

IS RELIGIOUS FREEDOM A HUMAN RIGHT?

COURSE OUTLINE LAWS 3903

Fall 2014

Instructor:	Dr. Melanie Adrian
Course Meeting Time:	Tuesdays 2.30-5.30
Location:	Please check Carleton Central
Email:	melanie.adrian@carleton.ca
Office:	Loeb C 465
Office Phone:	613.520.2600 x.2085
Office Hours:	Tuesdays 9.30-11.30 or by appointment. All students are encouraged to meet with Dr. Adrian at least once during the semester.
Teaching Assistant:	Eli Remington
E-mail:	eli.remington@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 three weeks of the course will familiarize students with key concepts including definitions of human rights and religious freedom, universalism and cultural relativism. Particular attention will be paid to the interdependence of legal and religious perspectives. These fundamental concepts will be brought into dialogue in week four when we focus on female genital cutting as a religious, cultural, and health issue. Weeks five and six will examine the idea of human rights from philosophical and theological perspectives and apply these to four major world traditions. In this way, we give special attention to competing theological and philosophical assessments of human rights. The remaining weeks will examine different perspectives on freedom and equality vis-à-vis the question of minorities and apply these ideas to the headscarf debate in France.

Grading and Requirements:

(All components must be completed in order to get a passing grade)

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.

1) In Class Presentation	25%
2) Submission of Questions for mid-term exam (DUE Oct. 21 at midnight via CULearn):	5%
3) Mid-Term exam (Nov. 4 th , in class. Please bring your laptops/tablets)	30%
4) Proposal for Final Essay (DUE Nov. 18, beginning of class, in class)	5%
5) Final Essay (DUE Monday, December 8 th 3pm in office hours)	35%

1) In-class Presentation (25%): Working in groups, each student will be asked to present the main conceptual ideas of one of the weeks during class. Each presentation should be well planned, rehearsed, and executed. Presentations should employ a combination of powerpoint and at least one class activity that engages fellow students to think through the issues of the week. A detailed outline and list of expectations will be distributed in the first class.

2) Submission of Multiple Choice Questions for Mid-term (5%): Students will write and submit two multiple-choice questions that will potentially be included on the midterm exam. With a total value of 5% of the final grade, questions will be graded on the basis of clarity, complexity, and writing style (e.g. grammar, spelling, etc.). Each question should provide four possible answers with one correct option. One percent (per day) will be deducted for late submissions. Questions will be submitted via CULearn.

3) Mid-Term Exam (30%): 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 70% of the final mid-term exam grade. Second, students will retake the same exam in their 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.

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

4) Proposal for Final Essay (5%): This is a short 2-page document that is due at the start of class on November 18. 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.

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 7 pages and is due Monday, December 8th 3pm. Late submissions (any paper submitted past 3pm, Dec. 8th) will be deducted one letter grade per 24 hours (including weekends). Thus, a paper with a value of B+ would be given a B on Friday and C+ on Monday.

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

Books Available for Purchase:

- Stahnke, Tad and Martin, J. Paul, eds. *Religion and Human Rights: Basic Documents*. New York: Center for the Study of Human Rights, 1998.
- Bowen, John R. *Why the French Don't Like Headscarves: Islam, the State, and Public Space*. Princeton: Princeton University Press, 2007.

Where to buy the texts? 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 own, please order them from one of the many online sources. I have placed all books on reserve for you at the library and made the articles available through our class website on CUlearn.

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 or the course instructor.

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 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.

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 Accommodations and Plagiarism:

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://www2.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://www2.carleton.ca/equity/>

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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.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://www.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://www.carleton.ca/law/student-resources/department-policies/>

Carleton University has wonderful resources to help students succeed. Please take advantage of them:

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

Writing Tutorial Services: www.carleton.ca/wts

(Tentative)
Class Schedule

September 9

Week 1: Introductory Class

September 16

Week 2: What are Religious Human Rights?

