



Deliberating in a Democracy: Religious Symbols in Public Schools

Overview

Should the state be allowed to prohibit the display of religious symbols in public schools? Through a structured small-group deliberation process, students will learn about the protects provided under the first amendment regarding the display of personal religious symbols in public schools and compare it with a recent French law that bans such displays. Students will then learn analyze the reasons supporting and opposing such a law. Through the process of deliberation, students will develop critical thinking and analytical reading skills, learn to support statements based on evidence and sound reasoning, identify areas of agreement and disagreement with classmates, and expand their argumentative writing skills.

Grade

9

Course(s)

World History

North Carolina Standard Course of Study for World History

- **Objective 6.01:** Compare the conditions, racial composition, and status of social classes, castes, and slaves in world societies and analyze changes in those elements.
- **Objective 6.06:** Trace the development of internal conflicts due to differences in religion, race, culture, and group loyalties in various areas of the world.
- **Objective 8.04:** Characterize over time and place the interactions of world cultures.

NC Essential Standards for World History (to be implemented in the 2012-2013 school year):

- **WH.5.1:** Explain how and why the motivations for exploration and conquest resulted in increased global interactions, differing patterns of trade, colonization, and conflict among nations.
- **WH.8.3:** Explain how liberal democracy, private enterprise and human rights movements have reshaped political, economic and social life in Africa, Asia, Latin America, Europe, the Soviet Union and the United States.

Materials

- “French law on secularity and conspicuous religious symbols in schools” handout (attached)
- Deliberating in a Democracy Lesson Procedures (attached)
- Handout 1 – Deliberation Guide (attached)
- Handout 2 – Deliberation Activities (attached)
- Handout 3 – Student Reflection on Deliberation (attached)
- “Veiled Meaning: The French Law Banning Religious Symbols in Public Schools” reading (attached)
 - Source: <http://www.brookings.edu/fp/cusf/analysis/vaisse20040229.pdf>

Essential Questions:

- Why do schools implement dress codes?
- What is considered protected speech in schools?
- Why did France ban wearing religious symbols or expressions of faith in public schools?
- Should a state be allowed to prohibit the display of religious symbols in public schools?

Duration

One 90 minute block period

Teacher Preparation

Review the attached “Lesson Procedures Handout” before completing this lesson.

Procedure

Warm Up: School Dress Code

1. As a warm up, ask students to quietly brainstorm a list of clothing or apparel that they are not allowed to wear in school because it violates the school’s dress code.
 - **Teacher Note:** If available, provide students with a copy of the school’s dress code before asking them to brainstorm.
2. After allowing students to brainstorm for a few minutes, solicit responses from students and write them on the board or on a separate piece of chart paper. Once students have finished sharing their responses, discuss the following questions:
 - Do you agree or disagree with the school’s dress code? Why do you agree or disagree?
 - Why does our school have a dress code?
 - What do you like or dislike about the school’s dress code?
3. Project a copy of the first amendment and choose a student to read it aloud.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Then discuss the following questions:

- Does clothing count as “free speech”? If so, are dress codes unconstitutional?
 - What if someone wore an article of clothing that was intended as a political statement, such as an armband to protest war, as opposed to a t-shirt with a swear word?
4. Inform students that the Supreme Court has ruled on cases that deal with the First Amendment in public schools. Generally speaking, the Supreme Court uses the following guidelines when deciding on these cases:
 - The extent to which the student speech in question poses a substantial threat of disruption
 - Whether the speech, if allowed as part of a school activity or function, would be contrary to the basic educational mission of the school
 - Whether the speech is offensive to prevailing community standards.
 5. The following four cases are major Supreme Court decisions regarding the 1st Amendment and schools. Share with students to inform them of the limits of free speech in school.
 - ***Tinker v. Des Moines Indep. Cmty. Sch. Dist.***: Students were suspended for wearing black armbands to protest the Vietnam War. The Supreme Court ruled in the students favor, reasoning that "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
 - ***Bethel School District v. Fraser***: A student was suspended for making a speech laden with sexual innuendos. The Supreme Court ruled in the school’s favor, reasoning that the speech was disruptive to the school environment and that sexually charged speech is not protected in a school environment because it isn’t central to schools educational mission.
 - ***Hazelwood v. Kuhlmeier***: A student newspaper was prevented from running stories about teen pregnancy and divorce by the principal. The Supreme Court ruled in the principal’s favor saying that the school didn’t have to sponsor speech that conflicted with legitimate pedagogical goals and that it the articles were “inconsistent with ‘the shared values of a civilized social order.’”
 - ***Morse v. Frederick***: A student held up a banner that read “Bong Hits for Jesus” at a school-supervised event off school grounds and was suspended. The Supreme Court ruled in the school’s favor reasoning that 1) the school speech doctrine applied because it was a school sponsored event

