

SYLLABUS AND STATEMENT ON GRADING POLICY FOR PROFESSOR  
BLACKMAN'S FIRST AMENDMENT RELIGION CLAUSES CLASS

Date: Jan, 15<sup>th</sup>, 2009

Texts:

McConnell, Garvey, Berg, *Religion and the Constitution*  
Blackman, *Foreign Fanaticism and American Constitutional  
Values*

There may also be additional handouts.

Purposes:

The purposes include the following: to help you hone your reasoning faculty, to help you think as a lawyer, to help you understand the individual cases studied in greater depth, to help you analyze the judicial logic more critically, to help you integrate individual cases into the context of other decided cases, to help you explore legal principles and political-social policies, to help you understand the Court's view of the Religion Clauses and the possible danger that religious fanaticism and the government's subsidizing it can cause .

Course Themes:

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Final Exam:

There will be a TAKE HOME final exam for this course. It will be given sometime after the course work is completed. The date will be determined by me either using the Law School's scheduled date for the exam or some other date that we collectively view as more appropriate. It will be due seven days after it is give. It will be based on the assigned readings. Outside readings will not be expected or encouraged. (But if you are already familiar with a relevant religious text as distinct from a legal one and do not need to do additional research to access it, I will not grade you down for referring to it.) The exam will have a maximum length of 21 double spaced pages, 12 pica type. It will consist of your essay answers to seven questions. There will be no multiple choice component.

## Grading Policy:

If the class size is below a certain level (and current enrollment indicates that it will be) grading will not be done on a comparative (curved) basis. Upon completion of the course, you will receive a letter grade. Each of the possible letter grades corresponds to a descriptive phrase. The possible letter grades and descriptive phrases are as follows:

"A" corresponds to "excellent performance,"

"B+" corresponds to "very good performance,"

"B" corresponds to "good performance,"

"C+" corresponds "high adequate performance,"

"C" corresponds to "adequate performance,"

"D" corresponds to "marginal performance,"

"F" corresponds to "failing performance."

In my class an additional part of the grading process includes what occurs in the classroom. For some students there might be approximately a 10% increase in the written grade based on high quality and quantity classroom performance. If a student is unjustifiably absent from a significant number of classes (more than three), the student might either receive a lower grade than the written exam would otherwise suggest or be dismissed from the class altogether.

Your answers will be judged on the following criteria:

1. Analysis and articulation of the issues presented by the question;
2. The application of legal knowledge to the issues presented by the question;
3. The breadth and depth of the conceptual analysis;
4. The organization and clarity of the thoughts expressed;
5. The persuasiveness and appropriateness of the language used;
6. The intelligent application of appropriate policies and principles;

7. The quality of the grammar;
8. Avoidance of irrelevance, incoherence and inconsistency.

**Assignments:**

The weekly assignments for the semester are as follows:

First Week:	McConnell, (Free Exercise) pp. 137-146, 162-166; (Establishment) 372-381, 417-429.
Second Week:	pp. 1-41.
Third Week:	pp. 41-84.
Fourth Week:	pp. 85-103, 113-133.
Fifth Week:	pp. 133-166, 173-183.
Sixth Week:	pp. 183-223.
Seventh Week:	pp. 223-304.
Eighth Week:	pp. 305-323, 337-338, 339-360.
Ninth Week:	pp. 360-401,
Tenth Week:	pp. 402-442.
Eleventh Week:	pp. 442-446, 456-458, 479-490, 494-524.
Twelfth Week:	pp. 548-557; Blackman, political and religious fanaticism (pages to be determined).
Thirteenth Week:	Blackman, religious fanaticism (pages to be determined).
Fourteenth Week:	Blackman, religious

fanaticism (pages to be determined).

Assignments are subject to change. There might be additional handouts. If we complete the assigned readings before the end of the semester,

Each student should bring the McConnell text (and, when relevant, the Blackman text, to class. I will provide additional assignments. The class will be an interactive one. Although I will attempt to convey what the law is, the class will also be devoted to explicating our collective views as to what we think that the law ought to be. Because our view of the appropriate outcome of cases in this area of the law is particularly likely to reflect our own take on religion, don't expect us to produce any common understanding as to how the cases should be decided.