

The Mt. Ararat Performing Arts Department adopts in whole this position statement on religious music in schools. The statement was originally adopted by the Music Educators National Conference (MENC) in July 1984. Any parent objecting on religious grounds to any music to be performed or studied in any course offered by the Performing Arts Department may request, using the [form provided](#), that the student be excused from the performance or study of the selection in question. The student will be assigned alternative work.

It is the position of Music Educators National Conference that the study of religious music is a vital and appropriate part of the total music experience in both performance and listening. To omit sacred music from the repertoire or study of music would present an incorrect and incomplete concept of the comprehensive nature of this art.

Does the use of music with a sacred text violate the First Amendment of the United State Constitution with regard to the separation of church and state?

The teachers and musicians who design music curricula and teach music classes are dedicated to expanding the knowledge and experience of their students. To accomplish this, it is important that the school music curriculum include the study of music of all styles, forms, periods, and cultures. Since music with a sacred text or of a religious origin, particularly choral music, comprises such a substantial portion of music literature and has such an important place in the history of music, it should and does have an important place in music education.

The First Amendment does not forbid all mention of religion in the public schools; it prohibits the advancement or inhibition of religion by the state. A second clause in the First Amendment prohibits infringement of religious beliefs. Nor are the public schools required to delete from the curriculum all materials that may offend any religious sensitivity. For instance, studying painting without those with scriptural themes, architecture without cathedrals, literature without mention of the Bible, or music without sacred music would be incomplete from any point of view.

In order to ensure that any music class or program is conforming to the constitutional standards of religious neutrality necessary in the public schools, the following questions raised in 1971 by Chief Justice Warren E. Burger in *Lemon v. Kurtzman* should be asked of each school-sanctioned observance, program, or instructional activity involving religious content, ceremony, or celebration.

1. What is the purpose of the activity? Is the purpose secular in nature; that is, studying music of a particular composer's style or historical period?
2. What is the primary effect of the activity? Is it the celebration of religion? Does the activity either enhance or inhibit religion?
3. Does the activity involve an excessive entanglement with the religious group, or between schools and the religious organization? Financial support can, in certain cases, be considered an entanglement.

If the music educator's use of sacred music can withstand the test of these three questions then it is probably not in violation of the First Amendment.

## **Legal history**

Key court decisions help clarify the issues concerning the use of sacred music in the schools. The 1963 ruling in the case of *Abington School District v. Schempp*<sup>2</sup> prohibits devotional Bible reading in public schools. However, Justice Thomas Campbell Clark wrote: "Nothing we have said here indicated that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment."

In a more recent court case (and the first one in the United States that dealt specifically with religious music in the schools), Roger Florey, the father of a primary student, challenged the rules set up by the Sioux Falls, South Dakota, school board. These rules had been established following complaints by local residents about the religious nature of Christmas assemblies: "The several holidays throughout the year which have religious and secular [bases] may be observed in the public schools...Music, art, literature, and drama having religious themes or [bases] are permitted as part of the curriculum for school - sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday." The plaintiff, an avowed atheist, touched off a state-wide furor in 1978 when he complained about the use of the hymn "Silent Night" in the school's Christmas program. He contended that the use of the song violated the doctrine of separation of church and state. At a hearing on the plaintiff's motion for an injunction in December 1978, the motion was denied. The plaintiff's request for declaratory and final injunctive relief was denied in February 1979. The case, *Florey v. Sioux Falls School District 49-53*, was appealed to the Eighth U.S. Circuit Court of Appeals in St. Louis. This court, in April 1980, upheld the Sioux Falls school policy, allowing religious songs for educational purposes. The Appeals Court said the policy was not promulgated with religious purposes in mind.

Several other cases, most notably *Brandon v. Guilderland Central School District 4*, involving free exercise of religion, and *Widmar v. Vincent 5*, involving freedom of speech, suggest that in the court's opinion college and university students have the maturity to understand the religiously neutral role that public schools must play in dealing with the subject of religion, where younger students may not. Therefore, college teachers may not be required to emphasize neutrality as much. According to the *Brandon* decision, "Our nation's elementary and secondary schools play a unique role in transmitting basic and fundamental values to our youth. To an impressionable student, even an appearance of secular involvement in religious activities might indicate that the state had placed its imprimatur on a particular religious creed. This symbolic reference is too dangerous to permit."<sup>6</sup> This statement should warn the music educator to take special care to avoid any religious entanglement.

