

## LAWS5225 Special Topic C: Law and Religion

**Course Coordinator: Professor Nicholas Aroney**

This course offers an overview of the interaction between law and religion.

- How do law and religion conceptualise each other?
- How does the law regulate religion?
- How does religion evaluate law?
- What is the 'domain' of each?

The course will begin by discussing various approaches to defining 'law' and 'religion'. It will then consider the historical connections between religion and law across the major world cultures with particular focus on historical antecedents and influences on Australian law (ie, the Western legal tradition generally and the English common law tradition specifically).

The course will next turn to major world religious perspectives on law (eg, Indigenous, Hindu, Buddhist, Confucian, Jewish, Christian and Muslim) again with particular focus on religious perspectives significant to understanding and evaluating Australian law. Major systems of 'religious law' will also be considered, particularly in their Jewish (halakha), Christian (canon) and Islamic (sharia) forms.

The course will then investigate the connections between religion and law in a select number of areas of the law, focussing on its underlying principles (eg, torts, contract, crime, property, marriage, charities, equity, associations, corporations, bankruptcy, constitutional, international).

Finally, the course will explore the issues associated with concepts such as 'separation of church and state', 'secularism', 'establishment of religion' and 'free exercise of religion', particularly as they arise in international human rights law, Australian constitutional law and anti-discrimination law.