

COVER STORY

# One Nation Many Gods

Seventy schools in Modesto, Calif., became the only school district in the country to require a world religions course for graduation. Now, research shows the course helps reduce religious intolerance among students without undermining students' religious beliefs. The lessons learned in Modesto may provide a helpful roadmap for schools across the nation.

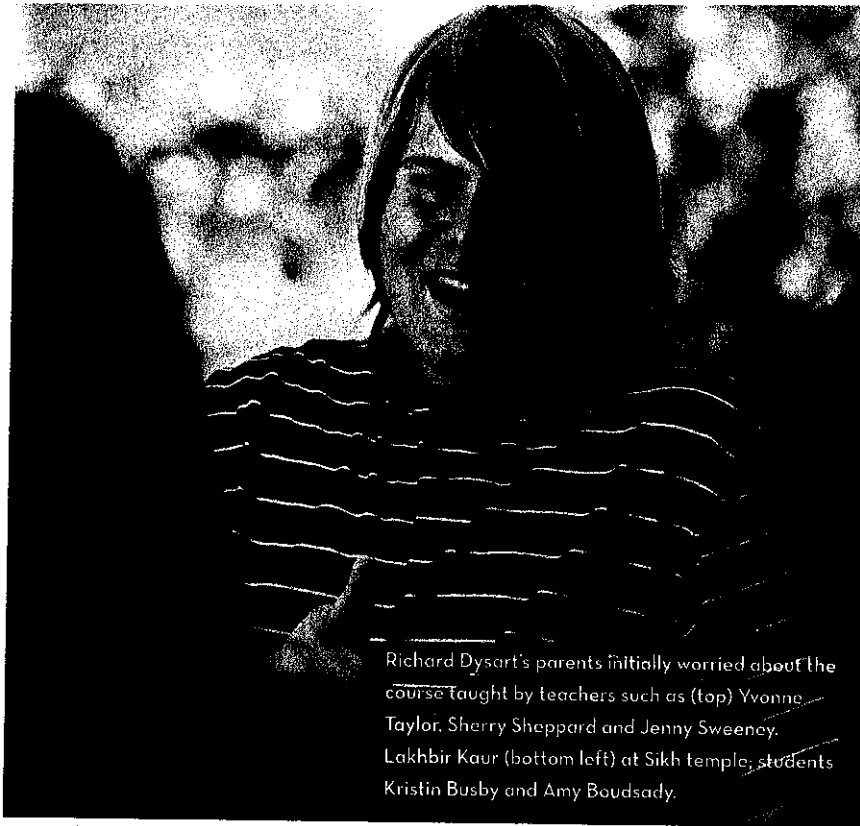
BY CARRIE KILMAN  
PHOTOGRAPHY BY DAVID A. WHITE

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WORLD

Illustrated Dictionary of Religions

WORLD Religions



Richard Dysart's parents initially worried about the course taught by teachers such as (top) Yvonne Taylor, Sherry Sheppard and Jenny Sweeney. Lakhbir Kaur (bottom left) at Sikh temple; students Kristin Busby and Amy Boudsady.



**I**n West Virginia, a public high school refuses to remove a painting of Jesus that hangs outside the principal's office. In Georgia, legislators vote to include the Bible in a state-wide public school curriculum. And in New York, officials prohibit the scheduling of standardized tests on religious holidays, after protest over a statewide exam held on a Muslim holy day. ¶ For decades, educators have wrestled with how to handle the increasingly diverse religions of an increasingly diverse student body. Sometimes, the line between church and state – what schools can and cannot do under the Constitution – can feel confusing and slippery.

Today, religion has become a subject one high school teacher calls even more controversial than teaching sex-ed. Teachers feel ill-equipped to talk about it. In a post-9-11 world, students increasingly face harassment for what they believe.

And yet, today's students will interact with a far more pluralistic society than their parents or grandparents did. Some educators see in this a call for urgency. If faith-based intolerance is ever to be confronted, they say schools are exactly the place religion should be addressed.

"Schools are the one place where all of these different religions meet," said one educator. "It follows that religious diversity must be dealt with in school curriculum if we're going to learn to live together."

For the past seven years, the school district in Modesto, Calif., has done just that.

After a divisive, public battle over the role of tolerance in the city's schools, a small group of teachers developed a world religions curriculum for every 9th-grade class in the district. Now, Modesto stands out as the only school district in the country that mandates a world religions course for high school graduation.

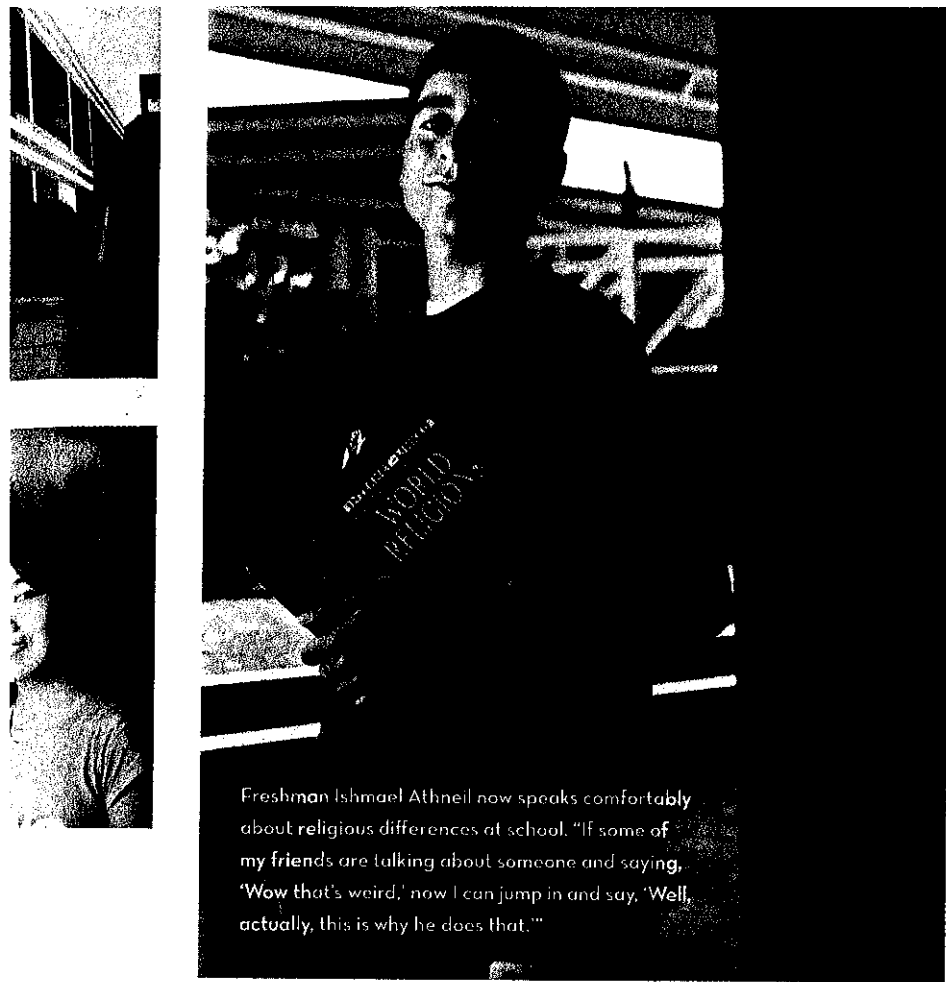
New research shows the course has increased students' respect for religious diversity. And teachers here hope their efforts will encourage other districts across the country to follow their lead.

#### CALIFORNIA'S 'BIBLE BELT'

Modesto was a surprising birthplace for such a risky venture.

The city of about 200,000 sprawls across Northern California's Central Valley, about 90 miles east of San Francisco. Residents call the area the "Bible Belt of California," for its conservative roots and vocal evangelical community. But a growing immigrant population has infused Modesto with a jolt of religious diversity, adding to the mix growing numbers of Buddhists, Hindus, Muslims and Sikhs.

Several years ago, a move to add gay and lesbian students to the school district's safe-schools policy, titled "Principles of Tolerance, Respect and Dignity," caused an uproar among local religious leaders. The conflict lasted for months. Finally, district officials turned to Charles Haynes, director of the



Freshman Ishmael Athneil now speaks comfortably about religious differences at school. "If some of my friends are talking about someone and saying, 'Wow that's weird,' now I can jump in and say, 'Well, actually, this is why he does that.'"

Arlington, Va.-based First Amendment Center, for help.

"I thought I was meeting with the committee appointed to deal with this issue," Haynes said. "I went into the school cafeteria, and there was a 'committee' of about 115 people. Everyone wanted a voice in this issue – gay and lesbian students, local pastors, teachers, administrators – but people were speaking past one another."

He suggested they abandon the word "tolerance" – many religious conservatives thought it meant the school district was "taking a stand on homosexuality." Instead, Haynes asked the group whether all students, regardless of their beliefs or lifestyle, had the right to be safe at school and free from bullying.

Everyone agreed.

"The pastor who was in charge of the opposition stood up and said, 'If this is what the district means, we're fully for that. We're Christians – we don't want anyone beat up or hurt,'" Haynes recalled. "A gay student stood up and said, 'Well, that's all we want, too.'"

Together, they crafted a new safe-schools policy grounded in the First Amendment right of free expression, and the responsibility to safeguard that right for others.

The school board unanimously adopted it.

From the policy stemmed many new initiatives, such as a character education course and human rights clubs. Among them was a new focus on teaching about religious diversity.

"When you don't know about something, you fear it – and when you fear something, you become more likely to strike out against it," said Modesto teacher Yvonne Taylor. "We wanted students to understand that even if we disagree with a group of people, they still have the right to be here."

#### 'YOU CAN'T TEACH RELIGION'

Modesto requires that every 9th-grader in the district enroll in a semester-long world religions course. Ninth grade made sense – students were old enough to handle the subject material, and the

## WEB EXCLUSIVE

### The ABCs of Religion in Schools

Learn what public schools legally can and cannot do when it comes to religion, especially in the context of the Christmas holiday season.

[www.teachingtolerance.org/religion](http://www.teachingtolerance.org/religion)

emphasis on religious diversity happened to coincide with the district's desire to enhance the 9th-grade history and social studies curriculum. Since then, state standards have changed – the world religions course no longer fulfills specific state curricular requirements, but it's been so successful in changing attitudes that school officials decided to keep the course in place.

"(At the beginning of) every semester, the kids say, 'You can't teach about religion!'" said Jennie Sweeney, the curriculum coordinator who organized the course's development. "And we say, 'Yes, we can – we're going to teach *about* religion, we're not going to *teach* religion.' There's a big difference."

By law, public schools cannot show preference to one religion (although, in implicit ways, many do – see "Because I Had a Turban," p. 46). Yet they can legally address religion in ways that are both fair and neutral.

Modesto's world religions course is modeled after the same First Amendment principles that guided the safe-schools policy. "You can be staunch in your own personal beliefs, yet also staunch in respecting and protecting the religious liberties of other people," said Sherry Sheppard, who teaches the course at Modesto's Johansen High.

The class begins with an overview of First Amendment rights and responsibilities. Teachers emphasize the importance of respectful inquiry, and students learn catchphrases for keeping each other in check to minimize disrespectful remarks.

Next, students delve into six religious units, covering Buddhism, Christianity, Hinduism, Islam, Judaism and Sikhism.



Johansen High senior (left) wears a tallit, or prayer shawl, has four fringed corners, at each of its corners, as explicitly commanded in the Torah. "[Study of religion] should be required, just like history," he says.

The class spends equal time on each unit, studying the history of each faith, the basic tenets, and examples of each religion's societal significance (i.e., Hinduism's influence on Gandhi and the concept of nonviolence).

For the sake of neutrality, teachers aren't allowed to share their own faith backgrounds during the semester, nor are outside speakers welcome. Every class in the district reads the same textbook, watches the same videos and follows the same scripted lesson plans. "It can almost feel prescribed," Sheppard said, "but it prevents teachers from sliding in their own biases."

Students, though, are encouraged to share their own beliefs and ask questions.

As a result, the course provides a safe space to talk about sensitive issues in ways that otherwise might be inappropriate or impolite. It's not unusual, for example, for students to come to class with questions about the man wearing a turban in the grocery store, or a person sporting some other form of religious garb.

"They get excited as the course goes on, because they realize it's something they've never learned about before," said Taylor, who also teaches the course at Johansen.

During the course's inaugural semes-

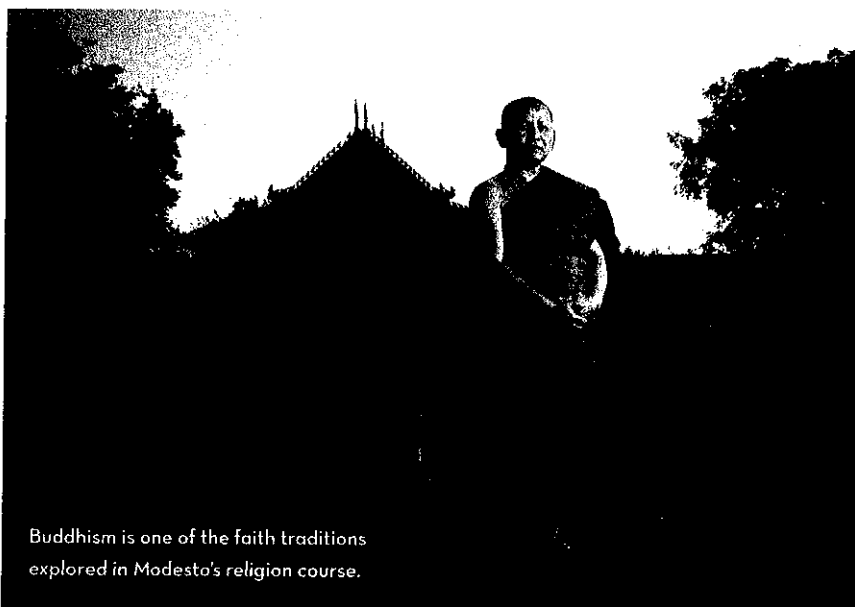
ter, a student who was Buddhist left school on a Friday afternoon with a full head of hair and, to everyone's surprise, returned Monday with a shaved head. His uncle had died, and, in his honor, the student became a Buddhist monk over the weekend, committing to six weeks of service to the temple.

The world religions course became a forum where the student could speak openly about his experience. Because the class had spent weeks exploring

different aspects of multiple faiths, classmates viewed the student's decision with interest and respectful curiosity instead of derision.

"For a lot of non-Christian kids, they feel validated at school for the first time," Taylor said. "They say, 'I have a voice now, I'm proud of who I am, and now I can share that and talk about it in a safe environment.'"

The district provides an opt-out policy for parents uncomfortable with the



Buddhism is one of the faith traditions explored in Modesto's religion course.

curriculum. Since the program's launch seven years ago, fewer than ten parents have taken advantage of the policy.

