

The New York Historical
The Bonnie and Richard Reiss Graduate Institute for Constitutional History Seminar
Spring 2025 Session

Presented in person at The New York Historical and via Zoom*

The New York Historical's Bonnie and Richard Reiss Graduate Institute for Constitutional History is pleased to announce its spring 2025 seminar for advanced graduate students and junior faculty:

Religion in American Law: Incorporation, Transformation, Restoration

Meeting Dates & Times: Fridays, April 25; May 9, 16, and 30, 2025 | 2–5 pm ET

Instructors: Sarah Barringer Gordon, Nomi M. Stolzenberg



SEMINAR DESCRIPTION:

The framers of the Constitution addressed religion in three places: Article VI (prohibiting religious tests for federal officials) and the free exercise and establishment clauses of the First Amendment of the Bill of Rights. These three proscriptions were designed to govern the relationship between religion and the federal state. Yet we have never agreed about any one approach to what these principles mean. Separating church from state was integral to the framers' understanding of religious freedom, for example, but disestablishment has always been accompanied by connections between religion and government, and federal courts have long tolerated various forms of government involvement in religion. Over the past several years, however, the Supreme Court has upheld public prayer and funding for religious schools, and at the same time granted broad religious exemptions from civil rights laws and public health regulations. Controversy over these decisions is ongoing.

This seminar will examine how the principles of disestablishment and religious freedom were incorporated into American law, and their subsequent transformation over time, as we move from the Revolutionary era through the Civil War and Reconstruction into the 20th and 21st centuries. Over the past 100 years, the groundwork of modern religion clause jurisprudence was laid and the backlash against that "liberal" jurisprudence began. This seminar will trace these historical developments, culminating in a study of movements dedicated to "restoration" of religion's traditional place in society that are the source of our contemporary culture wars, and a new spate of cases in the courts' dockets today.

INSTRUCTORS:

Sally Gordon is the Arlin M. Adams Professor of Constitutional Law and Professor of History, emerita at the University of Pennsylvania. She is best known for her work on religion in American public life and the law of church and state, especially for the ways that religious liberty developed over the course of American national history. Among other academic appointments, she has been a Guggenheim Fellow, the Maguire Chair in Ethics and American History at the Library of Congress and is the co-editor of a forthcoming symposium issue of the *Journal of the Early Republic*, which will include an article by Gordon on Biddy Mason's freedom suit and its place in antebellum California and American legal history.

Nomi M. Stolzenberg is the Nathan and Lilly Shapell Chair at the University of Southern California Gould School of Law. She is a legal scholar whose research spans a range of interdisciplinary interests, including law and religion, law and liberalism, law and feminism, law and psychoanalysis, and law and literature. She is the co-author with David N. Myers of *American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York*, which won the National Jewish Book Award in the American Jewish Studies category, and is the author of numerous articles on law and religion.

LOGISTICS:

The seminar will be presented in person* at The New York Historical, 170 Central Park West, New York, NY 10024, on the following dates:

- **Friday, April 25, 2025 | 2–5 pm ET**
- **Friday, May 9, 2025 | 2–5 pm ET**
- **Friday, May 16, 2025 | 2–5 pm ET**
- **Friday, May 30, 2025 | 2–5 pm ET**

Accepted students will receive further instructions and the classroom location within The New York Historical Society.

***Although we encourage students to attend the class in person, livestream participation will be offered to admitted students who do not live in the New York Metropolitan Area or who are unable to attend a class in person. If you are interested in attending some or all of the class sessions virtually, please indicate this in your application statement.**

APPLICATION PROCESS:

The seminar is designed for graduate students and junior faculty in history, political science, law, and related disciplines. All participants will be expected to complete the assigned readings and participate in seminar discussions. Although the Institute cannot offer academic credit directly for the seminar, students may be able to earn graduate credit through their home departments by completing an independent research project in conjunction with the seminar. Please consult with your advisor and/or director of graduate studies about these possibilities.

Space is limited. To apply, please submit the following material to ich@nyhistory.org by **March 28, 2025**:

- Your C.V.
- A short statement on how this seminar will be useful to you in your research, teaching, or professional development.

Successful applicants will be notified soon thereafter. For further information, please email Andrew Fletcher at ich@nyhistory.org.

ADDITIONAL INFORMATION:

There is no tuition or other charge for this seminar, though participants will be expected to acquire the assigned books on their own.

ABOUT ICH:

The Bonnie and Richard Reiss Graduate Institute for Constitutional History (ICH) is the nation's premier institute dedicated to ensuring that future generations of Americans understand the substance and historical development of the US Constitution. Located at The New York Historical, the Institute is co-sponsored by the American Historical Association, the Organization of American Historians, and the American Political Science Association. The Association of American Law Schools is a cooperating entity. ICH prepares junior scholars and college instructors to convey to their readers and students the important role the Constitution has played in shaping American society. ICH also provides a national forum for the preparation and dissemination of humanistic, interdisciplinary scholarship on American constitutional history.

The Bonnie and Richard Reiss Graduate Institute for Constitutional History is supported, in part, by the Saunders Endowment for Constitutional History and a "We the People" challenge grant from the National Endowment for the Humanities