

# REL 200 Religious Liberty and Contemporary American Public Life

Short Syllabus | March 11, 2016

Course Designer and Instructor: Lauren W. Herman

## PURPOSE

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The purpose of this course is to introduce a diverse group of students to the challenges that religious and secular leaders face in contemporary America in their attempts to advance religious freedom in a pluralistic society through the principles of free exercise and non-establishment. Students will gain a firm grounding in the legal doctrine of the First Amendment broadly and will also have the opportunity to dig deeper in many specific areas of interests.

## OBJECTIVES

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1. *Legal literacy*: Students will learn basic First Amendment principles, the key tests that are applied in free exercise and establishment contexts, along with the distinctions and connections between state/federal law and constitutional/statutory law. By the end of the course, students should be comfortable reading, understanding, and analyzing a religious liberty case.
2. *Religious Literacy*: Students will expand their knowledge of diverse religious perspectives, belief systems, and traditions. Students will learn to consider and analyze the ways that religious freedom manifests across different traditions.
3. *Civil Discourse*: Students will be exposed to different positions and various arguments pertaining to controversial issues. Students will learn to respectfully dialogue on those topics, form a coherent and convincing argument from different sides, and ultimately develop their own unique voices and perspectives on these issues.

## REQUIRED MATERIAL

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1. Charles C. Haynes and Oliver S. Thomas (2011) *Finding Common Ground: A First Amendment Guide to Religion and Public Schools*. Nashville, TN: First Amendment Center. (Free copies will be mailed to all students)
2. Center for Religion and Public Affairs (2010) *Religious Expression in American Public Life: A Joint Statement of Current Law*. Winston-Salem, NC: Wake Forest University

3. Robert D. Putnam and David E. Campbell (2010) *American Grace: How Religion Divides and Unites Us*. New York: Simon and Schuster
4. Ronald B. Flowers, Melissa Rogers, Steven K. Green (2008) *Religious Freedom and the Supreme Court*, Sixth Edition. Waco, TX: Baylor University Press
5. Stephen Prothero (2006) *A Nation of Religions: The Politics of Pluralism in Multireligious America*. Chapel Hill: University of North Carolina Press
6. Noah Feldman (2005) *Divided by God: America's Church-State Problem—And What We Should Do About It*. New York, NY: Farrar, Straus and Giroux.
7. The Course Packet will include legal cases, case briefs, and articles. Students will only be asked to read a few cases in full; most will be excerpted. Some of the course packet will include passages from the following casebooks:
  - a. Leslie C. Griffin (2013) *Law & Religion: Cases & Materials*, 3d ed. St. Paul, MN: Foundation Press;
  - b. Michael W. McConnell, John H. Garvey, and Thomas C. Berg (2011) *Religion & the Constitution*, 3d ed. New York, NY: Wolters Kluwer Law & Business; and
  - c. James C. Carper and Thomas C. Hunt (2009) *The Praeger Handbook of Religion and Education in the United States*. Westport, CT: Praeger Publishers.

## RECOMMENDED RESOURCES

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Stay current on issues of religion and public life by regularly reviewing the following sources:

1. Baptist Joint Committee: [www.bjconline.org](http://www.bjconline.org)
2. The Becket Fund for Religious Liberty: [www.becketfund.org/legalpublications](http://www.becketfund.org/legalpublications)
3. Religious Freedom Center: [www.religiousfreedomcenter.org](http://www.religiousfreedomcenter.org)
4. Faith and Reason Institute: <http://frinstitute.org>
5. HuffPost Religion: [www.huffingtonpost.com/religion](http://www.huffingtonpost.com/religion)
6. Law and Religion Headlines—International Center for Law and Religion Studies, Brigham Young University: [www.iclrs.org](http://www.iclrs.org)
7. Library of World Religions and Faith Traditions: <http://www.patheos.com/Library>
8. *The New York Times*, Religion and Belief blog  
[http://topics.nytimes.com/top/reference/timestopics/subjects/r/religion\\_and\\_belief/index.html](http://topics.nytimes.com/top/reference/timestopics/subjects/r/religion_and_belief/index.html)
9. On Being with Krista Tippett: <http://onbeing.org>

10. PBS God in America series—Timeline: <http://www.pbs.org/godinamerica/timeline/>
11. The Pew Forum on Religion and Public Life, a Project of the Pew Research Center: [www.pewforum.org](http://www.pewforum.org)
12. Public Religion Research Institute, [www.PublicReligion.org](http://www.PublicReligion.org), sign up for “the morning buzz: news with a shot of data”
13. Public Rights/Private Conscience Project at Columbia Law School
  - <http://web.law.columbia.edu/gender-sexuality/public-rights-private-conscience-project>
  - <https://www.facebook.com/prpcp?ref=hl>
14. Religion & Ethics News Weekly: [www.pbs.org/wnet/religionandethics](http://www.pbs.org/wnet/religionandethics)
15. Religion & Politics: Fit for Polite Company: <http://religionandpolitics.org>
16. Religion Clause: [www.religionclause.blogspot.com](http://www.religionclause.blogspot.com)
17. Religion Dispatches: [www.religiondispatches.org](http://www.religiondispatches.org)
18. Religion Link: [www.religionlink.com](http://www.religionlink.com)
19. Religion News Blog: [www.religionnewsblog.com](http://www.religionnewsblog.com)
20. Religion News Service: [www.religionnews.com](http://www.religionnews.com)
21. States of Devotion: <http://hemisphericinstitute.org/devotion>
22. *Washington Post* On Faith: [www.washingtonpost.com/on-faith](http://www.washingtonpost.com/on-faith)

## ASSIGNMENTS

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1. **Brief Written Assignments (15%):**
  - a. *Background Memo:* Before the second videoconference, choose one case and research its historical background and contemporary context. Prepare a brief written summary based on the following questions. What was going on at that time, in that community, in the United States, and in the world? What were the demographics of the community? What else might be at play in the issue? Upload this short backgrounder to the course site.
  - b. *Case Brief:* After each videoconference choose one case to read in full and write a short case brief that should include: (a) relevant facts, (b) the state’s action, (c) parties’ arguments, (d) primary legal question, (e) holding, and (f) reasoning of the court. Additionally, please consider the following: What claims are at stake? What rights? Whose rights? How do the Free Exercise and Establishment claims interact? What biases, inaccuracies, misunderstandings are at play? For this assignment you can rely on the case as well as any secondary resources.

- c. *Legal Testimony*: For one of the case studies covered, prepare a testimony for one of the parties. This can be in written form or done orally and videotaped.
  - d. *Online Reflections*: Several online blocks include short reflections or assignments that are tailored to specific readings, videos, or a combination/comparison of readings.
2. **Midterm (25%)**: Students will respond to three of five essay questions that seek responses and reflection on certain prompts/cases. This will include both cases and concepts that have been covered as well as cases that are new to the students but which address themes that have been discussed. For example, questions might include: (a) Compare and contrast the *Sherbert* and *Smith* legal tests and reflect on which approach you believe is more effective; (b) What is law? Should law respond to social forces and beliefs or should the law shape society? The midterm will be a “take home” exam and students will have two weeks to complete the exam from the time they are given the prompts. Essays will be limited to a specified word count to be announced.
  3. **Final Project (30%)**: Students will choose one case to conduct an in-depth case study and legal analysis. Students will work with the instructor and classmates to slowly build a project proposal and to determine the scope of the resources for the study.

## Grading Distribution

- Participation in videoconferences 10%
- Engagement/participation in portal 10%
- Participation in onsite sessions 10%
- Short written assignments 15%
- Midterm 25%
- Final project 30%

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