

Iwona Zamkowska

Uniwersytet Technologiczno-Humanistyczny im. Kazimierza Pułaskiego w Radomiu

Words shaping the world: school prayer in the American system of education

1. Introduction

*“Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.”*¹ This short prayer composed by the New York Board of Regents in 1951 went down in history as a landmark invocation that has shaped the course of events in state-church relations in North America. It is a symbol of two worlds: the disappearing world characterized by the veneration of religious values as core constituents of what it means to be American, and the emerging world of secularisation and religious diversification which calls for schools to be religion-free-zones. The former interprets religious freedom as the liberty to exercise religious practice in public space and to promote religion as a unique entity, while the latter understands religious liberty as the complete separation between church and state.

Although a thorough examination of the ongoing interplay between these two extremes and its impact on shaping religious freedom in public education goes beyond the scope of this article, the author will attempt to present the major transformations that occurred during this process by discussing debates about prayers at school.

¹ B. J. Dierenfield, *The Battle over School Prayer: How Engel v. Vitale Changed America*, Lawrence, KS 2007, p. 67.

2. Prayer as a component of education until the mid-1960s

Puritans, Pilgrims, Quakers and a plethora of other early settlers on American soil placed great emphasis on prayer. They viewed prayer as an integral part of education and foundational for a student's success in learning. This position was based on the conviction that "a strong relationship with God enabled an individual to gain access to the truth that God had to offer."² Despite the fact that the truth was spiritual in nature for the most part, in the opinion of the settlers it was also applicable to academic truth. The presence of prayer in school life not only stemmed from the assumption that a relationship with God secures access to the ultimate truth and provides for successful education; but it was also determined by a deep conviction that faith is supposed to encompass an entire human life. Since life back then was not as "compartmentalized"³ as it is now, school prayer naturally reflected a prayer-oriented everyday family lifestyle. It also served as an example and means of emphasizing the utmost importance of placing Jesus Christ first in an individual's life. The priority was evidenced by the practice of both starting and ending a school day with prayer.

The salience of prayer was emphasized by the very practice of prayer and its initial position in the school schedule, but was not limited to it. The theme of prayer appeared in other educational contexts, such as textbooks that included both prayers and the exhortation to pray. As an example of a pro-prayer curriculum James Harper and Thomas Hunt mention *McGuffey Readers*, one of the most popular textbooks from the second half of the 19th century into the first half of the 20th century.⁴ Another crucial component was teachers' involvement in school prayers. From the time of the Revolutionary War until the early 1900s, schools would have a teacher-led prayer just before the beginning of classes. An alternative to that practice was a student or a succession of students leading others in this religious exercise.⁵

As the diversification of Protestant denominations was progressing, the issue of non-sectarianism of prayer grew in significance. Initially, it was oriented towards the common type of prayer that would satisfy the needs of diverse Protestant denominations. One of the strongest proponents of a pan-Protestant foundation in public education was Horace Mann, the founder of the first public education system of common schools. New York state superintendents were among those who opposed sectarianism in prayer. They recognised that sectarianism had a high cost on minorities. As a result, from the year 1839 forward, they declared that prayers should either be erased from school exercises or done before the beginning of school in the morning. The declaration did not delegatize religious practices *per se* during instructional time, however, and they were recognized as illegal only when someone objected.⁶

² J. C. Carper, T. C. Hunt (eds.), *The Praeger Handbook of Religion and Education in the United States*, Vol. 2, Westport, Conn 2009, p. 350.

³ Ibidem.

⁴ Ibidem, p. 352.

⁵ Ibidem.

⁶ B. J. Dierenfield, *The Battle...*, op. cit., p. 15.

As has already been mentioned, the initial primary reason why prayer was institutionalized as an official exercise was its significance for the moral, civil, as well as educational, development of the young generation of Protestant Americans. Prayer was an official practice in schools, and thus was state-mandated and state-sponsored as it utilized the public school system with its premises, instructional time and school officials. With the establishment of the common school system, the pan-Protestant type of prayer became more popularized as non-sectarian and thus a less divisive replacement for those belonging to particular Protestant denominations.

