

Religious Freedom in America (RELS 0845)

Fall 2014

Professor Daniel Vaca

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Office: Shirley Miller House, Room 302

Class meetings: Thursdays, 4.00-6.30

Class location: Wilson Hall, 203

Office hours: Wednesdays, 9.30-11.30



Thomas Nast's cartoon, which appeared in the magazine Harper's Weekly in the 1870s, depicts Roman Catholics and Mormons as "foreign reptiles" who technically are entitled religious freedom--but who should not receive it.

Course Description

"Religious freedom," former Secretary Hilary Rodham Clinton remarked in 2009, "provides a cornerstone for every healthy society." It is, Clinton continued, "a founding principle of our nation." As Clinton's remarks illustrate, the concept of religious freedom is central to how people perceive the history of the United States and its position in the world today. But what is religious freedom? Does it actually exist? Has it ever? This seminar invites students to ask and answer these and other questions by exploring the idea and practice of religious freedom in the past and present.

In the first part of the course, students consider how the notion of religious freedom took shape in the United States, paying close attention to its limitations, contradictions, and ironies. In the second part of the course, students examine debates and controversies surrounding religious freedom policies in the recent past. In the final part of the course, students consider whether the United States can and should cultivate its version of religious freedom in other parts of the world.

This seminar is reading-intensive and discussion-driven. This course has no specific prerequisites, but students who have taken at least one course in Religious Studies, History, American Studies, or a related discipline will benefit from that background. Please consult with the professor for additional guidance.

Course Objectives

This course's readings, discussions, and assignments are designed to work toward the following objectives:

1. Introduce to different ways of understanding the concept of religious freedom in the past and present
2. Train students to recognize how social issues like class, race, pluralism, and economy complicate the pursuit and practice of religious freedom
3. Enable students to interpret depictions of religious life in their everyday lives and contemporary media
4. Prepare students to enter into debates about religion in contemporary society, applying conceptual and historical knowledge to real-world contexts
5. Sharpen students' ability to identify and interrogate the key issues of primary and secondary texts, through both writing and discussion

Course Requirements

1. Attendance and class participation (10%)

Both in lectures and in discussion sections, our collaborative conversations about the readings and issues at hand represent the heart of this course. Your presence is essential to its success. You should read the assignments with care and reflection. Recurring (unexcused) absences and lack of preparation will be penalized. If you are uncomfortable talking in class or otherwise concerned about your participation, please consult with me by the second week of the course and we will find alternative means for you to participate.

2. Discussion starters (20%)

Every week, you will to prepare a brief discussion starter that performs two tasks. First, you will identify two separate pages or selections in the reading that you find particularly important, compelling, troubling, or perhaps even wrong. Second, in 250-350 words (or, if you feel so moved, slightly more), you will reflect upon your selections. Ideally, you will devote equal time to both selections. In addition to allowing you to engage critically with course readings and conversations, this exercise will help prepare you to complete your longer writing assignments and to participate in class.

In order to make your selections and to reflect upon them, you should focus on explaining what you feel is at stake in your selections, and why that matters. Why does your selection--as you interpret it--matter to the rest of the reading, to the themes that organize our course, to other readings that we have encountered in our course, or to the course as a whole? Note that you should not merely summarize your reading selection. Instead, you should attempt to identify the argument that your selection makes, reflect upon its implications or complications, and invite your classmates to think about your selection alongside you.

For the sake of making our selections and reflections available to each other before class, you will post them to Canvas (in the "Discussion" section) by 9pm on the Wednesday night before class. You should have your discussion starter available to you in class, so that you might introduce them into our conversation.

Each student is required to complete a total of 10 discussion starters (20 points each; 200 points total). Submissions will be graded on the following basis:

- 20 points for completing the assignment, and showing remarkable insight or effort
- 19 points for completing the assignment well

18 points for completing the assignment adequately
 17 points for completing the assignment to a below-average standard
 16 points for not completing the assignment adequately
 . . . and so on

3. Court case analysis midterm (25%)—Due October 16

You will turn in a 5-to-6-page, double-spaced essay that critically evaluates a court case about religious freedom. You will be provided with the case and relevant materials. Your response will draw upon the provided materials as well as course readings. You will turn it in by email.

The point of this exercise is to give you an opportunity to draw upon your understanding of the theoretical and practical complexities inherent in putting religious freedom into practice. We will explore these complexities in class discussions and in our readings. Court cases are excellent objects of our critical attention not only because the process of making law inevitably enshrines the presumptions of lawyers, lawmakers, and judges but also because--in the case of the courts--these presumptions and decisions have had and continue to have a real impact on American society and religious life within it. The point of this exercise is not to turn you into legal experts; yet it is worth recognizing that familiarity with reading and interpreting legal decisions is a helpful skill to have, in a wide range of academic disciplines and careers.

4. Religious freedom today: Step I (15%)—Due November 13

For your final assignment (see #5), you will be writing a short research paper. For that paper, you will be comparing religious freedom in America to religious freedom in another country. For this assignment, you will lay the groundwork for the final assignment by performing the following steps:

- a) choose a place to compare with the United States
- b) identify some sources (you will receive instructor assistance) to help you understand how religious freedom operates or is understood in your chosen location
- c) identify some key areas of comparison and contrast
- d) in 4-5 pages, write a report that presents your selection and introduces some of the key comparisons/contrasts that you discovered (in assignment #5, you can explore these comparisons at greater length)

In such a short paper, the point here is not to arrive at a comprehensive understanding of your selected place. The point is to provide you with knowledge that you might bring to the final section of our course, and to prepare you for assignment #5.

5. Religious freedom today: Step II (30%) - Due December 15

For your final assignment, you will write a brief research paper (9-11 pages). Ideally, your paper will continue the analysis that you began in assignment #4. If your topic from assignment #4 no longer retains your interest, and you would strongly prefer to write about another topic regarding religious freedom today, please consult with me.

**** Alternate Option (in lieu of #4 and #5) ****

Longer research paper (45%) - Due December 15

For upper-level undergraduates or graduate students, you may choose to write a longer research paper in place of assignments #4 and #5. If you are interested in this option, please consult with me.

Readings and Recommended Books to Purchase

Although many of our readings are available for free through Brown's online repositories (designated in the syllabus by "R"), not all are. In cases where we will read just one or two chapters of a book, .pdf versions of the readings are available through Brown's online course reserves (OCRA). For books that we will read at length, you are encouraged to purchase them (designated "P"). Note that one book—*The First Prejudice*—is available as an ebook through the library, but I have ordered copies through the bookstore, in case you prefer to have a hard copy. If you are unable to purchase a book, you will be able to read it on reserve in the campus library.

Recommended books to purchase:

- Beneke, Chris, and Christopher S. Grenda, eds. *The First Prejudice: Religious Tolerance and Intolerance in Early America*. Philadelphia: University of Pennsylvania Press, 2011.
- Fluhman, J. Spencer. *A Peculiar People: Anti-Mormonism and the Making of Religion in Nineteenth-Century America*. Chapel Hill, N.C.: University of North Carolina Press, 2012.
- Sehat, David. *The Myth of American Religious Freedom*. New York: Oxford University Press, 2011.
- Sullivan, Winnifred Fallers. *The Impossibility of Religious Freedom*. Princeton, N.J.: Princeton University Press, 2005.
- Urban, Hugh B. *The Church of Scientology: A History of a New Religion*. Princeton, N.J.: Princeton University Press, 2011.

Classroom Requests and Guidelines

1. If any student has any concerns about accessibility and would like to discuss accommodations to disabilities, impairments, or other limits, please bring your concerns to Professor Vaca over email or during office hours.
2. Laptops are allowed in the classroom, but use of them is discouraged for any purpose other than taking notes or consulting course readings. As [research on learning outcomes](#) demonstrate, laptops present problems largely because the tendency to multitask is difficult to resist, yet multitasking disrupts concentration and distracts others in ways that hinder conversation.
3. The use of the internet in class for browsing and messaging on laptops/phones/tablets is very highly discouraged.

Course Schedule

Note: This schedule is subject to revision, as our work together requires.

September 4: Introduction

What is religion? What is freedom? What is religious freedom?

Problem I: What and Who

What is Religious Freedom, and Who Qualifies?

September 11: Toleration and Freedom

What is the difference between toleration and freedom (or "liberty")?

(OCRA) Edwin S. Gaustad, *Roger Williams: Prophet of Liberty* (New York: Oxford University Press, 2001), Chapter 5 ("Roger Williams and America," 111-129).

