

RG ST 292MK

Law and Religion

Winter 2014

Meetings: Tuesdays, 3:30 to 6:00 p.m., in HSSB 3041

Seminar Description:

The terms 'law' and 'religion' denote two complex realms of life that have much shared history and continue to intersect in the modern world. In both spheres, personal, institutional, and textual authorities jostle with each other, and with the norms derived from custom and convention. Both spheres contribute to the shaping the legitimation of power, the conception of the self, and the regulation of society. This seminar will compare examples from a range of places and periods to cast into perspective dilemmas and debates that figure in the U.S. today. While emphasis is on the American setting, examples will also be drawn from other nation-states for comparative purposes.

Organization of the Seminar:

The seminar will meet once a week for 2.5 hours. Students are required to come to seminars with assigned readings already completed. For supplemental materials and the assigned articles for the seminar, we will use Gauchospace, which can be accessed here:

<https://gauchospace.ucsb.edu/courses/>. Each student will be required to lead seminar discussion once concerning **connections** between law and religion from the various traditions under study, on the basis of assigned readings and supplemental materials on the course website. Prior to the seminar discussion, the student leader will circulate, via either Gauchospace or email, questions and points for discussion. Students must attend all seminar meetings. Students are required to write a research paper of 25 pages in length that will analyze a problem of law and religion, using appropriate disciplinary approaches and methods. The topic will be selected by the student in consultation with Professor Moore. Short presentations of research will be made in class on March 11th. Papers are due March 20th.

Grading Policy: Student grades will be calculated as follows: **research paper (March 20):** 75% of total grade; **seminar participation including student-led discussion:** 25% of total grade.

Readings for Purchase at UCEN Bookstore or online:

Akhil Reed Amar, *America's Unwritten Constitution: The Precedents and Principles we Live By* (Basic Books) ISBN 978-0-465-02957-0

Hilal Elver, *The Headscarf Controversy: Secularism and Freedom of Religion*. (New York: Oxford University Press) ISBN ISBN 978-0-19-977305-3 (paper)

Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Belnap Press of Harvard University Press) ISBN 13: 978-0674046542

Shawn Francis Peters, *When Prayer Fails: Faith Healing, Children, and the Law* (Oxford) ISBN 10: 019530635X

Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton University Press) ISBN 13: 978-0691130583

Schedule:

DATE	TOPIC	ASSIGNMENT
Jan. 7	Introduction	Syllabus
Jan. 14	Guest Speaker, Ziba Mir-Hosseini, on legal anthropology and Islamic law and women's equality	"Rethinking the Assumption of Male Authority in Muslim Family Law" (on Gauchospace)
Jan. 21	Legal sociology/healing (A study of religion-based medical neglect) (A study of symbols and culture)	"Law in Culture" by Roger Cotterrell, "Battles over Symbols" by Lori Beaman (both on Gauchospace) and Peters, <i>When Prayer Fails</i> , pp. 1-108.
Jan. 28	Legal History	Peters, <i>When Prayer Fails</i> , pp. 109-214; Gordon, <i>The Spirit of the Law</i>
Feb. 4	Constitutional Theory	Amar, <i>America's Unwritten Constitution</i> , Chapters 2-6
Feb. 11	Constitutional Theory Pt. 2	Amar, <i>America's Unwritten Constitution</i> , Chapters 11, 12, Afterword
Feb. 18	Religious Freedom	Sullivan, <i>The Impossibility of Religious Freedom</i>
Feb. 25	Politics against Law, text and interpretation	"The Letter Kills, but the Spirit Gives Life?" by Laduer and Augsberg, and "Belief and/in the Law," and "Intimacy Surveiled: Religion, Sex and Secular Cunning," by Mayanthi Fernando (all on Gauchospace)
Mar. 4	Neutrality, Liberalism and Islam	Elver, <i>The Headscarf Controversy</i>
Mar. 11	Discussion of Student	

	Research	
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Instructions for Research Paper:

As mentioned above, each student will complete a 25-page research paper by the due date of March 20th. Short presentations of the research topic will be made in seminar on March 11th. Papers must include material from at least four of the following types of sources:

- (1) Scholarly journals
- (2) Scholarly book-length treatments (secondary sources) of law and religion
- (3) Textual primary sources or original materials, e.g., scriptural texts and traditions attributed to a religious leader, official documents, letters, diaries, memoirs, transcripts, court records, judicial decisions, art, artifacts, manuscripts, or anything else archival that provides a first-hand account about a person, belief, event, etc. This is meant to include any materials providing a first-hand account or direct experience.
- (4) Data obtained through your own, original fieldwork, e.g., interviews, ethnography, focus groups, opinion data
- (5) Documentary films and photographic images
- (6) Myth and legend

NOTE: Supplementary materials and suggested resources will be put online on Gauchospace.