POLS3960
Law & Religion
Fall 2025
(This syllabus is subject to change at the discretion of the instructor)

Course & Instructor Information

Instructor: Dr. Faisal Kamal
Email: faisal.kamal@utah.edu
Location: GC 5680

Course Time: Mon/Wed 3:00-4:20pm
Office Hours: Mon/Wed 4:30-6:00pm GC 3350

Course Description

This course explores the relationship between law, religion, and politics from a comparative perspective. Religion and law are often at odds with each other. These clashes regularly occur over jurisdiction (state law vs. religious law), interpretation (what counts as religion), and hegemony (state sovereignty and its challengers). The course will explore the role and politics of legal actors in participating as well as wading through dense and vexing controversies that implicate law and religion. Some questions that we will explore include: what counts as religion in law? Does the American Supreme Court conceptualize religion in primarily protestant terms? Can courts grant exceptions from laws of general applicability on the grounds of religious conscience? Should state funds be used for religious schools? Should courts have the power to ban religious parties?

Some themes that we will cover include: the sincerity test in the US; the secularization of law in North America; blasphemy politics; restrictions on temple entry in India; corporatization of individual religious liberty; the accommodation of religious symbols (and attire) in the public sphere; the liberalization of ecclesiastical law of the Church of England; bureaucratic recognition of minority religious identity in Egypt and Malaysia; dominant (and dormant) religions and multiculturalism; and the rise of religious confessional parties, to name a few.

Course Requirements:

Requirement type	**Weight**
In-class exercises x10 (only 8 highest will count towards the final grade)	32
Secularization/desecularization pop culture artifact	3
Attendance	5
Midterm Test	20
Final Exam	35
TOTAL	**100**

1) In-class exercises: there will be 10 opportunities to complete in-class exercises (~10 minutes). They will vary from week to week, but some examples include word match puzzles, multiple choice questions, crossword puzzles, and response papers to name a few. These are meant to be low stakes exercises that are based on the readings. Essentially, it is an incentive to read *efficiently* and develop regular *note-taking* habits. No electronic aid is allowed during the exercise with the exception of hand-written notes.

2) Pop culture artifact: each student will post (on Canvas) a pop culture item, such as a meme, TikTok, YouTube Shorts, image, GIF, Reddit post, etc. with a brief 150-word discussion of i) why they thought it was interesting/thought provoking, ii) how it relates to either secularization or desecularization, and iii) how it sheds light on our class discussion and readings. You will be expected to share your insights (~1-2 minutes) in class.

3) Attendance: Students are expected to regularly attend the lectures. You cannot do well on the midterm or exam unless you have been paying attention in class. As an incentive to attend class, the following scale will be used: if you attend 24 (or more) out of 28 lectures you will get 100%; if you attend between 19 and 23 you will get 85%; if you attend between 14 and 18 you will get 65%; if you attend between 11 and 13 you will get 50%; if you attend less than 11, *you will get zero*. BONUS: if you attend all 28, I will add 2% to your final course grade.

4) Midterm and final exam: the midterm and exam are an opportunity to demonstrate your understanding and grasp of the course material, your ability to synthesize different arguments, perspectives, theories, and cases, and *applying* theoretical knowledge to specific cases. The midterm will consist of two essay-style questions (you'll be given some choice). The final exam will consist of three essay-style questions (out of 5 questions).

Class Schedule:

Week 1, Aug 18 & 20 | Introduction & How did we get here? The path(s) to secularization

Taylor, Charles. 2007. *A Secular Age*. Belknap Press of Harvard University Press.

Kahn, Paul W. 2016. "The Jurisprudence of Religion in a Secular Age: From Ornamentalism to Hobby Lobby." *The Law & Ethics of Human Rights* 10 (1): 1–30.

Week 2, Aug 25 & 27 | Constitutional design and religious clauses

Scott, Rachel M. 2021. *Recasting Islamic Law: Religion and the Nation State in Egyptian Constitution Making*. Cornell University Press. (Intro)

Schonthal, Benjamin. 2016. "The Impossibility of a Buddhist State." *Asian Journal of Law and Society* 3 (01): 29–48. https://doi.org/10.1017/als.2016.4.