## **Religiously neutral programs**

With this volatile topic, music educators should exercise caution and good judgment in selecting sacred music for study and programming for public performances. During the planning phase of each program, the following questions should assist the teacher in determining if the program is, indeed, religiously neutral.

1. Is the music selected on the basis of its musical and educational value rather than its religious lyrics?
2. Is the sharing of the traditions of different people and respect for these traditions stressed?

3. Is the excessive use of sacred music and religious symbols or scenery in the programs avoided?
4. Is the role of using sacred music one of neutrality, neither promoting nor inhibiting religious views?
5. Are all local and school policies observed regarding religious holidays and the use of religious music?
6. Does the literature selected maximize musical and artistic skills?

Abraham Schwadron summarized the problems facing the music educator in the use of religious music in the public schools:

Obviously, the key to an adequate solution rests ultimately with the sensitive and well -informed music educator. Of singular importance is the development of the attitude that participation in actual performance produces a better grasp of the aesthetic import of great music than mere listening or nonparticipation. Thus, our general goal must necessarily be positive...

All final questions of interpretation, implementation, and responsibility seem to center on the nature of the desirable kind of teacher. Are music educators willing and able to accept the ecumenical challenge within the democratic prohibitions of the First Amendment? Will they recognize the unique position of public education in our society as the logical agency for the exploration of issues and the development of understandings?

If it is possible to study Communism without indoctrination or to examine the ills of contemporary society without promoting the seeds of revolution, then it must also be possible to study sacred music (with performance-related activities) without parochialistic attitudes and sectarian points of view.<sup>7</sup>

The chorales of J.S. Bach, the "Hallelujah Chorus" from George Frederic Handel's Messiah, the black spirituals, a performance of Ernest Bloch's Sacred Service, all have an important place in the development of a student's musical understanding and knowledge. Music educators have an obligation to provide a quality and complete music curriculum. This obligation must be met with good judgment and common sense, keeping in mind the students, the community and the law.

This position statement is not to be construed as finite. Like any issue with legal ramifications, the final answers often can only be found in a court of law. It is hoped that with sensitivity to the issues raised, with careful understanding of legal aspects, and with consideration for personal feelings, educators will use the full range of music literature as appropriate while avoiding religious entanglements.

## **Selected Readings**

Brier, Rebecca. "Sacred Music in the Schools: An Update," *Music Educators Journal* 66 No. 3, November 1979, 48-51.

Hoffer, Charles R. *Teaching music in the secondary schools*. Belmont, California: Wadsworth, 1973, 157-158.

Nieman, Glenn E. "Can Christmas Carols Still Be Included in Our Holiday Programs?" *The Nebraska Music Educator* 42, No. 2, December 1983, 8-9.

Scamman, James. "Religious Music in the Public Schools," *Music Educators Journal* 53, No. 9, May 1967, 47-49.

Schwadron, Abraham. "On Religion, Music, and Education," *Journal of Research in Music Education* 18, No. 2, Summer 1970, 157-166.

1 403 U S 602.612 (1971)

2 374 U S 203.225 (1963)

3 619 F 2d 1311 (8th Cir 1980)

4 635 F 2d 971 (2nd Cir 1980), Cert denied, 454

U S 1123 (1981)

5 454 U S 263 (1981)

6 669 F 2d 1043 (5th Cir 1983), Appeal pending

7 Abraham Schwadron. "On Religion, Music, and Education."

*Journal of Research in Music Education* 18, No. 2, Summer 1970,

157-166



**Form for a parent initiating a request that a student be excused from studying/performing a piece of music because of religious beliefs**

In order for a student to be excused from performing a piece of music, the parent must answer all questions on this form and sign it. The student will then be assigned alternative work in lieu of studying/performing the piece of music in question.

**Parent's Name:**

**Student's Name:**

**Course Name:**

**Name of the piece of music that you wish the student to be excused from studying/performing:**

1. To what in this piece of music do you object and why? (Please be specific in your answer)
2. What do you perceive will be the primary effect of this study/performance? How do you find this objectionable?
3. In what ways do you feel that the study/performance of this piece of music involves an excessive entanglement with any religious group, or between the school and any religious organization or belief? Please be specific.
4. Are you aware of the judgment of music critics and scholars regarding this piece of music?

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**Parent's Signature**