

Dear fellow teachers:

I'd be grateful if you'd let me know if you plan to use portions of this syllabus in your classes. I'm constantly trying to refine things and would love to hear what works for you and what doesn't.

Please email. Many thanks, b

RELS 235/335 : RELIGION, LAW AND POLITICS

S1.2016

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Introduction:

These days, it is almost impossible to read the news without learning about a conflict at the intersection of religion, law and politics: Should politicians' religious commitments influence public policy? Should women be allowed to testify in court wearing *niqab*? Should NZ students receive bible education in public school classrooms? Should Scientologists get tax exemption? Should Jehovah's Witness' parents be allowed to refuse certain life-saving medical treatments for their children? To what extent, should the government recognize or accommodate religious law? Is there anything wrong with the Pope dissing Donald Trump?

By the end of this course, you will have a more sophisticated understanding of contemporary legal and political disputes about religion. You will also feel what it's like to wrestle with these disputes yourself and to talk to professionals who deal with these issues regularly in their own work.

Aside from teaching you about religion, law and politics, this course aims to develop the important skill of critical thinking, by which I mean the ability to do three things: (1) synthesize and summarize the arguments of others, (2) evaluate and critique those arguments, (3) formulate and articulate your own arguments using original evidence. Through lectures, discussions and some (perhaps unusual) assessments, this class will help hone your skills in all three areas.

Class and course organization:

This course investigates a variety of interesting case studies from around the world. However, it is organized around a single question: *why do liberal-democratic states have so much difficulty regulating religion?* To answer this question, we will examine key assumptions that influence the regulation of religion in most modern democratic contexts. These assumptions can be summarized as follows:

(1) Religion, law and politics are distinct spheres of human activity and ought to be separated in modern states through policies of secularism. (2) Secular policies render states neutral towards religion and therefore maximize the religious freedom, welfare and harmony of citizens. (3) Through adopting a uniform system of secular law, states can maintain fair and consistent barriers between the private world of religion and the public worlds of law and politics.

For most of you, these assumptions will seem familiar, even obvious. It seems natural that states should be secular, religion should be private, laws should be neutral and individual freedoms should be maximized. However, over the course of the thirteen weeks, we will systematically reevaluate these assumptions and ask how they influence, help or harm conflicts over religion.

Class-time will involve a mixture of lectures and discussions. Successful learning depends upon student participation, which, in turn, depends upon students coming to class having done the core readings for that week. *Class participation assessments* are designed to encourage this.

Question-time. Each class will begin with a '*[there's no such thing as] silly questions time*' where students are encouraged to ask *any* questions that came up in the course of their study or readings. Who is Rousseau? What do Buddhists believe? What assessment is due next week? Anything goes. One of the great things about this course is that it brings together students from many different backgrounds. So, to make sure that we're all on the same page, we need to make lots of space for questions. Just to be clear, this class presumes NO previous knowledge of religion, law, or politics. We welcome all!

Distance students will follow lectures using Otago Capture, a lecture-recording software that synchronizes audio and slides. These recordings will be available immediately following every lecture and, if technology permits, may even be live-streamed.

Readings: All readings will be available online (Blackboard and/or Otago library e-reserve) and/or emailed directly by me. I have worked very hard to reduce the readings to the shortest possible length, with the expectation that you will read them closely before class. Please do this. In many weeks there will also be videos to watch. In each week, I've also *introduced the materials and offered a few questions* to help guide your reading. Please look at these introductions! Also, please note: that, in some weeks there is more reading than in others, so plan ahead. For those of you who are keen to read more, I've included list of optional additional readings for most weeks.

On contacting me: Although it's unorthodox, I suggest that you try to contact me in person or on the phone if you have a question. Email is cumbersome and often imprecise. And I don't check it hourly. Feel free to ring on my office phone during work hours. Office-hour appointments can be arranged as well.

Must read: Your responsibilities as a student.

This is a short list of non-negotiable, minimal responsibilities for students. As a student in this paper, I expect that you will:

1. Make sure that your **read and understand the expectations and assessment policies** in this course outline.
2. **Access course materials through Blackboard and the Otago Library** e-reserve site. (If you have issues, contact the ITS service desk on 0800479888, its.servicedesk@otago.ac.nz)
3. **Make sure that you are receiving and reading all electronic communication** sent through Blackboard. (This may mean updating your communication preferences so that you receive the emails and announcements sent to the entire class through Blackboard.) “I never read that email” is not viable excuse in this paper.

4. Complete all **assessments** on time. I almost never grant extensions.

ASSESSMENTS & POLICIES

(10%)	Class Participation <i>-or-</i> Written Interventions x 3	<i>Mar 11, Apr 8, May 6 at 5pm</i>
(10%)	4-Part Essay Outline	<i>Thu Mar 24 at 5pm</i>
(40%)	1 x Research Essay of 3,000 or 3,500 words	<i>Friday May 27 at 5pm</i>
(40%)	1 x Exam	<i>Exam Week T.B.A.</i>

10% Class Participation (Option 1 for on-campus students)

This paper not only prepares students to think critically and write cogently. It prepares students to discuss and debate these issues with others. For this reason, this class mixes together lectures ***and discussions***. And discussions work well *only* when students attend class regularly, having done the assigned reading and show willingness to present their ideas and respond to the ideas of others. 10% of your marks reflect this. I will evaluate this according to three rubrics:

1. Do you show up regularly to class, with the readings? (We have one class per week so absences, without urgent medical necessity, will be counted against class participation marks. More than two non-excused, non-medical absences will result in a 0 for class participation.)
2. Do you pose questions about the readings, respectfully respond to your colleagues' questions and/or otherwise further the directions of conversation in class?
3. Do your comments show engagement with the readings and/or draw connections between this week's readings and readings from other weeks?

10% Written Interventions (Option 2 for on-campus students; required for distance students)

Although distance students cannot attend class discussions, I expect them to participate in our conversations by writing (*at least* *three* *Written Interventions* (WIs) submitted before the due dates indicated above. (You can write more if you want to; and your comments will certainly influence how I teach the class!). WIs are one-page long (roughly 200 words) documents. They can be sent as emails or as MS word attachments. Each WI will contain the following:

1. A personal reaction to the readings or class discussions (as followed through online audio). What did you like or dislike? What did you find surprising or frustrating? What do you agree or disagree with?
2. A list of 2-5 questions that you would like address going forward. These could be requests for clarification, provocations for the class, or general theoretical issues you'd like to explore.

40% Exam

There will be a final exam administered by the exams office. The exam will count for 40% of your marks and will contain short answer and essay questions based on the readings and lectures.

The purpose of the exam is to assess your ability to use the ideas, theories and case studies covered in this class to think and write critically about the intersections of religion, law and politics in the modern world.

40% Research Essay using Primary and Secondary Sources

This class encourages you to think critically, intelligently and independently about legal and political disputes about religion in the contemporary world. This class also encourages you to express your thinking in cogent and careful arguments. This essay assessment is designed to help you do this. It involves the following things:

Choose a newspaper article, TV report or other media coverage of a dispute at the intersection of religion, law and politics. It can be journalism or op-ed, but has to come from a *mainstream news outlet*: e.g. the Herald, NY Times, BBC, etc. NOT a random blogsite or online opinion site.

Use primary and secondary sources (academic scholarship and new evidence) **to argue an educated audience how and why this article does not tell the whole story**. That is, explain how it over-simplifies, ignores and/or distorts important dynamics that are at play. Your goal is to give a critical reassessment of the report and a fresh perspective on the dispute. In doing this, you should take stock of some of the following questions, along with other questions that you identify:

- What, *specifically*, are the different sides arguing for?
- Why is the dispute hard to resolve?
- Is it resolvable, why or why not?
- What are the multiple understandings of secularism, religion, belief, ritual, freedom, law, equality, citizenship, offense, neutrality etc. at play in the conflict?
- Who is speaking on behalf of religion and is it appropriate?
- Why would particular politicians (locally and/or internationally) support one side of the debate or the other?
- What legal concepts seem to be confusing the situation and/or impeding agreement?
- What does a close examination of the political and legal primary sources reveal about the conflict?

You must use primary and secondary sources:

200-level students must use at least 3 primary source and 4 academic secondary sources.
300-level students must use at least 5 primary sources and 6 academic secondary sources.

- a. Primary sources are first-hand, direct, from-the-horse's-mouth sources of information about an event, person, dispute, etc. They are the raw data that journalists, scholars and legal professionals use as evidence. What makes a source a primary source is how you use it: you treat something as a primary source when, *you* approach it as raw, not-yet-interpreted data, and engage directly in dissecting it, analyzing it, critiquing it, thinking about who wrote it and why, and placing that source in its history. If you're not sure about whether a source is a primary source, please ask.

Examples of religious primary sources include: myths, religious texts, prayers, personal observation of rituals, interviewing a religious leader.

Examples of political or legal primary sources include: copies of parliamentary bills or acts, constitutions, ordinances, court decisions, transcripts of legislative debates (e.g. <http://www.parliament.nz/en-nz/pb/debates/debates/>) or committee meetings, official statements issued from ministries or important political leaders, reports commissioned by governments, manifestos of political groups, findings of official commissions, etc.

- b. By contrast, secondary sources are the academic sources you will use to help understand and analyze your primary sources. These will be peer-reviewed scholarly sources.¹ If you do not know the difference, or how to locate them, please let me know and we can discuss this in class.
- c. *Internet sources:* These must be used with EXTREME caution. In some cases, e.g. if you're working on contemporary movements, one might use some internet sources as primary sources. Websites should almost never be used as secondary sources. Wikipedia can be helpful in the initial stages of research but does NOT count as an academic source!

Feedback to help along the way. Choose whatever you are passionate about, but choose your topic EARLY in the semester **and please OK it with me**. Two other waypoints will help make sure you're on track: The 4-Part Essay Outline (see below) will push you to organize yourself early in the semester; a “writing workshop” in Week 9 provides a valuable opportunity for feedback on your final essay. (For distance students: online writing workshop, using the program Zoom, will take place for distance students at 8pm on Tues the 3rd of May)

Technical requirements

Length: Essays should be 3000 words for RELS 235 and 3500 words for RELS 335. Do not count footnotes or bibliography in this total. You may go over the limit 10% or under the limit 5% without a grade reduction.

Format: This matters. Essays must be double-spaced, Times New Roman, include page numbers. At the top must be your name, student ID number, date and word-count. Footnotes and bibliography must follow Chicago style. All citations for specific ideas, quotes or facts must have page numbers. (Citing a whole book or article is not OK unless you are clearly and obviously referring to the authors' overall argument.) For guides on style and citation see: <http://www.otago.ac.nz/religion/pdfs/styleguide.pdf>

Submitting: I know it's a bit annoying, but your must be submitted in two ways: (1) they must be submitted in hard copy to the Religion Department office on the 4th Floor of the Burns Building (on South end). (2) They also must be uploaded to the appropriate link on Blackboard (so we can run it through SafeAssign). It is *your* responsibility to make sure that your essay has been submitted properly. If there is a problem you must send me an email *that same day* with a copy of your essay in PDF or MSWord format. Telling me two days later that "Blackboard lost my submission" is not a legitimate excuse. Late papers are marked down 5% per work day. Extensions are almost never given, except in the cases of medical emergencies. We take plagiarism very seriously, so please do review our plagiarism policy (below). Or, better, just don't do it.

How I mark the essays

So that I'm very clear with you about my expectations, let me tell you at the outset that essays will be marked according to the following **rubrics**:

Basics and polish: Did the author follow the prompts listed above and is the piece free from careless errors (grammar, spelling, citation style). The best pieces will carefully provide all

¹ Generally speaking, academic sources are articles that appear in peer-reviewed academic journals (e.g. those that are accessed through JSTOR) and books that are published by university presses (e.g. Oxford Univ. Press). If you're confused, please go and ask the librarian. Or, as a last resort, come and see me.

things asked for in the course outline (e.g. word count, page numbers, plagiarism declaration, etc.).

Argument/Structure: Does the piece make a clear argument and have a clear structure? Does the argument flow logically and draw upon ample and well-analyzed evidence? Is it clear what 'work' the paragraphs are doing and are there strong transitions between paragraphs? (The *first sentences of paragraphs* are especially important in this regard. Make sure these sentences do two things: (1) introduce the content/point of that paragraph and (2) make plain how the content/point of that paragraph relates to the overall argument of the essay.) Does the essay have a clear *introduction* that lays out the argument in a direct and clear way and explains why the argument is important, controversial or otherwise should be of interest to the reader? Does it have a *conclusion* that recaps briefly the key points of the essay and explains the significance of the argument for scholars, policymakers or others?

Content: Does the piece show evidence of time spent researching and thinking? Does it build upon, critique and advance ideas presented in lectures, required readings and/or recommended readings (rather than simply summarize)? Does it present original ideas? Does it show sophistication in locating, digesting and engaging with a number of appropriate primary and secondary sources? The best pieces will engage deeply with multiple secondary and primary sources beyond those in the required or recommended readings. (Note: Mere citation of works does not count as engaging with them.)

10% 4-Part Essay Outline

The point of this essay outline assignment is to make sure you plan early for your research essay and to give me a chance to give you feedback on your ideas. The outline should be formatted as follows:

Part I: Attach a copy of the media report you will critique.

Part II: Write a 1-2 page brief that (1) summarizes the ostensible *argument* of the report and/or the *angle of the author*, (2) explains what in the report led you to summarize the author's argument in that way and (3) how you plan to go about reassessing the argument in your research essay (e.g., What type of sources will you look for and why? Which parts of the argument seem particularly 'off' and worthy of critical reassessment and why?)

Part III: Identify your primary sources. Make sure you can find copies of these sources online or in the library.

Part IV: Identify your_academic_secondary sources. No credit will be given for non-academic secondary sources.² Write the sources down in the correct bibliographic format and explain in 2-3 sentences how you plan to use them to analyze the primary sources (E.g. 'Scott and Schafer provide detailed histories of the case that help illuminate the political context of the speeches...')

Technical requirements: Outlines must be double-spaced, Times New Roman, include page numbers. At the top must be your name, student ID number, submission date and word-count. Bibliography must follow Chicago style. For guides on style and citations see:

<http://www.otago.ac.nz/religion/pdfs/styleguide.pdf> Late paper policy applies, as above.

² This is key. Credit will not* be given for non-academic sources. If you're confused, please go and ask the librarian. Or, as a last resort, come and see me.

Lecture Programme & Weekly Course Readings

- ⇒ Lectures and classes are divided into three Modules. In each of these modules we will be critically reconsidering one of the three common assumptions about religion, law, and politics mentioned above.
- ⇒ Please read the introduction and reading questions before reading.

- Module I -

“Religion, law and politics are distinct spheres of human activity and ought to be separated in modern states through policies of secularism”?

Week 1 (Mar 1): Introduction to Religion, Law and Politics

Introduction and Reading Questions: Welcome to the class y'all. This week we'll dive right into some controversies, talk about the structure of this course and begin to reconsider the first assumption, above. In particular, 2x questions will guide discussions: What the heck is a 'liberal' state? What distinguishes religion, law, and politics?

Required reading

No readings due.

Week 2 (Mar 8): What is Secularism?

Introduction and Reading Questions: This week we will read what many consider to be the single most important manifesto/theory of secularism ever written, John Locke's 'A Letter Concerning Toleration.' After a short introduction to the work and its importance, we will engage, as a class, in an in-depth analysis of the text. Therefore, it is important that you read the letter closely. It's not that long, but it's dense and full of interesting—and sometimes unexpected!—detail. To help you, I've abbreviated, edited and annotated the letter. I'm only asking you to read 13 pages, but please read them very closely. When reading, see if you can track Locke's definitions of church and state (in his terms, civil government/magistrate) and ask yourself: What model of government is Locke advocating? Why does he see it as important?

