

## COURSE OUTLINE

### Religion and Law

SCAR 3RL3/ARTSSCI 3RL3 C01

Winter Term 2021/22

Instructor: Meirav Jones

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Lecture: Mondays at 11:30-12:20 (IWC-E201), Wednesdays at 11:30-12:20 (on Zoom)

Tutorial: Tuesdays at 11:30-12:20 (IWC-E201)

Office Hours: Wednesdays 10:00-11:00 (on Zoom), or by appointment (in person or on Zoom).

### Course Description

Should religious schools receive state funding? Can public servants wear outward symbols of their religions at work? Can a service provider refuse service to gay or transgender people based on their religious feelings? Can public museums refuse to display evidence of evolution? Can I refuse to vaccinate my children based on religious belief? Can I circumcise my son? My daughter? Can I use mind-altering substances in the context of a religious ceremony?

These are all questions to which law has answers – answers that differ from one legal system to another – and supreme courts and lower courts of appeal around the world engage constantly with questions of religion, whether the state is Muslim, Jewish, Catholic, Protestant, or has a strong separation of Church and State. That religion is regulated by the law – ie. that the law will answer these questions for us – is how most of us are used to considering the relationship between religion and the law.

What we are less familiar with than the regulation of religion by the law, is the extent to which the law that regulates religion is itself rooted in and often informed by religion, such sometimes when the law takes a position on religion, it is effectively voicing one religious approach against another from a position of authority. We are also less familiar with the extent to which the “religion” regulated by law is defined *as* religion by the law itself, such that to some degree, the law regulates the religion it creates.

In this course we will learn about the complex relationship between religion and the law, as it evolved in the modern West from the Hebrew Bible, through early and later Christianity including Catholic, Protestant, and secular Europe, to American Colonies, the United States, Canada, and International Law. We will learn to critically-approach issues we hear about in the news, from legislation of head-coverings to arguments that defending religious freedom justifies intervening (or not) in conflicts abroad.

While the course will focus on Western thought, politics and law, and approaches to religion, the religions we will see brought into the law include non-Western religions, and this, too, will be critically approached. Those interested in non-Western religion and/or law will be invited to bring alternative

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approaches into the conversation, and to explore commonalities and differences based on the different approaches of religions themselves, different challenges different societies have, and will be able to reflect on the effects of colonial history on understandings of the religion, the secular, and the law.

### Course Objectives

By the end of the course students will be able to:

- Formulate a complex understanding of the multifaceted relationship between religion and the law, as it has developed throughout Western history.
- Read and understand Canadian and European legislation and US Supreme Court decisions on religious issues, including the different positions represented in the decision-making process and their global and historical dimensions.
- Critically read domestic and international news and opinion pieces that relate to the subject of religion and the law.
- Voice educated positions on contemporary issues, based on understanding complexity.

### Required Materials and Texts

There will be no textbook for this course. Materials (for the most part listed below) will be uploaded weekly to Avenue to Learn. Materials will include legislation, court decisions, religious texts, classic works of political theory, YouTube videos, Scholarly articles, and academic book chapters.

### Class Format

Religion and Law will be a blended learning course with compulsory attendance both in person and on Zoom. The course will take place on Mondays at 11:30am in person and on Wednesdays at 11:30am on Zoom. The course will also have a tutorial that will take place on Tuesdays at 11:30am in person.

In general the course will run as follows:

Students will be asked to prepare a reading (or a series of short readings) for **Monday's class** which will be a **lecture class**.

Students will be asked to prepare a second reading (or series of short readings) and to review the materials from Monday's lecture in preparation for **Wednesday's class**, which will be a **discussion class**. The goal of meeting on Zoom is to allow us to freely speak and interact with each other without masks, and to create genuine conversation. Attendance on Zoom will thus involve having cameras on and being in a setting where you can participate in discussion. Students with technical difficulties should make arrangements ahead of time with the lecturer.

**Tuesday's tutorial** will generally consist of guided reading and/or small group reading of some of the material that will be required for Wednesday's discussion class and revising some of the points from the lecture. Students should bring the week's materials to class.

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Course materials will be uploaded to Avenue to Learn each week for the following week. Materials will include:

- A checklist to guide you through the week's requirements
- All required reading materials
- Any materials (videos, art) that will accompany lectures

Materials for each week will be uploaded at 1:00pm on Wednesdays, with outcomes from the discussion course also posted on the Discussion Board so that discussion can continue until the following week's class.