"My parents thought it was really interesting," said Lakhbir Kaur, now a senior. "They asked a lot of questions and talked about it at dinner. There was some stuff I learned (during the class) about my own religion that I didn't know, and I went home and asked my mom about it. It was eye-opening."

### 'NOT DIFFERENT AFTER ALL'

In May 2006, researchers from the First Amendment Center released the results of a comprehensive study of Modesto's world religions course. They wanted to know if teaching about diverse religions had any impact on students' religious tolerance.

"We've never really known what effect it would have if we taught more about different religions in public schools," Haynes

said. "We've always said it was a good idea – but in terms of empirical evidence, what it does for our kids, this study is the first indication of what it might do."

Researchers interviewed students before, during and immediately after the semester, and again six months after the course ended. Over and over, they found that students had become more tolerant of other religions and more willing to protect the rights of people of other faiths.

In their own words, students say the course broadened their views and empowered them to fight back against faith-based bullying.

"I didn't know anything about any religion other than mine," said Kristin Busby, now a senior. "By the end [of the semester], we were all much more accepting toward one another. You realize that we're all not that different after all. We all have these necessities, and these religions provide for those necessities, just in different ways."

Added Ishmael Athneil, a freshman: "If some of my friends are talking about someone and saying, 'Wow that's weird,' now I can jump in and say, 'Well, actually, this is why he does that.'"

However, this increase in religious tolerance was not accompanied by a change in students' personal religious beliefs, a finding of huge interest to researchers. "This is important," Haynes said. "It means that learning about different religions will not undermine the faith of the family."

Students who began the semester with strong religious convictions ended the semester with the same beliefs.

"My mom and dad were biased against this course," said 9<sup>th</sup>-grader Richard Dysart. "They were afraid I'd convert and get confused about what my family believes. But if you're part of a culture, you won't switch just by learning about how other people live."

The course's ability to offset religious intolerance was put to the test at the beginning of its second year.

"We had just made it through the first year without a single complaint from a parent," Sheppard said. "We walked into that September feeling kind of cocky.

## TOOLBOX

# 10 Tips for Starting a World Religions Curriculum

**1. Involve the community.** Teachers in Modesto invited community members to review the curriculum, hosted a meeting with local faith leaders during the curriculum's development, and toured several local houses of worship. "It gave people a voice in the process, which helped create community buy-in," says one teacher.

**2. Engage diverse voices.** Make sure every religion represented in your area has a place at the table. Be sure to make space for atheism, too.

**3. Build trust.** "People can be suspicious of schools," says one Modesto teacher. "You need to build trust with different key constituencies before you attempt something like this."

**4. Be sensitive.** Religion is a touchy subject. For many people, it's directly connected to culture, language and ethnicity. Recognize and respect the multiple layers of identity at play.

**5. Get district buy-in.** "This cannot be done by one teacher at one school," says another Modesto teacher. Support from the district – in time, money and resources – is key.

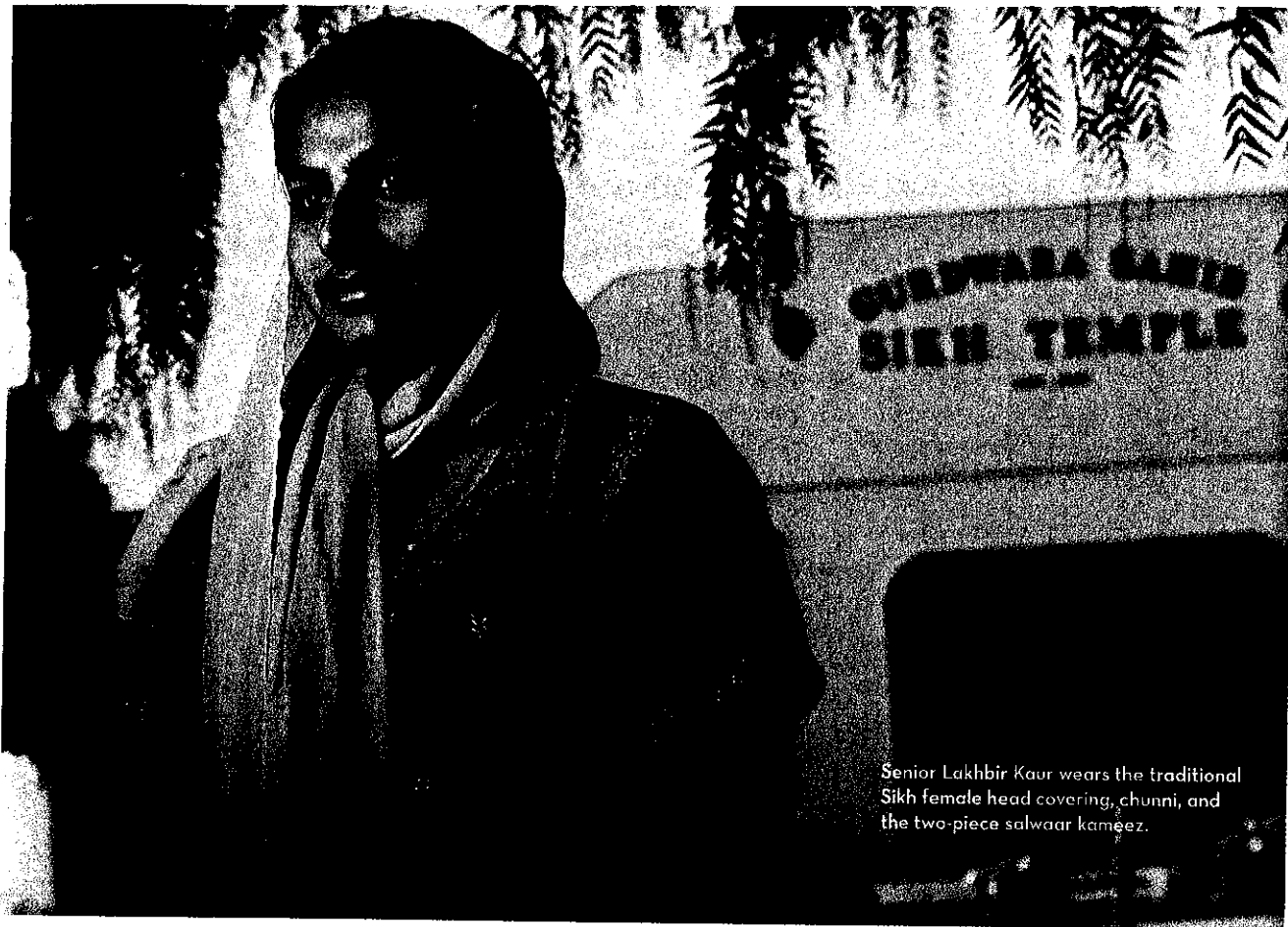
**6. Training, training, training.** Recognize that you can never have enough training. Provide it before the semester starts and throughout the year.

**7. Opt-in for teachers.** Some teachers might not feel comfortable teaching about religion, and classes should be taught by teachers who volunteer to teach them.

**8. Communicate with parents.** "At the open house every year, I give parents a briefing," says teacher Sherry Sheppard, at Modesto's Johansen High. "I assure them that my job is to teach and not preach. It has been such an easy thing."

**9. Lay the groundwork for respect.** "I am adamant (in the beginning of the semester) that if students have a comment that may come across as hurtful, they think about it first," says another Johansen teacher. "I get a lot of 'wow, that's interesting.' What they might be thinking is, 'wow, that's weird,' but they don't dare say it."

**10. Maintain neutrality.** "It made a big difference that teachers didn't take sides," says Edward Zeiden, now a senior at Johansen High. Added classmate Amy Boudsady: "It made me feel safe to share my own beliefs. I didn't feel like someone was judging me."



Senior Lakhbir Kaur wears the traditional Sikh female head covering, chunni, and the two-piece salwaar kameez.

Then 9-11 happened.”

The training for the world religions course prepared teachers to handle the issues and questions that arose that year. “We realized we’d have to be very deli-

**“By the end [of the semester], we were all much more accepting toward one another.”**

cate with this, making sure the difference was explicit between Islam as a religion and the people who committed that act,” Sheppard recalled. “We still emphasize that point when we get to Islam.”

Across the country, reports of schoolyard harassment against Muslim students escalated in the months immediately following 9-11. In Modesto, not a single act of harassment was reported against a Muslim student during the 2001-2002 school year.

#### ‘NOT IN THIS ALONE’

These results, teachers said, didn’t happen by accident.

The teacher-led committee that created Modesto’s curriculum worked closely with the local community during the course’s development. First, teachers identified each religion that would comprise the curriculum; next, they worked in teams to research the different faiths.

Part of that research involved field trips. Teachers toured several houses of worship and invited religious leaders from multiple faith backgrounds to attend a meeting at the school, to explain the purpose of the curriculum and ask for input.

Before the course launched, teachers asked local religious representatives to review the textbook. “There are an equal number of pages given to each religion,” Sweeney said. “We knew they would count.”

In addition, the book contains a section on nonbelievers; whether teachers delve into atheism (some do, some don’t) seems to be one of the few ways

that different classes deviate from the curriculum.

For all of its successes, researchers did identify some curricular shortcomings. They faulted the Modesto course for failing to address the negative aspects of religions, to give students a more accurate picture. Researchers questioned the policy of forbidding guest speakers, and they suggested that Modesto’s teachers would benefit from more robust training.

Teachers, for their part, questioned these criticisms. “They weren’t sensitive to what we were trying to do and the limitations we faced,” Sweeney said.

Currently, teachers who volunteer to instruct the course must first attend a 30-hour workshop on how to teach about religion. In addition, the district tries to provide time and space throughout the year for the world religions teachers from each campus to meet, share ideas and discuss concerns.

While this in-service training isn’t as frequent as the researchers would like, it does add value to teachers’ experiences. “We know we’re not in this alone,” explained

Taylor. "I think this is one of the best things I've done in 35 years of teaching."

#### 'IF HERE, ANYWHERE'

The moral of Modesto's success isn't that every district should rush to create its own world religions requirement. "Not all districts can, because there simply isn't

## RESOURCES

### The First Amendment Center

works to preserve and protect First Amendment freedoms through information and education. The Center serves as a forum for the study and exploration of free-expression issues, including freedom of speech and religion.

[www.firstamendmentcenter.org](http://www.firstamendmentcenter.org)

Sponsored by the First Amendment Center, **First**

**Amendment Schools** represent a national initiative designed to transform how schools teach and practice the rights and responsibilities of citizenship that frame civic life in our democracy.

[www.firstamendmentschools.org](http://www.firstamendmentschools.org)

A collaboration of NPR's "Justice Talking" and The New York Times Learning Network, **Justice Learning** uses multimedia, including audio and news articles, to engage high school students in informed political discourse. The website also offers curricular materials and other age-appropriate classroom resources. The "Religion in Schools" section offers an interactive timeline and student quiz.

[www.justicelearning.org](http://www.justicelearning.org)

**The Pew Forum** offers a variety of resources that explore the relationship between religion and public schools, including reports, event transcripts, polling data and the latest news.

[www.pewforum.org/religion-schools](http://www.pewforum.org/religion-schools)

room in the curriculum," Haynes said.

But schools *can* reconsider how and what they teach when it comes to religion. More schools could offer world religion electives, improve the religion sections of their social studies curricula, or implement school policies that are more inclusive of diverse faiths (i.e. not scheduling tests on religious holidays).

Specifically, Modesto's success suggests more schools should do the following:

➤ **Improve teacher training.** "The biggest barriers (to teaching about religion) are not parents or the community or the law," said Haynes. "The biggest barriers are that teachers do not feel prepared to teach about religion."

Researchers at the First Amendment Center suggest a world religions requirement for every pre-service social studies teacher in the country, religious studies courses incorporated into teacher training programs, and improved in-service training for teachers already on the job.

➤ **Understand the law.** Many school districts still think it's constitutionally problematic to discuss religion in schools. Some districts think neutrality means silence. Others address some religions but exclude others (i.e. an elective on the Christian Bible, but no equivalent for other religions).

"Neutrality, in a word, means 'fairness,'" said Haynes. "School officials are supposed to be the fair, honest, neutral brokers who allow various voices to be heard."

➤ **Work with communities, not against them.** Parents and religious leaders can be seen as the enemies of efforts to address religious pluralism in schools. But teachers in Modesto attribute their success, in part, to how well they worked with the community.

As a result, Sweeney said, parental complaints have been minimal: "Because we have support from the religious community, I think they've told their members not to worry about this."

➤ **Consider it a core mission.** "Students need to learn these things," said Modesto student Edward Zeiden, of his school's world religions course. "It should be required, just like history." ♦

# "BECAUSE I HAD A TURBAN"

In almost every public school in the United States, attitudes and behaviors in the classroom presume an unacknowledged, yet pervasive, Christian norm. How does this affect students who are not Christian?

BY KHYATI Y. JOSHI

IN AMERICAN SOCIETY, AS IN MANY others, religion shapes and informs everything from our language to our social habits. For us, one particular religion plays the hegemonic role: Christianity.

It is celebrated both in our calendars—where school breaks often coincide with Christmas and Easter, but rarely with the major holidays of other religions—and in our curricula, through "seasonal" art projects and activities like Easter egg drawings and "holiday" pageants.

Christianity is present in the turns of phrase from "turning the other cheek" and being a "good Samaritan," to being a "sacrificial lamb."

Taken together, these activities and experiences cause students who identify with Christianity to find their identity affirmed in school. Yet today, our classrooms include students from many religious backgrounds, and this "Christian normalcy" causes those who are not Christian to feel just the opposite.

My research into the life experiences of Hindu, Muslim and Sikh students of Indian American backgrounds uncovered the hidden cost of this "normalcy" in public schools.

Many students reported school experiences in which their religious identity was ignored, marginalized or actively discriminated against in a host of ways. The intense turmoil caused by these experiences threatened their ethnic identity development, their relationships with peers and family members, and their academic outcomes.

Their experiences offer insight and guidance for schools and educators.

### **FAMILY TIES AND FEELINGS OF EXCLUSION**

Classroom conversations about going to church, celebrating holidays or participating in Christian youth group

activities produced extreme anxiety for students interviewed during my study.

For many Hindu, Muslim and Sikh students, religion is intrinsically tied to ethnic identity. Frequently their immigrant parents use religious activities and organizations as a way to gather with people like themselves and transmit culture to their children.

And yet, faced with Christian normalcy and feeling the normal childhood yearning to fit in with peers, many students were embarrassed to be associated with their own families and ethnic communities. Some avoided learning about their home religions.

"I remember at Christmastime hav-

ing to lie about what my parents got me," said Priti, a Hindu student. Her parents "wouldn't get me too much, because they really didn't have the concept of" Christmas. Priti felt that describing the small gifts she received would emphasize her difference from her Christian peers.

Priti also described how "on many occasions, when we would celebrate Christian holidays [in class], I definitely get the feeling that I was not a part of that celebration. ... There wasn't one solitary event, but a string of events for many years that made me feel that I was not part of this group."

Over time, this exclusion caused many students to feel self-conscious and even ashamed of coming from a faith tradition that was not perceived as "normal" by their teachers and classmates.

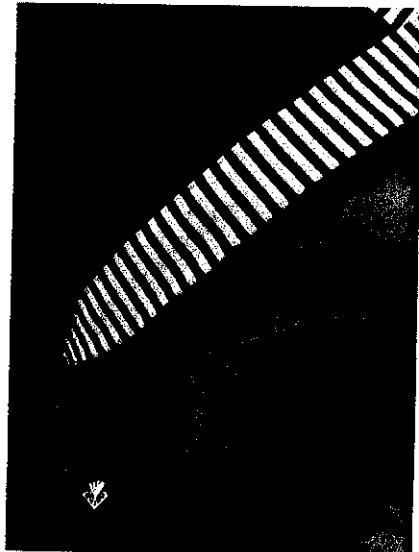
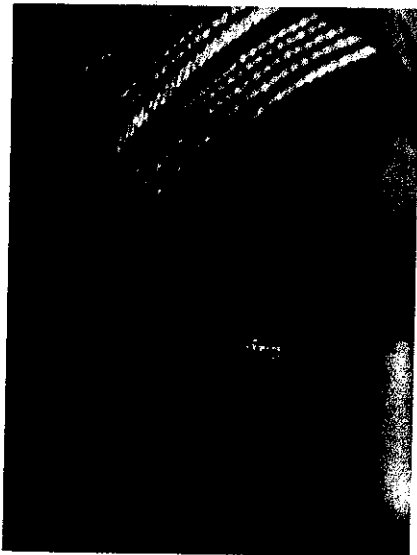
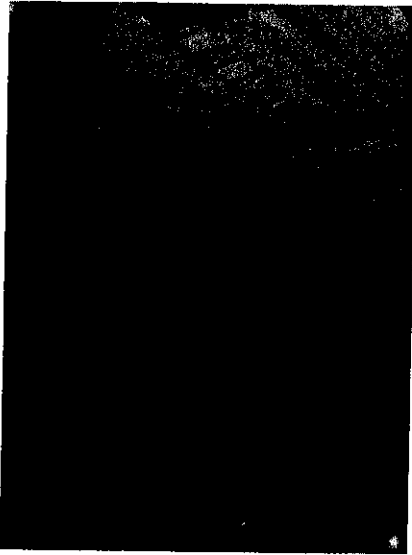
These feelings often had long-term ramifications—not only in diminished self-esteem, but also in the loss of knowledge about rituals and traditions, of aptitude with the home language, and even of connections with family.

### **TARGETS FOR DISCRIMINATION**

But Christian normalcy, like religious dominance in many countries, is only one facet of religious oppression, which is not about theology so much as power. A religion becomes oppressive when its followers use it to subordinate the beliefs of others, to marginalize, exclude and deny privileges and access to people of other faiths.

The Indian Americans in my study shared stories of being targeted for discrimination and mockery because of their religions. One young Muslim reported that his homeroom teacher would often duck when he entered the classroom, saying, "You don't have a bomb in that backpack, do you?" The rest of the class had a good laugh, and this student felt compelled to laugh along throughout the school year.

Harpreet, a male Sikh who wears a turban, recalled his high school's annual tradition of hosting a Christmas Dinner for the homeless, where students dressed up as different characters.





His teacher asked Harpreet to dress up as Jafar, the villain from the Disney film *Aladdin*, he said, "because I had a turban." The teacher treated Harpreet's turban as something cartoonish, ignoring its religious significance to Sikhs and conflating it with an Arab cultural emblem.

Other students were told they were "going to hell" or that they and their families needed to "be saved." When teachers overheard comments like these and did not intervene, many students took their silence as an endorsement of religious discrimination.

### IT'S ACADEMIC

While many school districts make accommodations for students who are not Christian—for example, by excusing students for certain religious holidays—these accommodations can result in educational experiences that are unequal.

Consider the voice of a 13-year-old Hindu girl from Ohio:

"I hate skipping school to celebrate Diwali. After we celebrate, I still have to do all the in-class assignments and the homework for the next day. Now I tell my parents I'd rather just go to school."

"Making up" for religious observances is a burden Christian students do not

## For many Hindu, Muslim and Sikh students, religion is intrinsically tied to ethnic identity.

carry. This reality can make it difficult for some non-Christian students to stay on equal footing with Christian peers, socially and academically.

Another Hindu student, Nikhil, faced a different kind of academic challenge.

Since elementary school, Nikhil had experienced being teased for "praying to cows" and being "reincarnated from a dog." Like many Indian Americans, he developed the habit of keeping his home life separate from his school life.

When his public school's National Honor Society chapter decided to visit different churches to learn about reli-

gious diversity, Nikhil offered to share his religious life with his NHS peers.

"I told them that we should go to one of the Hindu services," Nikhil said, "and the NHS faculty sponsor said, 'No, we're not going to do that.'"

When his offer was rejected, Nikhil decided he would stop attending Christian services with the honor society. As a result, he was dismissed from the NHS for "inadequate participation."

Nikhil feared academic retribution if he did anything about the expulsion. "[The NHS advisor] was also my English teacher," he said, "and I was afraid ... it would reflect on my grade, so I never said anything."

When I interviewed him more than a decade later, Nikhil's voice still quivered with emotion as he recalled feeling "very, very mad. I was graduating in the top five of my class. Everybody around me had the honor stole on except for me – and the only reason was because I refused to go to church."

### MAKING RELIGION MATTER

As practitioners of multicultural education, we must recognize and respond to religion's importance as a cultural marker for many students, Christians and non-Christians alike. We must acknowledge and correct Christian normalcy in our classrooms and curricula. The answer is not to ignore or exclude Christianity; in fact, the opposite is true.

Consider these suggestions:

**1. Know our own students.** There are a lot of religions in the world. Start with the ones present in your classroom.

**2. Learn our ABCDs.** We don't need to be theologians, but we can at least learn the:

**Architecture:** Know what the house of worship is called, like *mandir* (Hindu), *masjid* or mosque (Muslim), and *gurdwara* (Sikh).

**Books:** Know the name(s) of the religion's holy text(s).

**Cities:** Know the names and locations of the religion's holiest cities, like Amritsar (Sikhism), Mecca and Medina (Islam), and Varanasi/Benares (Hinduism).

**Days:** Know the names and meanings of the religion's major holidays, like Diwali

and Holi (Hinduism), Ramadan and Eid ul' Fitr (Islam), and Vaisaki (Sikhism).

**3. Recognize religion as part of students' social identities.** Religion and religious institutions are one of the major ways ethnic communities – particularly immigrant communities – organize and gather. Understand how this makes religion especially salient for some students, and how the family's religion may be important even to students who don't see themselves as "religious."

**4. Avoid the urge to "Christianize" religions and holidays.** Observe religious holidays in their own context and their own time, instead of lumping them all together in December. Don't assume holidays that fall close to a Christian holiday on the calendar share the same social or theological meaning. Likewise, don't diminish other religions by drawing analogies to Christian holidays – e.g., saying "Ramadan is like Lent" or "Janmastami is like Christmas."

**5. Include religion in our curricula whenever it's appropriate.** Knowledge about religions is important for students living in our religiously pluralistic democracy, and in our global community. (See "One Nation, Many Gods," p. 38). Religions influence the behavior of individuals and nations and have inspired some of the world's most beautiful art, architecture, literature, music and forms of government. When discussing these subjects, it's okay to acknowledge religion and its impact. Discuss how different religions deal with the concept at hand.

