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Agenda: Religious Perspectives on the Rule of Law: Group #2

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AGENDA:

RELIGIOUS PERSPECTIVES ON THE RULE OF LAW

Group #2

- I. Religious perspectives on the Rule of Law require reflection on the meaning and implications of both religion and Rule of Law. As will be evident from the agenda which follows, we opt for an inclusive definition of religions (beyond Jewish, Christian, Muslim perspectives) which share a respect for their own principles or laws and rule of law along with the rule of law in the secular legal system. Both religions and secular law strive to serve ideals of morality, fairness and justice. Most often, when religious and secular law concur in these goals there is consensus that the Rule of Law is beneficial. We seek an agenda which promotes not only this concurrence but which also promotes pluralism and includes religious traditions and principles that do not articulate legal systems.
- II. In order to address the agenda which follows, we recommend the following research questions:
 - A. Is the law just? Does the law have moral content? Is the pursuit of justice an aspiration in the legal profession or any other human institution, including religion?
 - B. If justice is an over-arching goal of both legal practice and religion, should there be some interdependence between law and religion? Whether this is partnership or cooperation or opposition depends upon the circumstance.
 - C. Through investigation of various religious traditions, search for both common and differing ideas of justice, e.g., economic justice.
- III. Agenda for discussion and teaching in law schools and theology schools and their various constituencies:
 - A. Teaching Pluralism in Legal Settings

1. As a first step, law schools must teach about legal dimensions of religions. Many law schools currently offer courses in Jewish law, Muslim law, and canon law. In India, e.g., lawyers learn about the personal laws of each of the various religions of India. It is recommended that the teachers be sympathetic and positive to the religious principles they are presenting within the general norms of scholarship.
 2. Pluralism within the legal context of the United States must account for the protection of minorities and the problems of majoritarianism. How do we allow for those views that have not been accommodated? When majoritarianism is imposed, the communities upon which it is imposed must be consulted and respected.
 3. Create consensus building process for more inclusive pluralism in United States:
 - a. Discussion of the questions: when is there too much pluralism? and what are the definitions and parameters of the pluralism being advocated?
 - b. *Internal discourse*: prompt community to re-examine its values and norms. These questions arise partly as the result of internal demands and partly due to external demands placed upon the community.
 - c. *Cross-cultural dialogue*: promoting consensus among the various religious perspectives about the rule of law. Promote understanding and mutual respect.
 - d. While we cannot expect the legal field to address all of these concerns, we can bring these issues to law schools, theology schools and religious communities to implement them.
- B. Teaching Pluralism in Religious Settings
1. Is pluralism a religious value? Is it in the interests of this country for theology schools to promote pluralism? Could pluralism be structured as separate community systems or could we have one system inclusive of all the different religious perspectives?

2. Teaching about other religions in theology schools and other religious settings.
 3. Inter-faith dialogue: promoting understanding among the various religious perspectives.
 4. Internal discourse: create consensus building process for pluralism. Prompt community to re-examine its values and norms. These questions arise partly as the result of internal demands and partly due to external demands placed upon the community.
- C. Bridging the Gap:
1. Alternative Dispute Resolution (“ADR”) as a way of legally constituting communal religious authority as an alternative source of justice. ADR in Muslim, Jewish, Catholic and other religious communities.
 2. Can we expand this model? What is the role of lawyers in this expansion?
 3. Can we research and recommend other alternatives which respect religious adjudication?

Notes & Observations