



Lakehead University
POLI 3331 FA – Religion and the Law (Fall 2021)
11:30 a.m. -1:00 p.m. Tuesday/Thursday RB3049

Instructor: Mr. Adam Schenk
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COURSE DESCRIPTION

The constitutional protection of the freedom of religious belief and practice is commonplace in liberal democracies and is identified as one of our fundamental freedoms in Canada. Religious freedoms support and complement the diverse, multicultural nature of our country. At the same time, however, religious issues can create complex problems for legislators and judges, who are respectively tasked with developing and applying the law to respond to unique religious practices and circumstances. This course will explore the complex relationship between religion and the law across a range of different legal areas. Together we will not only delve into this relationship to gain an appreciation for how religion and the law interact in different contexts, but also discuss potential changes that can, or should, take place to make this relationship more harmonious.

COURSE REQUIREMENTS AND POLICIES

Required Texts:

1. M.H. Ogilvie, *Religious Institutions and the Law in Canada*. 4th ed. (Toronto: Irwin Law, 2017).
*Referred to in this syllabus as *RILC*.
2. Richard Moon, *Freedom of Conscience and Religion*. (Toronto: Irwin Law, 2014).
*Referred to in this syllabus as *FCR*.

You are expected to have copies of both texts (either a hard copy or electronic version) with you for all classes.

Grading

- Participation 20%
- Facilitation 30% (10%; 20%)
- Overview 10%
- Final Paper 40%

Participation

This is a seminar course, not a lecture-based course. In seminar courses a majority of class time is devoted to discussing the assigned readings, with students doing the vast majority of the talking. Students are expected to fully participate in this discussion, driving it forward by thoughtfully engaging the readings and one another. The discussion should involve a respectful exchange of ideas that includes a willingness to entertain, and an attempt to understand, points of views with which we may disagree. During discussion, students should engage one another in a respectful way, listening to one another charitably, and making room for diverse points of view. Our goal should neither be to produce (nor enforce) unanimous opinion, nor to engage in empty debate. Rather our aim should be to pursue the truth together.

Students are expected to abide by the following requirements:

1. Read assigned material carefully;
2. Be prepared to discuss the readings;
3. Bring the readings to class;
4. Actively and thoughtfully engage in class discussion; and
5. Avoid excessive absences, tardies and private conversations during class.

The entirety of the above will be considered in assessing participation grades. Participation grades are not free marks for simply attending class. Both the quality and the quantity of your contributions to class discussion will be taken into consideration in determining your participation grade.

Guidelines for Submissions of All Written Assignments

All written assignments are to be submitted to me via email (awschenk@lakeheadu.ca) not through our course site. All assignments must be in PDF form; submitting your paper in PDF form ensures that I see your paper exactly as you've submitted it, whereas assignments submitted as a Word document may have inadvertent formatting issues if you've written them in an older version of Word and I open it in a newer version. Submitting in a format other than PDF attracts an automatic 10% deduction on your assignment.

In regards to late submissions, unless you experience a serious medical or personal emergency that prevents you from submitting an assignment or you have been explicitly given a prior extension from me, assignments that are not submitted by the date and time assigned will receive a grade of 0. There is no sliding scale of percentage points that you will lose if it is late by a certain number of days. For complete clarity, if your paper is emailed to me one minute after the deadline, the grade for the paper is 0. Fortunately, avoiding this penalty is extremely simple: manage your time properly and don't leave assignments until the last minute.

This policy does not, however, mean that extensions are not available in appropriate circumstances. If you have experienced a personal or medical emergency that may prevent you from submitting your assignment on time please do contact me as soon as possible to discuss a potential extension. It is incumbent on you to be as proactive as possible. Do not request extensions because you have a number of other assignments in other courses due around the same time or you simply haven't given yourself enough time to complete the assignment; time management is your responsibility and a crucial skill to develop and hone as an undergraduate student. Do not request an extension because you have suffered some type of technological mishap; make sure you're regularly backing up documents in multiple places in case something goes wrong.

Facilitation

Similar to other seminar courses, you will be tasked with helping facilitate two of our classes. You will be required to sign up for facilitation on two specific topics, one in the first half of the semester and one in the second half of the semester (a sign-up sheet will be provided in class). Your facilitation responsibilities include the following:

1. Discussion Questions: The submission of 4-5 proposed discussion questions on the assigned topic for the week and an explanation accompanying each of your questions identifying a) why you think it is an important question in relation to the specific topic and readings, and b) the discussion or responses that you hope the question would stimulate. The questions and responses should be at least one, but no more than two, pages in length, single-spaced, Times New Roman 12-point font. You do not need to quote any sources in your responses, but should write your anticipated response(s) in full sentences with proper spelling, grammar, and punctuation. Your questions and responses need to be submitted to me at least two days before your class (meaning your questions and responses should be emailed to me no later than 11:30 on the Sunday or Tuesday before your particular class as appropriate).
2. Presentation: A 6-8 minute presentation on your assigned topic at the beginning of your respective class. Your presentation will be assessed based on the following criteria:
 - a. Content: The goal of your presentation is to both summarize and explain the assigned reading for your classmates. Your presentation may also include some of your own personal thoughts and views on the subject matter, so long as the majority of your presentation is aimed at summarizing and explaining the readings. Some readings may require you to consult other sources in order to better understand the assigned topic and more effectively explain it in your presentation.
 - b. Presentation Skills: A good presentation involves speaking clearly, loudly, and at a proper pace, making eye contact with the audience and avoiding unnecessary fidgeting. Your presentation should be practiced and organized so that you are comfortable speaking “off the cuff” without having to rely on reading large portions directly from your notes. The presentation time range is wide, and you are allowed to bring a silent timer with you to keep track of how long you have been presenting; marks will be deducted if your presentation is under or over the allowable time range.

Once your presentation is complete I will take on the primary facilitating role for the rest of the class, but if we're struggling to get discussion going I may ask you some of the discussion questions directly to get our conversation moving.

Your initial facilitation is worth 10% of your final grade. Your second facilitation is worth 20% of your final grade. This gives you an opportunity to receive feedback on your initial facilitation and make adjustments and improvements in your second facilitation.

Paper and Overview

Your major project for this semester is the development of an academic research paper exploring the relationship between a particular religion (you are free to choose whichever one you would like) and the law (either in a particular nation, region, or globally). You will be tasked with developing a unique, persuasive thesis statement regarding the relationship between your chosen religion and the law.

As a part of this assignment you will have to, in addition to writing your final paper, develop and submit an overview of your paper.

I'm very happy to speak with you as you develop your paper and am willing to provide some feedback your topic or a draft thesis statement.

a. Expectations for the Final Paper

Your final paper needs to comply with the following requirements:

1. Thesis Statement: This is a formal, academic essay, which means that it must have as its foundation a persuasive thesis statement wherein you establish a meaningful and insightful position which you support throughout the body of your essay. If I have difficulty readily identifying your thesis statement when I read your introduction then there is a major problem!
2. Word Count: Your final paper must be between 3300-3600 words. Words on your title page or in your footnotes or bibliography don't count towards your word count. This word count is very wide and as a result is non-flexible; if your paper is outside the word limit expect a significant deduction to your grade.
3. Sources: You must cite at least six secondary academic sources in your paper. These are sources that you actually utilize in your paper, not simply sources that you've consulted and just included in your bibliography. For clarity, only the following types of sources will count towards your academic secondary source total: 1) academic journal articles, 2) academic books, or 3) case law. Other types of sources may be utilized where appropriate, but will not count towards your source total. Assigned texts do not count towards your source total.
4. Formatting and Citations: While I prefer papers written in accordance with the Turabian/Chicago style, I am flexible so long as your formatting is clear, consistent, and thorough. I do, however, expect the following: 1) a formal, standalone title page, 2) footnotes as opposed to endnotes or in-text references, 3) a complete bibliography, and 4) Times New Roman 12 point font used throughout your paper.
5. Deadline: Your final paper must be submitted by 11:30 a.m. on Thursday, December 2.

b. Expectations for the Overview

Your overview should cover the major elements of your paper, clearly identifying what you are arguing and briefly showing how you will be building this argument.

Your overview needs to comply with the following requirements:

1. Necessary Elements: You must have the following elements in your overview:
 - a. Title: Include a simple title for your overview, identifying your topic and also providing your name and student number.
 - b. Thesis: Your overview needs to begin with your thesis statement written in full, as it would appear in your final paper.
 - c. Overview of Major Topics: Your major areas of analysis and argument should be clearly identified and briefly explained to give the reader an idea of how you will be developing your paper. It is fine to do this with bullet points, but you should still utilize full sentences with proper spelling, grammar, and punctuation.

- d. Three Sources: Your overview needs to identify three of the academic secondary sources that you will utilize in your final paper, each accompanied with a brief statement of what the source is about and how you anticipate using it in your paper. You can choose to do this either as a separate section of your overview, or within your explanation of your major topics.
2. Formatting: Your overview should be at least one half of a page, but no more than one full page, with single-spaced, 12-point Times New Roman font throughout.
3. Deadline: Your overview is to be submitted by Tuesday, October 26 at 11:30 a.m.

Marks and Feedback

All of your marks will be provided to you via myInfo. Feedback will be provided exclusively via our myCourselink class website; your individual feedback accompanying each of your marks will be viewable under the 'Assignments' tab.

Academic Honesty

Academic honesty is expected of all Lakehead University students. Cheating, collusion, and plagiarism will not be tolerated. Students are expected to make themselves fully familiar with Lakehead's policy in this area. Although all these policies will be enforced in full, it is worth emphasizing the following:

**Plagiarism involves presenting another's work, ideas, theories, or interpretation
as one's own.**

To avoid plagiarism, writers should always:

1. Put quotation marks around any words from sources
2. Paraphrase material completely; changing (with the help of a thesaurus) or rearranging a few words or the tense of a verb is not paraphrasing.
3. Give accurate and complete citations for all material *including paraphrased material*.
4. Avoid borrowing entire arguments or approaches to a subject from another writer. Make it 'original' while staying faithful to the assignment parameters.

