THE SECOND ANNUAL AFRICAN LAW AND RELIGION CONFERENCE

LAW AND RELIGION IN AFRICA
THE QUEST FOR THE COMMON GOOD IN PLURALISTIC SOCIETIES

STELLENBOSCH, SOUTH AFRICA

MAY 26-28, 2014

Sponsored by:
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Faculty of Theology (Unit for the Study of Law and Religion,
Beyers Naudé Centre for Public Theology)

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International Consortium for Law and Religion Studies

Catholic University of Leuven

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<td>09:00 - 10:00</td>
<td>First Plenary Session: “Philosophy, Law and Religion &amp; Islam and Law” (Omega)</td>
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<td>10:00 - 10:30</td>
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<td>• Philosophy, Law and Religion (Magnifica 1)</td>
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<td>• Islam and Law (Magnifica 3)</td>
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<tr>
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<td>• Theology and Law (Magnifica 1)</td>
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<td>16:45 - 17:00</td>
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<td>17:00 - 18:00</td>
<td>Third Plenary Session: “Theology and Law &amp; African Traditional Religion” (Magnifica 2&amp;3)</td>
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<td>18:00 - 18:30</td>
<td>Break</td>
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<tr>
<td>18:30</td>
<td>Conference Reception and Keynote Speaker (Omega)</td>
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**Detailed Schedule for Tuesday, May 27**

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<tr>
<td>08:30 - 10:15</td>
<td>Fourth Plenary Session: “Religion, State And Society &amp; Religious Intolerance / Persecution” (Omega)</td>
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<tr>
<td>10:15 - 10:30</td>
<td>Break</td>
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<tr>
<td>10:30 - 12:00</td>
<td>Parallel sessions</td>
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<tr>
<td></td>
<td>• Religion, State and Society (Magnifica 1)</td>
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<tr>
<td></td>
<td>• Religious Intolerance / Persecution (Magnifica 3)</td>
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<tr>
<td>12:00 - 13:00</td>
<td>Lunch</td>
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<tr>
<td>13:00 - 14:00</td>
<td>Fifth Plenary Session: “Law And Religion In Africa – Governance, Social Problems, Marriage, Woman, Children, Disabled Persons and Education” (Omega)</td>
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<tr>
<td>14:00 - 14:30</td>
<td>Break</td>
</tr>
<tr>
<td>14:30 - 16:00</td>
<td>Parallel sessions</td>
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<td></td>
<td>• Law and Religion in Africa (Magnifica 1)</td>
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<td></td>
<td>• Law, Religion and Social Problems (Magnifica 2)</td>
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<td>• Marriage, Women, Children and Education (Magnifica 3)</td>
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<tr>
<td>16:00 - 16:30</td>
<td>Break</td>
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<tr>
<td>16:30 - 18:00</td>
<td>Parallel sessions</td>
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<tr>
<td></td>
<td>• Marriage, Women, Children and Education (Magnifica 1)</td>
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<td></td>
<td>• Law and Religion in Africa (Magnifica 3)</td>
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<tr>
<td>18:00 - 18:30</td>
<td>Break</td>
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<tr>
<td>18:30</td>
<td>Conference Dinner and Keynote Speaker (Omega)</td>
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**Detailed Schedule for Wednesday, May 28**

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<th>Time</th>
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<tr>
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<td>Sixth Plenary Session: “Law and Religion &amp; Registration of Religions” (Omega)</td>
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<tr>
<td>09:30 - 10:00</td>
<td>Break</td>
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<tr>
<td>10:00 - 11:45</td>
<td>Plenary Panel: “Registration of Religions in Africa” (Omega)</td>
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<tr>
<td>11:45 - 12:00</td>
<td>Break</td>
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<tr>
<td>12:00 - 13:45</td>
<td>Religious leaders panel on Law and Religion / Religion and Constitution / Freedom of Religion and Concluding Remarks (Omega)</td>
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<tr>
<td>13:45 - 14:30</td>
<td>Lunch</td>
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<tr>
<td>14:30 - 15:30</td>
<td>Closing of Conference Business meeting and Formal Organisation of the African Consortium for Law and Religion Studies (Omega)</td>
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CONFERENCE SCHEDULE

MONDAY, MAY 26, 2014

08:00-08:30  REGISTRATION

08:30-09:00  OPENING AND WELCOME
Room: Omega
Welcome:  Pieter Coertzen
Cole Durham

09:00-10:00  FIRST PLENARY SESSION:
“PHILOSOPHY, LAW AND RELIGION & ISLAM AND LAW”
Room: Omega
Chair:  Mark Hill
Speakers:  Danie Strauss, “Philosophical approaches to the theme of law and religion”
Oladiti Akeem, “Justice in the threshold of culture: a comparative study of Yoruba and Islamic legal systems”

10:00-10:30  BREAK

10:30-12:30  PARALLEL SESSIONS

PHILOSOPHY, LAW AND RELIGION
Room: Magnifica 1
Chair:  Kofi Quashigah
Speakers:  PS1 Digby Sqhela Koyana, “Seeking the common good in pluralistic societies”
PS2 Shaun de Freitas, “The common good also in religious interpretations and the furtherance of diversity”
PS3 Jaco Dreyer, “Religious fundamentalism, Ubuntu and the quest for a culture of human rights in Africa”
PS4 Adelbert Scholtz, “The quest for the common good in pluralistic societies – a philosophical perspective”
ISLAM AND LAW

Room: Magnifica 3

Chair: Robert Smith
Speakers:
- PS5 Salim Magashi, “Pluralism in the Nigerian legal system: a panacea for comprehensive and inclusive national development”
- PS6 Ahmed Garba, “Regulation of religious preaching in a democratic: analysis of Islamic preaching board laws in the Sharia states of Northern Nigeria, 1960-2013”
- PS7 Muhammed Haron, “South(ern) Africa’s Dar ul-‘Ulums: Shari’ah agents between society and the state”

12:30-14:00 LUNCH

14:00-15:15 SECOND PLENARY SESSION:
“THEOLOGY AND LAW & AFRICAN TRADITIONAL RELIGION”

Room: Omega

Chair: Iain Benson
Speakers:
- Francois Muller, “Between extremes - the sound application of article 36 of the Belgic Confession in pluralist African societies”
- Tom Bennett, “Traditional African Religions: culture or religion?”

15:15-15:30 BREAK

15:30-16:45 PARALLEL SESSIONS

THEOLOGY AND LAW

Room: Magnifica 1

Chair: Jaco Dreyer
Speakers:
- PS8 Peter Langerman, “‘The Tower of Babel and the shaping of South Africa’ Genesis 11:1-9”
- PS9 Magriet de Villiers, “‘The right to have rights’: engaging theologically with Hannah Arendt in a pluralist society”
- PS10 Godfrey Msiska, “Protection of Africa Traditional law and African Traditional Religion: legal and theological perspective”
AFRICAN TRADITIONAL RELIGION  
*Room: Magnifica 2*  
**Chair:** Muhammed Haron  
**Speaker:**  
PS11 **John Paul Ongeso**, “The embedding of customary law in South Africa’s public political culture: perspectives from Rawls’s political liberalism and the idea of public reason revisited”  
PS12 **Nokuzola Mndende**, “Flying with clipped wings: African Traditional Religion under the armpit of big brother West”  
PS13 **Abamfo Ofari Atiemo**, “Religion and custom are not the same: sacred traditional states and religious human rights in contemporary Ghana”

TRADITION, LAW AND MARRIAGE  
*Room: Magnifica 3*  
**Chair:** Oladiti Akeem  
**Speakers:**  
PS14 **Robert Smith**, “Judicial mandates for same sex marriage in the USA and religious freedom”  
PS15 **Kizito Kabengele**, “A legal perspective of ministers of religion as authorized marriage officer”  
PS16 **Devina Perumal**, “Keeping women in their place: a socio-legal examination of the judicial treatment of Hindu religious marriages in South African law”

