

May 6, 2003

To the Editor:

I write in response to “Anatomy of a Bible Course Curriculum”, the article by Frances Paterson which appeared in your January issue.

Paterson’s article is curiously out of place in an academic journal such as *The Journal of Law and Education*. Her article is not a dispassionate look at some educational problem area. It is not an objective analysis of some line of Supreme Court cases. It is, in truth, not scholarship at all. Paterson’s piece is instead a raw partisan attack on a single Bible curriculum– the National Council’s *The Bible as History and Literature*. Paterson’s polemic is a transparent effort to put the National Council’s Curriculum on the Index of Forbidden Books, at least to scare off any school district thinking of adopting it by waving the red flag of litigation, and costly attorneys’ fees.

The whole effort fails. Not only does *The Bible as History and Literature* pass constitutional muster. All of Paterson’s allegations against the curriculum are easily falsified.

Paterson indicts the Curriculum as unconstitutional. The indictment has four main counts: the Curriculum favors Protestantism over Catholicism; it prefers literal over non-literal biblical interpretations; it is not “objective”; and, finally, it “would require teachers and students to make a number of faith statements”. Each count is easily shown to be false. The indictment collapses.

Paterson warns that using the National Council’s Curriculum puts districts at “substantial risk of litigation” because it suffers from many “constitutional infirmities”. This is her summation, her overarching charge. It is quite improbable. Over 230 public school districts have used the curriculum. *None* has ever been sued. Besides, *The Bible as History and Literature* was deemed legally sound in an Opinion Letter authored by four constitutional scholars, including (in addition to myself) Robert George, The McCormick Professor of Jurisprudence at Princeton University.

I turn to the supporting counts.

Does *The Bible as History and Literature* favor Protestantism over Catholicism? Not at all. All four of the scholars who certified the curriculum are active, practicing Roman Catholics. (I served, for example, six years as the President of The Fellowship of Catholic Scholars.) If there were an anti-Catholic bias in the curriculum, my colleagues and I would surely have picked it up. But there is none.

Paterson tries to support this wild accusation by citing the curriculum’s “pejorative comments regarding the Catholic Church”. She mentions the medieval Church’s execution of some Protestant dissenters, and its wariness of placing the Bible in the hands of ordinary persons. These episodes are indeed unflattering to the Church. They are also, unfortunately, true.

Paterson makes a big deal of how the Curriculum relies upon the King James (i.e., a

Protestant) translation of the Bible. She says that this further manifests anti-Catholic bias. It does not. The King James version is the only translation suited for a course about the Bible as history and literature. Any other version would *raise* constitutional questions. Why? Because no one disputes that, as a matter of historical fact, the King James translation has most affected American history. The King James is also, by all accounts, the richest translation as far as literary qualities go. Substituting a Catholic or Jewish version for the King James version would surely raise the question of bias in favor of those faiths.

Paterson does not tell the whole story, either. She fails to mention that the Curriculum encourages students to use any translation they please. She says nothing about the two-volume set of accompanying *Bible Readers* put out by the National Council. These valuable resources, edited by a Catholic priest, a Jewish rabbi and a Protestant minister, rely upon various translations.

Paterson also charges that the curriculum favors literal, as opposed to non-literal, interpretations of the Bible. No doubt the Curriculum offers the Bible *as is*, takes it as it comes, and *in that sense*, puts it forth *uncritically*. Paterson mistakenly takes this to mean that the Bible is presented as a “factual historical document”. But the National Council advises teachers never to say that the Bible is “factual”, or that it is true. The whole aim is to present the students with simply “what the Bible says”. But Paterson faults the National Council precisely for doing this, evidently thinking that it amounts to some kind of unconstitutional fundamentalism.

Here Paterson indicts the Curriculum on a Catch-22. She says in effect that the National Council favors the non-interpretation “interpretation”. This is nonsense. Leaving aside “interpretation” keeps the Curriculum out of trouble; that way, no one school of interpretation can complain that it has been disfavored. Once a Bible course gets into non-literal interpretations (as Paterson evidently believes it must), there can scarcely be neutrality among them. And neutrality is constitutionally required. In the end, it is Paterson’s indictment which has constitutional problems, not the Curriculum she indicts.

The third supporting count is simple to state: the Curriculum is not “objective”. But this charge is hard to comprehend. She seems to mean that the Curriculum promotes a Protestant interpretation of the Bible because it is, she charges, “imbued with evangelical Christianity”. But this is just a restatement of her earlier accusations of bias in favor of Protestant fundamentalism.

I move on to Paterson’s last, and most serious, accusation: that students and teachers are “required to make a number of faith statements”. If true, this count alone is enough to render the Curriculum unconstitutional.

Paterson provides no evidence at all for this claim. She says *nothing* about what “students and teachers” are “required” to say. That is because the Curriculum requires no one to affirm any article of faith. Again: in support of her incendiary charge of forcing teachers and students to confess faith, Paterson adduces *nothing* whatsoever.

Paterson does say that the *Curriculum* itself is “replete with both direct and indirect statements of faith”. The *author* of the Curriculum, she says, asserts that “writing was not

developed until the time of Abraham”. She says that this innocuous claim “presumes the truth of the Bible”. Why? Because “there is no extra-biblical evidence that Abraham lived”. Of course the Curriculum does not mean to canvas all the extra-biblical evidence for the truth of what the Bible says. The Curriculum aims to steer clear of the historical veracity of the Bible. But there is no doubt that the Bible evinces a very much alive Abraham. Presenting “what the Bible says” presents Abraham as having lived.

In other words, the Curriculum must *not*, according to Frances Paterson, present what the Bible says as...what the Bible says. *She* would require the Curriculum, or teachers (or both) to make it clear that the Bible is not being presented as historical fact. Indeed it is not. But what she really wants is something that neither the Constitution nor common sense requires – a continuing verbal reminder, a rolling *caveat* like that scrolling across the bottom of your television, saying over and over to students that “we do not vouch for the truth of this so-called sacred book”. Her advice to have teachers constantly to distance themselves from the material – which advice is neither offered nor followed in other courses – conveys to students the message that the Bible is *peculiarly* unreliable, to be treated with *unsurpassed* suspicion. This is to say, as a practical matter, that the Bible is *not* true.

But this message is unconstitutional. The Constitution requires two things of a Bible course. One is the exclusive focus of Paterson’s concerns: public schools must not say or imply that the Bible is true. The other, equally binding and just-as-important requirement is wholly absent from Paterson’s brief against the Curriculum: the public school must not say or imply that the Bible is false. Public schools are forbidden by the Constitution to either promote or disparage religion. In her characteristically one-sided way, Paterson does not heed this latter requirement.

The Curriculum has found the happy medium, while Paterson courts unconstitutionality.

There are many more mistakes than I have mentioned in Paterson’s polemic. On this occasion it has been enough to deflect the most egregiously unfounded charges against the National Council’s curriculum, a course which thousands of students have freely chosen, and from which they have greatly benefited. I should be pleased to expand upon these brief comments, and to engage Frances Paterson (and others) in debate about the important question of teaching the Bible as history and literature to this nation’s schoolchildren.

Respectfully,

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