A Quick Word on Emails

I am very happy to answer questions over email, but there are parameters to the way in which these emails should be written and sent. I expect that your emails to me are written with proper spelling, grammar, and punctuation. If I receive an email that has the appearance of a hastily typed text message, you should not expect an email in reply. I also expect that before you ask me a question you have consulted the syllabus to see if the answer is there.

Academic Supports

If you feel that you're in need of academic assistance in a particular area, I encourage you to utilize the resources of Lakehead's Academic Support Zone (<https://www.lakeheadu.ca/students/academic-success/student-success-centre/academic-support-zone>). The Academic Support Zone can provide assistance in a variety of different areas, including specific supports for writing papers.

Disability Accommodations

Lakehead University is committed to achieving full accessibility for persons with disabilities. Part of this commitment includes arranging academic accommodations for students with disabilities and/or medical conditions to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student with a disability and think you may need accommodations, you are strongly encouraged to contact Student Accessibility Services (SAS) and register as early as possible. For more information, please contact Student Accessibility Services <http://studentaccessibility.lakeheadu.ca> (SC0003, 343-8047 or sas@lakeheadu.ca)

COURSE SCHEDULE

Readings are from the assigned text unless otherwise noted. The course schedule and assigned readings are potentially subject to change at the discretion of the instructor.

| Date | Topic | Assigned Readings |
|---------|---|--|
| Sept 7 | Course Introduction | N/A |
| Sept 9 | Legal Fundamentals Lecture | N/A |
| Sept 14 | Early Theories on Church and State | Preface to the First Edition, <i>RILC</i> , xxi-xxiii; Chp. 1, <i>RILC</i> , 1-30 |
| Sept 16 | A Brief History of Law and Religious Institutions in Canada | Chp. 2, <i>RILC</i> , 31-54 |
| Sept 21 | Constitutional Foundations Regarding Religion | Chp. 4, <i>RILC</i> , 94-120 |
| Sept 23 | An Introduction to Religious Tolerance in Canada | Chp. 1, <i>FCR</i> , 1-24 |
| Sept 28 | An Introduction to Freedom of Conscience and Religion | Chp. 4, <i>RILC</i> , 133-155 |
| Sept 30 | Government Support for Religion | Chp. 2, <i>FCR</i> , 25-60 |
| Oct 5 | Indigenous Spirituality and the Charter | Kent Williams, "How the Charter Can Protect Indigenous Spirituality; Or, the Supreme Court's Missed Opportunity in Ktunaxa Nation," University of Toronto Faculty of Law Review 77, no. 1 (Winter 2019): 1-26 (available via Lakehead Library; provided on course website) |
| Oct 7 | Freedom of Conscience In-depth and Freedom of Expression | Chp. 7, <i>FCR</i> , 186-198; Chp. 4, <i>RILC</i> , 155-162 |
| Oct 19 | Restriction and Accommodation of Religious Practices, Pt. 1 | Chp. 3, <i>FCR</i> , 61-89 |
| Oct 21 | Restriction and Accommodation of Religious Practices, Pt. 2 | Chp. 3, <i>FCR</i> , 90-113 |
| Oct 26 | Restriction and Accommodation of Religious Practices, Pt. 3 | Chp. 3, <i>FCR</i> , 113-138 |
| Oct 28 | Religion and Criminal Law, Pt. 1 | Chp. 5, <i>RILC</i> , 163-180 |
| Nov 2 | Religion and Criminal Law, Pt. 2 | Chp. 5, <i>RILC</i> , 180-196 |
| Nov 4 | Religion, Family, and Family Law | Chp. 11, <i>RILC</i> , 382-400; Chp. 4, <i>FCR</i> , 153-160; Chp. 6, <i>FCR</i> , 177-185 |
| Nov 9 | Public Order and Evidence | Chp. 6, <i>RILC</i> , 197-206; Chp. 7, <i>RILC</i> , 207-216 |
| Nov 11 | Religious Institutions | Chp. 8, <i>RILC</i> , 217-231; Chp. 4, <i>FCR</i> , 139-152 |
| Nov 16 | Discipline and Conflict in Religious Institutions | Chp. 9, <i>RILC</i> , 314-338 |
| Nov 18 | Religion and Education, Pt. 1 | Chp. 5, <i>FCR</i> , 161-176; Chp. 10, <i>RILC</i> , 356-360 |
| Nov 23 | Religion and Education, Pt. 2 | Chp. 10, <i>RILC</i> , 361-381 |
| Nov 25 | Religion and Healthcare | Chp. 12, <i>RILC</i> , 401-407; <i>AC v. Manitoba</i> (edited version of the case provided on course website) |
| Nov 30 | <i>TBD/Cancellation Date</i> | <i>TBD/Cancellation Date</i> |
| Dec 2 | <i>TBD/Cancellation Date</i> | <i>TBD/Cancellation Date</i> |