

at best. His is perhaps an authentic voice of our age (though an extraordinarily vague one), and he properly expresses the difficulty of finding the authoritative under the horizons that science and modern thought have given us. But if he had reflected on the great tradition of political philosophy instead of casually abandoning it for contemporary theology, he might have found that those horizons have shifted more than they have expanded the realm of human knowledge and that there is more to nature than is dreamt of either in science or in Vining's religiosity.

**CENSORSHIP: EVIDENCE OF BIAS IN OUR CHILDREN'S TEXTBOOKS.** By Paul C. Vitz.<sup>1</sup> Ann Arbor, Mi.: Servant Books. 1986. Pp. xv, 142. Paper, \$6.95.

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Although this book is not about government censorship, it has strong constitutional implications. Professor Paul Vitz's topic is the ideas in textbooks, and his thesis is pertinent to the Supreme Court's treatment of aid to parochial schools.

In reacting to this book one is likely to be torn between depression and indignation. Conservatives, traditionalists, and readers holding religious convictions will probably incline more toward indignation, but some considerable measure of sheer depression would seem unavoidable on the part of anyone concerned about the quality of American public school education, regardless of ideological stance. Professor Vitz has provided a telling demonstration, albeit somewhat limited in its scope, of the wretchedly tendentious, ideologically skewed, and intellectually impoverished characteristics of many of the elementary readers and history and social studies textbooks that have been widely adopted throughout the country. Even those whose religious or political sensibilities are not especially affronted by the pervasive distortions and the calculated omissions which pervade the works surveyed by Vitz will nonetheless find themselves profoundly disheartened by their stultifying vapidness and zestless inanity.

Vitz states his general thesis as follows:

[T]he central issue is: tens of millions of Americans are paying school taxes . . . to support a system that fails to represent their beliefs, values, history, and heritage.

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Indeed, the present public schools are actively supporting antireligious positions and pushing liberal permissive values and politics. This is a serious injustice. Quite simply, it is a classic case of "taxation without representation." We are being taxed to support schools that are systematically liquidating our most cherished beliefs.

In order to substantiate this charge Vitz examined sixty social studies texts used in grades one through six, eight high school American history texts, and twenty-two basal readers used in elementary schools. Selection of works for scrutiny was based upon typicality as measured by breadth of use, which in turn was determined by the number of states in which they were officially approved for adoption. Characteristic of the social studies texts was an almost total neglect of religion and religious institutions in contemporary American life, particularly Protestantism (Catholicism and Judaism fared slightly better), as well as their historical significance. Vitz discovered a pervasive denigration of traditional family life and values, with a scrupulous avoidance of any affirmation of the roles of housewife or mother combined with an almost ludicrous insistence upon reversing traditional gender roles. He also identified a relentlessly leftist ideological bias in the selection of role models (e.g., Margaret Mead but not Edward Teller; Maggie Kuhn, Dolores Huerta, and Patricia Harris, but not Phyllis Schlafly or Jeanne Kirkpatrick). While space is found for Herman Badillo, Vine Deloria, and Julian Nava, there is no mention of men like Douglas MacArthur, Robert Taft, William F. Buckley, or Barry Goldwater. Pro-feminist and pro-environmental positions are represented favorably without the slightest hint that any principled objections have been raised in opposition to them. The contributions of business and entrepreneurship are wholly ignored.

American history textbooks were found by Vitz and his assistants to have omitted the role of religion in the life of the nation, except for some approving attention given to movements in favor of official toleration. The texts convey the general impression that the only significant religious aspect of our national history has been its banishment from the realm of public policy, even from public discourse, and the transformation of religious conviction into a matter of personal idiosyncrasy. Thus, Lewis Todd's and Merle Curti's *Rise of the American Nation* lists the establishment of the Department of Transportation and the enactment of the first state minimum wage law as two of the 450 most important dates in American history; it omits, however, both of the Great Awakenings, the Social Gospel Movement, and the recent upsurge of Fundamentalism. Religion struck Tocqueville as "the first of [Americans'] political

institutions,"<sup>3</sup> but it is consigned to near oblivion by the writers of the most important American history texts.

