Note: This syllabus was designed for an upper-level undergraduate course offered at The Ohio State University in spring 2016. It was team-taught by Alexander Kaye, a historian of modern Israel, and Isaac Weiner, a scholar of American religious studies. Through a case study approach, it aimed to introduce students to thinking historically and comparatively about contemporary issues at the intersection of law and religion. The course will be offered for a second time in fall 2017. We would appreciate any feedback or suggestions from colleagues as we work to revise our syllabus.

Religion and Law in Comparative Perspective
History 3680 (31230)/RS 3680 (31784)

Tuesday and Thursday 9:35-10:55am
McPherson Lab 1046

Prof. Alexander Kaye
Prof. Isaac Weiner

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<tr>
<th>History</th>
<th>Comparative Studies</th>
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<tr>
<td>348 Dulles Hall</td>
<td>433 Hagerty Hall</td>
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<tr>
<td><a href="mailto:kaye.74@osu.edu">kaye.74@osu.edu</a></td>
<td><a href="mailto:weiner.141@osu.edu">weiner.141@osu.edu</a></td>
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<td>Office Hours: Th 11am-1pm</td>
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Course Description:

Debates at the intersection of religion and law dominate the news: Should yoga or creationism be taught in public schools? Should religious symbols be displayed in public? Should same sex marriage be legal? Should corporations be required to provide their employees with access to contraception? These conflicts raise critical questions about the meaning of secularism and religious freedom; about religion’s proper place in American life; and about how we understand what it means to be an American.

Yet as contentious as these questions are in the contemporary United States, they have been addressed in different ways in other times and places. Recent scholarship across a range of academic disciplines has called into question long-held assumptions about the separation of religion and law in the modern world. It has
revealed how religion and law intersect, interact, and influence each other in often surprising ways, which vary across different societies and cultures. This situation calls for new ways of describing and interpreting their vexed relationship.

In this course, we will develop tools for thinking critically about these issues by adopting a comparative, interdisciplinary approach. Drawing on concrete cases, historical studies, and theoretical literature, we will explore how the relationship between religion and law has been configured differently in different liberal democracies and what this might mean for contemporary debates. Throughout, our discussions will be guided by a few basic questions: What is “religion” under the rule of law, and how has it been regulated in different times and places? What capacity does law have for accommodating and managing religious and other forms of human difference? What does religious freedom mean today, and what are its conceptual and practical limits?

Readings will include case law and other legal materials, as well as academic writings by religion scholars, political scientists, historians, anthropologists, sociologists, philosophers, and others. Assignments will invite you to cultivate your own public voice by drawing on the tools you learn in this class to intervene in contemporary debates. The class is open to all students; no prior knowledge is assumed.

**Expected Learning Outcomes**

Upon successful completion of this course, students should be able to:

- Read, understand, and analyze literature from multiple disciplines.
- Understand the ways in which terms like “religion” and “law” have been used in different historical and national contexts and how this pertains to contemporary controversies.
- Place contemporary debates about the intersection of religion and law in the United States in the context of four centuries of geopolitics and philosophical discussion.
- Write a sustained and coherent piece of engaged public scholarship.

**GE Goals and Expected Learning Outcomes**

History 3680/RS 3680 counts toward the following GE requirements:

**Historical Study**

*Goals:* Students recognize how past events are studied and how they influence today’s society and the human condition.
Expected Learning Outcomes:

1. Students construct an integrated perspective on history and the factors that shape human activity.

2. Students describe and analyze the origins and nature of contemporary issues.

3. Students speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts.

History 3680/RS3680 addresses these goals by offering students opportunities (1) to analyze particular historical, political, and social factors that shaped the development of religious freedom and secularism in different times and places; (2) to describe and analyze the origins and nature of contemporary issues, such as the place of religion in public school and the state’s role in regulating marriage and sexuality; and (3) to analyze competing interpretations of key events in the historical development of religious freedom, such as the writing of the First Amendment to the U.S. Constitution.

Diversity: Global Studies

Goals: Students understand the pluralistic nature of institutions, society, and culture in the United States and across the world in order to become educated, productive, and principled citizens.

Expected Learning Outcomes:

1. Students understand some of the political, economic, cultural, physical, social, and philosophical aspects of one or more of the world’s nations, people and cultures outside the U.S.

2. Students recognize the role of national and international diversity in shaping their own attitudes and values as global citizens.

History 3680/RS3680 addresses these goals by (1) offering students opportunities to conduct cross-cultural comparative analysis, through which they will learn about the different ways that religion and law have interacted in countries such as France, Britain, and Israel, and about some of the political, cultural, social, and philosophical aspects of diverse religious communities, including Jewish, Christian, Muslim, and Hindu; and (2) preparing students for the responsibilities of global citizenship in an increasingly diverse and interconnected world by offering them tools for thinking historically and comparatively about contemporary issues related to religion and law and through assignments inviting them to cultivate their own public voices by bringing insights learned in this course to bear on contemporary issues and case studies.
Reading

All reading should be completed by the first meeting of the week to which it applies.

There are no required texts to purchase for this class. Readings are available on-line or will be posted to Carmen.

You are not required to read the titles under “Further Reading,” but you may find it helpful for the course and/or your final papers.

Course Requirements/Grading:

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<th>Requirement</th>
<th>Percentage</th>
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<tr>
<td>Attendance and Participation</td>
<td>10%</td>
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<tr>
<td>Weekly Reading Responses</td>
<td>15%</td>
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<td>Papers</td>
<td>75%</td>
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<td>Extra Credit</td>
<td>Up to 6%</td>
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Plus and minus grades will be given according to the following scale: A+ 97-100; A 93-96; A- 90-92; B+ 87-89; B 83-86; B- 80-82; C+ 77-79; C 73-76; C 70-72; D 60-69; E 0-59.

Attendance and Participation

Class sessions will include presentations from the instructors and extensive discussion of the readings. You are expected to attend all scheduled classes and to come prepared for class discussion. This includes completing all required readings prior to the start of class, bringing copies of them with you to class, and thinking about any discussion questions posted to Carmen. Our ability to analyze texts critically depends on having our reading materials in front of us. Failure to bring assigned readings to class will have a negative impact on your participation grade.

A high grade depends upon your intellectual enthusiasm, demonstrated effort, and participation in discussions. Good participation assumes that you are familiar with the assigned texts, have thought about posted discussion questions, engage with the materials in class, get involved in class discussions, pose thoughtful questions of your own, and listen actively to your classmates.

We may occasionally give short in-class quizzes to assess your comprehension of the readings. We are more likely to give quizzes if it seems necessary to kickstart conversation in class. If you want to reduce the likelihood of a quiz, be sure to speak up in class!

Note: In this course, you will be graded on how you think, not on what you think. In other words, you will not be graded on the particular beliefs, opinions, or positions that you advance. You will be graded on how carefully you read the assigned texts, how well you articulate and justify your positions, and on your ability to subject the
themes of our course to rigorous critical analysis. While you are not required to agree with opinions expressed by the instructor or by your classmates, you are required to treat them with proper scholarly respect.

**Absences:** Attendance and participation are expected and required. Over the course of the semester, you are entitled to miss up to two classes without penalty. For each additional unexcused absence, a penalty of 2 points will be deducted from your final grade for each day you are absent. Please plan accordingly. Any student who needs to miss class for religious observance or other valid reason should contact the instructor in advance for alternative arrangements. It is the student’s responsibility to provide proper documentation, such as a doctor’s note.

**“Quotation, Reflection, and Question” Weekly Reading Responses**

Class sessions will include presentations from the instructors and extensive discussion of the readings. To encourage your preparation and participation, you are required to submit written reading responses on each week’s readings. Your responses should demonstrate that you have completed all of the week’s assigned readings. They should aim to focus your thinking and to help set the agenda for our classroom discussions.

With that in mind, your reading responses should take the format of a “quotation, reflection, and question.” In other words, your responses should include the following elements:

(1) A *quotation* of no more than a few sentences, taken from one of our assigned readings, which you found to be of particular significance or interest. Be sure to cite the quotation properly, including the name of the source from which it was taken and the page number.

(2) A *reflection* on what you took to be the three most important points from the week’s readings. These should be listed, concisely, in bullet-point format.

(3) A *question* that you have about this week’s readings, which you would like us to address in class. Your question should be substantially different from any discussion questions posted by the instructors and should relate to the main points of the readings. Your question may address the quotation you selected or the substance of your personal reflection, but it does not have to.

Beginning with Week 2, reading responses are due every week for which there is a reading assignment.

Responses should be typed and submitted electronically to Carmen. Please also bring a hard copy to class. They are due by the start of class on Tuesday and should address the readings assigned for that week. **Late responses will not be accepted** without proper documentation. Responses will be graded on a simple scale: a check
for satisfactory work, a check minus for work needing improvement, or a zero for failing to meet the requirements of the assignment.

**Three papers**

Paper #1 (3-4 double-spaced pages), due **February 16**, worth 20% of final grade

Paper #2 (3-4 double-spaced pages), due **March 22**, worth 20% of final grade

Paper #3 (5-6 double-spaced pages), due **April 26**, worth 35% of final grade

Further details will be distributed in class.

**Extra credit**

Students may attend an on-campus lecture about religion and write a two-page report about what they learned. Papers should include both a summary of the lecture's key points and reflections on how the lecture related to themes of this course. A list of approved lectures for the purpose of this assignment will be distributed. *Any lectures not on this list must be approved in advance by the instructor.* Students may complete no more than two of these papers over the course of the semester, each worth up to three points.

**Late policy/Extensions**

Reading responses will **not** be accepted late without documented excusal. In the event that you have to miss another writing assignment deadline for any reason (personal, health-related, family-related, etc.), it is your responsibility to request an extension as soon as possible. **You must make your request to one of the instructors by email on or before the day of the deadline.** Otherwise, late submissions will be penalized **5% per day**. It is also your responsibility to provide appropriate documentation (e.g. a doctor's note).