16:45-17:00  
**BREAK**

17:00-18:00  
**THIRD PLENARY SESSION:**  
“THEOLOGY AND LAW & AFRICAN TRADITIONAL RELIGION”  
*Room: Magnifica 2 & 3*  
**Chair:** Johan van der Merwe  
**Speakers:**  
Adriaan Overbeeke, “Experiencing new pluralities: Religious governance in Congo Free State / Belgian Congo (1885-1960) under the aegis of international law”  
Jean-Baptiste Sourou, “The roles of women in African Traditional Religion and in the Catholic Church”

18:00-18:30  
**BREAK**
18:30

CONFERENCE RECEPTION

Room: Omega

Chair: Sonia Human

Addresses: Cole Durham, President: International Consortium for Law and Religion Studies (ICLARS); Head: International Center for Law and Religion Studies (ICLRS)

Spokesperson, Stellenbosch University

Keynote: Justice Albie Sachs, Emeritus Justice of the Constitutional Court of South Africa
TUESDAY, MAY 27, 2014

08:30-10:15

FOURTH PLENARY SESSION:
“RELIGION, STATE AND SOCIETY & RELIGIOUS INTOLERANCE / PERSECUTION”
Room: Omega
Chair: Digby Sqhela Koyana
Speakers:
Iain Benson, “Some contours of pluralism and the common good in relation to the limits of the law”
Kofi Quashigah, “State sanctioned religious discrimination in Africa: nature and implications of the obvious and implicit”
Hildegard Warnink, “Human rights and human dignity: discussion regarding the refusal to ordain women in the Roman Catholic Church”

10:15-10:30

BREAK

10:30-12:00

PARALLEL SESSIONS

RELIGION, STATE AND SOCIETY
Room: Magnifica 1
Chair: Danie Strauss
Speakers:
PS17 George Byarugaba, “What has Jerusalem to do with Athens? Religion-state relations”
PS18 Emmanuel Thsilenga, “Relationship between state and religion in Francophone Africa”
PS19 Allswell Muzan, “What roles can religion be formally required to play in governance in Africa”
PS20 Asher Maoz, “Religious freedom as a basic human right – the Jewish perspective”
RELIgIOUS INTOlerANCE / PERSECUTION

Room: Magnifica 3

Chair: Shaun de Freitas

Speakers: PS21 Christof Sauer & Frans Visscher, “Understanding dimensions of religious freedom and persecution dynamics in Sub-Saharan Africa”
       PS22 Johannes van der Walt, “The problem of religious intolerance in modern societies: Is there a way out?”
       PS23 Fortune Sibanda, “Legalise it!: Re-thinking Rastafari-State relations in postcolonial Zimbabwe”
       PS24 Mary Nel, Violent enforcement of traditional beliefs: witchcraft, vigilantism and the role of the state

12:00-13:00 LUNCH

13:00-14:00 FIFTH PLENARY SESSION

“LAW AND RELIGION IN AFRICA – GOVERNANCE, SOCIAL PROBLEMS, MARRIAGE, WOMAN, CHILDREN, DISABLED PERSONS AND EDUCATION”

Room: Omega

Chair: Tom Bennett

Speakers: Johan van der Vyver, “The diversity of religiously based marriages and family law within African legal systems”
          Annel Silungwe, “Human rights and human dignity: discussion on children, disabled persons and women”

14:00-14:30 BREAK

14:30-16:00 PARALLEL SESSIONS

LAW AND RELIGION IN AFRICA

Room: Magnifica 1

Chair: Beyenne Feseha Abay

Speakers: PS25 Helena van Coller, “The role and duty of religious institutions in civil society”
          PS26 Tadesse Melaku Asfaw, “Rights of church employees and religious autonomy: the case of Ethiopia”
          PS27 Nico Horn, “Pentacostals and the human rights dispensation”
LAW, RELIGION AND SOCIAL PROBLEMS
Room: Magnifica 2
Chair: Adriaan Overbeeke
Speakers: PS28 Abdul Kazeez, “An appraisal of the role of religious leaders in the fight against corruption”
          PS29 Mary-Anne Plaatjies van Huffel, “Human rights and human dignity, drone operations and the quest for the common good in modern warfare”

