

Public Display of Religion

Terms:

See Terms included in State Aid to Religion and Religious Education study sheet

Civil Religion

Assigned Cases:

Van Orden v. Perry; *Lynch v. Donnelly*, *Allegheny County v. Greater Pittsburgh ACLU*; *McCreary County v. ACLU*; *Pleasant Grove v. Summum*; *American Atheists v. Duncan*

Questions for Reading Assigned Cases:

Does the United States have a shared religious culture? Or do we have a shared history of arguing over religion? If we have a shared religious culture, what are its boundaries and commonalities? Are all religious texts and practices equal within our public religious traditions?

What is the line between acknowledging tradition and promoting religion? When is a religious text being used “religiously” and when is it being used “historically”? Or, to phrase it succinctly, what is the difference between “religion proper” and civil religion?

Can representations like the Latin cross and texts like the Ten Commandments ever really be secular? More importantly, *should* they be treated as secular?

Additional Cases:

Stone v. Graham (1980). Supreme Court struck down Kentucky law requiring the posting of a copy of the Ten Commandments in every public school classroom. Although law required that the plaques include the notation that the Commandments were “the fundamental legal code of Western Civilization and the Common Law of the United States,” the Court found no secular purpose and that primary effect was promotion of specific religious traditions.

Marsh v. Chambers (1983). Supreme Court allowed payment of state legislative chaplains and the offering of prayers during legislative sessions. Court found that there was less concern about coercion because legislators are adults who attend voluntarily and that first U.S. Congress, which proposed First Amendment, had opened sessions with prayer.