

HI 510 – Topics in Legal History
2016 Topic: Global History of Tolerance
Fall 2016, Wednesdays 2:00-5:00

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Course Outline

The goal of the course Topics in Legal History is to provide an opportunity for advanced undergraduate and graduate students in history to study together with law students in a weekly seminar devoted to a compelling topic of interest in the field of legal history. In the fall of 2016 this course will focus on the topic of religious tolerance: its historical origins and evolution as a legal concept, recent legal theories with tolerance at their center, and the practical ramifications of religious tolerance in different state systems. Scholarship on religious tolerance—and its inverse, intolerance—has expanded dramatically in recent years as the continued polarization between religious and secular in many democratic states has heightened constitutional battles over “religious freedom” waged in legal and political arenas. Through a global comparative study of religious tolerance—both theoretically and through case-studies—students in HI510 will gain a greater understanding of how states have historically regulated collective and individual religious rights, and the strategies religious groups continue to employ to preserve them.

Course Requirements

Your final grade will be determined as follows:

Book reviews, 20%. You will write short analytical review essays for any two of the assigned books. Each essay should be a 3-4-page assessment of the book’s argument, methodology, and evidence used. Ask yourself what kinds of questions the book attempts to answer, why, and how (at the end of this syllabus you will find a page on how to write an effective book review). Include at least two or three interesting questions you feel the book raises. Each review is due on the day of the book’s discussion. If you are unhappy with either of your grades you can write a third essay and I will use your best two grades.

Oral presentation, 10%. Each student is responsible for leading one seminar. On your day you should prepare a short oral presentation (maximum 10 minutes) about the book we are to discuss. You should introduce the book to the class along the lines of argument, methodology, and evidence and you should provide us with enough thoughtful questions to guide us through a lively discussion.

Seminar preparedness and participation, 20%. Attendance is required, but attendance alone is not enough for a good grade. Students are expected to come to each class having read the assigned book and prepared some questions and to actively participate in discussion. Prolonged absence is grounds for failure.

Research project, 50%. The research project includes two parts: an online research guide and a seminar paper. Research guide instructions and examples can be found at <http://blogs.bu.edu/guidedhistory/>. We will talk about your research every week and you will receive detailed written instructions about the research and writing process. Students should choose a research topic by October 26. Your research guide is due November 30. The seminar paper is due on December 12 (last day of classes). You will be given feedback for each of these steps but a single grade for the entire project.

All assignments should be completed independently and plagiarism from any source is unacceptable. Cases of suspected academic misconduct will be referred to the Dean's Office. If they have not already, students should familiarize themselves with Boston University's Academic Conduct Code:

<http://www.bu.edu/academics/policies/academic-conduct-code/>

Students with documented disabilities who may need accommodations should contact the Disability Services office as soon as possible: <http://www.bu.edu/disability/>. All discussions and accommodations will remain confidential.

Texts

All of the texts in the course schedule are available at the BU Barnes and Noble bookstore. All of the books on the syllabus are currently in print and available through Amazon and other online retailers as well as through the Boston Library Consortium.

Below the course schedule you will find a supplementary bibliography with a few other valuable works I considered including when putting together the syllabus and that students might consider for further reading and/or research papers.

Course Schedule and Assignments

September 7—Introduction

John Locke, "A Letter Concerning Toleration" (1689); James Madison, "Memorial and Remonstrance" (1785).

September 14

Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Harvard UP, 2007). Online access available through BU library; ordered to BU Barnes and Noble; paperback and kindle available through Amazon.

September 21

Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton UP, 2005). Online access available through BU library; ordered to BU Barnes and Noble; paperback and kindle available through Amazon.

September 28

Jose Casanova, *Public Religions in the Modern World* (U Chicago Press, 1994). Ordered to BU Barnes and Noble; paperback and kindle available through Amazon.

October 5

Selections on Blackboard from:

- Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford UP, 1995).
- Miodrag A. Jovanovic, *Collective Rights: A Legal Theory* (Cambridge UP, 2012).
- Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse, *A Critique of Pure Tolerance* (Beacon Press, 1969).

October 12—no class

October 19

Michael Walzer, *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions* (Yale UP, 2015). Ordered to BU Barnes and Noble; inexpensive hardcover and kindle available through Amazon.

October 26

Kabir Tambar, *The Reckoning of Pluralism: Political Belonging and the Demands of History in Turkey* (Stanford UP, 2014). Online access available through BU library; ordered to BU Barnes and Noble; paperback and kindle available through Amazon.

November 2

Anna G. Korteweg and Gokce Yurdakul, *The Headscarf Debates: Conflicts of National Belonging* (Stanford UP, 2014). Ordered to BU Barnes and Noble; paperback (including rental) and kindle available through Amazon.