Week 3, Sept 3 | Secularization and de-secularization

McIvor, Meadhbh. 2020. *Representing God: Christian Legal Activism in Contemporary England*. Princeton University Press. (Intro and Chap 1).

Week 4, Sept 8 & 10 | Understanding religion in law

Sullivan, Winnifred Fallers. 2006. "Comparing Religions, Legally." *Washington and Lee Law Review* 63 (3): 913–28.

White, James Boyd. 1998. "Talking about Religion in the Language of the Law: Impossible but Necessary." *Marquette Law Review* 81 (2): 177–202.

Week 5, Sept 15 & 17 | The essential practice test in India

Sen, Ronojoy. 2010. *Articles of Faith: Religion, Secularism, and The Indian Supreme Court*. Oxford University Press. (Intro and Chap 2)

Week 6, Sept 22 & 24 | Temple entry in India

Acevedo, Deepa Das. 2023. *The Battle for Sabarimala: Religion, Law, and Gender in Contemporary India*. Oxford University Press. (Intro)

John, Mathew. 2023. *India's Communal Constitution: Law, Religion and the Making of a People*. Cambridge University Press. (Intro)

Week 7, Sept 29 | Minority religious identity and bureaucratic politics

Moustafa, Tamir. 2018. *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*. Cambridge University Press.

Oraby, Mona. 2024. *Devotion to the Administrative State: Religion and Social Order in Egypt*. Princeton University Press.

Oct 1 | Midterm Test (in class)

Fall Break

Week 8, Oct 13 & 15 | Religious motivations in jurisprudence

Przybyszewski, Linda. 2021. "Religious Liberty Sacralized: The Persistence of Christian Dissenting Tradition and the Cincinnati Bible War." *Law and History Review* 39 (4): 707–36.

Banner, Stuart. 1998. "When Christianity Was Part of the Common Law." *Law and History Review* 16 (1): 27–62. https://doi.org/10.2307/744320.

Week 9, Oct 20 & 22 | Religion, public sphere, and national identity

Beaman, Lori G. 2013. "Battles Over Symbols: The 'Religion' of the Minority Versus the 'Culture' of the Majority." *Journal of Law and Religion* 28 (1): 67–104.

Gutterman, David S., and Andrew R. Murphy. 2014. "The 'Ground Zero Mosque': Sacred Space and the Boundaries of American Identity." *Politics, Groups, and Identities* 2 (3): 368–85. https://doi.org/10.1080/21565503.2014.926822.

Week 10, Oct 27 & 30 | Outlawing religious parties

Kogacioglu, Dicle. 2004. "Progress, Unity, and Democracy: Dissolving Political Parties in Turkey." *Law & Society Review* 38 (3): 433–61.

Week 11, Nov 3 & 5 | Ecclesiastical law and the principle of neutrality

Laycock, Douglas. 2012. "Hosanna-Tabor and the Ministerial Exception." *Harvard Journal of Law & Public Policy* 35 (3): 839–62.

Rivers, Julian. 2010. *The Law of Organized Religions: Between Establishment and Secularism*. Oxford University Press.

Week 12, Nov 10 & 12 | Utopian societies and communes

Stolzenberg, Nomi M, and David N Myers. 2021. *American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York*. Princeton University Press.

Abbott, Carl. 2015. "Revisiting Rajneeshpuram: Oregon's Largest Utopian Community as Western History." *Oregon Historical Quarterly* 116 (4): 414–47.

Week 13, Nov 17 & 19 | Sincere beliefs and autonomy

McCrary, Charles. 2022. *Sincerely Held: American Secularism and Its Believers*. The University of Chicago Press. (Intro and Chap 1)

Week 14, Nov 24 & 26 | Corporatization of religious liberty

Scherer, Matthew. 2015. "The New Religious Freedom: Secular Fictions and Church Autonomy." *Politics and Religion* 8 (3): 544–64.

Sullivan, Winnifred Fallers. 2020. *Church State Corporation: Construing Religion in US Law*. University of Chicago Press.

Oman, Nathan B. 2021. "'Established Agreeable to the Laws of Our Country': Mormonism, Church Corporations, and the Long Legacy of America's First Disestablishment." *Journal of Law and Religion* 36 (2): 202–29.

Week 15, Dec 1 & 3 | Conclusion

TBD

University Policies

Americans With Disabilities Act (ADA)

The University of Utah seeks to provide equal access to its programs, services, and activities for people with disabilities. All written information in this course can be made available in an alternative format with prior notification to the Center for Disability & Access (CDA). CDA will work with you and the instructor to make arrangements for accommodations. Prior notice is appreciated. To read the full accommodations policy for the University of Utah, please see Section Q of the Instruction & Evaluation regulations.

In compliance with ADA requirements, some students may need to record course content. Any recordings of course content are for personal use only, should not be shared, and should never be made publicly available. In addition, recordings must be destroyed at the conclusion of the course.

If you will need accommodations in this class, or for more information about what support they provide, contact:

Center for Disability & Access

801-581-5020
disability.utah.edu
Third Floor, Room 350
Student Services Building
201 S 1460 E
Salt Lake City, UT 84112

Safety at the U

The University of Utah values the safety of all campus community members. You will receive important emergency alerts and safety messages regarding campus safety via text message. For more safety information and to view available training resources, including helpful videos, visit safeu.utah.edu.

To report suspicious activity or to request a courtesy escort, contact:

Campus Police & Department of Public Safety

801-585-COPS (801-585-2677)
dps.utah.edu
1735 E. S. Campus Dr.
Salt Lake City, UT 84112

Addressing Sexual Misconduct

Title IX makes it clear that violence and harassment based on sex and gender (which includes sexual orientation and gender identity/expression) is a civil rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran's status, or genetic information.

If you or someone you know has been harassed or assaulted, you are encouraged to report it to university officials:

Office of Equal Opportunity and Title IX
801-581-8365
oeo.utah.edu
383 S. University Street
Level 1, OEO Suite
Salt Lake City, UT 84112

Office of the Dean of Students
801-581-7066
deanofstudents.utah.edu
270 Union Building
200 S. Central Campus Dr.
Salt Lake City, UT 84112

To file a police report, contact:

Campus Police & Department of Public Safety
801-585-COPS (801-585-2677)
dps.utah.edu
1735 E. S. Campus Dr.
Salt Lake City, UT 84112

If you do not feel comfortable reporting to authorities, the U's Victim-Survivor Advocates provide free, confidential, and trauma-informed support services to students, faculty, and staff who have experienced interpersonal violence.

To privately explore options and resources available to you with an advocate, contact:

Center for Campus Wellness
801-581-7776
wellness.utah.edu
350 Student Services Building
201 S. 1460 E.
Salt Lake City, UT 84112

Academic Misconduct

It is expected that students comply with University of Utah policies regarding academic honesty, including but not limited to refraining from cheating, plagiarizing, misrepresenting one's work, and/or inappropriately collaborating. This includes the use of generative artificial intelligence (AI) tools without citation, documentation, or authorization. Students are expected to adhere to the prescribed professional and ethical standards of the

profession/discipline for which they are preparing. Any student who engages in academic dishonesty or who violates the professional and ethical standards for their profession/discipline may be subject to academic sanctions as per the University of Utah's Student Code: Policy 6-410: Student Academic Performance, Academic Conduct, and Professional and Ethical Conduct.

Plagiarism and cheating are serious offenses and may be punished by failure on an individual assignment, and/or failure in the course. Academic misconduct, according to the University of Utah Student Code:

"...Includes, but is not limited to, cheating, misrepresenting one's work, inappropriately collaborating, plagiarism, and fabrication or falsification of information...It also includes facilitating academic misconduct by intentionally helping or attempting to help another to commit an act of academic misconduct."

For details on plagiarism and other important course conduct issues, see the U's Code of Student Rights and Responsibilities.