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May 16, 2013: Was Schempp Such a Triumph?

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Title: Was Schempp Such a Triumph?

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5/16/2013 – – On the weekend of September 27–29, 2013, the Department of Religious Studies at Indiana University–Bloomington is hosting a conference to examine the legacy of *Abington v Schempp*, the case that held mandatory Bible reading in public school unconstitutional 50 years ago.

The conference is interested in Schempp from the perspective of its authorization of the academic study of religion. This is perhaps an idiosyncratic view of the case. Certainly, the main thrust of Schempp was to banish the Bible from public school. Its implications for graduate study and University study of religion are really beside the point.

I have submitted a proposal for the conference that probably misses the focal point the organizers are interested in. For me, the question is, what was the ultimate meaning of banishing the Bible from public school?

On one level, Schempp was a triumph. After all, the reign of mandatory Bible reading was discriminatory and offensive to Catholics, Jews, other minority believers and of course to nonbelievers. Schempp ended all that and for that we must be grateful.

But Schempp also ushered in the era of value free education in public school. It is not at all clear that that era has been a success. Here is how I put that question in my proposed paper.

Challenging Law's Nihilistic Vision for the Public Schools

The fiftieth anniversary of Schempp's ban on Bible reading in the public schools is not cause for celebration. Although the case introduced the now familiar distinction under the Establishment Clause between teaching the truth of sectarian religious traditions and teaching about those traditions in an academic sense, Schempp can also be seen as the first step on the road to radical value skepticism in public school curricula. Bible reading was defended in Schempp on substantive moral grounds—as countering societal materialism—not just as a religious exercise. It is no surprise that the ban on teaching the Bible became, in 1992 in *Lee v. Weisman*, a ban on teaching in the public schools “that there is an ethic and a morality which transcend human invention.” The consequence of Schempp was that any assertion of moral realism was considered to be religious.

It is doubtful that the Justices on the Supreme Court were aware of their descent into value skepticism. Their nihilism was unconscious and unthought. But their unconscious skepticism was evidently shared by school districts nationally. Even the modest curriculum of comparative religion and the literary study of religious texts suggested in Schempp did not emerge. Today, Schempp's shadow clouds all efforts in the public schools at character formation and the promotion of the meaningfulness of existence. Even the controversy over the teaching of evolution can be understood not as the insistence on biblical literalism, but as a protest against an aggressive scientism that presents life and its development as accident and contingency, denying the possibility of any telos in the universe, however secular and scientifically grounded its form. The time has come to challenge Schempp and Schempp's later developments by introducing an expressly value laden, nonsectarian curriculum into the public schools.