**HI 295/RN295—Religious Controversies and the Law**  
Spring 2015, Tuesdays and Thursdays, 2:00-3:30

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**Course Outline**

When public debates occur about religious questions – if circumcision is cruel to children, kosher slaughtering is sufficiently hygienic, or a civil servant has a right to wear a religious symbol to work – courts and legislatures often take up a role in regulating religion. This course explores religious controversies in the public sphere and their historical context, focusing on Europe, North America, Israel, and Turkey. In the first half of the semester we will look at the historical context in which ideas about religious toleration, legal rights for minorities, and concepts such as pluralism and multiculturalism evolved. In the second half of the semester we will look at case studies organized along thematic lines. We will examine a series of religious controversies where rights claimed by individuals, religious groups, and the state conflicted and how they were resolved (or remain contentious). In doing so we will consider how governments have weighed individual rights against collective rights, and religious freedom against other social and legal values, rights, and needs. The course has two primary objectives: to explore how and why states intervene in religious conflicts, and to examine how the legal struggles over religion reflect different states’ historical experiences and legal traditions.

**Course Requirements**

Your final grade will be determined as follows:

Analytical essay #1, 20%. A 4-6 page essay about the historical development of religious tolerance. Suggested topics and questions will be provided. Due on February 24.

Book review, 20%. A 4-6 page review of one book selected from the list on the final page of this syllabus. Further instructions on effective book review writing will be distributed. Due on March 26.

Analytical essay #2, 20%. The second 4-6 page essay should ask a probing question (or questions) about a religious controversy discussed in class and be comparative in some way. Due on April 28.

Final examination, 20%. The final examination is open-book and you will be given a preparation guide in advance.
Class discussion, preparation, and student presentation, 20%. Attendance and informed participation in class discussion are required. Students will each be required to present one religious/legal controversy and an associated reading.

All assignments should be completed independently and plagiarism from any source is unacceptable. Cases of suspected academic misconduct will be referred to the Dean’s Office. If they have not already, students should familiarize themselves with Boston University’s Academic Conduct Code: http://www.bu.edu/academics/policies/academic-conduct-code/

Texts

All required and supplementary texts are available on Blackboard.

We will be using cases and other materials from the following three casebooks:


Leslie C. Griffin, Law and Religion: Cases and Materials 3rd ed. (Foundation Press, 2013). [“Griffin” in the syllabus]

Course Schedule

Part I – How and Why do States Regulate Religion?

Week 1 – Getting Started

January 20 - First day of class
Introduction

January 22
Secular and Church Authority in Europe: The Reformations
- Trial of Anne Askew

Week 2 – The Origins of “Tolerance”
January 27
Secular and Church Authority in Europe: The Wars of Religion
- The Edict of Nantes

January 29
The Origins of Tolerance: England and the Dutch Republic
- Locke and Spinoza

**Week 3 – Enlightenment and Religion**

February 3
Enlightenment, Religion and Law

February 5
The American Experience

**Weeks 4+5- How and Why do States Regulate Religion?**

February 10
Theorizing Religion and the Law

February 12
Comparative Approaches to Regulating Religion

February 17 – no class (substitute Monday)
February 19
Religious autonomy and the right to association

Weekly Topics:

**Week 6 – Multiculturalism and Minority Rights**

February 24 – Essay #1 due

Toleration and Multiculturalism

February 26 – Short book review due

Individual and Collective Rights
-Canadian Charter of Rights and Freedoms

**Part II – Case Studies**

**Week 6 – Religious Authority**

March 3
Shari’a

March 5
Kashrut
-The Establishment Clause’s Effect on Kosher Food Laws; and “Barghout v. Bureau of Kosher Meat and Food Control” in Griffin, 50-54.

Spring break March 7-15

**Week 7 - Education**

March 17
State aid to Schools in Europe and the United States
-Durham and Scharffs, 495-510.

March 19
Religion in Public Schools in Europe and the United States
- Durham and Scharffs, 511-535.
- Select cases from Griffin; Noonan and Gaffney.

**Week 8 – Taxes**

March 24
Europe
- Durham and Scharffs, 451-472.

March 26 - Book review due
The United States
- Durham and Scharffs, 472-494.
- Griffin, 450-468.

**Week 9 - Space**

March 31
The Eruv

April 2
A Religious Town (Kiryas Joel)

**Week 10 - Gender**

April 7
Religion in Conflict with Women’s Rights
- Durham and Scharffs, 345-368.
- Readings on the Aguna problem

April 9
Regulating Sexual Morals
- Polygamy; Marriage; Sodomy; in Noonan and Gaffney, 912-927.
-Readings on laws against homosexuality/marriage equality movement.

**Week 11 – The Public Sphere**

April 14
Israel
http://www.bu.edu/law/faculty/scholarship/workingpapers/TheWoesofWoW.html

April 16
Europe and the United States
-Durham and Scharffs, 562-588.

**Week 12 - Dress**

April 21
France
-Joan W. Scott, “The Banning of Islamic Head Scarves in French Public Schools.”

April 23
Turkey
-Leyla Sahin v. Turkey in Griffin, 557-589.

**Week 13 - Dress cont’d,**

April 28 – Final analytical essay due
The United States

April 30 – last day of class
Revisiting the question: Do religious groups have collective rights?
Suggested Books for Review


