

POL 310: Religion and Politics in the U.S.

Lecture 3 - The (Messy) Relationships Between Church and State

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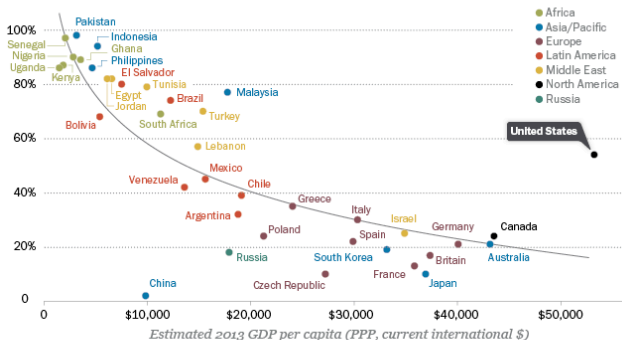
Plan for Today

1. America's Religious Landscape (from last class period)
2. Religion in the Constitution
3. Religion in the Supreme Court

The U.S. Stands Out When Compared to Other Wealthy Nations

Wealthier Nations Tend to Be Less Religious, But U.S. a Prominent Exception

% saying religion plays a very important role in their lives (2011-2013)



Note: The curve represents the logarithmic relationship between GDP per capita and the percentage saying that religion plays a very important role in their lives. Germany, France, Britain % data from spring 2011; U.S., Japan % data from spring 2012. Source: Spring 2011, 2012, 2013 Global Attitudes survey. Data for GDP per capita (PPP) from IMF World Economic Outlook Database, April 2014.

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Figure 1: Source: PEW (2015)

How Religious Is the United States?

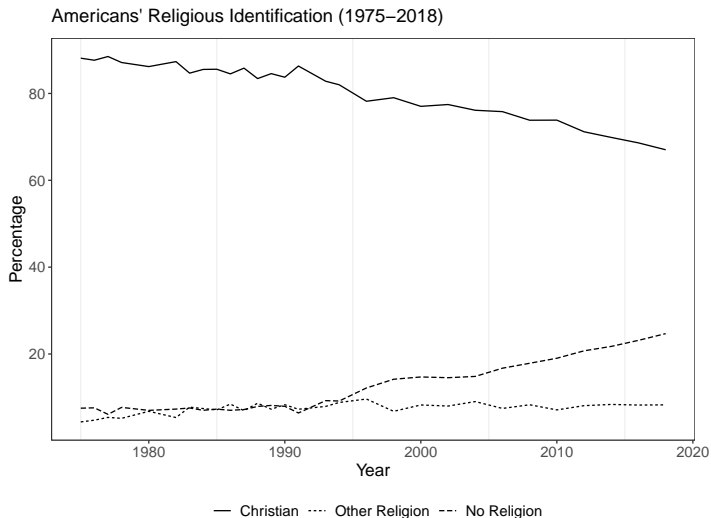
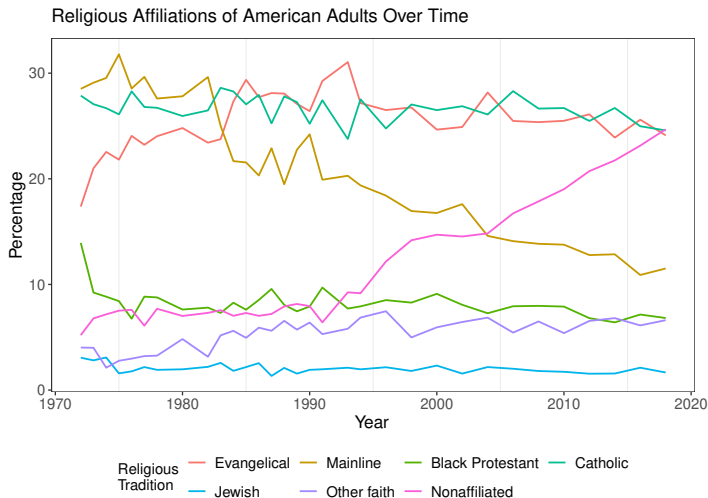


Figure 2: Source: GSS (1972-2018)

There Have Been Some Important Shifts In Religious Affiliation



Data: GSS (1972–2018)

Figure 3: Source: GSS (1972–2018)

More Than 80% of American Adults Believe in God

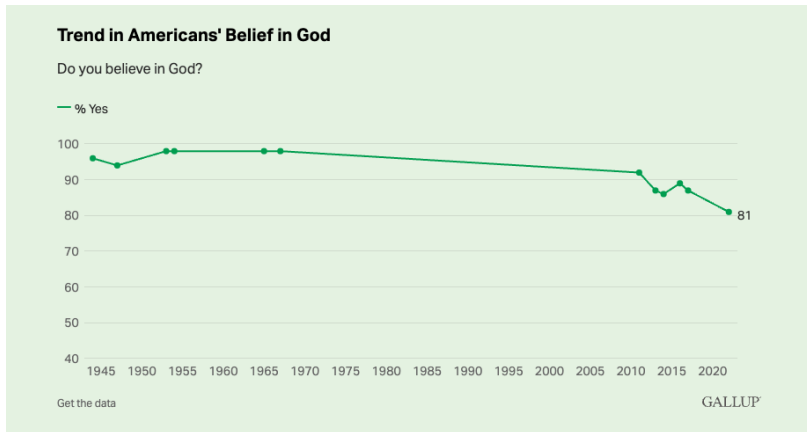


Figure 4: Gallup (2022)

Church Attendance and Membership Are Also in Decline

U.S. Church Membership, 1937-2021

Do you happen to be a member of a church, synagogue, mosque or temple?

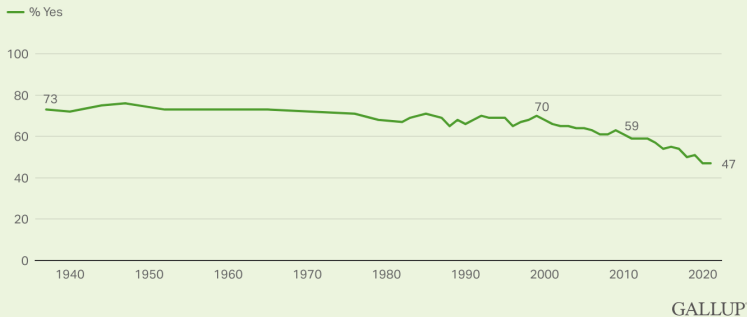


Figure 5: Gallup (2021)

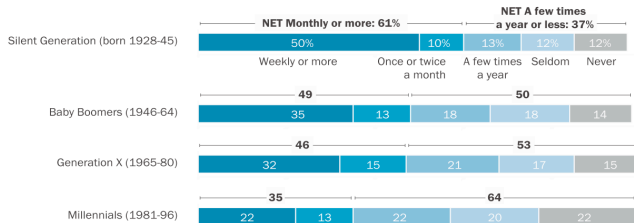
Younger Americans Are Much Less Religious

Large generation gap in American religion

In 2018/2019, % of U.S. adults who identify as ...



In 2018/2019, % of U.S. adults who say they attend religious services ...



Note: Don't know/refused not shown.

Source: Aggregated Pew Research Center political surveys conducted January 2018-July 2019 on the telephone.

"In U.S., Decline of Christianity Continues at Rapid Pace"

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Figure 6: PEW (2019)

Religion Is Addressed in the Constitution

First Amendment

*“Congress shall make no law respecting an **establishment of religion**, or prohibiting the **free exercise** thereof; or abridging the **freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”¹*

Some key clauses pertain to religion:

- ▶ Establishment clause
- ▶ Free exercise clause
- ▶ Free speech

¹Importantly, this only applies to the federal government. **Some state governments, in fact, had an official religion.**

How Does the First Amendment Work?

Let us focus on the first two clauses that directly talk about religion:

1. The Establishment Clause

- The state cannot establish an official religion, should not promote religion, nor should it favor one religion over another

2. The Free Exercise Clause

- Individuals are free to practice their religion without government intervention

Now, consider the following “real word” situations:

- ▶ Should religious schools be able to only employ a person who meets certain religious requirements?
- ▶ Should a religious leader be able to stand for elective office?

The Establishment Clause

The state cannot **establish** an official religion, should not **promote** religion, nor should it **favor** one religion over another.

How separate are church and state in the United States?

- ▶ Is there an **official** establishment of religion? No.
- ▶ What about subtler ways in which religion is **promoted**? Civil religion?
- ▶ What about subtler ways in which one religion is **favored** over another?

The Establishment Clause

What about funding for private religious education or social services provided by religious non-profits? Does that violate the Establishment Clause?

The **Lemon test** (three-pronged approach) 

1. The law must have a secular purpose
2. Its primary effect must not inhibit nor advance religion
3. It should not create “excessive government entanglement” with religion

The Free Exercise Clause

Individuals are free to practice their religion ... to an extent

Strict scrutiny (*Sherbert v. Verner*, 1963) means that laws should not infringe upon someone's right to practice their religion by placing undue burden, except for when there is a compelling state interest

- ▶ Burden of proof shifted after *Employment Division v. Smith* (1990). No need to demonstrate a compelling state interest if the restriction of free exercise of religion is an unintended consequence.
- ▶ But it can still rule in favor of free exercise: *Lukumi Babaly Aye v. City of Hialeah* (1993)
- ▶ The Religious Freedom Restoration Act (1993) brought back strict scrutiny

The *Kennedy v. Bremerton School District* (2022) Tested the Courts Once More



Figure 7: Coach Joseph Kennedy prays at the 50-yard line with students after football game.

The Course Essentially Overturned the Lemon Test Last Year



- ▶ The school district had argued that allowing the prayers violated the **Establishment Clause**.
- ▶ The Court decided that the school district had violated Kennedy's rights to **free speech** and to the **free exercise of religion**.
- ▶ Lemon Test was essentially overturned.²

²Amy Howe. 2022. "Justices side with high school football coach who prayed on the field with students," *SCOTUSblog*.

For Next Class

Read

- Davis, Derek H. 2001. "Separation, Integration, and Accommodation: Religion and State in America in a Nutshell." *Journal of Church and State* 43: 5-17.

We're done!

Questions or comments?

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