CLASS: Religion, Ethics, and the Law  
(RLST333R/POLS 420R)

INSTRUCTORs: Brian D. Birch & Melissa Proctor  
OFFICE LOCATION: CD411h  
OFFICE HOURS: T/TH 11:30 - 12:30 (or by appointment)  
CONTACT INFORMATION:  
Birch - (801) 863-6363 | brian.birch@uvu.edu  
Proctor - (801) 815-3566 | marymelissa@aya.yale.edu

INSTRUCTORS

Melissa Proctor is a Public Policy Research Analyst for the Utah Foundation and adjunct professor of religious studies at Utah Valley University. She received an M.A. in Religion from Yale University and is a Ph.D. candidate in Religious Studies at Brown University. She also studied at the Harvard Law School where she served as editor of the Harvard Journal of Law and Public Policy and the Harvard Journal of Law & Gender. From 2005-07, she studied at Princeton University in the Center for the Study of Religion. She specializes in the intersection of law, politics, and religion and has taught and pursued interdisciplinary research in a variety of related areas. As a visiting professor at the College of the Holy Cross and the Harvard Divinity School, she taught classes in Christian ethics, women in religion, and Mormonism in the American Experience.

Brian D. Birch is director of the Center for the Study of Ethics and the Religious Studies Program at Utah Valley University. He specializes in the ethical dimensions of religious diversity, comparative theologies, Mormon Studies, and the role of religion in public discourse. He is senior research fellow at the Foundation for Religious Diplomacy and currently serves on the Board of Trustees of the Parliament of the World’s Religions. He served as the editor of Teaching Ethics from 2000-05 and Element: The Journal of the Society for Mormon Philosophy and Theology from 2005-10. He received his bachelor’s and master’s degrees in Philosophy from the University of Utah and his Ph.D. in philosophy of religion and theology from Claremont Graduate University in 1998 where he served as a visiting professor during the 2007-08 school year.

REQUIRED TEXTS

2. Select readings located in Canvas

COURSE DESCRIPTION AND OBJECTIVES

Religion, Ethics, and the Law is a class designed to expose students to the public dimensions of religion in American history and culture. We will explore a variety of questions from the perspective of moral theory, jurisprudence, theology, and political philosophy. The class will address a variety of key questions and issues related to these important areas of American public life.
Primary objectives of the class:

- Engage students with key texts as they relate to the American legal, religious, and ethical traditions.
- Engender appreciation for the development and contemporary relevance of public debate
- Strengthen analytic and critical thinking skills
- Foster ability to clearly express complex ideas through class discussion and presentations
- Develop students’ skills in writing clear, well-organized, and well-argued papers

COURSE REQUIREMENTS AND GRADING

1. Regular class attendance is vital to success in this course and will factor into final grades.
2. Students are expected to come to class prepared to discuss the assigned reading. This is a robust seminar style course that requires significant student contribution.
3. Students are expected to maintain high standards of academic honesty as outlined in the student handbook. Policies regarding cheating and plagiarism are outlined in the Student Rights and Responsibilities section of the Utah Valley University catalogue.
4. In addition to the above requirements, grades for this course depend upon the following elements:

   a) **Participation** | Your participation grade will be based upon regular attendance, and contribution to class discussion.

   b) **Examinations** | Two examinations will be administered consisting of short essay questions. Students are encouraged to form study groups to collaborate and exchange information in preparation for each exam. Tests will be administered in class and students are required to bring a green book, which can be purchased at the campus bookstore for minimal cost. All questions will be made available prior to each exam.

   c) **Research Paper** | Students are required to submit a term paper of no less than 2000 words and no more than 2300 words. The paper is designed to give students an opportunity to examine a specific religious concept or practice utilizing the critical methods discussed in class. A handout will be made available with more specific instructions regarding this assignment.

