

HIUS 155A
LAW AND RELIGION IN AMERICAN HISTORY:
FOUNDATIONS TO 1940
Fall Quarter, 2009

MWF: PETERSON 103
9-9:50

Professor Michael E. Parrish
HSS6073

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Office hours: MW 10-noon or by appointment

This lecture-discussion course examines major topics in the history of law and religion in American society from the colonial era through the Great Depression of the 1930s. HIUS 155B, offered in the Spring 2010, will continue the course from 1940 to the present day. Major emphasis will be placed on the two Religion Clauses in the First Amendment to the Constitution of the United States and their interpretation by federal courts.

Topics this quarter will include the origins of the concept of religious toleration, religious dissent and the colonial heritage, the impact of the American Revolution and the adoption of the Constitution and the Bill of Rights, early interpretations of the Free Exercise and Establishment Clauses; the role of religion in the coming of the Civil War; federal suppression of polygamy; and early 20th century judicial decision involving religious liberty.

The following books are required for the course. They may be purchased in the university bookstore. They will be used as well during 155B. A few copies are on reserve in Geisel Library; several items marked are available on electronic reserves for the course.

John T. Noonan and Edward Gaffney, Jr., **Religious Freedom: History, Cases and Other Materials on the Interaction of Religion and Government.**

John T. Noonan, **The Lustre of Our Country.**

Edmund S. Morgan, **Roger Williams: The Church and the State**

Course Requirements: Students should bring Noonan & Gaffney text to class regularly and complete the week's assignments prior to Monday. A one-hour mid-term on Friday, October 30, will count for 35% of the total grade. A three-hour final during the week of December 7-12 will count for 50% of the course grade. Three unannounced quizzes on Fridays will each count for 5% of the grade.

Students taking the course P/NP must complete all the examinations and quizzes and receive a grade of C- or higher.

Reading Assignments

WEEK I: September 25-Oct 2

Noonan & Gaffney, chapter 5, pp. 117-155

Noonan, Lustre, pp. 1-38 & chapter 14 (The Ten Commandments)

Morgan, Anne Hutchinson (Electronic Reserves)

Morgan, Roger Williams (begin reading)

WEEK II: October 5-9

Noonan, Lustre, pp. 39-56

Morgan, Anne Hutchinson (Electronic reserves)

Morgan, Roger Williams (complete reading)

WEEK III: Oct. 12-16

Noonan & Gaffney, pp. 158-182.

Noonan, Lustre, pp. 60-91

WEEK IV: Oct. 19-23

Noonan & Gaffney, pp. 182-208.

WEEK V: Oct. 26-30

Noonan & Gaffney, pp. 208-244

MID-TERM EXAMINATION IN CLASS, FRIDAY, OCT. 30.

WEEK VI: Nov. 2-6

Noonan & Gaffney, pp. 244-266

Noonan, Lustre, pp. 94-115

Vidal v. Girard's Executors; Permoli v. New Orleans (Electronic reserves)

WEEK VII: Nov. 9-13

Noonan & Gaffney, pp. 266-287

Noonan, Lustre, pp. 120-137

WEEK VIII: Nov. 16-20

Noonan & Gaffney, pp. 288-307.

WEEK IX: Nov. 23-27

Noonan & Gaffney, pp. 309-325

WEEK X: Nov. 30-December 4

Noonan & Gaffney, pp. 325-358

Hamilton v. UC Regents (Electronic reserves)

FINAL EXAMINATION: Week of December 7-12.