

Course Proposal:
History 3680/Comparative Studies 3680
Religion and Law in Comparative Perspective

Instructors: Alexander Kaye (.74), Department of History, and Isaac Weiner (.141),
Department of Comparative Studies

We are delighted to answer the call of the College of Arts and Sciences for new interdisciplinary team-taught courses. The proposal below contains the following:

- 1) General information: A description of the course, its goals and its expected learning outcomes.
- 2) Team-Teaching: The interdisciplinary nature of the course, the value of team teaching and the form that the team teaching will take.
- 3) Value of the Course: The ways in which the course benefits students, advances the goals of our departments, and maps onto their curricula.
- 4) A full syllabus.

General Information: *Religion and Law in Comparative Perspective*

Description of the Course

These days, it is almost impossible to go online or watch TV without learning about a conflict at the intersection of religion and law: Should yoga or creationism be taught in public schools? Should religious symbols be displayed in public? Should same sex marriage be legal? Should corporations be required to provide their employees with access to contraception? These conflicts raise critical questions about the meaning of secularism and religious freedom; about religion's proper place in American life; and about how we understand what it means to be an American.

Yet as contentious as these questions are in the contemporary United States, they have been addressed in different ways in other times and places. Recent scholarship across a range of academic disciplines has called into question long-held assumptions about the separation of religion and law in the modern world. It has revealed how religion and law intersect, interact, and influence each other in often surprising ways, which vary across different societies and cultures. This situation calls for new ways of describing and interpreting their vexed relationship.

In this course, we will develop tools for thinking critically about these issues by adopting a comparative, interdisciplinary approach. Drawing on concrete cases, historical studies, and theoretical literature, we will explore how the relationship between religion and law has been configured differently in different liberal democracies and what this might mean for contemporary debates. Throughout, our discussions will be guided by a few basic questions: What is "religion" under the rule of law, and how has it been regulated in different times and places? What capacity does law have for accommodating and managing religious and other forms of human difference? What does religious freedom mean today, and what are its conceptual and practical limits?

Readings will include case law and other legal materials, as well as academic writings by religion scholars, political scientists, historians, anthropologists, sociologists, philosophers, and others. Assignments will invite you to cultivate your own public voice by drawing on the tools you learn in this class to intervene in contemporary debates. The class is open to all students; no prior knowledge is assumed.

Course Goals

- To equip students with tools for thinking about the relationship between law and religion in contemporary politics, philosophy and culture.
- To help students analyze this relationship with recourse to a rich comparative framework that will place key ideas in the context of historical change and geographical diversity.
- To provide students with a sophisticated understanding of key concepts that will inform their approach to the course, including secularism, religious freedom, neutrality, toleration, separation of church and state, and nationalism.
- To prepare students for the responsibilities of citizenship by bringing the resources of the course to bear on contemporary controversies and debates in nuanced ways.

Expected Learning Outcomes

Upon successful completion of the course, students should be able to:

- Read, understand, and analyze literature from multiple disciplines.
- Understand the ways in which terms like “religion” and “law” have been used in different historical and national contexts and how this pertains to contemporary controversies.
- Place contemporary debates about the intersection of religion and law in the United States in the context of four centuries of geopolitics and philosophical discussion.
- Write a sustained and coherent piece of engaged public scholarship.

Team-Teaching

Interdisciplinary Nature of the Course

The course is by its nature interdisciplinary because it approaches its subject matter comparatively, through the lens of different religious traditions, geographical regions, political models, and historical periods. It will draw on readings from law, religious studies, philosophy, anthropology, sociology, history and political science. The course will also focus on an interdisciplinary pedagogy, providing students with theoretical frameworks and also with the opportunity to work through concrete case studies.

How Team Teaching Adds Value to the Course

The interdisciplinary nature of the course material demands instructors from different disciplinary backgrounds and areas of academic expertise. Each instructor brings a variety of research and pedagogical experiences to the course.

Alexander Kaye, an assistant professor in the Department of History, researches the intellectual history of the Jews and has a special focus on the study of religion and law in the State of Israel. In addition to his historical training, Kaye has also spent years researching Jewish law and training in the philosophy of law through a fellowship at Cardozo Law School. This makes him ideally placed to bring a historical methodology to the comparative study of law and religion.

Isaac Weiner, an assistant professor in the Department of Comparative Studies, has training in religious studies, critical theory, and ethnographic methods. His research and teaching concentrate on the implications of religious diversity for American public life, with particular interests in pluralism and law. His recently published book, *Religion Out Loud: Religious Sound, Public Space, and American Pluralism*, adopted a case study approach that included attention to Christian and Muslim communities in the U.S. He also has written and taught about Asian religious experience in the United States, and he is a member of the steering committee for the Law, Religion, and Culture section of the American Academy of Religion.

As we hope is clear, the two instructors have chosen to work together because of the ways in which they complement each other. Weiner works mainly on the USA; Kaye mainly on the Middle East. Weiner is trained in the critical theory of religion; Kaye in intellectual history. Weiner specializes in Islamic, Asian and Christian religion; Kaye in Judaism.

Team teaching, then, will be critical to the success of the course in terms of its syllabus and substance. But we believe that there is another crucial aspect of the course that will be enhanced by team teaching. On the controversial and urgent issues with which the course grapples, it is crucial to model a civil dialogue in which people who may have different opinions can talk in a measured and sophisticated way and to demonstrate how to be open to new perspectives even as they are also able to preserve their own beliefs. The continuous presence of two instructors in every session of the course will bring this indispensable dynamic to the classroom.

The Form the Team Teaching Will Take

Both instructors will attend all meetings of the course and share equally in all aspects of the course. Each week has its own topic, and the instructors will each serve as the lead instructor for one of the two weekly sessions. Even while one instructor is leading a particular session, the other will also be an active participant in the discussion. This aspect of the team-teaching will model the kinds of civic discourse that the course is designed to teach. Kaye and Weiner are each experienced in integrating traditional lecturing with interactive modes of instruction to encourage student participation and active learning. Thus in-class exercises, small group work, and discussion will be common features.

The Value of the Course

How the course will benefit students

- Students who successfully complete this course will acquire a set of historical and critical tools to address some of the most pressing contemporary questions. They will learn to evaluate their own assumptions about religion and law by checking them against assumptions that emerge from different cultural, political and historical contexts.
- The course will prepare the students for a lifetime of engaged public citizenship by cultivating their ability to assess current events with a sophistication, even-handedness and nuance and training them to present their responses in a persuasive and coherent fashion.
- The course will prepare students for a variety of future careers in various fields, including journalism, politics, academia, law, education, media and the military.

How the course will advance the participating departments' academic goals and will fit into each department's curriculum map

History:

The History Department strives to teach students to understand and interpret the past. Historians draw on many other disciplines to reconstruct and explain the past. Thus a team-taught course like this one is a natural fit for History's inclusive approach. This course also fits neatly with the History Department's recently created constellations. The eight constellations are cross-cutting thematic fields that were explicitly designed to enhance the department's connections with scholars and students across the university. This course fits solidly within the Religion in History constellation. This team-taught course complements the kinds of lectures, seminars, and graduate training that the constellation does.

Comparative Studies

This interdisciplinary team-taught course advances several academic goals of the Comparative Studies department, which strives to help students develop the capacity to analyze differences in culture and politics over time, develop interdisciplinary thinking and writing skills, and develop the ability to read critically and interpret a diverse range of texts. More specifically, the course fits neatly as an advanced level interdisciplinary/thematic/comparative course in the curriculum map for the Religions and Cultures subplan of the recently established Religious Studies major, which aims to help students develop the capacity to understand, compare, and critically analyze religious phenomena and their role in history, culture, and politics from a variety of theoretical perspectives and to develop an understanding of religion and how to study it comparatively and critically in a range of cultural contexts. It also fits as a thematic/cross-cultural comparative course in the Study of Religions subplan, which aims to help students demonstrate differences among religions with critical and methodological sophistication and to acquire the multi-

disciplinary skills needed to appreciate the historical and present-day roles religion plays in relation to the pursuit of meaning and the direction of social and cultural change.

Finally, the course also advances the goals of OSU's Center for the Study of Religion. Although primarily a research center, the CSR aims to foster interdisciplinary cross-departmental collaboration among scholars of religion at OSU in ways that benefit, support, and engage student learning.

Religion and Law in Comparative Perspective
History 3680/CS 3680

Prof. Alexander Kaye
History
348 Dulles Hall
kaye.74@osu.edu

Prof. Isaac Weiner
Comparative Studies
433 Hagerty Hall
weiner.141@osu.edu

I. Course Description:

These days, it is almost impossible to go online or watch TV without learning about a conflict at the intersection of religion and law: Should yoga or creationism be taught in public schools? Should religious symbols be displayed in public? Should same sex marriage be legal? Should corporations be required to provide their employees with access to contraception? These conflicts raise critical questions about the meaning of secularism and religious freedom; about religion's proper place in American life; and about how we understand what it means to be an American.

Yet as contentious as these questions are in the contemporary United States, they have been addressed in different ways in other times and places. Recent scholarship across a range of academic disciplines has called into question long-held assumptions about the separation of religion and law in the modern world. It has revealed how religion and law intersect, interact, and influence each other in often surprising ways, which vary across different societies and cultures. This situation calls for new ways of describing and interpreting their vexed relationship.

In this course, we will develop tools for thinking critically about these issues by adopting a comparative, interdisciplinary approach. Drawing on concrete cases, historical studies, and theoretical literature, we will explore how the relationship between religion and law has been configured differently in different liberal democracies and what this might mean for contemporary debates. Throughout, our discussions will be guided by a few basic questions: What is "religion" under the rule of law, and how has it been regulated in different times and places? What capacity does law have for accommodating and managing religious and other forms of human difference? What does religious freedom mean today, and what are its conceptual and practical limits?

Readings will include case law and other legal materials, as well as academic writings by religion scholars, political scientists, historians, anthropologists, sociologists, philosophers, and others. Assignments will invite you to cultivate your own public voice by drawing on the tools you learn in this class to intervene in contemporary debates. The class is open to all students; no prior knowledge is assumed.

II. Expected Learning Outcomes

Upon successful completion of this course, students should be able to:

- Read, understand, and analyze literature from multiple disciplines.
- Understand the ways in which terms like "religion" and "law" have been used in different historical and national contexts and how this pertains to contemporary controversies.

- Place contemporary debates about the intersection of religion and law in the United States in the context of four centuries of geopolitics and philosophical discussion.
- Write a sustained and coherent piece of engaged public scholarship.

III. GE Goals and Expected Learning Outcomes

History 3680/CS 3680 counts toward the following GE requirements:

Historical Study

Goals: Students recognize how past events are studied and how they influence today's society and the human condition.

Expected Learning Outcomes:

1. Students construct an integrated perspective on history and the factors that shape human activity.
2. Students describe and analyze the origins and nature of contemporary issues.
3. Students speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts.

History 3680/CS3680 addresses these goals by offering students opportunities (1) to analyze particular historical, political, and social factors that shaped the development of religious freedom and secularism in different times and places; (2) to describe and analyze the origins and nature of contemporary issues, such as the place of religion in public school and the state's role in regulating marriage and sexuality; and (3) to analyze competing interpretations of key events in the historical development of religious freedom, such as the writing of the First Amendment to the U.S. Constitution.

Diversity: Global Studies

Goals: Students understand the pluralistic nature of institutions, society, and culture in the United States and across the world in order to become educated, productive, and principled citizens.

Expected Learning Outcomes:

1. Students understand some of the political, economic, cultural, physical, social, and philosophical aspects of one or more of the world's nations, people and cultures outside the U.S.
2. Students recognize the role of national and international diversity in shaping their own attitudes and values as global citizens.

