



HAMLINE UNIVERSITY
 School of Law
 COURSE SYLLABUS

Faculty: **Professor Marie A. Failing**

Course: **Seminar in Law and Religion**

Semester: **Spring, 2011**

Meeting Schedule: **Friday, 10 a.m. - 11:50 a.m.**

Room: **240A**

Textbook	Primary Text	Primary Text	Recommended not required
Author	Howard Lesnick	Wael Hallaq	
Title and edition of text	Religion in Legal Thought and Practice	An Introduction to Islamic Law	
Publisher/year	Cambridge U. Press, 2010	Cambridge U. Press	
ISBN	978-0-52-13448-4	978-0-521-67873-5 (paper) 978-0-521-86146-5 (hardcover)	
	NOTE: this text was used in Prof. Vogel's fall 2010 seminar so you may be able to find a used copy		

Required materials will also be posted on TWEN

Learning Outcomes for the Course:

1. Learn to enhance your skills in close reading, analysis, and evaluation to synthesize your legal knowledge with your personal moral, political and religious perspectives on some key contemporary debates in law, religion and politics.
2. Develop in-depth expertise on one specific area of law and religion.
3. Learn how to make a persuasive argument about the issue that you have

become expert on, both orally and in writing.

Course Expectations:

HUSL Policies on attendance, lateness and preparation

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

Attendance and Preparation Policies in this Course: Attendance is required for satisfactory completion of the course. Students who miss more than two full class periods are potentially subject to withdrawal or make-up work, depending on circumstances.

Punctuality/Participation Policies in this Course

Students are expected to be on time unless they encounter an unforeseen emergency. The chief expectation of this class is that every member will be actively engaged in the discussion going on regarding the day's topic, whether he or she is speaking or only thinking critically about the topic at hand. (It's fun, trust me.)

Classroom Activity: At the beginning of the semester, you will have assigned readings that raise a variety of concerns within the area of law, religion and ethics. Most weeks, theoretical readings will be focused on a concrete legal issue or jurisprudential problem that requires that practical decisions be made about how theory should be applied in controversies between individuals and the state, or among individual rights-holders.

Each meeting of the seminar will be devoted to the effort of *fostering a conversation* within the seminar on the issues raised by the readings. See Prof. Vogel's explanation of what this means on TWEN.

There will be two weekly performing roles that rotate among members of the seminar:

1. Presenter - reading about 10 minutes from typed text (approx. 2 pages). The presenter describes and critiques a portion of reading assigned for the week (what portion is the presenter's choice), considering how it sheds light on the theme of our conversation. **The Presenter has the responsibility for delivering a copy of the presentation to the Respondent's box downstairs or email address NOT LATER than noon on Wednesday of the week for which the presentation has been prepared, unless the presenter and respondent make other arrangements for a later time or delivery method.** (An example will be provided in the first class meeting.)
2. Respondent - reading about 5 minutes from typed text (approx. 1 page.) The respondent's comments are directed at the presenter's view of the reading. The respondent may go beyond the presenter's chosen material or critique and forge new ground, though the primary effort is to engage the presenter in conversation.
3. Both papers are provided to all students in hard copy so they can follow along and reflect from week to week about the conversation.
4. The floor is then open for discussion.

Participants presenting/responding have two options for duplicating these papers for class:

1. Hamline copies the texts: Word-processed texts are due to me by email or in hard copy **not later than Thursday noon prior to the class Friday** to permit duplication prior to scheduled class sessions.
2. You copy the texts: Please bring sufficient photocopies to class for each person.

Class Presentation Dates: In the second part of the course, each student will present his/her paper topic in about 30 minutes (roughly 4 persons/week) and lead the class in a discussion of his or her topic. Students may utilize lecture, group discussion, videos, or any other creative means of presenting their work that engages the students with the material in an intellectually sound way. Students with similar topics may pair up (e.g., with panels, debates, etc.) Assignment of presentation days will be made later when topics are chosen to permit some grouping of related topics.

Other Classroom Policies:

Laptop policy: While laptops are welcome for those who learn and think best by taking notes, students should not be primarily engaged in passive note-taking, nor should they be using laptops to access outside materials unless they directly relate to the materials under discussion that day. Students who are spending time on irrelevant activities including accessing the web may receive a grade reduction for non-participation, see above.