Similarly, the basal readers studied by Professor Vitz pay negligible attention to religious themes and motivations. They derive more fictional themes from American Indian or other exotic religions than from Christianity or Judaism. Patriotic and romantic themes are likewise eschewed, while those inspired by the strictures of contemporary feminism are highlighted. In Vitz's words:

These studies make it abundantly clear that public school textbooks commonly exclude the history, heritage, beliefs, and values of millions of Americans. Those who believe in the traditional family are not represented. Those who believe in free enterprise are not represented. Those whose politics are conservative are almost unrepresented. Above all, those who are committed to their religious tradition—at the very least as an important part of the historical record—are not represented.

Even those who uphold the classic or republican virtues of discipline, public duty, hard work, patriotism, and concern for others are scarcely represented. Indeed, the world of these virtues . . . is not found here. Even what one might call the "noble pagan" has ample reason to reject these inadequate and sentimentalized books which seem to be about equal mixture of pap and propaganda.

Without in the least intending to impugn either the scholarly objectivity or the competence of the author, it should be borne in mind that this rather slender and methodologically problematic volume was not exactly a disinterested academic inquiry. It was, rather, the work product of a project sponsored by the Reagan administration's Department of Education, specifically the National Institute of Education. The project's purpose was to document trends and practices in contemporary public education inimical to the values and sensibilities of some of the administration's most important constituencies, notably the so-called "religious right." The administration hoped to break the educationists' stranglehold on public school policy, including textbook selection, by furnishing support to parents and local school boards in their battles against state-level officialdom, where the educationists have become most solidly entrenched. On the federal level this represented an abrupt change of sides. Beginning in the 1960s, and culminating in the years of the Carter administration, the burgeoning educational bureaucracy in Washington had tended to operate in tandem with its counterparts at the state level, in derogation of parental and local control.

Vitz's book should therefore be viewed as part of an ongoing struggle to influence, if not to control, the content of the public school curriculum. Until about twenty years ago, that content was shaped by a prevailing consensus that evolved from a patriarchal,

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3. A. TOCQUEVILLE, *DEMOCRACY IN AMERICA* 292, 295 (G. Lawrence ed. 1969).

vaguely Protestant, white middle-class cultural ethos. This consensus stressed traditional family values and roles, a benign and self-congratulatory patriotism, an ethic of individual effort and achievement, and an aesthetic sensibility reminiscent of Norman Rockwell. Some groups, notably Roman Catholics, who felt themselves outside the bounds of this consensus, reacted by establishing their own schools rather than by trying to change the public schools. A dramatic transformation began to take hold in the 1960s, with the beginning of large-scale federal aid to public schools and the emergence of highly influential radical theorists and critics of the traditional consensus in many of the leading schools of education. Some of these critics argued that the conventional curriculum fostered a tendentious view of the family, parental authority, and the nature and derivation of moral values, that was not merely uncongenial to large elements of the public school constituency, but subversive of their sense of self-worth, authoritarian, and even culturally genocidal in the case of minorities. The powerful National Education Association lent its voice with increasing stridency to this point of view, and the federal courts weighed in with a series of judicial decisions that effectively expelled all hints of theistic piety and devotion from the nation's schoolrooms.

As a result of these combined developments, those groups whose ethos had long informed the curriculum of American public schools—conservatives, traditionalists, and the religiously minded—found themselves increasingly marginalized and affronted by much of what was being taught, and not taught, to their children. This book was intended to furnish documentation for their counter-attack. Professor Vitz was himself a principal expert witness for some parents who obtained a federal court injunction—reversed on appeal—against continued use of many of the textbooks canvassed in this volume by the public schools of Mobile, Alabama.<sup>4</sup> The theory of the plaintiffs' case was not simply that the textbooks at issue were biased and censored, but that the distortions were so systematic that they amounted to an unconstitutional establishment of the "religion" of secular humanism. (Vitz's own testimony seems to have been limited to elaborating upon the pervasive anti-theistic bias of these books, leaving it to other experts to assert that this becomes an establishment of religion.)

