

UNIVERSITY OF CALIFORNIA, SAN DIEGO
Department of History
Spring Quarter, 2008

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LAW AND RELIGION IN AMERICAN HISTORY: THE MODERN ERA

This lecture-discussion course examines selected topics in the history of law and religion in American society from the mid-twentieth century to the present. It is a continuation of HIUS 155A. Major emphasis will be placed upon the 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 adoption of the Constitution and the Bill of Rights, early nineteenth and twentieth century interpretations of the Free Exercise and Establishment Clauses; and the expansion of these clauses by the Supreme Court during the years from 1940 to the present.

The following books and materials are required for the course. With the exception of materials marked ++ which are on electronic reserve in the Geisel Library under the course number, the books may be purchased in the University Bookstore. Those marked with (**) were used in 155A during the Winter Quarter. A few copies of those marked (**) are also available at the regular reserve desk in the Geisel Library.

**John T. Noonan & 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*.

Josh Feldman, *Divided By God*.

Course Requirements: Students should bring Noonan & Gaffney to class each session and complete the week's assignments prior to Monday. A one-hour in class mid-term on Friday, May 2 will count for 40% of the course grade. A three-hour final examination the week of June 9-13 will count for 50% of the course grade. Two quizzes on selected Fridays will each count for 5% of the course grade. **Students taking the course N/NP must complete all of the examinations and quizzes and receive a grade of C or higher.**

Assignments

WEEK I (March 31): Foundations

Feldman, *Divided by God*, 3-56.
Noonan & Gaffney, chapter 6, pp. 158-200
Noonan, Lustre, chapter 3, "JM's Original Insight"
Noonan & Gaffney, chapter 8, 280-287

WEEK II (April 7) The First One Hundred-Fifty Years

Noonan & Gaffney, chapter 9, 288-295
Noonan & Gaffney, chapter 10, 308-316, 325-337, 342-347
Feldman, *Divided by God*, 57-110, 111-150

WEEK III (April 14) The Hughes, Stone, Vinson Years

Feldman, *Divided by God*, 150-185
Noonan & Gaffney, chapter 11, 352-377
Noonan & Gaffney, chapter 11, 378-391

WEEK IV (April 21) The Hughes, Stone, Vinson Years

Noonan & Gaffney, chapter 12, 558-567.
Noonan, Lustre, chapter 6.
Noonan & Gaffney, chapter 14, 680-686, 749-761
Noonan, Lustre, chapter 7

WEEK V (April 28) The Warren & Burger Eras

Feldman, *Divided by God*, 186-219
Noonan & Gaffney, chapter 14, 761-779
Noonan & Gaffney, chapter 13, 616-633
Noonan & Gaffney, chapter 13, 650-669
Noonan & Gaffney, chapter 14, 688-708

MID-TERM EXAMINATION IN CLASS, FRIDAY MAY 2ND

WEEK VI (May 5) The Warren & Burger Eras

Feldman, *Divided by God*, 186-219
Noonan & Gaffney, chapter 12, 570-571

Noonan & Gaffney, chapter 11, 418-425

WEEK VII (May 12) The Warren & Burger Eras

Noonan & Gaffney, chapter 11, 391-417
Noonan & Gaffney, chapter 11, 446-464
Noonan, Lustre, chapter 8

WEEK VIII (May 19) The Rehnquist Court

Noonan & Gaffney, chapter 14, 708-748
Noonan & Gaffney, chapter 14, 782-818
Feldman, Divided by God, 220-249

WEEK IX (May 26) The Rehnquist Court

Feldman, Divided by God, 220-249
Noonan & Gaffney, chapter 11, 502-517
Noonan & Gaffney, chapter 11, 480-500
Noonan & Gaffney, chapter 11, 517-534

WEEK X (June 2)

Noonan & Gaffney, chapter 14, 818-842
++Gonzales v. O. Centro Espirita (2005), Electronic Reserve
++Hein v. Freedom from Religion Foundation (2006), Electronic Res

FINAL EXAMINATION: Week of June 9-13