

 **HAMLINE UNIVERSITY**
School of Law
COURSE SYLLABUS

Faculty: **Professor Marie A. Failinger**

Course: **Seminar in Law and Religion**

Semester: **Fall, 2013**

Meeting Schedule: **Tuesday, 9 a.m to 11:10 a.m.**

Room: **240A**

Textbook	Primary Text
Author	Howard Lesnick
Title and edition of text	Religion in Legal Thought and Practice
Publisher/year	Cambridge U. Press, 2010
ISBN	978-0-52-13448-4

Required and recommended 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. Master the art of making a persuasive public argument about the issue that you have become expert on, both orally and in writing.
4. Enhance your skills and ethical capacity to engage in discussion with others with different values and beliefs.

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:

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 email address NOT LATER than Saturday noon 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 on TWEN.)

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 continuing themes.
4. The floor is then open for discussion.

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

Law school provides copies of the texts: Word-processed texts are due to me by email or in hard copy not later than Monday noon prior to the class Tuesday to permit duplication prior to scheduled class sessions OR

You copy the texts and bring them to class: Please bring sufficient photocopies to class for each person.

Class Presentation Dates: In most of 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.

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 by September 24 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.)

DRAFT of the paper due **NOT LATER THAN October 29 (in class, by email or to my office.)** 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 if you allow sufficient time for me to read and critique, and then for you to redraft.

FINAL DRAFT of the paper to me on **December 5, at 11 p.m.** to the course TWEN site . (If this is not a feasible option, you may drop off the paper BEFORE December 5 at noon in my office or make other arrangements.)

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. **NOTE: Since we are meeting only once a week, most reading assignments will be 50-60 pages; please pace yourself so you can get all of the reading done.** These readings should not, however, be viewed as limiting the range of our discussion. Members of the seminar may refer to other work they have read.

Session 1: August 27 The Role of Religion in Public Moral Decision-making
Griffin, Political Reason (TWEN)
Gedicks, Truth and Consequences: Mitt Romney,
Proposition 8, and Public Reason (TWEN)
Lipshaw, Can There be a Religion of Reasons? (TWEN)
Lesnick, 105-114, 124-126, 131-132

Session 2: Sept. 3 Religious Symbols in Public Life
Lesnick, 117-124
Van Orden, McCreary County case excerpts (TWEN)
Big Mountain Jesus case (TWEN)
Stephen Feldman, Principle, History (TWEN)
Religion in Public Schools Cases (TWEN)
(Optional: Versions of the Ten Commandments, TWEN)
**Case study: Religious Monuments on Public Land and
Other Expressions of Religion in Public Life**

Session 3: Sept. 10 Religion, Health Care and Conscience

Griffin, What Might Have Been (TWEN)
Catholic website materials (TWEN)
Pope briefing on Conscience clauses (TWEN)
Hobby Lobby case (TWEN)
Case Study: Health care and conscientious objection
Note: Timeline for Notre Dame dispute may be found at
<http://www.becketfund.org/hhsinformationcentral/>

Session 4: Sept. 17

Law and the Religious Debate over Life
Lesnick, 188-193, 267-274, 281-298, 302-310, 316-320,
425-428
Stabile article, A Catholic Realist Position (TWEN)
Case Study: Abortion and Euthanasia

Session 5: Sept. 24

Gender, Civil Law and Traditional Religions
Lesnick, 135-141
The Veil in Canada (TWEN)
Failing, Finding a Voice of Challenge (TWEN)
Quraishi, What if Sharia Weren't the Enemy (TWEN)
Optional: Sunder, Piercing the Veil (TWEN)
Case Studies: The Veil, the Agunah, and Zina

Session 6: Oct. 1

Sexuality, Religion and State Responses
Lesnick, 177-180, 321-346 (346-354 optional)
Halpern same-sex Case (TWEN)
Severino article on exemptions for religion in same-sex
Benefits cases
**Case Study: Same Sex Marriage and
State Regulation of Dissenting Religious Institutions**

Session 7: Oct. 8

Islamic World and Western World Encounters
Lesnick, 126-131
Danchin, Islam in the Secular Nomos (TWEN)
Kahn, A Margin of Appreciation (TWEN)
Shariah Law in the U.S. (TWEN)
Todd, Shariah Law Sets off Alarm Bells (TWEN)
Quraishi, On Fallibility and Finality (TWEN)
**Case Studies: Defamation of Religion and Banning
Shariah Law**

Session 8: Oct. 15

PAPER PRESENTATIONS

Session 9: October 22

PAPER PRESENTATIONS

Session 10: October 29 Religion and Civil Disobedience
Lesnick 357-411, 416-424 (Skeel), 460-471
Conscientious Objector stories (TWEN)
Case Studies: Sanctuary and Conscientious Objection

Session 11: Nov. 5 PAPER PRESENTATIONS

Session 12: Nov. 12 PAPER PRESENTATIONS

Session 13: Nov. 19 PAPER PRESENTATIONS

