



Syllabus

Religion Law and Multiculturalism: the American Experience - 62018

Last update 20-07-2016

HU Credits: 1

Responsible Department: law

Academic year: 0

Semester: 1st Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Prof Michael Helfand

Coordinator Email: michael.helfand@pepperdine.edu

Coordinator Office Hours:

Teaching Staff:
Prof Michael Helfand

Course/Module description:

The goal of this course is to explore the American approach to clashes between law and religion—an approach built upon principles of non-establishment and free religious exercise—and consider the coherence of that approach as well as its utility for other countries around the world, including Israel.

Course/Module aims:

Learning outcomes - On successful completion of this module, students should be able to:

- Students, upon completing of this course, should be able to:*
- Display knowledge of judicial application of the Free Exercise Clause and Establishment Clauses of the U.S. Constitution.*
 - Differentiate between the demands of religious liberty and the demands of religious neutrality/equality.*
 - Evaluate tensions between the principles of religious freedom and religious non-establishment.*
 - Recognize the relationship between religious liberty and religious diversity.*
 - Evaluate the applicability of U.S. principles of church-state relations to other contexts.*

Attendance requirements(%):

Teaching arrangement and method of instruction:

Course/Module Content:

In an age of ever-growing religious and cultural diversity, the modern-nation state is confronting a host of complex questions regarding national identity, individual conscience, and group politics. These debates and challenges have become particularly salient in the context of tensions between law and religion. This course will explore the American approach to clashes between law and religion—an approach built upon principles of non-establishment and free religious exercise—and consider the coherence of that approach as well as its utility for other countries around the world, including Israel.

Required Reading:

Reading Assignments: All readings are hyperlinked. Just click on the reading and you will be able to read the material as well as download it.

Class 1: Thursday, November 24, 08:30-12:00

THEORETICAL APPROACHES TO RELIGION AND STATE

- *Avishai Margalit and Moshe Halbertal, Liberalism and the Right to Culture, 61 SOCIAL RESEARCH 491 (1994).*
- *WILL KYMLICKA, LIBERALISM, COMMUNITY AND CULTURE, pp. 162-67 (1989).*

RELIGIOUS FREEDOM AND RELIGIOUS EXEMPTIONS

- *United States v. Reynolds (1879) [excerpted]*
- *Wisconsin v. Yoder (1972) [excerpted]*

Class 2: Tuesday, November 29, 08:30-10:15

RELIGIOUS FREEDOM AND RELIGIOUS EXEMPTIONS (continued)

- *Employment Division v. Smith (1990) [excerpted]*
- *Hosanna-Tabor v. EEOC (2012) [excerpted]*
- *Burwell v. Hobby Lobby (2014) [excerpted]*
- *State of Washington v. Arlene's Flowers (2015) [excerpted]*

Class 3: Wednesday, November 30, 08:30-11:00

RELIGIOUS FREEDOM AND RELIGIOUS EXEMPTIONS (continued)

SEPARATING CHURCH AND STATE

- *County of Allegheny v. ACLU (1989) [excerpted]*
- *Lee v. Weisman (1992) [excerpted]*
- *Kiryas Joel v. Grumet (1994) [excerpted]*
- *Zelman v. Simmons-Harris (2002) [excerpted]*

Class 4: Thursday, December 1, 08:30-12:00

SEPARATING CHURCH AND STATE (continued)

- *Locke v. Davey (2004) [excerpted]*
- *Town of Greece v. Galloway (2014) [excerpted]*

THE AMERICAN EXPERIMENT AND THE ISRAEL PROJECT

- *Christopher Eisgruber & Lawrence Sager, Equal Membership, Religious Freedom, and the Idea of a Homeland, in RELIGION AND THE DISCOURSE OF HUMAN RIGHTS 25 (Hanoch Dagan, Yedidia Z. Stern & Shachar Lifshitz eds. 2014).*
- *Jewish Nation-State Bill*
- *Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953*

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 70 %

Presentation 0 %

Participation in Tutorials 30 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: