

FACULTY OF LAW, UNIVERSITY OF VICTORIA  
2010-11 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION<sup>1</sup>

COURSE	Law 379 Law and Religion
UNIT VALUE	1.5 Units (3 hours per week)
INSTRUCTOR	Benjamin Berger
TERM OFFERED	Spring 2011
CLASS TIMES	See Schedule
PREREQUISITES/CO-REQUISITES	None

## COURSE DESCRIPTION

Students enrolled in this seminar will engage in a close and critical examination of the complex historical and contemporary interactions between law and religion, two social forces whose relationship has shaped – and continues to shape – our modern world. Students will begin by considering the nature of religious belief, identity, and belonging, examining certain influential theories of religion developed in philosophy, anthropology, psychology and sociology, as well as modern approaches to and theories about the study of religion. After briefly exploring aspects of the deep historical relationship between law and religion, the seminar will focus upon contemporary issues involving the relationship between law and religion in the modern liberal state, canvassing such issues as: the meaning of “secularism”; religion and religious reasoning in the public sphere; the constitutional status of religion, including religious freedom and equality and their relationship to other constitutional rights and public interests; religion and education; law, religion, and morality; and comparative issues in law and religion.

## OBJECTIVES

My purpose in this course is to establish a community of inquiry into the complex relationship between law and religion. In addition to providing an opportunity to explore contemporary issues arising from this relationship, my objective is also to provide you with an opportunity to explore a variety of perspectives on and approaches to issues of law and society. I will ask you to push yourself to engage with challenging material; in exchange, I am committed to feeding your curiosity, expanding and deepening your knowledge in this area, and helping you to develop your analytic skills. Finally, among my objectives is to have you undertake sophisticated, creative research and to refine your oral and written communication skills. To this end, my hope is that students will:

- Gain an appreciation for the key ideas and debates that – both historically and in contemporary society – inform the relationship of law and religion;
- Become familiar with the doctrinal issues at play in law and religion in Canada today;
- Develop a rich understanding of the nature of both religion and the constitutional rule of law in the modern liberal state, including the relationship of both to identity, power, truth and equality;
- Wrestle with both the promise and limits of legal multiculturalism as it applies to religion;
- Engage in passionate, reasoned, and informed discussion with colleagues on issues of central importance to contemporary Canadian society;
- Develop skills in research and writing, as well as critical oral and written communication skills;
- Enjoy engaging with one of the most fascinating, complex, theoretically rich, and practically important areas of contemporary Canadian law.

## METHODOLOGY

This course will take the form of an advanced seminar. For the most part, topics will be arranged in a weekly block, allowing an initial class to familiarize ourselves with the relevant theories, problems, readings, and case law, followed then by a second class that will involve attention to particular issues and further discussion arising from points of interest from the first class. Although I will sometimes provide you with context-setting lectures (usually in the first of our two weekly classes) the bulk of our class time will be spent in seminar discussions, academic exercises, and, when possible, engaging with guest speakers.

## EXPECTED EVALUATION METHODOLOGY

There will be no final examination. Evaluation method will likely be similar to past years. Last year’s evaluation method was:

- (1) A **research paper** of 20-25 pages worth 80% of your final grade;
- (2) A **commentator assignment**, worth 15% of your final grade;
- (3) **Course participation**, including participation in class exercises and discussions, completion of the essay description and preliminary outline/summary requirements, and class attendance, worth 5% of your final grade.

A limited number of students will be permitted to write a longer paper in fulfillment of their major paper requirement.

*April 1, 2010*

<sup>1</sup> The information in this document is provided for course registration purposes only and is *subject to change*. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services ([lawmaass@uvic.ca](mailto:lawmaass@uvic.ca)).