

**LAW AND RELIGION**  
**Dr. Leslie Griffin**  
**University of Houston Law Center**

Course Information and Syllabus  
Spring 2011

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**Office Phone:** (713) 743-1543  
**Office:** 104-J TU-II (in Health Law & Policy Institute)  
**Class Hours:** T 4:00-6:00 P.M.

**Course Materials:**

**Required:** LESLIE GRIFFIN, LAW AND RELIGION: CASES AND MATERIALS  
(Foundation Press, 2d. ed. 2010) (CB)

LESLIE GRIFFIN, LAW AND RELIGION: CASES IN CONTEXT  
(Aspen Publishers, 2010) (CC)

Course Materials are posted at  
<http://www.law.uh.edu/faculty/lgriffin/courses.html>. Updates to the  
casebook are available at  
<http://www.griffinlawandreligion.com/updates.asp>.

**Course Requirements:**

**Attendance:** You are required by Law Center policies to attend at least 80% of our regularly scheduled classes. Failing to do so will prevent you from receiving credit for the course. **Under the UHLC attendance policy, I reserve the right to drop any student who fails to attend 80% of class sessions.** As a courtesy to me and your fellow students, **please arrive at class on time.** I reserve the right to adjust final grades downward for habitual tardiness.

**Class preparation and participation:** Class preparation and participation are expected and will count for **25%** of your grade, as described below in the grading section.

**Use of computers:** You are permitted to use a computer to take notes in this class. However, during class your computer is to be used only for note-taking purposes. **Use of e-mail and internet access is not permitted during class sessions unless it is used at my direction as part of a class assignment.** I reserve the right to adjust final grades downward for unauthorized electronic access during class.

**Cell phones/pagers/tape recorders:** While it may be necessary to carry these devices, all pagers and cell phones (and any other devices that make noise) **should be set to**

**vibrate/silent mode during class.** Sanctions for violation of this rule may be imposed at my discretion. **You are not allowed to record class in any way without my written permission.**

**Grading:** The course grade will be based on a 25-page paper, exclusive of footnotes (final draft due **Friday, Apr. 29, by 6 P.M.**), on your presentation of the paper during the last weeks of class, and on your class participation. Once the class roll is set, I will assign students to focus on certain readings and to prepare questions about the readings before class discussion. The paper will count toward 75% of your final grade and class participation will count for 25%. **The grades are awarded according to the UHLC grading curve for small classes.**

### **Research Paper:**

Please observe the following due dates for your papers. All assignments can be e-mailed to me at [lgriffin@uh.edu](mailto:lgriffin@uh.edu) or given to me in hard copy in class. For each assignment, please attach the prior assignments, with my comments, to your paper so that I can see if you have edited your earlier versions.

#### **Tues., Feb. 8, 6 P.M.: Paper Topics Due**

Please submit a 2-3 page description of your paper topic, explaining your thesis, the research that you have completed, and the research that remains.

#### **Tues., Mar. 1, 6 P.M.: Detailed Paper Outline Due**

Please submit a detailed outline of your paper, with section headings and brief descriptions under each section heading of your argument. You should include a bibliography divided into the following sections: Cases, Statutory Cites, Books, Articles, Book Chapters. Please remember to use primary sources wherever possible. If you are writing about a case, for example, cite to the case and not to the article that cites the case. You are encouraged to use non-legal sources, including articles about religion from humanities, social science and other journals and books. *Wikipedia* is a great help when you are surfing the web but you should not consider it a primary source for your papers. Use Bluebook format for your bibliography and for the final paper.

#### **Tues., Mar. 22, 6 P.M.: Rough Draft of Paper Due**

Your paper should be 25 pages, double-spaced, exclusive of footnotes. In order to judge your paper length, you should write it with endnotes to ensure that your paper is 25 pages, but then convert the paper to footnote style before you submit it to me. 12-size Times New Roman font with 1-inch margins.

#### **Friday, Apr. 29 by 6 P.M.: Final Draft of Paper Due**

### **Tips on Writing Papers:**

You will find it much easier to write about a topic that interests you. You may select a law and religion topic from the list below, from a subject in our casebook that interests you, or from other interesting issues that you read about in the newspaper or elsewhere. A great source of new topics and issues in law and religion is <http://religionclause.blogspot.com/>. You may decide to write a detailed analysis about an important case or cases that present issues not yet decided by the Supreme Court, or a critical review of new books about law and religion or of the significant contributions of one or more authors to law and religion.

