

REL 100 Foundations of Religious Freedom

Short Syllabus | March 11, 2016

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PURPOSE

Foundations of Religious Freedom is a blended learning course designed to bring together a theologically and ideologically diverse cohort of emerging and established religious leaders to study the origins and development of religious liberty in the United States from the colonial and founding periods to the mid-twentieth century. Effective religious leadership in the United States requires a thorough understanding of the historical and legal foundations that currently govern the relationship of religion and government, define protections for the free exercise of religion, and provide the civic framework for living among people of all religions and none.

COMPETENCIES

To be an effective religious voice in a religious diverse democracy, lay and ordained leaders must cultivate the three competencies of legal literacy, religious literacy, and civil discourse.

1. *Legal Literacy*: It is essential for religious leaders to receive a comprehensive civic education about the history and significance of the legal foundations for religious liberty in the United States. Legally literate religious leaders are those who understand the legal framework for religion in public life and the historic and contemporary meanings of “separation of church and state” as well as the promise and limitations of one’s “free exercise of religion.” By learning to apply this constitutional framework, religious leaders will be able to work together to sustain America’s bold experiment in living with even our deepest differences.



2. *Religious Literacy*: Students were admitted, in part, because their religious and ideological identities help create an intentionally diverse classroom. Exposure to difference is a necessary but not sufficient educational objective. Students must respectfully engage one another’s differences to understand their colleagues’ differentiated viewpoints, beliefs, and religious practices. Understanding does not imply agreement. Nor does it imply that individuals speak for everyone in their religious tradition or political party. Students who actively develop collegial relationships with one another are better positioned to learn about one another’s lived religious experience. This curriculum is designed to help a student take one step further in becoming a religiously literate leader—one who dispels stereotypes about religions, counters gross generalizations with nuanced observations, and meaningfully contributes to the civic discourse about the intersection of religion and public life.



3. *Civil Discourse*: Conflict and constructive debate are vital to democracy. Yet if controversies about religion and public life are to reflect the highest wisdom of laws and to advance the best interests of the disputants and the nation, then *how* we debate, and not only *what* we debate, is critical. The course is designed to help students hone their critical thinking skills and to help students communicate ideas with respect, curiosity, and intellectual honesty.



The primary pedagogical objective is to enhance the intellectual development of adult learners. Strategic reading, engaging multimedia, videoconferences, Socratic seminars, and analytical writing exercises are the primary means the instructor will measure a student's mastery of the three competencies of legal literacy, religious literacy, and civil discourse.

UNIT OVERVIEW

- Unit I. In online **Unit I, Colonizing America**, participants will study the legal, philosophical, and theological foundations of religious freedom in colonial America, with special attention to (1) the Puritan “Bible State” of Massachusetts, (2) the “lively experiment” of liberty of conscience on non-establishment of religion in Rhode Island, (3) the “Holy experiment” of religious liberty in Pennsylvania, and (4) the “establishment of religious freedom” in Virginia.
- Unit II. In online **Unit II, Constituting America**, participants will study how the rise of religious freedom in the colonial period influenced (a) the framing of the US Constitution and its “no religious test for office”; (b) the First Amendment of the Bill of Rights, which dictated that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”; and (c) the disestablishment of religions from state constitutions. Participants will examine how theology and philosophy were used to justify separation of church and state at the federal and state level. Studies show that interreligious conflicts resulted in “no aid to religion” laws in the states decades before the institutionalization of compulsory education. Students will use primary source text and cutting-edge scholarship to analyze how confederates used the disestablishment principle in the American Civil War to argue against the religious motivations of abolitionists.
- Unit III. During the onsite conference—**Unit III. Immersion in Washington, D.C.**—participants will meet national experts on issues of religion and public life, attend public events at the Newseum, and use the Newseum Institute’s digital *Religious Freedom Trail*[™] to tour Washington, D.C. Visits may include: the National Archives’ exhibits on the Magna Carta, US Constitution, and the Bill of Rights; the Smithsonian’s exhibit on *Religion in Early America* at the National Museum of American History; and the National Museum of the American Indian; the US Supreme Court and US Capitol; the Washington, Jefferson, and Lincoln monuments; and the National Portrait Gallery.

Unit IV. In online **Unit IV, Reconstructing America**, participants will examine the intersection of legally defining race and religion in the reconstruction era. Despite the commitment to religious freedom on the federal level and in state constitutions, the United States remained a semi-established Protestant nation in the nineteenth and early twentieth centuries. Protestants played a central role in movements for social reform and the establishment of educational institutions, including the common schools. At the same time, the nineteenth century in America was an era of virulent anti-Catholicism and anti-Semitism in the wake of large waves of immigration.

Unit V. In online **Unit V, Incorporating America**, participants will examine why in 1940 and 1947 the US Supreme Court incorporated the Free Exercise and Establishment clauses of the First Amendment to the states through the due process clause of the Fourteenth Amendment. The purpose is to understand how these actions set the legal foundation for the major church/state battles of the late twentieth century, the subject of REL 200, *Religious Freedom in Contemporary American Public Life*.

ASSIGNMENTS

The course was designed with sensitivity to a variety of learning styles. The online and onsite sessions will include a combination of pedagogical techniques such as effective use of multimedia, such as online games and discussion forums; compelling lectures from leading scholars; and meaningful videoconferences with a diverse peer group. The independent coursework will consist of reading and writing and engagement with the multimedia in the online classroom. The assignments will be weighted as follows:

- The **Learning Badges (25%)** are designed to measure a student's quality of engagement with the multimedia in the virtual classroom (each learning badge is worth 1 point);
- The **Five Memos (25%)** are used to measure a student's reading comprehension and written and analytical skills (each memo is worth 5 points);
- The **Five Socratic Seminars (25%)** are intended to measure a student's integration of the subject matter with his or her ability to verbally engage in civil discourse in the videoconferences and during the onsite small-group exercises (each Socratic Seminar is worth 5 points);
- The **DC Immersion (25%)** is designed to measure a student's participation and respectful engagement during the onsite conference in Washington, D.C. (attendance at and involvement in the required programs total 25 points.) The Socratic Seminar for Unit II will take place during the DC Immersion.

REL 100 COURSE CALENDAR

1. Videoconference 1 Introductions, Themes, Framework

Unit I. Colonizing America

2. Online Block Massachusetts: "Bible State"
3. Online Block Rhode Island: "Lively Experiment"
4. Online Block Pennsylvania: "Holy Experiment"
5. Online Block Virginia: "Establishing Religious Freedom"
6. Videoconference 2 Socratic Seminar #1: Colonizing America

Unit II. Constituting America

7. Online Block Declaration of Independence
8. Online Block US Constitution & Bill of Rights
9. Online Block State Constitutions
10. Online Block Religion & the American Civil War

Unit III. Immersion in Washington, D.C.

11. Onsite DC Session A Socratic Seminar #2: Constituting America
12. Onsite DC Session B Public Event
13. Onsite DC Session C National Archives
14. Onsite DC Session D Meeting national experts
15. Onsite DC Session E Public Event
16. Onsite DC Session F Socratic Seminar

Unit IV. Reconstructing America

17. Online Block Race & Religious Freedom Part 1
18. Online Block Race & Religious Freedom Part 2
19. Videoconference 3 Socratic Seminar #3: Reconstructing America

Unit V. Incorporating America

20. Online Block Incorporating Free Exercise Clause
21. Online Block Incorporating Establishment Clause
22. Videoconference 4 Socratic Seminar #4: Incorporating America

Unit VI. Integrating Learning

23. Online Block Principles of Religious Freedom
24. Videoconference 5 Final class session

REQUIRED MATERIAL

Required Videos

1. *God In America* (2010) A coproduction of American Experience, Frontline. Broadcasted on PBS on October 11, 2010. Free viewing at www.pbs.org/godinamerica/view.
2. *First Freedom: The Fight for Religious Liberty* (2012) A production of WETA, Washington, DC and Groberg Films, Bountiful, Utah. Broadcasted on PBS on December 18, 2012. Free viewing at <http://www.pbs.org/first-freedom>.

Required Books

1. T. Jeremy Gunn and John Witte, Jr. (2012) *No Establishment of Religion: America's Original Contribution to Religious Liberty*. New York, NY: Oxford University Press
2. James H. Hutson (2008) *Church and State in America: The First Two Centuries*. New York, NY: Cambridge University Press
3. Charles C. Haynes, Sam Chaltain, and Susan M. Glisson (2006) *First Freedoms: A Documentary History of First Amendment Rights in America*. New York, NY: Oxford University Press published in association with the First Amendment Center. (A complimentary copy will be given to all students.)
4. Edwin S. Gaustad and Mark A. Noll (2003) *A Documentary History of Religion in America to 1877*. Wm. B. Eerdmans Publishing Co., 3rd edition.
5. Roger Daniels (2002) *Coming to America: A History of Immigration and Ethnicity in American Life*, second edition. New York, NY: Harper Collins.
6. Sanford H. Cobb (1902) *The Rise of Religious Liberty in America: A History*. New York, NY: Burt Franklin.

Required Course Packet: Excerpts from Chapters

1. Thomas S. Kidd, "Jefferson, Madison, Henry, and the Context for Religious Liberty in Revolutionary America," in Allen D. Hertzke, ed. (2015) *Religious Freedom in America: Constitutional Roots and Contemporary Challenges*. Norman, OK: University of Oklahoma Press
2. Nathan C. Walker (2013) *Disestablishing National and State Governments: 1787–1833*, in "Unveiling Freedom," Dissertation Proposal Literature Review, Teachers College Columbia University, pp. 124-141.
3. Leonard Dinnerstein & David M. Reimers (2009) *Ethnic Americans: A History of Immigration*. New York, NY: Columbia University Press. Reprint Table 2.1 Immigration to America, 1920–1930; Table 2.2 The Urban Immigrant, 1870: Irish, German, and English Populations in American Cities; Table 3.1. Italian Immigration in Peak Years, 1905–1920.

4. Carl H. Esbeck, "A Typology of Church-State Relations in Current American Thought." *BYU L. Rev.* 371 1986, republished in Luis E. Lugo, ed. (1994) *Religion, Public Life, and the American Polity*, Knoxville, TN: The University of Tennessee Press
5. Ian F. Haney López (1996) *White by Law: The Legal Construction of Race*. New York, NY: New York University Press. Chapter 4, "Ozawa and Thind"
6. David Wallace Adams (1995) *Education for Extinction: American Indians and the Boarding School Experience*. Lawrence, KS: University Press of Kansas. Chapter 4: "Institution" section "The Assault on Cultural Identity," pp. 100–112

Required Course Packet: Excerpts from Legal Cases

1. *Reynolds v. United States*, 98 U.S. (8 Otto.) 145 (1878) A unanimous US Supreme Court upheld the federal anti-bigamy statute signed into law by Abraham Lincoln, clarifying that government cannot compel belief, but it can govern actions, even religiously motivated actions, such as polygamy.
2. *Takao Ozawa v. United States*, 260 U.S. 178 (1922) A unanimous US Supreme Court held that Takao Ozawa, a Japanese American, did not meet the definition of "free white persons" and therefore was ineligible for naturalization.
3. *United States v. Bhagat Singh Thind*, 261 U.S. 204 (1923) A unanimous US Supreme Court denied naturalization to Bhagat Singh Thind, a Sikh from India who served in the US Army during World War I, because Indian Aryans and Indian Caucasians were not legally considered to be "free white persons."
4. In *Palko v. Connecticut* (1937), the US Supreme Court formally introduced the doctrine of selective incorporation of the Bill of Rights.
5. *Minersville School District v. Gobitis*, 310 U.S. 586 (1940) In an 8-to-1 decision, the US Supreme Court upheld a public school board's decision to expel Jehovah's Witnesses students for refusing to salute the US flag and recite the Pledge of Allegiance, despite the students' religious objections against idol worship.
6. *Cantwell v. Connecticut*, 310 U.S. 296 (1940) A unanimous US Supreme Court ruled in favor of a Jehovah's Witnesses family that was charged for soliciting without a permit and breaching the peace, thus incorporating the federal free exercise clause to states.
7. *West Virginia State of Board of Education v. Barnette*, 319 U.S. 624 (1943) A unanimous US Supreme Court overturned the *Gobitis* case by using the free speech clause.
8. *Everson v. Board of Education*, 330 U.S. 1 (1947) In a 5–4 ruling, the US Supreme Court held that New Jersey's reimbursement program, which allowed parents to transport children to private religious schools, did not violate the establishment clause, thus incorporating the federal establishment clause to the states.
9. *Torcaso v. Watkins*, 367 U.S. 488 (1961) A unanimous US Supreme Court ruled that the US Constitution prohibits state constitutions from ordering any form of a religious test for public office, or as in this case, a notary public.