

# Rel 130-001

## Religion, Politics, and the Law

[Revised: 6 Jan 2024]

Tues/Thurs 2:00-3:15 pm  
207 Presidents' Hall (PRH)



← Print advertisement, 'Shemen' brand shaving cream  
(mandatory Palestine, c. 1946)

*"Poor Old 'Cactus-Face' Found Liable!"*

*The accused loses the case! He appeared unshaven, in disarray – and was cited for contempt! Then the court found against him.*

*Poor 'cactus-face!' If he had only shaved with 'Shemen' brand shaving preparation – available in cream or as a bar – before coming to court. Things would surely have remained 'in pocket.' Even the toughest, stubbornest 'cactus' beards yield before Shemen's magic lather...*

### Instructor Information

Dr. Daniel J. Levine, Associate Professor  
Departments of Religious Studies and Political Science  
Office: 311 ten Hoor Hall  
Email: [djlevine@ua.edu](mailto:djlevine@ua.edu)

### Office Hours

- *When:* Wed. 10:30-12:00 & Thurs. 3:30- 4:30; or by appointment (email me w/a range of times)
- *Where:* 311 ten Hoor Hall

### Course Description

In what ways does religious belief conflict with, realign, or reinforce our understandings of political belonging and political community? How do states contain, respond to, or coopt such belief? How, in particular, has the law become a site for such conflicts and re-alignments, and to what end?

We will explore these questions by drawing on three fields: the sociology of religion, political philosophy, and modern Jewish history. We will move among three different national settings: US, the UK, and Israel.

The course is divided into four sections. First, we will review key sociological terms and approaches used to make sense equally of religion, politics, and law. In section two, we will consider how religion and politics intersect, interact, and exert tension on one another; and how legal arrangements and orders seek to define and regulate them. In section three, we will use Supreme Court Decisions in the UK and Israel to explore how these tensions play out in everyday political life: from immigration to public schooling to identity and collective memory. In section four, we consider the crime of genocide and ask how it is inflected through religion and politics.  
*3 credit hours, HU core credit*

### Course Goals

*After successfully completing this course, students should be able to:*

1. *Identify* key terms in the sociology of religion and politics, *use* them correctly, and *critically evaluate* their meaning.
2. *Analyze* key tensions that emerge at the intersection between religious belief, affiliation, and practice on the one hand, and political community and obligation on the other.
3. *Assess* arguments that address these questions, whether legal or conceptual.
4. *Identify* the background questions and fact patterns needed to carry out those assessments, and *work collaboratively* to understand them.
5. *Present* that understanding to their peers in a compelling, accessible way.

### Required Texts:

- Russell McCutcheon: *Studying Religion: An Introduction, 2<sup>nd</sup> Edition* (Routledge, 2018), isbn 0815353634.  
*[Note: This book is required, and can be obtained at the SupStore. That said, **you don't need to buy it**: pdfs of each chapter can be downloaded from the library website w/your UA login ID, at no additional cost to you (the subscription is paid for by your tuition \$\$). Go to <http://library.ua.edu/vwebv/holdingsInfo?bibId=8616324>.]*
- Hannah Arendt: *The Portable Hannah Arendt* (Penguin: 2003), isbn 978-0142437568.  
*[We will use this book for the last month of the course, but not before. I've placed an order at the SupStore, but used copies are easily/cheaply available online. Use the ISBN number to make sure you get the right edition. I will also place a copy on reserve at the main desk of Gorgas Library on the second floor (check out for three hours & return).]*

Additional readings have been placed on Box. Access via the email sent to you, or by clicking/copying this link: <https://alabama.box.com/s/cglpk2nxz8ge1gy9lrpb2s8yujwb0c76>.

### Other Resources (official sites first) we may use:

*Supreme Court of the United States*

- Official site: <https://www.supremecourt.gov/links/links.aspx>
- <https://www.oyez.org>

- <https://www.scotusblog.com>

*Supreme Court of the United Kingdom*

- Official site: <https://www.supremecourt.uk>
- <http://ukscblog.com/>
- [https://www.nyulawglobal.org/globalex/United\\_Kingdom1.html](https://www.nyulawglobal.org/globalex/United_Kingdom1.html)

*Supreme Court/High Court of Justice, State of Israel*

- Official site (English version): <https://supreme.court.gov.il/sites/en/Pages/home.aspx>
- <https://versa.cardozo.yu.edu>
- <https://www.nyulawglobal.org/globalex/Israel1.html>

## Course Requirements

### *Readings and Assignments*

Readings are listed underneath each date on the schedule below. Complete the readings *before* you come to class that day. Feel free to bring copies with you, as we will discuss them (paper or electronic); as well as any notes or questions. Each entry also tells you where the reading can be found: in one of the required texts, in Box, or online.

As this is a seminar course, I cannot sufficiently underscore how important your preparation and active participation are to its success. This will either be a vigorous, engaging exchange (like college in the movies!), or a sixteen-week slog. That's up to each of us, and all of us.

### *3 Quizzes (10% each, 30% total)*

These will be a mix of multiple choice, fill-in-the-blank, short answer, and essay. The quiz at the end of part I (**Feb 1**) will focus on key terms and concepts. The quiz at the end of Part II (**Feb 29**) will focus on the *readings relating to that section and our discussions following from them*. The quiz at the end of Part III (**April 2**) will deal with the *court cases we cover in class*. Each quiz is worth 10% of your total grade.

### *Final Exam (15%)*

There will be a short final, open book (essentially the length/scale of a quiz), based on the Arendt reading. This will be held over exam week (**Wed., May 1 at 10:30-12:30**), in our regular classroom.

### *Homework Assignments (5% each x 4 = 20% of your grade)*

There will be a series of short homework assignments dealing with the readings at various points over the semester. These will count for 5% of your final grade *each*. I will drop the lowest two marks.

### *Pecha Kucha Presentations (20%)*

Later in the semester, you will be asked to make pecha kucha-style course presentations on some aspect of the cases we are discussing. Students may work in alone or small groups (1-3). An assignment and signup sheet will be circulated soon. If necessary, we'll add more slots to accommodate everyone. For info on the Pecha-Kucha format, see <https://www.pechakucha.com>.

### *Attendance & Participation (15%)*

You are required to attend class and will need to do so if you wish to do well. Missed homework, quizzes, presentations and the like cannot be made up, except in the event of university-approved travel, serious illness, or a family emergency. All of these require documentation. In such circumstances, I will provide alternative assignments.

Students seeking such assignments *for any other reason* should come to office hours – preferably well in advance. I will consider these on a case-by-case basis.

#### *Grading Scale*

A+	97-100%	B+	87-89	C+	77-79	D+	67-69
A	93-96	B	83-86	C	73-76	D	63-66
A-	90-92	B-	80-82	C-	70-72	D-	60-62
F	59 or below						

#### *It's Probably in the Syllabus*

I'm curious who among you has read the syllabus. If you are seeing this, you have a chance to earn 3 bonus points on the first quiz. Here's how: run a 'google' search based on the image at the beginning of the syllabus. First, google the term 'sabra' and find out what that term means in Israeli/Hebrew slang. Then, tell me why the judge is wearing a wig. Email me your best guesses.

#### Additional University & Course Policies

##### *Notification of Changes*

I will make every effort to follow this syllabus as listed. If the need arises, however, I may have to make changes. In that event, I will notify you as promptly as possible by one or more of the following means: via email, verbally in class, and/or through Blackboard. Emails sent directly from me will come from my UA account ([daniel.j.levine@ua.edu](mailto:daniel.j.levine@ua.edu) or [djlevine@ua.edu](mailto:djlevine@ua.edu)), and will be sent to the account you have designated with UA. By remaining in the course after receiving a copy of this syllabus, you accept the possibility of such changes, and responsibility for being aware of them.

##### *Quizzes, Tests & Examinations*

The items students may bring to their seats during a test, quiz, or exam are as follows: pencils or pens, as needed; bluebooks; and source materials, as permitted. The following items are **prohibited** during quizzes, tests, and exams: electronic devices (phones, computers, watches, fitness trackers, cameras, recorders, e-cigarettes); non-electric watches and timers; hats and hoods worn on the head; earplugs or earmuffs; scratch paper; mechanical pencils; markers and highlighters; written materials except as indicated.

You may not reproduce, distribute, or disclose content from quizzes and tests to one another, or any third party. You may not take quiz or test materials from the testing room. Please return all test materials intact at the close of a quiz, test, or exam.

##### *Use of Personal Electronics Devices in Class*

Phones shall be turned off and put away during class. Laptop use is authorized only for the purpose of course-related activities (taking notes, referencing texts, etc.). Students observed using laptops for any other purpose may be enjoined from further use of them.

### *Recording Classes*

Consent to record classes is not granted, save in the context of an ODS-documented disability.

### *Academic Misconduct*

Incidents of academic misconduct will be handled in accordance with the UA Code of Academic Conduct (<https://catalog.ua.edu/undergraduate/about/academic-regulations/student-expectations/academic-misconduct-policy/>). Please familiarize yourself with this policy.

### *Disability Accommodations*

The University of Alabama is committed to ensuring the full participation of all students in its programs. If you have a documented disability (or think you may have one) and need reasonable accommodation(s) to participate in this class, contact the Office of Disability Services (or ODS; 205-348-4285, ods@ua.edu, Houser Hall 1000, [www.ods.ua.edu](http://www.ods.ua.edu)) *as soon as possible*. If you have been approved to receive accommodations through ODS, please meet with me during office hours or by appointment to discuss how accommodations can be implemented in this course.

**Students with visual disabilities may experience difficulty owing to the heavy reliance on PDFs in this course. If that's the case, *please don't be embarrassed and please do let me know.***

### *UAct*

The University of Alabama is committed to an ethical, inclusive community defined by respect and civility. The UAct website ([www.ua.edu/uact](http://www.ua.edu/uact)) provides extensive information on how to report or obtain assistance with a variety of issues, including issues related to dating violence, domestic violence, stalking, sexual assault, sexual violence or other Title IX violations, illegal discrimination, harassment, child abuse or neglect, hazing, threat assessment, retaliation, and ethical violations or fraud.

### *Pregnant Student Accommodations*

Title IX protects against discrimination related to pregnancy and/or parental status. If you are pregnant and need accommodations for this class, please review the University's FAQs on the UAct Website: <https://www.ua.edu/campuslife/uact/information/pregnancy>.

### *Religious Observance*

Students should notify me – in office hours, before/after class, or via email – if they need religious accommodations, or plan to be absent owing to religious observance. Please do so during the first two weeks of the semester. I will work to provide reasonable accommodations, as long as these do not interfere with the academic integrity of the course. Full guidelines here: <https://provost.ua.edu/oaa-guidelines-for-religious-holidays-observance/>.

### *Severe Weather*

Please familiarize yourself with the University's protocols for severe weather (<https://ready.ua.edu/severe-weather-guidelines/>).

### *Respect of Persons and Ideas*

Speech that is intentionally disrespectful, malicious, or belittling is inappropriate in any instructional setting, and is inimical to the academic mission of the university. Such speech will

not be tolerated, and may be subject to discipline under the code of student conduct (<https://studentconduct.sa.ua.edu/code-student-conduct/>).

### *Your Health & Well-Being*

Students are encouraged to prioritize their physical and mental health. Academic performance will suffer when personal well-being is neglected. Eat, sleep, exercise – *mens sanis in copore sano*.

If you feel you lack the skills to study or retain effectively, seek guidance. The same holds if stress or fatigue begins to interfere with daily functioning. In addition to office hours, the university offers resources to help address these matters:

- Student Health Center (<https://shc.sa.ua.edu>)
- Counseling Center (<https://counseling.sa.ua.edu>)
- Student Care & Well-Being (<https://bamacares.sa.ua.edu>)
- Veteran & Military Affairs (<https://vets.sa.ua.edu>)
- Collegiate Recovery & Intervention Services (<https://cris.sa.ua.edu>)
- The Capstone Center for Student Success: <https://success.ua.edu><sup>1</sup>

## **Schedule of Readings & Topics**

### Introduction

#### **Thursday, 1/11: Welcome + Introduction**

Religion? Politics? Law? (Or, must we mean what we say?)

### Part I. Key Terms and Concepts

#### **Tuesday, 1/16: What Religion is *Not* (also, Politics & Law)**

##### Readings:

- JZ Smith: “Religion, Religions, Religious.” In: M. Taylor (ed.), *Critical Terms for Religious Studies* (Chicago, 1998) 269-84 [Box]
- Leora Batnitzky: “Introduction: Is Judaism a Religion?” *How Judaism Became a Religion* (Princeton, 2011), 1-10 [Box]
- *Complete Homework Assignment #1*

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<sup>1</sup> Thanks to Christine Field for sharing her text on these matters.

