

# UNIVERSITY OF PENNSYLVANIA

Political Science 240

Fall Semester 2015

Tuesdays: 6:00-9:00 p.m.

## **Religion, Nonprofit Organizations, and Public Policy**

Instructor: **Prof. John DiIulio**

Course Administrator: **Ms. Laura Thornton**

What did the Constitution comprehend regarding the "separation of church and state" at the time that the First Amendment was adopted as part of the Bill of Rights? What are the First Amendment's two "religion clauses"? What is the present state of Court doctrine regarding each clause and the "play in the joints" between them?

What was the politics of "church-state separation" in the late nineteenth century and into the first half of the 20<sup>th</sup> century? What are "Blaine Amendments" and who was Justice Hugo Black? Is it fair to say that, in more ways than one, Catholics and Catholicism have been central to the development of "religion clauses" jurisprudence for the last 150 or so years?

What is a nonprofit organization, what is a religious nonprofit organization, and what, if any, special burdens or benefits do religious nonprofit organizations receive under extant U.S. public law (including administrative law) and policy?

What role do religious nonprofit organizations play in delivering social services that are funded in whole or in part by federal, state, or local government agencies? What is the evidence regarding the extent to which urban religious congregations, most particularly traditionally African-American and Latino ones, figure in the delivery of many different types of social services, both privately-funded and government-funded, to low-income children, youth, families, and communities?

What is the latest and best empirical evidence concerning the "replacement value" and the "halo effect" of religious nonprofit organizations, and what does this evidence imply regarding the capacity of government to deliver social services with little or no use of religious nonprofit organizations as "proxies"?

What is the latest and best social science "faith factor" research on "religion" in relation to pro-social and pro-civic attitudes and behaviors (like volunteering, voting, and charitable-giving) and with respect to health, crime, economic development, and other outcomes?

What is a "faith-based organization," how many different categories of such organizations are there, and how does the diversity within the

"faith-based sub-sector" of the nonprofit sector register (or not) with respect to public (including administrative) law and policy affecting "church-state relations"?

What is "religious liberty," what is "extreme religious liberty," and what recent controversies regarding issues such as contraception, health insurance, and same-sex marriage have roiled settled understandings and practices respecting how government may (or may not) partner with faith-based organizations?

How have the three most recent presidential administrations (two Democratic, one Republican) approached religion, nonprofit organizations, and public policy, and how might the 2016 elections affect national policies on "faith-based initiatives"?

Which view of "institutional religious freedom"—religious institutions as (a) government's equal partners, (b) its mere proxies, (c) its partner-proxies, or (d) its proxy-partners—is in the ascendant today with respect to federal law, with respect to state law, and in the court of public opinion in the wake of recent Supreme Court decisions?

What is the "American map" in relation to religious identity or affiliation? How many and which Americans are the "nones," are the "nones" both religiously unaffiliated and "not religious," and what difference does "religion" make to electoral politics?

What is the "global map" in relation to religious identity or affiliation? Is orthodox Christian religion growing in the southern hemisphere and Asia even as it wanes or virtually disappears in Europe, and even as the "nones" arise in America? In particular, what is the story of "church-state relations" in post-1978 China?

### **Seminar Assignments, Task Groups, and Grading Policies**

This seminar explores these and related questions through a mix of primary and secondary readings, case studies, individual and group research projects, and (if and as might be arranged) meetings with leaders who have influenced public policy developments in this area.

Two categories of undergraduate students are **strongly discouraged from taking this seminar**: **Second-Semester Seniors** who are busy with theses or applying to schools or applying for jobs or fellowships, and **First-Semester or Second-Semester Freshmen** who have not previously taken a Penn seminar that involves both heavy reading and group projects.

**For some sessions in excess of 300 pages of reading** is assigned from required books and/or other sources.

Students **function both as individuals and as members of a Task Group (TG)** that performs independent research and gives oral presentations. Each TG assignment usually involves a TG presentation of 15-20

minutes. In the first meeting, the instructor will elaborate TG protocols and expectations.

Each student writes **two essays**. All students are subject to **in-class pop quizzes** on the week's assigned readings. There are two extra-credit options.

At the instructor's discretion, on the final day of class, all students may be required to take an objective-answer quiz covering reading assignments.

The modal grade for students who have taken this seminar over the last few years is A-, and very few students have received lower than B+. Final letter grades are based on four graded components: individual performance in class and on any brief memos or in-class quizzes (25%); first essay (25%); second essay (25%); TG performance (25%).

The pedagogy of this seminar presupposes **REGULAR ATTENDANCE** and **TIMELY WORK**. **WITH PRIOR NOTICE TO THE COURSE ADMINISTRATOR**, each student may miss one scheduled semester course meeting—any scheduled course meeting except the first and the last—without penalty.

But any student who **FOR WHATEVER REASON** misses two or more scheduled course meetings will receive a grade of **INCOMPLETE** that may be converted to a letter grade after the semester and in accordance with the relevant rules of the College of Arts and Sciences and the College of Liberal and Professional Studies.

**Late essays are NOT accepted.** There is no per-day-late penalty structure. Late essays receive **zero credit**. **And please note: all work including essays must be submitted in order to complete the course and receive a letter grade.** Thus, a student who simply opts not to submit the first or second essay and is willing to be graded on his or her other course work alone would still receive an Incomplete even if he or she, based on all other completed course work, had a passing grade.

### **Required Books**

Seven books are assigned, two of which the instructor will give to you free of charge (the two he wrote). Each student must have his or her own copy of each. You are free to purchase the books from whatever sources you may choose.

Philip Hamburger, Separation of Church and State (Harvard University, 2003).

John DiIulio, Godly Republic: A Centrist Blueprint for America's Faith-Based Future (University of California, 2007) **will be distributed free of charge at Leadership Hall on Friday, September 4: First reading assignment! You are responsible for picking it up there between 9AM and 4PM. Show your Penn ID and you will receive it.**

John DiIulio, Bring Back the Bureaucrats: Why More Federal Workers Will Result in Better (And Smaller!) Government (Templeton Press, 2014) **will be distributed free of charge by the instructor at the end of the first class meeting.**

Marci Hamilton, God vs. the Gavel: Religion and the Rule of Law, 2<sup>nd</sup> Edition (Cambridge University Press, 2014).

Robert Putnam and David Campbell, American Grace: How Religion Divides and Unites Us (Simon and Shuster, 2010).

Corwin Smidt et al, Pews, Prayers, and Participation: Religion and Civic Responsibility in America (Georgetown University, 2008).

John Micklethwait and Adrian Woolridge, God is Back: How the Global Revival of Faith is Changing the World (Penguin, 2009).

### September 8

What did the Constitution comprehend regarding the "separation of church and state" at the time that the First Amendment was adopted as part of the Bill of Rights; what are the First Amendment's two "religion clauses;" and what is the present state of Court doctrine regarding each clause and the "play in the joints" between them?

- DiIulio, introduction and chapters 1 and 2
- Hamburger, parts 1 and 2
- *Locke v. Davey* (2004): available at U.S. Supreme Court website

### September 15

What was the politics of "church-state separation" in the late nineteenth century and into the first half of the 20<sup>th</sup> century; what are "Blaine Amendments;" who was Justice Hugo Black; and is it fair to say that, in more ways than one, Catholics and Catholicism have been central to the development of "religion clauses" jurisprudence for the last 150 or so years?

- Hamburger, parts 3 and 4

>>"God and the Inner-City" Video, In-Class Viewing

It is important that each student view the video as an active watcher, taking notes that might enable him or her to answer the following questions:

>>Which of the three organizations profiled--Amachi, Ella J. Baker House, and Teen Challenge--do you suppose would pose the largest "church-state" issues, and why?

