Family Forum Series 2004-2005 Confronts Controversial Issues

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By: April Bogle

From poking holes in Thomas Jefferson’s “wall” of separation between church and state to denouncing faith-based initiatives, the Center for the Study of Law and Religion tackled some of the most heated public policy issues in the United States during its 2004-2005 Family Forum Series.

“The United States is wrestling with the appropriate role of religion in its 21st century society, while much of the world continues to battle over the meaning and realization of religious ideals,” said CSLR Director John Witte, Jr. “One of our missions is to offer reasoned public debate about religion and family, religious freedom, and international human rights.”

**Faith-Based Initiatives**
The forum series launched with Steve M. Tipton, professor of sociology of religion at Emory and CSLR senior fellow, pointing out that the ongoing debate in America over faith-based initiatives “throws little light on just how deeply the Bush administration’s favoring of religious communities as social service providers ignores the role of religious institutions as moral witnesses, critics and advocates of governmental policy and action in public life.” Tipton’s lecture, titled “Why Churches Say No – Challenges Faith-Based Initiatives Pose to Religion and Family,” was September 27.

**Corporal Punishment**
Next came a debate over corporal punishment called “Spare the Rod? Legal and Religious Challenges in Raising Children of the Book,” on October 6. Murray A. Straus, professor of sociology and co-director of the Family Research Laboratory at the University of New Hampshire, said his three decades of research on the issue revealed that spanking remains prevalent even though it is not more effective in correcting behavior than other methods and over the long-term has harmful side effects. Christian, Muslim and Jewish experts commented on their faith’s view of spanking, while legal scholars and representatives from local government discussed how spanking issues should be handled by the judicial system.

**Black Family Crisis**
On February 2, Robert M. Franklin challenged comedian Bill Cosby’s ongoing public tirade about the black family. “A majority of people and families living in poverty make good decisions and rear children well, but ultimately we must demand and design policies and practices that support people who make an honest effort to lived better,” said Franklin, Presidential Distinguished Professor of Social Ethics at Emory and CSLR senior fellow. His lecture, titled “Cosby’s Call and Our Response: What the Church and Community Should Do,” laid out an action plan to address the issues of the black family,
which included asking the capacity audience to “continue the conversation” in places of worship, schools, and other community organizations.

**Church-State Separation**

Witte addressed another full-house audience March 2, declaring that some level of confrontation and cooperation between church and state is “almost inevitable in our modern polity” and advising them to avoid public displays of religion they can’t tolerate. “Just turn off Pat Robertson and Jerry Fallwell. Close your eyes to the city crucifix that offends. Cover your ears to the public prayer that you can’t abide. Walk by the town hall’s menorah and star,” he said during his lecture “Facts and Fictions of Separation of Church and State: There is No ‘Wall.’” Witte says avoiding public displays of religion is far preferable than taking the issue to court. “Such voluntary self-protections from religion will ultimately provide far greater religious freedom for all than pressing yet another tried and tired constitutional case,” he said.

**Teen Violence**

Emory psychiatrist Peter Ash explained why adolescents are less blameworthy for violent crimes than adults, and Emory psychologist Robyn Fivush discussed how teen violent behavior can be mitigated during the March 23 forum “Challenges of Adolescence and Violence.” Ash, associate professor of psychiatry and behavioral sciences and CSLR senior fellow, said teens are less blameworthy due to immaturity of judgment, external circumstances beyond their control, and incomplete character development. “I’m not advocating that kids who do bad things should get off. They do bear considerable responsibility for their acts. But we need to move to individualized assessments of who should receive adult punishment, and we should provide more services for those youth whom we can help.”

Fivush pointed to research showing that children who have regular family mealtime are less likely to smoke, drink, use illegal drugs, experiment with sex at a young age, get into fights, are at a lower risk for suicidal thoughts and are more likely to do better in school. “Family mealtime is the single strongest predictor of academic achievement scores and low rates of behavioral problems and is the more powerful predictor of these child outcomes than time spent in school, studying, at church, or playing sports,” said Fivush, Samuel Candler Dobbs Professor of Psychology and CSLR senior fellow.

**Statutory Rape**

During her March 30 lecture, “The Intimacy Discount in Statutory Rape Cases,” Emory assistant law professor Kay L. Levine said prosecutorial leniency in statutory rape cases toward parties who have an intimate relationship hides from public view a law that is based on outdated sexual mores. “Sympathetic cases are disposed of quickly and quietly. On one hand, this is good for defendants, good for prosecutors, good for the system, but it also keeps hidden the full reach of what many consider to be a controversial and overly broad law,” she said.

**Affirmative Action**

Emory Provost Earl Lewis delivered the final lecture of the year on April 11, titled “Affirmative Action: Did the Supreme Court Save It?” based on his experience at the University of Michigan, whose admissions policies were reviewed by the Supreme Court in 2003. Although the Supreme Court upheld Michigan’s admissions policies, requiring them to adjust some formulas for undergraduate admissions, Lewis said the ruling could have negative consequences for the future of affirmative action. “Affirmative action lends itself more readily to a narrative of unfairness; an unqualified student replaces a more qualified student,” he said. For example, Lewis mentioned that opponents could renew their efforts to reframe the debate around affirmative action rather than diversity. “The
larger, more lingering story doesn’t just deal with race and academic opportunity. We all need to ask, even if affirmative action has survived, what does it mean?” he said.

The Center for the Study of Law and Religion at Emory University is home to world-class scholars and forums on the religious foundations of law, politics, and society. It offers first-rank expertise on how the teachings and practices of Christianity, Judaism, and Islam have shaped and can continue to transform the fundamental ideas and institutions of our public and private lives. The scholarship of CSLR faculty provides the latest perspectives, while its conferences and public forums foster reasoned and robust public debate.

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