Professor Vitz's book is unlikely to affect the results of constitutional litigation. This is primarily because, as Justice Scalia

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4. *Smith v. Bd. of School Comm'rs*, 655 F. Supp. 939 (S.D. Ala. 1987), *rev'd*, 827 F.2d 684 (11th Cir. 1987). For a journalistic account of this astounding litigation, see Wilkinson, *Judge Hand's Holy War*, AM. LAWYER, May 1987, at 111-14.

stressed in his brilliant dissent in the recent "Creation Science" case, *Edwards v. Aguillard*, the Supreme Court's religion clause jurisprudence is chaotic and unprincipled. And, as *Edwards* also illustrated, it is by no means clear that religious traditionalists would gain by persuading the Justices that coincidence of curricular material with theological tenets is tantamount to illicit indoctrination. To rely upon litigation would also require judges to make categorical distinctions turning upon differences of degree, since the issue of coincidence will typically be one of more or less.

Vitz himself advocates a far-reaching structural change in American educational policy, necessarily legislative in its principal thrust, along the lines of the Dutch solution. He urges us to recognize that the cultural and moral consensus, the "civic religion" that for so long shaped and informed the ideal of the "common school," has broken down. We can then face the consequences of that fact, just as the Dutch have done. The advent of tax supported public schools in the Netherlands in the nineteenth century occurred against a background in which no cultural and moral consensus had existed for at least a century, and was resisted by both the large Protestant and Catholic communities. Like contemporary evangelicals and fundamentalists in this country, Dutch Protestants and Catholics saw the newly established state schools, brought into being under liberal and somewhat anticlerical auspices, as instruments of aggressively secularist indoctrination. Consequently, their legislative representatives regularly voted against appropriations for the state schools and public education became a deeply divisive issue in Dutch politics. The issue was resolved by a grand compromise: the state would fund confessional schools on an equal per capita basis with secular schools. According to Vitz, this has held up well to the present day.

In America, the Dutch solution faces at least two major obstacles. First, current constitutional doctrine would certainly disallow direct and comprehensive financial support of religiously affiliated schools. Indirect support through a voucher system, particularly if vouchers were made redeemable at non-religious "private" schools as well, might pass constitutional muster by analogy with G.I. benefits and other educational grants to individuals, who were then free to use them at religious as well as secular institutions.

The other obstacle, of course, would be the extremely powerful public school lobby, which surely would view anything akin to the Dutch solution as a mortal blow to its near monopoly on taxpayer support. This lobby would also raise an objection that is not based upon mere self-interest: the Dutch solution would signal the end of

the "common school" ideal, dating back to Horace Mann, and to all the benefits associated with that ideal—the unifying, socializing mission of the public schools. In this view, such a reform would mean a tragic abandonment of public education as an instrument for ameliorating the loss of civic solidarity and cultural coherence. To critics such as Professor Vitz, however, that solidarity and coherence have already been irretrievably lost, and the public schools are now agents of ever more embittered divisiveness, even serious injustice, for which fundamental restructuring offers the only real solution.

**THE TREE OF LIBERTY: A DOCUMENTARY HISTORY OF REBELLION AND POLITICAL CRIME IN AMERICA.** Edited by Nicholas N. Kittrie<sup>1</sup> and Eldon D. Wedlock, Jr.<sup>2</sup> Baltimore, Md.: Johns Hopkins University Press. 1986. Pp. 714. \$39.50.

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Political crimes range from speech-writing to assassination. They are by definition aimed at the Establishment (by whatever name). Some are punished lightly (limitations on travel), while others invite a hangman's noose. This heavy volume is a documentary history of political crime since the Revolutionary War, especially during the period beginning shortly before the Civil War and lasting through the next century as the pace of life accelerated via steam, fossil fuels, and split atoms.

The editors distinguish between political crimes and acts that are merely "motivated by religious, economic, social, or racial concerns," but the lines are sometimes too finely drawn to be noticeable. Thus John Brown is accorded two sections, while Joseph Smith's tormentors are ignored. Private coercion does not count, but governmental repression does; we read about the Haymarket conspiracy, but not about the Republicans' use of "copperhead" labels to terrorize Iowa Democrats in 1862.

To counter the "Peaceable Kingdom" image, the editors present the bulk of a radical heritage that would seem to make the notion of a pacific American stream of history a gross distortion. They point to Theodore Parker's 1848 chant: "We are a rebellious

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