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Fundamentalist Schools vs. the Regulators

By NEAL DEVINS

For fundamentalist Christian educators, "Big Brother" has already arrived. He has taken the form of intrusive state regulations governing the curricula of their schools and the qualifications of their teachers. He has revoked their tax-exempt status when their religious practices conflicted with federal policies. He has forced them to pay unemployment taxes although he exempts "established" churches from such payments. And he has limited their ability to dismiss teachers who violated the codes of moral and religious conduct established by their schools.

The conflict is receiving increasing national attention. Front-page coverage was given to the Bob Jones University lawsuit and Nebraska's jailing of fundamentalist minister Everett Silven for his continued operation of the nonlicensed Faith Baptist church school. Such attention is likely to continue.

Between 8,000 and 10,000 of these schools have been established since the mid-1960s with a current enrollment of more than one million. Since many fundamentalists refuse to abide by laws they believe are inconsistent with their mandate to serve God, when government refuses to accommodate the fundamentalists a showdown is set whereby government will either have to back down or send many fundamentalist ministers and parents to jail.

(Nebraska county prosecutor Dale Steikis had estimated that as many as 12 other Nebraska ministers may face jail for operating unlicensed schools. Similarly, Maine Association of Christian Schools director Ralph Yarnell contends that the ministers who run its member schools are willing to go to jail if state procedures aren't nullified.)

Stranglehold on Religious Liberty

The fundamentalists allege that state and federal bureaucracies have an unjustified stranglehold on their religious liberty. Government agencies, however, contend that the laws and regulations are necessary to ensure nondiscrimination and adequate education. The government's position is supported by civil rights groups (NAACP, American Civil Liberties Union) and mainstream private and public school bodies (National Association of Independent Schools, Catholic Conference, National Education Association, National School Public Relations Association). This jumble of divergent interests makes for extremely complicated and controversial negotiations, legislation and litigation between the fundamentalists and government.

The controversy centers on efforts by state agencies to license private schools and to prescribe courses and teacher qualifications. The fundamentalists believe that education is inherently religious and conse-

quently refuse to comply with broad-based regulations which would make the state "lord over their schools." Additionally, they view many of the regulations as antithetical to quality education.

The fundamentalist objections shouldn't be discounted as the misguided paranoia of religious kooks. Fundamentalists have an important point, that the state has gone too far in trying to control the life style of the family. Perhaps careful listening to the protests could cure some of the ills of public education.

The fundamentalists are dissatisfied with public schools for a number of very sensible reasons. The most significant is the perceived breakdown of the nuclear family. This is evidenced, fundamentalists say, by increased willingness of parents to have the state take over formation of their children. This, they add, is unacceptable since parents shape the future through the upbringing of their children.

Ours is supposed to be a pluralistic society and it ought to acknowledge that people have radically different values and beliefs.

The fundamentalists are also fearful of what they consider a moral breakdown in public schools associated with lack of discipline, sexual permissiveness, and increased drug and alcohol use. This perceived breakdown is viewed as antithetical to the learning of both ethical and academic lessons. The fundamentalists attribute the alleged moral corruption and intellectual decay among youth in part to television.

Finally, they accuse the public schools of inculcating in students a system of values known as secular humanism. According to fundamentalist attorney John Whitehead, humanism signifies "the idea that men and women can begin from themselves without reference to the Bible, and by reasoning outward, derive the standards to judge all matters." The fundamentalists object to this concept for three reasons. First, they believe that God—as reflected in the Bible—is the proper source of values. Second, they assert that the humanistic value system is in constant flux and thus is incapable of serving as the basis for consistent moral judgment. Third, they think that public school students are denied access to important lessons from the Bible. This has resulted from Supreme Court decisions which prohibited organized prayer, Bible reading and the posting of the Ten Commandments in public schools.

