Introduction:
These days, it is almost impossible to open a newspaper or watch TV without learning about a conflict at the intersection of religion, law and politics: Should yoga be taught in public schools in the US? Should Scientologists get tax exemption? Should Muslim women in France be allowed to wear the full-face veils (niqabi) in public? Should India criminalize religious conversions? Should NZ students receive bible education in public school classrooms?

These conflicts are tense because they throw into question several basic assumptions that have long guided policy-making in the democratic world: States should be secular; religions should be private; laws should be neutral; individual freedoms should be maximized. One could summarize these assumptions as follows:

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

This course invites students from all disciplines—Politics, Law, Religion, History, Anthropology, Sociology and other related fields (no background knowledge is assumed)—to look more closely at these conflicts and to reconsider these assumptions. Through examining a variety of case studies from Asia, Europe, the US and NZ, this course will help you to think, write and speak critically and systemically about the interpenetration of law, politics and religion in the modern world. A comprehensive list of learning goals is available at the end of this course outline. However, the gist is this: this course aims to give you the terms, ideas and confidence to intervene in these public debates about religion intelligently and cogently.

Readings: Everything is available online (Blackboard).

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 or mobile between 8 and 5 pm, and 8-9 pm. Appointments can be arranged as well.

Late Papers: There is a late paper penalty of 5% of the assignment per weekday late.
Assessment

40% Exam

Annoying though it may be, a 2-hour exam will assess whether you’ve come to class, done the readings and reviewed the key concepts discussed in this course. To be clear: the exam will NOT only cover the readings, but the topics discussed in class too.

40% Research Essay

Choose a newspaper article, TV report or other media coverage of a conflict emerging at the intersection of religion, law and politics. It can be journalism, a blog or op-ed, but has to come from a mainstream news outlet. For ideas see: http://www.pewforum.org/religion-in-the-news/

Fri, May 23rd at Midnight

Argue to an educated audience how and why this article over-simplifies, ignores and/or distorts important dynamics that are at play. Using academic work along with religious, political or legal primary sources offer a different perspective on the conflict, one which takes stock of some of the following questions, along with other questions that you identify: What, specifically, are the different sides arguing for? How should the dispute be resolved? Is it resolvable? 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 confusing the situation and/or impeding agreement? What does a close examination of the political and legal primary sources reveal about the conflict?

Choose whatever you are passionate about, but choose your topic EARLY in the semester and OK it with me. The paper must be double-spaced, numbered, with your name and the word-count on the top. It must be handed in both in hardcopy (4th flr of the Burns Bld) with a plagiarism declaration form1 and submitted online via the SafeAssign link on Blackboard.

Lengths: for 200-level: 3000 words; for 300-level 3,500 words

10% Four-Part Essay Outline

Fri, April 4th at Midnight

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

Part II: Write 300 words about how you will go about critiquing the report: Which assumptions seem off? Which statements seem problematic? Which angles will you reconsider? Are the facts correct? What sources or arguments or persons have they ignored? Etc.

Part III: Identify three academic sources (for 200-level) or six academic sources (for 300-level) that are not in our syllabus that you will use for your essay. No credit will be given for non academic sources.2 Write them down in the correct bibliographic format. (If you’re not sure what an academic source is, please ask me. If you’re not sure about bibliographies, consult the religious studies’ Style and Study Guide: http://www.otago.ac.nz/religion/pdfs/styleguide.pdf)

Part IV: Identify two or more religious or legal or political primary sources3 (for 200-level) or four or more religious or legal or political primary sources (for 300-level) that you hope to use in your essay. Make sure you can find copies of these sources online or in the library.

1 http://www.otago.ac.nz/religion/pdfs/Plagiarism%20Declaration.pdf

2 This is key. Credit will not be given for non-academic sources. Generally speaking, academic sources are article 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 ask the librarian. Or, as a last resort, come and see me.

3 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, by-laws; court decisions; transcripts of legislative debates (e.g. http://www.parliament.nz/en-nz/pb/debates/debates/) or committee meetings; official statements or documents issued from ministries, state agencies or important political leaders; reports commissioned by governments; manifestos of political groups; findings of official commissions, etc.
10% Class Participation

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.

Lecture Programme: Weekly Course Readings

Some important comments:
1. Weekly readings should be done BEFORE coming to class.
2. For each week, I have laid out reading questions and methodological questions. Look at the reading questions before starting the readings; these will help guide you towards the issues and themes that are important. Look at the big-picture questions before coming to class; these questions are designed to help you think broadly about the methods we use to examine religion, law and politics.
3. The length of reading is not equal for every week: some weeks have more reading than others. Especially long weeks have *. Averaged out over the semester: it’s about 40-50 pages per week.

Week 1 (Feb 24): Introduction to Religion, Law and Politics

Questions: In what ways are law, politics and religion distinct entities? In what ways are they similar or related?

Required reading
No readings due.

Week 2 (Mar 3): What is Secularism?

Reading Questions: What is secularism (as opposed to secularization or ‘the secular’)? What particular visions of ‘the secular state’ are advanced by the thinkers below? What political or social goods does secularism produce? What ills does secularism avoid? Is anything ‘new’ added after Locke? In general, why separate religion from law, politics and/or the state?

Big-picture Questions: Why have secularism?

Required Reading
Week 3 (Mar 10): Illegal Religion? Veils and Bibles in Schools

**Reading Questions:** 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? In what ways do the online news articles that you read for this week oversimplify, ignore or distort important dynamics that are at play?

**Big-picture Questions:** What sorts of information can you get—or not get—from court judgments? Why are debates about religion in public schools so acrimonious?

**Required Reading:**

**CASE 1: Christian education in public schools in New Zealand**

- Street, D. “School Bible Studies Challenged” Stuff.co.nz (Jan 29, 2011)
- CEC Strategic Framework, Info pack and teaching goals (all on blackboard)~6 pp.
- Also CHECK OUT: http://religioninschools.co.nz

**CASE 2: The Veil in France**

- Cardoso, Luis. “At the heart of the affair” (2000)
- 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)

**Optional Readings:**


**Reading Questions:** Why is the legal recognition of religion important? What is the difference between objective and subjective definitions of religion and how do such definitions effect the processes and outcomes of legal cases? What are the broader implications of these definitional dilemmas? Is Scientology a religion and/or should it be for the purposes of law? What were the different approaches rationales offered by the US and UK courts in the two cases?

**Big-picture Questions:** How do courts define religion?

**Required Reading:**


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


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


Places of Worship Registration Act (UK 1855)

**Optional Reading:**

The remainder of Urban’s book.

*The Founding Church of Scientology v. U.S. (1969)*

[Note: I have marked off sections for you to read.]

**Week 5 (Mar 24): Religious Harm and Legal Harm: Protecting Welfare through Law**

**Reading Questions:** How is “harm” understood by JWs and non JWs in these pieces? In what ways might legal action be interpreted as religious and vice-versa? In what ways are law and religion different cultures?

**Big-picture Questions:** What are the challenges involved in working with legal sources vs. religious studies sources vs. politics sources? (Imagine yourself reading a legal transcript, a political speech and a Sunday sermon: how should you, as a scholar, treat each one?)

**Required Reading:**

Film: *Knocking* Available online


[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]


Optional Reading

---ESSAY OUTLINE DUE APR 4 at midnight---

**Reading Questions:** What is civil religion? What is political theology? How do they differ? What are the ‘religious’ dimensions of politics, law and statecraft and why do they seem religious? Is ANZAC Day part of NZ or Australian civil religion? Can Bellah’s vision of civil religion in America translate readily into the NZ or Australian contexts? What is ‘the state’?

**Big-picture Questions:** Who are the authors and audiences of political speeches and symbolism? Is it possible to analyze definitely their ‘meanings’?

**Required Reading:**


http://blogs.ssrc.org/tif/2010/05/05/more-than-religion/?disp=print

**Optional Reading:**
Week 7 (Apr 7) Pluralism, Diversity and Accommodation

**Reading Questions:** Why does Beaman call pluralism and diversity is a ‘myth’? What is “accommodation” and why is it necessary? What is lost and gained through reasonable accommodation? Why is it controversial? What are the circumstances that need accommodating in New Zealand? Is accommodation the best solution for religious diverse societies? What’s the role of law in policies of accommodation?

**Big-picture Question:** How useful are government-sponsored reports, such as the Bouchard and Taylor report?


Week 8 (Apr 14): Gender, Equality and “Muslim Law” in India

**Reading Questions:** 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? Think about the explicit links between law and religion and politics that you saw in the Shah Bano case: how were religion and law linked? How were the judiciary and the legislature linked? How were religion and popular politics linked? 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?

**Big-picture Questions:** Whose voices are we listening to when we look at court judgments and other legal sources? To what extent does wealth, gender, class, etc. play a role?

**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]*


[NOTE: This may be a tad difficult, but take your time to work through it. The Shah Bano case is, perhaps, the single-most important personal law case world-wide in the last three decades.]

**Optional Reading:**

Reading Questions: What understandings of religion and religious freedom were institutionalized in IRFA (1998) and were in circulation at the Trinity College conference? Why is India a ‘Watchlist Country’ for the Commission on International Religious Freedom? What assumptions about religion, law and freedom are at play in Hurd and George/Swett’s op-eds? Should religious freedom be a foreign policy objective?

Big-picture Questions: In what ways do the op-eds that you read for this week over-simplify, ignore or distort important dynamics that are at play?

Required Reading:


Hurd, Elizabeth Shakman “What’s Wrong with Promoting Religious Freedom?” The Middle East Channel, 6/12/13.


Optional Reading

Castelli, E A. "Praying for the Persecuted Church: US Christian Activism in the Global Arena."
Week 10 (May 5): Writing Workshop

**Big-picture Questions:** What makes a good essay for this course?

**Required Reading:**

No reading required, but please be prepared to talk about your research essay

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**Reading Questions:** What are the most persuasive arguments for and against the Forcible Conversion Bill in Sri Lanka? Does Sri Lankan history and political culture affect how we ought to think about the bill? What are the competing notions of religion, rights, conscience and freedom at play in the debate?

**Big-picture Questions:** To what extent should inequalities in wealth and power (both at the local and international levels) influence how we look at questions of religious freedom?


Report submitted by Asma Jahangir, Special Rapporteur on Religious Freedom for the UN, 2004. (to be handed out in class)

Special Determination published for SCFR 2-22/2004. (to be handed out in class)

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**FINAL ESSAY DUE, FRIDAY AT MIDNIGHT**

**Reading Questions:** What constitutes harm against religion? Are notions of injury and harm identical in law and religion? If not, must one prevail? Should people be prevented from using religious language in politics? If not, doesn't that harm their religious beliefs? Should people be prevented defaming or desecrating others' religions? Should we only be allowed to talk about our own religious beliefs in public? Thinking comparatively about instances of religious defamation and
religious rhetoric in politics, can one come up with certain guidelines for representing religion in the public sphere? What would Rorty say about this?

**Big-picture Questions:** What is the difference between scholarship and activism?

**Required Reading:**

Articles related to the banning of Wendy Doniger’s book THE HINDUS in India. (To be distributed)

Petitions to the Sri Lankan Supreme Court against the desecration of Buddha images (To be handed out in class). ~ 3 pp.

**Optional Reading:**


**Week 13 (May 26): Wrapping up: Course Summary & the Veil Reconsidered**

**Reading Questions:** 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? How would you go about comparing the ‘headscarf affair’ in France and Turkey, which we saw on the second week of the paper?

**Big-picture Questions:** What are the challenges of doing scholarship that works at the intersection of religion, law and politics?

Student Learning Aims and Objectives at **200 Level**

Knowledge:
- a) An understanding of the variety of legal and bureaucratic strategies used by contemporary governments to regulate and manage the religious lives and identities of citizens.
- b) A grounding in key concepts and theories that are critical to the academic study of religion, law and politics. These include concepts such as secularism, religious freedom, legal pluralism, substantive and formal neutrality, religious accommodation, and others.
- c) An extended awareness of important contemporary controversies that emerge at the intersections of religious, legal and political practice. These include debates over the separation of church and state, the recognition of religious groups, the interpretation of religious freedom, the use of religious discourse in politics, and others.

Skills:
- (a) The ability to distinguish and evaluate the strengths and weaknesses of different managerial paradigms for regulating religion in contemporary states.
- (b) The ability to draw upon and assess legal sources (e.g. court decisions, statutes, constitutional clauses, etc.) for the study of religion.
- (c) The ability to assimilate, analyse and critique academic arguments about the interactions of religion, law and politics and to present those analyses and critiques in written form.

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**Additional Student Learning Aims and Objectives at 300 Level**

Knowledge:
- (d) A sophisticated awareness of a key problem within the academic study of religion: the issue of defining the nature and limits of ‘the religious’ as opposed to the ‘secular’ or ‘political.’
- (e) A developed understanding of the challenges and opportunities afforded by interdisciplinary approaches to the study of religion.

Skills:
- (d) The ability to situate academic arguments, both one’s own and those of established scholars, within and against broader arguments within the field of religious studies.
- (e) The ability to formulate and hone in on a research question, to conduct independent research in pursuit of an answer, and to produce a realistic assessment of the level of finality with which that answer is offered.