GRADING BREAKDOWN

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<thead>
<tr>
<th>Component</th>
<th>Points</th>
<th>Grades</th>
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<tbody>
<tr>
<td>Exams</td>
<td>200</td>
<td>376 – 400 = A</td>
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<tr>
<td>Paper</td>
<td>100</td>
<td>360 – 375 = A-</td>
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<tr>
<td>Presentation</td>
<td>100</td>
<td>348 – 359 = B+</td>
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**Total: 400 points**

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<thead>
<tr>
<th>Range</th>
<th>Grades</th>
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<tbody>
<tr>
<td>376 – 400</td>
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<td>308 – 319</td>
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SCHEDULE AND READING LIST
Introduction - The Intersections of Religion, Ethics, and the Law

Section One - Philosophical Groundwork
Liberalism vs. Communitarianism I (Proctor)
- John Locke, from *A Letter Concerning Toleration*
- John Stuart Mill, from “On Liberty”

Liberalism vs. Communitarianism II (Birch)
- Lord Patrick Devlin, from *The Enforcement of Morals*
- John Rawls, from *Political Liberalism*
- Jean Bethke Elshtain, from *Religion in American Public Life*

Divine Command Theory (Birch)
- Plato, from *Euthyphro*
- Robert Adams, ”Abraham’s Dilemma”

Section Two - Religion and the Law in American Religious History
Origins of the American Experiment (Proctor)
- John Winthrop, “A Model of Christian Charity” (1630)
- Harold Berman, from *Law and Revolution II: The Impact of the Protestant Reformations on the Western Legal Tradition*

Religion and the Colonial Experience: Roger Williams (Proctor)
- Edmund Morgan, from *Roger Williams: The Church and State*
- Roger Williams, *The Bloody Tenant of Persecution* (selections)

Religion, Ideology and the American Revolution (Proctor)
- Bernard Bailyn, from *The Ideological Origins of the American Revolution*

The Mormon Experience in American Culture (Proctor)
- *Reynolds v United States* (1878)
- Sarah Barringer-Gordon, from *The Mormon Question*

Section Three – Religious Pluralism, Ethical Diversity, & Secularism
American Religious Pluralism (Birch)
- Diana Eck, from *The New Religious America*
- Richard John Neuhaus, ”One Nation Under Many Gods”

Ethical Diversity (Birch)
- Jeffrey Stout, from *Ethics After Babel*
- Alasdair MacIntyre, from *Whose Justice, Which Rationality?*

Secularism (Birch)
- Susan Jacoby, from *Freetinkers: A History of American Secularism*
- Sam Harris, from *Letter to a Christian Nation*
- Kramnick & Moore, from *The Godless Constitution*
Section Four – Religion in Court

Religion and the American Constitution (Proctor)
- Thomas Jefferson, "Letter to the Danbury Baptists" (1802)
- Noah Feldman, Divided by God, Ch. 1

School Prayer
- Martha Nussbaum, Liberty of Conscience, Ch. 6 (Proctor)
- Engel v Vitale (1962) and Lee v Weisman (1992)

Public Schools Funding (Proctor)
- Martha Nussbaum, Liberty of Conscience, Ch. 7
- Everson v Board of Education (1947)

Is Religion "Special"? (Proctor)
- Martha Nussbaum, Liberty of Conscience, Ch. 5
- Church of the Lukumi Babalu Aye v City of Hialeah (1993)

Free Exercise: Accommodation I (Proctor)
- Martha Nussbaum, Liberty of Conscience, Ch. 4
- Sherbert v. Verner (1963)

Free Exercise: Accommodation II (Proctor)
- Martha Nussbaum, Liberty of Conscience, Ch. 4
- Employment Division v Smith (1990)
- Burwell v. Hobby Lobby (2014)
- Presiding Bishopric v. Amos (1987)

Section Seven - Religion, Marriage, and the Law

Marriage in Culture (Birch)
- Robert George, What is Marriage?

Marriage and the Law I (Proctor)
- United States v. Windsor (2013)

Marriage and the Law II (Proctor)
- Gene Schaerr, Amicus Brief ("100 Scholars of Marriage")

Marriage and the Law III (Proctor)
- Utah SB 296 & 297 (2015)
- Stuart Reid, “The Massacre of Marriage Endangers the Republic”

Section Eight – Religion and American Politics

Religion in American Politics I (Birch)
- Shaun Casey, from The Making of a Catholic President
- Randall Balmer, from The Making of Evangelicalism
Religion in the Public Square (Proctor)
- Nicholas Wolterstorff, "An Engagement with Rorty"
- Richard Rorty, "Religion in the Public Square: A Reconsideration"

ATTENTION STUDENTS WITH DISABILITIES: If you have any disability that may impair your ability to successfully complete this course, please contact the Accessibility Services Department. Academic accommodations are granted for all students who have qualified documented disabilities. Services are coordinated with the student and instructor by the Accessibility Services Department.

UVU is dedicated to providing quality academic experiences for students. Help us identify areas where we can improve our teaching by participating in the Student Ratings of Instructor (SRI)