The discussion board will be monitored by the instructor and/or TA throughout each week and responses to posts can be expected.

The course should take 3-4 hours per week, including classes, tutorials, reading, and participating in the discussion board, but not including graded writing assignments. There will be three reading reports due in weeks 4, 7, and 10, and one final paper due at the end of the course.

### **Course Evaluation: Overview**

Students will be evaluated based on:

Participation - 30%

Reading Reports - 30% (due: Feb 4, March 3, March 25)

Final Paper - 40% (due: April 20)

### **Course Evaluation: Details**

**Participation.** The participation grade will be determined by the student's active presence meetings, tutorial, and discussion. Attendance in class (ie. showing up, camera on when we are on Zoom) will account for no more than 50% of the grade, with the remaining 50% accounted for by students' active participation and contributions to class discussion. To obtain a high participation grade, students will need to vocalize perspectives and opinions in discussion class or on the discussion board.

**Reading Reports.** Personal responses to one or more readings, including both a descriptive and reflective component, will be due in week 4, week 7 and week 10. Reports may be video-recorded (+/-3 minutes) or written (1-2.5 double-spaced pages), with at least one written report required.

**Final paper.** The final paper is to be submitted no earlier than Tuesday April 12, and no later than Wednesday April 20. Papers should be 8-10 double-spaced pages in length (12-point standard font), not including bibliography. They should analyze a recent issue, court case, or piece of legislation in the US, Canada, or elsewhere. Examples of possible cases and legislation will be reviewed towards the end of the Semester, and will include a case on Indigenous Religion and recent anti-abortion legislation in the

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US. Students will be expected to demonstrate an understanding of key concepts they have learned in the course, identify religious perspectives and approaches to religion at play, critically use terms such as “secular” and “liberal”, and offer their own voice in their analysis. I expect that the paper breakdown would be roughly 3-4 pages of description, 4-5 pages of historical and conceptual analysis, 1-2 pages of individual response and summary. Footnotes should be used as needed, in any standard format, consistency being important. A bibliography should be provided at the end of the paper, not included in the page-count. Footnotes should contain only references. All discussion should be in the paper.

### Weekly Course Schedule and Readings

**Week 1**, Commences Monday January 10

#### ***Introduction: Approaches to Religion and Law Exemplified in Quebec’s Headscarf Ban***

*In this first week we will survey different models of law and religion in diverse liberal societies. I will introduce the claim that while modern liberal society is generally considered secular, the secular may not be absent religion. We will use Quebec’s “headscarf ban” as legislation that exemplifies the contemporary and local importance of questions of religion and the law, and some of what is at stake.*

#### **Readings and Materials (see course check-list for reading order):**

##### **I. Required Reading:**

Benjamin Berger, *Laws’ Religion: Religious Difference and the Claims of Constitutionalism* (University of Toronto Press, 2005), Chapter 2.

Turgeon L, Bilodeau A, White SE, Henderson A, “A Tale of Two Liberalisms? Attitudes toward Minority Religious Symbols in Quebec and Canada,” *Canadian Journal of Political Science* 52 (2019), 247–265.

<https://pdfs.semanticscholar.org/b646/6f8e87353280ded2912b81a8d63581b82507.pdf>

##### **II. Recommended Reading:**

Myrian Hunter-Henin, “Why the French Don’t Like the Burqa: Laicite, National Identity, and Religious Freedom,” *The International and Comparative Law Quarterly* 61:3 (2012), pp. 613-639.

<https://www.jstor.org/stable/pdf/23279928.pdf>

##### **III. Class and Tutorial Materials: Legal Documents and Media Accounts**

Bill 21 (passed, 2019):

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2019C12A.PDF>

Bill 62 (passed but stuck in legal challenge, 2017):

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2017C19A.PDF>

Bill 94 (Tabled in 2010 but not passed before government failed to be reelected):

Download from <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projets-loi-39-2.html>

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The Atlantic: <https://www.theatlantic.com/international/archive/2019/07/quebec-bans-religious-symbols/593998/>

Washington Post: [https://www.washingtonpost.com/world/the\\_americas/quebec-ban-on-religious-symbols-would-fall-heavily-on-hijab-wearing-teachers/2019/04/26/44cfd560-5633-11e9-aa83-504f086bf5d6\\_story.html](https://www.washingtonpost.com/world/the_americas/quebec-ban-on-religious-symbols-would-fall-heavily-on-hijab-wearing-teachers/2019/04/26/44cfd560-5633-11e9-aa83-504f086bf5d6_story.html)

