

RATIONALE FOR
RELIGION & SOCIETY
FAY BOTHAM
THE UNIVERSITY OF IOWA
DEPARTMENT OF RELIGIOUS STUDIES

INSTITUTIONAL CONTEXT

The University of Iowa, located in Iowa City, is Iowa's first public institution of higher education. The University enrolls nearly 21,000 undergraduate and 5,700 graduate students, and although it is particularly strong in the medical sciences, the UI is also the home of the internationally-renowned Iowa Writers' Workshop. The UI is a Big Ten sports university with many student athletes, and with deeply committed "Hawkeyes" fans who produce a significant revenue for the University through athletic events and the sale of Hawkeye products.

The economic downturn that has affected all colleges and universities in the past few years has hit the University particularly hard, since it was exacerbated by the losses of the 2008 flood, in which several buildings were destroyed or severely damaged. The College of Liberal Arts and Sciences, with most buildings located closer to the Iowa River, suffered more damages than the science buildings. Among students and administrators alike there seems to be a view that humanities courses are for "fun," and that these do not count among those deemed "serious" or "practical." As a result, the humanities have been particularly under fire to demonstrate their usefulness. Several Ph.D. programs have been cut, and some departments have endured threats to merge with other departments, freezes on faculty hiring and raises, and compulsory faculty "furloughs" to trim the fat from the University budget.

Although some lecture courses enroll 200-300 students, many courses are capped at 40. Sometimes my courses, which have ranged from 10 to 300 students, almost feel like those of the small, liberal arts colleges at which I have taught. I estimate that perhaps three-quarters of students would identify as "Christian," and students in Religious Studies courses seem to be very unfamiliar with, but very interested in, faiths other than Christianity.

PERSONAL CONTEXT

This is my third year in a contract-position at the University of Iowa, during which time I have held appointments in the departments of Religious Studies and American Studies, and in the American Indian and Native Studies Program. These courses have together demanded an extraordinary flexibility and breadth in terms of the range both of courses I have offered, and of the scholarly expertise I possess. As a result, I have gained a fabulous amount of knowledge in new areas: by the end of the 2010-11 academic year, I will have taught 23 *new* courses since I began teaching in 2004.

The newness of courses each semester is most problematic in two areas. First, rarely have I read beforehand most of the texts I assign for any given class. At least one book per semester usually proves to have been a very poor choice, and more important, keeping ahead of my own reading assignments can be quite a challenge, especially when preparing for new classes each week. Second, since I am usually assigned to a MWF teaching schedule, I have 7-9 class sessions to prepare for each week, which means that I assign few and brief assignments, so that I don't fall as far behind.

COURSE STRUCTURE & ASSIGNMENTS

The syllabus I present here is the one I am currently using for an undergraduate course called "Religion and Society"—a pleasantly broad title that I have shaped to fit my expertise on marriage and law. I will be teaching the course again in the spring, and since I expect to be teaching a similar course for years to come, I decided to take this rare and wonderful opportunity for me to tweak and edit it. Overall, I am satisfied with the assigned texts, and they seem to work nicely together.

With regard to this particular course, there are a number of issues for which I must account when planning the syllabus. First, it has historically been one of the Religious Studies department's bread and butter courses, drawing

students seeking to fulfill general education requirements as well as Religious Studies majors and prospective majors. As such, the class is capped at 75 students, about two-thirds of whom are first-years. Because I am in a temporary position, UI policy states that I am allowed no teaching assistant, which in turn means that I have to plan assignments that I can reasonably manage, while teaching two other new courses. To this end, I use "objective" exams, and very short writing assignments. For the first time, I am giving quizzes regularly, which is useful both for checking students' apprehension as well as for getting them to attend class. Next semester I will have a graduate student "grader," so this will allow me more flexibility in the frequency and length of student assignments.

One of my biggest struggles as a historian is how to teach historical "facts" alongside abstract, deconstructive, critical reading skills that subvert the very concept of "fact." In this particular course, I attempt to bridge factual and conceptual learning through lectures that contextualize assigned reading materials in relation to US history and to historiography more generally, and through assignments that give students the opportunity to practice both their abstract and factual skills.

With regard to the abstract skills, one group of assignments requires students to look for "religion" in materials that are not explicitly about religion, and particularly in American case law. I assign three one (single-spaced) page "court case assignments," in which they first identify the main legal question before the court, and the court's ruling on that question. This part of the assignment directs them to locate "factual" data in the cases, and teaches them how courts handle cases involving constitutional law. The last, and most significant part of this assignment requires students to then practice their abstract-thinking and analytical skills: they must identify passages in the case that suggest the religious views of the judge(s), and explain why these hint at their views and what purposes they serve. Although students sometimes struggle in learning to read the court cases, the assignments seem to be fruitful in terms of helping them understand how there are often religious ideas at work in legal topics involving sexuality, as well as in other elements of American culture. And best of all, they are manageable in terms of my grading load.

Another assignment I have had students do in this course is to create historical timelines and lists of key terms from the reading assignments, along with a rationale for why they begin and end the timeline where they do, and for what they include on it. Class size and grading volume, as well as the revelation that students *should* be required to learn basic historical facts, have led me to adopt "objective" testing strategies such as the multiple-choice test. The timeline assignments thus greatly assist them both in preparing for exams and in learning to be attentive to important historical data that they might otherwise miss.

032:002 RELIGION & SOCIETY

Professor: Dr. Fay Botham

Class Time & Location: Spring 2010, MWF 12:30-1:20, C10 Pomerantz

Email: fay-botham@uiowa.edu

Office Location & Hours:

406 Gilmore

Tuesdays 1-2:30

Wednesdays 2:30-4

And by appointment

COURSE DESCRIPTION

This course examines religion and American society by focusing on marriage law in American history, and the roles that Christianity played therein. American marriage law involves Christian beliefs about sexual morality and gender, as well as about natural and divine law. Some people thus view the right to marry as a religious right, while others perceive it as a secular (non-religious) right. Structuring this course around the topic of marriage allows us to consider specific questions in constitutional law, and how Christian beliefs shape larger societal views on morality, gender and sexuality. We will reflect on whether or not the influence of Christian beliefs on American marriage laws in effect establishes religion-based laws in contravention of the First Amendment promise to make no law establishing a particular religion.

But sometimes observing *how* religion influences a court decision involving marriage or sexual morality is very difficult. There are often no explicit mentions of religion in a case. Yet, if you read the cases carefully over a historical period, you can begin to catch glimpses of religion in places where it initially appeared that there was no religion! And as you learn more about the history of Christianity and its various teachings on marriage and sexuality, you can even begin to identify the *type* of Christian doctrines that influence the cases. As Janet R. Jakobsen and Ann Pellegrini argue in their book, *Love the Sin*, in the US, "the dominant framework for morality is not simply 'religious' or even 'Christian,' but is specifically Protestant" (p. 22). In other words, "the *unstated* religious assumptions" present in American jurisprudence on marriage and sexuality are rooted in Protestant, not Catholic, beliefs. And most important, the fact that American beliefs about marriage and sexuality derive from Protestant teachings is so deeply inscribed in our society that we often do not *recognize* our beliefs as Protestant at all!

Our task this semester, then, is to investigate specific cases in the history of American marriage law to look for the Protestant beliefs that hide underneath the surface. We begin with the nearly 300-year long history of laws against interracial marriage as presented in my book, *Almighty God Created the Races*. Here we learn about historical Catholic and Protestant arguments that were used both for and against interracial marriage until the US Supreme Court declared such laws unconstitutional in 1967. Next, we examine the concept and practice of "plural marriage" within American Mormonism in Kathryn Daynes's book *More Wives Than One*, and in the 1879 Supreme Court case *Reynolds v United States*. We then move directly into the contemporary debate on same-sex marriage by reading George Chauncey's *Why Marriage?*, which considers the historical ideas about marriage that influence contemporary discussions of same-sex marriage. We finish out the semester with *Love the Sin*, which attempts to construct a new understanding of religious freedom with regard to same-sex relationships and to sexuality more generally.

REQUIRED TEXTS (AVAILABLE AT PRAIRIE LIGHTS BOOK STORE)

- Fay Botham, *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law* (University of North Carolina Press, 2009)
- Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (University of North Carolina Press, 2002). Also available as an electronic-book through the UI Library (you will need to sign in with your HawkID and password to view it).
- George M. Chauncey, *Why Marriage? The History Shaping Today's Debate over Gay Equality* (Basic Books, 2004)
- Janet R. Jakobsen and Ann Pellegrini, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (Beacon Press, 2004). Also available as an electronic-book through the UI Library (you will need to sign in with your HawkID and password to view it).

In addition, we will read various materials posted on ICON.

LEARNING OBJECTIVES

This course will enable students to:

- 1—identify key differences between Catholic and Protestant Christianity, and between each group's marriage doctrines;
- 2—explain how these differences and ideas shaped American ideas about race, marriage, and law;
- 3—learn how to read US Supreme Court decisions.

ASSIGNMENTS & WEIGHTING OF GRADES

1) PARTICIPATION & PREPARATION (60% of total grade/600 points)

Plan to come to class on time and be an *active* participant: be ready to discuss the assigned reading, reflect on what others say, take notes, and relate all this to the stated objectives of the course. Always turn off electronic devices before class begins, and give your classmates your full attention when they are speaking. Above all, be respectful toward me and your classmates by paying attention. I do take note of those who are late, passing notes, snoozing, texting, checking email, tuning out while others are speaking, or otherwise inattentive. Given our potentially contentious topic, please try to open yourself to multiple points of view. Strive to analyze other perspectives carefully, rather than merely reacting to them. Your participation grade will reflect your behavior, good or bad.

Please come to each class session having completed all the assigned reading, taken thorough notes, and tried your best to discover the meanings of terms and concepts in the readings that were unfamiliar to you. If you do this carefully and consistently, you will be prepared for our discussions and assignments, and will have a strong foundation from which to write your papers and take your exams. This course carries the expectation and requirement that you will spend *at least six hours per week outside of class* reading and preparing for class. ("Preparing" requires active reflection on the materials—a deliberate, thoughtful effort to make connections between ideas and texts. Plain old reading the text is not the same thing.)

I try to plan learning activities that push you to remember and engage the materials. In order to facilitate your learning, we will have the following assignments:

<i>Quizzes</i>	10 quizzes @ 10 points each = 100 points total
<i>Timeline Assignments</i>	3 assignments @ 100 points each = 300 points total
<i>Court Case Assessments</i>	3 assignments @ 100 points each = 300 points total

Quizzes: On certain unspecified days, I will give short quizzes in order to assess your completion and comprehension of the assigned reading.

Historical Timeline Assignment: For the first three books we read this semester, you will

- 1) create a historical timeline of events and list of key terms from the assigned book, AND
- 2) a one-page rationale for why your timeline begins and ends where it does, and for what you've included on the timeline.

This exercise should not be difficult IF you keep track of events AS YOU READ the texts, and it will greatly assist you in preparing for your exams. If you do not keep track as you read, this can be very time-consuming.

Timeline #1 (on <i>Almighty God Created the Races</i>):	Due Friday, February 11th
Timeline #2 (on <i>More Wives Than One</i>):	Due Monday, March 7th
Timeline #3 (on <i>Why Marriage?</i>):	Due Friday, April 15th

Court Case Assessment Exercises: In this course you will gain experience in learning to read the rulings of US courts on cases pertaining to sexuality and marriage laws. To assess your facility with reading the cases, you will select THREE of the following cases, and then write a one-page paper (single-spaced) explaining the following:

- 1) What constitutional question/issue does this case raise? Or in other words, on what constitutional question is this court ruling?
- 2) What is the court's majority ruling or decision about that constitutional issue?
- 3) Citing passages from the case where the judge(s)' religious views appear, explain what these mean, and what purposes they are likely to serve (in the judge's mind). What is important about the fact that the judges' ideas have a religious basis (in other words, what effects do you think judges' appeals to religion have on their overall judicial opinion)?

Case #1, *Loving v Virginia* (1967)

Case #2, *Philadelphia & West Chester v Miles* (1867)

Case #3, *Scott v State* (1869)

Case #4, *Reynolds v US* (1879)

Case #5, *Bowers v Hardwick* (1986)

Due Friday, February 4th

Due Monday, February 21st

Due Monday, February 21st

Due Friday, March 4th

Due Friday, April 8th

2) TWO EXAMS (30% of totally grade/ 300 points)

Exam I (150 points)

In class, Friday, March 25th

Final Exam (150 points)

12:00-2:00 Monday, May 9th

Exams likely to include short answer, essay, and multiple choice questions.

