

LAW AND RELIGION

24261 LAWS 2210 01 (3 Credits / 2 hours class time weekly/ Major paper course)

SYLLABUS

Fall, 2018

PROFESSOR DIANA GINN

Contact Information:

Office: #433
Telephone: 494-2798 (o); 423-2319 (h)
E-mail: d.ginn@dal.ca
Office hours Monday, 3:30 - 4:30. Please note that I am also available to meet outside office hours. You may make an appointment to see me at another time, drop by if my office door is open, or phone me.

Email Communication with Students:

Emails sent to students will use their dal.ca email address and will have the re line: Law & Religion. Please read these! Students will be deemed to have received course information sent by email. Contact regarding class cancellation or other unforeseen circumstances will be done through **Brightspace**.

Class Time/Location: Wednesday 4:30 to 6:30, 308

Course Materials: Online, using Brightspace

Focus of the Course: This course focuses on the relationship between law and religion in Canada, a secular, democratic, multi-faith state, with constitutional protection for freedom of religion. Themes explored in class include: what do we mean by secularism and by religion; how the law both protects and limits religious practice; judicial responses to conflicts between freedom of religion and other rights; specific topics that may vary from year to year (this year: freedom of religion and the family, faith-based arbitration); and the interaction between secular and religious law. In choosing paper topics, students are encouraged to investigate a wide range of issues relating to law and religion, and are not limited to the topics discussed in class.

Teaching Method: This course is a seminar course and will proceed primarily by class discussion. Students are expected to come to class having read the materials and must be prepared to engage actively in class discussion. **Please note that, in order to encourage discussion, laptops are not to be open during class (except if a student is using theirs during their class presentation).** Further, cell phones are not to be used during class time (other than in an emergency).

Evaluation:

Major Paper: 70% Due: Thursday, December 20, 2018 at 9 a.m.

- All students should meet with me to identify a suitable topic. Note: if you are struggling to find even a general topic area, you may find it helpful to consult the “Religious Institutions” Title in *Halsbury’s Laws of Canada* (on reserve) for an overview of the legal issues relating to religion that have arisen in Canada.
- By October 3, 2018 at 4 pm, you must submit to me a brief written outline of your paper topic (1-2 pages) as well as a list of sources consulted to date. I will then meet with each of you to discuss your outline.
- Outlines must be submitted electronically. Please note that with electronic submission, the student bears the risk of any problems with transmission. When I receive the outline, I will respond to let you know. So, if you do not hear from me by the end of that day, that means I have not received it!
- Paper topics must be approved by me. This is not meant to limit the range of topics addressed by students, but instead to ensure that students have chosen a manageable topic that involves both law and religion.
- I will read and comment on any draft papers submitted to me before the end of classes (December 5, 2018).
- Major papers must be submitted in hard copy, to the reception desk. Please ensure that your paper is date and time stamped. Please note students are also required to provide me with an identical electronic copy of their paper by the due date. Please see below for a further note on paper submission.
- All papers must be typed, in 12 font, with 1 inch margins, double-spaced, on one side only, on letter sized paper. The length of your paper (excluding appendices and bibliography) must not be less than 25 pages. Although there is no formal upper page limit, my expectation is that most papers in this course will be between 25 and 40 pages.
- Please refer to the Dalhousie Law School website for Major Paper Guidelines and the faculty regulations on late penalties.
- Please read the note below regarding plagiarism.

Class Participation: 15 %

- Students are expected to come to class having read the materials and must be prepared to engage actively in class discussion.

Class Presentation: 8%

- At the end of term, we have two classes set aside for presentations. The class will be divided into two groups. Each student in the group that is “on” that day will give a 10 minute presentation, responding to the question: “Reflecting on what you have read/ learned/ discussed in this class, what has most struck you (whether: most surprised you, most captured your imagination, most caused you to disagree, most caused you to change your mind, etc) and why? This assignment does not require further research beyond the class materials and class discussion, but is required to be more than merely descriptive.
- In class on September 26, students will sign up for the date of their class presentation.

