Religion, Liberalism and the State: the Case of Islam

Fall 2016 (Prof. Fadel)

(10:30 - 12:20, P 363 in the Law Library)

Course Outline and Reading Assignments

Meeting 1 – September 6

Topic 1: Introduction to Political Liberalism and Its Relationship to Religion

Mandatory Readings:


Meeting 2 – September 13

Topic 2: Secularization, Political Liberalism and Religion

Mandatory Readings:


Meeting 3 – September 20

Topic 3: Religious Critics of Political Liberalism

Mandatory Readings:


**Meeting 4 – September 27**

*Topic 4: Constitutional Law of Religious Freedom – the Canadian and United States Experiences: Basic Doctrines*

• *Reynolds v. United States*
• *United States v. Seeger*
• *Employment Division v. Smith*

**No class October 4**

**Meeting 5 – October 7 (make up class for October 4)**

*Topic 4, continued: Constitutional Law of Religious Freedom – the Canadian and United States Experience: Religious Exemptions*

Mandatory Readings:

• *Multani v. Commission scolaire Marguerite-Bourgeoys and Attorney General of Quebec*
• *Religious Freedom Restoration Act*
• *Hosanna-Tabor Evangelical Lutheran Church v. Equal Employment Opportunity Commission*
• *Burwell v. Hobby Lobby Stores, Inc.*
Additional Readings:


Meeting 6 – October 11

Ticket 5: Multiculturalism and Politically Liberal States

Mandatory Readings:


Additional Readings:


Meeting 7 – October 18

Topic 6: Islamic Law, Muslim Minorities and Liberal Citizenship

Mandatory Readings:

• Khaled Abou el Fadl, Islamic Law and Muslim Minorities: the Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries, 1 Islamic Law and Society no. 2, pp. 141 – 187.

Additional Readings:

Meeting 8 – October 25

Topic 7: Pre-Modern Theories of Islamic Government

Mandatory Readings:


Additional Readings:


November 2 – class cancelled

Meeting 9 – November 10

Topic 8: Modern Islamic Political Thought


Meeting 10 – November 11 (make up class for November 2)

*Topic 8: Modern Islamic Political Thought* (continued)

**Mandatory Readings:**

- Mohammad Fadel, *Islamic Law Between Reinterpretation and Democracy* (forthcoming)

No Class November 17 (reading week)

Meeting 11 – November 24

*Topic 9: Muslims, Islamic Law and Europe*

**Mandatory Readings:**

- *Refah Partisi (Welfare Party) and Others v. Turkey*, European Court of Human Rights
- *Layla Şahin v. Republic of Turkey*, European Court of Human Rights
- *The Formation of a European Shari’a*, Mathias Rohe in *Muslims in Europe: From the Margin to the Centre*, Jamal Malik (ed.)
- *Unveiling Distribution: Muslim Women with Headscarves in France and Germany*, Pascale Fournier and Gökçe Yurdakul in *Migration, Citizenship, Ethnos* Y. Michal Bodemann and Gökçe Yurdakul (eds.)

**Additional Readings:**


Meeting 12 – December 1

*Topic 10: The Ontario Shari’a Arbitration Controversy of 2004 – 2005*

**Mandatory Readings:**

• Submission of Muslim Canadian Congress to Ms. Marion Boyd, August 26, 2004.
• Submission of Women’s Legal Education and Action Fund to Ms. Marion Boyd, September 17, 2004.

Additional Readings: