

Howard University School of Law

Religion and the Law Seminar

Syllabus

Fall 2009

[Prof. Steven D. Jamar](#)

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<http://iipsj.com/SDJ/RL/>

Please note that although the syllabus shows what is planned, the course is unlikely to follow the schedule exactly. This syllabus is subject to change to address current events and ongoing developments in the law, and to meet the students' needs as perceived by the professor during the semester.

last updated 11 Aug 2009

Where: HC G103

When: WF 11:00 am - 12:15 pm

Howard University Statement of ADA Procedures

Howard University is committed to providing an educational environment that is accessible to all students. In accordance with this policy, students in need of accommodations due to a disability should contact the [HUSL Office of the Dean of Students](#) (202-806-8006), for verification and determination of reasonable accommodations as soon as possible after admission to the Law School and at the beginning of each semester as needed.

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Course Overview

In this seminar students will explore a few of the problems arising from the interactions of law and religion. A portion of the course will examine in some depth the United States Constitutional law concerning free exercise and establishment. International and comparative approaches will be used to help inform our understanding of these two areas. Issues of the role of religion and religious discourse in civic action (including legislation, judicial determinations, and executive action (e.g., funding social services through faith-based organizations)) will be addressed. Particular issues to be addressed will vary from year to year depending upon current events, student interest, and the professor's assessment of significant concerns. Issues can include religion in employment settings, evolution/creationism in schools, sex education, abortion, rights relating to sexual orientation, ownership of church property when a congregation breaks away from a hierarchical church, power and propriety of the courts to decide issues relating to religious organizations, limits and demands of tolerance and free speech in public school contexts, and more.

The course is a seminar with students doing and presenting research papers on topics they select in consultation with and subject to the approval of the professor. Grades will be based upon (1) class participation, (2) conducting class on your paper topic, and (3) the final paper.

Learning Objectives

- Understand the U.S. Constitution freedom of religion clauses
- Know what a thesis statement is and be able to write a thesis paper
- Develop your analytical and writing abilities with respect to handling subtle and complex subjects in a scholarly voice
- Develop a deeper understanding of the diverse range of religious beliefs and
- Understand some of the approaches to protecting for freedom of religion

Required Book and Materials

Leslie C. Griffin, *Law and Religion: Cases and Materials* (Foundation 2007, and supp. 2009)

Materials prepared by the Professor (downloads and handouts from time to time)

Materials assigned by students for their class presentations

Recommended Books

Daniel O. Conkle, *Constitutional Law: The Religion Clauses* (Foundation Press Turning Point Series 2003)

Forrest Church, *The Separation of Church and State* (Beacon Press 2004)

Professor Contact Information

Office: 402 Houston Hall

Phone: 202-806-8017

Email: steveniamar@gmail.com (I will typically respond to email within 24 hours.)

Office Hours: The times listed below may change. I will post up-to-date office hours online at <http://iipsj.com/SDJ/index.htm>

Tues. 10:00 am - 12:00 pm

Wed. 1:00 - 2:30 pm

Fri. after 12:30 by appointment

Occasionally I will not be able to keep these office hours because of other pressing commitments. Also, some of these hours may be used for conducting and observing and reviewing tapes of the various assignments.

If you need to see me at another time, please [contact me](#) so we can make an appointment.

I am often in my office at times not posted as office hours and during those times I am generally able to meet with students.

Grading

This course is subject to grade normalization of the average of the grades must be between 82 and 88.

The course is not intended to be nor designed to be a heavy reading course other than the work to be done for the paper. The readings will be somewhat front-loaded so that the last half of the course will have a relatively light reading load so that you can concentrate on your paper and on your class presentation. There will be some readings assigned for most class periods nonetheless.

Quality, effort, diligence, and active involvement will all be included in assessment of each aspect of the grade. Quality matters, of course, but will not be the sole determinant. Effort will matter as well as results of those efforts. (Of course there tends to be a strong correlation between effort and result.)