November 9

Didi Herman, *An Unfortunate Coincidence: Jews, Jewishness, and English Law* (Oxford, 2011). Blackboard; some reasonably priced copies available on Amazon Marketplace.

November 16

Anna Su, *Exporting Freedom: Religious Liberty and American Power* (Harvard UP, 2016). Online access available through BU library; ordered to BU Barnes and Noble; hardcover and kindle available through Amazon.

November 30

Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton UP, 2015). Online access available through BU library; ordered to BU Barnes and Noble; hardcover and kindle available through Amazon.

December 7

Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton UP, 2015). Online access available through BU library; ordered to BU Barnes and Noble; paperback and kindle available through Amazon.

Supplementary Bibliography (for further reading and/or research projects)

Websites:

- The Immanent Frame: Secularism, religion and the public sphere
<http://blogs.ssrc.org/tif/>
- Pew Research Center, Forum on Religion and Public Life
<http://www.pewforum.org/>
- Resources for Doing Legal History—American Society for Legal Historians
<http://aslh.net/resources-for-doing-legal-history/>

Books:

- Rajeev Bhargava ed., *Secularism and its Critics* (Oxford, 2005).
- Roland Bainton, *Hunted Heretic: The Life and Death of Michael Servetus, 1511-1553* (Blackstone, 2005).
- Lee C. Bollinger, *The Tolerant Society* (Oxford, 1988).
- Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton UP, 2008).
- Jean L. Cohen and Cecile Laborde eds., *Religion, Secularism, and Constitutional Democracy* (Columbia UP, 2015).
- Marc O. DeGirolami, *The Tragedy of Religious Freedom* (Harvard UP, 2013).
- Noah Feldman, *The Fall and Rise of the Islamic State* (Princeton UP, 2008).
- Noah Feldman, *Divided by God: America's church-state problem—and what we should do about it* (Farrar, Straus and Giroux, 2005).
- Elizabeth Foster, *Faith in Empire: Religion, Politics, and Colonial Rule in French Senegal, 1880-1940* (Stanford UP, 2013).
- Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, John and Anne Tedeschi trans. (Johns Hopkins UP, 1980).
- Rebecca Goldstein, *Betraying Spinoza: The Renegade Jew Who Gave Us Modernity* (Schocken/Random House, 2006).

- Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in America* (Harvard UP, 2010).
- Stephen Greenblatt, *The Swerve: How the World Became Modern* (Norton, 2012).
- Zareena Grewal, *Islam Is a Foreign Country: American Muslims and the Global Crisis of Authority* (NYUP, 2013).
- Louis Grumet and John Caher, *The Curious Case of Kiryas Joel: The Rise of a Village Theocracy and the Battle to Defend the Separation of Church and State* (Chicago Review Press, 2016).
- Gerald Izenberg, *Identity: The Necessity of a Modern Idea* (UPenn Press, 2016).
- Will Kymlicka ed., *The Rights of Minority Cultures* (Oxford, 1995).
- Brian Leiter, *Why Tolerate Religion?* (Princeton UP, 2013).
- John Lie, *Modern Peoplehood* (Harvard UP, 2004).
- Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance without Liberalism* (Cambridge UP, 2016).
- Keally D. McBride, *Collective Dreams: Political Imagination and Community* (Penn State UP, 2005).
- Andrew R. Murphy, *Liberty, Conscience & Toleration: The Political Thought of William Penn* (Oxford UP, 2016).
- Steven Nadler, *A Book Forged in Hell: Spinoza's Scandalous Treatise and the Birth of the Secular Age* (Princeton UP, 2011).
- Andrew J. Pierce, *Collective Identity, Oppression, and the Right to Self-Ascription* (Lexington Books, 2012).
- Peter Sahlin, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Cornell UP, 2004).
- Teena Purohit, *The Aga Khan Case: Religion and Identity in Colonial India* (Harvard UP, 2012).
- Yuksel Sezgin, *Human Rights under State-Enforced Religious Family Law in Israel, Egypt and India* (Cambridge UP, 2013).

- Winnifred Sullivan et. al. eds., *Politics of Religious Freedom* (U Chicago Press, 2015).
- Winnifred Sullivan, *The Impossibility of Religious Freedom* (Princeton UP, 2005).
- Voltaire (Francois-Marie Arouet), *Treatise on Tolerance* (also goes by the title *On Toleration*) many editions.
- Michael Walzer, *On Tolerance* (Yale UP, 1999).
- Peter van der Weer, *Religious Nationalism: Hindus and Muslims in India* (UCal Press, 1994).