



The Hebrew University of Jerusalem

Syllabus

Religion State and Multiculturalism - 62784

Last update 03-11-2015

HU Credits: 4

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Law

Academic year: 0

Semester: 1st Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: M Karayanni

Coordinator Email: michael.karayanni@mail.huji.ac.il

Coordinator Office Hours: Monday 15-16

Teaching Staff:

Course/Module description:

Deals with different conflicts between group religious accommodation

Course/Module aims:

To learn about the basic conflicts between multicultural theory, accommodating religious groups and state law

Learning outcomes - On successful completion of this module, students should be able to:

To understand the basic ideas of multiculturalism and their implementation in respect of group religious accommodations

Attendance requirements(%):

100

Teaching arrangement and method of instruction: Direct

Course/Module Content:

Subject 1: The Millet System

Subject 2: Importing the Inter-religious System in Israel

Subject 3: Multiculturalism

Subject 4: The Multicultural Entrapment

Subject 5: The Paradigm of Separateness in Religion and State Relations in Israel

Subject 6: The Implication of Classifying Religious Accommodations as Multicultural

Subject 7: The Paradigm of Separateness, Signs of Liberation?

Subject 8: Religious Accommodation in other Countries

Required Reading:

Subject 1: The Millet System

2. C.E. Bosworth, *The Concept of Dhimma in Early Islam*, in *Christians and Jews in the Ottoman Empire* 37 (Benjamin Braude and Bernard Lweis ed., 1982)
3. Robert H. Davison, *The Millets as Agents of Change in the Nineteenth Century Ottoman Empire*, in *Christians and Jews in the Ottoman Empire* 319 (Benjamin Braude and Bernard Lweis ed., 1982)
4. Abdullahi A. An-Naim, *Religious Minorities under Islamic Law and the Limits of Cultural Relativism*, 9 *Human Rights Quarterly* 1 (1987)

Subject 2: Importing the Inter-religious System in Israel

1. ROBERT H. EISENMAN, *ISLAMIC LAW IN PALESTINE AND ISRAEL, A HISTORY OF THE SURVIVAL OF TANZIMAT AND SHARI'A IN THE BRITISH MANDATE AND THE JEWISH STATE* 155-167 (1978)
2. Alisa Rubin Peled, *Debating Islam in the Jewish State, The Development of Policy Toward Islamic Institutions in Israel* 5-16 (2001)
3. Martin Edelman, *Courts, Politics, and Culture in Israel* 6 - 30(1994)
4. Asher Maoz, *Religious Human Rights in the State of Israel*, in *Religious Human Rights in Global Perspective, Legal Perspectives* (John D. van der Vyver & John Witt, Jr., ed. 1996) 349
5. Amnon Rubinstein, *Law and Religion in Israel*, 3 *Israel Law Review* 380 (1967)
6. Amnon Rubinstein, *State and Religion in Israel*, 4 *Journal of Contemporary History* 107 (1967)

Subject 3: Multiculturalism

1. Joseph Raz, *Multiculturalism*, 11 *Ratio Juris* 193 (1998)
2. Joseph Raz, *Multiculturalism: A Liberal Perspective*, 41 *Dissent* 67 (1994)
3. Ayelet Shachar, *Two Critiques of Multiculturalism*, 23 *Cardozo Law Review* 253 (2001)

4. Will Kymlicka, *Multicultural Citizenship, A Liberal Theory of Minority Rights* 34-48, 75-106, 107-130, 163-172 (1995)

Subject 4: The Multicultural Entrapment

1. *Wisconsin v. Yoder* 406 U.S. 205 (1972)

2. Susan Moller Okin, *Is Multiculturalism Bad for Women?* (1999)

3. Jeff Spinner-Halev, "Feminism, Multiculturalism, Oppression, and the State," 112(1) *Ethics* 84 (2001)

4. Leti Volpp, *Feminism Versus Multiculturalism*, 101 *Columbia Law Review* 1181 (2001)

5. Gila Stopler, *Countenancing the Oppression of Women: How Liberals Tolerate Religious and Cultural Practices that Discriminate Against Women*, 12 *Columbia Journal of Gender & Law* 154 (2003)

