



<b>Title</b>	<b><u>Debates in Religion, Law and Society</u></b>
<b>Lecturers:</b>	<b>Dr. Dorjana Bojanovska Popovska</b>  <a href="mailto:Bojanovska.Dorjana@alumni.ceu.edu">Bojanovska Dorjana@alumni.ceu.edu</a>
<b>Brief description</b>	<p>The aim of this course is to look at the role that religion plays in law and society. Thus, the course is divided into three Parts. Part 1 will look at the definition of religion as a phenomenon, Part 2 will look at the role of religion in society, economics and politics and Part 3 will look at the governance of religion and freedom of religion and belief protections across jurisdictions.</p> <p>By the end of the course students will be able:</p> <ul style="list-style-type: none"><li>• To understand the difficulty in defining religion.</li><li>• To understand the theoretical debates surrounding the role of religion in law and society.</li><li>• To understand different models of governing religion.</li><li>• To understand the contemporary challenges posed by emerging conflicts between freedom of religion and conflicting rights.</li></ul>
<b>Schedule</b>	<p><b><i>Part 1: What is Religion?</i></b></p> <p><b>Class 1</b> <b>Introductory Class</b></p> <p>In this class we will introduce the whole course and the requirements. We will also open the debate on what religion is to you and what your expectations are from the course.</p> <p>Assigned readings:</p>

The course syllabus.

Barrett, Justin L. 2008. Why Santa Claus is not a god. *Journal of Cognition and Culture* 8: (1-2), 149-161.

### **Class 2**

#### **Problems of Definition: The Social Sciences**

In this class we will look at the difficulty in defining religion as a phenomenon by looking at the Geertz-Asad debate.

Assigned readings:

Geertz, C. 1966. Religion as a cultural system. In *The Interpretation of Cultures*. New York: Basic Books (Reprinted in Lambek 2002: 61-82).

Asad, T.1982. The Construction of Religion as an Anthropological Category. In *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins Univ. Press. pp. 27-54. **\*Only the excerpts included.**

### **Class 3**

#### **Problems of Definition: Religion and Law or What is Protected?**

In this class we will look at the problem of defining religion from a legalistic point of view, as defining religion does/can serve as a basis for awarding legal protection of rights derivative of freedom of religion as a protected right.

Assigned readings:

Chapter 11. Freedom of Religion and Belief in *Comparative Constitutionalism: Cases and Materials*, 4th Edition, Norman Dorsen et al., West Academic Publishing 2022. **Only pp. 1169-1193.**

“Defining Religion” in *Law and Religion*, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019. **Only pp. 39-59.**

**Part 2: Religion, Society, Economics, Politics**

**Class 4**

**The Secularization Theory: Secularization of Society**

In this class we will look at one of the most prominent debates in the field of sociology of religion, that of the theory of secularization of society.

Assigned readings:

Warren S. Goldstein, Patterns of Secularization and Religious Rationalization in Emile Durkheim and Max Weber, *Implicit Religion*, vol. 12, No. 2 (2009).

Introduction in Steve Bruce ed., *Religion and Modernization*, Clarendon Press, Oxford University Press, (Oxford, New York, 1992).

**Class 5**

**The Secularization Theory Revisited: A Post-secular Society**

In this class we will look at contemporary debates disproving the theory of secularization.

Assigned readings:

Frank J. Lechner, The Case against Secularization: A Rebuttal Frank J. Lechner, *Social Forces*, Vol. 69, No. 4 (Jun., 1991)

Introduction in J. Casanova “Public Religions in the Modern World”, (The University of Chicago Press, Chicago, 1994)

**Class 6**

**Religion, Capitalism and Economics**

In this class we will get acquainted with Max Weber's work on religion and capitalism as well as the debates in the emerging field of Economy of Religion.

Max Weber on Capitalism, Bureaucracy and Religion (London : Allen & Unwin, 1983) 109-137.

Iannaccone, Laurence R. "Introduction to the Economics of Religion." *Journal of Economic Literature* 36, no. 3 (1998): 1465–95.

Finke, Roger, and Laurence R. Iannaccone. "Supply-Side Explanations for Religious Change." *The Annals of the American Academy of Political and Social Science*, vol. 527, 1993, pp. 27–39.

**Class 7**

**Religious Influence in Politics**

In this class we will look at the influence of religion in politics and especially in civil rights movements, the abortion debate and slavery as well as in political party participation.

Assigned readings:

Religious Influence in Politics in Law and Religion, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019. Only pp. 641-657

Bryan Fanning, Christian Democracy and the Birth of the European Union, *Studies: An Irish Quarterly Review* , Spring 2021, Vol. 110, No. 437 (Spring 2021), pp. 52-58

**Part 3: Religion, Law and Governance**

**Class 8**

**Problems of Governance: From Persecution to Toleration and Liberty**

In this class we will look at how historically religion has interacted with the state from persecution to toleration and early ideas of protection of religious liberty.

Assigned readings:

“Formative Tensions in the History of Religious Freedom” in Law and Religion, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019. **Only pp. 3-27.**

**Class 9**

**Secularization of the Nation State**

In this class we will look at the place that religion plays in the liberal nation state and especially in state decision-making.

Assigned readings:

Paul J. Weithman, Introduction: religion and the liberalism of reasoned respect / Paul J. Weithman in Religion and Contemporary Liberalism, Notre Dam, 1997.

Excerpts from:

John Rawls, A Theory of Justice (Cambridge, Massachusetts; London, England: Harvard University Press, 2005).; John Rawls, Political Liberalism (New York: Columbia University Press, 1993).

152 Ronald Dworkin, A Matter of Principle (Cambridge, Massachusetts; London, England: Harvard University Press, 1985)

**Class 10**

	<p style="text-align: center;"><b>Modes and Models of Religion-State Relationships</b></p> <p>In this class we will look at different models of religion-state relationships that exist across the world.</p> <p>Assigned readings:</p> <p>Excerpts from:  “Comparative Constitutional Perspectives on Religion-State Relationships” in Law and Religion, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019.</p> <p style="text-align: center;"><b>Class 11</b></p> <p style="text-align: center;"><b>Contemporary Conundrums in Legal Protection of Freedom of Religion and Belief</b></p> <p>In this class we will look at conflicts and tensions between religious freedom claims and other rights and protected categories such as gender, race and sexual minorities.</p> <p>Assigned readings:</p> <p>Excerpts from:  “Religious Conflict and Tensions Between Religious Freedom and Other Rights” in Law and Religion, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019.</p> <p style="text-align: center;"><b>Class 12.</b></p> <p style="text-align: center;"><b>Unfinished business: The Debates That Made us Think (harder)</b></p>
<b>Materials/Recommended readings</b>	

**Assessment/Exam**

The assessment and grading is tailored in a way to motivate students to read the assigned materials before class and to engage in in-class debates. Thus, 70% of the grade will be formed based on in-class participation, some of which will require home preparation.

*30% class participation*

Awarded based on in-class participation in debates linked to the readings and beyond.

Assessment criteria:

Displayed comprehension of the readings;  
Critical assessment of the readings;  
Capability of linking the readings to other literature discussed in previous classes and beyond.

*20% in-class presentation (fun facts)*

Every class we will have one or more assigned presenters (depending on the size of the class) that will have to provide a 10-15 min in-class presentation on the author of the paper assigned for that particular class.

*20% class overview (due for class 12).*

Class 12 will be devoted to reviewing the whole course and finish off discussions, debates and issues that ignited most attention during the course. For this class, students will have to prepare a list of their most engaging topics and offer novel perspective(s) on topics previously discussed, in light of the knowledge gained from the course as a whole.

*30% written assignment (2500 words)*

The final assignment is a written assignment of up to 2500 words (footnotes excluded).