(OCRA) Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park, Pa: Pennsylvania State University Press, 2001), Chapter 2 ("Massachusetts Bay: Puritanism and the Politics of Religious Dissent," 27-74).

(P and OCRA) Susan Juster, "Heretics, Blasphemers, and Sabbath Breakers: The Prosecution of Religious Crime in Early America," in *The First Prejudice: Religious Tolerance and Intolerance in Early America*, ed. by Chris Beneke and Christopher S. Grenda (Philadelphia: University of Pennsylvania Press, 2011), 123–142.

September 18: Church and State

What did the Constitution and the Founders say about religious freedom?

(P) David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011), Introduction (1-12); Part I (13-72).

(OCRA) Philip Hamburger, "Against Separation," *Public Interest*, no. 155 (Spring 2004): 177–192.

(OCRA) Steven K. Green, "The 'Second Disestablishment': The Evolution of Nineteenth-Century Understandings of the Separation of Church and State," in *No Establishment of Religion: America's Original Contribution to Religious Liberty*, ed. by T. Jeremy Gunn and John Witte (New York: Oxford University Press, 2012), 280–306.

September 25: Freedom and Race

How did race shape the idea and practice of religious freedom?

(OCRA) Eric Foner, "The Contested History of American Freedom," *The Pennsylvania Magazine of History and Biography* 137, no. 1 (January 1, 2013): 13–31.

(P and OCRA) Richard W. Pointer, "Native Freedom? Indians and Religious Tolerance in Early America," in *The First Prejudice: Religious Tolerance and Intolerance in Early America*, ed. by Chris Beneke and Christopher S. Grenda (Philadelphia: University of Pennsylvania Press, 2011), 169–194.

(P and OCRA) Jon F. Sensbach, "Slaves to Intolerance: African American Christianity and Religious Freedom in Early America," in *The First Prejudice: Religious Tolerance and Intolerance in Early America*, ed by. Chris Beneke and Christopher S. Grenda (Philadelphia: University of Pennsylvania Press, 2011), 195–217.

October 2: The Freedom to Fit In

In what ways have white Protestants cast religious freedom in their own image?

(P) J. Spencer Fluhman, *A Peculiar People: Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill, N.C.: University of North Carolina Press, 2012), Introduction, Chapters 1, Chapter 3.

(OCRA) Tracy Fessenden, "Christianity, National Identity, and the Contours of Religious Pluralism," in *American Christianities: A History of Dominance and Diversity*, ed by. Catherine A. Brekus and W. Clark Gilpin (Chapel Hill, N.C.: University of North Carolina Press, 2011), 399–426.

(OCRA) Rosemary R. Hicks, "Religious Pluralism, Secularism, and Interfaith Endeavors," in *The Cambridge Companion to American Islam*, Omid Safi and Juliane Hammer, eds. (New York: Cambridge University Press, 2013): 290–313.

October 9: Claiming Religious Freedom

How has the concept of "religious freedom" allowed Americans to make conflicting claims about religious freedom?

(OCRA) Tisa Wenger, "Indian Dances and the Politics of Religious Freedom, 1870–1930," *Journal of the American Academy of Religion* 79, no. 4 (December 1, 2011): 850–878.

(OCRA) Selections from Judge Roy Moore, *So Help Me God: The Ten Commandments, Judicial Tyranny, and the Battle for Religious Freedom* (Los Angeles, CA: WND Books, 2009).

(OCRA) "Arizona's Anti-Gay Bill Veto Unlikely to End 'Religious Freedom' Movement," *CNN*, February 27, 2014, <http://www.cnn.com/2014/02/26/politics/religious-freedom-states/index.html>.

(OCRA) Reid Wilson, "Mississippi Passes Arizona-Style Religious Freedom Bill," *The Washington Post*, April 1, <http://www.washingtonpost.com/blogs/govbeat/wp/2014/04/01/mississippi-passes-arizona-style-religious-freedom-bill/>.

(OCRA) Ryan T. Anderson, "'Homosexual Jim Crow Laws'? Get Real," *National Review Online*, February 19, 2014, <http://www.nationalreview.com/corner/371454/homosexual-jim-crow-laws-get-real-ryan-t-anderson>.

Problem II: How?

How Should Religious Freedom Be Enforced?

October 16: Extending Freedom

How have courtroom decisions oriented the pursuit and practice of religious freedom?

