga Program in Schools Does Not Promote Religion

On July 1, 2013, a California state trial court rejected a state constitutional challenge to the Encinitas Unified School District's teaching of Ashtanga yoga as part of the district's enrichment program. The suit contended that Ashtanga yoga is inherently religious because it is rooted in Hindu, Buddhist, Taoist, and Western Metaphysical religious beliefs, and that teaching it in the public schools violates California constitutional bans on governmental religious preferences and use of state resources to promote or support religion. However, Judge John Meyer determined that the district was not teaching any religious components during the classes and that he sees yoga as something similar to traditional PE sports such as kickball or volleyball.





## RASOR'S *Recommended* READING

**Jon Meacham**  
*Thomas Jefferson:  
 The Art of Power* (2012)



**Martha C. Nussbaum**  
*The New Religious Intolerance:  
 Overcoming the Politics of Fear  
 in an Anxious Age* (2012)

**Jeremy Waldron**  
*The Harm in Hate Speech* (2012)



## 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, come to the Center offices, Clarke Hall 108, 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 website under the "Education" button on the Center's home page.*

## BOOKS RECEIVED

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

**Barilan, Yechiel Michael**, Human Dignity, Human Rights, and Responsibility: The New Language of Global Ethics and Biolaw (MIT Press, 2012)

**Bennion, Janet**, Polygamy in Primetime: Media, Gender, and Politics in Mormon Fundamentalism (Brandeis University Press, 2012)

**Berry, John M.**, Roger Williams and the Creation of the American Soul: Church, State, and the Birth of Liberty (Viking, 2012)

**Bradley, Gerard V., ed.**, Challenges to Religious Liberty in the Twenty-First Century (Cambridge University Press, 2012)

**De Kadt, Emanuel**, Assertive Religion: Religious Intolerance in a Multicultural World (Transaction Publishers, 2013)

**Hoover, Dennis R., and Douglas M. Johnston, eds.**, Religion and Foreign Affairs: Essential Readings (Baylor University Press, 2012)

**Juergensmeyer, Mark, ed.**, The Oxford Handbook of Global Religions (Oxford University Press, 2011)

**Leiter, Brian**, Why Tolerate Religion (Princeton University Press, 2012)

**Meacham, Jon**, Thomas Jefferson: The Art of Power (Random House, 2012)

**Murphy, Colin**, God's Jury: The Inquisition and the Making of the Modern World (Mariner Books, 2013)

**Nussbaum, Martha C.**, The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age (Harvard University Press, 2012)

**Patel, Eboo**, Sacred Ground: Pluralism, Prejudice, and the Promise of America (Beacon Press, 2012)

**Pinn, Anthony B.**, Introducing African American Religion (Routledge, 2013)

**Prothero, Stephen**, American Bible: How Our Words Unite, Divide, and Define a Nation (HarperOne, 2012)

**Ragosta, John**, Religious Freedom: Jefferson's Legacy, America's Creed (University of Virginia Press, 2013)

# *How Our Faiths See Marriage and Family*

**The increasing diversity of committed relationships among adults, both with and without children, have challenged our traditional understandings of terms like “marriage,” “family,” “parenthood,” and even “personhood.”**

*Examples include:*

- Rise in interfaith and interracial marriage
- Increasing public acceptance of same-sex marriage
- Increased numbers of non-traditional living arrangements
- New options for childbearing and childrearing

*These developments raise important and difficult questions for religion:*

- What does “marriage” mean?
- Who defines “family”?
- What are the implications for children?
- What are the appropriate roles of religion and the state?



## PANELS

The 2013-2014 Nexus Interfaith Dialogue Series examines these and related questions from a range of diverse and often conflicting faith perspectives.

February 17, 2014

### **Reproductive technologies and personhood**



*Panelists:* Rabbi Michael Panitz (Jewish), Bill Aiken (SGI Buddhist), Rev. Fred McCall (Protestant)

March 10, 2014

### **Polygamy, domestic partnerships, and other non-traditional relationships**



*Panelists:* Dr. Rajeshwari Kalojai (Hindu), Hap Cluff (Mormon), Imam Vernon Fareed (Muslim)

*The 2013-2014 Nexus Interfaith Dialogue Series examines these and related questions from a range of diverse and often conflicting faith perspectives.*



# VWC Students to Participate in Center Symposium Program

Members of Virginia Wesleyan College's Ethics Bowl team will be part of the Center's Spring 2014 Symposium entitled "Who Lives? Who Dies? Who Decides? Religion, Ethics, and Health Care." Team members will perform a debate exhibition on February 6, 2014, at 7:30 p.m., entitled "The Ethics of Death and Dying." The debate will cover a range of current issues, including matters relating to death and dying. Possible questions to be considered: What does it mean to be dead? Who determines this? What are the relevant issues regarding the meaning and quality of life?