NY Times: <https://www.nytimes.com/2020/03/07/world/canada/quebec-religious-symbols-ban.html#:~:text=Fran%C3%A7ois%20Legault%2C%20the%20right%20cleaning,neutrality%20of%20public%20sector%20workers.>

CBC News: [https://youtu.be/N7\\_2ru-u5RA?t=439](https://youtu.be/N7_2ru-u5RA?t=439)

**Week 2**, Commences Monday January 17

### ***The Hebrew Bible and its legislating God: Natural, Normative, and Positive Divine Law***

*In Week 2 we will begin digging deeply into religion and the law by looking at how Judaism and Christianity revolutionized legal thinking, and the very law that we today see as governing religion.*

#### **Readings and Materials:**

Christine Hayes, *What's Divine About Divine Law*, Introduction. <https://avenue.cilmcmaster.ca/d2l/le/content/343337/viewContent/2846411/View>.

Old Testament Readings: Exodus 19-20, Deuteronomy 4-5 (Bible readings from King James Version online or any other text, but those who are writing reading reports using biblical texts should discuss the version they are using).

New Testament Readings: Romans 8-13

Philo, *On the Account of the World's Creation Given by Moses* (known as *On Creation*), accessible here in Latin and English: <https://ryanfb.github.io/loebolus-data/L226.pdf>, pp. 7-57, selections.

#### **Optional additional readings:**

More on the code of Hammurabi from the Avalon Project. <https://avalon.law.yale.edu/ancient/hammpre.asp>

More from Christine Hayes' book. Students who would like to read more from this book and can't access it should contact me as I can share chapters on an individual basis.

**Week 3**, Commences Monday January 24

### ***Contemporary Thought and Challenges of Religious Law: Dietary Restrictions as Case Study***

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*One place Abrahamic religions relate to through the prism of law, is diet. Muslims and Jews have dietary laws in their scriptures and canons that are held to to this day, and Christians have canonical ways of approaching these laws. The laws set religions against each other but also keep them related and relatable. The laws can be considered more relevant or less relevant in our time, depending on how they are interpreted. As we continue to look at how religion views law, with an eye to better understanding the practices and approaches of members in our society, and to challenge our own assumptions, we will explore the dynamic topic of religion and dietary law, then and now.*

### Readings and Materials:

David M. Freidenreich, "Dietary Law," in *The Oxford Handbook of the Abrahamic Religions*, Adam J. Silverstein and Guy G. Stroumsa, eds. (Oxford: Oxford University Press, 2015).

Radio Interview from CBC News: Mary Hynes, "Impossible Pork Creates More Questions than it Answers for Muslims," Tapestry with Mary Hynes (aired December 5, 2021)

**Week 4**, Commences Monday January 31

### ***The modern secular state and its legislating... God?***

*In this week we will look at the foundations of the liberal secular political order, and explore the extent to which traditionally religious approaches to divine positive law and natural law are foundational to modern sovereignty and modern international law. We will start to think about the difference it might make to how we understand the relationship between religion and law, if secular modernity is grounded in religious ideas.*

*Readings include selections from Hobbes' *Leviathan* (1651) and Grotius' *Laws of War and Peace* (1625), as well as some secondary materials.*

### Readings and Materials:

Youtube clip introducing John Selden's work: <https://youtu.be/9pwvlrJHnOk?t=87>, until minute 3:06.

Introductory text on Hobbes' *Leviathan* from McMaster University Library Website:

<http://eds.a.ebscohost.com.libaccess.lib.mcmaster.ca/eds/detail/detail?vid=0&sid=4639c889-e372-4b45-b21b-1c2522fdb744%40sessionmgr4007&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#AN=102165680&db=ers>

Thomas Hobbes *Leviathan* (London, 1651), Chapters 13, 14, 30.

Hugo Grotius, *On the Laws of War and Peace* (London, 1647), Prolegomena, Book 1 Chapter 1.

John Haskell, "Hugo Grotius in the Contemporary Memory of International Law: Secularism, Liberalism, and the Politics of Restatement and Denial," *Emory International Law Review* 25 (2011)

### Optional Additional Reading:

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Meirav Jones, "Philo Judaeus and Hugo Grotius' Modern Natural Law," *Journal of the History of Ideas* 74:3 (2013).