### Thursday, 1/18: Essentialism; Or, What Religions (also Politics & Law) Are

Readings:

- McCutcheon, *Studying Religion*, Ch. 3 [Gorgas; link above]
- Daniel b. Judah: “*Yigdal*” (“He Shall Magnify”) (hymn, ~14<sup>th</sup> c.) [Box]<sup>2</sup>
- William Jefferson Clinton: “First Inaugural Address.” (January, 1993)  
Text: [https://avalon.law.yale.edu/20th\\_century/clinton1.asp](https://avalon.law.yale.edu/20th_century/clinton1.asp)  
Video: <https://www.youtube.com/watch?v=2SWjIPwm954>
  
- Complete Homework Assignment #2

### Tuesday, 1/23: interpretivism; Or, What Religions (also Politics & Law) Do

Readings:

- McCutcheon, *Studying Religion*, Ch. 4 [Gorgas]
- Martin Luther King: “I Have a Dream” (August, 1963)  
Text & recording: <https://www.npr.org/2010/01/18/122701268/i-have-a-dream-speech-in-its-entirety>
  
- Complete Homework Assignment #3

### Thursday, 1/25: Family Resemblances; Or, How we *Talk About* Religions (also Politics & Law)

Readings

- McCutcheon, *Studying Religion*, Ch. 5 [Gorgas]
- Declaration of Independence, State of Israel (May 1948)  
Text: [https://avalon.law.yale.edu/20th\\_century/israel.asp](https://avalon.law.yale.edu/20th_century/israel.asp)  
Recording (Hebrew): <https://www.youtube.com/watch?v=i4k1Mjo5u00>
  
- Complete Homework Assignment #4

### Tuesday, 1/30: Catching Up & Review for Quiz + A Primer on Jewish Law

- Review the readings from the previous weeks and bring questions!
- On Jewish Law (1): Oral vs. Written Torah (from J. Neusner: *Learn Mishnah*); in class

### Thursday, 2/1: Quiz #1

- Quiz #1: In class
- On Jewish Law (2): *Mishnah* vs. *Gemara* (in class)

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<sup>2</sup> For a range of traditional musical settings for *Yigdal*, see <https://www.youtube.com/@hibbacycenter/search?query=yigdal>. For some rather less traditional ones, see <https://www.youtube.com/@yigdalproject279>.

**Part II. Sacred & Profane, Political and Religious: Modes & Orders, Attachments & Arrangements**

**Tuesday, 2/6: What (and When) do we Believe?**

Readings:

- Donald S. Lopez, Jr., "Belief." *Critical Terms for Religious Studies* (Chicago, 1998), 21-35 (box)
- Martin Buber: "Why are we Still Jews?" *On Judaism* (Schocken, 1967), 11-21 [box]

**Thursday, 2/8: Civic Religions & Civic Virtues**

Readings:

- Ernest Renan: "What is a Nation?" in *Becoming National: A Reader* (1996); delivered in 1892), 42-55 (box)
- Christian Wilhelm von Dohm: "Concerning the Civic Improvement of the Jews." *German History in Documents and Images* (<https://ghdi.ghi-dc.org/index.cfm>), (1782). (box)
- Y.L. Gordon: "Awaken, O my People!" (<https://www.yiddishbookcenter.org>), tr. M. Stanislawski; April 1866. (box)
- *Complete Homework Assignment #5*

**Tuesday, 2/13: Secularism (1): Humanity; Or, How Judaism Became a Religion**

Readings:

- Leora Batnitzky: "Modern Judaism and the Invention of Jewish Religion." *How Judaism Became a Religion* (Princeton 2011), 13-31. [box]
- Mendelssohn: "Reply to Lavater." *GDHI* (1769), 6pp [box]

**Thursday, 2/15: Secularism (2): Judgment & Meaning**

Readings:

- Jennifer Culbert, "Judging the Events of Our Time." in Roger Berkowitz (ed.), *Thinking in Dark Times* (Fordham, 2011), 145-152 (Box)
- Hans Morgenthau: "Death in the Nuclear Age." *Commentary* (September, 1961). (Box)

*[Note: today's readings are short, but the readings for next week (2/20 & 2/22) are more demanding – give yourself some extra time!]*



**Tuesday, 2/20: Secularism (4): Disenchantment & The 'Iron Cage'**

Readings:

- Max Weber: Science as a Vocation. (translation/edition TBA – watch this space) (box)
- *Complete Homework Assignment #6*

**Thursday, 2/22: Church and State: The American Example**

Readings:

- Witte and Nichols: *Religion and the American Constitutional Experiment* (Oxford, 4<sup>th</sup> ed.), chs. 1-2. (box)

**Tuesday, 2/27: Review & Catch-Up**

- *Review the readings from the previous weeks and bring questions!*
- *Pecha-Kucha Presentation: "A Very Special Cardinal"*

**Thurs, 2/29: Quiz #2**

- **Quiz #2 – In Class**
- *Pecha-Kucha Presentation: Primer on Israeli Legal System*
- *Pecha-Kucha Presentation: the Jews for Jesus Movement*

**March 3-8: Spring Break**  
*Have Fun, Be Safe!*

Part III: Before the Law

**Tuesday, 3/12: Is Religious Freedom a Thing? Two Takes**

Readings:

- Winnifred Fallers Sullivan: *The Impossibility of Religious Freedom* (Princeton, 1995), 1-32 (pdf)
- Guy Ben-Porat: "Israel: Secular but not Secularizing." *Moment* (2013) (pdf)
- *Pecha-Kucha Presentation: On the Israeli judicial reform protests*

**Thursday, 3/14: Rabbis, Municipal Inspectors, & Belly Dancers (or, How to Read a Supreme Court Decision)**

Readings:

- State of Israel, High Court of Justice: *Raskin vs. Religious Council of Jerusalem, 1989* (HCJ465/89). Translation provided by *Versa* (<https://versa.cardozo.yu.edu/opinions/raskin-v-religious-council-jerusalem>) (Box)
- *Pecha-Kucha: Survey of Jewish Law on Membership and Conversion*
- *Pecha-Kucha: Who was Oswald Rufeisen?*

**Tuesday, 3/19: Who is a Jew? Who is Israeli? (1)**

Readings:

- State of Israel, High Court of Justice: *Rufeisen v. Minister of the Interior, 1962* (HCJ72/62); *Midstream* (March, 1963), 78-96 (box)
- Text of Israel's Law of Return (original & revised) (box)

**Thursday, 3/21: Who is a Jew? Who is an Israeli? (2)**

- State of Israel, High Court of Justice: *Beresford v. Minister of Interior* (HCJ265/87)
- *Pecha-Kucha: On the UK Supreme Court*
- *Pecha-Kucha: On Jews & Jewish Emancipation in the UK*

**Tuesday, 3/26: Civic Rights, Human Rights, and the Weight of History: The Jews' Free School<sup>3</sup>**

Readings:

- Supreme Court of the United Kingdom: *R (E) v. Jews' Free School, 2009* (Box)

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<sup>3</sup> Thanks to the "Teaching Law and Religion" Case Study Archive at Northwestern University (<https://sites.northwestern.edu/lawreligion/>) for the materials in this module.

**Thursday, 3/28: Review/Catch-up**

- Review the readings from the previous weeks and bring questions!
- Pecha-Kucha Presentation - The Eichmann Trial: Historical Background

**Tuesday, 4/2: Quiz #3**

- **Quiz #3: In Class**
- Pecha-Kucha Presentation: Hannah Arendt – biography & background

**Thursday, 4/4: Class cancelled – Instructor Presenting @ Intl. Studies Association Conference**

- *Start reading Arendt!*

Part IV: *Quid iuris* ('by what law'); or, Is there a 'Law of the Earth?'

**Tuesday, 4/9, 4/11, 4/16 and 4/18: *Eichmann in Jerusalem* and The Problem of Judgment**

- Readings:
  - o Hannah Arendt: *Eichmann in Jerusalem*, selections from *The Portable Hannah Arendt* (book for purchase/reserve)
  - o State of Israel, Supreme Court: Criminal Appeal 336/61 (box)
  - o Memory and history: Tom Segev, Jeffrey Alexander

*Pecha-Kucha Presentations:*

- Background information: Adolf Eichmann and the Trial
- Background information: Gideon Hausner and Hannah Arendt
- Critiques after the fact

**Tuesday, 4/23: What is Genocide? Intl Humanitarian Law, the ICJ, and the 'Crime of Crimes'**

- Readings:
  - o United Nations: *Convention on the Prevention and Punishment of the Crime of Genocide* (1948/51) (box)
  - o Neve Gordon and Marya Hannoun: "Israel and the Laws of War—A Conversation." *MERIP* (November 2023). (box).
  - o Lisa Hajjar: "Israel as Innovator in the Attempted Mainstreaming of Extreme Violence." *MERIP* (Summer, 2016). (box)

*[NB: These texts are placeholders, as this is an ongoing story: South Africa has charged Israel with violating the Genocide Convention before the International Court of Justice, and oral*

*arguments are expected in the coming months. The relevance to our discussions here should be obvious, on multiple levels – so we will follow the story and see what develops.]*

**Thursday, 4/25: Summing up: What Have we Learned?**

**Final Exam: Wed., 5/1 at 10:30-12:30**

Have a great summer!