MARRIAGE, WOMEN, CHILDREN AND EDUCATION
Room: Magnifica 3
Chair: Ansonzeh Ukah
          PS31 Ashraf Booley, “Divorce at the request of the wife in Islam: does she have to prove fault?”
          PS32 Karin Calitz, “The liability of the church for sexual assault of children by priests”

16:00-16:30 BREAK

16:30-18:00 PARALLEL SESSIONS

MARRIAGE, WOMEN, CHILDREN AND EDUCATION
Room: Magnifica 1
Chair: Jean-Baptiste Sourou
Speakers: PS33 Stanley Nweze, “The plight of children of unidentified parents in the contemporary society: the place of the church”
          PS34 Georgia du Plessis, “The inclusion of religion in South African school education”
          PS35 Johan van der Merwe, “Religion state relation in South Africa: the church order of De Mist as a beacon in the quest for the common good”
LAW AND RELIGION IN AFRICA

Room: Magnifica 3

Chair: Enyinna Nwauche

Speakers:
PS36 Luka Ekitala, “Equality in the Christian church in Kenya: myth or reality?“
PS37 Dennis Xulu, “Rule of law in post-apartheid South Africa: a people-centered and justice-focused Rainbow nation“
PS38 Willie Zeze, “The ministry of the Presbyterian Church in Malawi during political transition and democratic dispensation 1992-2004“

18:00-18:30 BREAK

18:30 CONFERENCE DINNER

Room: Omega

Chair: Cole Durham

Addresses:
Prof Nico Koopman, Dean: Faculty of Theology, Stellenbosch University
Prof Sonia Human, Dean: Faculty of Law, Stellenbosch University

Keynote: The Honorable Chief Justice Mogoeng Mogoeng
WEDNESDAY, MAY 28, 2014

08:30-09:30  SIXTH PLENARY SESSION:  “LAW AND RELIGION & REGISTRATION OF RELIGIONS”  
Room: Omega  
Chair: Johan van der Vyver  
Speakers: Danny Pieters, “The relationship between security and freedom of religion”  
Mark Hill, “Religious autonomy and judicial deference: should State Courts adjudicate upon matters of faith”

09:30-10:00  BREAK

10:30-12:00  PARALLEL SESSIONS  “REGISTRATION OF RELIGIONS IN AFRICA”  
Room: Omega  
Chair: Rosalind I.J. Hackett  
Speakers: Brett G. Scharffs, “The uncanny similarities (and important differences) in registration laws designed to facilitate or frustrate freedom of religion and belief”  
Rosalind I.J. Hackett, “Registration of religions in Africa. Historical and political vagaries”  
Enyinna Nwauche, “Minority religious organisations and registration in Africa: a constitutional inquiry”  
Ansonzeh Ukah, “Obeying Caesar to obey God: the dilemmas of registering of religious organisations in Nigeria”  
Beyen Feseha Abay, “The Ethiopian Law Governing Registration of Religious Communities”

11:45-12:00  BREAK
12:00-13:45  RELIGIOUS LEADERS PANEL
“LAW AND RELIGION/RELIGION AND CONSTITUTION / FREEDOM OF RELIGION”
Room: Omega
Chair: Pieter Coertzen

Participants
• Jewish religion: Name to be announced
• Christianity: Mary-Anne Plaatjies van Huffel
• Islam: Name to be announced
• Hindu religion: K Singh
• African Traditional religion: Nokuzola Mndende
• African Independent Churches: Senamo Molisiwa
• The Church of Jesus Christ of Latter-day Saints: LeGrand R. Curtis, Jr.

CONCLUDING REMARKS
Rik Torfs, “Law and religion future problems and prospects”

13:45-14:30  LUNCH

14:30-15:30  CLOSING OF CONFERENCE BUSINESS MEETING
Room: Omega
Chair: Cole Durham

FORMAL ORGANISATION OF THE AFRICAN CONSORTIUM FOR LAW AND RELIGION STUDIES
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J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY, UNITED STATES

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FACULTY OF LAW, UNIVERSITY OF GHANA
UNIVERSITY OF PRETORIA