

Harvard University
Kennedy School of Government

**Religion and Government: Choices of Morality
Law and Policy
(KSG: PAL 125; HDS: 2852)**

Professor J. Bryan Hehir
Fall 2007
WED. 4:40 – 6:30 PM

Office: 234 Hauser Center, 5 Bennett Street
Phone: 617-384-7776
Assistant: Rosita Scarfo 617-496-1739
E-mail: rosita_scarfo@harvard.edu

I. Course Description

The seminar is designed to examine the relationship (collaborative and conflictual) of two fundamental institutions in American society. The course examines three broad questions: the relationship of religion and government in the American constitutional system; the role of nonprofit institutions in the arena of social service and public advocacy; and the specific range of opportunities and problems faced by religiously based nonprofits in social policy.

II. Course Outline

- Sept 12: Introduction
- Sept 19: Religion and the State: Historical Perspectives
- Sept 26: Church and State: The U.S. Case (I)
- Oct 3: Church and State: The U.S. Case (II)
- Oct 10: Religion and Politics: Contemporary Voices
- Oct 17: Religion and Politics: Ideas and Issues
- Oct 24: Religion – Morality and Law: Classical Options
- Oct 31: Religion and Social Policy (I): The Faith Based Initiative
- Nov 7: Religion and Social Policy (II): The Accommodation of Conflicting Consciences
- Nov 14: Religion and Bioethics: Personal and Institutional Choices – The Beginning of Life
- Nov 21: NO CLASS (Oral Exams)
- Nov 28: Religion and Bioethics: Personal and Institutional Choices – The End of Life
- Dec 5: Conclusion

III. Reading List

Sept 19:

1. John Witte, Religion and the American Constitutional Experiment (Boulder, CO.: Westview Press, 2000) pp. 1-86.

Sept 26:

1. Witte, cited, pp. 87-116.

Oct 3:

1. Witte, cited, pp. 116-184.

Oct 10:

1. E.J. Dionne, Jean Bethke Elshtain and Kayla M. Drogoz, eds., One Electorate under God? A Dialogue on Religion and American Politics (Washington D.C.: Brookings Institution Press, 2004) pp. 13-24; 41-51; 63-77; 94-105.
2. Noah Feldman, "A Church-State Solution," New York Times Magazine (July 3, 2005).
3. Sanford Levinson, "Abstinence and Exclusion: What Does Liberalism Demand?" In Paul J. Weithman, Ed., Religion and Contemporary Liberalism (Notre Dame, In: University of Notre Dame Press, 1997) pp. 76-92.

Oct 17:

1. E.J. Dionne, Jean Bethke Elshtain and Kayla M. Drogoz, eds., One Electorate under God? A Dialogue on Religion and American Politics (Washington D.C.: Brookings Institution Press, 2004) pp. 52-62; 78-93; 106-125; 134-178; 194-199; 217-226.
2. Pippa Norris and Ronald Inglehart, Sacred and Secular: Religion and Politics Worldwide (NY: Cambridge University Press, 2004) pp. 3-32

Oct 24:

1. John Rawls, Political Liberalism (N.Y.: Columbia University Press, 1996) pp 212-254.
2. John Courtney Murray, We Hold These Truths (N.Y.: Sheed and Ward, 1960) pp 97-123; 155-174.
3. Roger A. Shiner, "Law and Morality" in Dennis Paterson, ed., A Companion to Philosophy of Law and Legal Theory (Malden, MA: Blackwell Publishing Ltd., 1999) pp. 436-449.

Oct 31:

1. Theda Skocpol, "Religion, Civil Society and Social Provision in the U.S.," Mary Jo Bane, Brent Coffin, and Ronald Thiemann, Eds., Who Will Provide? The Changing Role of Religion in American Social Welfare (Boulder, CO: Westview Press, 2000) pp. 21-50.
2. Harvard Law Review, Symposium on Faith Based Initiative, vol. 116, #5 (March 2003) pp. 1229-1270 (E-resource).

Nov 7:

1. Leslie C. Griffin, *Law and Religion: Cases and Materials* (NY: Foundation Press, 2007) pp. 259-285
2. Inami M. Chettiari, "Contraception Coverage Laws: Eliminating Gender Discrimination or Infringing on Religion Liberties?," *University of Chicago Law Review* 69 (2002) pp. 1867-1899 (E-recourse).
3. C. Esbeck, Stanley W. Carlson-Thies, Ronald J. Sider, eds., *The Freedom of Faith-Based Organizations to Staff on a Religious Basis* (The Center for Public Justice, 2004) Ch 4 and 5: To download a free copy: <http://www.esa-online.org/freedom/>

Nov 14:

1. Lynn D. Wardle, "Protecting the Rights of Conscience of Health Care Providers," *Journal of Legal Medicine* 14 (1993) (E-resource).
2. Katherine A. White, "Reconciling Religious Health Care Providers Beliefs and Patients Rights," *Stanford Law Review* 15 (July 1999) pp. 1703-1749 (E-resource).
3. Charles Krauthammer, "The Ethics of Human Manufacture," *New Republic* (May 4, 1987) pp. 17-21.

Nov 21:

1. No Class (Oral Exams).

Nov 28:

1. M. Cathleen Kaveny, Assisted Suicide, Euthanasia and the Law, *Theological Studies* 58 (March 1997).
2. *Compassion in Dying v. State of Washington* 79 F. 3d 790 (9th Cir. 1996) (Lexis Nexis).
3. *Quill v. Vacco* F.3d 716 (2nd Cir. 1996) (Lexis Nexis).
4. John Rawls et al., Assisted Suicide: The Philosophers' Brief, *New York Review of Books* (vol. 44; #5) (March 27, 1997).

IV. Course Requirements

1. Preparation and participation in seminar discussion each week.
2. Mid-term: Oral exam (based on readings and lectures of Sept 19 thru Oct 31); Exams given Nov 1 thru Nov 12 (30% of grade)
3. Seminar Paper: Topic chosen from course materials (readings, lectures and discussion): 20-25 pages; due Jan 4, 2008 (60% of grade).
4. Books for the course:
 - a. John Witte, Jr., Religion and the American Constitutional Experiment (N.Y.: Westview Press, 2004) paperback
 - b. E.J. Dionne, Jean Bethke Elshtain, Kayla M. Drogoz, eds., One Electorate Under God? A Dialogue on Religion and American Politics (Washington D.C.: Brookings Institution Press, 2004) paperback
 - c. Sourcebook of selected readings (KSG)

V. Office Hours

Location: Hauser Center, KSG

Time: Thursday: 4:00 – 6:00 pm

Professor Hehir's: (617) 384-7776