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 5

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

Mandatory Readings:


Meeting 2 – September 12

*Topic 2: Secularization, Political Liberalism and Religion*


Meeting 3 – September 19

*Topic 3: Religious Critics of Political Liberalism*

Mandatory Readings:


Meeting 4 – September 26

*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*

Meeting 5 – October 3

*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 10

**Topic 5: Multiculturalism and Politically Liberal States**

**Mandatory Readings:**


**Additional Readings:**


Meeting 7 – October 17

**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:**


No Class – October 24
Meeting 8 – October 31

Topic 7: Pre-Modern Theories of Islamic Government

Mandatory Readings:


Additional Readings:


No Class – November 7 (Reading Week)

Meeting 9 – November 14

Topic 8: Modern Islamic Political Thought


Meeting 10 – November 21

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

Mandatory Readings:


Meeting 11 – November 28

*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 Shar’i’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 – Date to be determined

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

Mandatory Readings:

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

Additional Readings: