

RELIGION, LAW, AND SOCIETY: LAWS OF RELIGIOUS ASSOCIATIONS

Aryeh Amihay

Details:

RGST 157, Spring 2019

T R 3:30pm–4:45pm

Room: Girvetz 2124

Office HSSB 3048

Office Hours: T R 10:00am–12:00pm

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Description and Mission

This course examines the interactions of religion, law, and society, primarily through an examination of legal codes and manuals of conduct of religious associations. While reading these texts, students are expected to consider the following: How is membership in a group established? How is a community constituted internally, and in relation to the surrounding society? What tensions exist between an individual and a group, and what strategies are used to diffuse them? What is the relationship of the individual to his religious community and to God, and in what ways are these two relationships similar and distinct from one another?

In addition to an exploration of laws of religious orders, the course examines laws governing religion and society in ancient societies that are broader than small religious associations. These examples, from ancient China and ancient Greece, will allow to further consider the distinction between laws of an association, a guild, or a monastery, from the structure of a broader society, and the way religion and law functions in these different settings.

The course deploys a comparative approach. Students are expected to develop tools for comparison, first and foremost by placing each work in its particular historical and cultural context. Questions of comparisons between different readings will take into consideration the differences between their contexts, and will address the cause or the implication of the similarity.

Grading

Students who enter class late will be asked to leave the course.

Students are expected to come to class having prepared the readings (consult separate document on preparation), and with questions and insights for discussion. Class will focus on discussion of the readings.

The written assignment is a final research paper, to be submitted by Sunday, June 9, 2019, at 9pm. Students should consult assignments sheets for further instructions.

30% Participation

70% Final essay

All students are required to have one office hour meeting with instructor during the course. Grades will not be submitted for no-show students.

Class 1 (Apr. 2) – Introduction

Kanter, “Commitment: The Problem and the Theory”

Class 2 (Apr. 4) – Introduction: The Desert Fathers

Apophthegmata Patrum, chapter 8: Nothing Done for Show
Chapter 9: Non-Judgment
Chapter 13: Hospitality
Chapter 14: Obedience

Class 3 (Apr. 9) – Hinduism: Visnu Smṛti

Viṣṇu Smṛti, chapters 28-32: Studentship
Chapters 94-95: Hermits
Chapter 96: Ascetics

Class 4 (Apr. 11) – Hinduism: Manusmṛti

Laws of Manu, chapter 4: Rules for a *snātaka*
Chapter 6: Rules for hermits and ascetics
From chapter 12: doubtful points of the law

Class 5 (Apr. 16) – Confucianism: Li Ji

Book 5: Questions of Zengzi
Book 7: The Conveyance of Rites

Class 6 (Apr. 18) – Confucianism: Li Ji

Book 15: Smaller Rules of Demeanor
Book 10: Pattern of the Family

Class 7 (Apr. 23) – Buddhism: Vinaya Pitaka

The Pāṭimokkha

Class 8 (Apr. 25) – Buddhism: Vinaya Pitaka

Cullavagga, Khandhaka 8: Duties of Monks towards One Another
Khandhaka 9: Exclusion from the Pāṭimokkha Ceremony
Khandhaka 10: Duties of Female Monks

Class 9 (Apr. 30) – Greco-Roman Law: “Sacred Law” and other Laws Pertaining to Religion

Scott, *The Civil Law*, selections: *Twelve Tables*, Table X

Institutes of Gaius, Second Commentary
The Opinions of Julius Paulus 1.21, 5.19-22
The Enactments of Justinian 2.1
Pandects 11.7-8, 11.22

Greek Historical Inscriptions, documents 27 and 97: Cult of Amphiaraus
Sacred Law from Cyrene

New Greek Sacred Law, documents 8, 11, 20, 22, and 24: Sanctuary Regulations
Decree on Cult
Two Decrees Concerning the Priesthood
Law on Drinking
A Dedication to Asclepius

Class 10 (May 2) – Greco-Roman Law: Associations, Guilds, and Festivals

Tebtunis Papyri, selections: 243. Gild Ordinance

244. Ordinance of an Association of ἀπολύσιμοι
245. Ordinance of the Salt Merchants
246. Contributions to a Gild of Harpocrates

Roberts et al, “The Gild of Zeus Hypsistos”

GHI 1, 5, 73: Law of the Phratry of the Labyadai
Athenian Phratry Decrees
Regulations for the Artemisia

NGSL 5, 26: Statutes of an ἔρανος
Decree on Reconciliation

Class 11 (May 7) – Second Temple Judaism: The Essenes

The Damascus Document

Class 12 (May 9) – Second Temple Judaism: Judean Desert Scrolls

The Community Rule

Class 13 (May 14) – Early Christianity: Canon Law

The Apostolic Constitutions (Coptic)

Class 14 (May 16) – Medieval Christianity: Handbooks of Penance

The Penitential of Theodore
Canons Attributed to Theodore
Selections from Penitentials ascribed to Bede

Class 15 (May 21) – Jainism: The Agamas (from the Mūlasūtras and the Angās)

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| Uttaradhyayana, lecture 1: Discipline | Sūtrakṛtāṅga, Lecture 3, ch. 2: Temptations of |
| Lecture 2: Troubles | Domestic life |
| Lecture 11: The Very Learned | Lecture 9: The Law |
| Lecture 12: Harikesa | Lecture 13: The Real Truth |
| Lecture 15: The True Monk | |
| Lecture 17: The Bad Śramaṇa | |
| Lecture 26: The Correct Behavior | |
| Lecture 30: The Road of Penance | |
| Lecture 35: The Houseless Monk | |

Class 16 (May 23) – Zen Buddhism: The Rinsenji Code

Collcutt, “The Zen Monastic Life and Rule”

Class 17 (May 28) – American Utopianism: The Oneida Community

Handbook of the Oneida Community (Social Platform section)

Class 18 (May 30) – Antinomian Occultism: Aleister Crowley

The Book of the Law
The Book of Lies

Class 19 (June 4) – Online Communities

Kim, “Etiquette: Rules to Live By”
Campbell, “Religious Authority and the Internet”
Maltz, “Customary Law & Power in Internet Communities”

Class 20 (June 6) – Conclusion

Stark and Bainbridge, “Religion as Deviance”

Sources of Readings

- Bühler, G., trans. *The Laws of Manu*, Sacred Books of the East 25. Oxford: Clarendon, 1886.
- Campbell, Heidi. "Who's Got the Power? Religious Authority and the Internet." *Journal of Computer-Mediated Communication* 12.3 (2007): 1043-62.
- Colcutt, Martin. *Five Mountains. The Rinzai Zen Monastic Institution in Medieval Japan*. Cambridge, Mass.: Harvard University Press, 1981.
- Crowley, Aleister. *The Book of the Law and The Book of the Lies*. Mineola, N.Y.: Dover, [1904, 1912], 2017.
- García Martínez, Florentino, and Eibert J.C. Tigchelaar, eds. *Dead Sea Scrolls Study Edition, Volume One: 1Q1-4Q273*. Leiden: Brill, 1997.
- Husselman, Elinor Mullett, Arthur E. R. Boak, and William F. Edgerton. *Papyri from Tebtunis, Part II, Michigan Papyri 5*. Ann Arbor: University of Michigan Press and London: Milford and Oxford University Press, 1944.
- Jacobi, Hermann, trans. *Gaina Sūtras, part II: The Uttarādhyayana Sūtra; The Sūtrakritāṅga*, Sacred Books of the East 45. Oxford: Clarendon, 1895.
- Jolly, Julius, trans. *Institutes of Vishnu* and Kâshinâth Trimbak Telang, trans. *The Bhagavadgîtâ with the Sanatsugâtîya and the Anugîtâ*, Sacred Books of the East 8. New York: Scribner's, 1900.
- Kanter, Rosabeth Moss. *Commitment and Community. Communes and Utopias in Sociological Perspective*. Cambridge, Mass.: Harvard University Press, 1972.
- Kim, Amy Jo. *Community Building on the Web*. Berkeley, Calif.: Peachpit, 2000.
- Legge, James, trans. *Li Chi: Book of Rites*, edited with Introduction and Study Guide by Ch'u Chai and Winberg Chai. New Hyde Park: University Books, 1967.
- Lupu, Eran. *Greek Sacred Law. A Collection of New Documents (NGSL)*, 2nd ed. Leiden: Brill, 2009.
- Maltz, Tamir. "Customary Law & Power in Internet Communities." *Journal of Computer-Mediated Communication* 2.1 (1996): n.p.
- McNeill, John T., and Helena M. Gamer, trans. *Medieval Handbooks of Penance. A Translation of the Principal libri poenitentiales and Selections from Related Documents*. New York: Columbia University Press, 1938.
- Rhodes, P. J., and Robin Osborne, eds. *Greek Historical Inscriptions, 404-323 BC*. Oxford: Oxford University Press, 2003.
- Rhys Davids, T. W., and Hermann Oldenberg, trans. *Vinaya Texts, part 1: The Pâtimokkha; the Mahāvagga, I-IV*, Sacred Books of the East 13. Oxford: Clarendon, 1881.
- , trans. *Vinaya Texts, part 3: The Kullavagga, IV-XII*, Sacred Books of the East 20. Oxford: Clarendon, 1885.
- Roberts, Colin, Theodore C. Skeat, and Arthur Darby Nock. "The Guild of Zeus Hypsistos." *Harvard Theological Review* 29.1 (1936): 39-88.
- Scott, S. P. *The Civil Law, including the Twelve Tables, the Institutes of Gaius, the Rules of Ulpian, the Opinions of Paulus, the Enactments of Justinian, and the Constitutions of Leo*. Cincinnati: Central Trust Company, 1932.
- Stark, Rodney, and William Sims Bainbridge. *Religion, Deviance, and Social Control*. New York: Routledge, 1996.
- Tattam, Henry, trans. *The Apostolic Constitutions, or, Canons of the Apostles in Coptic*. London: Oriental Translation Fund, 1848.
- Verheyen, Peter D., project manager. *Hand-Book of the Oneida Community: Digital Edition*. Syracuse: Dept of Special Collections, Syracuse University Library, 2000.
<https://library.syr.edu/digital/collections/h/Hand-bookOfTheOneidaCommunity/>
- Ward, Benedicta, trans. *The Desert Fathers. Sayings of the Early Christian Monks*, Penguin Classics . London: Penguin, 2003.