The pan-Protestant model of school prayer was soon to be challenged by incoming waves of immigrants of non-Protestant faith, predominantly Roman Catholics. As their numbers more than quadrupled to 4 million between 1870 and 1930, anti-Catholic sentiment peaked, resulting in self-defensive efforts to utilize the public school system as a means of protestantization or Americanization of the newcomers so that they may become loyal citizens, sharing the common faith and moral heritage with the Protestant majority.⁷ It was not uncommon that students who refused to recite Protestant prayers were severely punished.⁸

As the controversy over school prayer and other religious practices intensified, other religious groups, including Jews, Quakers, Unitarians, and Universalists, also expressed their dissatisfaction with sectarianism in public schools.⁹ State-mandated Protestant prayers caused disputes in various places, resulting in school officials banning them or requiring their practice to be moved to before school instruction commenced.

However, in the early 20th century, when the number of Catholic and Jewish children in schools in major cities reached 60 per cent, the pressure to Americanize the immigrant population via public schooling grew even more intense. As a result “Catholics exited to their own school systems in large numbers,” but some stayed in the public system of education. With time, some state courts started to recognize that the “sectarian” pattern of school prayer violated their state constitutions. One of them was the Illinois Supreme Court, which in 1910 invalidated recitations of the Lord’s Prayer as a form of forced religious exercise.¹⁰ However, this process was halted by political and economic events such as the Great Depression, World War II, and the Cold War, which contributed to the return of prayer as a regular exercise.¹¹ In some states the practice of prayer was even required under the threat of sanctions for non-compliant teachers and students.¹²

⁷ Ibidem, p. 16–17.

⁸ Ibidem, p. 24.

⁹ Ibidem, p. 29.

¹⁰ T. C. Berg, *The Story of the School Prayer Decisions: Civil Religion Under Assault*, [in:] R. Garnett, A. Koppelman (eds.), *First Amendment Stories*, U of St. Thomas Legal Studies Research Paper 11–18 (Foundation Press, 2011), p. 191–226, 3.

¹¹ J. C. Carper, T. C. Hunt (eds.), *The Praeger...*, op. cit., p. 353.

¹² B. J. Dierenfield, *The Battle...*, op. cit., p. 36.

3. 1960s Supreme Court's prayer rulings

As has already been discussed, until the 1960s, prayer, although occasionally challenged by the state constitutions for its divisive, sectarian and cohesive character, was a well-established religious exercise in the public school system. Until the incorporation of the Bill of Rights in 1940, school prayer disputes were solely settled by state and local governments on the grounds of state constitutions. When the First Amendment religious clauses started to be utilized in religion-school matters, however, each state could no longer regulate religious practices according to their own rules and preferences. School-religion cases put before either federal or state courts had to be decided in accordance with the First Amendment religious clauses. Regardless of which court decides on the case, the ruling can be appealed to the U.S. Supreme Court. And the Supreme Court's decisions are binding on all educational institutions on a national level.¹³

James C. Carper and Thomas C. Hunt¹⁴ identify six main principles of religious liberty incorporated in the First Amendment by the Founding Fathers, namely: (1) liberty of conscience; (2) freedom of religious exercise; (3) religious pluralism; (4) religious equality; (5) separation of church and state; and (6) no federal establishment of religion. In relation to the six main principles of religious liberty incorporated in the First Amendment, Justice Black's definition provides for the following:

1. The protection of the liberty of conscience of an individual by
 - a. The prohibition of coercion to profess belief or disbelief in any religion.
 - b. The prohibition of punishment for entertaining or professing religious beliefs or disbeliefs.
2. Religious pluralism and equality protected by the prohibition of preferential treatment of one religion, all religions or one religion over another;
3. The separation of church and state and no federal establishment of religion by the prohibition of passing laws that would aid religion by levying tax to support religious activities, or institutions, regardless of the form they adopt, to teach or practice religion.

The six principles will form the basis for a discussion on the evolution of religious freedom in the Supreme Court's prayer-related cases in the subsequent part of this article.

The first prayer case ruled by the Supreme Court was *Engel v. Vitale* (1962). At issue was the "nation's first government-prepared prayer for public schools" adopted by the New York Board of Regents in November of 1951 as a part of its program of moral and spiritual training.¹⁵ The prayer was carefully worded to avoid any traits of sectarianism and to suit the needs of not only Protestant children, but also those raised in Catholicism and Judaism. An opt-out policy was devised for non consenting students.

Even though the measures that were considered sufficient guardians of the liberty of conscience up to that point: the absence of direct coercion (i.e. no punishment and the provision of an opt-out policy for non consenting students) were satisfied, the

¹³ J. DelFattore, *The Fourth R. Conflicts Over Religion in America's Public Life*, New Haven & London 2004, p. 61–63.

