

**SECOND ANNUAL AFRICAN LAW AND RELIGION CONFERENCE
MAY 26-28, 2014 | STELLENBOSCH, SOUTH AFRICA**



Law and Religion in **AFRICA**

**THE QUEST FOR THE COMMON GOOD
IN PLURALISTIC SOCIETIES**

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

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08:30 - 09:00	Opening and Welcome (Omega)
09:00 - 10:00	First Plenary Session: "Philosophy, Law and Religion & Islam and Law" (Omega)
10:00 - 10:30	Break
10:30 - 12:30	Parallel Sessions <ul style="list-style-type: none"> • Philosophy, Law and Religion (Magnifica 1) • Islam and Law (Magnifica 3)
12:30 - 14:00	Lunch
14:00 - 15:15	Second Plenary Session: "Theology and Law & African Traditional Religion" (Omega)
15:15 - 15:30	Break
15:30 - 16:45	Parallel sessions <ul style="list-style-type: none"> • Theology and Law (Magnifica 1) • African Traditional Religion (Magnifica 2) • Tradition, Law and Marriage (Magnifica 3)
16:45 - 17:00	Break
17:00 - 18:00	Third Plenary Session: "Theology and Law & African Traditional Religion" (Magnifica 2&3)
18:00 - 18:30	Break
18:30	Conference Reception and Keynote Speaker (Omega)

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10:15 - 10:30	Break
10:30 - 12:00	Parallel sessions <ul style="list-style-type: none"> • Religion, State and Society (Magnifica 1) • Religious Intolerance / Persecution (Magnifica 3)
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" (Omega)
14:00 - 14:30	Break
14:30 - 16:00	Parallel sessions <ul style="list-style-type: none"> • Law and Religion in Africa (Magnifica 1) • Law, Religion and Social Problems (Magnifica 2) • Marriage, Women, Children and Education (Magnifica 3)
16:00 - 16:30	Break
16:30 - 18:00	Parallel sessions <ul style="list-style-type: none"> • Marriage, Women, Children and Education (Magnifica 1) • Law and Religion in Africa (Magnifica 3)
18:00 - 18:30	Break
18:30	Conference Dinner and Keynote Speaker (Omega)

Detailed Schedule for Wednesday, May 28.....10-11

08:30 - 09:30	Sixth Plenary Session: "Law and Religion & Registration of Religions" (Omega)
09:30 - 10:00	Break
10:00 - 11:45	Plenary Panel: "Registration of Religions in Africa" (Omega)
11:45 - 12:00	Break
12:00 - 13:45	Religious leaders panel on Law and Religion / Religion and Constitution / Freedom of Religion and Concluding Remarks (Omega)
13:45 - 14:30	Lunch
14:30 - 15:30	Closing of Conference Business meeting and Formal Organisation of the African Consortium for Law and Religion Studies (Omega)

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 Sghela 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 Kazez**, "An appraisal of the role of religious leaders in the fight against corruption"
PS29 **Mary-Anne Platjies 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**

Speakers: PS30 **Nisbert Taringa**, "African Traditional Religion and women's and Children's Rights in Zimbabwe"
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	<p>SIXTH PLENARY SESSION: "LAW AND RELIGION & REGISTRATION OF RELIGIONS" <i>Room: Omega</i></p> <p>Chair: Johan van der Vyver</p> <p>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"</p>
09:30-10:00	BREAK
10:30-12:00	<p>PARALLEL SESSIONS "REGISTRATION OF RELIGIONS IN AFRICA" <i>Room: Omega</i></p> <p>Chair: Rosalind I.J. Hackett</p> <p>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"</p>
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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