Grading Components: Students will write a paper in which they critically examine a subject, scholarly work, or line of argument of their choice related to law, religion and/or politics, though they need not follow any particular topic or text or case study in the materials. Work may be on U.S. or international issues, on legal theory and religion, on religious theory as applied to legal issues, etc. so long as both law and religion are implicated in the paper somehow. Sample papers will be on reserve in the library. Papers should be word-processed, double-spaced, a minimum of 20 pages in length. To get **seminar credit for graduation**, you **MUST** submit an outline, a first draft (which will be critiqued and returned), and a final (rewritten) draft. (If you don't need seminar credit, you are still encouraged but not required to do an outline and draft.)

TOPIC and OUTLINE or ARGUMENT SUMMARY due by February 11, 2011 in class. The outline (or argument summary) need not be of any particular length, but should be specific enough to enable the instructor to understand your paper's thesis and how you plan to develop it. (You may, of course, change your direction, viewpoint and even your topic after that time but you need to leave yourself enough time to complete the paper.)

FIRST DRAFT of the paper due **NOT LATER THAN March 30, 2011.** A written critique will be returned to you as soon as possible, and you may schedule a conference with the instructor to discuss the first draft at your option. You are welcome to submit additional drafts, but please allow sufficient time for the instructor to read and critique, and then for you to redraft.

FINAL DRAFT of the paper to Professor Failing on **May 5, 2011, 5 p.m.** to the course TWEN site or the Registrar's office.

Evaluation: Your grade will be based on your seminar paper and presentation (80% on final written paper; 20% on presentation). The outline and draft are not graded or considered in the final grade.

Reading Assignments

The required reading materials for the course will serve as the common texts for our discussion in the weekly meetings of the seminar. They should not, however, be viewed as limiting the range of our discussion. Collateral reading from other sources chosen by members of the seminar as an additional aid in preparation of presentations is fine.

Session 1: January 21 **Is American First Amendment Law Truly Neutral?**
Lesnick, 105-124
Van Orden, McCreary County case excerpts (TWEN)
Versions of the Ten Commandments (TWEN)
Lynch v. Donnelly video (shown in class)
Stephen Feldman article, Principle, History (TWEN)

Case Study: The Ten Commandments Monuments and Christmas in America

Session 2: January 28 Religion in Public Schools

Religion in Public Schools Article (TWEN)

Religion in Public Schools Cases (TWEN)

Intelligent Design Articles (TWEN)

Lesnick, 124-135

Case Study: Religious Activity and Intelligent Design

Session 3: February 4 Religion, Law and Economic Justice

Lesnick, 193-198, 219-251

Affordable Health Care Summary (TWEN) (optional)

Liberty University v. Geithner (TWEN)

Case Study: "Obamacare"

Session 4: February 11 War and Resistance

Lesnick, 45-52, 357-389, 401-406, 460-468

Modern Conscientious Objection Stories (TWEN)

Case Studies: Conscientious Objection to War and Unjust War

Session 5: February 18 Law, Religion and Hard Bioethical Choices

Lesnick, 256-280

David Smolin article, Praying for Baby Rena (TWEN)

Case Studies: Saving Conjoined Twins and Medically Futile Cases

Session 6: February 25 Sexuality, Religion and State Responses

Lesnick, 177-180, 321-354

Halpern same-sex Case (TWEN)

Case Study: Same Sex Marriage and State Regulation of Intimate Relationships

Session 7: March 4 Law and the Debate over Life

Lesnick, 188-193, 281-320, 398-401, 406-411

Case Study: Abortion and Civil Resistance

March 11

SPRING BREAK

Session 8: March 18 Law and the Debate over Death

Lesnick, 435-457, Murtagh article (TWEN)

Read the following articles (and any others) from the Death Penalty Information Center (DPIC) website

<http://www.deathpenaltyinfo.org/reports>

International Perspectives on the Death Penalty (1999)

Case Study: Capital Punishment

- Session 9: March 25** **The Place of Religious Law in a Secular Society**
Hallaq, 14-37, 115-170 (you are encouraged to read more)
Shari'ah law materials (TWEN)
Shari'ah Law in Western Societies
- Session 10: April 1** **Grounding Human Rights Law**
Lesnick, 494-506, 513-533
Sunder, Piercing the Veil (TWEN)
Gender, Human Rights and Religion
- Session 11: April 8** **PAPER PRESENTATIONS**
- Session 12: April 15** **PAPER PRESENTATIONS**
- April 22** **Easter Break**
- Session 13: April 29** **PAPER PRESENTATIONS**
- Session 14: May 3** **PAPER PRESENTATIONS**