2) the sign promoted illegal drug use and 3) the sign undermined the school's mission of discouraging drug use.

- Each of these considerations has given rise to a separate mode of analysis, and in *Morse v. Frederick* the Court implied that any one of these may serve as an independent basis for restricting student speech.
- Sources: [http://en.wikipedia.org/wiki/School_speech_\(First_Amendment\)](http://en.wikipedia.org/wiki/School_speech_(First_Amendment)) – www.oyez.org
- **Teacher Note: For more information about the Supreme Court and Student Speech, visit the site below:**
- <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/studentspeech.htm>

6. After reviewing the Supreme Court's decisions, review the 1st Amendment and then discuss the following question:

- Free exercise of religion is protected under the 1st Amendment. What are some ways people express their religious beliefs?
 - *Praying, wearing certain religious symbols or clothing, etc.*
- Do you think that schools can prohibit certain types of religious expression the way they can prohibit certain types of speech? Why or Why not?

7. Inform students that their religious rights in school are as follows:

Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Because the Establishment Clause does not apply to purely private speech, students enjoy the right to read their Bibles or other scriptures, say grace before meals, pray before tests, and discuss religion with other willing student listeners. In the classroom, students have the right to pray quietly except when required to be actively engaged in school activities (e.g., students may not decide to pray just as a teacher calls on them). In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other students to participate.

Source: <http://www.freedomforum.org/publications/first/teachersguide/teachersguide.pdf>

- According to the statement you just heard, are students allowed to express their religious beliefs through clothing or other apparel?
- Should schools be able to regulate expression of religious beliefs through the dress code? Why or why not?
- Based upon what you've learned, what types of religious speech aren't protected in schools by the First Amendment?

France's Religious Ban

8. Inform students that although religious expression is protected in the United States by the Constitution and various laws, this isn't the case for all countries. For example, France passed a law restricting expressions of faith in public schools in 2004. Project the attached "French law on secularity and conspicuous religious symbols in schools". The statute itself is only one sentence. After reading the law aloud, discuss the questions below:

- **In schools, colleges and public high schools, the wearing of signs or dress by which students manifest ostensibly a religious affiliation is prohibited.**
 - This law is extremely controversial in France, why?
 - Does this law discriminate against particular faiths? If so, how?
 - Can you think of any religions that require people to follow a certain dress code? How might this law interfere with the practice of their religion?
 - Can you think of any other laws that are written so they apply to everyone equally in theory, but in practice, they are applied unequally?

- *One example could be strict immigration laws passed in states such as Arizona and Alabama. Opponents of the law feel that it unfairly targets Hispanics.*
- Based upon what we learned about how the US treats expression of religion in schools, why do you think France would pass this law?
- Who might support the law? Who might oppose the law?
- Although the official name is “French law on secularity and conspicuous religious symbols in schools”, the law is better known as the “Muslim Headscarf Ban”. What does this tell you about the potential effects for such a law?

Deliberation on France’s Religious Symbols Ban

9. Explain to students that they will now read about the “French law on secularity and conspicuous religious symbols in schools” and then deliberate on the question “Should the French government be allowed to prohibit the display of religious symbols in public schools?”
10. A deliberation is a meaningful discussion that is focused on the exchange of ideas and the analysis of arguments with the aim of making a decision. Follow the attached “Lesson Procedures”, which includes ten steps.

