



## 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](mailto: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):

Michael J. **Perry**, *Under God?: Religious Faith and Liberal Democracy*. Cambridge: Cambridge University Press, 2003. ISBN 9780521532174 (Perry)

Peter **Irons**, *God on Trial: Dispatches from America's Religious Battlefields*. New York: Viking, 2007. ISBN 978-0-670-03851-0 (Irons)

Lauri **Lebo**, *The Devil in Dover: An Insiders Story of Dogma v Darwin in Small Town America*. New York: New Press, 2008. ISBN 978-1-59558-208-9 (Lebo)

Winnifred Fallers **Sullivan**, *Prison Religion: faith-based reform and the constitution*. Princeton: Princeton University Press, 2009. ISBN-13: 978-0-691-13359-1 (Sullivan)

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](http://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 10<sup>th</sup>. Upload on Gauchospace (instructions will be provided).

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?"***

4/5, 4/7 Read "Bob Jones University" (BJU v US, 1983) and Hacker, "Chapter 3: Educating for Equal Access," from The Culture of Conservative Christian Litigation (Rowman & Littlefield, 2005), 55-89, accessible on Gauchospace website.

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***

4/19, 4/21 Read Irons, pp. 136-181, and the following SCOTUS decisions (accessible at <http://www.findlaw.com/casecode/supreme.html>):

*Santa Fe Independent School District v Doe (2000)*

*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 9a.m., April 21st.\*\*\*

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

4/26, 4/28     Read Irons, pp. 182-280.

Week Six       **MIDTERM IN CLASS MAY 3<sup>rd</sup>**  
***Class canceled May 5<sup>th</sup> (get started reading Lauri Lebo's book)***

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

5/10, 5/12     Read Lauri Lebo, The Devil in Dover, pp. 1-224 (entire book), and Irons, pp. 281-338. Read "Edwards v Aguillard," accessible on gauchospace website. In class screening of NOVA: The Case of Intelligent Design

Week Eight    ***Government Aid and "Religiously Grounded Morality"***

5/17, 5/19     Read Michael J. Perry, Under God? Religious Faith and Liberal Democracy, pp. 3-52, and the following SCOTUS cases (accessible at <http://www.findlaw.com/casecode/supreme.html>):

*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 19<sup>th</sup>.\*\*\*

Week Nine     ***Faith-Based Initiatives***

5/24, 5/26     Read Perry, pp. 55-97, 124-130, and Winnifred Fallers Sullivan, Prison Religion, pp. 1-139.

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 1<sup>st</sup> last day for students to drop courses w/o a \$3 per drop fee

April 8<sup>th</sup> last day for students to add a course w/o paying \$3 fee

April 14<sup>th</sup> first discussion forum posting due

May 3<sup>rd</sup> midterm in class (bring blue book)

May 5<sup>th</sup> no class (reading day: read Lauri Lebo's book, Devil in Dover)

May 19<sup>th</sup> second discussion forum posting due

May 30<sup>th</sup> Memorial Day

June 10<sup>th</sup> take-home final exam due