Understanding religious differences and the role of religion in the contemporary world—and in our students' lives—can alleviate prejudice and help all students grow into the thoughtful global citizens our world requires. ♦

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## Religion in the Workplace

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**The issue: Would a proposed bill, the Workplace Religious Freedom Act (WRFA), give needed protection to the rights of religious employees? Or would it cause an unacceptable level of hardship in the name of religious freedom?**

- *Critics of the WRFA say:* By making it harder for employers to avoid accommodating the religious practices of their workers, the bill would negatively affect the well-being of businesses. In addition, it would limit the ability of employers to curtail behavior that could be offensive to other employees.
- *Supporters of the WRFA say:* The bill would remedy current law regarding religion in the workplace, which gives too much discretion to employers. It is in the interest of both employers and employees to support greater protection for religion, since it can improve business ethics, productivity and morale.

Americans have long considered freedom of religious expression an important right. However, the right to be free of religious dominance is also highly valued, as reflected in the constitutional separation of church and state. Those two principles have recently come into conflict in the debate over religious conduct in the workplace. Religious employees have sought to take off holidays and generally conduct themselves in accordance with their beliefs, such as how they dress or wear their hair. Employers, meanwhile, have at times resisted accommodating them for fear of adverse effects on workplace morale and well-being.



AP Photo/Kathy Willens

**Orthodox Jewish businessmen participate in an afternoon prayer session at their workplace on Wall Street in New York City.**

Civil rights legislation in the 1970s established that employers must make accommodations for the religious beliefs of their employees, except in cases where it would cause them "undue hardship" to do so. In a 1977 decision, the Supreme Court defined undue hardship as anything more than a minimal cost. Since then, many advocates of religious freedom have complained that it is too easy for employers to avoid accommodating the religious beliefs and practices of their employees.

At the same time, a number of factors have combined to intensify the debate over the issue. Since the 1980s, Christian activism has increased as a social and political force. In addition, spiritual retreats, religious counseling and prayer groups

have become more common to business culture. And religious diversity has been increasing as well, with immigrant workers bringing non-Christian religious traditions with them into the workplace.

Religious groups, civil-rights groups and a number of politicians have called for legislation that would strengthen the rights of employees to practice their beliefs at work. A bill currently being debated in Congress, the Workplace Religious Freedom Act (WRFA), would change the relatively minimal "undue hardship" that an employer must demonstrate in order to be exempted from accommodating an employee's religious practices. Under the new law, an employer could avoid accommodating the employee only if doing so would create "significant difficulty or expense." That change would give employees more religious freedom in the workplace, proponents say.

However, not everyone favors the proposed legislation. Critics say that employers would have too hard a time controlling religion in their places of business. That could allow behavior that could hurt profits, they argue.

Critics add that, in some cases, employees motivated by religious beliefs have refused to serve certain customers or perform vital functions that contradicted their faith, and that the legislation would strengthen their ability to do so. And employers would find it more difficult to curtail behavior offensive to other employees, including those of minority faiths, they say. Some opponents advocate narrower legislation that they say would effectively address the problem without inviting potential abuse.

Supporters of the legislation counter that there is currently too little protection for the rights of religious employees; more should be done to prevent religious discrimination in the workplace. The current definition of undue hardship makes it easy for employers to refuse accommodation, they say.

Advocates also assert that religious freedom is an important right and is one of the fundamental principles of life in the U.S. In addition, they say, religion can actually improve the ethics, professionalism and productivity of a business. And they maintain that the WRFA is not an over-the-top measure but rather a needed corrective to current law, which gives employers too much power over the religious rights of their employees.

### History of Religion in the Workplace

The First Amendment to the Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The right to engage in the free exercise of religion has long been of paramount importance in the U.S., as has the right to be free of religious persecution. Although the Constitution forbids government endorsement of religion, many see the rules governing religious conduct in private workplaces as less clear-cut. [See 1999 [Church-State Separation](#)]

The central law guiding the courts on matters of religious conduct at work is Title VII of the Civil Rights Act of 1964. Title VII, which was amended in 1972, outlines the steps that employers are required to take in dealing with religion in their workplaces. The law was adapted from guidelines implemented by the Equal Employment Opportunity Commission (EEOC) in 1967.

In most cases, employers must reasonably accommodate the religious beliefs and practices of their employees, and must allow employees to engage in religious expression to the same extent that they are allowed to engage in other forms of personal expression. The exceptions are cases where making such accommodations would cause "undue hardship" to the employer's business interests. The law defines undue hardship as burdening, or infringing on the rights or benefits of, other employees, subjecting the employer to greater than ordinary administrative costs, diminishing other workers' efficiency or violating safety laws or regulations.

Title VII also forbids employers to favor or disfavor employees based on their religious beliefs, or to require either participation or lack of participation in a religious activity. In addition, employers must take steps to prevent religious harassment of employees.

Several years later, a Supreme Court decision helped make it easier for employers to withstand the religious demands of employees. The case involved Larry Hardison, an employee of Trans World Airlines (TWA) who adhered to the precepts of a Christian denomination called the Worldwide Church of God. One of those practices required Hardison to refrain from working on Saturdays in order to observe the Sabbath.

After Hardison, who was a clerk at a TWA maintenance plant, transferred to another job within TWA, his union seniority ranking changed and he was no longer in a position to arrange for a shift that would allow him not to work on Saturdays. In addition, TWA rejected a proposal that Hardison simply take the day off, saying that it could not afford to leave his position open on Saturdays or to transfer a worker from another area. Hardison rejected an offer by the company that would have required him to work on Friday night instead of on Saturday, since his religion called for Sabbath observance to begin at sundown Friday. When Hardison refused to work during the period between sundown Friday and sundown Saturday, TWA fired him.

Hardison responded by bringing a lawsuit against TWA, claiming religious discrimination under Title VII. The case eventually reached the Supreme Court, which in 1977 ruled in *Trans World Airlines v. Hardison* that permitting Hardison not to work on Saturdays would have caused undue hardship to TWA. In its ruling, the court said that anything more than a minimal cost could be classified as undue hardship. That had the effect, in the eyes of many legal observers, of making courts deciding workplace religious discrimination cases reluctant to demand that employers make accommodations for religious belief that would cause them more than a slight hardship.

Another Supreme Court decision that reinforced the rights of employers relative to employees in religious discrimination cases was *Ansonia Board of Education v. Philbrook* in 1986. The case concerned a schoolteacher in Ansonia, Conn., who wanted to take more days off for religious holidays than the school board was willing to permit. The court's decision established that once an employer made a reasonable accommodation, it could refuse to consider or accept alternatives. [See 2004 [Some Prominent Supreme Court Cases Involving Religion in the Workplace](#) (sidebar)]

In the next two decades, a number of groups mobilized to try to enhance what they saw as the limited legal rights of religious employees. Some of those efforts coincided with a general rise in conservative Christian activism in the 1980s and 1990s. For instance, in 1990, the well-known evangelist Pat Robertson founded the American Center for Law and Justice, a group that offers legal advice to religious employees. Left-leaning groups have also been active in seeking greater freedom of religion in the workplace, partly out of concern for the rights of religious minorities.

At the same time, religion has entered into the workplace in more visible ways. In some cases, that has taken the form of businesses that incorporate religious ethics and practices into their work. The fast-food chain Chick-fil-A, for instance, closes on Sunday to observe the Christian Sabbath. Numerous smaller businesses, from banks to dentists' offices to career-counseling firms, operate in accordance with Christian principles. Some of them feature prayer sessions that involve employers, employees and customers.