The Ethics Bowl Team will represent the college at this year's statewide event at Randolph-Macon College.



Seated from left to right: Ethics Bowl team members Christina Reynolds, Philip Smith and April Christman with Professor and Coordinator of Communication, Dr. Kathy Merlock Jackson.

See the story on page one and the calendar on page 8 for more details of the Symposium.

## SUPPORT THE CENTER

*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 website: [www.vwc.edu/csrf](http://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.

## Financial Gift to The Center for the Study of Religious Freedom

☐ \$1,000   ☐ \$500   ☐ \$250   ☐ \$100   ☐ \$50   ☐ Other \$ \_\_\_\_\_

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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# \_\_\_\_\_

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My gift is ☐ in honor of   ☐ in memory of \_\_\_\_\_

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

# Calendar

## OF EVENTS

### JANUARY

Thursday, Jan. 30



*Symposium session: Ethics Matters in Health Care*  
Lawrence D. Hultgren,  
Ph.D., *Professor of Philosophy*  
and *Director of the PORTfolio*

*Program, Virginia Wesleyan College*

Introduction to health care ethics –  
challenging the “is” with the “ought.”

### FEBRUARY

Thursday, Feb. 6

*Symposium session: The Ethics of Death and Dying. Members of the 2014 Virginia Wesleyan Ethics Bowl debate team.*

What does it mean to be dead? Who decides this? *See page 7.*

Thursday, Feb. 13

*Symposium session: Biotechnology and Human Experience: A New Atlantis*



Tanya Arney, Ph.D.,  
*Adjunct Professor of Sociology,*  
*Virginia Wesleyan College, and*  
*Adjunct Professor of Philosophy,*  
*Tidewater Community College.*  
Images in art, literature and

film often depict man and machine intertwined into a single being. What does this suggest about the relationship of biotechnology and human experience?

Monday, Feb. 17

*NEXUS Interfaith Dialogue: HOW OUR FAITHS SEE MARRIAGE AND FAMILY*  
*Topic: Reproductive technologies and personhood*

*Panelists: Rabbi Michael Panitz (Jewish), Bill Aiken (SGI Buddhist), Rev. Fred McCall (Protestant)*

Thursday, Feb. 20

*Symposium session: From Biomedical Ethics to Global Ethics*



Henk ten Have, M.D.,  
Ph.D., *Director of the Center for Healthcare Ethics, Duquesne University and former Director of the UNESCO Division of*

*Ethics of Science and Technology*

In the face of global health care challenges such as pandemics, environmental degradation, and organ trafficking, how can we apply a universal ethical framework in culturally-specific contexts?

Thursday, Feb. 27

*Symposium session: The “Embryo Wars”*



*and other Legal and Ethical Challenges Raised by Assisted Reproductive Technologies*

Susan L. Crockin, J.D.,  
*Adjunct Professor of Law*  
*at Georgetown University Law*

*Center and Adjunct Professor of Ob/Gyn at Eastern Virginia Medical School, and principal of the Crockin Law & Policy Group*

New reproductive technologies raise a host of often conflicting legal, ethical and policy challenges for different stakeholders, including patients, providers, and law and policy makers.

### MARCH

Monday, March 10

*NEXUS Interfaith Dialogue: HOW OUR FAITHS SEE MARRIAGE AND FAMILY*  
*Topic: Polygamy, Domestic Partnerships, and other Non-Traditional Relationships*  
*Panelists: Dr. Rajeshwari Kalojai (Hindu), Hap Cluff (Mormon), Imam Vernon Fareed (Muslim)*

All programs are presented at 7:30 – 9:00 p.m. at Virginia Wesleyan College, Monumental Chapel.

Unless otherwise noted, all events are free and open to the public. Reservations not required.

For more information, call 757.455.3129.