

Islam and Religious Freedom in Europe and Canada

COURSE:	LAWS 4903A – Islam and Religious Freedom in Europe and Canada
TERM:	Fall 2022
PREREQUISITES:	LAWS <u>2908 and fourth-year Honours standing</u>.XXXX
CLASS:	Day & Time: Thursdays 11.35 – 2.25 This is course has a seminar-style format and will meet in person Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Dr. Adrian
CONTACT:	Office: D-593 Office Hrs: Tuesdays 10-12 (in-person); virtual appointments possible, please contact the instructor Telephone: It's best to reach me by e-mail Email: melanie.adrian@carleton.ca

CALENDAR COURSE DESCRIPTION

The topics of this course vary from year to year and are announced in advance of registration.

COURSE DESCRIPTION

This course examines the right to religious freedom and the limits of that freedom in Europe and Canada. Based on specific case examples that reference Muslim minorities from the European Court of Human Rights and the Supreme Court of Canada, this course is a close legal analysis of the development of this right from 1993 onwards.

REQUIRED TEXTS

All reading materials are noted in the syllabus and are available on ARES.

METHOD

This class will be run like a graduate seminar and will be based on a careful examination of cases and supplemental readings. At the beginning of each class, a student will be chosen at random to

present their summary and analysis of the case based on the written work they have submitted. After the initial presentation of the case, two students will be chosen (at random) to respond to the summary of the case and add their perspectives on the details and general issues. After that, the class will have an opportunity to debate the issues arising from the case – theoretical, legal, and otherwise. Towards the end of each class, a student will be chosen (at random) to deliver a summary of the main ideas discussed.

LEARNING OBJECTIVES

- Develop reading skills, particularly for legal files
- Develop broad analytic skills
- Develop succinct writing approach
- Develop the ability to perform under pressure
- Develop the ability to critique constructively and kindly
- Develop concentration skills

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

All components must be successfully completed in order to get a passing grade.

1. Attendance and participation	30%
2. Case outlines (2 x 20%)	40%
3. Presentation or feedback of case	30%

1. Attendance and participation

Students will be expected to come to class having read the assigned websites/articles/cases and having completed (and uploaded) the summary of the case for the week. Class participation is based on two factors: attendance (showing up) and speaking (quality over quantity). One percent will be awarded for the former and the rest on the latter as per the discretion of the instructor.

Tip for success: when speaking in class, raise a perspective on the issue at hand to *add to*, instead of *diverting from*, the conversation. Once a topic has been exhausted, that is when you may feel free to suggest a new idea. Also, your analysis of the case should guide you in your comments and contributions. When you cite ideas/opinions, base them on verifiable facts.

2. Case outline

In preparation for each class, every student will prepare a summary and analysis of the case we will be discussing in class. One summary will be evaluated after October 6th (and based on your submissions from September 15, 22, 29 and October 6). This evaluation will be based on all of the submitted work and will be weighted towards the last submission. The second evaluation will be based on the work for the second half of the term. Students may make suggestions as to which 3 submissions are examples of their best work. The summary should not exceed 3 pages (single spaced, 12-point font) and must be appropriately cited. Students may choose to take one pass in the semester. Thus, students are responsible for a total of 10 submissions. Submissions are due at 11am on Thursdays. Assignments submitted after 11am will be considered late. Please see the grading rubric for more guidance.

Submissions must be organized as follows:

1. Case history

- Facts of the case
- History of case (including the law – which court heard the case?)
- Government position
- Applicant position
- Views of the Interveners (if applicable)
- Evaluation of the Court
- Dissenting opinions (what were the objections, in brief)
- Two bullet points with:
 - The decision of the last Court
 - Dissenting opinions – how many, who? Why?

2. Issues at stake

- Four to five sentences which describe the main issues at stake in the case

3. Analysis

- YOUR analysis of the case
- Consider: what weight was the Court giving to certain issues? What was neglected? How does it compare to the case we discussed last class?
- Also include, if appropriate, short, relevant, excerpts with full citations

Please upload your summaries to your Brightspace dropbox prior to the class. Summaries that are not been uploaded once the class is in session will not be considered. Students have one class (i.e. one pass) where the assignment is not uploaded or completed without affecting their grade. This means that every student must submit a total of 10 case outlines.

- Please upload your summaries using the following format:
Case (date of case)
- For example, your submission should look like this:
Dahlab v. Switzerland (2001)

Case outlines should be succinctly written, grammatically coherent, and words should be spelled

correctly. Please edit your submissions before uploading. Spelling and grammar matter.

3. Presentation or Response of/to the case:

As outlined above, at the beginning of each class a student will be chosen at random to orally present their case summary and analysis. At the end of the presentation of the summary of the case, two students will be chosen at random to give a response to the presentation. The instructor retains the right to ensure all students present a case or respond to the presentation during the semester. Should a student present or respond twice, the higher grade will be used in the final evaluation. Please see the grading rubrics for more information.

Response to the presentation

This is the time to add to the summary or point out a different perspective.

Tip for success: giving a critical but constructive response is a tricky endeavor and one that needs delicate attention. You might start off your comments by thanking the presenter and highlighting the interesting points they made. This can be followed by your own additions and critiques.