Additional Activities

- For homework, have students write a letter to their local school board arguing for or against a law that is similar to the French ban.

Resources

For additional information about Europe, including website, activities, and workshop materials, visit the UNC Center for European Studies and European Union Center of Excellence:

- <http://www.unc.edu/depts/europe/teachingresources/originalces.htm>

French law on secularity and conspicuous religious symbols in schools

In schools, colleges and public high schools, the wearing of signs or dress by which students manifest ostensibly a religious affiliation is prohibited.

Veiled Meaning: The French Law banning Religious Symbols in Public Schools Reading

On March 3, 2004, the French Senate gave the final approval for a bill prohibiting the wearing of conspicuous religious symbols in public schools. The law, which will enter into force in September, does not ban the wearing of headscarves or any other conspicuous symbol in public places, universities, or in private schools, and does not actually change the status quo established in France by a government ruling in 1989 and a ministerial decree in 1994. Rather, the law is a narrowly defined reassertion of religious neutrality within French public schools. This vote implements one of the recommendations of a special commission on religion in France, appointed by the government and headed by Bernard Stasi, a former member of the European Parliament and now the mediator, essentially Ombudsman [*one that investigates, reports on, and helps settle complaints*], of the Republic, which heard hundreds of witnesses between July and December 2003.

This law has been widely condemned in the United States. American public high schools accept students wearing religious symbols, such as the headscarf, a Jewish skullcap or a large Christian cross. Many Americans therefore assume that the wearing of such personal symbols in public schools can be accommodated without violating principles of religious freedom. French supporters of the headscarf ban, however, argue that in the current French social, political and cultural context, they cannot. That is why the government felt it was necessary to pass a new law.

Context Matters

The French organize the separation of Church and State differently than the Americans do. "In the U.S., from the beginning," Alexis de Tocqueville wrote, "politics and religion were in accord, and they have not ceased to be so since." This was never the situation in de Tocqueville's native land. The French have a long history of religious violence, including the Religious Wars (1562 – 1598), a bloody and devastating equivalent of the American Civil War, and are wary about any mixing of religion and politics. As a result, they favor strict separation of the two as a way to make sure that religious competition and religious proselytizing do not create disorder in the public sphere.

In the United States, the purpose of separating Church and State was to avoid interference of the government in church matters—including by forbidding the establishment of a "state" church that would then threaten minority religions. In other words, the intent was to protect religion from the State. In France, it was exactly the reverse: the purpose of separating Church and State was to protect the new French democracy from the Catholic Church, which was socially dominant and a strong political force opposed to the establishment of secular democracy. After a long political battle (particularly in the period from 1875 to 1905), a law separating Church and State was passed in 1905. That law is now recognized, even by the Catholic Church, to have benefited all religions and to have helped preserve public order.

Laïcité, the French term for balancing religious freedom and public order, does not equate to secularism, for its aim is not to create a Godless country. On the contrary, it is a principle of religious neutrality that is intended to create the conditions for religious freedom. French public schools, in particular, have long been the places where a new civic identity could be nurtured, free of the anti-democratic influences of the Catholic Church. This is why the French put so much emphasis on the neutrality of schools and why political activism and religious proselytizing are banned there.

But the most important difference between France and the United States is that America is not being challenged by militant, radical Islam on its own soil, while France is. In every democracy, a balance needs to be struck between religious freedom and public order. As a result, some restrictions on religious freedom exist in all democracies. Thus, for example, both the United States and France prohibit polygamy although various religions and cults in both countries claim that the practice is integral to their religion. In the public sphere, one specific problem is to preserve the religious neutrality of the State as well as the neutrality of public places (e.g. schools, city halls, courthouses) so that no one group feels excluded. Thus, in 2003, the U.S. Circuit Court of Appeals in Atlanta unanimously ruled that the presence of a Ten Commandments monument in the Alabama State Judicial Building violated the Constitution and accepted the plaintiffs' testimony that they felt like "outsiders" because of its presence.

