**Politics of Religious Diversity**

Northwestern University

Political Science 382/Religion 379

Spring 2021

Prof. [Elizabeth Shakman Hurd](https://elizabethshakmanhurd.com/)

Tues./Thurs. 12:30-1:50 online (synchronous)

Zoom link: <https://northwestern.zoom.us/j/9654376224>

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Office hours: by appointment (same link)

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**Course Description:** This course will teach you to think critically and comparatively about the intersections of religion, law, and politics. It is organized in part around a set of legal cases and supporting materials curated by Professor Hurd and Professor Winnifred Sullivan which are available through the open access [Teaching Law and Religion Case Study Archive](https://sites.northwestern.edu/lawreligion/). Rather than taking the US as the paragon of religious freedom and considering whether the rest of the world lives up to our standards, the course approaches the US as one among many societies living with religious diversity. We study these dynamics comparatively, examining the ways in which religious, legal, and political traditions intersect, interact and co-constitute.

A second objective is to connect these cases and controversies to local (Northwestern, Evanston, Chicago, Illinois, and US) communities and concerns, focusing on religion, race, and indigeneity. This contributes to an effort to strengthen Northwestern’s [Center for Native American and Indigenous Research](https://www.northwestern.edu/native-american-and-indigenous-peoples/people/cnair.html) and realize the objectives of the Office of Institutional Diversity and Inclusion by including substantial course content on African American, Native American, and Jewish American political/religious history and experience. The course traverses disciplinary, geographic, and secular-religious boundaries, drawing on readings from politics, socio-legal studies, religious studies, indigenous studies, anthropology, history, and popular culture. Students will also consider their own experiences of living with religious diversity as we explore strategies to think religion anew in the contemporary world.

The teaching modules used in this course were developed under the auspices of two research projects supported by the [Henry R. Luce Initiative on Religion and International Affairs](http://www.hluce.org/hrlucerelintaff.aspx) and with the support of a Provost’s Faculty Grant for Innovation in Diversity and Equity.

**Learning Objectives:** Through taking this course, students will:

* Engage with literature, research, and theories related to social and religious diversity, situating the American experience in global and comparative perspective
* Understand the impact that histories, institutions, and social structures have on local issues and individual experiences and identities, including their own
* Develop an ability to think and write critically about political, religious, economic, and cultural issues related to social inequalities and diversities
* Demonstrate an ability to communicate effectively with student colleagues who may have different religious, economic and political backgrounds and experiences

**Inclusive Classroom:** One of my priorities is to create a learning environment that is welcoming to all students. If you have special circumstances that impact your life as a student (i.e. child or elder care duties, financial or other personal concerns), please inform me as early as possible so that we can work together to ensure your success in this class.

**Course Requirements:** You are expected to come to class prepared for active participation. Take notes on the readings, bring them to class and use them to participate in discussion. Attendance and participation are crucial components of your grade. You will develop a final paper, with the topic provided by the instructor, to be submitted at the end of the quarter.

**Written Assignments:** There will be three written assignments over the course of the quarter: two 3-page response papers and one 5-7 page final paper. All assignments should be submitted electronically to the TA, copying the professor.

**Guidelines for Written Assignments:** All papers must be submitted as a Word or Google doc file so that the TA and/or I can edit and comment in it. Other formats (PDF, etc.) will not be accepted. When submitting your assignments, use your last name as the file name, i.e. Hurd.doc. Failure to follow submission guidelines will result in a reduction of your grade.All writing that you submit should be typed, double-spaced, in a standard font (e.g. Times New Roman 12) with standard margins and page numbers. Make sure your name, date, and a title appear on the first page. Include citations and a complete list of sources.

**Grading and Academic Integrity:** Your final grade will be based on: 1) attendance and participation (20%); 2) short paper #1 (20%); 3) short paper #2 (20%); and 4) outline and final paper (40%). No late work is accepted without a written medical excuse.

Any student who violates the University’s principles of academic integrity will fail this course and be referred to the Associate Dean for Undergraduate Studies’ office for further action by the University.

**Grading Scale:**

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| --- | --- |
| **%**  | **Letter Grade**  |
| 93-100  | A  |
| 90-92  | A-  |
| 87-89  | B+  |
| 83-86  | B  |
| 80-82  | B-  |
| 77-79  | C+  |
| 73-76  | C  |
| 70-72  | C-  |
| 60-69  | D  |
| 59 or below  | F  |

**Disability Accommodation:** If you are requesting accommodations related to a disability or other condition you are required to register with [AccessibleNU](https://www.northwestern.edu/accessiblenu/). Please provide me with an accommodation notification, preferably within the first two weeks of class. All information will remain confidential.

