

POLITICAL SCIENCE DEPARTMENT
COLLEGE OF ARTS & SCIENCES
UNIVERSITY OF CINCINNATI

POL 2022.001 – The Politics of Law and Religion in the U.S.

Fall 2017 Syllabus

Professor: Andrew Lewis
Time: T/Th: 11:00-12:20pm
Location: Crosley 300
Email: andrew.lewis@uc.edu

Office: Crosley Tower 1102
Office Hours: T: 12:30-1:30pm
& Th: 2:00-3:00 pm (and by appt.)
Telephone:

COURSE DESCRIPTION: This course will explore the relationship between politics, law, and religion in the United States from the Founding period to the present. The course will explore how America's religious culture affects legal foundations and the politics of law. It will begin with the paradox that the federal government in the U.S. has formally separated church and state, though religion is often central to American politics and frequently underlies American law. The course will explore the evolving relationship between church and state, both in case law and in politics, addressing the competing values of the need for a secular or religious public square. It will also examine the role of religious and non-religious legal advocates, looking at advocacy strategies, coalitions, targets, and outcomes. Throughout, current topics in law and religion will illuminate the course themes.

COURSE OBJECTIVES: At the end of this course students should be able to:

1. Understand and explain the competing views of the constitutional relationship between church and state in the American founding
2. Identify the various ways America's religious culture has affected the politics of law, along with how this was achieved.
3. Trace the United States Supreme Court's shifting views on the Constitutional interpretation of the First Amendment's protections against the establishment of religion and infringing the free exercise of religion.
4. Describe how the rise of secularism and the religiously unaffiliated affect the politics of religion and law.
5. Analyze how religious advocates and the religious public influence and respond to current legal and political controversies.

READINGS / TEXT:

Main Text

- Lewis, Andrew R. 2017. *The Rights Turn in Conservative Christian Politics: How Abortion Transformed the Culture Wars*. New York: Cambridge University Press.

Various Readings

- Various readings posted to AlwaysUC

TEACHING ASSISTANT:

Michael Bender: bendermj@mail.uc.edu

ASSIGNMENTS:

All written assignments must be turned in through AlwaysUC under the appropriate Assignment by the due date and time, or they will be considered late.

Reading Quizzes (5) – 10% (2% each): We will have 6-7 short quizzes throughout the semester. These will be conducted either in class or on AlwaysUC. I will count your five best scores.

Mid-Term – 20%: You will take an in-class mid-term, covering roughly the first half of the course.

Final Exam – 25%: Your final exam will be cumulative, covering all aspects of the course. It will take place in class on the scheduled final exam day.

Book Review – 15%: You will write one 600-800 word analytical book review on a book related to this class. You must pick one book of numerous options presented. The papers will be due by midnight ET on the due date. (The assignment sheets will be posted to AlwaysUC and discussed in class.)

Group Research Project – 20%: You will work with a group to research the politics of law and religion, focusing on a specific religious group(s) (e.g., Catholics, Evangelicals, Jews, Seculars, etc.) and a specific issue area (e.g., free speech, affirmative action, immigration, religious freedom, animal rights, etc.). Specific instructions will be handed out in class and discussed in full.

Participation – 10%: Your class participation is vital to the success of this class. You will be given several opportunities to participate, both individually and in groups. **I will also consider your attendance** in your participation grade. To be counted as present, you must sign-in on the attendance sheet.

GRADING SCALE:

93-100 = A_{SEP}

90-92 = A⁻_{SEP}

87-89 = B⁺_{SEP}

83-86 = B_{SEP}

80-82 = B⁻_{SEP}

77-79 = C⁺_{SEP}

73-76 = C_{SEP}

70-72 = C-****NOTE: This is also the point where I will give someone a "Pass"**

67-69 = D⁺_{SEP}

63-66 = D_{SEP}

60-62 = D⁻_{SEP}

<60 = F_{SEP}

*Grades of Incomplete are given only in cases of medical emergencies.