Reaction Papers: 7%

- Each student must write 2 reaction papers, each worth 3.5% (for a total of 7 %).
- These are brief, 3 page informal responses to the reading for an upcoming class. All reaction papers must be typed, in 12 font, with 1 inch margins, double-spaced, on one side only, on letter sized paper.
- Reaction papers do not require any additional research.
- You may decide which two sets of readings you wish to respond to.
- In the reaction papers, students must engage in a critical discussion of one or more aspects of the readings and should not simply summarize the readings.
- Reaction papers must be submitted by noon on the Wednesday for which the readings in question were assigned.
- Reaction papers must be submitted electronically. Please note that with electronic submission, the student bears the risk of any problems with transmission. Once I receive it, I will respond to let you know. So, if you do not hear from me by the end of that day, that means I have not received it!
- I may sometimes use points from the reaction papers as the basis for discussion in class. If you do not want me to refer in class to a particular reaction paper that you write, make sure you indicate this on the reaction paper itself.

Grading: Letter/ Mark Co-relation

A+	85 and above
A	80-84
A-	78, 79
B+	75-77
B	70-74
B-	68, 69
C+	65-67
C	60-64
D+	55-59
D	50-54
F	Under 50

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html> Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. **Ignorance of the policies on plagiarism will not excuse any violation of those policies.**

4. General Academic Support

https://www.dal.ca/campus_life/academic-support/advising.html

5. Fair Dealing Guidelines

<https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

CLASS SCHEDULE

Unless otherwise indicated, readings are posted on Brightspace for each class

Date	Topic(s)
<p>Class 1, Sept 5</p>	<p>Introduction to course</p> <ul style="list-style-type: none"> • Please bring syllabus to class <p>Introduction to core ideas:</p> <ul style="list-style-type: none"> • What do we mean by secularism? Pluralism?
<p>Class 2, Sept 12</p>	<p>Introduction to core ideas:</p> <ul style="list-style-type: none"> • What do we mean by religion? • Overview of relevant legal framework • Pre-Charter protection for freedom of religion • Introduction to s. 2(a) of the Charter <p>How to write a major paper</p> <ul style="list-style-type: none"> • Choosing a topic • Research • Developing an outline <p><u>Note on this portion of the class:</u></p> <ul style="list-style-type: none"> • We will return to this topic in a later class (see class 7). • Please start to familiarize yourselves with the guidelines regarding major papers, as found in the academic regulations (see law school website).
<p>Class 3, Sept 19</p>	<p>The Charter and Freedom of Religion</p> <ul style="list-style-type: none"> • Protection for, and limitations on, religious belief and practice
<p>Class 4, Sept 26</p>	<p>The Charter and Freedom of Religion (continued)</p> <ul style="list-style-type: none"> • Protection for, and limitations on, religious belief and practice <p>Sign up for class presentations</p>
<p>Class 5, Oct 3</p>	<p>Balancing rights and freedoms (i.e. how does the law respond when freedom of religion is in conflict with other rights and freedoms?)</p> <ul style="list-style-type: none"> • Within the Charter • Within human rights legislation <p>Outline of paper topic due by 4 pm</p>

Class 6, Oct 10	Interaction between secular and religious law (Introduction to Islamic law) Guest speaker; Professor Arif Jamal
Class 7, Oct 17	Faith based arbitration (1 hour) How to write a major paper ((1 hour) <ul style="list-style-type: none"> • Moving from research to writing • Developing ideas and analysis • Keeping a manageable focus
Class 8, Oct 24	Freedom of religion and the family
Class 9, Oct 31	Interaction between secular and religious law (Introduction to Jewish law) <ul style="list-style-type: none"> • Guest speaker: Rabbi David Ellis <p>Note: Rabbi Ellis has kindly provided readings on a wide range of topics. While most of the readings are fairly brief, I realize that you may not have time to read every posting. Instead, please choose 4 or 5 topics that are of particular interest to you, and focus on reading those.</p>
Class 10, Nov 7	Interaction between secular and religious law (Catholic canon law and the sexual abuse scandal) <ul style="list-style-type: none"> • Guest speaker: Professor Rob Currie
Nov 14	No class, Fall Break
Class 11, Nov 21	Class presentations
Class 12, Nov 28	Class presentations