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The Panoptic Problem with Religion in Public Schools
By Dan Otsuki

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Starting with an opening anecdote expressing the ethical relevance of why world religions should be a part of public schools' core curriculum, "The Panoptic Problem With Religion in Public Schools" provides both historic and theoretical context for the secular debate as to why religion should or should not be a subject in public schools. Beginning with background information on American secularization, rooted in the First Amendment, "The Panoptic Problem" analyzes recent and relevant court cases regarding religion in schools, ultimately proposes theoretical and philosophical explanations as to why a change in policy is so difficult for the public school system. Finally, "The Panoptic Problem" presents responses to likely rebuttals, problematizing its own argument while asserting its claims to validity.

Introductory Food For Thought: "The Root of All Problems in America"

When I was a senior in high school, I, along with others in my class, were slated to present on a topic of our choice that we believed either should be changed or have attention brought to it in the United States. While this was meant to be a serious assignment, my classmates presented on an array of topics spanning from the ever-important structure of the college football playoffs and subsequent championship game to why evolution shouldn't be taught in schools and everything in between.

While many topics were bland, three of the most poignant projects all happened to occur back-to-back. I began, lecturing my peers on the importance of religious tolerance in America and how I believed it was ethically imperative that Americans learned more about world

religions via their own initiatives. Following me came the single African American student in my

graduating class of almost five hundred, arguing that racism still existed in the United States. She

cited her project with the help of a large amount of statistics and video clips of sociological

experiments regarding race. While neither of our projects were greeted with standing ovations

(or even with moderate attention), I was glad we each had the opportunity to present our

respective pieces on legitimate issues in our country.

Then came the third project, the last of that day. One of my peers put up her

PowerPoint's first slide: *Muslims: The Root of All Problems in America*. What followed were

fifteen relatively uninterrupted minutes of speech where Islam was declared to not be a real

religion, it was claimed Muslims as a people were the single worst epidemic America has ever

faced, and that the ultimate solution would be a mass Muslim expulsion from America or a mass

Muslim conversion to more "traditional" modes of religious thought. Not only was this project

greeted with *praise* from my classmates (save for three of us who berated her in front of the class

to no avail), the student who presented received a B+ for the project and never once faced any

backlash or fallout from the school administration or even the student body as whole. I don't

think it's much of a stretch to say this repulsed me.

Unfortunately, I cannot solely fault my high school peer for her ignorance. When the

primary form of exposure Islam, for most Americans, comes in the form of media coverage—

and when most media coverage is based around what will make interesting news (i.e. religious

maximalists like ISIS)—biases are formed, and racism rises.[1] In order to facilitate a greater

understanding of religions worldwide and to provide students with perspectives outside of the

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[1] Ahlem Benchioukh, Fatma Mekhoukh, & Dalel Omri, "The Role of US Mass Media in Shaping The American of Islam and Muslims after The 9/11 Attacks" (Thesis, University of M'sila, 2014), 43-9.

media's representation of religion, I believe it is crucial that world religions are taught in public schools as part of the core curriculum.

First Amendment and Secularization Concerns: From Courts to Classes

Immediately my ethical desire is met with concern. To begin with, "nearly two-thirds of Americans…believe that the Constitution forbids public schools from offering a course in religion,"[2] and even schools savvy enough to recognize this fallacy often times shy away from teaching religious studies out of (1) "fear of controversy"[3] or lawsuits, (2) fear that teaching religion academically will diminish the validity of some beliefs for devout followers, or (3) that teachers as a whole are not adequately prepared to address religion in an academic setting without secularization concerns.[4] Such fears are rooted in the First Amendment of the Constitution of the United States that reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," hence laying the foundation for American secularization: separation between church and state.[5] This, of course, does not explicitly exclude the academic teaching of religion in public schools, though it does make for tricky wording on how one might make such academic pursuits possible with respect to the Constitution. The United States Court system maintains that schools can avoid conflict of perceived religious favoritism "by staying on the straight and narrow path of objective pedagogy,"[6] granting public school teachers little in terms of how religion can or should be

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[4] David Ward, "Religion in public schools: America is religious, but also illiterate of religion," *Deseret News*, December 1, 2012.
[5] "Bill of Rights", The Charters of Freedom, Accessed April 6, 2015.
http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html

addressed in the classroom.[7] As what is permissible when teaching religion academically and

what is crossing the line is so vague, the fear of crossing the line and being consequentially

reprimanded for doing so remains a reasonable anxiety. Considering there has been precedent for

educational secularism since the late 1800s dating back to Horace Mann's original conception of

non-sectarianism—meaning schools either must identify as not religious at all or religious under

some denomination—it is decidedly difficult to break away from this norm.[8]