Another way in which business is being changed by religion has come in the form of religious affinity groups within more conventional companies. In the past decades, many large, successful businesses have approved, and sometimes allocated funds to, religious study and prayer groups. [See 2004 [Workplace Ministry a Growing Movement](#) (sidebar)]

Part of the reason for the rise of religion in business, observers say, are the efforts of religious employees who want to exercise their religious rights at work. But observers also cite the increasing desire of many companies to ensure a diverse workforce, and to implement programs that will make employees from various backgrounds feel comfortable. Another reason given is a workplace ethics movement that began in the 1980s and has led companies to hire religious counselors and to sponsor spiritual retreats.

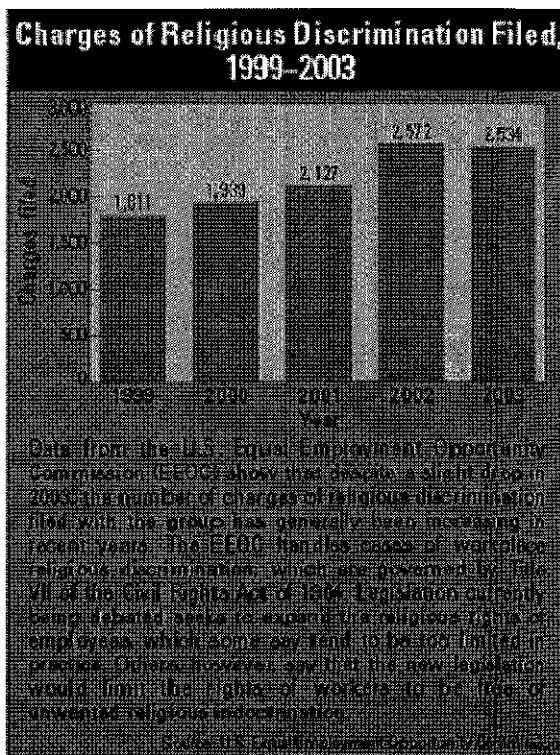
In 1997, President Bill Clinton (D, 1993-2001) established guidelines giving federal employees greater religious freedom than private-sector workers. The guidelines made some of the same guarantees as Title VII, but more broadly accommodated employees' religious beliefs. For instance, a federal agency is required to exempt workers from rules that burden their religious practices unless it "has a compelling interest in denying the exemption, and there is no less restrictive means of furthering that interest." Similarly, some states have enacted legislation that goes beyond Title VII in granting religious freedom to employees.

**Recent Developments in Religion in the Workplace**

In recent court cases, there have been a variety of rulings on the question of religion in the workplace. In 2001, for instance, a U.S. district court in Louisiana decided in favor of the employer in a case in which an employee sought to take Sundays off for religious reasons. In its decision in the case, *George v. Home Depot*, the court ruled that the company had already made a reasonable accommodation by offering to let the employee leave for part of the day rather than take the day off. It also found that requiring another employee to assume a larger workload to compensate would constitute an undue hardship.

Other cases have been decided in favor of employees. In April 2004, an administrative judge found that the New York City Police Department (NYPD) had discriminated against former traffic enforcement agent Jasjit Singh Jaggi when it ordered him to shave his beard and not wear his turban on the job. Jaggi was an Indian immigrant and, like many Indians, practiced the Sikh religion, whose male adherents refrain from cutting their hair or beards and wear turbans to cover the hair on their heads. The judge recommended that the NYPD allow Jaggi to keep his beard and wear his turban while on the job, and the New York City Human Rights Commission subsequently ordered the NYPD to heed the judge's recommendation. In July, the NYPD complied.

Observers have cited cases such as Jaggi's as a factor in the increasing number of complaints made to the EEOC. In 2003, there were more than 2,500 charges of religious discrimination filed with the EEOC, up from 1,388 in 1992. Although an upsurge in Christian belief and expression is seen as part of the reason for the increase, observers say that a decade-long



Jeremy Eagle

influx of immigrants who adhere to non-Christian religions has also contributed to conflicts over accommodation of religious belief in the workplace.

Some observers emphasize the role of Sept. 11, 2001, terrorist attacks against the U.S. in the debate over religion in the workplace. They say that the attacks traumatized people and reinforced the rise of religion that had already been under way. In addition, businesses took steps to encourage the use of therapeutic measures such as prayer groups and spiritual counseling for employees. Observers also say that the attacks, perpetrated by Islamic extremists, led to a backlash against Muslims and less tolerance of Muslim religious practices, such as praying and wearing head scarves, in the workplace.

With religion in the workplace being examined anew, legislation that addresses the subject has been gaining attention as well. The WRFA, introduced in 2003 by Sen. Rick Santorum (R, Pa.) and co-sponsored by lawmakers from both political parties, updated a legislative proposal dating back to 1997. The WRFA would amend Title VII to make it legal for an employer to refuse accommodation of an employee's religious belief only if making the accommodation would cost the employer "significant difficulty or expense." Whether an accommodation met the definition of significant difficulty or expense would depend on a number of factors, such as the cost of the accommodation and the size and resources of the employer.

If enacted, the WRFA would amend the current law and would generally make it harder for an employer to refuse accommodation to an employee. A variety of religious groups support the WRFA, and a number of civil rights groups do as well.

However, some business groups oppose the bill because of the additional costs that they say it would impose on employees. Unions argue that it would undermine bargaining power and seniority rules. In addition, some civil rights groups, including the American Civil Liberties Union (ACLU), say that the WRFA would subject employees to unsuitable working conditions in the name of religion.

#### **Critics Say that Workplace Legislation Invites Abuse**

Critics of the WRFA, which would make it harder for employers to refuse religious accommodation to employees, contend that the law could force both employers and employees to tolerate an unacceptable level of hardship. They argue that employers must have some control over religious behavior in their workplaces in order to run their businesses effectively. By raising the level of hardship that employers must demonstrate, the WRFA demands too much accommodation of religious behavior from them, critics say.

Issues such as the appearance of employees can be vital to the well-being of a business, opponents argue. By way of example, they cite the case of *Cloutier v. Costco Wholesale*, in which an employee of the chain store, Kimberly Cloutier, refused to report to work, and eventually was fired, after she was forbidden to wear eyebrow rings while on the job. Cloutier belonged to a religious group called the Church of Body Modification, and said that she was bound by her religion to wear facial jewelry. In the resulting court case, the U.S. Chamber of Commerce and the Equal Employment Advisory Council filed a friend-of-the-court brief in which they argued that employers should be allowed to set standards for what they consider to be the appropriate look for their employees.

"Many employers like Costco have established personal appearance standards for legitimate and non-discriminatory reasons, including for the purpose of promoting and protecting the employer's public image," the brief stated. "Courts have long recognized the importance of personal appearance policies to the business community and whenever possible have carefully guarded an employer's right to create and enforce them."

Critics say that forcing employers to accommodate religious beliefs can have negative consequences for consumers and the general public as well. For instance, they note that cases in which courts ruled against employees have included instances of police officers who refused to provide protection to abortion clinics because of their religious views, a visiting nurse who preached against homosexuality to a gay patient and a nurse who refused to participate in emergency procedures to terminate pregnancies. Such cases might be decided differently under the WRFA, critics warn.

In addition, critics predict that the changes instituted by the WRFA would threaten the rights of employees. Extreme expressions of religious faith by employees can offend the religious, or non-religious, views of their co-workers, they assert. For instance, they point to a case in which a court rejected the argument of an employee who wanted to wear an antiabortion button depicting a color photograph of a fetus. Critics say that the woman's co-workers found the button offensive. Another often-cited case involves a worker who wanted to display a Ku Klux Klan tattoo--which would have violated his employer's racial harassment policy--and, in an effort to do so, made an unsuccessful claim of religious discrimination.

