

## **THCH 8302 - THE CHURCH, LAW, AND RELIGIOUS LIBERTY**

**MAY 9-11, SPRING 2016**

**LLOYD HARSCH**

**Office:** Dodd Building #202

**Phone:** 504-282-4455 x. 3212

**Email:** [lharsch@nobts.edu](mailto:lharsch@nobts.edu)

### **Seminary Mission Statement**

The mission of New Orleans Baptist Theological Seminary is to equip leaders to fulfill the Great Commission and the Great Commandments through the local church and its ministries.

### **Purpose of the Course**

The purpose of this course is to provide quality theological education for students in the discipline of theological and historical studies. Lessons learned from the past inform the present and provide guidance for the future.

### **Core Value Focus, and Curriculum Competencies Addressed**

The core value focus of the course will emphasize this semester is **mission focus**. The course will specifically address the following curriculum competencies:

Theological and Historical Heritage – comprehensive overview of how Religious Liberty has been understood in America, especially by the Supreme Court

Disciple Making – training to model Christ-like behavior when engaging the legal arena

Servant Leadership – use the people from our past to model servant leadership

Spiritual and Character Formation – model Christian character in relating to those with whom we disagree

Biblical Exposition – demonstrate the biblical foundation for Religious Liberty

### **Course Description**

Students will evaluate case studies involving past and current United States Supreme Court cases that relate to the First Amendment to the Constitution of the United States. Attention will be given to the tension between the Free Exercise Clause and the Establishment Clause of the First Amendment and how this affects ministry in the local church. This course will help church leaders identify and respond effectively to constitutional issues faced by the contemporary church and their ethical implications.

### **Student Learning Outcomes**

In order to understand and interpret Christian theological heritage and Baptist distinctives for the church, students, by the end of the course, should:

1. Be able to apply their knowledge and understanding of the formation and development of the U. S. Supreme Courts holdings regarding Religious Liberty to current legal challenges.
2. Value the heritage and importance of Religious Liberty for both Church and State.
3. Be able, with the help of resources, to accomplish the following:

- Practice the historical method and historiography in order to interpret Christian theological heritage for the local church.
- Place court cases and concepts within their proper historical context.

### Required Textbooks

Adamson, Barry. *Freedom of Religion, the First Amendment, and the Supreme Court: How the Court Flunked History*. Gretna, LA: Pelican Press, 2008. ISBN: 978-1589805200

Black, Amy E., gen. ed. *Five Views on the Church and Politics*. Grand Rapids, MI: Zondervan, 2015. ISBN: 978-0-310-51792-4

Goldford, Dennis J. *The Constitution of Religious Freedom: God, Politics, and the First Amendment*. Waco, TX: Baylor Press, 2012. ISBN: 978-1-60258-419-8

### Recommended Texts

Grudem, Wayne. *Politics According to the Bible: A Comprehensive Resource for Understanding Modern Political Issues in Light of Scripture*. Grand Rapids: Zondervan, 2010. ISBN: 978-0-310-33029-5

### Course Requirements

**A. Text Reviews:** Each student will write a review of the Required Texts. The reviews will be written as though for an academic magazine or journal. It should:

- 1) identify each book's main thesis or purpose,
- 2) give a brief summary of the contents,
- 3) include an evaluation of the work's strengths and weaknesses,
- 4) compare and contrast the texts with each other.

All quotations and direct references to sections in the book should be indicated by page numbers within parentheses. Citations or paraphrases from other sources should be noted and documented using either footnotes or endnotes. Reviews should be 3-5 pages in length, single-spaced. **Due May 9, 2016.**

**B. Book Review:** Each student will write a review of a book from the Bibliography. Choice of book must be approved by the professor. No duplications will be allowed. Books will be assigned on a first come first served basis. The review will follow the above Text Review guidelines 1-3. Reviews should be 2-3 pages in length, single-spaced. Students will present their review during class as a basis for discussion. **Review presentations will begin on the first day of class, May 9, 2016.**

**Recommended review texts are indicated by \*\* in the bibliography.**

**C. Research Paper:** Each student will write a research paper on a topic related to the class. Topics **must** be approved by the professor. The paper must be double spaced and follow Turabian, eighth edition, for style. However, **do not use** chapters to separate sections of your paper

(chapters require a new page for each new chapter and the project is not long enough to justify this). Use section headings instead. The appendix should come before the bibliography and be single spaced. The text of your paper (not counting table of contents, appendix, or bibliography) should be 12-15 pages in length (no more, no less). Use 5 - 10 sources with a minimum of three (3) books (do not use only Internet sources). A late paper will be assessed an initial **10 point penalty**. Each calendar day after the due date (excluding Sunday) an **additional 10 point penalty** will be assessed. Projects will be graded on clear organization, spelling, and grammar as well as content. Examples of Turabian form will be available in Blackboard. **Research papers are due June 13, 2016.**

### **Grading Scale**

Text Review 1	15%
Text Review 2	15%
Text Review 3	15%
Book Review	10%
Participation	5%
Research Paper	<u>40%</u>
	100%

Grades will be assigned on the basis of the NOBTS grading scale.

## BIBLIOGRAPHY

- Adamson, Barry. *Freedom of Religion, the First Amendment, and the Supreme Court: How the Court Flunked History*. Gretna, LA: Pelican Press, 2008.
- Aristotle. *Politics*. Translated by Benjamin Jowett. New York: Random House, 1943.
- Augustine. *City of God*. Translated by Henry Bettenson. New York: Penguin, 1984.
- \_\_\_\_\_. *Political Writings*. Translated by Michael W. Tkacz and Douglas Kries. Indianapolis/Cambridge: Hackett, 1994.
- Balmer, Randall. *God in the White House: A History: How Faith Shaped the Presidency from John F. Kennedy to George W. Bush*. New York: HarperOne, 2008.
- Barton, David. *The Myth of Separation: What Is the Correct Relationship Between Church and State?* 3d Edition. Aledo, TX: WallBuilder Press, 1993.
- \*\*\_\_\_\_\_. *Original Intent: The Courts, the Constitution, & Religion*. Aledo, TX: WallBuilder Press, 1997.
- Barth, Karl. *Community, State and Church: Three Essays*. Introduction by Will Herberg. Garden City, NY: Anchor, 1960.
- Bellah, Robert. *The Broken Covenant: American Civil Religion in Time of Trial*. Chicago: University of Chicago Press, 1992.
- Boyd, Gregory. *The Myth of a Christian Nation: How the Quest for Political Power is Destroying the Church*. Grand Rapids: Zondervan, 2005.
- \*\*Brauch, Jeffery A. *A Higher Law: Readings on the Influence of Christian Thought in Anglo-American Law*. 2d Edition. Buffalo, NY: William S. Hein & Co., 2008.
- Budziszewski, J., and David L. Weeks. Eds. *Evangelicals in the Public Square: Four Formative Voices on Political Thought and Action*. Grand Rapids, MI: Baker Academic, 2006.
- Carson, D. A. *Christ and Culture Revisited*. Grand Rapids, MI: Eerdmans, 2008.
- Carter, Craig A. *Rethinking Christ and Culture: A Post-Christendom Perspective*. Grand Rapids: Brazos, 2006.
- Carter, Stephen. *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion*. New York: Basic Books, 1993.
- \_\_\_\_\_. *God's Name in Vain: The Wrongs and Rights of Religion in Politics*. New York: Basic Books, 2000.
- Cerillo, Augustus, Jr. *Salt and Light: Evangelical Political Thought in Modern America*. Grand Rapids, MI: Baker, 1989.

- Charles, J. Daryl. *The Uniformed Conscience of Evangelicalism: Recovering the Church's Moral Vision*. Downers Grove: InterVarsity, 2002.
- Colson, Charles W. *God and Government: An Insider's View on the Boundaries between Faith and Politics*. [Formerly titled *Kingdoms in Conflict*]. Grand Rapids, MI: Zondervan, 2007.
- Connor, Ken and John Revell. *Sinful Silence: When Christians Neglect their Civic Duty*. Nashville: Ginosko, 2004.
- \*\*Dreisbach, Daniel L. *Thomas Jefferson and the Wall of Separation Between Church and State*. Critical America Series. New York: New York University Press, 2003.
- Dreisbach, Daniel L. and J. Adams. *Religion and Politics in the Early Republic*. Lexington, KY: University Press of Kentucky, 1996.
- \*\*Dreisbach, Daniel L. and Mark David Hall. *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding*. Indianapolis: Liberty Fund, 2009.
- Flowers, Ronald B. "The Supreme Court's Interpretation of the Free Exercise Clause," in *Religion in Life* 49 (1980).
- \*\*\_\_\_\_\_. Ronald B. *That Godless Court?: Supreme Court Decisions on Church-State Relationships*. 2d Edition. Louisville, KY: Westminster John Knox Press, 2005
- \_\_\_\_\_. Ronald B. *To Defend the Constitution: Religion, Conscientious Objection, Naturalization, and the Supreme Court*. Lanham, Md: Scarecrow Press, 2003.
- Flowers, Ronald B., Melissa Rogers and Steven K. Green. *Religious Freedom and the Supreme Court*. 6th Ed. Waco, TX: Baylor University Press, 2008.
- Forster, Greg. *The Contested Public Square: The Crisis of Christianity and Politics*. Downers Grove, IL: IVP Academic, 2008.
- Goldford, Dennis J. *The Constitution of Religious Freedom: God, Politics, and the First Amendment*. Waco, TX: Baylor Press, 2012.
- Gushee, David P. *The Future of Faith in American Politics: The Public Witness of the Evangelical Center*. Waco: Baylor University Press, 2008.
- \*\*Grudem, Wayne. *Politics According to the Bible: A Comprehensive Resource for Understanding Modern Political Issues in Light of Scripture*. Grand Rapids: Zondervan, 2010.
- \*\*Hamburger, Phillip. *Separation of Church and State*. Cambridge, MA: Harvard University Press, 2004.
- Hart, D. G. *From Billy Graham to Sarah Palin: Evangelicals and the Betrayal of American Conservatism*. Grand Rapids: Eerdmans, 2011.
- Henry, Carl F. H. *The Uneasy Conscience of Modern Fundamentalism*. Grand Rapids: Eerdmans, 2003.
- \*\*Hertzke, Allen D., ed. *Religious Freedom in America: Constitutional Roots and Contemporary Challenges*. Norman, OK: University of Oklahoma Press, 2015.
- Hunter, James Davison. *To Change the World: The Irony, Tragedy, and Possibility of Christianity in the Late Modern World*. New York: Oxford University Press, 2010.