**Week 5**, Commences Monday February 7

### ***Getting God out of the Law: Foundations of Toleration, Disestablishment and Religious Freedom in America***

*Roger Williams and John Locke, writing in the seventeenth century from England and Massachusetts respectively, both pioneered toleration as a political idea, and for both thinkers this involved getting religion out of the law. Both thinkers were guided by religious ideas, and getting to know their important work can help us understand some of the foundations of disestablishment and freedom of religion, and its limits.*

#### **Readings and Materials:**

John Locke, *A Letter Concerning Toleration* (London, 1689). <https://socialsciences.mcmaster.ca/~econ/ugcm/3ll3/locke/toleration.pdf>

Teresa Bejan, "Evangelical Toleration," *The Journal of Politics* 77:4 (2015)

#### **Optional Additional Reading:**

Arash Abizadeh, "Publicity, Privacy, and Religious Toleration in Hobbes's *Leviathan*," *Modern Intellectual History* 10:2 (2013), 261-291.

**Week 6**, Commences Monday February 14

### ***International Human Rights Law and the image of God***

*Human rights are today promoted as universal and liberal, and as trumping particular and traditional political ideas where there is a conflict between these and universal rights. Looking at the history of the International Declaration of Human Rights, however, is revealing with regards to the role of religious thought – and particularly Catholic thought and agreement among Western and non-Western religions – in legislating human rights in the first place.*

#### **Readings and Materials:**

Universal Declaration of Human Rights: <https://www.un.org/en/universal-declaration-human-rights/>

Jacques Maritain, Selections from *The Person and the Common Good*.

Samuel Moyn, Selections from *Christian Human Rights*

**Mid-Term Recess Monday February 21-Sunday February 27**

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**Week 7**, Commences Monday February 28

### **Religious Freedom in the US: An Introduction to a Western Trend**

*Religious Freedom did not enter the world of political ideas with the Universal Declaration of Human Rights. The First Amendment to the US Constitution reads:*

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

*Yet what religious freedom was, in the minds of its architects in the US and the International Community is not necessarily what it has become. In 1990 a decision was passed down on Employment Division v. Smith that would effectively bring in a new era for the relationship between religion and the law in the United States and throughout the world. The legislation of the Religious Freedom and Restoration Act (RFRA) of 1993 was a critical landmark on this path, changing what religious freedom means in America and making it what it is today, in relation to other legal norms. The RFRA is appealed to often to justify religious exceptions to other legal norms, for people and corporations, both considered persons by the US Court.*

*This week we will look at this legislation and formative cases. After the break we will look at some cases that were led by this legislation.*

#### **Readings and Materials:**

Employment Division v. Smith <https://www.law.cornell.edu/supremecourt/text/494/872>

Religious Freedom Restoration Act (1993): <https://www.congress.gov/bill/103rd-congress/house-bill/1308/text>

Christopher L. Eisgruber \* and Lawrence G. Sager, "Why the Religious Freedom Restoration Act is Unconstitutional," NYU Law Review 69:3 (1994)

"Preface to the New Edition," Winnifred Fallers Sullivan, "The Impossibility of Religious Freedom" (Princeton University Press, 2005)  
[https://books.google.ca/books?hl=en&lr=&id=LKBHDwAAQBAJ&oi=fnd&pg=PP1&dq=the+impossibility+of+religious+freedom&ots=o1gNq\\_Y23s&sig=g9Xqg8tpl\\_2jvtX2Rvd00Rs8Mu0&redir\\_esc=y#v=onepage&q=the%20impossibility%20of%20religious%20freedom&f=false](https://books.google.ca/books?hl=en&lr=&id=LKBHDwAAQBAJ&oi=fnd&pg=PP1&dq=the+impossibility+of+religious+freedom&ots=o1gNq_Y23s&sig=g9Xqg8tpl_2jvtX2Rvd00Rs8Mu0&redir_esc=y#v=onepage&q=the%20impossibility%20of%20religious%20freedom&f=false)

**Week 8**, Commences Monday March 7

### **Religious Freedom in the US Continued. The Hobby Lobby Case**

*For the next two weeks we will be looking at religious freedom, from Division v. Smith through the legislation of RFRA, to the Hobby Lobby case and other similar cases. We will explore what one of our*



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texts calls a "paradox of religious freedom" that may underlie some of the controversies surrounding religion and the law in our time, and some of the agendas behind religious freedom today.

### Readings and Materials

Burwell v. Hobby Lobby, [https://www.supremecourt.gov/opinions/13pdf/13-354\\_olp1.pdf](https://www.supremecourt.gov/opinions/13pdf/13-354_olp1.pdf). Read Syllabus, p. 1-6. Beyond this is optional reading.

Hobby Lobby case from their perspective: <https://www.youtube.com/watch?v=empZxxB19nU>

Amy Howe, Court rules in favor of for-profit corporations, but how broadly? In Plain English", SCOTUS BLOG: <https://www.scotusblog.com/2014/06/court-rules-in-favor-of-for-profit-corporations-but-how-broadly-in-plain-english/>

NY Times Coverage: <https://www.nytimes.com/2014/07/01/us/hobby-lobby-case-supreme-court-contraception.html>

Wendy Brown, "Religious Freedom's Oxymoronic Edge," in Winnifred Fallers Sullivan, Elizabeth Shakman Hurd, and Saba Mahmood, eds., *Politics of Religious Freedom* (Chicago University Press, 2015)

### **Week 9, Commences Monday March 14**

#### **Religious Liberty in the US: LGBT Marriage, Legally Navigating a Religious Construct**

*In 2015, the United States Supreme Court in Obergefell v. Hodges reversed a previous ruling, and made LGBT marriage legal in all states in the US, finding marriage to be a fundamental right. Obstacles to marriage equality in the part were religious sensibilities, and marriage equality continues to be challenged by religious exemptions. Arguably, the politics of exemptions has become more extreme since Obergefell v. Hodges. This week we'll be looking at marriage equality, asking about how it came to be that this is so controversial, and looking at how exemption is written into law - even civil rights law - in the United States. Is the correct question to be asking whether LGBT Rights can be protected, or whether religious liberty can be protected, in the United States? Do these necessarily conflict, and why?*

### Readings and Materials:

Faramerz Dabhoiwala, "The Secret History of Same-Sex Marriage," *The Guardian* (Books), January 23, 2015 <https://www.theguardian.com/books/2015/jan/23/-sp-secret-history-same-sex-marriage>

Obergefell v. Hodges (read syllabus, ie. first five pages, and beyond as you like): [https://www.supremecourt.gov/opinions/14pdf/14-556\\_3204.pdf](https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf)

Howe, Amy. 2016. "In Historic Decision, Court Strikes down State Bans on Same-Sex Marriage: In Plain English." SCOTUSblog. <https://www.scotusblog.com/2015/06/in-historic-decision-court-strikes-down-state-bans-on-same-sex-marriage-in-plain-english/>

Amicus Briefing by the Becket Fund, filed with the Supreme court for Obergefell vs. Hodges

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Emma Green, "Can States Protect LGBT Rights Without Compromising Religious Freedom?" *The Atlantic*, January 6, 2016 [\[Link\]](#)

Nancy Knauer, "Religious Exemptions, Marriage Equality, and the Establishment of Religion," *UMKC Law Review*, 84:3, 2016.

**Week 10**, Commences Monday March 21

### ***The Case of the Jewish Free School: From Toleration to Religious Freedom, Lost in Translation?***

*The Jewish Free School case is a landmark case in religion and the law in the UK which raises the question of when a matter is to be defined as a religious matter in the law, and who decides what religion is. Whereas we have seen in previous weeks what disestablishment does for US law, what happens when courts may and do define religion? How else can religious issues be characterized? What happens to religious freedom and whose religious freedom is affected, if this category is valid in this case? How is history relevant? The Jewish Free School case is still divisive, and what's at stake is more than might immediately meet the eye. Students will be expected to develop a deep understanding of one or more approaches to the issue this week, and eventually their own approach, however tentative.*

#### **Readings and Materials:**

UK Supreme Court Decision: <https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/01/jews-free-school-decision-14l2nm7.pdf>

Heather Miller Rubens, "'Something has Gone Wrong': The JFS Case and Defining Jewish Identity in the Courtroom," *Maryland Journal of International Law* 29, no. 1 (2014): 368-418 - [https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/01/Something-has-Gone-Wrong - The- em JFS em -Case-and-Defining-Je-208qpd4.pdf](https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2019/01/Something-has-Gone-Wrong-The-em-JFS-em-Case-and-Defining-Je-208qpd4.pdf)

J.H.H. Weiler, "Discrimination and Identity in London: The Jewish Free School Case," *Jewish Review of Books* no. 1 (Spring 2010): <https://jewishreviewofbooks.com/articles/97/discrimination-and-identity-in-london-the-jewish-free-school-case/>

Mark Hill, "What the JFS Ruling Meant," *The Guardian*, December 21, 2009: <https://www.theguardian.com/commentisfree/belief/2009/dec/21/judaism-jfs-faith-schools-discrimination>

#### **Optional Additional Reading:**

Christopher McCrudden, "Multiculturalism, Freedom of Religion, Equality, and the British Constitution: The JFS Case Considered," *International Journal of Constitutional Law* 9, no. 1 (2011): 200–229.

**Week 11**, Commences Monday March 28

### ***Uniquely American Religion and the Law?***

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*This week, our final week that addresses America, we are looking at two of seemingly unrelated topics: Scientology, and American Civil Religion. What is it that makes Scientology a religion in America? Is this a limitation of, or a rare opportunity that exists within, American law? What is American civil religion and are you convinced it is religion? How does it play out in law, if we consider the cases we have studied in Religion and the Law to date? If we consider American civil religion a religion, what are the criteria for participation? How might this affect our reflections on last week's Jewish Free School case? How do the seemingly separate topics of this week relate to each other?*

### Readings and Materials:

Seth Perry, "Scientology and its Discontents," *The Chronicle of Higher Education* (The Chronicle Review), October 2, 2011. [https://www.chronicle.com/article/scientology-and-its-discontents/?cid=gen\\_sign\\_in](https://www.chronicle.com/article/scientology-and-its-discontents/?cid=gen_sign_in)

Hugh B. Urban, *The Church of Scientology: A History of a New Religion* (Princeton: Princeton University Press, 2011), Chapter 5

Robert Bellah, "Civil Religion in America", *Daedalus: Journal of the American Academy of Arts and Sciences* 96:1 (1967), 1-21. [http://www.robertbellah.com/articles\\_5.htm](http://www.robertbellah.com/articles_5.htm)

Interview with Philip Gorski: "Can the American Civil Religion Bridge the Partisan Divide?", *Yale Insights*, December 2015 <https://insights.som.yale.edu/insights/can-the-american-civil-religion-bridge-the-partisan-divide>

**Week 12**, Commences Monday April 4

### **Another Take on Law Defining Religion: Indonesia's Blasphemy Laws**

*Indonesia is an interesting arena for exploring religion and the law, for its being both non-Western and decidedly modern. While the Indonesian legal approach is different from both the US and Europe, the fact that a secular court system addresses issues of religion, brings in expert witnesses, and defines and refrains from defining religion in particular ways, makes it accessible and even deeply familiar. In the Indonesian blasphemy case we will consider this week, we will see how in Indonesia as in the US and England, the court indicates the boundaries of religion even when it claims to be doing otherwise. The Indonesian context will reverberate some of the questions we have dealt with to date, on religious freedom, toleration, and new religions, and provide new opportunities for reflection.*

### Readings and Materials:

Selong District court decision on Bakri case: <https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2017/01/Selong-District-Court-Judgment-16oxzas.pdf>

Optional supplementary reading: Fatwa (verdict of Islamic law cited in the decision): <https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/c/1549/files/2017/01/MUI-Fatwa-vnmhas.pdf>

Kari Telle, "False Prophets? Ontological Conflicts and Religion Making in an Indonesian Court", in Bjørn Enge Bertelsen and Synnøve Bendixsen eds., *Critical Anthropological Engagements in Human Alterity*

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*and Difference* (Palgrave Macmillan, 2016), 89-111 <https://www.cmi.no/publications/file/5854-critical-anthropological-engagements-in-human.pdf>

Material for discussion: Aljazeera report on Blasphemy law, following the conviction of Jakarta's Chinese Christian governor in 2017: <https://www.youtube.com/watch?v=fAjl6a5CPPs>

Optional Additional Reading: Op Ed from regional press proposing an alternative to blasphemy law to achieve the same result <https://thediomat.com/2020/09/seeking-a-viable-alternative-to-indonesias-blasphemy-laws/>

**Week 13**, Monday April 11, Tuesday April 12

### ***The International Politics of Religious Freedom and Final Discussion***

*Does the West set a gold standard when it comes to religious freedom, and should this be exported? This week we will study the International Politics of Religious Freedom, and the cases that can be made for and against it.*

#### **Readings and Materials:**

Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton University Press, 2015), ch. 3 ("International Religious Freedom")

Daniel Philpott, *Religious Freedom in Islam: The Fate of a Universal Human Right in the Muslim World Today* (Oxford University Press, 2019), ch. 1 ("In Defense of Religious Freedom")

## **Course Policies**

**Submission of Assignments.** Assignments will be submitted on Avenue to Learn. All reading reports are due by midnight on Friday. They should be submitted in PDF format, or video submissions in MP4, AVI, WMV, or MOV format, or as a link to YouTube. The final paper for the course is due before midnight on Wednesday, April 20.

**Grades.** Grades will be based on the McMaster University grading scale:

<b>MARK</b>	<b>GRADE</b>
90-100	A+
85-90	A
80-84	A-
77-79	B+

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73-76	B
70-72	B-
67-69	C+
63-66	C
60-62	C-
57-59	D+
53-56	D
50-52	D-
0-49	F

**Late Assignments.** Late assignments will forfeit 5% of the grade for that assignment for each day late. Assignments will not be accepted more than a week late.

### SENATE-APPROVED ADVISORY STATEMENTS

#### ACADEMIC INTEGRITY

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. **It is your responsibility to understand what constitutes academic dishonesty.**

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university. For information on the various types of academic dishonesty please refer to the [Academic Integrity Policy](https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/), located at <https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/>.

The following illustrates only three forms of academic dishonesty:

- plagiarism, e.g. the submission of work that is not one’s own or for which other credit has been obtained.
- improper collaboration in group work.
- copying or using unauthorized aids in tests and examinations.

#### AUTHENTICITY / PLAGIARISM DETECTION

**Some courses may** use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

## COURSE OUTLINE

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software. **All submitted work is subject to normal verification that standards of academic integrity have been upheld** (e.g., online search, other software, etc.). For more details about McMaster's use of Turnitin.com please go to [www.mcmaster.ca/academicintegrity](http://www.mcmaster.ca/academicintegrity).

### **COURSES WITH AN ONLINE ELEMENT**

**Some courses may** use online elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in a course that uses online elements will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

### **ONLINE PROCTORING**

**Some courses may** use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and record their computer activities, and/or lock/restrict their browser or other applications/software during tests or exams. This software may be required to be installed before the test/exam begins.

### **CONDUCT EXPECTATIONS**

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the [Code of Student Rights & Responsibilities](#) (the "Code"). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, **whether in person or online**.

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students' access to these platforms.

### **ACADEMIC ACCOMMODATION OF STUDENTS WITH DISABILITIES**

Students with disabilities who require academic accommodation must contact [Student Accessibility Services](#) (SAS) at 905-525-9140 ext. 28652 or [sas@mcmaster.ca](mailto:sas@mcmaster.ca) to make arrangements with a Program Coordinator. For further information, consult McMaster University's [Academic Accommodation of Students with Disabilities](#) policy.

### **REQUESTS FOR RELIEF FOR MISSED ACADEMIC TERM WORK**

In the event of an absence for medical or other reasons, students should review and follow the [Policy on Requests for Relief for Missed Academic Term Work](#).

## COURSE OUTLINE

### **ACADEMIC ACCOMMODATION FOR RELIGIOUS, INDIGENOUS OR SPIRITUAL OBSERVANCES (RISO)**

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the [RISO](#) policy. Students should submit their request to their Faculty Office *normally within 10 working days* of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

### **COPYRIGHT AND RECORDING**

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors. The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done either by the instructor for the purpose of authorized distribution or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

### **EXTREME CIRCUMSTANCES**

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.

### **NOTES FOR ALL ARTS & SCIENCE COURSES**

1. Some of the statements above refer to a "Faculty Office"; please note that the Arts & Science Program Office serves in this capacity.
2. It is the responsibility of students to check their McMaster email regularly. Announcements will be made in class, via A2L, and/or via the course email distribution list.
3. For additional information regarding requests for accommodation, relief for missed term work (e.g. MSAF), deferred examinations, etc., students should read carefully the [Requests](#) and [Resources](#) pages on the Arts & Science Program website.