

who, in conscience, desired education in a church-related school would be forced to participate in an education in unacceptable orthodoxies. Here, as a matter of practicality, would be the social result discountenanced by the Court in *McColum*: coercion upon the child to participate in schooling, the orientation of which was counter to his beliefs—a *de facto* denial of free exercise of religion.¹¹⁶

Not only “free exercise” problems would be encountered by such spending programs; “no establishment” problems would become manifest. This is because there is little guarantee that the public schools can, in actuality, maintain a completely non-“value”-inculcating program. Since life itself, humanity, history, and the social sciences are all involved in the daily life of any educational institution, “values” of one sort or another inevitably creep in. In this connection, it must be asked: If the No Establishment Clause operates to exclude the inculcation of religion in the public schools, what, by constitutional definition, is “religion”?

Leo Pfeffer, of the American Jewish Congress, considers nontheistic beliefs to be “religious”:

In this study I shall regard humanism as a religion along with the three major faiths: Protestantism, Catholicism, and Judaism. This, I submit, is not an unreasonable inclusion. Ethical Culture is exclusively humanist but is generally considered a religion.¹¹⁷

Lanier Hunt, of the National Council of Churches, is somewhat uncertain of the definition of religion, but is willing to accord it a very broad definition:

By another definition, religion is simply loyalty to ultimate values. . . . In schools, youths look for answers to questions about the origin, destiny, and meaning of life. These are religious questions. In the United States we say that every individual has a right to an education. And this is an expression of a religious conviction about the nature of the universe and man's place in it. Within the wider definition of religion, public education is perhaps the greatest religious force in American life today.¹¹⁸

millions of citizens would consider themselves conscientiously entitled, would highlight the coercive effect of such a program.

¹¹⁶ The Court continues to underscore its warnings against such uses of governmental power as will tend to coerce beliefs. *Torcaso v. Watkins*, 367 U.S. 488 (1961).

¹¹⁷ Pfeffer, *Creeds in Competition* 5 (1958).

¹¹⁸ Hunt, *Religion and Education*, 332 *Annals of the Am. Academy of Political Science* 99 (1960).