

**PLAN DE COURS 2015/2016
ACADEMIC SYLLABUS 2015/2016**

DISCIPLINE	CULTURE JURIDIQUE			
Titre du cours Course title	LAW AND RELIGION			
	Langue Language	Heures Hours	ECTS	Année du Diplôme
	English	22	4	2 th and 4 th
Nom de l'enseignant/ Name of the lecturer	Blandine Chelini-Pont			
Fonction / Employeur Position / Employee	Professeur des Universités, Aix-Marseille Université			
Contact :	blandise.chelini-pont@univ-amu.fr			
Objectifs du cours / Course objectives	Understanding the strong relations still existing between legal systems and religious norms/exploring the long-lasting consequences of the freedom of religion in comparative Law.			
Compétences acquises/ Learning outcomes	Comparing legal systems/Determining the legal and multiform contents of the religious freedom/ Spotting the process of religious discrimination and its close ties with democratic deficiency			

Contenu du cours par session/ Course content per session	Nombre d'heures/ Number of hours
Introduction - <i>Two very different contemporary approaches:</i> Religious belonging is a human right and legal systems have to organize this right the best for everyone / Religion is itself a system of values and commandments, producing norms and it is (must/can/shall be) used as a normative and legal source. - <i>Historical links between Religion, Power and Law</i> - <i>Typing countries according to the degree of religious influence in their constitutional system:</i> From none to total influence, a contemporary frame of our heterogeneous systems.	2h
I. How Democratic States deal with the religious factor: Religion as a Freedom <i>Two General characteristics are needed together: a secular constitution and a constant effort to implement religious freedom</i> <i>Two different manners to organize the relations between Law and Religions within religious freedom in true democracies: cooperation and separation</i> <i>The legal difficulties for democratic Systems regarding religious pluralism</i>	10h
II. How religious states organize the Law and deal with their subjects' or citizens' religiosity? Religion as a binding frame of norms <i>The All-Muslim States which declare to apply sharia</i> Distinction between Sharia Law and Muslim Constitution/ Wahhabist model/ Islamist States: Sharia within Modern Constitutional Republics and religious Police/Extreme Sharia: The "above state" Sharia promoted by Islamist militias <i>The 'mixed' States, which refer to Islam in their Constitution as 'a source' of the Law, while using a Western codification (and not an Islamic one)</i> <i>The "Muslim" States who have no or almost no textual religious allegiance:</i> <i>The hard path for Muslim countries towards civil state and religious freedom</i>	10h

Méthodes d'évaluation Sur quoi sera basée la note finale? / **Method of assessment** What will the final grade be based on? **ON THE CONTENTS OF THE COURSE ET ON A PERSONAL AND CHOSEN RESEARCH**

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Type d'évaluation/ Type of evaluation
ORAL

Durée/
Duration

One half hour,
15 min personal presentation
15 min questions and discussion

Bibliographie – Auteur, titre, année, éditeur/ Bibliography – Author, title, year, publisher

Websites

International Religion and Law Headlines: <http://www.religlaw.org/common/headline.php>

Reviews:

Oxford Journal of Law and Religion (British)/ Annuaire Droit et Religions (PUAM)

Books /English-French

Harold J. Berman "Comparative Law and religion", in *The Oxford Handbook of Comparative Law*, 2012, online. Franck B. Cross, *Constitutions and Religious Freedom*, Cambridge University Press, 2015. Peter Radan and Denise Meyerson: *Law and Religion*, Routledge, 2004. Russel Sandberg, *Law and Religion*, Cambridge, 2011. Peter W. Edge, *Law and Religion*, an introduction, Asghate, 2013. Silvio Ferrari (ed), *Routledge Handbook of Law and Religion*, 2015. Norma Doe, *Law and Religion in Europe, A Comparative Introduction*, OUP, Oxford, 2011. Lorenz Langer, *Religious Offence and Human Rights: The Implication of Defamation of Religions*, Cambridge University Press, 2014/ Emile Poulat, *Notre Laïcité publique ou la religion dans l'espace public*, Desclée de Brouwer, 2014. Emmanuel Tawil, Alain Garay, Xavier Delsol, *Droit des cultes*, Dalloz, 2005 –(French Laïcité). Francis Messner (ed), *Droit des Religions*, CNRS Editions, 2011.

Islam and Law: Andrew March, *Shari'a Islamic Law*, Oxford Research Guide, 2010 Andrew G. Bostom, *Shari'a v. Freedom: The Legacy of Islamic Totalitarianism*, Prometheus Book, 2012. Paul Marshall, *Radical Islam's Rules: The Worldwide Spread of Extreme Shari'a Law*, Rowman et Littelfield, 2013. Abdullahi Ahmed An-na'im *Islam and The Secular State- Negotiating the Future of Shari'a*, Harvard Press, 2013. Ibn Warraq, *Why the West is Best, A Muslim Apostate's Defense of Liberal Democracy*, Encounter Books, 2011. Hervé Bleuchot, *Droit musulman*, 3 volumes, PUAM. Sami Awad Aldeeb Abu-Sahlieh, *Religion et Droit dans les pays arabes*, PUB, 2008. Baudoin Dupret, *La charia aujourd'hui, usages de la référence au droit islamique*, La découverte, 2012. Baudoin Dupret et Nathalie Bernard Maugiron, *Ordre public et droit musulman de la famille en Europe et en Afrique du Nord*, Bruylant, 2012.

Mini CV de l'enseignant/ Mini CV of the lecturer



Titres universitaires :

Agrégée d'Histoire, Docteur (Ph.D) en droit, Docteur en Histoire contemporaine (Relations internationales), HDR.

Fonctions actuelles :

1. Professeur des Universités en histoire contemporaine, Aix-Marseille Université
2. Responsable de l'Equipe Droit et Religion du Laboratoire Interdisciplinaire Droit des Médias et des Mutations Sociales, EA 4328, ED 67 Sciences Juridiques et Politiques, Aix-Marseille Université, (2008-)
3. Membre associée du Groupe de sociologie des Religions et de la Laïcité, UMR 8582- Ecole Pratique des Hautes Etudes-CNRS (2007-),
4. Responsable scientifique de l'*Annuaire Droit et Religions*, Presse Universitaire d'Aix-Marseille (2005-)
5. Correspondante du Pôle Régional Sud-Est de l'Institut Européen en Sciences des Religions (2007-)
6. Déléguée régionale de l'Institut des Amériques (2014-)

Publications récentes en rapport avec le cours :

- « Les Sharia Councils en Grande Bretagne : exemple d'un accommodement contesté », in *Annuaire Droit et Religions*, volume 8, 2014-2015 PUAM, pp. 210-250.
- El Caso Baby Loup en Francia*, co-écrit avec Isabelle Desbarats, Collection Jorge Carpizo, Universidad Nacional Autonoma de Mexico, 2015, 30 pages.
- "Religion and The Secular State: French Report", avec Nassima Ferchiche, in *Religion and the Secular State*, Xavier Martinez-Torrón (dir), Madrid, Universidad Complutense, 2015, pp. 160-215.
- "L'émergence normative du pluralisme religieux? Prospective sur les transformations de la laïcité française », in *Liberté religieuse et cohésion sociale, la diversité française*, Florence Faberon-Tourette (dir), PUAM, 2015, pp. 61-75
- " La libertad de expresión religiosa en Francia y el concepto del orden publico intangible", in *Libertad religiosa y Libertad de expresión: conflictos y soluciones*, Santiago Canameres Arribas (dir), Madrid, 2014, Lo Blanch, pp. 79-101
- "Religion und Laizität in Frankreich », co-écrit avec Sylvie Toscer-Angot, in *Neuere Fragestellungen in der Verhältnisbeziehung von Staat und Religionsgemeinschaften in Europa*, sous la direction de Wilhelm Rees, Verlag Duncker & Humblot, Berlin, 2013, pp. 56-73.
- "What is the Relation between Stereotyping and The Place of Religion in the Public Sphere", in *Religious Stereotyping and Interreligious Relations*, sous la direction de Jesper Svartvik et Jakob Wiren, Palgrave Macmillan, NY, 2013, pp. 75-95.

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