History 3680/CS3680 addresses these goals by (1) offering students opportunities to conduct cross-cultural comparative analysis, through which they will learn about the different ways that religion and law have interacted in countries such as France, Britain, and Israel, and about some of the political, cultural, social, and philosophical aspects of diverse religious communities, including Jewish, Christian, Muslim, and Hindu; and (2) preparing students for the responsibilities of global citizenship in an increasingly diverse and interconnected world by offering them tools for thinking historically and comparatively about contemporary issues related to religion and law and through assignments inviting them to cultivate their own public voices by bringing insights learned in this course to bear on contemporary issues and case studies.

IV. Assessment of GE Learning Outcomes

Student success in achieving the expected learning outcomes will be measured directly through: (1) analysis of semester-long discussion and blog contributions; and (2) analysis of semester-long paper assignment. Learning outcomes also will be measured indirectly through the use of questions embedded in student discursive course evaluations at the end of the semester. Finally, faculty reflection on the degree to which the course produced GE learning outcomes as well as peer teaching observations will be utilized to arrive at a comprehensive assessment of the GE learning outcomes.

V. Course Requirements/Grading:

Participation: 20%

As this is a seminar, prepared participation is essential.

Presentations: 15%

One or two students will make a brief presentation most weeks. This means that each student may be required to make two presentations per semester. Presentations should be 5-7 minutes long and include: 1) A brief biographical comment about the author and a contextualization of the publication, 2) a synopsis of the substance and/or arguments of the piece, 4) personal critique (did you find the argument convincing?), 5) questions for the group to consider in its discussion.

Collaborative blog: 20%

This course has a dedicated blog site, which is publicly accessible. Every week, one or two students will have the responsibility of “hosting” the class blog for the week. Their task will be to post an article/news story/video clip etc. that is related to the topic of the course. (E.g. an article about the Muslim Brotherhood in Israel, a video commercial from the French elections, a picture from a Greek museum exhibit on ancient religions, an editorial about gay marriage, a video of a congressional hearing on birth control, etc.) They will then add their comments about that content – not necessarily whether they agree or disagree, but how our historical and philosophical readings create a new lens through which to contextualize and critique arguments that appear in the media every day. The comments may also include questions to which others may respond. The comments should be around 250-350 words. Those posts must be made by Sunday midnight.

All other students must then post a response of 50-100 words that engages with the host’s comments and questions. The responses may also include links or other content. The responses may engage with each other as well as with the host’s original comment. Responses must be posted by Wednesday midnight.

Final Paper: 45%

A final paper of 10-12 pages, topic to be determined in consultation with the instructor. Students will be expected to offer nuanced, critical analysis of a particular conflict at the intersection of religion and law.

What Do Grades Mean?

A (excellent) requires innovation, inspiration, and a superior execution of all the requirements of an assignment.

B (good) meets all the requirements of an assignment very well.

C (fair) fulfills the requirements of an assignment satisfactorily.

D (minimum passing) meets the bare minimum requirements of an assignment.

F (failed) indicates that one has not met the bare minimum requirements of an assignment.

The grading scale will be as follows: A (93-100), A- (90-92), B+ (87-89), B (83-86), B- (80-82), C+ (77-79), C (73-76), C- (70-73), D+ (67-69), D (60-66), below 60 is failing.

VI. Reading

All reading must be completed before the session to which it applies.

Hamburger, *Separation of Church and State*, Leiter, *Why Tolerate Religion?*, Kuru, *Secularism and State Policies Toward Religion*, and Sullivan, *Ministry of Presence* are available at the university bookstore.

Other readings are available on-line or will be posted to Carmen.

You are not required to read the titles under "Further Reading" but you may find it helpful for the course and/or for your final papers. Occasionally we may ask a student to make a presentation of one of those pieces.

VII. Plagiarism and Academic Misconduct

Plagiarism is the unauthorized use of the words or ideas of another person. It is a serious academic offense, and is described in detail in your student policies handbook. Please read this information carefully, and remember that at no point (including discussion) should words or ideas that are not your own be represented as such.

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student misconduct. The term "academic misconduct" includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct (http://studentaffairs.osu.edu/info_for_students/csc.asp).

Please note: all papers submitted to Carmen will be automatically checked for plagiarism by the Turnitin software. You are encouraged to make use of this software on your own before final submission of your paper to ensure that you have not accidentally engaged in academic misconduct.

VIII. Writing Center

The **OSU Writing Center** is a free service that provides professional tutoring and consultation on writing. Visit <http://cstw.osu.edu> or call 688-4291 to make an appointment. They also offer drop-in consultations in Thompson Library and online consultations via the chat function on Carmen. I encourage you to use the university resources available to you to improve the quality of your writing, both for your papers and in preparation for your final exam. If you do decide to

use these services, please authorize that I be notified via a tutoring report because it helps me gauge your effort and track what advice has been given to you.

IX. Disability Services

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated, and should inform the instructor as soon as possible of their needs. The Office of Disability Services is located in 150 Pomerene Hall, 1760 Neil Ave; telephone 292-0901; <http://www.ods.ohio-state.edu/>.

X. Course Schedule

Week 1

Introduction

Burwell v. Hobby Lobby (2014)

Week 2

Secularization and Modernity

Tierney, "Religious Rights: A Historical Perspective" in Van Der Vyver ed., *Religious Human Rights in Global Perspective: Religious Perspectives*, Volume 1

Locke, *A Letter Concerning Toleration*

Available at:

http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=764&layout=html#chapter_80887

Isaiah Berlin, "Two Concepts of Liberty"

Casanova, Jose. "The Secular, Secularizations, Secularisms." In *Varieties of Secularism in a Secular Age*. Edited by Michael Warner, Jonathan VanAntwerpen and Craig J Calhoun. Cambridge, Mass.: Harvard University Press, 2010. 54-73.

Further Reading:

Walzer, *On Toleration*

Week 3

What is "Religion"?