1. Class participation (25%)
2. Teaching a class session on your topic (25%)
3. Final paper (50%)

Final Paper (50 pts)

The final paper is to be thesis paper of at least 15-20 pages if not for LW III credit and of from 25-40 pages if done for LW III credit. The paper is to be based upon original research. The paper must be a thesis paper, i.e., it must state a point that it is intended to evaluate and demonstrate. While the research and evaluation of the topic must be neutral and objective, the point to be evaluated need not be. Some possible topics and potential thesis statements will be distributed at the start of class as examples. You will not be limited to topics suggested by the distributed list.

In selecting your topic, please keep in mind at least the following: it should be something that interests you; it should lend itself to completion in one semester; it should provide fodder for a class discussion; it must have something to do with law and religion.

Part of your final paper grade will be based upon your meetings with the professor as you develop your topic and work on the paper.

Be sure to comply with my writing formalities requirements. For those submitting the paper for LW III credit, be sure to comply with all LW III requirements.

Class presentation of your paper topic (25 pts)

You will be required to conduct a class on your topic toward the end of the semester. I will help you prepare. Typical presentations would include an introductory lecture (with or without powerpoint slides) followed by some Q & A by the students (and professor) on your presentation. This Q&A session is likely to develop into a discussion of the topic and the presenter should plan some prompts to facilitate the discussion. The presentation may also include an exercise or two related to the topic.

Part of your presentation grade will be based on your meeting with the professor and preparing a good class ahead of time.

Class attendance and participation (25 pts)

You will be graded on the quantity and quality of your participation, including the quality of your preparation for class discussion.

The law school attendance policy will be enforced. If you miss 25% or more of the scheduled class sessions, starting from the first day of scheduled classes, you will receive an "F" for the course unless you formally withdraw from the course before the last day to drop a course as set by the law school academic calendar. Under the law school policy, attendance means being present at the start of class and throughout the class period. Tardy students and students who leave class early may be counted as absent.

Course Description and Requirements

In this seminar students will explore a few of the problems arising from the interactions of law and religion. A portion of the course will examine in some depth the United States Constitutional law concerning free exercise and establishment. International and comparative approaches will be used to help inform our understanding of these two areas. Issues of the role of religion and religious discourse in civic action (including legislation, judicial determinations, and executive action (e.g., funding social services through faith-based organizations)) will be addressed. Particular issues to be addressed will vary from year to year depending upon current events, student interest, and the professor's assessment of significant concerns. Issues can include religion in employment settings, evolution/creationism in schools, sex education, abortion, rights relating to sexual orientation, ownership of church property when a congregation breaks away from a hierarchical church, power and propriety of the courts to decide issues relating to religious organizations, limits and demands of tolerance and free speech in public school contexts, and more. The course is a seminar with students doing and presenting research papers on topics they select in consultation with the professor.

After the first 6-7 weeks, assigned readings will be kept to a minimum to allow ample time for students to work on their

papers. Nonetheless, reading and thought in preparation for class is expected and forms a significant component of the grade. Some class time will be spent on general writing topics such as choosing a topic, what a thesis research paper is, research and writing tips, the scholarly voice, and the like. Depending upon topics selected, we may also do some group brain-storming on each other's topics to help each other refine one's thoughts. If you are using this course for LW III, you need to notify me of that at the time you submit your topic proposal. The requirements for LW III credit are stricter than the regular course paper requirement. Paper requirements:

All papers:

1. By the 5th week of class, each student must submit the following:
 - o a. a proposed topic with a ½ to 1 page sketch of what the paper is intended cover. If the paper is to be submitted for LW III credit, this sketch must include a thesis statement.
 - o b. An annotated bibliography of properly cited primary and secondary materials with a ½ to ¾ page annotation for each source. The annotation is to describe the source and to explain the how that source relates to the proposed topic very briefly. At least two of the sources must be secondary sources.
2. During the 5th and 6th weeks, each student is to meet with me individually at least once to discuss and refine the paper topic.
3. A draft of the paper of at least 10 pages is to be submitted by the time student presentations start (around the 10th week -- precise date will be determined later)
4. The final version of the paper is due at the start of the last day the course meets. This deadline can be extended in the discretion of the professor upon timely request of the student.

LW III. If you are submitting your paper for LW III credit, you must meet the requirements for LW III papers. The essential differences are the length (15 vs. 25 pages) and sophistication required. The 15 page paper is more a mere research paper while the 25 page LW III paper is required to be more of a thesis paper. The HUSL Student Handbook provides:

1. Legal Writing III is not a particular course; instead, it is a significant scholarly writing requirement which can be met in a number of ways. To satisfy the LW III requirement, each student is required to complete, under the supervision of a full-time faculty member (not an adjunct or other instructor who is not a faculty member employed under a full-time faculty contract), (1) in-depth research in a specialized area, resulting in (2) a written product in which the issues involved are fully analyzed and supportable conclusions articulated. Typically, the Legal Writing III requirement is satisfied in the student's third year.
2. To satisfy the Legal Writing III requirement, the written product must meet the following conditions:
 - o a. The written product must be completed under the supervision of a full-time member of the faculty who has agreed to assist the student;
 - o b. A minimum grade of 75 must be earned on the written product;
 - o c. The written product must use proper legal citation form, give proper attribution to the work of others, and be the equivalent of no less than twenty-five (25) double spaced typewritten pages with customary margins (or 7500 words); and
 - o d. Each student is required to submit an outline or outline substitute (such as a thesis statement and annotated bibliography) and at least one draft of the written product to the supervising faculty member prior to submission of the completed written product.

Writing Formalities

1. The writings are to be typed, double-spaced, with standard margins and fonts.
2. Cover page: Please note that each document (if only one is assigned) or set of documents (if more than one is assigned for that project) is to have a cover page which includes the following information in the upper left hand corner:
 - Your name
 - Course
 - Professor
 - Identity of document attached
 - Assignment due date
 - Date material actually turned in if later than the due date

SCHEDULE

Note on assigned readings: I recommend you read the supplement for the pages in the main text assigned. However, we will focus on the main text for the most part. Where the supplement pages are explicitly noted in the schedule below, read them. The book provides a very good bibliographic resource for many of the topics you may wish to write on. The supplement

brings things pretty well up to date for this function.

Week 1 Introduction

For the first class come prepared to discuss some recent news concerning law and religion. Issues pop up regularly in the news regarding religion in schools, religion in the military, application of secular laws to religious organizations, accommodation of religious needs in various settings, and so on.

What Is Religion?, Griffin, pp. 15-36

Introduction to free exercise, Griffin, pp. 1-15

Weeks 2-8 Topical readings from text, news sources, and online sources

Week 2 Free Exercise

International perspective, Griffin pp. 620-651; Supp. 192-201

Free exercise, Griffin pp. 165-197; 200-204; 218-220

Lecture on choosing paper/presentation topics

Week 3 Establishment

International perspective, Griffin pp. 652-661

Intro to Establishment, Griffin pp. 37-49; 60-66; 78-83

Week 4 Establishment--Funding

Public funding of religion, Griffin pp. 315-336; 347-372

Week 5 Establishment (cont'd)

Prayer in school, Griffin pp. 372-400

Paper topic conferences

Week 6 Free Exercise and Its Limits

Freedom of conscience, Griffin pp. 84-85; 114-150 & supp. 19-27 (exemption from performing medical procedures)

Week 7 Church and State

Paper topic conferences

Religion influencing policy, Griffin pp. 467-514; supp. 148-157; supp. 163-169 (Cal. Proposition 8 (gay marriage))

Weeks 8-9 Various topics – to be determined (professorial discretion: based on student interest, student paper topics chosen, recent developments, “in-the-news”)

Some class time will be spent on general writing topics such as narrowing a topic, what a thesis research paper is, research and writing tips, the scholarly voice, and the like. Depending upon topics selected by students, we may do some group brain-storming on each other's topics to help each other his or her thoughts.

Establishment: Public Display of religious symbols, Griffin pp. 400-467; supp. 125-142 (Sumnum case)

Establishment: Creationism, Griffin pp. 563-619

Church autonomy, Griffin pp. 239-314; supp. 52-71

IP: Trademark of religious symbols; use of religious symbols by others. (Offensive art; jewelry; kokopelli; fish>darwin fish>fish eating Darwin fish>etc.)

IP: Copyright of religious texts

Jurisprudential perspectives, Griffin pp. 683-704; other readings, lecture, discussion

Weeks 10-14 Student presentations

The exact order of topics and indeed the topics themselves will depend on current events, student paper topic proposals, time available, and interests of the professor and students.

Week 15 Wrap up/Reflection