Cases such as those illustrate the danger of excessively curtailing employers' ability to control religious behavior in their workplaces, opponents contend. They add that many evangelical Christian groups see it as their religious duty to proselytize to others, creating a dilemma when those efforts are unwelcome. The American Humanist Association, a group advocating secular morality, states on its Web site that the WRFA would place both secular people and religious minorities "at risk of being subjected to proselytizing from the dominant religious groups in the workplace. Rather than protecting individual rights and freedoms, the bill egregiously allows some people to force their ideas on others."

Some advocate legislation that stops short of the changes in the WRFA. The ACLU, for instance, recommends a law that would focus more specifically on issues of employees who wear hairstyles or clothing dictated by their religion, or who want to take certain days off for religious reasons. The ACLU estimates that claims in those areas account for almost three-fourths of

religious accommodation claims that federal courts have rejected in their published opinions over the past 25 years. Since those are the most prevalent claims, legislation should be aimed at making them easier to satisfy rather than seeking to broadly protect religious freedoms, they argue.

"Congress can--and should--pass legislation focused on strengthening the federal requirements imposed on employers to accommodate workplace scheduling changes for the observation of religious holidays and the wearing of religious clothing or a beard or hairstyle," states a letter from the ACLU to Congress opposing the WRFA. "A narrowly tailored bill could address these problems for religious minorities without any of the harms that WRFA could cause," the group adds.

### Stronger Protection of Religion Supported

Supporters of the WRFA argue that existing protections for the religious beliefs of employees are insufficient. They insist that current law does not effectively keep employers from discriminating against employees on the basis of religion. Given the strength of legal protections against discrimination on other grounds, such as disability, there is no reason that protections against religious discrimination should be lax, they contend.

Avi Schick, deputy counsel to New York State Attorney General Eliot Spitzer, writes that "the current law lends objective cover to employers who seek to discriminate. And stereotyping of religious employees is 'religious profiling' which...is a self-fulfilling process that leads to a bigoted result."

The law governing religious discrimination in the workplace, as currently interpreted, gives employers too much power relative to employees, supporters of the WRFA argue. It is too easy for employers to demonstrate that religious accommodations would cause them undue hardship, they say. For that reason, they maintain that the changes proposed in the WRFA are needed to correct the balance between the needs of employers and the religious needs of employees. "What has happened is that over the years the courts have interpreted 'undue hardship' to mean any hardship, no matter how small," says Stuart Lark, legal counsel for the Christian Legal Society, a network of Christian lawyers and law students.

Proponents say that freedom of religious expression is a vital right because it protects an individual's most cherished values. They argue that freedom of expression is based on the idea of being able to express personal beliefs. "Of all the freedoms of the First Amendment, I believe that the most significant is the freedom to believe what you want to believe," says Santorum. "Freedom of speech means nothing if you can't say what you believe."

That freedom is consistent with American traditions of religious protection, supporters assert. They note that the earliest colonists were members of a persecuted religious minority fleeing intolerance. The law concerning religion in the workplace should be amended to reflect that tradition, they say. "We believe in religious freedom in this country, but too often employers are not willing to make slight adjustments that can make a world of difference to their devout workers," Sen. John Edwards (D, N.C.) said in 2002 in announcing his support for the WRFA.

Some supporters also argue that religion in the workplace can have benefits in business terms as well. For instance, supporters cite a study included in a 1999 book called *A Spiritual Audit of Corporate America* by Ian Mitroff, a professor at the Marshall School of Business at the University of Southern California, and business consultant Elizabeth Denton. The study found that employees of organizations considered to be spiritual are more devoted to their jobs and less compromising in their values. Religion in the workplace can also improve business ethics and performance, proponents contend. They note the use of spiritual counseling and retreats by major corporations, and say that the trend demonstrates that employers increasingly value religion in the workplace.

Supporters also challenge the idea that the WRFA is excessive. They argue, for instance, that safety-related regulations on what employees can wear would be unaffected by the law. Many of the objections to the WRFA, and the reason that it has never passed in the seven years since it was first proposed, stem from the influence of pro-business groups that seek to keep the law tilted in their favor, they say.

The WRFA would simply correct the existing law to make it more balanced, supporters maintain. Santorum denies that "there's anything in the legislation that would lead anyone to believe that they could go to that extent [of forcing their religion on others]. What we're trying to do here is simply create an atmosphere where both sides will find it within their interests to negotiate some sort of accommodation."



JEFF HAYNES/AFP/Getty Images

**Sen. Rick Santorum (R, Pa.) in 2003 proposed legislation that would make it more difficult for employers to refuse to accommodate employees' religious beliefs.**

### Further Debate Expected

As the WRFA continues to be debated, additional efforts to clarify the role of religion in the workplace have been suggested. In particular, companies increasingly have been creating policies setting their levels of religious accommodation. In doing so, companies take a number of factors into account. For example, a business whose employees deal with the public on a regular basis might decide on a different level of religious accommodation than one whose employees do not. As another example, employees might be given more freedom to proselytize to co-workers of equal rank than to proselytize to more vulnerable subordinates.

Some observers say that part of the problem in defining the degree of religious freedom granted to employees is that the role of corporations in society is unclear. Corporations have become entities that straddle the divide between public and private, they say. As a result, the degree to which the constitutional separation between church and state applies to them is not as well drawn, they contend.

"The separation of church and state is as firmly established as any doctrine can be, but the separation of corporation and state is not nearly as well defined," says Alan Wolfe, director of the Boisi Center for Religion and American Public Life at Boston College. "An issue like the role of religion in the American workplace is fuzzy because we've never defined the public nature of a corporation." It remains to be seen whether such a discussion will grow out of, and, in turn, affect the debate over religion in the workplace.

### Discussion Questions & Activities

- 1) Would knowing that several of your co-workers participated in a daily prayer group bother you? Why or why not?
- 2) Is there any difference between employees talking about sports and employees talking about God?
- 3) To what degree do you think an employer should accommodate employees' religious beliefs, for example with regard to giving them days off for religious holidays or permitting certain styles of dress?
- 4) Do you think laws need to be passed to allow for greater religious expression at work? Or should religion in the workplace be curtailed?
- 5) Can you think of any instances where accommodating a worker's religious beliefs may cause an employer "undue hardship"?

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#### Additional Sources

*Additional information about religion in the workplace can be found in the following sources:*

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Hicks, Douglas. *Religion and the Workplace: Pluralism, Spirituality, Leadership*. New York: Cambridge University Press, 2003.

#### Contact Information

*Information on how to contact organizations that are either mentioned in the discussion of religion in the workplace or can provide additional information on the subject is listed below:*

##### **U.S. Equal Employment Opportunity Commission**

1801 L Street, N.W.  
Washington, D.C. 20507  
Telephone: (202) 663-4900  
Internet: [www.eeoc.gov](http://www.eeoc.gov)

##### **American Center for Law and Justice**

P.O. Box 64429  
Virginia Beach, Va. 23467  
Telephone: (800) 296-4529  
Internet: [www.acjl.org](http://www.acjl.org)

##### **American Humanist Association**

1777 T Street, N.W.  
Washington, D.C. 20009-7125  
Telephone: (202) 238-9088  
Internet: [www.americanhumanist.org](http://www.americanhumanist.org)

#### Key Words and Points

*For further information about the ongoing debate over religion in the workplace, search for the following words and terms in electronic databases and other publications:*

Religious discrimination  
Title VII  
Workplace Religious Freedom Act  
*Trans World Airlines v. Hardison*  
Workplace ministry

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#### American Psychological Association (APA)

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