Sullivan, "Judging Religion," *Marquette Law Review* 81 (1997): 441-460

Reynolds V US (1878) (US Supreme Court)

Hugh Urban, *The Church of Scientology*, chapter 5

Further Reading:

Sullivan *The impossibility of religious freedom*, Part 1

Hugh Urban, *The Church of Scientology* (rest of the book)

Week 4

Religion and Law in the USA

Madison, Memorial and Remonstrance (1785)
Virginia Statute for Religious Freedom (1786)
Constitution of Massachusetts (1780)
Jefferson's Letter to the Danbury Baptists
Hamburger, *Separation of Church and State* (Introduction and chapters 4, 7, 8, 9, 10)

Further Reading:

Kuru, *Secularism and State Policies toward Religion*, Chapter 3
Sarah Barringer Gordon, *The Mormon Question*

Week 5

Religion and Law in France

“Dechristianizing France” in *Religion, Society and Politics in France Since 1789*, Frank Tallett ed.

Kuru, Chapter 5

Yolande Jansen, “*Laïcité*, or the Politics of Republican Secularism” in de Vries and Sullivan eds., *Political Theologies*

Further Reading:

Taylor, “Modes of Secularism”

Jean Bauberot “The Two Thresholds of Laïcization” in Bhargava ed., *Secularism and its Critics*

Week 6

Religion and Law in Britain

Andrew Lynch, “The constitutional significance of the Church of England” in Radan, Meyerson, Croucher eds. *Law and Religion*

Charlotte Smith, “A very English affair: establishment and human rights in an organic constitution” in: Cane, Evans, Robinson eds. *Law and Religion in Theoretical and Historical Context*

Laborde, “Political Liberalism and Religion: On Separation and Establishment”

Further Reading:

Augur Pearce, “England’s Law of Religion – The History of a Discipline” in Doe and Sandberg, eds., *Law and Religion: New Horizons*

Week 7

Religion and Law in Israel

Israel’s Declaration of Independence and Basic Laws

Likhovksi, “The Invention of 'Hebrew Law' in Mandatory Palestine” *American Journal of Comparative Law*, Vol. 46, No. 339, 1998

England, “Law and Religion in Israel”, *American Journal of Comparative Law* Vol. 35, No. 1 (Winter, 1987), pp. 185-208

Barak-Erez, *Outlawed Pigs* (Especially caps. 2, 5, 6, 7, 9)

Further Reading:

Yoram Shachar. "Jefferson Goes East: The American Origins of the Israeli Declaration of Independence," *Theoretical Inquiries in Law* 10 (2009): 581-594, 601-614, 616-618.

Week 8

Religious Symbols and the Law

Kuru Chapter 4

Weil, "Why the French Laicite is Liberal" *Cardozo Law Review* (2008-9)

Laborde, "Secular Philosophy and Muslim Headscarves in Schools" *Journal of Political Philosophy* 13:3, 305-329 (September 2005)

Latusi v Italy (European Court of Human Rights)

Lynch v Donnelly (US Supreme Court)

Further Reading:

John Bowen, *Why the French Don't Like Headscarves*

Laborde, *Civic Republicanism*

Week 9

Religion and Public Schools

Mozert v. Hawkins (1987)

Kitzmiller v. Dover (2005)

Sedlock. v. Baird (2013, San Diego Cty California) Complaint Petition; Sedlock v. Baird Minute Order

R(E) v Governing Body of JFS [2009] UKSC 15

Week 10

Same Sex Marriage

Eskridge, "A History of Same Sex Marriage" *Virginia Law Review* 79, 1419 (1993)

Reid, "Marriage: Its relationship to Religion, Law and the State" in Laycock et al eds *Same Sex Marriage and Religious Liberty*

Shifman, Pinhas. "Civil Marriage in Israel: The Case for Reform" in *Jewish Law Association Studies XIII*

Eliav Shochetman, "On the Introduction of Civil Marriage in the State of Israel" in *ibid.*

Further Reading:

Aeyal M. Gross, "Challenges to Compulsory Heterosexuality: Recognition and Non-Recognition of Same-Sex Couples in Israeli Law"

Week 11

Religion and Legal Pluralism

Rowan Williams (Archbishop of Canterbury), "Civil and Religious Law in England: a religious perspective"

[<http://rowanwilliams.archbishopofcanterbury.org/articles.php/1137/archbishops-lecture-civil-and-religious-law-in-england-a-religious-perspective#Lecture>]

Shachar and Hirshl, "The New Wall of Separation: Permitting Diversity, Restricting Competition" *Cardozo Law Review*, Vol. 30, pp. 2535-2560, 2009

Ruth Halperin-Kaddari, "Expressions of Legal Pluralism in Israel: The Interaction Between the High Court of Justice and Rabbinical Courts in Family Matters and Beyond" in *Jewish Law Association Studies XIII*

Further Reading:

Hirschl, *Constitutional Theocracy*

Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law" *Theoretical Inquiries in Law*, Vol. 9, No. 2, pp. 573-607, 2008.

David Harte, "Structure of Religious Pluralism in English Law" in Doe, Sandberg, eds, *Law and Religion: New Horizons*

Week 12

Religious Freedom and Foreign Policy

Section 2 [Findings; Policy] Skim the rest: U.S. International Religious Freedom Act (1998).

<http://www.state.gov/documents/organization/2297.pdf>

Hackett, R I J, M Silk, and D Hoover. "Religious Persecution As a US Policy Issue." *Center for the Study of Religion in Public Life. Hartford, CT: Trinity College* (2000). Pp. 1-17, 45-59.

Recommended Reading: Pp. 18-31.

Cozad, Laurie. "The United States' Imposition of Religious Freedom: The International Religious Freedom Act and India." *India Review* 4, no. 1 (2005). 59-83

Hurd, Elizabeth Shakman "What's Wrong with Promoting Religious Freedom?" *The Middle East Channel*, 6/12/13.

George, Robert and Katrina L. Swett. "Why Religious Freedom Matters" *CNN global public square* online blog. <http://globalpublicsquare.blogs.cnn.com/2014/01/16/why-religious-freedom-matters/>

Further Reading:

Castelli, E A. "Praying for the Persecuted Church: US Christian Activism in the Global Arena." *Journal of Human Rights* 4, no. 3 (2005): 321-351

Senate Testimony on I.R.F.A.

Week 13

Contemporary Debates over Secularism I

Leiter, *Why Tolerate Religion*

Week 14

Contemporary Debates over Secularism II

Sullivan, *A Ministry of Presence*

Course Request

■ Course Request 3680 Saved

Request Status NEW

Last Updated Marsch,Elizabeth
01/09/2015 11:28 AM

Denotes Required Field

[Print \(PDF\) \(#\)](#) [Print \(HTML\) \(#\)](#)

Course Term Information

Effective Term [/https://assist-](#) Autumn 2015

[erp.osu.edu/assistCurriculum/effectiveTerm.html](#)

Semester/Term	Course change forms to be included in normal registration for upcoming term, to Registrar by:	*All other forms, to Registrar by:
Spring Semester	September 1	December 1
Summer Term	January 1	April 1
Autumn Semester	February 1	July 1

*Since registration begins shortly after the initial "course change forms" date, classroom assignments will increasingly be set and students actually enrolled in classes. Therefore, after that time departments will need to assume responsibility for locating classroom space and for informing students of substantive changes to courses, including significant course content changes, credit hours, grading basis, and the addition of new course requisites.

General Information

Course Bulletin Listing/Subject Area Religious Studies

What displays in the Course Bulletin [/https://assist-](#)

Fiscal Unit/Academic Org Comparative Studies - D0518

[erp.osu.edu/assistCurriculum/co](#)

College/Academic Group Arts and Sciences

Level/Career (can select multiple) Graduate Undergraduate

To select multiple items, hold the Ctrl or Cmd key and click

Course Number/Catalog 3680

[/https://assist-](#)

[erp.osu.edu/assistCurriculum/number.html](#)

Course Title Religion and Law in Comparative Perspective
57 characters remaining

Transcript Abbreviation Rel&Law Comp Persp
0 characters remaining

Course Description [/https://assist-](#) This course adopts a comparative, interdisciplinary approach to studying religion and law. Drawing on concrete cases, historical studies, and theoretical literature, it explores how the relationship between religion and law has been configured differently in different liberal democracies, such as the U.S., France, and Israel, and what this might mean for
[erp.osu.edu/assistCurriculum/description.html](#) 22 characters remaining

Semester Credit Hours/Units Fixed 3 Variable

Offering Information

Length of Course [/https://assist-](#) 14 Week

[erp.osu.edu/assistCurriculum/length.html](#) 7 Week

4 Week (May Session)

12 Week (May + Summer)

Flexibly Scheduled Course [/https://assist-](#) Never

[erp.osu.edu/assistCurriculum/flexSchedule.html](#)

Does any section of this course have a distance education component? [/https://assist-](#) No

[erp.osu.edu/assistCurriculum/hasDistanceEducationComponent.html](#)

erp.osu.edu/assistCurriculum/distance.html

- Grading Basis
- Letter Grade
 - Satisfactory/Unsatisfactory
 - Progress - S/U
 - Progress - Letter

Repeatable

Course Component

Clinical Field Experience Independent Study Laboratory Seminar Workshop	<input type="button" value="Add >"/>	Lecture Recitation
	<input type="button" value="< Remove"/>	
	<input type="button" value="<< Remove All"/>	

Grade Roster Component

erp.osu.edu/assistCurriculum/graded.html

Credit Available by Exam

Off Campus [https://erp.osu.edu/assist-](https://erp.osu.edu/assistCurriculum/offCampus.html)

erp.osu.edu/assistCurriculum/offCampus.html

- Campus of Offering (check all that apply)
- | | | |
|--|------------------------------------|--|
| <input checked="" type="checkbox"/> Columbus | <input type="checkbox"/> Marion | <input type="checkbox"/> Newark |
| <input type="checkbox"/> Lima | <input type="checkbox"/> Mansfield | <input type="checkbox"/> Wooster (ATI) |

Prerequisites and Exclusions

All courses listed will be assumed to be prerequisites unless otherwise specified. Please see the help text <https://erp.osu.edu/assistCurriculum/prerequisites.html> for guidelines and examples.

Prerequisites/Corequisites
[https://erp.osu.edu/assist-](https://erp.osu.edu/assistCurriculum/prerequisites.html)

erp.osu.edu/assistCurriculum/prerequisites.html 300 characters remaining

Exclusions

500 characters remaining

Cross-Listings

Cross-Listings [https://erp.osu.edu/assist-](https://erp.osu.edu/assistCurriculum/cross.html) History 3680

erp.osu.edu/assistCurriculum/cross.html 238 characters remaining

Subject/CIP Code

Subject/CIP Code .

[Subject/CIP Code lookup \(http://registrar.osu.edu/cip/cip.aspx\)](http://registrar.osu.edu/cip/cip.aspx)

Subsidy Level [https://erp.osu.edu/assist-](https://erp.osu.edu/assistCurriculum/subsidyLevel.html)

Use the above link to determine which level should be applied

- Intended Rank (check all that apply)
- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Freshman | <input checked="" type="checkbox"/> Sophomore | <input checked="" type="checkbox"/> Junior | <input checked="" type="checkbox"/> Senior |
| <input type="checkbox"/> Masters | <input type="checkbox"/> Doctoral | <input type="checkbox"/> Professional | |

Requirement/Elective Designation

Requirement/Elective Designation Required for this unit's degrees, majors, and/or minors

General Education course

Check all topics that apply.

erp.osu.edu/assistCurriculum/gen_ed_course.html Please note the following three topics are mutually exclusive: Literature, Visual and Performing Arts, and Cultures and Ideas. Writing and Communication (please choose only one)

- Level 1 (1110)
- Level 2 (2367)
- Foreign Language
- Literature
- Visual and Performing Arts
- Culture and Ideas
- Historical Study
- Quantitative Reasoning (please choose only one)
 - Basic Computation
 - Mathematical or Logical Analysis
 - Data Analysis
- Natural Science (please choose only one)
 - Biological Science
 - Physical Science
- Social Science (please choose only one)
 - Individuals and Groups
 - Organizations and Politics
 - Human, Natural, and Economic Resources
- Diversity (please choose only one)
 - Social Diversity in the United States
 - Global Studies (International Issues successors)
 - Cross-Disciplinary Seminar (597 successors and new)
 - Service-Learning (new)
 - Education Abroad (new)
- The course is an elective (for this or other units) or is a service course for other units

Course Details

★ **Course goals or learning objectives/outcomes (knowledge, skills, and attitudes/perspectives)** <https://assist-erp.osu.edu/assistCurriculum/goals.html> to be attained by students at time of successful completion of course

- To equip students with tools for thinking about the relationship between law and religion in contemporary politics, philosophy and culture.

Add Remove

106 characters remaining

- To help students analyze this relationship with recourse to a rich comparative framework that will place key ideas in the context of historical change and geographical diversity.

Add Remove

67 characters remaining

- To provide students with a sophisticated understanding of key concepts that will inform their approach to the course, including secularism, religious freedom, neutrality, toleration, separation of church and state, and nationalism.

Add Remove

14 characters remaining

- To prepare students for the responsibilities of citizenship by bringing the resources of the course to bear on contemporary controversies and debates in nuanced ways.

Add Remove

79 characters remaining

★ **Content Topic List**
religion

Add Remove

242 characters remaining

law

Add Remove

247 characters remaining

democracy

Add Remove

241 characters remaining

freedom

Add Remove

243 characters remaining

secularism

Add Remove

240 characters remaining

Christianity

Add Remove

238 characters remaining

Islam

Add Remove

245 characters remaining

Judaism

Add Remove

243 characters remaining

history

Add Remove

243 characters remaining

politics

Add Remove

242 characters remaining

pluralism

Add Remove

241 characters remaining

courts

Add Remove

244 characters remaining

schools

Add Remove

243 characters remaining

Attachments (<https://assist-erp.osu.edu/assistCurriculum/attachments.html>)

A syllabus is a required attachment for all new course requests. For guidance on developing a syllabus, please visit the [University Center for the Advancement of Teaching \(http://ucat.osu.edu/teaching-topics/course-preparation#syllabus\)](http://ucat.osu.edu/teaching-topics/course-preparation#syllabus).

Add...

Uploaded File Info

File Name	Description	* Attachment Type	Owner	Action
Teamteachingsyllabus (1).docx (#)		Syllabus	Marsch,Elizabeth	Delete Attachment
ReligionandLawGERationalandassessment (1).docx (#)		GEC Course Assessment Plan	Marsch,Elizabeth	Delete Attachment
ReligionandLawTeamTeachingDraft (1).docx (#)		Other Supporting Documentation	Marsch,Elizabeth	Delete Attachment

Comments

This course was originally developed as part of Dean Mandersheid's call for team teaching proposals, but will be taught, pending your approval whether or not it is
800 characters remaining

Actions

Save For Later

Save and Continue

Cancel Request

Do Not Save/Return to Home

Denotes Required
Field

The Ohio State University

*

© Copyright, 2010. The Ohio State University.

This page is maintained by the Office of the Chief Information Officer

If you have trouble accessing this page, please contact ohhelp@osu.edu (mailto:ohhelp@osu.edu) | Phone (614) 688-HELP (4357) | E-mail: ohhelp@osu.edu (mailto:ohhelp@osu.edu)

GE Rationale and Assessment Plan
Religion and Law in Comparative Perspective
History 3680/Comparative Studies 3680

This interdisciplinary team-taught course introduces students to the study of religion and law by adopting both a historical and cross-cultural comparative approach. The legal regulation and management of religious differences constitutes one of the most pressing challenges facing liberal democracies today. Yet our public discourse about such questions tends to be relatively unsophisticated and un-nuanced. By encouraging students to think historically and comparatively about these problems, this course will help to prepare them for the responsibilities of global citizenship in an increasingly diverse and interconnected world.

This course adopts an interdisciplinary approach, which draws together materials from a wide variety of sources including case law, literature, and other primary source material, as well as academic writings by religion scholars, political scientists, historians, anthropologists, sociologists, philosophers, and others. The course challenges students' presuppositions and preconceptions by introducing them to the diversity of ways that religion and law have intersected and interacted in different times and places. It seeks to broaden students' understandings of how particular historical and sociological factors have shaped the different ways that western democracies have approached these pressing questions. It encourages students to make connections between contemporary issues in the United States and around the globe. And it invites students to cultivate their own public voices by drawing on the tools they acquire in this course in order to participate in contemporary political debates.

The general goals and the expected learning outcomes of the "Historical Study" and "Diversity-Global Studies" GE categories are fulfilled through the reading, viewing, and writing assignments that the class requires. More specifically, the course helps students "recognize how past events are studied and how they influence today's society and the human condition." It teaches students to "describe and analyze the origins and nature of contemporary issues" and to "speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts." It also helps students "understand the pluralistic nature of institutions, society, and culture in the United States and across the world in order to become educated, productive, and principled citizens." It teaches students to "understand some of the political, economic, cultural, physical, social, and philosophical aspects of one or more of the world's nations, peoples and cultures outside the U.S.," and to "recognize the role of national and international diversity in shaping their own attitudes and values as global citizens."

This course addresses significant issues that arise within the study of religion and law, for example, how the relationship between "church and state" was configured historically in the United States and in other liberal democracies; how "religion" is defined under the rule of law; the capacity of law for accommodating and managing religious and other forms of human difference; the contested meanings of key terms such as secularism, toleration, neutrality, and nationalism; and the conceptual and practical limits of religious freedom today. Students will read a range of texts and articles that speak to these and other issues. Through class participation, weekly presentations, contributions to a collaborative course blog, and a final research paper, students will develop their critical analytical skills as well as their writing and oral presentation

skills, as is expected in a humanities class.

The course begins with several classes that introduce students to key concepts and categories in the study of religion and law, such as secularism and secularization, modernity, nationalism, and religion. The course then proceeds to trace the history and development of religion and law in four liberal democracies: the United States, France, Britain, and Israel. It explores how the particular political histories and social compositions of these countries shaped the disparate approaches they have adopted for configuring the relationship between religion and law. The course then shifts to a case study approach, where it applies the historical and comparative knowledge students will have acquired by considering how these different nation-states have addressed particular issues, such as the public display of religious symbols, the place of religion in public schools, the regulation of sexuality and marriage, legal pluralism and the potential for religious communities to govern themselves on matters of civil law, and religious freedom as an instrument of foreign policy. Finally, the course concludes by considering various contemporary philosophical and theoretical perspectives on the relationship between religion and law.

These units give students a general overview of the contemporary and historic configurations of religion and law in the United States and in other western liberal democracies. Students are challenged in their assumptions about American “exceptionalism,” and are exposed to the diversity of ways that other societies have addressed these issues. Students also learn about the different ways that diverse religious communities have thought about these questions. They will gain a deeper understanding not only for how law has shaped the practice of religion in the modern world but also for how religion has shaped the law, and will be introduced to an array of religious actors who in various ways have challenged, resisted, and accommodated the demands placed on them by modern states. They will thus have opportunities to reflect critically on the history of religious freedom and its meaning today. Students will complete the course with an understanding of the fundamental concepts, ideas and information necessary to commence or complement their participation in the Religious Studies major or minor, if they so choose, as well as the skills gained generally from an Arts and Sciences course at the Ohio State University.

A. History 3680/Comparative Studies 3680 meets the goals and learning objectives of the Arts and Sciences General Education Curriculum for Semester Courses in History/Comparative Studies – Historical Study category in the following ways:

General goals of the GE Historical Study requirements:

Students recognize how past events are studied and how they influence today's society and the human condition.

- **How past events are studied:** Students consider the historical development of key concepts such as secularism and religious freedom, drawing on varied approaches such as intellectual history, cultural history, and political history.
- **How they influence today's society and the human condition:** Students study contemporary issues and case studies, such as religion in public schools or the public display of religious symbols, in light of historical frameworks and perspectives.

Expected Learning Outcomes for Historical Study:

Students construct an integrated perspective on history and the factors that shape human activity.

- Students analyze particular historical, political, and social factors that shaped the development of religious freedom and secularism in different times and places.

Students describe and analyze the origins and nature of contemporary issues.

- Students describe and analyze the origins and nature of contemporary issues, such as the place of religion in public school and the state's role in regulating marriage and sexuality.

Students speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts.

- Students analyze competing interpretations of key events in the historical development of religious freedom, such as the writing of the First Amendment to the U.S. Constitution.

B. History 3680/Comparative Studies 3680 meets the goals and learning objectives of the Arts and Sciences General Education Curriculum for Semester Courses in History/Comparative Studies – Diversity: Global Studies category in the following ways:

General goals of the GE Arts and Humanities – Diversity: Global Studies requirements:

Students understand the pluralistic nature of institutions, society, and culture in the United States and across the world in order to become educated, productive, and principled citizens.

- Students learn about the different ways that religious and other forms of human difference have been conceptualized, managed, and regulated in different societies, and the different ways that diverse religious communities have thought about these issues.

Expected Learning Outcomes for Global Studies:

Students understand some of the political, economic, cultural, physical, social, and philosophical aspects of one or more of the world's nations, peoples and cultures outside the U.S.

- Through cross-cultural comparative analysis, students learn about the different ways that religion and law have interacted in countries such as France, Britain, and Israel, and they learn about some of the political, cultural, social, and philosophical aspects of diverse religious communities, including Jewish, Christian, Muslim, and Hindu.

Students recognize the role of national and international diversity in shaping their own attitudes and values as global citizens.

- By offering students tools for thinking historically and comparatively about contemporary issues related to religion and law, and through assignments that invite students to cultivate their own public voices by bringing insights learned in this course to bear on contemporary issues and case studies, this course will help to prepare them for the responsibilities of global citizenship in an increasingly diverse and interconnected world.

Assessment plan for the course:

GE Historical Study and GE Diversity: Global Studies Assessment Plan

a) **Specific Methods used to demonstrate student achievement of the GE expected learning outcomes**

GE Expected Learning Outcomes for Historical Study GE	Direct Methods (<i>assess student performance related to the expected learning outcomes. Examples of direct assessments are: pre/post test; course-embedded questions; standardized exams; portfolio evaluation; videotape/audiotape of performance</i>)	Indirect Methods (<i>assess opinions or thoughts about student knowledge, skills, attitudes, learning experiences, and perceptions. Examples of indirect measures are: student surveys about instruction; focus groups; student self-evaluations</i>)
1. Students construct an integrated perspective on history and the factors that shape human activity.	Analysis of semester-long discussion and blog contributions ¹ Analysis of semester-long paper ²	Opinion survey ³
2. Students describe and analyze the origins and nature of contemporary issues.	Analysis of semester-long discussion and blog contributions Analysis of semester-long paper	Opinion survey
3. Students speak and write critically about primary and secondary historical sources by examining diverse interpretations of past events and ideas in their historical contexts.	Analysis of semester-long discussion and blog contributions Analysis of semester-long paper	

GE Expected Learning Outcomes for Diversity: Global Studies	Direct Methods (<i>assess student performance related to the expected learning outcomes. Examples of direct assessments are: pre/post test; course-embedded questions; standardized exams; portfolio evaluation; videotape/audiotape of</i>	Indirect Methods (<i>assess opinions or thoughts about student knowledge, skills, attitudes, learning experiences, and perceptions. Examples of indirect measures are: student surveys about instruction; focus groups; student self-evaluations</i>)

	<i>performance)</i>	
1. Students understand some of the political, economic, cultural, physical, social, and philosophical aspects of one or more of the world's nations, peoples and cultures outside the U.S.	Analysis of semester-long discussion and blog contributions Analysis of semester-long paper	Opinion survey
2. Students recognize the role of national and international diversity in shaping their own attitudes and values as global citizens.	Analysis of semester-long discussion and blog contributions Analysis of semester-long paper	Opinion survey

¹Throughout the semester, each student has the opportunity to demonstrate mastery of GE expected learning outcomes by participating in classroom discussions as well as contributing to the course blog. Elements that reprise the GE expected learning outcomes have been written into the assessments for each of these graded elements.

²In the semester-long paper, each student has the opportunity to demonstrate mastery of GE expected learning outcomes on a project of his or her own choosing. Elements that reprise the GE expected learning outcomes have been written into the rubric for the semester-long paper.

³At the end of the semester, each student will be asked to fill out an evaluation of the course, the professor's guidance toward expected outcomes, and their performance regarding these outcomes.

b) Explanation of level of student achievement expected:

For discussions, blog contributions, and research paper, success will mean that at least 75% of the students will reflect undergraduate-level mastery of 75% of the GE ELO's for the two GE categories.

c) Description of follow-up/feedback processes:

At the end of the course, we will use an analysis of the discussion, blog, and paper outcomes to identify problem spots and how we might change the course and the presentation of materials to insure better fulfillment of the GE expected learning outcomes. We will also analyze the self-evaluation questions carefully to judge how students evaluated their own progress and to determine whether student perception meshed with performance. If there is a conflict, we will adjust the presentation and assessment of material as warranted. We will archive these end-of-semester analyses in the instructors' offices so that we can gauge whether any changes made were effective. These evaluations will be discussed with the curriculum committee when required. We will also use these data to write a GE report when the ASCC Assessment Panel asks for a report.



January 6, 2015

David Manderscheid
Executive Dean
College of Arts and Sciences
The Ohio State University

Dear Dean Manderscheid,

I am happy to write in support of Alexander Kaye's and Isaac Weiner's proposal for a new team-teaching course, Religion and Law in Comparative Perspective. My charge in this letter is to describe how the course enhances our department's curriculum. It is an easy task, as the title of the course suggests.

Professors Kaye and Weiner have designed a collaborative interdisciplinary course that brings together multiple distinct sets of methodologies. Fundamentally comparative, this course examines the intersection of law and religion across a range of religious traditions, time periods, regions of the globe, and deeply contextualized local conditions. This range requires from the pair of instructors, and will produce in the students, familiarity with the scholarly fields of religious studies, legal studies, history, and cultural anthropology. Students will emerge from this class with an enhanced understanding of the immense variability in religious and legal traditions, and the fundamental importance of a deep understanding of local and historical context for meaningful comparison. As a 4000 level course, this class will provide the opportunity for students to practice models of in-depth scholarly work in difficult issues. The examination of legal constraints on religious practice and religious pressures on legal judgments demands sophisticated research skills and careful thinking, precisely the skills and habits at the core of our department's curriculum.

The Department of Comparative Studies features a fundamentally interdisciplinary curriculum. Our major in Religious Studies and our several concentrations within Comparative Studies are united by our overarching program goals. In Religious Studies, we train students in the methodological challenges that face any student of religion, the ability to study religion in a range of cultural and historical contexts, the ability to appreciate the role that religion plays in social and cultural reproduction (such as the legal system), while obtaining a broad knowledge of the world's religions. In the various concentrations in Comparative Studies, our students develop the interdisciplinary analytical skills needed to understand differences in culture and politics and issues of community and social justice, while learning to read, experience, and interpret a diverse range of texts, material artifacts, and cultural practices. A student who successfully completes Religion and Law in Comparative Perspective will advance towards every one of these program goals.

Religion and Law in Comparative Perspective will combine the specialties of two recent additions to the faculty of Arts and Humanities, providing a truly exciting opportunity for advanced students across the division (and quite probably the College as a whole) to acquire



THE OHIO STATE UNIVERSITY

some of the skills and sensitivities necessary to live and work meaningfully in our increasingly complex and conflicting world. I give it my heartiest endorsement.

Yours,

Barry Shank
Professor & Chair

BUT FOR OHIO STATE



January 15, 2015

David Manderscheid
Executive Dean and Vice Provost
College of Arts & Sciences
186 University Hall
230 N. Oval Mall
Campus

Dear David:

I am pleased to support the proposal for a new interdisciplinary team-taught course, "Religion and Law in Comparative Perspective." This course would fit very nicely with the Department of History's goals and course offerings. My colleague Alexander Kaye would teach the course with Isaac Weiner from the Department of Comparative Studies, and their students would learn skills and insights appropriate to disciplines of law, religious studies, philosophy, anthropology, sociology, history, and political science.

The Department of History has organized its courses into cross-cutting Constellations that are framed around thematic questions. The Religion in History constellation approaches religion as a system of ideas and practices that is embedded in past political, social, and cultural orders. Courses taught under the constellation embrace all geographical areas of the globe and chronological focus from antiquity to present. It is clear from the description of the course's expected learning outcomes that "Religion and Law in Comparative Perspective" will be taught in the spirit of the constellation by discussing religion and law in different historical and national contexts and how it pertains to contemporary controversies.

The proposed course is truly interdisciplinary in nature and it thereby will educate students to understand a major topic from multiple perspectives. Professors Kaye and Weiner have collaborated in intellectual pursuits and gained training and demonstrated achievement across their two disciplines. Thus, they would provide rich and complementary perspectives. They have constructed a syllabus reflecting complex content, rigorous evaluation of student progress, and genuine team teaching that will enhance the learning experience of students.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Rosenstein". The signature is fluid and cursive, with a large initial "N" and "R".

Nathan Rosenstein
Professor and Acting Chair