As Prof. James Carper of Mississippi State University has noted, "To many evangelicals the public school exemplifies

the trends they deplore in the changing American social order, such as uncertainty concerning sources of authority, dissolution of standards, waning of the Judeo-Christian value system, loosening of system and constraint, scientism and government social engineering." Many of these criticisms of public schools strikingly resemble a number of studies by the College Entrance Examination Board and the American College Testing Program to explain the score decline on college entrance examinations.

This doesn't mean that fundamentalists best know how to advance education. (On nationally recognized achievement tests, students in fundamentalist schools generally perform no better than their public school counterparts.) Yet it makes understandable the fundamentalists' exodus from the public schools to their own loose network of small schools.

The rise of Christian schools can't be

entirely explained by mere dissatisfaction with public schools. Equally significant is the fundamentalists' belief that education is inherently religious. As described by pastor Levi Whisner of Ohio's Tabernacle Christian School: "... we feel that children need Bible guidance for their spiritual and moral foundations... we feel that our students need the influence of a Godly teacher... we draw lines of separation from the [secular] world." Corresponding to their belief of church-state separation in the regulation of their schools, the fundamentalists don't accept state aid. More traditional private school groups, like the Catholic Conference, which desire state aid, have lobbied against fundamentalist attempts to deregulate private schools in Pennsylvania, Colorado and Ohio. These groups fear that state legislatures will change their views as to the quality of private education, and in turn will be less receptive to aiding private schools.

The states are generally unwilling to give up their authority over nonpublic schools, believing that existing regulations make educational sense. The states also argue that they are not noticeably interfering with religious practices and that the fundamentalists' argument is philosophical and not religious. Nevertheless, Alabama and North Carolina have recently passed legislation which effectively deregulates fundamentalist schools. Idaho, Colorado and Vermont have also declined to adopt measures which would regulate those schools. On the other hand, Pennsylvania, Maine and Nebraska have refused to mod-

ify their regulations of fundamentalist schools.

The state's argument isn't weak, for the provision of good education to all youngsters is one of the state's most compelling responsibilities. And more often than not the state prevails in court. Courts have upheld state procedures in Wisconsin, Oregon, Arkansas, Nebraska, Massachusetts, North Dakota, North Carolina, Iowa and West Virginia. The fundamentalists have successfully challenged state procedures in Vermont, New Hampshire, Kentucky and Michigan. Ohio has issued two conflicting decisions. Cases are pending in Maine, Michigan, Iowa and Nebraska.

'Kingdoms of God and Caesar'

The fundamentalists' claim, though, shouldn't be downgraded. Their schools are—for the most part—doing an adequate job. Additionally, education is an integral part of their life style. Finally, the fundamentalists do perceive state regulations of their schools as an intrusion into their religious practices. It makes sense as a matter of policy to allow the fundamentalists to direct the upbringing of their children. This wouldn't preclude the state from requiring the schools to meet core curriculum requirements and satisfy reasonable safety standards (although some fundamentalists refuse to abide by even that sort of regulation, claiming that there must be a total separation between "the kingdoms of God and Caesar"). The state could also, as many of the fundamentalists argue, ensure that all students receive an adequate education through standardized testing.

The tragedy of governmental refusals to accommodate the fundamentalists is that the education of thousands of children could be thrown into disarray. This is a result of the uncertainty which clouds these children's education due to an apparently never-ending stream of conflicts between government and Christian educators. But, as fundamentalist leaders point out, our country needs to rethink its commitment to the principles of separation of church and state and to a government of limited powers.

Ours was designed to be a government of limited powers and it ought not interfere with the efforts of concerned parents to ensure that their children receive a good education and the proper religious upbringing. Ours is supposed to be a pluralistic society and it ought to acknowledge that people have radically different values and beliefs. And as ours pretends to be a sensible society, it ought to recognize that if something isn't broken you don't fix it.

Mr. Devins is a lawyer and a former research associate at the Vanderbilt Institute for Public Policy Studies.