But the State also has an essential function to preserve public order, particularly in public schools. For this reason, dress codes are common in American public schools and gang insignia are often prohibited because they interfere with essential

social and educational functions. In essence, it is sometimes necessary to restrict civil liberties in specific places like schools to ensure an atmosphere free of intimidation.

As many as 5 million Muslims—or 8.3% of the population—live in France, which for the United States would be the equivalent of 24 million people. France benefits immensely from this diverse population; a huge majority of French Muslims are moderate. Indeed, many of them could be better described as "persons of Muslim culture" or "Muslim origin," since they don't practice their religion: 36% describe themselves as practicing (and declarations to pollsters are thought to be overstated on this particular point), 42% describe themselves as believers who do not practice, and 16% describe themselves as simply "of Muslim origin". A large majority (78%) favor *laïcité*, which they view as supportive of religious freedom.

Nonetheless, the French Muslim community includes a fringe of Islamist militants who are taking advantage of the growing number of Muslims in France to "test" the French Republic, demanding privileges that other religions do not have and trying to rewrite some of the long established rules of French society. In some instances, they have obliged girls to wear a headscarf in school (often against their will) in order to create pressure for other girls to do the same; they have forbidden girls from attending mandatory biology courses (because there are classes on reproduction) or physical education classes (because women should not participate in sports); and they have not allowed women to be treated by male doctors in public hospitals. Indeed, students inspired by a radical Muslim ideology have been so disruptive that, according to Minister of Education Luc Ferry, it has sometimes become difficult to teach the subject of the Holocaust in history classes.

The United States does not face a similar challenge. America has a population of 5 to 6 million Muslims, or somewhat less than 2% of the population. That population is very diverse (estimated to be 33% South Asian, 30% African-American, and 25% Arab) and has not been influenced in a significant way by radical Islamist ideologies.

Behind the Veil: the Challenge of Integration

The headscarf controversy is a symptom of the process of adjustment of Islam to a new environment, that of a neutral society where many faiths must coexist peacefully. France has by far the largest Muslim minority in all of Europe (as well as the second largest Jewish minority in the world), and the social and economic challenge of integration is of extraordinary proportions. As in other European countries, the response of the French State to the rapid increase of its Muslim population has been two-pronged. It has reformed its institutional structures to better take this religion into account by creating the CFCM (French Council for the Muslim Religion) in December 2002, a body that represents all Muslims in negotiating on practical problems of their religion with the French State (e.g., the creation of a meat market that accords with Muslim religious laws, the location of Muslim cemeteries, the building of mosques.) The French government has also drawn red lines in the face of increasing challenges by militant radical Islam, and the new law is one of these red lines.

The overriding challenge of Muslim integration into France explains two of the criticisms often heard against the law. The first one is that it is a distraction from the integration process. In this view, banning headscarves in public schools is meaningless in the face of problems that are primarily social and economic. This criticism is valid, but it underestimates the specific challenge posed by radical Islam in public places such as the school or hospitals—a challenge that would not disappear even if progress was made on the socioeconomic front (which is where the main battle is fought).

A more valid criticism focuses on the signal sent to French Muslims: drawing a red line by banning a symbol of Islamic militancy—the headscarf—would have been more effective if it had been accompanied by a more positive signal sent to the immense majority of French moderate Muslims. Such simultaneous moves would have demonstrated that French society was also prepared to make adjustments and to further acknowledge the presence of Islam in its midst. For this reason, the Stasi Commission suggested, among other measures, that two national holidays be created to accommodate the most important Muslim and Jewish festivals (Aïd-el-Kebir and Yom Kippur); that a National School for Islamic Studies be established; and that efforts be made to recruit Muslim chaplains for the armed forces. But the sole recommendation expressed in the new law is the ban on religious signs and some members of the Commission have publicly vented their frustration with this interpretation of their work.

Some commentators doubt the necessity of a national law to ban headscarves in schools—given that many considered the national dress codes put in place by decrees in 1989 and 1994 were sufficient. They also fear that granting so much publicity to the ban might actually energize radical Islamic militants, fuel the general feeling of discrimination among Muslims, and produce more difficulties in schools in the coming years.

National and International Reactions to the New Law

Nonetheless, the law has strong backing across the mainstream French political spectrum. Some 69% of the French population is in favor of the law. Teachers and school administrators are the most supportive and indeed asked for the law, since they have to deal with the daily effects of Muslim radicalism in the schools. For them a statute is a stronger tool with which to enforce respect of religious neutrality.

Some parts of the electorate worry about Muslims challenging *laïcité*. Concern about French identity in the face of an increasing minority of Muslim origin has also played a role in the wide acceptance of the law. Jean-Marie Le Pen, the candidate of the explicitly anti-immigrant Front National (FN), received over 5.5 million votes in the last French Presidential election, nearly 18% of the vote. Aware of Le Pen's potential appeal among voters concerned by the social effects of immigration, the current government has emphasized its willingness to take strong stands on issues such as petty crime, delinquency and illegal immigration. Nonetheless, the headscarf ban should not be seen primarily in this light. Nicolas Sarkozy, the charismatic and popular Interior Minister, who has championed a hard-line approach to crime and delinquency opposed the law before bowing to presidential pressure and accepting it. Some even worry that the law might actually increase FN support by inappropriately highlighting the problems created by the presence of Muslims in France.

Moreover, the law was requested, and welcomed, by a sizeable minority of French Muslims, and has been accepted by many moderate Muslims around the world. French citizens of Muslim origin oppose the law by 53% against 42%, although many young girls of Muslim origin do favor it.

While sometimes wearing a headscarf or hijab is a free choice (and sometimes it is even used as a form of rebellion against parents and school by teenagers), sometimes it is imposed on girls or women by their fathers, brothers or husbands—at a time when many women in the Muslim world are fighting to take the hijab off. Many French women of Muslim origin thus defend the law because it provides younger girls with a moment of freedom from the obligation of having to hide themselves during their day.

The CFCM, while not enthusiastic about the law, did not oppose it. Its president publicly condemned demonstrations against it. The so-called "Parti des Musulmans de France" which organized demonstrations against the proposed law in Paris on January 17, 2004, is a fringe radical movement with a small regional audience in Eastern France. Headed by Mohammed Latreche, this group is virulently anti-Semitic.

Around the world, many Islamists—including the Iranian government and Ayman al-Zawahiri, a senior leader of Al Qaeda—have denounced the proposed law. The U.S. government has also officially criticized the move. But the leader of the Muslim world's most prestigious center of Sunni Islamic learning, the grand Sheik of Al Azhar University, Muhammad Sayed Tantawi, declared publicly that he saw no problem with the proposed law.

Conclusion

It seems important that this traditional principle of neutrality be reasserted at this time in France, especially given recent tensions between various communities, notably Jews and Muslims, as well as the rise of anti-Semitism in areas where Muslim citizens are numerous.

The law should be accompanied, in the next few years, by other measures such as the ones suggested by the Stasi Commission, to encourage the full integration of Muslims into the fabric of French society. The creation of the CFCM in December 2002 provides a good example of what the French State can do to further integration. Finally, the adoption of the law shows that the French body politic is determined to strictly enforce the respect of every faith, every community, everywhere, and this effort begins in public schools.

Should the state be allowed to prohibit the display of religious symbols in public schools?

Arguments to Support the Deliberation Question

1. The law doesn't target any specific religious groups and applies equally to all religious groups.
2. The law is a narrowly defined reassertion of religious neutrality within French Public Schools.
3. The French have a history of religious violence and this ban helps to avoid a repeat of that history.
4. The state should be protected from religious influence.
5. Religious neutrality allows for free expression of religion.
6. The law helps preserve public order in public schools.
7. 69% of people in France support the law.

Arguments to Oppose the Deliberation Question

1. Free religious expression in public schools can be accommodated without causing a disruption.
2. Personal religious expression should be protected from state interference.
3. Banning religious symbols doesn't address the economic and social problems of integrating immigrants into a society
4. This ban encourages religious militancy because groups feel that their beliefs are under attack by the state.
5. This ban overtly attacks one religious group and will help fuel the feelings of discrimination that many in this group have.
6. This law is unnecessary because there are already dress code laws in place.