Once you have a topic that interests you, you must spend time figuring out if there is anything to say about it. The way to do that is by reviewing the literature to see what other authors have written about that topic. You can do that by searching for law review articles on Westlaw or Lexis. At this stage, your goal is to read a lot of materials—it is okay to skim through them—to see what has been said. If you find the perfect article that says exactly what you wanted to say, then you need to find something new and identify your own ideas with your own thesis. The “A” papers will be those that offer an original argument clearly presented.

In paper writing as in any writing, clarity and good organization are essential. Editing your work is a crucial part of the writing process. At the end of the semester, we will spend class time reading papers. **You will be asked to submit a one-page set of comments on other student papers.** I will give you the schedule for submitting those comments and getting copies of your paper to fellow students later in the semester.

Possible topics include:

1. How Texas or other state laws addresses one or more of the topics studied in class;
2. How to teach religion in the public schools, and whether and how the Bible should be taught;
3. The importance of standing to First Amendment cases (with possible focus on leading church-state organizations and their litigation strategy post-*Hein*);
4. The use of vouchers to fund education and social services;
5. Legal questions surrounding aid to faith-based organizations;
6. Identify an important case or set of cases in the state or lower federal courts that raise important issues, especially ones that may need resolution by the Supreme Court;
7. The influence of religion on the presidential campaign (or on other state and local campaigns that may not attract as much media attention);
8. An analysis of how issues of law and religion are treated in another legal system(s);
9. Homeschooling;
10. Prisoners’ free exercise rights and RLUIPA claims;

11. How RLUIPA is affecting neighborhoods or other questions about RLUIPA's effect and validity;
12. Church property disputes, especially those arising out of disagreements about homosexuality and other moral questions;
13. Tax status of religious organizations;
14. Legal treatment of Native American religion or less traditional religions;
15. Right of church members to sue for return of contributions;
16. The role of churches in immigration disputes;
17. The role of religion in family disputes about child custody and divorce;
18. The expansion in conscience clause legislation;
19. Treatment of Islam in American law, e.g., oath-taking on the Qur'an, American civil religion, charitable contributions to Muslim groups, mosque construction;
20. Religious freedom as an international human right;
21. The ministerial exception to employment lawsuits;
22. The war over Christmas;
23. Does prosecution of terrorism lead to discrimination against religion?; or
24. The protection of religion in state RFRAs.

## **SYLLABUS**

**I will not announce the assignments in class each day; please read according to the following schedule unless I tell you otherwise.**

<b>Class Date</b>	<b>Topic</b>	<b>Reading Assignment</b>
<b>Jan. 18</b>	Free Exercise of "Religion" <i>Malnak v. Yogi</i>	CB 1-39 CC 11-31
<b>Jan. 25</b>	Introduction to Establishment <i>Lemon</i>	CB 40-79 CC 153-176
<b>Feb. 1</b>	<i>Rosenberger</i> , Neutrality & Free Speech	CB 79-88 CC 251-70
<b>Feb. 8</b>	<i>Smith</i> <b>Paper Topics Due, 6 P.M.</b>	CB 175-212 CC 107-26
<b>Feb. 15</b>	RFRA; RLUIPA Property	CB 212-250 CB 251-270
<b>Feb. 22</b>	Employment & Torts <i>Amos</i>	CB 270-323 CC 273-291
<b>Mar. 1</b>	Creation, Evolution, ID <i>Edwards v. Aguillard</i> <b>Outline of Paper Due, 6 P.M.</b>	CB 595-654 CC 231-49

<b>Mar. 8</b>	Conscience	CB 121-74
<b>Mar. 15</b>	<b>Spring Break, No Class</b>	
<b>Mar. 22</b>	Comparative Religious Freedom: Religious Dress <i>Freeman &amp; Webb</i> <i>Goldman</i> <b>Rough Draft of Paper Due, 6 P.M.</b>	CB 661-699 CC 293-309 CC 71-84
<b>Mar. 29</b>	Simmons, Oaxaca, Johnson	
<b>Apr. 5</b>	Hall, Kunnathusseril, Quan	
<b>Apr. 12</b>	Morales, Garris, Joyal	
<b>Apr. 19</b>	Estrada, Prasatik, Meriam, Riddle	
<b>Apr. 26</b>	Public Religious Symbols <i>Lynch</i>	CB 406-477 CC 177-202
<b>Apr. 29</b>	<b>Final Papers Due 6 P.M.; e-mail submission to lgriffin@uh.edu is acceptable</b>	