**Office Hours**: You can schedule an appointment by emailing me. I encourage you to come to (virtual) office hours to go over questions or concerns you may have about the course. Meeting one on one allows me to get to know you (and vice versa) outside of the classroom.

**Writing Place:** The Writing Place is a fantastic resource. Make an appointment or drop-in. Email writingplace@northwestern.edu or phone: 847-467-2791.

**Readings:** Many of ourreadings are available open access on the [Teaching Law and Religion Case Study Archive](https://sites.northwestern.edu/lawreligion/). Readings with an asterisk\* are available on our Canvas site under “Course Reserves” or “Files.”Links are provided to open access readings. Please purchase the following three books or check them out on reserve from the Main library:

Steven K. Green, *Inventing a Christian America: The Myth of the Religious Founding*. Oxford: Oxford University Press, 2015.

Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion*. Princeton: Princeton University Press, 2017.

John N. Low, *Imprints: The Pokagon Band of Potawatomi Indians and the City of Chicago*. East Lansing, MI: Michigan State University Press.

**Course Schedule**

**April 1: Introduction**

Hurd, *Beyond Religious Freedom*, Preface & Chaps 1-2 (pp. 1-52).

**April 6: Religion, law, politics: three perspectives**

\*Winnifred Fallers Sullivan, “Law,” eds. Robert A. Segal and Kocku von Stuckrad, *Vocabulary for the Study of Religion*, Vol. 2, F-O. Leiden: Brill, 2015, 323-330.

\*Robert A. Orsi, “Afterword: Everyday Religion and the Contemporary World: The Un-Modern, Or What Was Supposed to Have Disappeared But Did Not,” in Samuli Schielke and Liza Debevec, eds. *Ordinary Lives and Grand Schemes: An Anthropology of Everyday Religion* (New York: Berghahn Books, 2012), 146-61.

\*Spencer Dew, *The Allites: Race and Law in the Religions of Noble Drew Ali* (Chicago: University of Chicago Press, 2019), preface, “Dialing in to Contemporary American Religion,” pp. vii-xii.

Further reading (optional):

Talal Asad, “The Idea of an Anthropology of Islam,” *Qui Parle*, Vol. 17, No. 2 (Spring/Summer 2009), pp. 1-30.

Talal Asad, “The Construction of Religion as an Anthropological Category,” in *Genealogies of Religion* (Baltimore: The Johns Hopkins University Press, 1993), 27-54.

Kathleen M. Sands, “Tracking Religion: Religion through the Lens of Critical and Cultural Studies,” *Bulletin of the Council of Societies for the Study of Religion*, Vol. 31, no. 3 (September 2002): 68-74.

**April 8: Is yoga in US public schools constitutional? Is that the right question? What is religion, and who decides?**

Kyla Calvert, “[Promoting Hinduism? Parents demand removal of school yoga class](http://www.npr.org/2013/01/09/168613461/promoting-hinduism-parents-demand-removal-of-school-yoga-class).” NPR Morning Edition (Jan. 9, 2013).

\*Court of Appeal, Fourth Appellate District, Division One, State of California, *Stephen Sedlock et al. v. Timothy Baird et al* (Superior Court Case No. 37-2013-00035910-CU-MC-CTL). (NOTE: PDF available under “Files” on Canvas site.)

Erik Davis, “[Is Yoga a Religion?](http://aeon.co/magazine/society/erik-davis-is-yoga-a-religion/)” *Aeon* (May 3, 2013).

**April 13: Yoga, politics, religion: part 2**

\*Sunila S. Kale and Christian Lee Novetzke, “Legal Yoga,” Chap. 15 of *The Oxford History of Hinduism: Hindu Practice* (Oxford: Oxford University Press, 2020).

Yoga stamps: <http://allmyeyes.blogspot.com/2011/09/yoga-stamps.html>

Kale and Novetzke,“[Some Reflections on Yoga as Political Theology](https://thewire.in/culture/some-reflections-on-yoga-as-political-theology),” The Wire, Jan. 28., 2016)

Andrea R. Jain, “[Is Downward Dog the Path to Hell?](http://religiondispatches.org/is-downward-dog-the-path-to-hell/)” *Religion Dispatches* (Dec. 10, 2010).

Melani McAlister, “[Iyengar](http://frequencies.ssrc.org/2011/10/13/iyengar/).” *Frequencies: A Collaborative Genealogy of Spirituality* (Oct. 13, 2011).

Katherine Stewart, “[Protesting Yoga in Schools, but Welcoming Bible Study](http://religiondispatches.org/protesting-yoga-in-schools-but-welcoming-bible-study/).” *Religion Dispatches* (February 25, 2013).

**April 15: Inventing a Christian America?**

Green, *Inventing a Christian America*, Preface, Intro., & Chap. 4 (pp. vii-xi; 1-19; & 154-198).

**April 20: Christmas in Pawtucket, Rhode Island**

*Lynch v. Donnelly*, Chief Justice Burger’s Opinion for the Court, Justice O’Connor’s concurring opinion, and Justice Brennan’s dissent, all available [here](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=465&invol=668).

**April 22: Christmas in America, part 2**

Green, *Inventing a Christian America*, Chap. 5 & Conclusion (pp. 199-243).

Recommended:

\*Winnifred Fallers Sullivan, *Paying the Words Extra*: *Religious Discourse in the Supreme Court of the United States* (Cambridge: Harvard University Press, 1994), chaps. 3-5, pp. 79-156.

**April 27:** [**Jews’ Free School**](https://sites.northwestern.edu/lawreligion/project/jews-free-school/) **(JFS)**

Synopsis: In England, religious schools are permitted to give admissions preference to applicants who share the school’s religious affiliation. Usually this preference is a matter of mutual agreement between the students and the schools. Yet religious communities sometimes disagree about matters of communal membership, practice, and observance. On October 1, 2009, the Supreme Court of the United Kingdom heard its first case as the newly configured highest judicial authority in Great Britain, *R(E) v. The Governing Body of JFS* (the JFS case). The case involved a dispute over the preferential admissions process at an oversubscribed Jewish school in north London, where a student was denied admission because neither his lineage or conversion was recognized by the Orthodox Jewish authorities that determined the schools admissions criteria. This apparently secular court inserted itself as the arbiter of a religious dispute between Jewish communities, eventually arguing that the school’s admission policies violated not religious freedom but constituted ethnic and racial discrimination. The case asks: “Who is a Jew? And who has the authority to make that determination? Does the Orthodox Jewish practice of determining Jewish status by matrilineal descent violate the Race Relations Act of 1976?”

Read:

[Timeline](https://sites.northwestern.edu/lawreligion/project/jews-free-school/) on case homepage.

Heather Miller Rubens, [Something Has Gone Wrong”: The JFS Case and Defining Jewish Identity in the Courtroom](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/01/Something-has-Gone-Wrong__-The-_em_JFS__em_-Case-and-Defining-Je-208qpd4.pdf), *Maryland Journal of International Law*, vol. 29, (2015): 361-418.

Marc Galanter, [A Dissent on Brother Daniel](https://www.commentarymagazine.com/articles/a-dissent-on-brother-daniel/), *Commentary* (July 1963): pp. 10-17.

\*Yaacov Yadger, *Sovereign Jews: Israel, Zionism,* *& Judaism* (SUNY Press, 2018), Chap. 4, pp. 67-84.

References and further reading:

Judgment: R (on the application of E) (Respondent) v Governing Body of JFS and the Admissions Appeal Panel of JFS (Appellants) and others. Supreme Court of the United Kingdom. 16 December 2009.

Peter Danchin, Winnifred Fallers Sullivan, Saba Mahmood & Elizabeth Shakman Hurd, [Introduction to Politics of Religious Freedom: Case Studies](https://digitalcommons.law.umaryland.edu/mjil/vol29/iss1/), Special Issue, *Maryland Journal of International Law*, vol. 29 (2015), 288-99.

**April 29:** [**Jews’ Free School**](https://sites.northwestern.edu/lawreligion/project/jews-free-school/)**, part 2**

\*Singer, Isaac Bashevis. *In My Father’s Court*New York: Farrar, Straus and Giroux, 1991, Author’s Note and Chapters 1-5 (pp. vii-viii and 3-34).

Ariella Aïsha Azoulay, [Algerian Jews Have Not Forgotten France’s Colonial Crimes](http://bostonreview.net/global-justice/ariella-aisha-azoulay-benjamin-stora-letter),

Boston Review (February 10, 2021).

Eric K. Ward, [Skin in the Game: How Antisemitism Animates White Nationalism](https://www.politicalresearch.org/2017/06/29/skin-in-the-game-how-antisemitism-animates-white-nationalism/). Political Research, June 29, 2017.

Caren Chesler, [What Makes a Jewish Mother?](http://well.blogs.nytimes.com/2013/06/03/what-makes-a-jewish-mother/) *The New York Times*, June 3, 2013.

Jonathan Calmus, [Jewish girl’s King David place goes to non-Jew](https://www.thejc.com/news/uk-news/jewish-girl-s-king-david-place-goes-to-non-jew-1.16146). *The Jewish Chronicle*. June 11, 2010.

Michal Kravel-Tovi, [Who Needs Conversion? Jewish Conversion in a Time of Shattered Boundaries](https://tif.ssrc.org/2018/05/29/who-needs-conversion/). The Immanent Frame, May 29, 2018.

References:

Michael L. Satlow, *Creating Judaism, History, Tradition, Practice* (New York: Columbia University Press, 2006), 1-63.

Christopher McCrudden, “Multiculturalism, Freedom of Religion, Equality, and the British Constitution: The JFS Case Considered,” University of Oxford Legal Research Paper Series, Paper No. 72/2010 (November 2010).

**May 4: \*First 3-page paper due to your TA before class today. No extra reading.\***

Topic: How would you have decided the JFS case and on what grounds? Put yourself in the position of the judge and explain your reasoning. Incorporate examples from your own life experience or those of your friends, family or acquaintances into your opinion.

Come to class prepared to explain your position and respond to others’ viewpoints.

**May 6:** [**Contesting Sacred Peaks**](https://sites.northwestern.edu/lawreligion/project/contesting-sacred-peaks/)

Synopsis: Despite the longstanding recognition that Hopi religion demands an ethic, practice, and commitment toward stewardship of lands both on and off the contemporary Hopi Reservation, repeated attempts by Hopi to practice their religion on US National Forest lands have been thwarted by US officials. Two recent examples of conflict between Hopi and federal officials over the use of public lands reveal how the very laws and policies designed to protect Hopi religion may in fact hinder it. One of these conflicts involves the litigation initiated in the last decades of the 20th century by Hopi and other tribal nations in the region to stop the US Forest service from approving artificial snowmaking at a ski resort in the Coconino National Forest, outside Flagstaff, Arizona. Another conflict considers the circumstances surrounding the 2013 sale of lands in the Tonto National Forest near Payson, Arizona, and the efforts by the Hopi tribe to consult with US Forest Service officials about the significance of archaeological sites discovered within the sale lands.

Readings:

Justin B. Richland, [Paths in the Wilderness: The Politics and Practices of Hopi Religious Freedom in Hopitutskwa](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2017/06/Richland_Paths-in-the-Wilderness-The-Politics-and-Practices-of-Hopi-Reli-2jmz3av.pdf). Maryland Journal of International Law vol. 31, issue 1 (2016): 217-243.

Sarah E. Dees, [Native American Religions](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/05/Dees2018_NativeAmRels_Oxford.pdf), *Oxford Research Encyclopedia on Religion*(2018): 1-14.

**May 11:** [**Contesting Sacred Peaks**](https://sites.northwestern.edu/lawreligion/project/contesting-sacred-peaks/)**, part 2 (Guest speaker: Dr. John Low)**

John N. Low, *Imprints: The Pokagon Band of Potawatomi Indians and the City of Chicago*, Preface, Chaps. 1, 3, & 6 (pp. ix-xvii; 1-36; 67-94; 163-196).

Tanner Howard, [Native American routes: the ancient trails hidden in Chicago’s grid system](https://www.theguardian.com/cities/2019/jan/17/native-american-routes-the-ancient-trails-hidden-in-chicagos-grid-system?CMP=share_btn_link), The Guardian (Jan. 17, 2019).

Winnifred Fallers Sullivan, [Imagining ‘Law-Stuff’ at the Newark Earthworks](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/06/Sullivan_Earthworks.pdf), in Lindsay Jones and Richard D. Shiels, ed. *The Newark Earthworks: Enduring Monuments, Contested Meanings*. Charlottesville: University of Virginia Press, 2016, pp. 277-287.

Recommended:

\*Marisol de la Cadena, “Indigenous Cosmopolitics in the Andes: Conceptual Reflections beyond ‘Politics.’” *Cultural Anthropology* 25, no. 2 (2010): 334–70.

**May 13: Interlude. ‘God and Government:’ religion and politics on the radio**

[God and Government](http://interfaithradio.org/godandgov) is a public radio series on the politics of religious diversity in nations around the world. The series homepage is [here](http://interfaithradio.org/godandgov).

Listen to the Egypt, China, Thailand and Guatemala country shows (click on “Full series” at the top of the homepage for a pull-down menu). Be sure to listen to the entire program, including both the in-country reporter’s segment and the panel discussion. Music is optional.

**May 18:** [**Whose Cathedral? Russian Orthodoxy in the Supreme Court**](https://sites.northwestern.edu/lawreligion/project/whose-cathedral/)

Aram Sarkisian, [*From Kedrovsky to Kedroff: The St. Nicholas Cathedral Cases in Their Historical Context*](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/08/Sarkisian-Analysis.pdf)*.* Teaching Law and Religion Case Study Archive (August 2019).

Dennis E. Curtis, [Judicial Intervention in Church Property Disputes: Some Constitutional Considerations](https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2578&context=fss_papers), *The Yale Law Journal*, Vol. 74, No. 6 (May, 1965), pp. 1113-1139.

Recommended:

Kent Greenawalt, [Hands Off! Civil Court Involvement in Conflicts over Religious Property](https://www.jstor.org/stable/1123526?seq=1), *Columbia Law Review*, Vol. 98, No. 8 (Dec. 1998), pp. 1843-1907

**May 20:** [**Whose Cathedral? Russian Orthodoxy in the Supreme Court**](https://sites.northwestern.edu/lawreligion/project/whose-cathedral/)**, part 2**

Timothy Ware (Bishop Kallistos of Diokleia), [“The Twentieth Century, II: Orthodoxy and the Militant Athiests”](https://sites.northwestern.edu/lawreligion/files/2019/01/Ware-Chapter-8-z4e79a.pdf) and [“The Twentieth Century, III: Diaspora and Mission,”](https://sites.northwestern.edu/lawreligion/files/2019/01/Ware-Chapter-9-y96lsx.pdf) Chaps. 8 & 9 of *The Orthodox Church*(New York: Penguin Books, 1993), pp. 145-171; 172-190.

**May 25:** **Freeing Religion at the U.S. Department of State**

John Kerry, [Religion and Diplomacy: Toward a Better Understanding of Religion and Global Affairs](https://www.americamagazine.org/issue/religion-and-diplomacy), *America* (September 14, 2015).

Hurd, *Beyond Religious Freedom*, Ch. 3 & Ch. 6 (pp. 37-64; 109-127).

\*Nadia Marzouki, *Islam: An American Religion* (New York: Columbia University Press, 2017),

Ch. 5, “Forcing the First Amendment: American Exporting of Religious Freedom” (pp. 168-194).

**May 27: \*Second 3-page paper due to your TA before class. No additional readings.\***

Prompt: Choose a country report from the State Department’s 2020 Report on International Religious Freedom, available online. This is your primary source. Write a critical assessment of the State Department report drawing on at least two ideas you read about in *Beyond Religious Freedom* or *Islam: An American Religion.*

**June 1: Preparing your final papers**

Watch this [video](https://www.youtube.com/watch?v=63eOYfYnUiQ): “Writing Strategies for Social Science: Tips from 30 Years of Practice.” (Prof. Roland Bleiker, Prof. of International Relations, University of Queensland, Australia.

Final paper prompt:

Choose a case from the [Teaching Law and Religion Case Study Archive](https://sites.northwestern.edu/lawreligion/) that we did not study in class. Describe what triggered the legal controversy in the case, explain why you think it’s interesting or important, and compare it to others we have studied. Draw on and cite at least three course readings in your analysis. How do you think about religion, law, and politics differently now as compared to the beginning of the quarter? How is this reflected in your paper?

Be sure to include your full name, a title, the date and the class on the first page of your paper. Use your last name as the file name, i.e. Hurd.doc. Your paper should be double-spaced, in a standard font (e.g. Times New Roman 12) with standard margins. Include citations (you can choose the format but be consistent) and a complete list of sources at the end.

**Due to your TA before class today**: Final paper plan and one-page outline to discuss in small groups.

**June 2-6:** WCAS Reading week. No class.

**Mon. June 7:** **Final papers due** electronically to your TA (and please copy Prof. Hurd) by 12 noon.

**Happy summer!**