Schools can't say 'amen' to coercion

Tuesday, October 25, 2005

BY KYLE G. VOLK

In the past few weeks, East Brunswick has become only the latest illustration of the divisiveness of moral and religious issues especially when tied to government, particularly the public schools. Controversy beset the town after school administrators, heeding student and parental complaints and the advice of the school district attorney, told high school football coach Marcus Borden to cease his long-standing practice of leading and participating in team prayer before meals and game time.

Administrators also have instructed team members and their families that players have the right to lead their own prayers, just not under the direction of their coach or other public school employees.

Borden resigned in protest but then rescinded his resignation, in part on the advice of his lawyer, Ron Riccio, the former dean of Seton Hall's law school. He was back with the team Friday night when East Brunswick lost to J.P. Stevens 21-14. His return to coaching will keep open the possibility of initiating a lawsuit over the district's policy barring him from participating in any fashion in prayer with his players.

As is often the case with these types of conflicts, emotions have been aroused on both sides of the question. And I sympathize with East Brunswick school administrators, as well as those in other towns, who are gingerly seeking to steer the legal path while stemming further animosity in the community.

The emotions aroused by this conflict have prompted some to argue for a return to supposedly foundational American principles, particularly "the principle that the majority rules," as one commentator put it while suggesting that the question be resolved by referendum. This episode and these types of responses, far from uncommon, deserve some thought.

First, contrary to popular belief, this country was not founded on the principle that the majority rules. Aside from the obvious fact that the majority of the adult population at the nation's founding did not have the right to vote, most of the men writing the fundamental laws of the nation in its earliest days, though supporters of popular government, feared majority rule. Among other reasons, many thought the passions and prejudices of shifting majorities would lead to instability, while some argued that majorities would infringe on the rights of minorities.

Through constitutions, these men created a variety of structural mechanisms, from bicameral legislatures to varying term lengths for public officials, to mollify raw majority power in government. To them, direct democratic measures like the referendum would have been abhorrent. At most, the tension between majority rule and minority rights has been the overriding principle throughout American history, not the dominance of one or the other.

But the East Brunswick episode has again exposed the power and dangers of the other aspect of "majority rule" -- the coercive power of public opinion and the cultural risks of dissent in our democratic system.

School administrators concerned with the welfare of students or parents, who spoke up to question the practice of prayer, know all too well the risks faced by the squeaky wheels. Administrators are right to protect these students. Physical violence, hate mail and infinite types of psychological intimidation are potentially earned by any dissenter who questions a practice, especially one respectably entwined with religion and morality and supposedly steeped in "tradition."

Some protesting the cessation of coach-led prayer in East Brunswick have complained that it was a non-team member who protested the prayer. But this leads me to question how many students, in East Brunswick and elsewhere, have quietly (though potentially very uncomfortably) endured the practice and for how long. I can imagine numerous student athletes tolerating prayer and withholding dissent for fear of
offending coaches, who serve as mentors, dole out playing time and write recommendations, as well as teammates, who double as classmates and friends.

And the truth is, much of this coercion will continue with student-led prayer. But should school officials bolster such coercion, which impinges on students' highly personal spiritual beliefs? I think not. Our constitutional democracy wisely limits the conduct of public school officials in these areas, and it does so not only to protect those who are vocally in the minority but also those who are too fearful of the very real ramifications of stating their dissenting position.

Kyle G. Volk, a 1995 graduate of East Brunswick high school, is a doctoral candidate at the University of Chicago in the Department of History. He may be reached at kylevolk@uchicago.edu.