

UNIVERSITY OF CALIFORNIA, SAN DIEGO
Department of History
Spring Quarter, 2011

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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, 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. Central topics include the conflict between sacred duties and the law; religious observances and symbols in the public sphere; faith and education, private and public.

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.***

Two books are highly recommended and their assignments noted in the syllabus. They provide excellent background on religion in America:

Gary Wills, *Head and Heart: American Christianities*

Timothy Beal, *Religion in America: A Very Short Introduction*

Cases marked (ER) are available on Electronic Reserves under this course

number, 155B.

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 April 29th will count for 40% of the course grade. A three-hour final examination the week of June 6-11 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 28): Foundations

Beal, Religion in America, 58-89
Wills, Head and Heart, 175-249
Noonan & Gaffney, 171-178, 188-200

WEEK II (April 4) The First One Hundred-Fifty Years

Wills, 287-350
Noonan & Gaffney, 279-287,288-307,308-311,327-337,342-344

WEEK III (April 11) Sacred Duties & Law

Wills, 355-464
Noonan & Gaffney, 350-391

WEEK IV (April 18) Sacred Duties and Law

Noonan & Gaffney, 417-44

WEEK V (April 25) Sacred Duties and Law

Wills, 465-479
Noonan & Gaffney, 446-478

MID-TERM EXAMINATION IN CLASS, FRIDAY APRIL 29

WEEK VI (May2) Sacred Duties and Law

Noonan & Gaffney, 479-535
Gonzales v. O Centro Espirita Beneficente (ER)

WEEK VII (May 9) Investigating Belief

Noonan & Gaffney, 558-572
Noonan, Lustre, 141-176
Beal, 1-57

WEEK VIII (May 16) Religion and Public Sphere

Noonan & Gaffney, 613-633, 650-676
Wills, 480-514
Hein v. Freedom from Religion Foundation (ER)
Van Orden v. Perry (ER)
ACLU v. McCreary County (ER)

WEEK IX (May 23) Religion and Education

Wills, 515-552
Noonan & Gaffney, 678-708, 730-748
Noonan, Lustre, 181-210

WEEK X (May 30) Religion and Education

Noonan & Gaffney, 761-780
Beal, 90-114
Noonan, Lustre, 213-237

FINAL EXAMINATION: Week of June 9-13