Required Reading

[**Read closely**] Locke, John “A Letter Concerning Toleration,” (Annotated and Edited by Schonthal), ~13pp.

Week 3 (Mar 15): Illegal Religion? Veils in Schools

Introduction and Reading Questions: This week we look at two policies of secularism that are operative in the world today: French secularism and New Zealand secularism. We will also learn about and compare two contentious debates that seem to challenge secular policies in France and New Zealand: the 'headscarf debate' in France and the debates over Christian Religious Education (CRE) in public schools in New Zealand. When looking at the readings (and viewings) for this week, please ask yourself: How is secularism in France and NZ different? How does French and New Zealand history and politics shape the way the controversies play out? How are wearing a veil

and receiving CRE different? How are the arguments for and against these practices similar? Which readings are primary sources and which are secondary?

Required Viewing and Reading:

CASE 1: The Veil in France

Watch Video: “La laïcité française” (10 minutes) <https://www.youtube.com/watch?v=pl-YYcH-52U>

Jones, Nicky. “Religious Freedom in a Secular Society: The Case of the Islamic Headscarf in France” in *Freedom of Religion Under a Bill of Rights*. Edited by Paul Babie and Neville Rochow. Adelaide: University of Adelaide Press, 2012, 216-236. **Read ONLY 216-229**

Litchfield, John “Do not wear headscarves; do not wear crucifixes do not question the syllabus: France’s school rules policy” *The independent.co.uk* (Sept. 13, 2013)

2003 *The Stassi Report*. “Recommendations” Section. Introduction and **47-63**. [Remember: The Stassi Report was the result of an official commission in France to look at implementing secularism (laïcité) in the context of the headscarf controversy.]

Optional Readings:

Cardoso, Luis. “At the heart of the affair” (2000) ~6 pp.

Batuman, E. “The head scarf, modern Turkey, and me.” *The New Yorker Feb 8-15, 2016*.

Bowen, John *Why the French Don’t Like Headscarves*. Princeton: Princeton University Press, 2007. Ch 4.

CEC Strategic Framework, Info pack and teaching goals (all on blackboard)~6 pp.

Website: <http://religioninschools.co.nz>

– Module II –

“Secular policies render states neutral towards religion and therefore maximize the religious freedom, welfare and harmony of citizens”?

Week 4 (Mar 22): Is Scientology a Religion? Judging Faith in the US and UK*

Reading Questions: Over the last several decades, Scientologists have been engaged in a large number of legal battles throughout the world. A central issue in many of these battles is the question of whether governments ought to recognize the Church of Scientology as a religion. This week we'll look at these debates using some interesting secondary and primary sources, including important UK court decisions and Scientology publications. There is a fair amount of reading so please plan ahead. In class we're going to ask a number of important questions about Scientology disputes: Why is it important for Scientologists to be recognized as a religion? Who gets to make that decision and how? How do you account for the differences in the two court cases that you read? What does this indicate about the neutrality of the state? How do you read a court judgment?

Please note: I'm throwing you in the deep end with legal sources. Have a go and see what you can make of them!

Required Reading:

“Hubbard’s Early Life and Beliefs” from “Scientology” in *Encyclopedia Britannica online*. ~1p.

Urban, Hugh. *The Church of Scientology: A History of a New Religion*. Princeton: Princeton UP, 2011, 155-177.

“The Character of Scientology” 5-14, 24-27 (naming ceremony).

2 x Court decisions:

R v Registrar General, ex parte Segerdal and another (1970)

Hodkins v. Registrar (UK Supreme Court 2013) decision, Pp. 1-20.

Optional Reading:

The remainder of Urban’s book.

Places of Worship Registration Act (UK 1855)

The Founding Church of Scientology v. U.S. (1969) [Note: I have marked off sections for you to read.]

~***Essay Outline Due March 25, 5pm.~***

-Mid-semester break-

Week 5 (April 5): Religious Harm and Legal Harm: Protecting Welfare through Law

*Visit from Family Law Barrister, Toni Brown

Introduction and Reading Questions Another religious group that often finds itself involved in litigation is the Jehovah’s Witnesses, a community with extremely strict rules around membership and behavior. Among other things, JW’s are not permitted to celebrate Christmas, to salute flags or to accept blood transfusions. In recent years, jurisdictions around the world have seen a steady stream of legal disputes involving JW children and questions around the whether the strict standards of JW piety might pose a ‘harm’ to them in the eyes of the state. What happens when the imperatives of religious freedom and child welfare collide? This week we discuss this very difficult issue with the help of XXX, an experienced family law barrister who has been involved in cases of this type. What challenges do lawyers and judges face in these types of trials? How is “harm” understood by JW’s and non JW’s in these cases? In what ways might legal action be interpreted as religious and *vice-versa*?

Required Reading:

Film: *Knocking* Available online (<https://www.youtube.com/watch?v=1TYOaFv8qjc>)

Judgment in *Moore v Moore* [annotated]

Other materials: ***to be distributed.***

Optional Reading

Lori G. Beaman (2005): Religion and Rights: The Illusion of Freedom and the Reality of Control, *Culture and Religion: An Interdisciplinary Journal*, 6:1, 17-29

Blankholm, Joseph. “No Part of the World: How Jehovah’s Witnesses Perform the Boundaries of their Community” ARC, The Journal of the Faculty of Religious Studies, McGill University Volume 37 (2009): 197–211

- Weddle, David L. "Jehovah's Witnesses." In *Encyclopedia of Religion*. 2 ed. New York: Macmillan Press, 2005. 4820-4.
- Bergman, Jerry. "Dealing with Jehovah's Witness Custody Cases" in *Creighton Law Review* 29 (1996): 1485-1516.
- Wah, Carolyn R. "Jehovah's Witnesses and Child Custody Cases in the US 1996-1998" *Review of Religious Research* 2001, 42(4): 372-386
- [Note: **Bergman and Wah are both writing from slanted perspectives:** Bergman is an ex-Witness and regular critic of the JW movement; Wah is Associate Legal Council for the JWs]

Week 6 (April 12): Is ANZAC day a religion? Civil Religion, Political Theology

Introduction and Reading Questions If you've ever been to an ANZAC Day dawn service or another national commemoration day, you'll know that there's often something unusually solemn and moving about the event. Many people liken these ceremonies to religious rituals. But are they? This week we'll talk about another link between religion, law and politics, which scholars and others have discussed for centuries: the idea that the state itself might actually be the object of a religious cult—a civil or civic religion—complete with its own rituals, myths and beliefs. Can this characterization be upheld in contemporary NZ or the USA? What does this mean for the separation of church and state as imagined by Locke and others? What are the 'religious' dimensions of politics, law and statecraft and why do they seem religious? Can Bellah's vision of civil religion in America translate readily into the NZ or Australian contexts? What is 'the state' anyway?

Required Reading & Viewing:

Watch a video of an ANZAC dawn service or Memorial Day ceremony (Find one on youtube)

Bellah, Robert. "Civil Religion in America" *Daedalus* 96(1) (1967): Pp. 1-21.

Rousseau, Jean-Jacques. *The Social Contract*. Chapter VIII.

Sullivan, W. "The Cross: More Than Religion?" *The Immanent Frame* Blog. ~ 6 pp.
<http://blogs.ssrc.org/tif/2010/05/05/more-than-religion/?disp=print>

Optional Reading:

- Seal, Graham. "ANZAC: The Sacred in the Secular" *Journal of Australian Studies* 31(19) (2007).
- Inglis, Ken. "The Rite Stuff" In: Lack, John (Editor); Inglis, KS; Winter, Jay (Introduction by). *ANZAC Remembered: Selected Writings by K. S. Inglis*. Melbourne: University of Melbourne, Department of History, 1998: 127-135.
- Hill, Michael and Wiebe Zwaga "Civil and Civic: Engineering a National Religious Consensus". *New Zealand Sociology* 2 (1): (1987), 25-35.

- Module III -

Through adopting a uniform system of secular law, states can maintain fair and consistent barriers between the private world of religion and the public worlds of law and politics.

Week 7 (April 19) Pluralism, Diversity and Reasonable Accommodation in Canada

Introduction and Reading Questions: In the two lectures we are particularly concerned with the idea that the state ought to adopt a ‘uniform system of secular law,’ by which is meant a single system of laws, uniformly and consistently administered. This is a very old idea. You saw it initially in Locke. But how does it work in practice? Today we’ll talk about “reasonable accommodation” a policy for managing religion in Canada that poses some challenges to the uniform system idea. In reading for this week, ask yourself: what is reasonable accommodation? What problems does it solve and why did the Canadian province of Quebec resort to it? What is lost and gained through reasonable accommodation? Why is it controversial? Is accommodation the best solution for religious diverse societies? Why does Lori Beaman call pluralism and diversity a ‘myth’?

Beaman, Lori. “The Myth of Pluralism, Diversity, and Vigor: The Constitutional Privilege of Protestantism in the United States and Canada.” *Journal for the Scientific Study of Religion*, Vol 42, No. 3 (Sep 2003). Pp 311-325.

Zubrzycki, Genevieve. “Negotiating Pluralism in Québec: Identity, Religion, and Secularism in the Debate over ‘Reasonable Accommodation’ in *Religion on the Edge: De-Centering and Re-Centering the Sociology of Religion*. Edited by Courtney Bender, Wendy Cadge, Peggy Levitt and David Smilde. New York: Oxford University Press, 2012. Pp. 215-232.

Bouchard, Gerard & Charles Taylor. *Building the Future: A Time For Reconciliation: Abridged Report*. (Commission De Consultation Sur Les Practiques De Accommodement Reliées Aux Différences Cultureles.) Quebec, (2008): Selections selected by Ben. Approx. ~20 pp.

Optional

Stoker, Valerie “Zero Tolerance? Sikh Swords, School Safety, and Secularism in Québec” *Journal of the American Academy of Religion*, Vol. 75, No. 4 (Dec., 2007), pp. 814-839

Week 8 (Apr 26): Gender, Politics and Legal Pluralism in India

Introduction and Reading Questions This week we discuss another strategy for managing religious diversity in democratic states called legal pluralism. Legal pluralism is capacious term, but for our purposes it will refer to a situation in which the state recognizes the presence of multiple legal systems within its borders. This situation is more common than you might think. Most South and Southeast Asian countries give certain religion-based codes of law priority when it comes to marriage, divorce and inheritance. This week we’ll talk about legal pluralism. To do so, we’ll think about one particularly important court case from India. The case involved Shah Bano, a divorcee who sued her ex-husband in the 1980s for maintenance. The Shah Bano case is one of the most important cases in India’s legal history and very compelling example of the complications that may accompany legal pluralism throughout the world. It also dramatizes the ways in which legal policies towards religion might influence and mix with gender politics. I realize that a lot of this material may be unfamiliar for you, so please take your time and try to understand as much as you can. When reading this week think to yourself: What is legal pluralism and what are its pros and cons? How does it differ from practices of accommodation? Whose religious rights are protected by Muslim Personal Law? What role does gender play in the Shah Bano affair? What role has gender and sexuality played in the examples we’ve seen so far in this course?

Required Reading:

Hussain, Jamila, “More than one law for all: Legal Pluralism in Southeast Asia” *Democracy and Secularity* 7 (2011): 374-389. Pp. 374-379. [NOTE: This is a basic introduction to the idea of legal pluralism]

Read through the entire website on the Shah Bano case compiled by Laura Jenkens:
<http://homepages.uc.edu/thro/shahbano/index.htm>

Awn, Peter "Indian Islam: The Shah Bano Affair" in Jack Hawley (ed.) *Fundamentalism and Gender*. Oxford University Press, 1994. Pp. 63-77.

