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One University, Under God?

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Abstract (Document Summary)

Fish comments on the increasingly important role that religious discussion plays in college classrooms. With the lines between the religious and the secular in culture becoming blurred, there is greater opportunity to apply ideas of religion to academic pursuits.

Full Text (1900 words)

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In an episode of the long-running TV drama *Law and Order*, the character Jack McCoy, an assistant district attorney, addresses a jury made up largely of Jews. The jury's composition has been engineered by the defendant's lawyer, who knew in advance that he would try to justify his client's act of homicide by saying that it had been done in the name of Israel and the Jewish people.

McCoy challenges the jury: "Are you going to render your verdict as a citizen or as a Jew? Do you choose citizenship or culture?"

It goes without saying that no network program would tackle an issue that did not resonate with the general public. That is especially true of *Law and Order*, which from its beginning has had its plots follow the headlines. Only if the tension between commitment to the rule of law and commitment to one's ethnic or religious affiliation was in the news would a television writer put it at the heart of a story.

Nowadays, in the wake of September 11, there often seems to be nothing else in the news, as we continue to debate the questions that were being asked within hours of the attacks on the World Trade Center: Is this a religious war? If so, what exactly is our religion? If not, what kind of war is it? Do the terrorists represent Islam or only some perverted version of that faith? Who is to say?

But even before the events of September 2001, there was a growing recognition in many sectors that religion as a force motivating action could no longer be sequestered in the private sphere, where the First Amendment, as read in the light of John Locke and Thomas Jefferson, had seemed to place it.

It was Locke who had proclaimed (in *A Letter Concerning Toleration*) that it was above all necessary to "distinguish exactly the business of civil government from that of religion, and to settle the just bounds between the one and the other." Jefferson coined the phrase "wall of separation" and glossed it: "It does me no injury for my neighbor to say that there are twenty gods or no God; it neither picks my pocket nor breaks my leg."

To be sure, there are many instances in our history when Locke's "just bounds" were not observed; but even so, for a long time it was still the presumption that the doctrine of religious freedom went in both directions: Individuals could freely practice their religion no matter what it might be, and the state could enter into its deliberations free of any concern that what it did might fall under the interdiction of religion.

