



# LAW 482

## Law and Religion

S2 Day 2015

*Dept of Law*

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#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Malcolm Voyce

[malcolm.voyce@mq.edu.au](mailto:malcolm.voyce@mq.edu.au)

Credit points

3

Prerequisites

(6cp in LAW or LAWS units at 300 level) or (39cp including LAWS260)

Corequisites

Co-badged status

Unit description

This unit explores key areas where law and various religious traditions intersect. A major theme in the unit relates to constitutional law principles concerning separation of church and state, and free exercise of religious belief and the issues surrounding multicultural accommodation of religions in Australia. This involves an inquiry into different religions such as Christianity, Islam and Buddhism. In the context of these religions the course examines religion and war, religion and the environment, animal welfare, terrorism, issues surrounding sexuality, and religion and capitalism.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
3. Analyse the relationship of Islam and Buddhism and the law;
4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy

employment.

5. Critically analyse and applying relevant legal principles to problem situations;

6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## Assessment Tasks

Name	Weighting	Due
<u>Assessment 1</u>	40%	Week 8
<u>Assessment 2</u>	40%	Week 13
<u>Active Participation</u>	10%	Weekly
<u>Class Participation</u>	10%	Weekly

### Assessment 1

Due: **Week 8**

Weighting: **40%**

Assessment 1 Task 1 3,000 word essay

Subject to an extension being granted, the due times, dates and places for submission of the research papers are as follows:

Essay 1 is to be submitted by 28th September, 2105. Work must be submitted through Turnitin. The topic for this research paper will be available on the 1st September 2015.

The task will be assessed by the following criteria: argument is convincing, relevant research in the area is critically examined and addressed, content, structure, writing style, referencing and bibliography

The requirements as to submission of research papers will be strictly enforced. Penalties for not submitting a research paper in accordance with these requirements, or, not submitting a research paper, are set out in paragraph (e) and (f) below.

#### (b) Extensions

Any student seeking an extension of time to submit a research paper must, except in extraordinary circumstances, submit to the Unit Convenor (or have submitted on his or her behalf) a request in writing and supportive documentary evidence. In cases of extensions sought on medical grounds, a certificate signed by a medical practitioner must be submitted as

supportive documentary evidence. In extraordinary circumstances where a written request for an extension cannot be submitted, an application for an extension can be sought verbally. However, in such cases, any extension granted will be subject to the student subsequently submitting such documentary evidence as is deemed appropriate by the Unit Convenor.

Extensions of greater duration than seven (7) days will not usually be granted.

**(c) Formal requirements**

The following requirements as to presentation of research papers must be complied with:

- All research papers must be typed on A4 paper.
- Research papers cannot exceed 3,000 words. The word limit does not include footnotes and bibliography, although footnotes must not include any substantive content. The actual word length of a research paper must be stated on the cover sheet.
- Only one side of any sheet of paper is to be used, and all sheets of paper used must be stapled on the top left hand corner with an appropriate cover sheet.
- Each essay must contain a bibliography.

**(d) Marking and assessment value of research papers**

Each research paper will be given a mark out of 40. Each research paper will count for 40% of a student's final mark in the subject.

**(e) Penalty for not submitting a research paper in accordance with requirements as to time, date and place**

Any research paper that is submitted, but not in accordance with the requirements as to time, date and place set out in paragraph (a) above, will not be accepted or marked.

Irrespective of marks gained in other assessment items, any student who has submitted a research paper, but not in accordance with the requirements as to time, date and place set out in paragraph (a) above, will be awarded a 'Fail' grade for this unit.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy

employment.

- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## Assessment 2

Due: **Week 13**

Weighting: **40%**

### Assessment 2 Task 2

Subject to an extension being granted, the due times, dates and places for submission of the research papers are as follows:

Essay 2 is to be submitted by 5pm on 4th November 2015. Work must be submitted through Turnitin. The topic for this research paper will be available on the 1st November 2015.

The task will be assessed by the following criteria: argument is convincing, relevant research in the area is critically examined and addressed, content, structure,

The requirements as to submission of research papers will be strictly enforced. Penalties for not submitting a research paper in accordance with these requirements, or, not submitting a research paper, are set out in paragraph (e) and (f) below.

### **(b) Extensions**

Any student seeking an extension of time to submit a research paper must, except in extraordinary circumstances, submit to the Unit Convenor (or have submitted on his or her behalf) a request in writing and supportive documentary evidence. In cases of extensions sought on medical grounds, a certificate signed by a medical practitioner must be submitted as supportive documentary evidence. In extraordinary circumstances where a written request for an extension cannot be submitted, an application for an extension can be sought verbally. However, in such cases, any extension granted will be subject to the student subsequently submitting such documentary evidence as is deemed appropriate by the Unit Convenor.

Extensions of greater duration than seven (7) days will not usually be granted.

### **(c) Formal requirements**

The following requirements as to presentation of research papers must be complied with:

- All research papers must be typed on A4 paper.
- Research papers cannot exceed 3,000 words. The word limit does not include footnotes and bibliography, although footnotes must not include any substantive content. The actual word length of a research paper must be stated on the cover sheet.

- Only one side of any sheet of paper is to be used, and all sheets of paper used must be stapled on the top left hand corner with an appropriate cover sheet.
- Each essay must contain a bibliography.

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Each research paper will be given a mark out of 40. Each research paper will count for 40% of a student's final mark in the subject.

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Irrespective of marks gained in other assessment items, any student who has submitted a research paper, but not in accordance with the requirements as to time, date and place set out in paragraph (a) above, will be awarded a 'Fail' grade for this unit.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## Active Participation

Due: **Weekly**

Weighting: **10%**

Weekly activity participation

**Substantive requirements in relation to class participation**

Students will be assessed on the basis of their knowledge, understanding and ability to critically evaluate the weekly readings and contribute to the discussion of questions set in relation to these readings. To fulfil these criteria students will be expected to contribute to class discussions in the weekly seminars.

### **(b) Formal requirements in relation to class participation**

Students are required to attend tutorials during each of the 13 weeks that the subject runs during the semester. However, students will be permitted a maximum of two (2) unexplained absences from the program of seminars. Students with more than two (2) unexplained absences will get a zero (0) mark for class participation, and, irrespective of marks gained in other assessment items, will be awarded a 'Fail' grade.

If a student is unable to attend any seminar he or she should, within a reasonable time, provide a written explanation of the reason(s) for the absence together with any appropriate corroborating evidence, eg. medical certificate. The written explanation must be personally signed by the student and forwarded to the Unit Convenor. E-mail communications on this matter will not be accepted. In this respect, if:

- (a) the reason(s) for the absence are, in the opinion of the Unit Convenor, not justifiable reasons for not attending the relevant seminar(s); or
- (b) no written explanation is provided to the Subject Convenor within a reasonable time, the absence will be deemed to be an unauthorised absence for the purpose of the attendance requirement set out above.

### **(c) Assessment Value of Class Participation**

Class participation will count for 10% of a student's final mark in this unit.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Class Participation**

Due: **Weekly**

Weighting: **10%**

Weekly class discussion.

On successful completion you will be able to:

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Delivery and Resources**

### **Technology used and required.**

Computer with internet connection. (Available from on-campus Library)

All Lectures will be recorded and available through iLearn.

### **Resources required.**

Reading List supplied

## **Unit Schedule**

Please see 'Seminar Readings and Discussion Questions' in the iLearn unit.

## **Policies and Procedures**

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy [http://mq.edu.au/policy/docs/grievance\\_management/policy.html](http://mq.edu.au/policy/docs/grievance_management/policy.html)



Disruption to Studies Policy [http://www.mq.edu.au/policy/docs/disruption\\_studies/policy.html](http://www.mq.edu.au/policy/docs/disruption_studies/policy.html) *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: [https://students.mq.edu.au/support/student\\_conduct/](https://students.mq.edu.au/support/student_conduct/)

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### Creative and Innovative

Our graduates will also be capable of creative thinking and of creating knowledge. They will be imaginative and open to experience and capable of innovation at work and in the community. We want them to be engaged in applying their critical, creative thinking.

This graduate capability is supported by:

#### Learning outcomes

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

#### Assessment tasks

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

### Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

#### Learning outcomes

- 5. Critically analyse and applying relevant legal principles to problem situations;

- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Assessment tasks**

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## **Commitment to Continuous Learning**

Our graduates will have enquiring minds and a literate curiosity which will lead them to pursue knowledge for its own sake. They will continue to pursue learning in their careers and as they participate in the world. They will be capable of reflecting on their experiences and relationships with others and the environment, learning from them, and growing - personally, professionally and socially.

This graduate capability is supported by:

## **Learning outcomes**

- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Assessment tasks**

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## **Discipline Specific Knowledge and Skills**

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

## **Learning outcomes**

- 1. Demonstrate an understanding of the basis for religious freedom principles and their

operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;

- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 3. Analyse the relationship of Islam and Buddhism and the law;
- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.

## **Assessment tasks**

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## **Critical, Analytical and Integrative Thinking**

We want our graduates to be capable of reasoning, questioning and analysing, and to integrate and synthesise learning and knowledge from a range of sources and environments; to be able to critique constraints, assumptions and limitations; to be able to think independently and systemically in relation to scholarly activity, in the workplace, and in the world. We want them to have a level of scientific and information technology literacy.

This graduate capability is supported by:

## **Learning outcomes**

- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 5. Critically analyse and applying relevant legal principles to problem situations;

## **Assessment tasks**

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## **Problem Solving and Research Capability**

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative

in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

## **Learning outcomes**

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 2. Examine the relationship between church and state with an examination of states such as the United Kingdom, the United States, France and Australia;
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Assessment tasks**

- Assessment 2
- Active Participation
- Class Participation

## **Effective Communication**

We want to develop in our students the ability to communicate and convey their views in forms effective with different audiences. We want our graduates to take with them the capability to read, listen, question, gather and evaluate information resources in a variety of formats, assess, write clearly, speak effectively, and to use visual communication and communication technologies as appropriate.

This graduate capability is supported by:

## **Learning outcomes**

- 1. Demonstrate an understanding of the basis for religious freedom principles and their operation in the constitutional law of states such as Australia, the United States, Canada and South Africa;
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

## **Assessment tasks**

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## Engaged and Ethical Local and Global citizens

As local citizens our graduates will be aware of indigenous perspectives and of the nation's historical context. They will be engaged with the challenges of contemporary society and with knowledge and ideas. We want our graduates to have respect for diversity, to be open-minded, sensitive to others and inclusive, and to be open to other cultures and perspectives: they should have a level of cultural literacy. Our graduates should be aware of disadvantage and social justice, and be willing to participate to help create a wiser and better society.

This graduate capability is supported by:

### Learning outcomes

- 4. Analyse the intersections of law and religion relating to laws governing sacred site protection, voluntary euthanasia, blasphemy, same-sex marriage and clergy employment.
- 5. Critically analyse and applying relevant legal principles to problem situations;
- 6. Critically explain, analyse and evaluate the relevant theoretical bases of relevant legal principles.

### Assessment tasks

- Assessment 1
- Assessment 2
- Active Participation
- Class Participation

## Socially and Environmentally Active and Responsible

We want our graduates to be aware of and have respect for self and others; to be able to work with others as a leader and a team player; to have a sense of connectedness with others and country; and to have a sense of mutual obligation. Our graduates should be informed and active participants in moving society towards sustainability.

This graduate capability is supported by:

### Assessment task

- Class Participation