

Course Syllabus

Mondays 7:30 to 9:10 p.m., Room 253

Office Hours: Mondays after class; Fridays via Skype, or telephonically; and by appointment.

Office: 335A

Email: nise.nekheba@fam.u.edu

Note: The best way to contact me is via email.

Skype Username: Lunaviento

Telephone for Office Hours: 321-282-3087 (This phone number is solely designated for office hours).

Program Assistant: Ms. Evett Collins

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COURSE DESCRIPTION

This seminar surveys the historical relationships and contemporary developments in the interaction between law and religion in the United States. The seminar will introduce students to the comparative and complex problems in the interface of law and religion from divergent views such as freedom of religion, church/state relations, cultural relativism, as well as consider theological, historical, political, and sociological-related questions.

COURSE OBJECTIVES

- * To gain a firm understanding of the nexus between law and religion in the United States.
- * To understand the role of the Supreme Court, Congress, state counterparts, religious institutions, interest groups and individuals in the development of the jurisprudence of law and religion.
- * To grapple with the meaning of religious freedom in the context of neo-patriotism, and pluralism.

Upon completing this course, students will be able to address and answer complex issues and important questions such as:

- What is the legal and social history of the term "religion"?

- How have courts defined religious conduct?
- How did religion impact our legal history?
- What is legal positivism within the context of law and religion?
- What are the leading 19th, 20th and 21st century cases and laws that impacted the construction of the free exercise of religion?
- What are the leading 19th, 20th and 21st century cases and laws that impacted the construction of a state's entanglement with religion?
- How did these laws impact U.S. notions for democracy, pluralism and diversity?
- How did these laws impact popular, social and political notions of religion?
- Did September 11th change the traditional, constitutional construction of the Free Exercise and Establishment Clauses?
- How might we legally contextualize and interpret current political rhetoric and proposals to ban Muslims from migrating here?
- How can we interpret proposed religious freedom statutes regarding employing gays?

SKILLS OBJECTIVES

Upon completing this course, students will acquire the following practical skills:

- Ability to legally analyze a cause of action pertinent to religion and law.
- Ability to interview a client on a religion and law matter.
- Ability to prioritize issues in a religion and law matter.
- Ability to determine whether to seek relief.
- Ability to collaborate with peers on case strategy.
- Ability to prepare and present a professional presentation on a religion and the law matter.

REQUIRED TEXTS

- A. Title: "Law and Religion: Cases, Materials, and Readings," Third Edition (American Casebook Series)
- B. Authors: Frank Ravitch, Larry Backer
ISBN-13: 978-0314284075
ISBN-10: 0314284079
- Publisher: West Academic Publishing, 3rd Edition
Publication Date: 3/27/2015

B. Title: "First Amendment Stories" (Stories Series)
Authors: Richard W Garnett; Andrew Koppelman
ISBN-13: 9781599417752
Publisher: Foundation Press
Publication Date: 10/27/2011

COURSE REQUIREMENTS

- * Preparation of weekly assignments as set forth in the syllabus and posted on TWEN.
- * Weekly attendance and class participation.
- * Reading of the news and injecting it into weekly discussions.
- * Posting at least 1 relevant news article on TWEN.
- A class presentation based on the assigned reading.
- A final paper.

***Your final grade for the seminar will be based upon the following:**

Class Presentation and Participation: 25%
Final Paper: 75%

Note: If you do not participate in class sufficiently, either when I call on you or when you volunteer to participate, I reserve the option to adjust your final grade by decreasing it by half a grade (I.e., from a B to a B-, or from a C to a C-).

If your participation is constructive, grounded in the reading, and above average, I reserve the option to adjust your final grade by increasing it by half a grade (I.e., from a B to a B+, or from a C to a C+).

GENERAL PARTICIPATION AND PRESENTATIONS

- * Preparation of weekly assignments as set forth in the syllabus and/or posted on TWEN.
- * Weekly attendance and class participation. If you are tardy or unprepared, you will be marked absent.

In addition to your general participation in class, during the semester you will be required to prepare and present a class presentation based on that week's reading. Your thoughtful preparation will be expected. Presentation assignments will be posted on TWEN.

FINAL PAPER

You will be required to write a twelve to fifteen-page research paper on a topic that is relevant to this course. Your paper should parallel a law review article. Paper guidelines will be provided.

Approved students may use this course to meet the College of Law's Upper Level Writing Requirement (ULWR). The ULWR is akin to a doctoral thesis. This obligates me to apply stricter guidelines, stricter grading, and a higher level of analysis in accordance with the College of Law's requirements.

As a result, meeting the ULWR vis-a-vis this course will entail the following:

1. Extensive external legal research on an innovative topic relevant to this course. External research must include substantive legal primary and secondary sources that have been thoroughly shepherded.
2. Key points that are legally substantiated and cited. A citation with merely one source usually does not suffice to substantiate a point. Usually, key citations require a string of legal cases and secondary sources that have been shepherded;
3. In-depth critical reading of numerous primary and secondary sources;
4. Citations that adhere to the Bluebook.
5. Meeting key deadlines for submitting your paper topic, working bibliography, and outline. See below.
6. Meet with me online or in person to discuss your paper topic.
7. Adhering to formatting requirements to be posted on TWEN.
8. Writing a paper that is at least 25 pages of content that provides in-depth analyses and counter-analyses that parallel COL requirements for a Juris Doctor.

Important Note: Upon submitting your final paper to meet the ULWR and once grades are posted, it is your responsibility to confirm that your paper met the COL's ULWR requisites by either checking with the registrar or with me. Given that the final grade for this course is comprised of two components (class presentation grade and final paper grade), your final course grade is not tantamount to your final paper grade for your ULWR grade.

Schedule for Final Paper Related Submissions:

* **Due Monday, October 3rd:** A one-page description of your topic, the preliminary research you have done/or plan to do, and your tentative thesis.

*** Due, Monday, October 17th:** A **three-** page submission containing: a detailed outline of the paper; your thesis; your research findings; your main arguments; and your conclusions. A bibliography should be attached to this submission.

*** Due Monday, November 21st: Final Paper.**

READING ASSIGNMENTS

Week 1	Introduction & What is Religion? Ravitch, Introduction
Week 2	The Early Development of the Establishment Clause Ravitch, Chapter 1, and FAS
Week 3	Public Religious Exercises Ravitch, Chapter 2, and FAS
Week 4	Public Religious Exercise Ravitch, Chapter 2, and FAS
Week 5	Public Displays, Public Forums, And Equal Access Ravitch, Chapter 3, and FAS
Week 6	Government Aid to Religion or Religious Institutions Ravitch, Chapter 4, and FAS
Week 7	Government Aid to Religion or Religious Institutions Ravitch, Chapter 4, and FAS
Week 8	Perspectives on the Establishment Clause Ravitch, Chapter 5 and FAS
Week 9	Perspectives on the Establishment Clause Ravitch, Chapter 5 and FAS
Week 10	The Free Exercise Clause Ravitch, Chapter 6 and FAS
Week 11	The Free Exercise Clause Ravitch, Chapter 6 and FAS

Week 12	Perspectives on the Free Exercise Clause Ravitch, Chapter 7 and FAS
Week 13	Religious Institutions & Autonomy: Clergy Abuse; Standing Ravitch, Chapter 8
Weeks 14-15	Religious Law & the Interplay of Law & Religion Beyond the U.S. Ravitch, Chapters 9 and 10

Florida A&M University College of Law
Advanced Topics in Law & Religion
Professor Nisé Guzmán Nekheba
Associate Professor of Law
Fall Semester 2016