
**HR 40600: RELIGION, LAW & CULTURE**  
Spring 2002  
TTh 1:30-2:50 Swift 204

**SYLLABUS**

Instructor: Winnifred Sullivan  
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Office hours: By appointment

**Description**  
“Religion” and “Law” denote human cultural and social phenomena that are virtually universal. In this course, we will consider how to talk about these two and their intersection in, for example, the construction of individual and group identities, the development of ideas and institutions, the legitimation of power, and the regulation of the social order. We will examine materials from a range of modern and pre-modern societies and will engage different academic disciplines with a view to understanding and evaluating various approaches to the study of “law and religion.”

**Course Requirements**  
The student will write a five-hundred word essay each week (excepting the first and the last, for a total of eight) responding to assigned questions distributed on Thursday of each week. The essays may be submitted by email and will be due on Mondays by 5 pm. Selected essays will be copied and circulated to the class as a basis for class discussion. (These essays as a group as well as participation in class discussions will be 50% of the grade.)

There will be a take-home final examination. (50% of final grade)

All assignments, including preparation for class, are expected to be timely, unless prior approval is given.

**Texts Available for Purchase** (also on 2-hr reserve at Regenstein Library)

- Brian Barry, *Culture & Equality*
- Rebecca French, *The Golden Yoke*
- Lon Fuller, *The Morality of Law*
- Gerald Larson, ed., *Religion and Personal Law in Secular India*
- Edward Levi, *Introduction to Legal Reasoning*
- Henry Maine, *Ancient Law*
- Mitchell Merback, *The Thief, The Cross and the Wheel*
- Lawrence Rosen, *The Anthropology of Justice*
The remaining readings will be available on reserve.

Schedule of Lectures & Assignments

wk 1
3/26 Introductory Lecture
3/28 Reading: In My Father’s Court pp. 1-74 (on reserve)

wk 2  Anthropology/Religious Studies: Islam
4/1 Essay #1 due
4/2 Reading: Lawrence Rosen, The Anthropology of Justice
4/4 Reading: Brinkley Messick, “Written Identities: Legal Subjects in an Islamic State” HR Journal 38:1, on reserve
Ebrahim Moosa, “Allegory of the Rule (Hukm): Law as Simulacrum in Islam” HR Journal 38:1, on reserve

wk 3  Anthropology/Religious Studies: Buddhism
4/8 Essay #2 due
4/9 Reading: Rebecca French, The Golden Yoke pp 55-191
4/11 Reading: Andrew Huxley, “Buddhism and Law: The View from Mandalay” Buddhist Studies 18:1, on reserve
Gregory Schopen, “Monastic Law Meets the Real World: A Monk’s Continuing Right to Inherit Family Property in Classical India” (HR Journal 35:2, on reserve)

[4/12-13 “Doing Justice to Mercy” Conference at Divinity School, Attendance at one session required for Essay #3]

wk 4  History: Law in the West
4/15 Essay #3 due
4/16 Reading: Maine, Ancient Law chs. I-VII
Mark deWolfe Howe, The Garden & The Wilderness (Chicago, 1965, on
wk 5  Law and Morality
4/22  Essay #4 due


4/25  Reading: Lon Fuller, The Morality of Law

wk 6  Law and Rhetoric: American Style
4/29  Essay #5 due

4/30  Reading: Levi, Introduction to Legal Reasoning (Chicago, 1948)


wk 7  Law and Rhetoric: American Style continued
5/6  Essay #6 due

5/7  Reading: Marbury v. Madison 1 Cranch 137 (1803) (available on LexisNexis)
      Lewis LaRue, Constitutional Law as Fiction ch x (on reserve)

      James Boyd White, “Hale’s ‘Considerations Touching the Amendment or Alteration of Lawes’: Determining the Authority of the Past” and
      “Planned Parenthood v. Casey: Legal Judgment as an Ethical and Cultural Art” (in White, Acts of Hope (Chicago, 1994)) (on reserve)

wk 8  Antinomianism
5/13  Essay #7 due


5/16  Reading: Trial of Joan of Arc excerpts (on reserve)

wk 9  Art, Law and Violence
5/20  Essay #8 due


5/28  Reading: Merback pp 158-308

wk 10  **Sacred/secular**

5/28  Reading: Gerald Larson, *Religion and Personal Law in Secular India* (selections to be announced)

5/30  no class

wk 11

6/4  Reading: Brian Barry, *Culture and Equality* (selections to be announced)

Final due 6/7 at noon