

IS RELIGIOUS FREEDOM A HUMAN RIGHT?

LAWS 3903

Fall 2017

Instructor:	Dr. M. Adrian
Course Meeting Time:	Tuesdays 8.30-11.30
Location:	Please check Carleton Central
Email:	melanie.adrian@carleton.ca
Office:	Loeb C 465
Office Phone:	613.520.2600 x.2085
Office Hours:	Wednesdays 3.30-5.30 or by appointment. All students are encouraged to meet with Dr. Adrian at least once during the semester.
Teaching Assistant:	Emily Jean Gallant
E-mail:	emilyjeangallant@cmail.carleton.ca
Office Hours:	By appointment. Please e-mail.

Course Description:

This course will consider the legal, theoretical, and theological interconnections between religion and human rights. The first weeks of the course will familiarize students with key concepts including definitions of human rights and religious freedom, universalism and cultural relativism. Attention will be paid to the interdependence of legal and religious perspectives. These fundamental concepts will be brought into dialogue in subsequent weeks when we examine the idea of human rights from philosophical and theological perspectives and apply these to three major world traditions. In this way, we give special attention to competing theological and philosophical assessments of human rights.

Grading and Requirements:

1) Submission of Questions for mid-term exam (DUE Oct.17 at midnight via CULearn):	15%
2) Mid-Term exam (Nov.1, in class)	35%
3) Proposal for Final Essay (DUE Nov. 15 via CULearn)	15%
4) Final Essay (DUE Nov. 29, beginning of class)	35%

1) Submission of Multiple Choice Questions for Mid-term (15%): Students will write and submit three multiple-choice questions which will be (potentially) included on the midterm exam. With a total value of 15% of the final grade, questions will be graded based on clarity,

complexity, and writing style (e.g. grammar, spelling, etc.). Each question should provide four possible answers with one correct option. [DUE: October 17 by midnight via CULearn](#).

2) Mid-Term Exam (35%): The mid-term exam will be multiple-choice and will be taken twice by each student. First, the exam will be completed individually via CULearn in class. This portion counts for 85% of the final mid-term exam grade. Second, students will retake the same exam in specified groups, with each group discussing amongst themselves what the correct answer is. Here, unlike in the individual portion, each group will continue to submit answers for each question until arriving at the correct one. Each incorrect submission will lower the value of the correct answer for that question. The collective portion of the exam will be worth 15%. [Mid-term exam will be on November 1 in class](#).

Any student who misses the mid-term exam for legitimate, documented, reasons, will write the exam individually only. Their grade will be worth 100% of the mid-term grade.

3) Proposal for Final Essay (15%): This is a short 2-page document that proposes a final essay for the course. One page outlines the topic and main issues the paper will address. The second page includes a bibliography with at least 5 primary sources and at least 2 secondary sources. The form/content of the proposal will be detailed on a handout which will be distributed in class a few weeks before the deadline. [DUE: November 15 by midnight via CULearn](#).

4) Final Essay (35%): The final paper gives each student the opportunity to think about, and discuss, a theme related to the class content. More details on grading and expectations to follow. The final paper should be no more than 10 pages. [DUE: Wednesday, November 29th in class, at the beginning of class](#).

In accordance with the Carleton University Undergraduate Calendar (p. 45), the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 56-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50	WDN = Withdrawn from the course		

ABS = Student absent from final exam

DEF = Deferred (See above)

FND = (Failed, no Deferred) = Student could not pass the course even with 100% on final exam

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+ would be given a B on Thursday and C- on Monday.

Book Available for Purchase:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012.

Where to buy the text? The required text has been ordered and is available for purchase at **Octopus Books** [116 Third Ave, Ottawa, (613) 233-2589]. Copies of the text have also been placed on reserve for you in the library. You will need **MY NAME** and the **COURSE CODE**. For more information see: <http://octopusbooks.ca/book/course-book-faq>

My philosophy on ordering texts: I am keenly aware that most of us are on tight budgets. Thus, if we will use less than 3 chapters of a book, I do not order it for you to purchase. Please read through the syllabus and if there are texts that you feel would be good to have, please order them from one of the many online sources. I have placed books on reserve for you at the library (both physical and e-copies, when available) and made the articles available through our class website on CUlearn (Ares).

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 your teaching assistant first and the course instructor second.

Cell phone 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 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.

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.

Academic Regulations, Accommodations, Plagiarism, etc.

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:
<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

Requests for 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 more details visit the Equity Services website: <http://carleton.ca/equity/>

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 visit the Equity Services website: <http://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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: <http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

Assistance for Students:

The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Student Academic Success Centre (SASC): www.carleton.ca/sasc

Writing Tutorial Services: www.carleton.ca/wts

Peer Assisted Study Sessions (PASS): www.carleton.ca/sasc/pass_home/index.html

Class Schedule

September 6

Week 1: Introduction to the Course

- What is this class about?
- Expectations and grading

September 13

Week 2: Religion and Human Rights

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Introduction: P.3-24
- Berkley Center for Religion, Peace, & World Affairs, Georgetown University. *Religion, law and the Politics of Human Rights: Talal Asad and Abdullahi An-Na'im in conversation*. September 29, 2009. P.1-11. [PDF available on course website].
- Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013. P. 2-18; 22-27. [PDF available on course website].
- SKIM: Stahnke, Tad and Martin, J. Paul, eds. *Religion and Human Rights: Basic Documents*. New York: Center for the Study of Human Rights, 1998. Especially P.88-96; 101-104. [Available on Ares]

For those students with less background in Human Rights, I highly recommend you read:

- Orend, Brian. *Human Rights: Concept and Context*. Ontario: Broadview Press, 2002. Ch. 1 “Basic Vocabulary and Core Concepts”; ch. 3 “What Justifies Human Rights?”.
- Stahnke, Tad and Martin, J. Paul, eds. *Religion and Human Rights: Basic Documents*. New York: Center for the Study of Human Rights, 1998. P. 56-85.

Possible Movie: Faith and Human Rights with John Witte, Jr. and Kamari Clarke at Yale University <http://www.youtube.com/watch?v=RszpzkQITbE>

September 20

Week 3: Religion, Human Rights, and Secularism

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 8: “Religion, Human Rights, and Public Reason: The Role and Limits of a Secular Rationale.” P.135-154.

- Berger, Benjamin L. "Belonging to Law: Religious Difference, Secularism, and the Conditions of Civic Inclusion." In *Social and Legal Studies*. Vol. 24, Issue 1, 2015. P.1-17. [PDF available on course website]
- Bhandar, Brenna. "The Ties that Bind: Multiculturalism and Secularisms Reconsidered" in *Journal of Law and Society*. Vol 36 (3), 2009. P. 301-326. [PDF Available on course website]

September 27

Week 4: Cultural Diversity and Relativism

Please read:

- Sachedina, Abdulaziz. *Islam and the Challenge of Human Rights*. New York: Oxford University Press, 2009. [Ares]
 - "Foreword";
 - Ch. 1 "The Clash of Universalisms: Religious and Secular in Human Rights.
- Parekh, Bhikhu. "Cultural Diversity and Liberal Democracy." In *Democracy, Difference, and Social Justice*, by Gurpreet Mahajan. Delhi: Oxford University Press, 1998. P. 207-227. [Ares]

October 4

Week 5: Limitations and Restrictions on Belief Rights

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 15: "Permissible Limitations on the Freedom of Religion or Belief." By T. Jeremy Gunn. P.254-268.
- Boyle, Kevin. "Human Rights, Religion and Democracy: The Refah Party Case." *Essex Human Rights Journal*, 2004: 1-16. [PDF available on course website]
- Barry, Brian M. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge, MA: Harvard University Press, 2001. [Ares]
 - "Introduction";
 - ch. 2 "The Strategy of Privatization";
 - ch. 3 "Dynamics of Identity: Assimilation, Acculturation, and Difference."

October 11

Week 6: Religious Perspectives: Islam

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 3: "Islam and Human Rights." By Abdulahi Ahmed An-Na'im. P. 56-70.

