

LAW 7126: Tradition in Law and Religion

This course is offered in two variations: either as a 2 credit research paper course that satisfies the scholarly writing requirement, or as a traditional 2 credit course without a writing component. Student opting for the research paper course should register for 6055, and those choosing the standard lecture course should register for 7126. Two conflicting stories are told about law. On the one hand it reflects the accumulated wisdom of the ages. It is the basis and foundation of our legal and political heritage that has been accepted for generations. A more updated account reaches similar conclusions in terms of settled expectations, predictability of outcomes, separation of powers, and institutional constraints facing the courts. This celebration of tradition however is balanced by a tale of the law's flexibility. Here, the law is elastic and ever changing, constantly updating itself to reflect contemporary norms. This tension between stability and change however, is not unique to the law. Numerous religious traditions maintain a similar dialectic. On the one hand, sacred teachings and canonical texts are understood by believers to represent timeless truths. Yet to remain relevant, the religious tradition must take emerging social understandings into account, modifying its doctrines and teachings accordingly. Religious systems, like law, employ a number of hermeneutic and rhetorical devices designed to reconcile static precedents with dynamic interpretation. This course sits at the intersection of legal history, law and religion comparative law and legal theory. Its goals are to explore the form and content of the law's intellectual tradition through its own resources but also with an eye towards analogous uses of tradition within religious discourse. Further questions can be addressed to Professor Saiman.

Credits: 2.0