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Md. case reveals religious discrimination in education

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If government says that you are free to believe in something, but not to act on it, you are not truly free. That reality lies at the heart of a federal lawsuit filed by the Bethel Christian Academy against the state of Maryland, which kicked the academy out of a private school voucher program for having policies consistent with the school's religious values. Such unequal treatment is unacceptable.

Immediately at issue are the school's policies requiring that students and staff behave in ways consistent with the idea of marriage being between a man and a woman, and an individual's proper gender being the one assigned at birth. The state maintains that those policies are discriminatory against LGBTQ individuals and that allowing public money — school vouchers from the state's BOOST program — to flow to Bethel Christian is unacceptable.

The state's position is totally understandable: All people should be treated equally when government is involved. The problem is that the state government is not treating religious people equally — a problem in the public education system not just in Maryland, but in every state in the country.

How does the current education system discriminate against religious people? Everyone is forced to pay for public schools — government run and funded schools — but those institutions cannot be religious in nature. They can teach about religion, but even that is very difficult because public schools must not be perceived as even incidentally promoting any religious precepts, much less being openly guided by them. In other words, non-religious people can get the education they want from the government schools for which they must pay, but religious people cannot.

There is an excellent reason for prohibiting the endorsement of religion by public schools: In a diverse society, it would inevitably end up with government favoring one person's religion over another's. Indeed, for much of our history public schools did exactly that, typically favoring Protestantism over Catholicism, Judaism, atheism and so on. The current system no longer favors Protestantism, instead favoring secularism over religion, a violation of government's mandate to be neutral with regard to religion. Most famously, a public school can teach that the theory of evolution is true, but not creationism, a religious explanation.

If government can neither favor nor disfavor religion, what is it to do? As long as it is going to fund education, the answer is to do what BOOST begins to do: allow families to choose schools with the tax money earmarked for their children's education. Do not have government decide what is acceptable or unacceptable for children to learn, let families decide for themselves. That is true equality under the law.

Which brings us back to Bethel: If a religious school cannot act on its religious principles without being cut off from a choice program, that program ceases to provide equality under the

law. It essentially says that educators and parents may pick a school consistent with their faith, but as a practical matter that faith must be dead.

Of course, just because liberty and equality dictate that government not take sides on religious questions, it does not mean that individuals who dislike religious schools' policies have to just accept them. They can and should use their own liberty, especially freedom of speech, to critique and even condemn them.

It would be better if Maryland had a scholarship tax credit program than a voucher. Then taxpayers could choose to direct their education dollars to religious institutions and get a credit for it, rather than all taxpayers having some sliver go to religious institutions, like it or not. But it is still far more appropriate in a free society that people can choose schools consistent with their faith rather than be rendered second class.

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