Seminar: Law and Theology  
Adjunct Professor Patrick S. Cheng  

Syllabus  

Spring 2007  
Mondays, 2:50 to 4:40 p.m.  
319 Cooper Street, Room 202  

Description  

This seminar will explore the relationship between law and theology. Over the course of the semester, we will cover a wide variety of topics from an interfaith perspective, including faith and the practice of law, punishment and forgiveness, the natural law tradition, social justice, feminism and theology, the relationship between law and morality, and theology and war.  

Objectives  

The seminar has the following objectives:  

• To encourage you to reflect upon and deepen your own views on the relationship between law and theology;  
• To enable you to engage in respectful dialogue with individuals who may have jurisprudential and theological perspectives that differ greatly from your own;  
• To develop your skills in assessing and responding to jurisprudential and theological arguments; and  
• To allow you to explore, research, and write about a topic of your choosing relating to a problem or controversy in law and theology.  

Materials  

There are two required books for the seminar:  

• Martin H. Belsky and Joseph Bessler-Northcutt, Law and Theology: Cases and Readings (2005), published by Carolina Academic Press. This book will be available at the bookstore or can be ordered online.  
• Christian Perspectives on Legal Thought (Michael W. McConnell et al. eds., 2001), published by Yale University Press. This book also will be available at the bookstore or can be ordered online.  

A third book is recommended, but not required:
• Harold J. Berman, *Faith and Order: The Reconciliation of Law and Religion* (1993), published by William B. Eerdmans Publishing Company. Although this book is not required, it may be a helpful resource for researching your seminar paper. This book will be available at the bookstore or can be ordered online.

All other materials for the seminar are available through HeinOnline or the assignment and materials pages of the course website.

**Topics**

Below is a tentative sequence of topics for the seminar. Please note that the topics and assignments are subject to change as the semester progresses.

<table>
<thead>
<tr>
<th>Date</th>
<th>Class</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 8, 2007</td>
<td>Week 1</td>
<td>Faith and the Practice of Law</td>
</tr>
<tr>
<td>January 15, 2007</td>
<td>No Class</td>
<td>----</td>
</tr>
<tr>
<td>January 22, 2007</td>
<td>Week 2</td>
<td>Law and Theology</td>
</tr>
<tr>
<td>January 29, 2007</td>
<td>Week 3</td>
<td>Interpretation</td>
</tr>
<tr>
<td>February 5, 2007</td>
<td>Week 4</td>
<td>Punishment and Forgiveness, Part I</td>
</tr>
<tr>
<td>February 5, 2007</td>
<td>Paper Topic Due</td>
<td>Punishment and Forgiveness, Part II</td>
</tr>
<tr>
<td>February 12, 2007</td>
<td>Week 5</td>
<td>Punishment and Forgiveness, Part II</td>
</tr>
<tr>
<td>February 19, 2007</td>
<td>Week 6</td>
<td>Natural Law</td>
</tr>
<tr>
<td>February 26, 2007</td>
<td>Week 7</td>
<td>Social Justice</td>
</tr>
<tr>
<td>March 5, 2007</td>
<td>Week 8</td>
<td>Theology and Feminism</td>
</tr>
<tr>
<td>March 12, 2007</td>
<td>No Class</td>
<td>----</td>
</tr>
</tbody>
</table>
| March 19, 2007  | Week 9 | Paper Outline Due (5-7 pp., bibliography of primary and secondary sources) Presentation of Paper Outlines
| March 26, 2007  | Week 10| Theology and Standing                      |
| April 2, 2007   | Week 11| Theology and Schism                        |
| April 9, 2007   | Week 12| Theology and Morality                      |
| April 16, 2007  | Week 13| Theology and War                           |
| April 23, 2007  | Week 14| Final Paper Due (20 pp., excluding footnotes) Conclusion |

**Grading**

Your grade will be based upon three factors:

• **Seminar paper -- 60%**. The seminar paper will consist of a 20-page double-spaced paper (approximately 5,000 words, excluding footnotes) on a topic of your choosing relating to a problem or controversy in law and theology. A list of possible topics can be found at the end of this syllabus. A detailed description of your paper topic and thesis (1-2 pp.) is due in class on February 5, 2007. A detailed outline of your paper with a
bibliography of primary and secondary sources (3-5 pp.) is due in class on March 19, 2007. The final paper is due in class on April 23, 2007.

• **Class Summary -- 15%**. During our first class, you will be asked to choose one class on which you will prepare a three to five page summary of the topic for your colleagues. In addition to summarizing the assigned readings on that topic, the summary should highlight potential difficulties in the readings and demonstrate that you have done some independent research and reflection on the topic. The summary should be uploaded to the FileStore section of the course website no later than the Tuesday of the week preceding the assigned class. Thus, if you are responsible for the topic of Law and Theology (January 22nd), your summary should be uploaded to the FileStore section of the website no later than Tuesday, January 16th. Please have at least three choices in the event that your first choice is not available.

• **Email reflections -- 25%**. Each week (other than the first week), you will be asked to draft and circulate a short email (no more than three paragraphs) prior to our seminar meeting via the website discussion board on: (1) the one thing in the assigned readings that you found most interesting; (2) the one thing that you disagreed with the most; and (3) the one thing that you found the most challenging to understand. There are no "right" or "wrong" answers, but the reflections should demonstrate your thoughtful engagement with the assigned readings. The email reflection for a given week is due no later than the night before the class meeting. Thus, your email reflection on Law and Theology (January 22nd) is due no later than Sunday, January 21st.

**Participation**

I expect that you will attend all meetings of the seminar, unless you have a compelling excuse (for example, a religious holiday). I expect that you will come fully prepared to class and that you will participate actively in the class discussion. I reserve the right to adjust your final grade upwards or downwards by one-half step (for example, from a B+ to an A- or a B), depending upon your attendance and/or the quality of your class participation.

**Contact**

The best way to contact me is by email at pscheng@camden.rutgers.edu. I do not have regular office hours, although I would be happy to schedule an appointment to speak with you in person, by phone, or via the chat function on the course website.
Seminar: Law and Theology
Adjunct Professor Patrick S. Cheng

Readings

Please note that the following topics and assignments are subject to change as the semester progresses.

January 8, 2007: Week 1 – Faith and the Practice of Law


January 15, 2007: No Class

January 22, 2007: Week 2 – Law and Theology

• *Learning to Think Like Lawyers and Theologians*, in Belsky, 3-9.
• Handout, *What Is Theology?*
• Michael W. McConnell, *Old Liberalism, New Liberalism, and People of Faith* in McConnell, 7-17.

January 29, 2007: Week 3 – Interpretation

• *The Conflict of Interpretations*, in Belsky, 9-22.
• Handout, *Background on Exodus 20:14*.

February 5, 2007: Week 4 – Punishment and Forgiveness, Part I

Detailed paper topic and thesis (1-2 pp.) due in class.
February 12, 2007: Week 5 – Punishment and Forgiveness, Part II

- Denis J. Wiechman et al., Islamic Law: Myths and Realities.

February 19, 2007: Week 6 – Natural Law

- Gerard V. Bradley, Natural Law, in McConnell, 277-90.

February 26, 2007: Week 7 – Social Justice

- Parable of the Sheep and Goats, Matthew 25:31-46.
- George E. Garvey, A Catholic Social Teaching Critique of Law and Economics, in McConnell, 230-40.
March 5, 2007: Week 8 – Theology and Feminism

- “Episcopal Church’s New Dawn,” USA Today (Feb. 5, 2007) (profile on Episcopal Presiding Bishop Katharine Jefferts Schori).

March 12, 2007: No Class

March 19, 2007: Week 9 – Presentation of Paper Topics

Detailed outline and bibliography (5-7 pp., with a bibliography of at least five primary and five secondary sources), due in class.

- Presentation of paper topics.

March 26, 2007: Week 10 – Theology and Standing

- Brief for the Respondents, id., focus on pp. 12-15.
- Amicus Brief for Legal and Religious Historians and Law Scholars, id., focus on pp. 2-4.
- Transcript of Oral Argument (Feb. 28, 2007).

April 2, 2007: Week 11 – Theology and Schism

- “Seven Virginia Episcopal Parishes Vote to Sever Ties,” Washington Post (Dec. 18, 2006).
- Complaint, Episcopal Church v. Truro Church (Va. Cir. Ct., Feb. 9, 2007).
- Episcopal Church Canon I.7.4-5.
- Bjorkman v. Protestant Episcopal Church in the United States of America in the Diocese of Lexington, 759 S.W.2d 583 (Ky. 1988).
April 9, 2007: Week 12 – Theology and Morality

- “Conservative Panel Votes to Permit Gay Rabbis,” Jewish Daily Forward (Dec. 6, 2006).
- Calvin Woodard, Thoughts on the Interplay Between Morality and Law in Modern Legal Thought, 64 Notre Dame L. Rev. 784 (1989).

April 16, 2007: Week 13 – Theology and War


April 23, 2007: Week 14 – Conclusion

Final paper (20 pp., excluding footnotes), due in class.


* * *

Additional Resources on Religion:

Seminar: Law and Theology
Adjunct Professor Patrick S. Cheng

Possible Paper Topics

Bible
- Hebrew Scriptures
  - Biblical Law
  - Covenant and Contract
- Christian Scriptures
  - Law and Grace

Establishment Clause
- Theology in the Classroom
  - Creationism and Intelligent Design
  - Pledge of Allegiance
  - Teaching Theology
  - Theology Scholarships and Vouchers
- Theology in the Courtroom
  - The Religious Judge
  - The Ten Commandments

Ethical Issues and the Law
- Abortion
- Death Penalty
- Euthanasia
- Poverty and Social Justice
- Same-Sex Marriage

Feminism, Theology, and the Law

Free Exercise Clause
- Exemptions
  - Religious Practices
  - Religious Beliefs
- Internal Affairs
  - Clergy
  - Property Disputes

Historical Theology and the Law
- Colonial Theology
- Contemporary Theology
  - Liberation Theology
  - Neoorthodox Theology
- Medieval Theology
  - Canon Law
- Patristic Theology
- Reformation Theology

Interpretation
- Legal and Theological Texts

Jurisprudence and Theology
- Critical Legal Studies
  - Critical Race Theory
  - Feminist Legal Studies
- Historical Jurisprudence
- Natural Law
  - Civil Disobedience
- Positivism
- Realism

Lawyering and Theology
- Legal Ethics
- The Religious Lawyer

Law School and Theology
- Law School Curriculum
- Legal Education
- Legal Scholarship

Morality

Political Theory and Theology
- Rawls and Liberalism
- Utilitarianism

Punishment and Forgiveness

Racism, Theology, and the Law

Reparations, Theology, and the Law

War and Theology

World Religions and the Law
- Baha’i
- Buddhism
  - Karma
- Christianity
  - Law and Grace
- Hinduism
  - Dharma
- Islam
  - Sharia
- Judaism
  - Halakha and Aggadah
  - Torah
- Native American