



Title	<u>Contemporary Issues and Tensions in Law and Religion</u>
Lecturers:	Dr. Dorjana Bojanovska Popovska Bojanovska_Dorjana@alumni.ceu.edu
Brief description	Brief introduction: Each point in time is characterized with its own specific traits contingent upon the overall conditions of society and the developments of governing structures aiming to regulate them. The feature of our times, as far as law and religion is concerned, seems to be (re)emergence of tensions between freedom of religion and belief (FORB) and other competing/conflicting rights, the boundaries of religious freedom and the role of religion in law and politics. The aim of this course is to deepen student's understanding of the origins and nature of contemporary issues and tensions in the field of law and religion; and to equip them with the tools to analyze their impact in comparative perspectives. The course will be divided into 2 parts. Part 1 will look at contemporary tensions that (re)define the role of religion in the liberal state. Part 2, will look at the tensions that arise between FORB and other rights. Learning Outcomes: To be able to understand the origins and nature of contemporary issues and tensions in the field of law and religion. To be able analyze the impact of these tensions in comparative perspectives. To be able to analyze and contribute to debates on the role of religion the state. To be able to compare different approaches that courts have to FORB. To understand the contemporary challenges posed by emerging conflicts between freedom of religion and other rights.
Schedule	Class 1 Introductory Class Part 1 The role of religion in the liberal state Class 2 Religion and the Liberal State - Theoretical considerations Class 3 God and/in the Constitution

	<p>Class 4 Religion in Politics: Public Office and Political Parties</p> <p>Class 5 Beyond Politics: CSO’s and Transnational Networks</p> <p>Part 2 Tensions between (FORB) and other rights</p> <p>Class 6 The protection of FORB in International Human Rights Law and the Conundrum of the (mis)appropriation of Rights</p> <p>Class 7 FORB and Freedom of Expression</p> <p>Class 8 Religious Symbols in the Public Sphere</p> <p>Class 9 FORB and Gender</p> <p>Class 10 FORB and LGBTI+ rights</p> <p>Class 11 Litigating FORB</p> <p>Class 12 Unfinished business: The Debates That Made us Think (harder)</p>
<p>Materials/ Recommended readings</p>	<p>Selected readings (more to follow and excluding case-law)</p> <p>Excerpts from: Law and Religion, W.C Durham Jr. and B. Scharffs, Aspen Publishings 2019.</p> <p>Greenawalt, Kent “The Role of Religion in a Liberal Democracy: Dilemmas and Possible Resolutions.” Journal of Church and State 35, no. 3 (1993): 503–19.</p> <p>Urbinati, N. (2010), Laïcité in Reverse: Mono-Religious Democracies and the Issue of Religion in the Public Sphere. Constellations, 17: 4-21</p> <p>Bryan Fanning, Christian Democracy and the Birth of the European Union, Studies: An Irish Quarterly Review , Spring 2021, Vol. 110, No. 437 (Spring 2021)</p> <p>Witte, John and Pin, Andrea, Faith in Strasbourg and Luxembourg: The Fresh Rise of Religious Freedom Litigation in the Pan-European</p>

	<p>Courts (2021). “Faith in Strasbourg and Luxembourg: The Fresh Rise of Religious Freedom Litigation in the Pan-European Courts,” Emory Law Journal 70 (2021): 587-661, Available at SSRN: https://ssrn.com/abstract=3959074</p> <p>Gráinne de Búrca, Katharine G Young, The (mis)appropriation of human rights by the new global right: An introduction to the Symposium, International Journal of Constitutional Law, Volume 21, Issue 1, January 2023, Pages 205–223</p> <p>Zoë Robinson, Lobbying in the Shadows: Religious Interest Groups in the Legislative Process, 64 Emory L. J. 1041 (2015).</p>
Assessment/Exam	<p>Assessment and grading:</p> <p>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, 60% of the grade will be formed based on in-class participation, some of which will require home preparation.</p> <p>20% class participation</p> <p>Awarded based on in-class participation in debates linked to the readings and beyond. Assessment criteria:</p> <p>Displayed comprehension of the readings; Critical assessment of the readings; Capability of linking the readings to other literature discussed in previous classes and beyond.</p> <p>30% in-class presentation (fun facts)</p> <p>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 or the background on the case(s) included.</p> <p>10% class overview (due for class 12).</p> <p>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.</p> <p>40% written assignment (2500 words)</p> <p>The final assignment is a written assignment of up to 2500 words (footnotes excluded).</p>