- Hutcheson, Richard G. *God in the White House: How Religion Has Changed the Modern Presidency*. New York: Macmillan, 1989.
- Jackson, Harry R., Jr. and Tony Perkins. *Personal Faith, Public Policy*. Lake Mary, FL: Frontline, 2008.
- Kemeny, Paul Charles. *Church, State, and Public Justice: Five Views*. Downers Grove, IL: IVP Academic, 2007.
- Land, Richard. *The Divided States of America?: What Liberals and Conservatives Are Missing in the God-and Country Shouting Match!* Nashville: Thomas Nelson Publishing, 2007.
- Land, Richard D. and Lee Holloway, eds. *Christians in the Public Square: Faith in Practice?* Nashville: ERLC Publications, 1996.
- \*\*Laycock, Douglas. *Religious Liberty: Overviews and History*. Vol. 1. Emory University Studies in Law and Religion, ed. John Witte, Jr. Grand Rapids: Eerdmans, 2010.
- \*\*\_\_\_\_\_. *Religious Liberty: The Free Exercise Clause*. Vol. 2. Emory University Studies in Law and Religion, ed. John Witte, Jr. Grand Rapids: Eerdmans, 2011.
- Maritain, Jacques. *Christianity and Democracy*. Trans. Doris C. Anson. New York: Charles Scribner's Sons, 1944.
- Monsma, Stephen V. *Positive Neutrality: Letting Religious Freedom Ring*. Grand Rapids, MI: Baker, 1993.
- Newhaus, Richard John. *Christian Faith & Public Policy: Thinking and Acting in the Courage of Uncertainty*. Minneapolis: Augsburg Press, 1977.
- \_\_\_\_\_. *The Naked Public Square: Religion and Democracy in America*. Grand Rapids, MI: Eerdmans, 1984.
- Niebuhr, H. Richard. *Christ & Culture*. San Francisco: HarperCollins, 2001. Originally 1951.
- O'Donovan, Oliver. *The Desire of the Nations: Rediscovering the Roots of Political Theology*. New York: Cambridge, 1999.
- O'Donovan, Oliver and Joan Lockwood O'Donovan, eds. *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought*. Grand Rapids: Eerdmans, 1999.
- Paolucci, Henry, ed. *The Political Writings of St. Augustine*. South Bend, IN: Regnery/Gateway, 1964.
- Pierard, Richard, and Robert D. Linder. *Civil Religion and the Presidency*. Grand Rapids: Zondervan, 1988.
- Plato. *Plato's Republic*. Translated by G. M. A. Grube. Indianapolis: Hackett Publishing, 1974.
- Schansberg, D. Eric. *Turn Neither to the Right nor the Left: A Thinking Christians Guide to Politics and Public Policy*. Christian Life and Public Policy Series. Greenville, SC: Alertness, 2003.
- Sherratt, Timothy R. and Ronald P. Mahurin. *Saints as Citizens: A Guide to Public Responsibilities for Christians*. Grand Rapids, MI: Baker, 1995.
- \*\*Shurden, Walter B., ed. *Religious Liberty*. Proclaiming the Baptist Vision, v. 4. Macon, GA: Smyth & Helwys, 1997.

- Sider, Ronald J. *The Scandal of Evangelical Politics: Why are Christians Missing the Chance to Really Change the World?* Grand Rapids: BakerBooks, 2008.
- Skillen, James W. *Recharging the American Experiment: Principled Pluralism for a Genuine Civic Community.* Grand Rapids, MI: Baker, 1994.
- Stassen, Glen H., D. M. Yeager, and John Howard Yoder. *Authentic Transformation: A New Vision of Christ and Culture.* Nashville: Abingdon, 1996.
- Swain, Carol M. *Be the People: A Call to Reclaim America's Faith & Promise.* Nashville: Thomas Nelson Publishers, 2011.
- Sweetman, Brendan. *Why Politics Needs Religion: The Place of Religious Arguments in the Public Square.* Downers Grove, Ill: IVP Academic, 2006.
- Thomas, Aquinas. *On Law, Morality, and Politics.* Rev. ed. Translated by Richard J. Regan. Edited by William P. Baumgarth and Richard J. Regan. Indianapolis/Cambridge: Hackett, 2002.
- Thomas, Cal, and Ed Dobson. *Blinded by Might: Why the Religious Right Can't Save America.* 2d ed. Grand Rapids: Zondervan, 2000.
- Tinder, Glenn. *The Political Meaning of Christianity: An Interpretation.* Baton Rouge, LA: Louisiana State University Press, 1989.
- Volf, Miroslav, *A Public Faith: How Followers of Christ Should Serve the Common Good.* Grand Rapids: Brazos, 2011.
- Wallis, Jim. *God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It.* New York: Harper Collins Publishers, 2005.
- Webber, Robert E. *The Church in the World: Opposition, Tension, or Transformation?* Grand Rapids: Zondervan, 1986.
- \*\*White, Thomas, Jason G. Duesing, and Malcomb B. Yarnell III. *First Freedom: The Baptist Perspective on Religious Liberty.* Nashville: B&H, 2007.
- Wood, James E., Jr., ed. *Ecumenical Perspectives on Church and State: Protestant, Catholic, and Jewish.* Waco, TX: J. M. Dawson Institute of Church-State Studies, 1988.
- Wogaman, J. Philip. *Christian Perspectives on Politics.* Louisville: Westminster John Knox Press, 2000.
- Yoder, John Howard: *The Politics of Jesus: Vicit Agnus Noster.* 2<sup>nd</sup> ed. Grand Rapids: Eerdmans, 1994.