¹⁴ J. C. Carper, T. C. Hunt (eds.), *The Praeger...*, op. cit., p. 206.

¹⁵ B. J. Dierenfield, *The Battle...*, op. cit., p. 67.

Court decided that the practice of reciting the Regents' prayer was a violation of the Establishment Clause. Despite the fact that students were not subjected to direct coercion to profess belief, the Court ruled that a form of indirect coercion was established by state sponsorship of the school and the teachers as the Regents' prayer was to be said aloud by each class in the presence of a teacher at the beginning of each school day.¹⁶

Similarly, the constitutional requirement of religious pluralism and equality – at that time understood as the equality of the three major religions – was not satisfied in *Engel v. Vitale* as, in the Court's opinion, the prayer demonstrated the preference of religion over nonreligion or other religions that do not acknowledge one God and /or do not refer to a supreme being as "God."¹⁷

Finally, the requirement of the separation of church and state was not satisfied by the government's involvement in and active promotion of a religious activity: it was school officials that prescribed, mandated and led the prayer. Furthermore, the state sponsorship of religion was also established by the provision of pupils, premises and instructional time.

A year after *Engel v. Vitale*, another school-prayer case reached the Supreme Court. This time at issue was the rule adopted by the Board of School Commissioners of Baltimore City that provided for the holding of opening exercises in the schools of the city, consisting primarily of the recitation of the Lord's Prayer, among other religious activities. In two cases, *School District of Abington Township v. Schempp* and *Murray v. Curlett*, the Court ruled the practice unconstitutional. The Court decided that the statute in question breached the liberty of conscience since its requirements were found subjected to the rule of majority religions. Religious pluralism and equality rules were not satisfied either as the practice showed favouritism to one religion over another or over no religion. Above all, however, the recitation of the Lord's Prayer created an unconstitutional union between the government and religion. Thus, the state's neutrality was not maintained since the statute failed to provide (a) a secular legislative purpose and (b) "a primary effect that neither advances nor inhibits religion."

As evidenced in the discussion thus far, the 1960s Supreme Court's decision on school prayer marked a decisive shift in the state's stance on this religious practice. Even though there had occurred instances of banning prayer because of its sectarian and coercive character and potential for divisiveness, a reasonable solution appeared to be the implementation of an appropriate opt-out policy for dissenting students. The Supreme Court's rulings, however, utilized a rationale that in many ways diverted from this popular understanding of religious liberty. The Regents' prayer, which seemed to be the embodiment of the requirement of a non-coercive and non-sectarian school prayer, was found by the Court as falling short of the constitutional requirements outlined in the First Amendment Establishment Clause.

The non-coercion requirement in all three cases ruled on by the Court was approached from a strict separationist position. The Court invalidated the role of the educational system as a means of enhancing the religious education received at home and shaping morals

¹⁶ *Engel v. Vitale*, 370 U.S. 421 (1962).

¹⁷ *Ibidem*.

according to the requirements of the Christian faith. In so doing the Court invalidated all forms of entanglement of school and religion: the provision of students, the teaching staff, as well as the facilities in instructional time for religious purposes. Any form of school involvement was perceived as an act of establishment of indirect coercion on the part of school officials. Freedom not to participate offered by opt-out policies was declared insufficient.

Another crucial issue was the problem of the sectarianism of pan-Protestant prayers. What seemed to be easily solved by designing a form of prayer that would appeal to the needs of Protestants, Catholics and Jews alike, was rendered by the Supreme Court as showing favouritism and preference of majority religions over other non-monotheistic religions and nonreligion. The Court's interpretation of religious clauses redefined religious freedom as a right that is equally applicable to all religions and nonreligion.

Regardless of its strict separationist position, the Court made it clear that by no means did the ruling mean to exclude voluntary prayer initiated by a student – an argument often overlooked by the critics of the ruling, and school officials.¹⁸ Fearing costly lawsuits, many schools banned any form of prayer. As a result, by the mid-1960s the practice of prayer declined significantly, dropping from 33 percent in 1960 to only 8 per cent in 1966.¹⁹

4. The moment of silence: when silence speaks volumes

The forms of school prayer discussed so far have included school-mandated and school-sponsored vocal prayers initiated and run by school officials. In order to avoid the rigid requirements of the Court's prayer rulings, school prayer advocates determined to substitute the practice with a less controversial option: a moment of silence. Contrary to explicit invitations to silent prayer, it seemed to be a neutral and not inherently religious activity.

Despite its widespread popularity, the idea faced criticism both from the side of vocal prayer proponents and from its opponents. The former saw silence as a means of departing from American religious heritage and embracing atheism, while the latter pointed out that the only purpose of formal moments of silence would be to signal a government-approved moment of prayer. Due to substantial opposition, numerous statutes establishing a moment of silence were challenged in the lower courts.

It wasn't until the mid-1980s, however, that the first moment-of-silence case, *Wallace v. Jaffree*, reached the Supreme Court. Ishmael Jaffree, a lawyer, and a father of a five-year-old-boy, filed a lawsuit against a school in Mobile, Alabama, complaining that his son was learning Christian prayers in his public school-kindergarten class. The complaint primarily challenged the state statute empowering school officials to lead children in prayer, yet what it also challenged was the state's law passed in 1978 establishing a one-minute moment of silence observed for meditation at the commencement of the first class of each day.

¹⁸ J. DeFattore, *The Fourth...*, op. cit., p. 76.

¹⁹ B. J. Dierenfield, *The Battle...*, op. cit., p. 183.

The Supreme Court ruled against the Alabama moment-of-silence statute as it could not identify any purpose for its establishment other than conveying a state endorsement and promotion of prayer.²⁰ The Court's ruling weighed heavily on other moment-of-silence cases that continued to be filed throughout the coming decades. Even though the wording of the statute may be overtly neutral, with no mention of prayer, as was the case with the New Jersey 1982 statute,²¹ they would be disqualified due to the lack of a clear secular purpose. In each case, however, the Court insisted that the verdict was the result of the history and the intention of this particular policy and was not aimed at the condemnation of the activity as such.²²

As evidenced in the moment-of-silence cases, the separationist interpretation of the Establishment Clause was further advanced by outlawing school activities that would potentially create opportunities for a student's voluntary prayer. The logic shifted from disqualifying the exercises for their religious nature to outlawing those that were not intentionally secular in nature. Religious pluralism ceased to be a question of setting various religions on a par, and became a question of not favoring religion over nonreligion.

5. Prayer beyond instructional time

The cases discussed thus far were all related to prayer or activities that carried the potential of accommodating prayer, all of them exercised during instructional time. In the early 1990s and 2000s, a new area of prayer-related school activities became the focus of the Court's scrutiny, namely prayer that goes beyond instructional time. The first activity challenged was prayer at graduation. In *Lee v. Weisman* (1992) the Court debated the constitutionality of giving invocations and benedictions at schools' graduation ceremonies by members of clergy invited by the principals of public middle and high schools in Providence, Rhode Island.

Despite the voluntary character of the religious exercise, the Court found that the prayer violated the Establishment Clause by exerting "subtle and indirect public and peer pressure on attending students" to conform to the state-sponsored religious practice by "stand[ing] as a group or maintain[ing] respectful silence during the invocation and benediction." The "subtle coercive pressures" were found to be established by the absence of a "real alternative which would have allowed ... to avoid the fact or appearance of participation."²³ Furthermore, in the Court's opinion, the violation occurred as the school was responsible for making religion-related decisions, e.g. those concerning the performance of a formal religious exercise, the selection of the speaker, the regulation of the prayer content. Unlike in 1960s prayer cases, school officials neither led students in prayer nor coerced them to recite the prayer. Nevertheless, the Court ruled that the very fact that the aforementioned

²⁰ J. DelFattore, *The Fourth...*, op. cit., p. 169.

²¹ *May v. Cooperman*, F. Supp. 1561 (1983). The statute had the following wording: "Principals and teachers in each public elementary and secondary school of each school district in this State shall permit each student to observe a 1 minute period of silence to be used solely at the discretion of the individual student, before the opening exercises of each school day for quiet and private contemplation and introspection."

²² J. DelFattore, *The Fourth...*, op. cit., p. 169.

²³ *Lee v. Weisman*, 505 U.S. 577 (1992).

decisions were attributable to the state constituted the actual endorsement of religion, an action outlawed by the Establishment Clause.

Another court case related to prayer during non-instructional time that shaped the interpretation of religious freedom constitutional provisions was *Santa Fe Independent School District v. Doe* (2000). At issue was a student-led and student-initiated nonsectarian, nonproselytizing prayer before each home varsity football game. The authorization of prayers and the selection of the spokesmen to deliver the prayers were decided in two separate elections held by students.