  More contemporarily, the debate of religion and its role in schools rages on. In 1997, the

court case *Agostini versus Felton* overturned a twelve-year-old ruling of *Anguilar versus Felton*

in 1985. The original ruling in *Anguilar* dictated that, under Title I, one could not pay employees

of public schools to educate students outside of public schools on religion at religious institutions

fearing this would result in indoctrination with the ultimate "effect of advancing religion"[9] when

the teacher in question returned to their public school position. This ruling, of course, was

challenged and overturned twelve years later with *Agostini* where it was argued that religion

could be taught in public schools so long as it was done in a secular manner. The courts used the

"Lemon test" in order to "evaluate whether government aid has the effect of advancing

religion"[10] outside of the purely academic sphere in any given scenario. The test is based on a

three pronged approaching, asking: "(1) whether aid results in governmental indoctrination; (2)

whether the aid recipients are defined" and grouped by their chosen religious denomination; "and

(3) where it creates an 'excessive' entanglement" with the government and the church system.[11]

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[7] Stephen H. Webb, "The Supreme Court and the Pedagogy of Religious Studies: Constitutional Parameters for the Teaching of Religion in Public Schools," *Journal of the American Academy of Religion* 70 (2002), 136-7.
[8] Steven K. Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Chuch-State Doctrine* (New York: Oxford Press, 2012), 43-4.
[9] Jesse H. Choper, "A Century of Religious Freedom", *California Law Review* 88 (2000): 1732-3, 1735.
[10] Ibid.
[11] Ibid.

These criteria are not only brief, but they appear just as vague as the other rhetoric surrounding the secular concern in schools. Although this overturned ruling does present a positive step forward in teaching world religions as a part of public school core curriculum, it does little to provide teachers with proper verbiage or examples to allow them to academically display religion to their students.

Common literature used to educate high school teachers on proper conduct when discussing religion in class is distressingly vague as well. For example, *The Bible and Public Schools* pamphlet "offers no advice to teachers about how religious meaning of the Bible can be preserved without acknowledging any role" of God, telling teachers only to "teach *about* the religious content of the Bible from a variety of perspectives."[12] Again, this rhetoric is vague, lacking in both examples and concrete boundaries as to what constitutes "a variety of perspectives." This vagueness and the subsequent fear of backlash represents Foucault's theories on discipline and power.

Foucault's Power and Discipline: Panoptic Secularization

According to Foucault, the peculiarity of discipline's ultimate criteria is "to increase both the docility and the utility of all the elements of" a given system, here being the United States' education system.[13] The docility Foucault refers to can be seen in public schools' avoidance of teaching religion. The utility Foucault mentions can be better understood as the adverseness to Foucault's "costly"[14] nature of power. "Costly," to Foucault, does not mean merely a strain on literal treasuries, but simultaneously on the possibility for any "resistance…encountered [to force

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[12] Webb, "The Supreme Court", 138.
[13] Michel Foucault, "The Panopticon" from Paul Rabinow (ed.) *The Foucault Reader*. (New York: Vintage, 1984), 207.
[14] Ibid., 208

the system] into a cycle of perpetual reinforcement."[15] Reform in religious education would not only be taxing on a given school district's budget, but also on the rhetoric necessary for making such alterations constitutionally viable. One would need to sink a lot of time and resources into a plan that wouldn't create the type of resistance Foucault references. Ironically, such a plan is already in place.

The plan, one that minimizes resistance and costs on all fronts, is the current way religion in public education is being approached, the aforementioned 'straight and narrow path.' Although there are plenty of cases of resistance to this system, such as the insurgency of the Bible being taught in schools ("294 districts in thirty-four states in March 2005 to 475 school districts in thirty-eight states in May 2009"[16]), these revolts only serve to perpetuate the secularism American courts push so heavily on. The more pressure the courts feel, the more likely they are to reinforce their ideals on secularization for the sake of ease in terms of budget and social change. For those school districts not brave or innately religious enough to openly revolt, a stigma remains with regards to change in religious education, but this stigma is not necessarily rooted in constitutional awareness or a gung-ho desire to support United States Nationalism. The resistance to change arises from a disciplinary system that has evolved beyond merely the written law: the Panopticon.