GRADING SCALE (1000 POINTS TOTAL)

A	95-100% (950-1000 points)	C+	77-79% (770-799 points)
A-	90-94% (900-949 points)	C	73-76% (730-769 points)
B+	87-89% (870-899 points)	C-	70-72% (700-729 points)
B	83-86% (830-869 points)	D+	67-69% (670-699 points)
B-	80-82% (800-829 points)	D	63-66% (630-669 points)

Academic Fraud

Plagiarism and any other activities when students present work that is not their own are academic fraud. Academic fraud is a serious matter and is reported to the DEO and to the Associate Dean for Undergraduate Programs and Curriculum. Instructors and DEOs decide on appropriate consequences at the departmental level while the Associate Dean enforces additional consequences at the collegiate level. See the College of Liberal Arts and Sciences Academic Fraud section of the [Student Academic Handbook](#).

READING & ASSIGNMENT SCHEDULE

Book Title Abbreviations:

Botham = *Almighty God Created the Races*

Daynes = *More Wives Than One*

Chauncey = *Why Marriage?*

P&J = *Love the Sin*

* = indicates material is available through ICON either under "Links" (a website) or "Content" (a PDF or Word document)

WEEK 1 (1/19 & 1/21)

W Course Intro

F **Loving v. Virginia* (1967); *Biblical Excerpts on Marriage

WEEK 2 (1/24, 1/26, 1/28)

M Botham 1-10, 179-191
W Botham, 11-34
F Botham, 34-50

WEEK 3 (1/31, 2/2, 2/4)

M Botham, 51-68
W Botham, 69-78
F NO CLASS; ***Loving v. Virginia* Case Assignment Due**

WEEK 4 (2/7, 2/9, 2/11)

M Botham, 78-90
W Botham, 91-111; *"God, the Original Segregationist"
F Botham, 111-129; **Timeline #1 Due**

WEEK 5 (2/14, 2/16, 2/18)

M Botham, 131-144
W Botham, 144-157; **Philadelphia & West Chester R.R Co. v. Miles* (1867) and *Scott v. State of Georgia* (1869) (under "Content" on ICON)
F Botham, 159-178

WEEK 6 (2/21, 2/22, 2/24)

M *Albanese, "Visions of Paradise Restored: Nineteenth Century New Religions"; ***Philadelphia v Miles* and/or *Scott v State* Case Assignments Due**
W Daynes, Intro, 1-14; *LDS Statements on LDS Scriptures; *Doctrines & Covenants, Sections 131-132
F **Reynolds v United States* (1878) (under "Content" on ICON) Daynes, 17-35 (ch. 1)

WEEK 7 (2/28, 3/2, 3/4)

M Daynes, 36-51 (ch. 2); *The "Manifesto"
W Daynes, 55-66 (ch. 3)
F Daynes, 67-87 (ch. 4); ***Reynolds v United States* Case Assignment Due**

WEEK 8 (3/7, 3/9, 3/11)

M Daynes, 91-115 (ch. 5)
W Daynes, 141-159 (ch. 8) (chs. 6, 7, 9 skipped)
F *LDS Fundamentalists in the News; **Timeline Assignment #2 Due**

WEEK 9 (3/13 & 3/20)

☺ SPRING BREAK ☺

WEEK 10 (3/21, 3/23, 3/25)

M Daynes, 173-187 (ch. 10)
W Daynes, 188-214 (ch. 11)
F **EXAM 1**

WEEK 11 (3/28, 3/30, 4/1)

M *Biblical excerpts on sexuality; *Read website: Pew Research Center Poll on American Support for Civil Unions (under "Links" on ICON)
W Chauncey, ix-xx, 1-22
F Chauncey, 23-58

WEEK 12 (4/4, 4/6, 4/8)

M Chauncey, 59-86

W *Read 1986 US Supreme Court case, *Bowers v Hartwick* (under "Content" on ICON)
F Chauncey, 87-104; ***Bowers v Hartwick* Case Assignment Due**

WEEK 13 (4/11, 4/13, 4/15)

M Chauncey, 105-136
W Chauncey, 137-166;
F P&J, ix-xvi, 1-17; **Timeline #3 Due**

WEEK 14 (4/18, 4/20, 4/22)

M P&J, 19-34; **Lawrence v Texas* (2003) (under "Content" on ICON)
W P&J, 35-58
F P&J, 58-73

WEEK 15 (4/25, 4/27, 4/29)

M P&J, 75-88
W P&J, 88-101
F NO CLASS

WEEK 16 (5/2, 5/4, 5/6)

M P&J, 103-126
W P&J, 103-126
F P&J, 157-151

FINAL EXAM: Monday, May 9th, 12:00 PM-2:00 PM