>>Which, if any, of the three organizations profiled might you characterize as "faith-saturated," which, if any, might you instead characterize as "faith-based," and which, if any, might you aver is, at least in part, "more secular than religious"?

- TG1: Report on Hamburger, part 3 (20 minutes)
- TG2: Critique of TG 1 (15 minutes)/TG1 Response (5 minutes)
- TG3: Report on Hamburger, Part 4 (20 minutes)
- TG4: Critique of TG3 (15 minutes)/TG1 Response (5 minutes)

**September 22: No Class Meeting (Yom Kippur Begins at sunset)**

- Begin independent reading and research on the work of Penn's Prof. Ram Cnaan

**September 29: Class starts at 6:30PM, not 6:00PM**

**>>Extra Credit Option: Attend Perry World House Panel on Pope's Visit, 4:30-6:00PM (Check-In there with Ms. Thornton); Write a 300-Word Essay on the panel; it is due to Ms. Thornton Sept. 30 by 5PM.**

What is a nonprofit organization, what is a religious nonprofit organization, and what, if any, special burdens or benefits do religious nonprofit organizations receive under extant U.S. public law and administrative law and policy?

What role do religious nonprofit organizations play in delivering social services that are funded in whole or in part by federal, state, or local government agencies?

What is the evidence regarding the extent to which urban religious congregations, most particularly traditionally African-American and Latino ones, figure in the delivery of many different types of social services, both privately-funded and government-funded, to low-income children, youth, families, and communities?

- DiIulio, GR, chapter 5
- *Independent Research and Reading: The Work of Penn's Prof. Ram Cnaan* (to be explained and directed on September 15); also, see First Essay assignment, due October 13

- All TG: Read about Gesu School of Philadelphia
- TG1: Report on Project Home
- TG2: Report on Amachi
- TG3: Report on Nueva Esperanza
- TG4: Report on Nutrition Development Services (NDS)

### October 6

What is the latest and best empirical evidence concerning the "replacement value" and the "halo effect" of religious nonprofit organizations?

What, if anything, does this evidence imply regarding the capacity of government to deliver social services with little or no use of religious nonprofit as "proxies"?

- DiIulio, BBB, entire
- Partners for Sacred Places, Salvation Army Kroc Center report (to be distributed in class on September 29)

### October 13

**FIRST ESSAY IS DUE AT THE START OF CLASS,\* TO BE HANDED IN TO MS.**

**THORNTON:** *What is the evidence regarding the extent to which urban religious congregations, most particularly traditionally African-American and Latino ones, figure in the delivery of many different types of social services, both privately-funded and government-funded, to low-income children, youth, families, and communities?*

How does the work of **Penn Prof. Ram Cnaan** answer this question, and what do you consider to be the most significant empirical, conceptual, or other aspects of his work? (Maximum: 2,000 words)

**\*If you opt to miss this particular session you must then arrange to get your essay to Ms. Thornton in advance of the session.**

What is the latest and best social science "faith factor" research on "religion" in relation to pro-social and pro-civic attitudes and behaviors (voting, volunteering, charitable-giving) and also with respect to particular health, crime, economic development, and other outcomes?

- Smidt et al, entire
- DiIulio, "More Religion, Less Crime?" (2009), to be distributed in class on October 6

**October 20**

What is a "faith-based organization," how many different categories of such organizations are there, and how does the diversity within the "faith-based sub-sector" of the nonprofit sector register (or not) with respect to public (including administrative) law and policy affecting "church-state relations"?

- TG1: Report on World Vision
- TG2: Report on Prison Fellowship Ministry
- TG3: Report on Catholic Charities of New Orleans
- TG4: Report on University of Pennsylvania

**October 27**

What is "religious liberty," what is "extreme religious liberty," and what recent controversies regarding issues such as contraception, health insurance, and same-sex marriage have roiled settled understandings and practices respecting how government may (or may not) partner with faith-based organizations?

- Hamilton, entire
- TG1: Church of Babalu v. City of Hialeah (1993)
- TG2: Rosenberger v. University of Virginia (1995)
- TG3: Capital Square Review v. Pinette (1995)
- TG4: Zelman v. Simmons-Harris (2002)

**November 3**

How have the three most recent presidential administrations (two Democratic, one Republican) approached religion and public policy, and how might the 2016 elections affect national policies on "faith-based initiatives"?

- DiIulio, GR, chapters 3 and 4; and David Kuo and DiIulio, 2008 Election NYT op-ed (to be distributed in class on Oct. 27)
- TG1: Bill Clinton statements
- TG2: G.W. Bush statements
- TG3: Obama statements
- TG4: Bernie Sanders/Donald Trump statements

**November 10**

Which view of “institutional religious freedom”—religious institutions as government’s equal partners, its mere proxies, its partner-proxies, or its proxy-partners—is in the ascendant today with respect to federal law, with respect to state law, and in the court of public opinion in the wake of recent Supreme Court decisions?

- Stanley Carlson-Ties, IRFA, several pieces to be distributed in class on November 3.
- Video of Hamilton and Carlson-Ties discussing *Obergefell*: To be made available on November 3.
- *Obergefell v. Hodges* (2015)

**November 17**

**SECOND ESSAY IS DUE AT THE START OF CLASS\*, TO BE HANDED IN TO MS.**

**THORNTON:** *With explicit reference to Obergefell, compare and contrast the views of Marci Hamilton, on the one side, and Stanley Carlson-Ties, on the other, regarding “religious liberty” and “institutional religious freedom.”* (Maximum: 2,000 words)

**\*If you opt to miss this particular session you must then arrange to get your essay to Ms. Thornton in advance of the session**

**November 24: No Class Meeting. Classes on November 24 will be run on a Thursday Schedule**

**December 1**

What is the “American map” in relation to religious identity or affiliation, how many and which Americans are the “nones” (not “nuns”!), are the “nones” both religiously unaffiliated and “not religious,” and what difference does “religion” make to electoral politics?

- Putnam and Campbell, entire
- DiIulio, GR, chapter 6
- Which religious population is closest to representing the “median American voter” in terms of opinions on political issues, partisan allegiances, and electoral behavior?



- Which religious population is closest to representing a conservative/liberal view on issues and a Republican/ Democratic allegiance translating into predictable majorities for Republican/ Democratic candidates?
- What is post-2000 public opinion on "faith-based initiatives," and how does support for government engaging religious nonprofits to deliver social services vary according to whether the engagement permits proselytizing, religious instruction, sectarian worship, or the use of tax dollars for staff positions open only to the persons of a particular faith?
- What is present-day America's religious demography measured in terms of religious orientations (liberal, progressive, or modern versus conservative, orthodox, or traditional) and religious identifications (Catholics, Quakers, Methodists, Muslims, et cetera)?
- How does post-1999 American public opinion on political issues (abortion, gay rights, immigration, taxes, Iraq, et cetera) and matters such as belief in evolution or miracles vary by religious orientation and religious identification/affiliation?

>>"Friends of God" Video, In-Class Viewing

- TG1 and TG4: Pew and other surveys
- TG2 and TG3: Gallup and other surveys

### December 8

What is the "global map" in relation to religious identity or affiliation; is orthodox Christian religion growing in the southern hemisphere and Asia even as it wanes or virtually disappears in Europe and as the "nones" arise in America; and, in particular, what is the story of "church-state relations" in post-Mao China?

- Micklewait and Woolridge, entire
- DiIulio, GR, Postscript
- All TG: USAID funding of religious organizations

**Extra-Credit Option:** Essay(400-word maximum) responding critically to the following passage of the M&W book: *"America does a better job than any other country of combining religious vitality with both religious diversity and religious toleration...There is thus a compelling argument for universalizing the American commitment to the separation of church and state."* **Due: Dec. 7 before 5PM to Ms. Thornton.**