

LL4042V/LL5042V/LL6042V: LAW & RELIGION

Within the widespread phenomenon of the (re)emergence of religion into issues of public debate, one of the most salient issues confronting contemporary societies is how religious considerations might, if at all, impact the formulation of legal norms and how the law may deal with issues of freedom of religion and especially freedom of religious expression. In contemporary short-hand these issues are referred to under the rubric of religion in the public sphere (or public square). Undoubtedly, the law acts as a critical regulator of these issues as well as being the site where many of these debates take place.

This course explores these issues through three focal points. First, we will examine the ideas of some major thinkers in legal and political theory who have theorised about the relationship of law and religion. Our starting point for this will be the seminal contribution of John Rawls's work *Political Liberalism*. After looking at Rawls's theory we will turn to responses and reactions to Rawls from other prominent thinkers.

Second, we will examine 'religio-legal' cultures and traditions, particularly those prominent in Asia, to understand how they expressed and represented the relationship of law and religion.

Finally, we will look at selected case studies – instance where law and religion have directly encountered each other – as points of reflection and discussion.

At the end of the course participants should be able to:

1. Demonstrate familiarity with major thinkers and their positions on the role of religion in public life and in the shaping of law;
2. Understand how different religio-legal traditions might understand their interface with state law;
3. Have considered how legal and religious traditions might and should interact in different contexts; and,
4. Address a major theoretical or applied issue in contemporary discussions about the interaction of law and religion.

Seminars 1-5 will deal with important theoretical perspectives on the interface of law and religion. Seminars 6-8 will consider different 'religio-legal' traditions, with an emphasis on Asia. Seminars 9-10 will address contemporary law and religion issues and Seminars 11-12 will largely be given over to presentations by students in support of their research papers.

The topics are:

SEMINAR ONE: INTRODUCTION TO THE MODULE – MODELS OF LAW AND RELIGION INTERACTION

SEMINAR TWO: THEORISING LAW AND RELIGION: JOHN RAWLS

SEMINAR THREE: THEORISING LAW AND RELIGION: LIBERAL AND THEOLOGICAL PERSPECTIVES

SEMINAR FOUR: THEORISING LAW AND RELIGION: HABERMAS AND WEITHMAN

SEMINAR FIVE: THEORISING LAW AND RELIGION: GREENAWALT, LEITER AND POST-SECULARISM

SEMINAR SIX: RELIGIO-LEGAL TRADITIONS: ISLAMIC LAW

SEMINAR SEVEN: RELIGIO-LEGAL TRADITIONS: CANON LAW

SEMINAR EIGHT: RELIGIO-LEGAL TRADITIONS: HINDU LAW

SEMINAR NINE: RELIGION, LAW AND POLITICS: RECENT DEBATES IN SINGAPORE

SEMINAR TEN: RELIGION, LAW AND POLITICS: RECENT DEBATES (CASE STUDY)

SEMINAR ELEVEN: PAPER PRESENTATIONS

SEMINAR TWELVE: PAPER PRESENTATIONS