(OCRA) Daniel O. Conkle, "Religion, Government, and Law in the Contemporary United States," in *1945 to the Present*, ed. J. Stephen Stein, vol. 3, 3 vols., *The Cambridge History*

of Religions in America (Cambridge: Cambridge University Press, 2012), 648–673.
 (OCRA) Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2010), Preface, Chapters 1-3.

October 23: Freedom's Finances

Do the I.R.S.'s tax policies violate or protect the First Amendment?

- (P) Hugh B. Urban, *The Church of Scientology: A History of a New Religion* (Princeton, N.J.: Princeton University Press, 2011), Introduction, Chapters 4 and 5.
 (OCRA) Robert L. Beebe, "Tax Problems Posed by Pseudo-Religious Movements," *Annals of the American Academy of Political and Social Science* 446 (November 1, 1979): 91–105.
 (OCRA) Rob Boston, "Churches, Politics and the IRS," *Church & State* 51, no. 8 (September 1, 1998): 9-12.

October 30: Revisions, Restorations, and the Age of Obama

How have legal decisions since 1990 enabled recent attacks on "Obamacare"?

- (P) Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton, N.J.: Princeton University Press, 2005), Introduction, Chapter 1-2, Appendix A.
 (OCRA) "Congress, Religion and the Supreme Court's Hobby Lobby Decision," *New York Times*, Room for Debate, June 30, 2014, <http://www.nytimes.com/roomfordebate/2014/06/30/congress-religion-and-the-supreme-courts-hobby-lobby-decision>.
 (OCRA) David Masci, "The Hobby Lobby decision and the future of religious-liberty rights," Pew Research Center, June 30, 2014, <http://www.pewresearch.org/fact-tank/2014/06/30/the-hobby-lobby-decision-and-the-future-of-religious-liberty-rights/>.

November 6: Prospects

Is religious freedom possible in America?

- (P) Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton, N.J.: Princeton University Press, 2005), Chapter 5.
 (OCRA) Winnifred Fallers Sullivan, "The Impossibility of Religious Freedom," *The Immanent Frame*, July 8, 2014, <http://blogs.ssrc.org/tif/2014/07/08/impossibility-of-religious-freedom/>.
 (P and OCRA) David Sehat, *The Myth of American Religious Freedom* (New York: Oxford University Press, 2011), Conclusion.
 (OCRA) Christopher L. Eisgruber and Lawrence G. Sager, *Religious Freedom and the Constitution* (Cambridge, Mass.; London: Harvard University Press, 2010), Introduction.

Problem III: Where?

Should Religious Freedom Be Exported?

November 13: Freedom Abroad

Can religious freedom in America serve as a model for the world?

- (OCRA) Linell E. Cady and Elizabeth Shakman Hurd, eds., *Comparative Secularisms in a Global Age* (New York: Palgrave Macmillan, 2013), Selections TBD.
- (OCRA) Selections from “Symposium: Re-thinking Religious Freedom,” *Journal of Law and Religion* 29:3 (Forthcoming in Sept./Oct. 2014).

November 20: Religious Freedom as a Foreign Policy

Should religious freedom serve as a basis for foreign policy?

- (OCRA) Melani McAlister, “US Evangelicals and the Politics of Slave Redemption as Religious Freedom in Sudan,” *South Atlantic Quarterly* 113, no. 1 (December 21, 2014): 87–108.
- (OCRA) Thomas F. Farr and William L. Saunders Jr., “The Bush Administration and America’s International Religious Freedom Policy,” *Harvard Journal of Law & Public Policy* 32, no. 3 (Summer 2009): 949–970.
- (OCRA) Matthew L. Fore, “Shall Weigh Your God and You: Assessing the Imperialistic Implications of the International Religious Freedom Act in Muslim Countries,” *Duke Law Journal* 52, no. 2 (November 1, 2002): 423–453.
- (OCRA) Peter Baker, “Religious Freedom Is a Tenet of Foreign Policy, Obama Says,” *The New York Times* (February 7, 2014),
<http://www.nytimes.com/2014/02/07/us/politics/obama-denounces-religious-repression.html>.

November 27: No class (Happy Thanksgiving!)

December 4: Wrap-Up: Things Noticed, Things Reconsidered

Dec 11: No class, unless make-up required (Reading Period)