Religion in America: The Constitution and Disputed Cases
Summer 2008, Liberal Studies Program, Georgetown University
Course Number: LSHV-201, T/R 6-8PM  ICC 107
Instructor: Michael Kessler, Assistant Professor (visiting), Department of Government and Assistant Director, The Berkley Center for Religion, Peace, and World Affairs

Course Description: In many ways, the hallmark achievement of the American founding was the end of religious intolerance, enshrined in legal protections for religious freedom. The 1st Amendment aimed to protect citizens from encroachment by the state upon their conscience, to prevent a religious group from hijacking the political order, and to ensure religions had the freedom to pursue their noble ends unfettered by state administration. This course will examine the history and context of the Constitution's protections for religious freedom and the ways that these principles have played out over time—in cases, popular opinion, and political wrangling.

The course will be structured around four units. In the first unit, we will explore the idea of religious freedom at the time of the drafting and ratification of the Constitution so as to glean an understanding of the original meaning of the text. We will explore philosophers, theologians, and the writings of some of the leading intellectuals of the founding era, as well as gain a sociological and historical view of the diverse practices of religion in America. In the second unit, we will examine how the so-called establishment clause was interpreted over the past two hundred years, by reading cases in state and federal courts. In the third unit, we will explore how the free exercise of religion was protected—or not—by readings of cases in state and federal courts. In the fourth unit, we will read a few contemporary theorists who challenge us to think more carefully about how to protect religious freedom.

Our goal is not to decipher the particular legal issues of the cases we read so much as to understand the problems of religion and morality that the legal cases expose. We shall attempt to comprehend how political and legal theorists have understood the relationship between “Church and State” and whether religious and moral activity should be regulated and then to see how political and legal institutions have grappled with these questions in real-life conflicts.

The course will be conducted through lectures, discussion, and presentations by students. Students should be prepared to participate actively, based on a thoughtful reading of the texts.

The learning objectives of the course include:

- to help you develop a set of critical skills for perceiving, interpreting, and analyzing religious and moral phenomena (and texts) from a variety of perspectives as they relate to political life organized through legal institutions
- to help you develop knowledge about the complex role of religion in human society and history
- to provide you with an adequate foundation for further study of religious phenomena in political and social life
**Readings:** We will use a variety of materials, most of which I will post so they are available through downloading from blackboard. These will be selections of historical, philosophical, and legal documents, as well as legal cases. We will also read a couple of recent pieces articulating theories about how religion and law ought to mix or be separated. These will either be articles, or may be one or two books available in the bookstore for purchase.

**Course Requirements (% of grade):**

Students should be prepared to participate actively in class discussions (25% of total grade)

- You should strive to achieve the ideals of a liberal arts education: free and candid exchange of ideas, rigorous critique of claims, and toleration for considering variant positions. This portion of the grade will take into account familiarity with the readings, your active and keen questioning of the text and your colleagues, attendance, and the quality of your class participation in general.
- Students must adhere to the principles of conduct set forth in the Georgetown University Undergraduate Honor System.
- Attend the class. If you have a legitimate excuse, I need to know it (by email). Otherwise, be there.
- Thoughtful reading of the texts in advance of class.
- We will have very active class conversations. I will ask students to take on and defend positions. You will be encouraged to ask questions, make critiques of other’s claims, and you therefore need to be prepared for every class as if you may be asked about any of the material.

Three written assignments are to be completed on time (75% of total grade)

- 1st paper due in class. This paper will be approximately 5 pages in length.
- 2nd paper due in class. This paper will be approximately 5 pages in length.
- Final Examination, take-home. This exam will cover all of the material in the course and ask you to think analytically and creatively about the major issues discussed.
- Further particulars about the papers and exams will be given in class.
- Assigned papers, if turned in late without an excuse, will be marked down severely: a letter grade will be deducted for each day it is late. Only legitimate, pre-approved delays will exempt you from these penalties. If you have an emergency for which you have received a Dean’s intervention and assistance, I will work with you to find a fair resolution.

**Office Hours, etc.**

I am available by appointment in my office at the Berkley Center. Email me for an appointment.