Advice on wording:

- “Thank you (name of student) for that summary of the case. They brought up at least 3 critical points that are worth elaborating on...”
- “Thank you (name of student) for that well developed analysis, I appreciate...”
- “In addition to the substantive comments that my colleague made, I would like to add...”
- “Thank you (name of student) for that well developed analysis, I appreciate...”
- “The comments about the case are worth critically reflecting on. I would suggest that...”

Summary of the class: At the end of each class, a student will be chosen at random to summarize the class debate. Please make sure to take notes. This will include all of the main ideas, controversies and suggestions. Students may also wish to add their own perspective on the case at this time. The summary will be evaluated as part of the participation grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide

additional information to justify the longer extension (up to a maximum of 14 days).

Policy on late submission of work: Late submissions will be deducted one letter grade per 24 hours (including weekends). Thus, a paper/proposal etc. with a value of B+ due on Wednesday would be given a B on Thursday and C+ on Monday.

PLEASE, PLEASE, please contact Dr. Adrian (early) if anything is impeding your success in the class or prohibiting you from submitting your assignments on time.

Important Information YOU NEED to read:

Please, read this outline: Students are responsible for knowing the information contained in this outline and for following instructions on assignments. If you have any questions, please contact the course instructor.

Cell Phone and Device Policy: Please turn your cell phones off while in class. Texting or playing with your phone gives others the impression that you have better and more important things to do with your time. Plus, it's just plain rude. If your cell phone rings while in class, you will be asked to stand up and sing a verse from your favorite song or recite a stanza from your favorite poem. This is going to be a tech-free class, so please bring paper and writing implement to class.

Reading and Participation: This class will succeed or fail based on your commitment. You should be coming to class having done the reading and prepared to contribute to a discussion. The texts are important, but you, the students, are the greatest resource. You all bring different perspectives and distinctive ways of thinking to the class. Speak up. Be heard.

Please note: we will be discussing sensitive and controversial issues in this class. No doubt there will be differing ideas on right and good. Everyone must do their best to be respectful at all times. Racist, misogynist and otherwise inappropriate comments will not be tolerated.

CLASS SCHEDULE

September 8

Class 1: Introduction to the course, expectations, grading.

September 15

Class 2: Setting the Scene: Religious freedom and Islam in Europe.

Please Read:

1. Kokkinakis v. Greece (1993) - ECHR
2. Read about the European Court of Human Rights:
<http://www.echr.coe.int/Pages/home.aspx?p=home>
3. Research Division of the European Court of Human Rights. (2021) "Overview of the Court's case-law on freedom of religion." P. 1-26.

September 22

Class 3: The early years.

Please Read:

1. McCrea, R. (2013). "The Ban on the Veil and European Law." Human Rights Law Review 13 (1): 57-97.
2. Dahlab v. Switzerland (2001) - ECHR

September 29

Class 4: Defining veil.

Please Read:

1. Sahin v. Turkey (2005) - ECHR
2. Kuru, A. T. (2008). "Secularism, State Policies, and Muslims in Europe: Analyzing French Exceptionalism." Comparative Politics 41(1): 1-20.

October 6

Class 5: Framing democracy.

Please Read:

1. Refah Partisi v. Turkey (2003) - ECHR
2. Boyle, K. (2004). "Human Rights, Religion and Democracy: the Refah Party Case." Essex Human Rights Journal 1(1): 1-16.

[Review of first case summaries]

October 13

Class 6: Witnessing face.

Please Read:

1. SAS v. France (2014) – ECHR
2. Adrian, M. (2015). Faith in the Courthouse.
3. New York Times Article: <http://www.nytimes.com/2015/04/30/world/europe/french-school-teenagers-skirt-illegal-display-religion.html>

October 20

Class 7: Setting the Scene: Canada (focus on Quebec).

Please Read:

1. Bill/Law 21 (2019) – Quebec
2. Taylor-Bouchard Report (2008)

October 27th - Fall Break

November 3

Class 8: Religious freedom in Canada.

Please Read:

1. *Syndicat Northcrest v Amselem* (2004)
2. Berger, B. L. (2014). "Belonging to Law." Social & Legal Studies: 1-17.

November 10

Class 9: What is a threat?

Please Read:

1. *Multani v. CSMB* (2006) – Supreme Court of Canada

November 17

Class 10: From local to supreme.

Please Read:

1. *R. v. NS* (2012) – Supreme Court of Canada
2. Mona Eltahawy "Why do they hate us?" Foreign Policy, April 23, 2012
<http://foreignpolicy.com/2012/04/23/why-do-they-hate-us/>

See Also:

<http://muslimwomeninhistory.tumblr.com/post/21781756225/list-of-responses-to-mona-elatahawys-piece-why-do>

Leila Ahmed and Mona Eltahawy in conversation:

<https://www.youtube.com/watch?v=9Z0DB2XOoHc>

November 24

Class 11: The right to educate.

Please Read:

1. Loyola High School v. Quebec (2015) – Supreme Court of Canada

December 1

Class 12: Dealing with diversity. Course wrap.

Please Read:

1. Laïque v. Saguenay (2015) – Supreme Court of Canada

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity

Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or

campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.