Optional Reading:

- (JUDGMENT IN SHAH BANO CASE): *Mohd. Ahmed Khan v. Shah Bano Begum And Others*. 1985 SCR (3) 844. Available at <http://indiankanoon.org/doc/823221/>
- Galanter and Krishnan, "Personal Law Systems and Religious Conflict" In Gerald Larson (ed.) *Religion in Personal Law in Secular India: A Call to Judgment*. Bloomington: Indian University Press, 2001.
- Williams, Rowan "Civil and Religious Law in England: A Religious Perspective" *Journal of Ecclesiastical Law* 10(3) (2008). 262-282
- Anderson, Michael R. "Islamic Law and the Colonial Encounter in British India" *WLUML* Occasional Paper No. 7 - June 1996, 3-24.
- Moustafi, Tamir and Asifa Quraishi-Landes. "Paradoxes of Religious Freedom in Egypt." <http://blogs.ssrc.org/tif/2012/04/16/paradoxes-of-religious-freedom-in-egypt/>

Week 9 (May 3): Writing Workshop

No reading due.

Week 10 (May 10): Does law always make things better?

Introduction and Reading Questions: A certain assumption underlies much of what we've been reading so far: the idea that if we can just 'get law right' we can solve the problems we've been looking at over the course of the term. Is this a sound assumption? This week we investigate this using a case study of debates over religious conversion in Sri Lanka.

Berger, Benjamin L. "Understanding Law and Religion As Culture: Making Room for Meaning in the Public Sphere." *Const. F.* 15 (2006): 15-22

Schonthal, B. "Introduction:" (Ch 1) and "Constitutional Conversions" (Ch 7) in *Buddhism, Politics and the Limits of Law*. New York: Cambridge University Press, 2016. Print out.

Week 11 (May 17) Religion in Public; Religion in Politics

*Visit from Dunedin North Labour MP, Dr. David Clark

Introduction and Reading Questions: In this module, we've been considering the assumption that "through adopting a uniform system of secular law, states can maintain fair and consistent barriers between the private world of religion and the public worlds of law and politics." In the past two lectures, we've emphasized the first part of this assumption, regarding the uniform system of law. In this lecture we reconsider the question would it mean to maintain "fair and consistent barriers" between religion and politics? And is this possible? Armies of scholars have debated this question. Locke, too, had an answer. As you now know, the question of defining and separating religion is a tricky one. Nevertheless, many people insist that there has to be some way of distinguishing religious from political concerns in national politics. This week we're going to explore the following questions: What role does or should religion have in politics? Should politicians be allowed to use religious reasons to argue for or against state policies? Can you identify reasonable limits to the religious reasons?

Required Reading:

Short piece on Rawls ***to be distributed***

Wolterstorff, Nicholas. "Why We Should Reject What Liberalism Tells Us About Speaking and Acting in Public for Religious Reasons." In Religion and Contemporary Liberalism, ed. Paul J. Weitham, 162-181. Notre Dame: University of Notre Dame Press, 1997.

A selection of speeches made by New Zealand MPs during the First Reading of the Definition of Marriage Bill on day of August 29, 2013. (on Blackboard). ~ 4 pp.

Optional Reading:

Mahmood, Saba. "Religious Reason and Secular Affect: An Incommensurable Divide?" *Critical Inquiry* 35, no. 4 (2009)

Week 12 (May 24): Catch Up!!!!

No new reading due.

~Research Essay Due May 27, 5pm~

Week 13 (May 31): Wrapping up: Summarizing the Semester, the Culture of Law and The Veil Reconsidered

Introduction and Reading Questions: By now, you've come a long, long way in understanding the intersections of religion, law and politics in the modern world. It's time to venture some summary remarks and observations. Sometimes the best way to assess how far you've come is by reviewing a topic that we dealt with in the beginning of the class. We'll do that here. When reading for this week, ask yourself: Does the 'headscarf affair' look different to you now, at the end of this course? What are the competing notions of religious freedom, religion, secularism, rights, etc. that seem to be at play? What would an "accommodation" for the veil look like? Is there a good argument for protecting French civil religion? Is there a way in which the idea of legal pluralism impacts these dates?

Fernando, Mayanthi. "Reconfiguring Freedom: Muslim Piety and the Limits of Secular Law and Public Discourse in France." *American Ethnologist* 37, no. 1 (2010): 19-35

~ Final Examination TBA ~