Please read:

- Lerner, Natan. *Religion, Beliefs, and International Human Rights*. Atlanta: Law and Religion Program at Emory University, 2000. "Introduction"; ch. 1 "Religious Human Rights under the United Nations".
- Little, David. "Religious Human Rights: Methodological Foundations." In *Religious Human Rights in Global Perspective: Legal Perspective*, by Johan D. van der Vyver and Jr., John Witte,. Grand Rapids, MI: Wm B. Eerdmans Publishing Company, 2000. P. 45-77.
- SKIM: Stahnke, Tad and Martin, J. Paul, eds. *Religion and Human Rights: Basic Documents*. New York: Center for the Study of Human Rights, 1998. P.88-96; 101-104.

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

- Smith, Rhona K.M. *Texts and Materials on International Human Rights*. 3rd ed. New York: Routledge, 2013. P. 2-18; 22-27.
- Orend, Brian. *Human Rights: Concept and Context*. Ontario: Broadview Press, 2002. Ch. 1 "Basic Vocabulary and Core Concepts"; ch. 3 "What Justifies Human Rights?".
- SKIM: 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.

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

September 23

Week 3: Cultural Diversity and Relativism

Please read:

- Sachedina, Abdulaziz. *Islam and the Challenge of Human Rights*. New York: Oxford University Press, 2009. "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.

September 30

Week 4: Case Study – Female Genital Cutting – a “Religious Right”?

Please read:

- Skaine, Rosemarie. *Female Genital Mutilation: Legal, Cultural and Medical Issues*. Jefferson: McFarland and Co., 2005. ch. 1 “A Traditional Practice”; ch. 5 “Tradition and Change in Practicing Cultures”
- Rosen, Jeffrey. "Is Ritual Circumcision Religious Expression?" *New York Times Magazine*, February 5, 2006: 28.
- von der Osten-Sacken, Thomas. “Is Female Genital Mutilation an Islamic Problem?” *Middle East Quarterly*, Winter 2007: 29-36.

October 7th – No class – Happy Thanksgiving!

October 14

Week 5: Differing Religious Perspectives I: Islam and Judaism

Please read:

- 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.
- 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.

Guest Speaker: to be confirmed

October 21

Week 6: Differing Religious Perspectives II: Christianity and Confucianism

Please read:

- 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.
- Joseph Chan, “A Confucian Perspective on Human Rights for Contemporary China.” In *The East Asian Challenge for Human Rights*, by Joanne R. Bauer and Daniel A. Bell. Cambridge: Cambridge University Press, 1999. P. 212-237.

Guest Speaker: Rabbi Chaim Boyarsky

Questions for mid-term exam due by midnight tonight (October 21)

***** October 28th – Fall Break – Enjoy the week *****

November 4

Week 7: Mid-term Exam (in class)

November 11

Week 8: Limitations and Restrictions on Belief Rights

Please read:

- Barry, Brian M. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge, MA: Harvard University Press, 2001. "Introduction"; ch. 2 "The Strategy of Privatization"; ch. 3 "Dynamics of Identity: Assimilation, Acculturation, and Difference."
- Gunn, T. Jeremy. "The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief: A Comparative Perspective." *Emory International Law Review*, Summer 2005: 1-52.

November 18

Week 9: Case Study - Turkey

Please read:

- Gunn, Jeremy T. "Under God but not the Scarf." *Journal of Church and State*, 2004: 7-24.
- Lindholm, Tore. "The Strasbourg Court Dealing with Turkey and the Human Right to Freedom of Religion or Belief: A Critical Assessment in the Light of Recent Case Law." Paper presented at the Strasbourg Conference: A Forum on Freedom of Religion or Belief, Strasbourg, 2005.
- Boyle, Kevin. "Human Rights, Religion and Democracy: The Refah Party Case." *Essex Human Rights Journal*, 2004: 1-16.

Paper Proposal Due Today. (In-class at the beginning of class)

November 25

Week 10: The Question of Minorities

Please read:

- 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"; ch. 6 "Public Stake in the Arts and Education"; ch. 8 "Politics of Multiculturalism."

December 2

Week 11: Case Study – France

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".
- Gunn, Jeremy T. "Religious Freedom and Laïcité: A Comparison of the United States and France." *Brigham Young University Law Review*, 2004: 419-506.

[Possible Movie: *They Call Me Muslim*]

**Final Essay DUE Monday, December 8th 3pm –
we will hold office hours so you can hand in your final paper directly to us**