Madan Sarup, writing on Foucault, notes that Foucault's conception of the Panopticon is built around a circular style of architecture with a singular watchtower in the middle, allowing for the watchtower to see everything and everyone around it (nominally the prisoners in cells or the patients in rooms depending on if the building is a prison or hospital respectively). Eventually it is possible that the subjects surrounding the watchtower are unable to know

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[15] Ibid.
[16] Mark A. Chancey, "The Bible, the first amendment, and the public schools in Odessa, Texas," *Religion and American Culture* 19 (2009), 169.

whether or not there is anyone watching them, ultimately leading to discipline and norms being "exercised through an impersonal administrative machinery operating in accordance with abstract rules."[17] The general anxiety that one is being watched allows for norms and standards to remain constant within a given system. In the case of teaching religion in public schools, the fear that a student or parent might become outraged at the idea of teaching the Qur'an or the Bible in public schools on the basis of the First Amendment is the very mechanism working to keep that system in place. The courts and the U.S. Government don't need to be present to ensure the given laws are followed.

This power the courts passively exert is reminiscent and held in place by two of Foucault's operations of power: power by implantation and power as saturation. Although these power functions were originally intended as power over sexuality, sexuality and its norms are no less a social construction than the public school system, so the general ideas still remain applicable. Power by implantation is simply where the powers in control designate what is "proper" versus what is "perverse" or a "disorder." By noting the supposed disorder, the powers in place denote what is "other" in a given system, presenting the "natural order of disorder"[18] and strengthening the given power's authority in the given system.[19] Put in terms of the American public school system, the disorder would be the idea religion should be taught in public schools, not because courts and the U.S. Government are anti-religion, but simply because of the immense gray area regarding how religion should or should not be taught in an academic setting to high schoolers.

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[17] Madan Sarup, *An Introductory Guide to Post-Structuralism and Postmodernism* (Athens: University of Georgia Press, 1993), 68,70.
[18] ??
[19] Michel Foucault, "The Repressive Hypothesis" from Paul Rabinow (ed.) *The Foucault Reader* (New York: Vintage, 1984), 322-3.

Power as saturation, on the other hand, allows for continued debates as to how religion might be taught in public schools. Simply put, there are many ways supposed perversion can encroach in a given system. Power here comes both from the system in power telling the liminal "perverse" groups they are generally incorrect (or at least supporting the nominal form of those in power's position) and from the liminal groups' "implantation of perversions…through isolation, intensification, and consolidation of" their own systems of thinking in order to "[penetrate] modes of conduct."[20] As there are numerous ways one might teach religion in schools—from preaching Jesus as the only means of salvation to condemning all who would believe in religion as cultists—this operation rings true. There are so many ways of confronting this issue that the power keeping the current system in place merely needs to delineate between the various groups, instilling subconscious concern for school districts to maintain the status quo.

While numerous solutions or levels of teaching religion in public school exist, one would surmise this would lead to more than enough options to allow for one to be agreed upon by all parties. Unfortunately, this is the irony of postmodernity. The sheer number of ideas pertaining to this issue result in fighting between those who seek change the most, and as a result, nothing changes. By allowing people so many options and possibilities, people are almost inevitably going to nit-pick over the details, arguing for specifics and alterations to proposed plans. While it is vital details are worked out, this mass assertion of resolutions keeps the current system and its policy in place, causing people to fear acting too brashly, to fear anarchy rather than the less-than-ideal order.

According to Foucault, "the fear of abandoning [the system] if one cannot find any substitute" is another primary factor keeping the Panopticon in place.[21] This fear is not being

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[20] Ibid., 327.
[21] Foucault, "The Panopticon," 213.

able to comprehend what lies on the horizon or not being able to articulate what a change in the system might look like. The fear of anarchy within a given system relates to the Lacanian Trinity: the real, the imaginary, and the symbolic.

The Lacanian Trinity: Imaginary, Symbolic, and Real Boundaries

Jacques Lacan, a famous post-structuralist, described three separate spheres of existence formed through language: the imaginary, the symbolic, and the real. Put simply, the imaginary is a pre-linguistic realm, one of images and imagination, where one conducts "libidinal analysis" by applying "linguistic categories"[22] to various sights in order to make sense of them. This usage of linguistic categories represents the realm of the symbolic wherein language is adapted to images seen in the imaginary in order to create a "transcoding scheme which allows us to speak…within a common conceptual framework" to others around us. What the symbolic realm cannot reconcile, however, is the realm of the real, as it is the reality that "lies beyond language." Since the symbolic can provide context for the imaginary and not the real, the imaginary is inherently flawed and filled with deception.[23] These are, of course, simplified explanations of each of these realms, but the basic ideas will provide context for their application within the public school system.

The symbolic are the words we, as a culture, use to dictate certain boundaries, including laws, or limitations on a given system, here being the public schools. For instance, the current symbolic order in American public schools, as it pertains to religions being taught, is that of secularization—complete division between religion and the state (power) the schools represent. The imaginary is the idea that such a divide does exist, that religions and their doctrines never

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[22] Sarup, *An Introductory Guide*, 25.
[23] Ibid., 26.

bleed over into the classroom and that if such a phenomenon did occur, it would inevitably mean system-wide anarchy wherein atheists spew Jesus-hating nonsense and Mormons convert an entire graduating class to early marriage and mission trips. If my opening anecdote proves anything, I think it states such a separation is as "imaginary" as the name of the order it belongs to, and when religion does seep into the academic domain *without* academic mediation, the result is far more hateful than the anarchy feared.

What we are left with instead is the realm of the real where it appears essentially unimaginable and even unfathomable that our nation's great and powerful Constitution might not be as omnipotent as some think—the possibility religion and public schools *do* mix and the chance that such a mixing does *not* result in religious anarchy in schools. This, I argue, is the nominal state for most Americans today because of this unwillingness to attempt to see the realm of the real and this unwillingness to try and describe it, leaving many at the mercy of their own curiosity or simply experiences. When media, from radio to movies, television to print, offers subjective and opinionated ideas on other religious cultures, one has the tendency to take these opinions as facts, forming new orders of the symbolic, imaginary, and real. Once these orders are established, it makes breaking them down increasingly difficult, for if one is only privy to knowledge and perspectives that paint Muslims or Christians or Buddhists or whatever group or tradition in an overwhelmingly negative light, understanding the culture or beliefs of any such religion without negative subjective ideology is nearly impossible. So long as one's negative preconceptions exist, one's reality will become at least partially rooted in these preconceptions.

One's Conscious Reality: A Brief Levinasian Plea for Educational Change

Philosopher and ethicist Emmanuel Levinas notes, one's reality or "consciousness is […] always the grasping of a being through an identity," and consciousness itself comes from one's "relationship to beings."[24] Levinas' perception on how one formulates their reality displays precisely why changing how religion is approached in public schools is ethically essential. In his writings, Levinas implies that one's reality comes about from one's interactions with others, and therefore if one is raised in an environment where biases run rampant, where one's own parents or caretakers pollute one's mind with racial, cultural, or religious intolerance, one's perception of the world with respect to others are unavoidably altered. Suddenly one comes to believe in such prejudices, sharing such conceptions with one's peers. In a given community where most do not share this negative perception on race, culture, or religion, these biases are not nearly as detrimental considering there are enough other opinions to dilute the bigotry of the minority. When enough like-minded people all come together, however, a community's entire generation becomes increasingly susceptible to a biased reality. Harkening back to my opening anecdote, overwhelmingly biased communities do exist. Through allowing negative perceptions to go unchecked and bigotry to go unfettered, we, as a society, are actively allowing "false" realities to continue.

How then does teaching about religion in public schools serve to avoid or even alleviate realities rooted in bigotry? Simply put, teachers would act as another "other," giving students who have grown up around such realities based in negative preconceptions a new look at religions, one based purely in facts and not media skewed presentations. Assuming Levinas' theories on ethics and constructed realities are accurate, a given self is "answerable for everything and for everyone", meaning simply one's reality and identity is dictated, at least in

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[24] Emmanuel Levinas, "Substitution," from Adriaan T. Peperzak, Simon Critchley, and Robert Bernasconi (ed.) *Basical Philosophical Writings* (Indianapolis: Indiana University Press, 1996), 80.

part, by the desires and existences of others—one is responsible in all facets for the other.[25] If it is truly necessary for one to be for the other and for all others one interacts with, then it is necessary to process the differing opinions of others in order to construct a new reality. If two parties have contesting ideologies regarding a particular subject, a paradox is formed where one must rationalize or rectify the differences held within the differing ideas. While this is not a perfect system, it is surely hypothetically possible for one to decide against the other, or in this case, the teacher who represents in favor of the other who spouts media-contrived opinions. Inevitably, it forces internal conflicts to arise. The one in question must at least consider the possibility that their nominal reality is flawed, and while there is no guarantee this will result in a uniformed collapse of bigotry, it will at least help expunge it as best it can.

Rebuttals: Problematizing Religion in Public School Academia

Evidently, there are many who may contest religion being taught in public schools at all, and even if it is taught, there remain numerous roadblocks in its implementation. While I cannot suggest or assert a normative response to every critique, my call to action addresses a few of the most pertinent points of opposition against the application of a solution I believe to be ethically crucial for the U.S. educational system.

To begin, from a practical perspective, how exactly would a given core curriculum be structured to ensure certain religions are not left out, hence preventing the "othering" of any excluded religions? I can say, with fairly high confidence, if such a systematic change in core curriculum were implemented, some religions would inevitably fall to the wayside. While I'm well aware of the negative connotations of my previous statement, I do not believe it is feasible to include every single religion from every single culture that is practiced around the world

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[25] Ibid., 90.

today. Such an endeavor would prove not only a logistical nightmare, but it wouldn't give all of the religions the respect and consideration they are all due in the first place. Instead, I'd propose the teaching of the major world religions: Christianity, Islam, Judaism, Hinduism, Buddhism, and folk religions or traditions (a broad group, often times with no formal texts or creeds, which include, but are not limited to: African folk religions, traditional Chinese religions, and Native American religions).[26] My plan would be a four-year structure to account for the four years an average American attends high school. The first year would cover Judaism and Christianity, the second Islam and folk religions, the third Hinduism and Buddhism, and the forth would cover religious philosophy and ethics. While, again, this by no means covers all religions that exist around the globe today, it would provide a wider scope of academic religious discipline than is currently available for many attendees of public schools. If nothing else, I believe this mode of study would significantly curb the false assumptions regarding religions that the media displays in order to boost ratings or sell papers (such as negative connotations with Islam from religious maximalists or fundamentalists like ISIS). Of course, assuming this prescribed plan was to take effect, there would still be the issue of maintaining a nominally secular teaching, something that may prove difficult for teachers who may have strong ties and beliefs pertaining to their religious backgrounds.

I have argued that the Panopticon-like disciplinary system currently in place in the American public school system is part of the larger systematic issue preventing many teachers from breaching the threshold of teaching religions academically in schools. This same Panoptic model could be used to promote the change I suggest. Although there will undoubtedly be pitfalls on any change's implementation, once a few years' worth of students have been exposed

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[26] "The Global Religious Landscape," PewResearchCenter, accessed April 25, 2015.
http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/

to the system, the status quo will shift to the point where students will expect a secular approach to the study of religion. If a teacher instructs a religious tradition, philosophy, or ethics in a biased manner pertaining to their personal beliefs, students will eventually be able to identify this. I recognize this may take a while, and in the interim, biases will be allowed to run decidedly more rampant in the classroom than is ideal. To combat this, better literature regarding how religion should be approached in a high school academic setting remains a necessary tool for instructors.

As noted above, material like *The Bible and Public Schools* pamphlet serve as a sorry excuse for educating teachers on how they should approach teaching religion to their students. In response, increased specificity and even hypothetical examples are needed, not just for how the Bible should be approached academically, but how any religious text, creed, or tradition in general should be introduced and elaborated on. Academic wording and examples would need to be heavily rooted in Constitutional awareness and harmony as to keep religions within the secular realm. As I do not purport to have such knowledge nor any legal precedence, I will refrain from providing more specific terminology. What merely stands as a pamphlet, now requires chapters, volumes, and training to adequately prepare teachers for the struggles they are likely to face. Using court cases that deal with this issue, however, would likely serve as a good place to begin, using criteria like the aforementioned Lemon test in order to ensure the rhetoric teachers' use is secular enough for the courts' approval. If one of the major concerns for teachers today remains a lack of confidence in their own abilities to introduce and discuss religions in a secular environment, the creation of an instructional framework is necessary. Not only would this allow for teachers to have more confidence within their own classroom, it would help to provide uniformity across districts, cities, states, regions, and even America as a whole.

<u>Conclusion</u>

　　While the change in policy may be messy and cause inevitable societal backlash, teaching world religions in public schools as a part of the core curriculum is ethically paramount. As our global society grows and globalization expands, cultures will inevitably bleed over into one another. Without a strong base for understanding global cultures, we delay and even crush the hopes of a global harmony. The adverseness to this cultural understanding is rooted in the Panopticon-esque fear. Fear pertaining to the First Amendment and our conception of the real, imaginary, and symbolic produce constructed realities where the media's opinions and stories on radical religious groups serve as the primary learning material for most Americans. We must strive to evolve past this, if for nothing else than to ensure such bigotry as I witnessed my senior year of high school is less common, if not abolished, and to correct the hateful reality our society has both spawned and promoted. I am not so naïve as to think implementing world religions as core curriculum will be enough to expunge racism and intolerance, but implementing religious studies' in public schools will, at the very least, produce an increased level of global tolerance—something we need in order to survive on our small blue planet already destined for cosmic annihilation…at least for a few more generations to come.

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