

The Religion Clauses
Government 379
Wesleyan University
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I Syllabus

The religion clauses are an essential, if not an indispensable part of First Amendment freedoms. In this course, students will explore the meaning of the religion clauses from a variety of perspectives, including historical, theological, and doctrinal, but always within a larger, more ambitious set of parameters. Our ultimate task is to consider how (or whether) the religion clauses contribute to a particular understanding of what it means to live in a constitutional democracy. Consequently, the course will examine the historical origins, philosophical foundations, and case law of the religion clauses of the First Amendment to the United States Constitution.

Among the issues we will consider shall be what types of expression and religious belief the Amendment protects and what it does not protect. In each of these areas, and in the other areas we will cover, our purpose will be to explore the fundamental issues in democratic and constitutional theory that these subjects raise. The religion clauses, perhaps more than any other area of constitutional law, illustrate themes central to any systemic understanding of American constitutional life. They raise, for example, difficult and important issues of constitutional definition and interpretation, as well as issues of public and private power. These are issues that cannot be fully understood without an appreciation of the political, philosophical—and sometimes theological—ideas that stand behind and inform those clauses and the Constitution as a whole. An important additional component of GOVT 379 will be its comparative methodology, which allows us to consider what freedom of religion in the United States means in light of the practice of religious freedom in other constitutional democracies.

II Books to Purchase

The following books are required for this course and available for purchase at Atticus. Copies of both should be on reserve at Olin Library.

McConnell et al., *Religion & the Constitution*.
Peach, *Legislating Morality*.
Levy, *The Establishment Clause*.

III Schedule of Papers

This course requires two research papers of approximately 10-12 pages, on an approved topic of your choice. The first paper is due on Tuesday, March 1. The second is due on the last day of classes.

In addition to the two research papers, every student must make in class at least one short presentation on a part of the assigned readings. We will choose topics for presentations at the first class meeting.

IV Grading & Examinations

There are no exams in this course.

Each paper is worth 35 per cent of the course grade.

The class presentation is worth 10 per cent of the course grade.

Class participation is worth 20 per cent of the course grade.

V Seminar Assignments

I have organized the readings around a series of distinct but interrelated topics. I intend to follow the chronology listed below, but experience has taught me it is impractical to assign specific dates to specific topics. Different classes want and sometimes need to spend more or less time with different subjects--this framework gives us the flexibility we need to make adjustments as we go along.

For each topic I have included an assignment from Noonan and a representative, but not exhaustive, list of the cases we will consider in class. Remember that every week one or more students will be making short presentations on some of the readings.

Important Note: I will be out of the country on January 25 and February 2.

Topic One: Religion & the Revolution

Assigned: McConnell, Chap II, Sections A –D (1).

Levy, chaps 1-6

Topic Two: Definitions

Assigned: McConnell, Chap VI, Sections A-B

Topic Three: The Free Exercise Clause

Assigned: McConnell, Chap III, Sections A-B

Topic Four: Governmental Aid to Religion

Assigned: McConnell, Chap III(c), Chap IV, Sections A-D
Levy, chaps 7-8

Topic Five: Religion & Culture

Assigned: McConnell, Chap V, Sections A-C
Levy, chap 9

Topic Six: The Rights of Churches

Assigned: McConnell, Chap V, Section D