RS 141D
Church-State Relations
Prof. Kathleen Moore
Spring 2011

Meeting times: Tu/Th 9:30 to 10:45 a.m.
Classroom: HSSB 1173

Office hours: Wed. 1 to 3 p.m. and by appt.
Office: HSSB 3074
Contact: kmoore@religion.ucsb.edu or (805) 893-4505 (leave message)

Course Description:
This course examines the relationship between government and religion in the United States, giving particular attention to nonestablishment clause jurisprudence, interest groups, and cultural politics. We will read judicial opinions with respect to prayer and Bible reading in public schools, government funding of faith-based initiatives, the pledge of allegiance, public monuments, and intelligent design vs. evolution, and other matters.

Required books (available at UCEN Bookstore and on reserve in Davidson Library):


Required articles are accessible on the course website (see below).

Course Website:
We will use the Gauchospace course website to provide access to assigned readings other than the four textbooks cited above. Course announcements and discussion forums will also be posted through the course website. If you are enrolled you may access the website at www.gauchospace.ucsb.edu and log into this course (RS141D).
Course Requirements:

**Participation (lectures, online discussion forums) 20%**

In-class midterm 30%

Take home final exam 50%

**Class participation (20%)**

Your responsibility in this course is to be an active learner, not a passive sponge. To be successful, you will need to attend class regularly, complete the readings on time and actively participate. During the quarter you will be required to participate in two online discussion forums on Gauchospace. Instructions will be provided in class.

**Midterm exam (30%)**

An in-class exam will cover lectures and readings of the first six weeks of the quarter. Exam date is May 3rd.

**Final exam (50%)**

A take-home essay exam will cover the lectures, a/v materials and readings of the entire quarter. This is a comprehensive exam. Questions will be distributed on the last day of class and due date is June 10th. Upload on Gauchospace (instructions will be provided).

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**Schedule of Readings and Assignments**

**Week One**  
Religious Interest Group Litigation  
3/29, introduction to the course  
3/31  Read Kevin den Dulk, “In Legal Culture, but Not of It; the Role of Cause Lawyers in Evangelical Legal Mobilization,” in Austin Sarat and Stuart Scheingold, editors, Cause Lawyers and Social Movements (Stanford University Press, 2006), 197-219, and Hans J. Hacker, “Chapter 2: A Place at the Table,” from The Culture of Conservative Christian Litigation (Rowman & Littlefield, 2005), 17-54, accessible on Gauchospace website.

**Week Two**  
Why “Culture Wars?”  

**Week Three**  
Religious Words and Symbols in the Public Square  
4/12, 4/14  Read Peter Irons, pp. 1-135.

**Week Four**  
Prayer at a High School Football Game, Texas-Style  

Lee v Weisman (1992)
Allegheny County v ACLU (1989)
Lynch v Donnelly (1984)
Lemon v Kurtzman (1971)
Engel v Vitale (1962)

***Discussion forum assignment #1: Choose one of the cases cited above and summarize and comment upon its answers to these questions: what did the Constitution forbid in this case? What was the main point of the dissent (if any)? Post on Gauchospace discussion forum. Be prepared to discuss in class, also. Three hundred to five hundred words. Due online by 9 a.m., April 21st.***

Week Five  **The Ten Commandments and the Pledge of Allegiance Cases**

Week Six  **MIDTERM IN CLASS MAY 3rd**
Class canceled May 5th (get started reading Lauri Lebo’s book)

Week Seven  **Intelligent Design, Dover, PA**

Week Eight  **Government Aid and “Religiously Grounded Morality”**

Christian Legal Aid Soc. Chapter of Univ. of Cal., Hastings College of Law v Martinez (2010)
Zelman v Simmons-Harris (2002)

***Discussion Forum Assignment #2: Choose one of the cases cited above and summarize and comment on its conception of ‘viewpoint’ and/or the question of government aid to nonpublic schools including religious ones. Post on Gauchospace discussion forum. Three hundred to five hundred words. Be prepared to discuss in class, too. Due online by 9 a.m. on May 19th.***

Week Nine  **Faith-Based Initiatives**

Week Ten  **Prison Ministry**
5/31, 6/2  Read Sullivan, pp. 140-236.

**Take-Home Final Exam Due June 10th**
Internet Resources

For discussion of legal news and decisions, use the following resources:

Legal history blog
http://legalhistoryblog.blogspot.com/

Legal theory blog
http://lsolum.typepad.com/legaltheory/

Balkinization Blog about everything law-related, with links to other blogs
http://balkin.blogspot.com/

The Volokh Conspiracy Blog analyzing legal developments
http://volokh.com/

Supreme Court of the United States
http://www.supremecourtus.gov/

Supreme Court of the United States blog Blog analyzing legal developments
http://www.scotusblog.com/

SCOTUS decisions are accessible at
Lexis/Nexis through our online database at Davidson Library, and
http://www.findlaw.com/casecode/supreme.html

Important Dates

April 1st last day for students to drop courses w/o a $3 per drop fee
April 8th last day for students to add a course w/o paying $3 fee
April 14th first discussion forum posting due
May 3rd midterm in class (bring blue book)
May 5th no class (reading day: read Lauri Lebo’s book, Devil in Dover)
May 19th second discussion forum posting due
May 30th Memorial Day
June 10th take-home final exam due