Your success in this class matters to us. If there are circumstances that may affect your performance in this class, please let us know as soon as possible so that we can work together to develop strategies for adapting assignments to meet both your needs and the requirements of the course. Students experiencing personal problems or situational crises during the semester are encouraged to contact the OSU Counseling and Consultation Service (614-292-5766; www.ccs.osu.edu) for assistance, support, and advocacy. This service is free and confidential.

**Technology policy**

The evidence increasingly suggests that most students produce better work and receive higher grades when taking notes by hand rather than using a laptop, and that sitting near students using laptops and other electronic devices has a negative
effect on your grades even if you are not using such devices yourself. For these reasons, we strongly encourage everyone to consider leaving laptops packed away. If you do wish to use your laptop in class, we ask you to sit in the back row. **However, cell phones and other electronic devices are never permitted in class unless directed by instructor.**

Email is the best way that we have to communicate with you outside of class. Even if email is not your usual mode of communication, please make sure that you check it every day in case we need to get in touch with you. Similarly, please make sure to check Carmen frequently so that you are aware of announcements about the course.

**Plagiarism and Academic Misconduct**

Plagiarism is the unauthorized use of the words or ideas of another person. It is a serious academic offense, and is described in detail in your student policies handbook. Please read this information carefully, and remember that at no point (including discussion) should words or ideas that are not your own be represented as such.

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct ([http://studentaffairs.osu.edu/info_for_students/csc.asp](http://studentaffairs.osu.edu/info_for_students/csc.asp)).

**Writing Center**

The **OSU Writing Center** is a free service that provides professional tutoring and consultation on writing. Visit [http://cstw.osu.edu](http://cstw.osu.edu) or call 688-4291 to make an appointment. They also offer drop-in consultations in Thompson Library and online consultations via the chat function on Carmen. We encourage you to use the university resources available to you to improve the quality of your writing, both for your papers and in preparation for your final exam. If you do decide to use these services, please authorize that we be notified via a tutoring report because it helps us gauge your effort and track what advice has been given to you.

**Disability Services**

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated,
and should inform the instructor as soon as possible of their needs. The Office of Disability Services is located in 150 Pomerene Hall, 1760 Neil Ave; telephone 292-0901; http://www.ods.ohio-state.edu/.

**Course Schedule**

*NB. This course schedule may be modified during the semester. Please check Carmen frequently so that you know of any updates.*

**Introduction**

**Week 1 – 1/12, 1/14**

*Required Reading*

- *Burwell v. Hobby Lobby Summary* [Link]
- Howe, Amy. 2014. “Court Rules in Favor of for-Profit Corporations, but How Broadly?” SCOTUSblog. [Link]

*For Further Research*

- Supreme Court’s decision in *Burwell v. Hobby Lobby*. [Link]
- Immanent Frame forum. [Link]

**Comparative History**

**Week 2: Wars of Religion and the Origins of the “Secular”**

*Required Reading*

- Locke, “Letter Concerning Toleration”

*For Further Research*


**Week 3: USA**

*Required Reading*

For Further Research


Week 4: France

Required Reading


For Further Research


Week 5: Israel

Required Reading

• Declaration of Independence of the State of Israel. [Link]

For Further Research

Themes and Case Studies

Week 6: How Does Law Define Religion? I

**Paper 1 Due 2/16**

Required Reading

- *U.S. v. Seeger* (excerpts)

For Further Research

- Urban, *Church of Scientology*, all

Week 7: How Does Law Define Religion? II (Symbols)

Required Reading


For Further Research

- *Lautsi v. Italy*

Week 8: How Does Law Define Religion? III (Membership)

Required Reading

For Further Research


**Week 9: Foreign Policy and Religious Freedom**

*Required Reading*


**Spring Break**

**Week 10: Sex and Marriage**

**Paper 2 Due 3/22**

*Required Reading*

- *Obergefell v. Hodges* (Please read the whole decision. To help you understand it, you may also find the following summary useful: Howe, Amy. 2016. “In Historic Decision, Court Strikes down State Bans on Same-Sex Marriage: In Plain English.” SCOTUSblog. [Link])

*For Further Research*


**Week 11: Religion, State and Community**

*Required Reading*


*For Further Research*

Week 12: Veils

Required Watching

• Hebah Ahmed, “Muslim Explains Why She Wears the Veil”. [Link]
• Hebah Ahmed and Mona Elthaway, “Mona Eltahawy on France’s banning of face veils”. [Link]

Required Reading


For Further Research


Conclusions

Week 13: Concluding Case Studies and Conversations I

Reading TBD

Group Presentations in Class

Week 14: Concluding Case Studies and Conversations II

Reading TBD
Group Presentations in Class

**Paper 3 Due April 26, 9:35am**