- El Fadl, Khaled Abou. "The Human Rights Commitment in Modern Islam." In *Human Rights and Responsibilities in the World Religions*, by Joseph Runzo, Nancy M. Martin and Arvind Sharma. Oxford: Oneworld Publications, 2003. P. 301-364. [Ares]
- Environics Institute. *Survey of Muslims in Canada*. 2016. [PDF available on course website]

Additional Fascinating Reading:

The Introduction to Sophia Arjana's book, *Muslims in the Western Imagination* (OUP, 2015), which may be found here on [Ta'seel Commons](#):

<http://www.taseelcommons.com/politics/introduction-to-muslims-in-the-western-imagination>

Guest Speaker: NCCM

**Questions for the mid-term exam are DUE October 17.
Please submit via CULearn by midnight.**

October 18

Week 7: Religious Perspectives: Judaism

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 1: "A Jewish Theory of Human Rights." By David Novak. P.27-42.
- Dorff, Eliot N. "A Jewish Perspective on Human Rights." In *Human Rights and Responsibilities in the World Religions*, by Joseph Runzo, Nancy M. Martin and Arvind Sharma, Oxford: Oneworld Publications, 2003. P. 209-230. [PDF available on course website]

Guest Speaker: Rabbi Chaim Boyarsky (confirmed)

***** October 22-28 – Fall Break – Enjoy the week *****

November 1

Week 8: Mid-term Exam (in class)

November 8

Week 9: Religious Perspectives: Christianity

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 2: "Christianity and Human Rights." By Nicholas P. Wolterstorff. P.42-55.
- Little, David. "A Christian Perspective on Human Rights." In *Human Rights in Africa*, by Abdullahi An-Na'im and Francis M. Deng. Washington, D.C.: The Brookings Institution, 1990. P.59-103. [Ares]

Guest Speaker: Ambassador Andrew Bennett (confirmed)

**Proposal for Final essay due November 15.
Please submit via CULearn by midnight.**

November 15

Week 10: Case Study – Female Genital Cutting – a “Religious Right”?

Please read:

- Nyangweso, Mary. Female Genital Cutting in Industrialized Countries: Mutilation or Cultural Tradition? Santa Barbara: Praeger, 2014. [Ares and on reserve]
 - Chap. 1: Female Genital Cutting: An Overview. P.15-32.
 - Chap 5: The Religious Side to Genital Cutting. P.99-118.
- Rosen, Jeffrey. "Is Ritual Circumcision Religious Expression?" *New York Times Magazine*, February 5, 2006: 28. [PDF available on course website]
- von der Osten-Sacken, Thomas. "Is Female Genital Mutilation an Islamic Problem?" *Middle East Quarterly*, Winter 2007: 29-36. [PDF available on course website]

November 22

Week 11: The Question of Minorities

Please read:

- Witte, John Jr. and Christian Green. *Religion & Human Rights: An Introduction*. New York: Oxford University Press, 2012. [Textbook]
 - Chapter 14: "The Right to Self-Determination of Religious Communities." By Johan D. Van Der Vyver. P.236-253.
- Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Harvard University Press, 2001.
 - Ch. 4 "Theories of Group Rights";
 - ch. 5 "Liberal States and Illiberal Religions"; sch. 8 "Politics of Multiculturalism." [Ares and on reserve]

- Miller, Alayna. *Islamophobia: How to Identify it, Remedy it, and Rally against it: A Primer for Lawyers*. Ottawa: Mann Lawyers. 2016.
 - Definition of Islamophobia (P. 6-7)
 - Parts III and IV [PDF available on course website]

Guest Speaker: Ms. Alayna Miller (confirmed)

November 29

Week 12: Case Study (France) and Wrap Up

Please read:

- Bowen, John R. *Why the French Don't Like Headscarves*. Princeton: Princeton University Press, 2007. Ch. 1 "Introduction"; ch. 2 "Remembering Laïcité"; ch. 3 "Regulating Islam"; ch. 4 "Scarves and Schools". [Ares]
- Adrian, Melanie. "France, the Veil and Religious Freedom" in *Journal of Religion, State and Society*. Vol. 37. No. 4. P.345-374. [Available on course website]

[Possible Movie: *They Call Me Muslim*]