The Court found that the District's policy permitting student-led, student-initiated prayer at football games violated the Establishment Clause. The student invocation was classified as a non-private speech since it was delivered "on school property, at school-sponsored events, over the school's public address system, by a speaker representing the student body, under the supervision of school faculty, and pursuant to a school policy that explicitly and implicitly encourages public prayer."²⁴ Moreover, the actual and perceived endorsement of religion was constituted by the fact that the school was turned into a forum for religious debate and did not divorce itself from its religious content.

6. The Presidential guidance regulating the school prayer issue

The separationist line of interpretation of the religious clauses with regards to prayer met with powerful and widespread opposition,²⁵ but on the other hand instilled fear in the minds of school officials who would rather turn their schools into religion-free-zones than risk a costly lawsuit.²⁶ To address the resultant conflict between prayer proponents and those who strongly opposed prayer, President Clinton directed the Secretary of State to develop and disseminate to every public school superintendent guidelines on religious expression in public schools.²⁷ The guidelines were drawn from the "Religion in Public Schools: A Joint Statement of Current Law," released in 1995, which expresses the consensus views of 35 religious and civil-liberties groups on the religious-liberty rights of public school students. The distribution of the first presidential guidance was followed by the distribution of its updated version "Religious Expression in Public Schools: A Statement of Principles" in 1999.²⁸

Contrary to the strict separationist position that determined to separate any school-related actions from any religion-related elements, the documents draw a line of separation between the actions attributed to school officials as representatives of the state and those attributed to students as individuals entitled to exercise their religious rights. Thus, teachers and school administrators, when acting in those capacities, were considered as [P]rohibited by the establishment clause from both soliciting or encouraging religious

²⁴ *Santa Fe Independent School Dist. v. Doe* (99–62) 530 U.S. 290 (2000) 168 F.3d 806, affirmed.

²⁵ J. Zimmerman, *Whose America?: Culture Wars in the Public Schools*, Cambridge, MA, and London: Harvard University Press, 2005, Kindle Edition, p. 1707–1719.

²⁶ B. T. Murray, *Religious Liberty in America: The First Amendment in Historical and Contemporary Perspective*, Amherst, MA 2008, p. 94.

²⁷ J. C. Carper, T. C. Hunt (eds.), *The Praeger....*, op. cit., p. 449.

²⁸ *Ibidem*, p. 450.

activity, and from participating in such activity with students. Teachers and administrators are also prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.²⁹

As far as students' rights are concerned, both documents stress that students' "purely private religious speech" is allowed, including the right to pray individually or in groups when not engaged in school activities or instruction, e.g. say grace before meals, and pray before tests. Students may also participate in religious events such as "see you at the pole" before and after school instruction. Whatever the form and time of prayer, the engagement has to be conducted in a truly voluntarily, nondisruptive, noncoercive and nondiscriminatory manner, i.e. it does not provide for the right to have a captive audience listen, or to compel other students to participate. Teachers and school administrators are obliged to ensure that no student should be in any way coerced to participate in prayer nor may they structure or administer any rules to discriminate against prayer. As far as graduation is concerned, school officials were not authorized to mandate or organize prayer at these events.³⁰

The 1999 document, apart from the presidential guidelines, included advice devised by the First Amendment Center. The latter contains more detailed instructions regarding school prayer, which further extend student rights to embrace the following forms of prayer: prayer before or during athletic events, silent prayer during the school-organized "minute of silence," or other quiet periods; and silent prayer in the classroom, except when students are required to be actively engaged in school activities. If necessary, students may be excused from class to take part in prayers. Under this provision, e.g. Muslim students may be briefly excused from class to fulfill their religious obligations to pray during Ramadan.³¹

As evidenced in the guidelines, the reexamination of existing law resulted in making a more clear distinction between the limitations imposed by the Establishment Clause on the actions of public schools officials and the privately initiated religious expression of students protected under the Free Speech and Free Exercise Clause. The documents stressed that what the 1960s' Court rulings outlawed was solely state-mandated and state-run prayer, which did not include truly voluntary and student-initiated religious exercise. However, to satisfy the requirement of school non-entanglement in religion, the school has to stay neutral in matters of religion and make sure that religious actions are not attributable to the state institution. On the other hand, students' prayer, so long as it is student initiated and noncoercive, is not attributable to the state and is therefore free from the Establishment Clause requirements. The provision for student prayer is largely based on the rule of equal treatment of religious and non-religious speech or action, which stresses that religious action or speech may not be subjected either to discrimination or to favoritism, just as non-religious student speech.