ATTENDANCE POLICY: I expect you to be at every class and contributions to class discussions will be an important part of this course. To be counted as present, you must sign-in on the attendance sheet. I do not differentiate between excused or unexcused absences. After three absences, for every class you miss, I will deduct 1% from your participation grade. If an emergency arises, please contact me at your earliest convenience.

LATE GRADES: Any materials that are not turned in when they are due (both the day & time) will be considered late. The minimum late penalty is 10%, increasing to 15% after more than 1 day late. For each week that an assignment is turned in late there will be an additional 15% penalty, with a late penalty cap of 60%. Therefore, it is best for you to turn in any late assignments, no matter how late it is. However, I will not accept any assignments after the final day of the semester according to the academic calendar (this comes before the final exam). Any assignments not completed by this date will receive a ZERO.

MAKE-UP EXAMS: In order to maintain the integrity of the exams and the fairness to other students, I do not give make-up examinations. If there are extreme circumstances, please contact me as early as possible.

LAPTOP AND OTHER TECHNOLOGY IN CLASS: Laptops and tablets are not recommended, but are allowed for course-related use. This will be a discussion-based course, so it is important to remain engaged with the material and avoid the distractions of a personal computer. If the use of laptops or tablets detracts from the learning environment, I will disallow them. Also, please silence (and do not use) your cell phones, ipods/ipads, and other devices while in class. If you fail to follow this rule, I may ask you to leave.

ACADEMIC INTEGRITY: The University Rules, including the Student Code of Conduct and other documented policies of the department, college, and university related to academic integrity will be enforced. Any violation of these regulations, including acts of plagiarism or cheating, will be dealt with on an individual basis according to the severity of the misconduct. A copy of the policy can be found on the University website at:
http://www.uc.edu/conduct/Academic_Integrity.html.

SPECIAL NEEDS POLICY: If you have any special needs related to your participation in this course, including identified visual impairment, hearing impairment, physical impairment,

communication disorder, and/or specific learning disability that may influence your performance in this course, you should meet with the instructor to arrange for reasonable provisions to ensure an equitable opportunity to meet all the requirements of this course. At the discretion of the instructor, some accommodations may require prior approval by Disability Services.

SEMESTER PLAN: My goal is to follow the course outline as presented, though some adjustments may be necessary during the semester. As such, the following course outline and readings are subject to change with appropriate notice to the students. Reading assignments should be completed prior to attending class. **Please bring the reading materials to class.**

Week 1: Introduction

Tuesday (Aug. 22): Introduction and Themes

Reading: [Further Reading] Esbeck, "Five Views of Church-State Relations in Contemporary American Thought"

Thursday (Aug. 24): Early American Foundations of Law & Religion

Reading: Witte and Nichols, "The Theology and Politics of the Religion Clauses" and "The Essential Rights and Liberties of Religion" (Online)
[Further Reading] John Winthrop, "A Modell of Christian Charitie", 1630 (Online)
[Further Reading] Roger Williams, "Mr. Cottons Letter Lately Printed, Examined and Answered", 1644 (Online)

Week 2: Religion & Early American Foundations

Tuesday (Aug. 29): Colonial Foundations

Reading: Virginia Declaration of Rights, 1776 (Mason's Draft & Final) (Online)
Pennsylvania Constitutions, 1776 and 1790 (Online)
South Carolina Constitution of 1778
Massachusetts Constitution of 1780

Thursday (Aug. 31): TBA

Reading: None

Week 3: Religion & Constitutionalism

Tuesday (Sep. 5): Politics of Religious Freedom Prior to First Amendment

Reading: Jefferson, "Bill Establishing Religious Freedom" (Online)
Madison, "A Memorial and Remonstrance Against Religious Assessments" (Online)
Franklin, "Call for Prayer in the Constitutional Convention" (Online)

Thursday (Sep. 7): U.S. Constitution & First Amendment

Reading: U.S. Constitution, Article VI, Amendment 1 (Online)
Dreisbach and Hall, "The Religious Test Ban of the U.S. Constitution" (Online)
Dreisbach and Hall, "The First Amendment to the U.S. Constitution" and following debate about ratification (Online)

Week 4: Church & State in 20th Century

Tuesday (Sep. 12): Church-State Separation

Reading: TBA
Cases
Everson v. Board of Education
Lemon v. Kurtzman
Engle v. Vitale

Thursday (Sep. 14): Religious Freedom

Reading: TBA
Cases
Wisconsin v. Yoder
Sherbert v. Verner
Oregon v. Smith

Week 5: Free Speech & Restoring Religious Freedom

Tuesday (Sep. 19): Equal Access

Reading: Selections from Brown, *Trumping Religion* (TBA) (Online)
Cases
Widmar v. Vincent
Rosenberger v. University of Virginia

Thursday (Sep. 21): Accommodation & Religious Freedom Restoration Act

Reading TBA

Week 6: Religion, Law, & Race

Tuesday (Sep. 26): Religion & Politics of Slavery

Reading: Selection from Emerson and Smith, *Divided by Faith* (TBA) (Online)

Thursday (Sep. 28): Religion & Politics of Slavery (Civil War)

Reading: Selection from Noll, *The Civil War as a Theological Crisis* (TBA) (Online)

Week 7:

Tuesday (Oct. 3): Religion & Politics of Civil Rights

Reading: Martin Luther King, Jr., "Letter from a Birmingham Jail" (TBA) (Online)
Selection from, McAdam, *Political Process and the Development of Black Insurgency* (TBA) (Online)

Thursday (Oct. 5): **MIDTERM EXAM**

Reading:

Week 8: Progressive Era

Tuesday (Oct. 10): ***No Class – Reading Day***

Reading:

Thursday (Oct. 12): Progressives & Prohibition

Reading: Selection from Compton, *Evangelical Origins of the Living Constitution* (TBA) (Online)

Week 9: Progressives & Current Controversies

Tuesday (Oct. 17): Progressives & Living Constitution

Reading: Selection from Compton, *Evangelical Origins of the Living Constitution* (TBA) (Online)

Thursday (Oct. 19): Current Controversies – Decline of Religion / Rise of Secularism

Reading: Selection from Jones, *End of White Christian America*

Week 10: Religion & Cultural Change

Tuesday (Oct. 24): Majority to Minority

Reading: Lewis, Chapter 1 & Chapter 2

Thursday (Oct. 26): Free Speech

Reading: Lewis, Chapter 3

Week 11: Religious Freedom Advocacy

Tuesday (Oct. 31): Rise of Religious Freedom

Reading: Lewis, Chapter 4
Bennett, *Defending Faith* TBA

Thursday (Nov. 2): Religious Freedom & Health Care

Reading: Lewis, Chapter 5
TBA

Week 12: Religious Freedom and LGBT Rights

Tuesday (Nov. 7): Religious Freedom as a Last Resort

Reading: Lewis, Chapter 7 & Conclusion

Thursday (Nov. 9): Religious Freedom in Conflict

Reading: *Masterpiece Cakeshop v. Colorado Civil Rights Commission*
TBA

Week 13: Other Topics – Criminal Justice & Group Projects

Tuesday (Nov. 14): Criminal Justice Reform & Death Penalty Reform

Reading: See Lewis, Chapter 6 & TBA

Thursday (Nov. 16): TBA

Readings:

Week 14: TBA

Tuesday (Nov. 21):

Reading:

Thursday (Nov. 23): **NO CLASS - THANKSGIVING**

Reading:

Week 15: TBA & Conclusion

Tuesday (Nov. 28):

Reading:

Thursday (Nov. 30): Catch Up & Review

Reading: None

Week 16: FINALS WEEK

Tuesday (Dec. 5): Final Exam

Final Exam – 1:30-3:30pm