INTRODUCTION

Despite formal guarantees entrenched in modern international conventions and national constitutions, religious freedom and the rights of religious minorities have emerged as contentious and charged issues in human rights law, politics and praxis. There are multiple reasons for this, including the increased salience of religious identity in the world, and the intellectual and political resistance posed to secularist assumptions about human flourishing by a variety of social movements. While the larger consequences of such developments are unknown, what is clear is that the right to religious freedom has become a key site of legal and political struggles to negotiate individual and communal relations across lines of religious difference.

This course provides a critical introduction to questions of freedom, religion, community and the individual as they are today being contested in normative and legal discourses on the right to religious freedom. After considering the basic nature, scope and history of the right to religious liberty in the UN and European human rights regimes, the course will focus on:

(1) the case law of the European Court of Human Rights since 2000 involving claims by religious individuals and communities (both majorities and minorities) — key among them claims to religious freedom by European Muslims — and the ways in which this jurisprudence is being challenged and unsettled by a variety of actors both inside and outside the Court;

(2) the legal and political salience of minority/majority frameworks and the protection accorded to religious minorities in a democracy;

(3) the relationship between secularism, religion and the state and different models of religion-state relations; and

(4) what religion is imagined to be in struggles over religious liberty.

SYLLABUS

MONDAY, JULY 4

9:30 am to 10:45 am
Introduction: Religious Freedom as a Human Right

Prof. W. F. Sullivan
Prof. P. Danchin
READING:


RECOMMENDED:


11:00 am to 12:30 pm
*Religious Freedom in the European Human Rights System*
Prof. K. Drzewicki

READING:


RECOMMENDED:


2:30 pm to 4:30 pm
*Case Study: OSCE – Toledo Principles on Teaching about Religion in Public Schools*
Prof. K. Drzewicki
READING:
Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, ODIHR Advisory Council of Experts on Freedom of Religion and Belief (2007)

OSCE Human Dimension Commitments, Volume 1: Thematic Compilation (Warsaw: OSCE/ODIHR, 2nd ed. 2005)

TUESDAY, JULY 5

9:30 am to 10:45 am
Religious Freedom in International Law
Prof. N. Ghanea

READING:


RECOMMENDED:


11:00 am to 12:30 pm
Religious Freedom and the UN System of Protection
Prof. N. Ghanea

READING:


RECOMMENDED:

Malcolm Evans, Religious liberty and international law in Europe (Cambridge University Press, 1997), pp. 172-261

**2:30 pm to 4:30 pm**  
*Case Study: Religious Minorities in the Middle East*  
Prof. N. Ghanea

**READING:**  


**RECOMMENDED:**  


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**WEDNESDAY, JULY 6**

**9:30 am to 10:45 am**  
*What is “religion”? How is it “governed”?*  
Prof. W. F. Sullivan  
Prof. E. S. Hurd

**READING:**  
Isaac Bashevis Singer, *In My Father’s Court* (Farrar, Straus and Giroux, 1991), Author’s Note & Chapters 1-5


**RECOMMENDED:**  
Tomoko Masuzawa, *Inventing World Religions: Or How European Universalism was Preserved in the Language of Pluralism* (University of Chicago, 2005)

11:00 am to 12:30 pm  
*Case Study: the Jewish Free School case*

Prof. W. F. Sullivan  
Prof. E. S. Hurd

**READING:**

*R(on the application of E) v Governing Body of JFS* [2009] UKSC 15, 16 December 2009


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**THURSDAY, JULY 7**

9:30 am to 11:00 am  
*Secular Liberalism and its Normative Demands*

Prof. S. Mahmood

**READING:**


11:00 am to 12:30 pm  
*Şahin & Dogru (ECHR); Case No. 8 of Judicial Year 17 (Egyptian Supreme Court)*

Prof. S. Mahmood

**READING:**


**RECOMMENDED:**

2:30 pm to 4:30 pm
Case Study: “European identity and the ‘Muslim problem’”
Prof. C. Hirschkind

READING:


FRIDAY, JULY 8

9:30 am to 10:45 am
Religious Freedom and Religious Symbols

Prof. E. S. Hurd
Prof. W. F. Sullivan

READING:

Lautsi v Italy, Application No. 30814/06, 18 March 2011 (Grand Chamber)

11:00 am to 12:30 pm
Lautsi in Context

Prof. E. S. Hurd
Prof. W. F. Sullivan

READING:


**RECOMMENDED:**


**2:30 pm to 4:30 pm**

*Transnational politics of religious freedom*

Prof. E. S. Hurd
Prof. W. F. Sullivan

**READING:**


**RECOMMENDED:**


**SATURDAY, JULY 9**

**9:30 am to 10:45 am**

*Religious Freedom and Legal Pluralism: Should European States Recognize Islamic Law?*

Prof. E. S. Hurd
Prof. S. Mahmood
Prof. W. F. Sullivan
Prof. P. Danchin

**READING:**


**RECOMMENDED:**

11:00 am to 12:30 pm

Conclusion: Politics of Religious Freedom