²⁹ U.S. Department of Education, *Religious Expression in Public Schools: A Statement of Principles*, Washington, DC 1999, <http://files.eric.ed.gov/fulltext/ED416591.pdf>.

³⁰ Ibidem; W. J. Clinton, *Memorandum on Religious Expression in Public Schools*, July 12, 1995. Online by G. Peters and J. T. Woolley, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=51609>.

³¹ Ch. C. Haynes, *A Teacher's Guide to Religion in the Public Schools*, Nashville, TN 1999, <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/03/teachersguide.pdf>, p. 8.

Despite the fact that the 1995 and 1999 guidelines significantly advanced the protection of students' religious rights and set limitations on the separationist logic, they left unsolved the area of school life when the state's neutrality and students' religious rights collide, such as a student's religious speech delivered in a public setting or to a public audience. This problematic issue is addressed by more recent governmental directives that constituted a part of the No Child Left Behind Act of 2003. What is significant, unlike the presidential guidelines, the new Act introduces strict measures—the withdrawal of federal funding—for all schools that violate the guidelines.³²

The Act states that although public school officials' religious conduct is considered as "attributable to the state," students' religious speech is not regarded as attributable even if "delivered in a public setting or to a public audience"³³ such as student assemblies and extracurricular events, including graduation. At the same time the document introduces several measures to ensure that the provision of school neutrality is fully guaranteed. Firstly, the speakers for such events may not be selected in a way that favors prayer. The selection must be "genuinely neutral and evenhanded."³⁴ Secondly, if student speakers "retain primary control over the content of their expression," the speech content is not ascribed to the state and thus not subjected to restrictions.³⁵ However, in situations where the content of student speech is subjected to school control, it is regarded as "attributable to the school"³⁶ and may not involve prayer or any other religious or anti-religious content. To avoid confusion, school officials are advised "to make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's."³⁷

7. Conclusion

The issue of school prayer has been one of the most representative landmarks in a long and often turbulent transformation to which the ideal of religious freedom has been subjected in North American society. Going from being revered as a means of instilling the core and most sacred national values in a young generation of Americans, through the period of schools as religion-free-zones following the 1960s Supreme Court's decisions, and up to the present-day approach defined by neutrality and equality, school prayer has been shaped by all major political, social and demographic tensions occurring in the nation.

In spite of government efforts to introduce more clearly-defined and binding regulations with each consecutive dissemination of presidential guidelines, the issue of religious liberty in general and the issue of school prayer in particular remain highly controversial and divisive. Fearing civil action lawsuits from anti-prayer organizations, prayer advocates resort to enhancing the governmental provisions by passing state laws. Several

³² Ibidem.

³³ Ibidem, p. 7.

³⁴ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, February 7, 2003, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

³⁵ Ibidem.

³⁶ Ibidem.

³⁷ Ibidem.

states have already taken that action (e.g. South Carolina, 2012; Mississippi, 2013) to ensure that students are allowed to pray at assemblies, athletic events and other school functions or express their religious viewpoints when they speak (Texas, 2007).³⁸ However, even this extra measure of protection, in the opinion of some prayer advocates, does not fully guarantee that students' rights will be free from violation. As Gary Bauer, president of American Values, put it, "Civil rights groups believe these federal guidelines protect a student's right to pray, but many districts remain fearful of lawsuits and tend to bar religious speech at school."³⁹ Thus, as the evolution of religious freedom continues, we hope that each consecutive stage of its development will present a more perfect model of freedom.

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³⁸ A. DeNisco, *New Laws Make More Room for Prayer in Schools*, "District Administration", June 2014, <https://www.districtadministration.com/article/new-laws-make-more-room-prayer-schools>.

³⁹ Ibidem.

Abstract

School prayer in the American system of education

Prayer constituted a core element of character and patriotic formation at the outset of the American public education system in the colonial period. Over the years, however, the status of this religious practice has undergone a significant transformation, including a complete ban on school prayer. The article discusses the factors that have had a decisive impact on the status of school prayer, including increasing religious diversity of the American population as well as tensions between dominant and minority religions and non-religion. Both old controversies over state-sponsored and school-run prayer as well as more recent ones surrounding graduation prayer and prayer before sports games will be discussed in more detail on the basis of landmark Supreme Court and lower court cases as well as government regulations, including presidential guidelines and other administrative documents.

Keywords: religious freedom, pluralism, public schools, school prayer, words as actions