6. Chandran Kukathas, *Are There Any Cultural Rights?* 20 *Political Theory* (1992) 105

7. Eileen Reitman, *On Exit*, in *Minorities within Minorities, Equality, Rights and Diversity* 189 (Avigail Eisenberg and Jeff Spinner-Halev ed., 2005)

Subject 5: The Paradigm of Separateness in Religion and State Relations in Israel

1. Michael M. Karayanni, *The Separate Nature of the Religious Accommodations for the Palestinian-Arab Minority in Israel*, 5 *Northwestern University Journal of International Human Rights* 41 (2006)

2. Izhak Englard, *Law and Religion in Israel*, 35 *American Journal of Comparative Law* 185 (1987)

3. Martin Edelman, *Courts, Politics, and Culture in Israel* 48 – 88 (1994)

4. Will Kymlicka, *Two Models of Pluralism and Tolerance*, in *Toleration, an Elusive Virtue* 81-105 (David Heyd ed., 1996)

5. Michael M. Karayanni, *Multiculture Me No More!, On Multicultural Qualifications and the Palestinian-Arab Minority* 54 *Diogenes* 39 (2007)

Subject 6: The Implication of Classifying Religious Accommodations as Multicultural

1. Asher Maoz, *State and Religion in Israel*, in *International Perspectives on Church and State* (M. Mor. Ed., 1993) 239

2. Gad Barzilai, *Fantasies of Liberalism and Liberal Jurisprudence: State Law, Politics, and the Israeli Arab-Palestinian Community*, 34 *Israel Law Review* 425(2000)

3. Andrew Treitel, *Conflicting Traditions: Muslim Shari'a Courts and Marriage Age Regulation in Israel*, 26 *Columbia Human Rights Law Review* 403 (1995)

4. Frances Raday, *Israel – The Incorporation of Religious Patriarchy in a Modern State*, 4 *International Review of Comparative Public Policy* 209 (1992)

5. Francis Raday, *Religion, Multiculturalism and Equality: The Israeli Case*, 25 *Israel Yearbook on Human Rights* 193 (1995)

6. Ruth Halperin-Kaddari, *Women, Religion and Multiculturalism in Israel*, 5 *UCLA JOURNAL INTERNATIONAL LAW & FOREIGN AFFAIRS* 339 (2000)

7. Kais M. Firro, *The Druzes in the Jewish State: A Brief History* 102-110 (1999)

Subject 7: The Paradigm of Separateness, Signs of Liberation?

1. Michael M. Karayanni, *Living in a Group of One's Own: Normative Implications Related to the Private Nature of the Religious Accommodations for the Palestinian-Arab Minority in Israel*, 6 *UCLA Journal of Islamic and Near Eastern Law* 1, 35-45 (2007)

Subject 8: Religious Accommodation in other Countries

1. Martha C. Nussbaum, *Women and Human Development, The Capabilities Approach* 167 - 240(2000)
2. Yakare-Oule Jansen, *Muslim Brides and the Ghost of the Shari'a: Have the Recent Law Reforms in Egypt, Tunisia and Morocco Improved Women's Position in Marriage and Divorce, and can Religion Moderates Bring Reform and Make it Stick*, 5 *Northwestern University Journal of International Human Rights* 181 (2007)
3. Catherine A. MacKinnon, *Sex Equality under the Constitution of India: Problems, Prospects, and "Personal Laws"*, 4 *I.Con* 181 (2006)
4. Sherifa Zuhur, *Empowering Women or Dislodging Sectarianism?: Civil Marriage in Lebanon*, 14 *Yale Journal of Law and Feminism* 177 (2002)
5. Marc Galanter and Jayanth Krishnan, *Personal Law and Human Rights in India and Israel*, 34 *Israel Law Review* 101 (2000)

Additional Reading Material:

1. Abdur Rahman I. Doi, *Non-Muslims unde Shari'ah* (1979)
2. Ann Elizabeth Mayer, *Islam and Human Rights, Tradition and Politics* (1991)
3. Majid Khadduri, *War and Peace in the Law of Islam* 175 et seq.(1985)
4. Bernard Lewis, *The Jews of Islam* (1984)
5. Bruce Masters, *Christians and Jews in the Ottoman Arab World, The Roots of Sectarianism* (2001)
6. Bat Ye'or, *The Dhimmi, Jews and Christians under Islam* (1985)

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 20 %

Participation in Tutorials 10 %

Project work 70 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: