

*Religion and
International Law*

**Mark W. Janis and
Carolyn Evans (Eds.)**

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Religion And International Law

**Malcolm Evans, Peter Petkoff, Julian
Rivers**



Religion And International Law:

Religion, Human Rights and International Law Javaid Rehman, Susan Carolyn Breau, 2007 Freedom of religion is a subject which has throughout human history been a source of profound disagreements and conflict In the modern era religious based intolerance continues to provide lacerative and tormenting concern to the possibility of congenial human relationships As the present study examines religions have been relied upon to perpetuate discrimination and inequalities and to victimise minorities to the point of forcible assimilation and genocide The study provides an overview of the complexities inherent in the freedom of religion within international law and an analysis of the cultural religious relativist debate in contemporary human rights law As many of the chapters examine Islamic State practices have been a major source of concern In the backdrop of the events of 11 September 2001 a considerable focus of this volume is upon the Muslim world either through the emergent State practices and existing constitutional structures within Muslim majority States or through Islamic diasporic communities resident in Europe and North America

Freedom of Religion or Belief Heiner Bielefeldt, Nazila Ghanea, Michael Wiener, 2016-01-21 Violations of religious freedom and violence committed in the name of religion grab our attention on a daily basis Freedom of religion or belief is a key human right the International Covenant on Civil and Political Rights numerous conventions declarations and soft law standards include specific provisions on freedom of religion or belief The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief has been interpreted since 1986 by the mandate of the UN Special Rapporteur on freedom of religion or belief Special Rapporteurs for example those on racism freedom of expression minority issues and cultural rights and Treaty Bodies for example the Human Rights Committee the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have also elaborated on freedom of religion or belief in the context of their respective mandates Freedom of Religion or Belief An International Law Commentary is the first commentary to look comprehensively at the international provisions for the protection of freedom of religion or belief considering how they are interpreted by various United Nations Special Procedures and Treaty Bodies Structured around the thematic categories of the United Nations Special Rapporteur s framework for communications the commentary analyses for example the limitations on the wearing of religious symbols and vulnerable situations including those of women detainees refugees children minorities and migrants through a combination of scholarly expertise and practical experience

Religion and International Law Mark W. Janis, Carolyn Evans, 2004 One of the great tasks perhaps the greatest weighing on modern international lawyers is to craft a universal law and legal process capable of ordering relations among diverse people with differing religions histories cultures laws and languages In so doing we need to take the world s peoples as we find them and not pretend out of existence their wide variety This volume includes studies of the interface between international law and ancient religions Confucianism Hinduism Judaism Christianity and Islam as well as essays addressing the impact of religious thought on the literature and sources of international law

international courts and human rights law

International Law and Religion Martti Koskenniemi, Mónica

García-Salmones Rovira, Paolo Amorosa, 2017 This collective volume brings together contributions by academics in various fields of law and the humanities in order to tackle the complex interactions between international law and religion The originality and the variety of approaches makes this book a must have for academics planning to approach the topic in the future

Religion and International Law Robert Uerpman, Evelyne Lagrange, Stefan Oeter, 2018 Growing religious antagonisms are challenging the ultimate goal of living together in peaceful societies Religion and International Law explores international law responses beginning with their historic roots before the perspective shifts to the role of religious institutions and religious law Contributions of different human rights bodies are analyzed before further sections deal with the international protection of religion the relationship between religious beliefs and freedom of expression and the roles of other individual rights This book originates from the long standing cooperation between the German and the French Societies of International Law thus bringing together the traditions of French laicism and a cooperative German approach Experts from Austria Italy Poland Portugal and the UK complement the pan European perspective

Religious Actors and

International Law Ioana Cismas, 2014-07-17 This book assesses whether a new category of religious actors has been constructed within international law Religious actors through their interpretations of the religion s they are associated with uphold and promote or indeed may transform potentially oppressive structures or discriminatory patterns This study moves beyond the concern that religious texts and practices may be incompatible with international law to provide an innovative analysis of how religious actors themselves are accountable under international law for the interpretations they choose to put forward The book defines religious actors as comprising religious states international organizations and non state entities that assume the role of interpreting religion and so claim a special legitimacy anchored in tradition or charisma Cutting across the state non state divide this definition allows the full remit of religious bodies to be investigated It analyses the crucial question of whether religious actors do in fact operate under different international legal norms to non religious states international organizations or companies To that end the Holy See Vatican the Organization of Islamic Cooperation and churches and religious organizations under the European Convention on Human Rights regime are examined in detail as case studies The study ultimately establishes that religious actors cannot be seen to form an autonomous legal category under international law they do not enjoy special or exclusive rights nor incur lesser obligations when compared to their respective non religious peers Going forward it concludes that a process of two sided legitimation may be at stake religious actors will need to provide evidence for the legality of their religious interpretations to strengthen their legitimacy and international law itself may benefit from religious actors fostering its legitimacy in different cultural contexts

The

Changing Nature of Religious Rights under International Law Malcolm Evans, Peter Petkoff, Julian Rivers, 2015-03-19

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief as

proclaimed by the United Nations General Assembly in 1981 is the only universal human rights instrument specifically focusing on religious intolerance and discrimination. However, recent years have seen increasing controversy surrounding this right in both political and legal contexts. The European Court of Human Rights has experienced a vast expansion in the number of cases it has had brought before it concerning religious freedom, and politically the boundaries of the right have been much disputed. This book provides a systematic analysis of the different approaches to religious rights which exist in public international law. The book explores how particular institutional perspectives emerge in the context of these differing approaches. It examines and challenges these institutional perspectives. It identifies new directions for approaching religious rights through international law by examining existing legal tools and assesses their achievements and shortcomings. It studies religious organisations' support for international human rights protection as well as religious critique of international human rights and the development of an alternative religious Bills of Rights. It investigates whether expressions of members belonging to religious minorities can be considered under the minority right to culture rather than the right to religion and discusses the benefits and shortcomings of such a route. It analyses the reach and limits of the provisions in the 1981 Declaration, identifies ways in which the right is being eroded as a concept and suggests new ways in which the right can be reinforced and protected.

Human Rights, Religion and International Law Kerry O'Halloran, 2018-11-13. In this book, Kerry O'Halloran analyses a subject of international interest: religion, and examines related contemporary issues from a human rights perspective. The book takes the view that while the impact of Islamic State violence has dramatically demonstrated the destructive power of religious extremism for contemporary western societies, there are also good grounds for the latter to examine the extent to which their laws and policies nationally and internationally are contributing to religion's currently destabilizing social role. It makes the case for a fuller understanding of the role of religion or belief and argues for a rebalancing of the functional relationship between Church and State both nationally and internationally. Beginning with an overview of religion, including an examination of key concepts and constructs, the chapters go on to outline the international framework of related human rights provisions and note the extent of their ratification. It proceeds by identifying a set of themes such as the Constitutional positioning of religion, law and policy in relation to secularism, faith schools, equality legislation and the religious exemption, and the tension between free speech and religion, and undertakes a comparative evaluation of how these and other themes indicate significant differences in six leading common law jurisdictions as illustrated by their associated legislation and case law. It then considers why this should be and assesses any implications arising. This book will be of great interest to students and scholars in the fields of law, religious studies, political science, human rights and social policy.

The Right to Religious Freedom in International Law Anat Scolnicov, 2010-10-18. This book analyses the right to religious freedom in international law, drawing on an array of national and international cases. Taking a rigorous approach to the right to religious freedom, Anat Scolnicov argues that the interpretation and application of

religious freedom must be understood as a conflict between individual and group claims of rights and that although some states based on their respective histories religions and cultures protect the group over the individual only an individualistic approach of international law is a coherent way of protecting religious freedom Analysing legal structures in a variety of both Western and Non Western jurisdictions the book sets out a topography of different constitutional structures of religions within states and evaluates their compliance with international human rights law The book also considers the position of women s religious freedom vis vis community claims of religious freedom of children s right to religious freedom and of the rights of dissenters within religious groups

The Right of the Child to Religious Freedom in International Law Sylvie Langlaude,2007 Religious children A model of the right of the child to religious freedom The ICCPR The UNCRC The special rapporteur The ECHR

Christianity and International Law Pamela Slotte,John D. Haskell,2021-05-20 This volume offers a many sided introduction to the theme of Christianity and international law Using a historical and contemporary perspective it will appeal to readers interested in key topics of international law and how they intersect with Christianity

Religious Liberty and International Law in Europe Malcolm Evans,Malcolm D. Evans,1997-07-24 The Ancient Near East

Law and Religion W. Cole Durham,Brett G. Scharffs,2010 In Law and Religion National International and Comparative Law Perspectives every chapter supports a broad and dynamic discussion of familiar issues by placing them in global context Offering extensive international and comparative law materials as well as Establishment Clause and Free Exercise cases international experts Durham and Scharffs bring new vision and scope to the study of Law and Religion

Freedom of Religion, Secularism, and Human Rights Nehal Bhuta,2019-01-24 This interdisciplinary volume examines the relationship between secularism freedom of religion and human rights in legal theoretical historical and political perspective It brings together chapters from leading scholars of human rights law and religion political theory religious studies and history and provides insights into the state of the debate about the relationship between these concepts Comparative in orientation its chapters draw on constitutional and political discourses and experience not only from Western Europe and the United States but also from India the Arab world and Malaysia

Religion, Secular Beliefs and Human Rights Natan Lerner,2012-08-01 Intended for law schools human rights scholars and activists and international organizations this book discusses the legal meaning of religion and belief the UN work in this respect religious minorities the issues of proselytism religion and terrorism the use of religious symbols international criminal law and other relevant issues

The Influence of Religion on the Development of International Law Mark W. Janis,2024-12-16

Religion and Human Rights John Witte,M. Christian Green,2012 The relationship between religion and human rights is both complex and inextricable While most of the world s religions have supported violence repression and prejudice each has also played a crucial role in the modern struggle for universal human rights Most importantly religions provide the essential sources and scales of dignity and responsibility shame and respect restraint and regret restitution and reconciliation that a human rights regime needs to survive and

flourish in any culture This volume provides authoritative examinations of the contributions to human rights of Judaism Christianity Islam Hinduism Confucianism Buddhism and indigenous religions Each chapter grapples with the concept and origins of human rights and offers insight into the major human rights issues that confront religious individuals and communities These include core issues of freedom of religious conscience choice exercise expression association morality and self determination They also include analysis of the roles of religious ideas and institutions in the cultivation and abridgement of rights of women children and minorities and rights to peace orderly development and protection of nature and the environment With contributions by a score of leading experts Religion and Human Rights provides authoritative and accessible assessments of the contributions of Judaism Christianity Islam Hinduism Confucianism Buddhism and Indigenous religions to the development of the ideas and institutions of human rights It also probes the major human rights issues that confront religious individuals and communities around the world today and the main challenges that the world s religions will pose to the human rights regime in the future

International Law and Islam Ignacio de la Rasilla del Moral,Ayesha Shahid,2018-12-10 International Law and Islam Historical Explorations offers a unique opportunity to examine the Islamic contribution to the development of international law in historical perspective The role of Islam in its various intellectual political and legal manifestations within the history of international law is part of the exciting intellectual renovation of international and global legal history in the dawn of the twenty first century The present volume is an invitation to engage with this thriving development after generations of prejudiced writing regarding the notable contribution of Islam to international law and its history

Protecting the Religious Freedom of New Minorities in International Law Fabienne Bretscher,2019-09-19 This book examines the interpretation and application of the right to freedom of religion and belief of new minorities formed by recent migration by the European Court of Human Rights ECtHR and the United Nations Human Rights Committee HRC New minorities are increasingly confronted with restrictions of their religious practices and have addressed their rights claims both to the ECtHR and the HRC through their individual complaint procedures which resulted in several contradicting decisions Based on a quantitative and qualitative empirical analysis of the relevant case law focusing in particular on the reasoning adopted by the two bodies this book finds that the HRC in its practice offers a significantly higher level of protection to new minorities than the ECtHR Such divergence may be explained by various institutional and conceptual differences of which the concept of the margin of appreciation is the most influential It is contended that the extensive use of the concept of the margin of appreciation by the ECtHR in the case law regarding new minorities right to freedom of religion and belief and the absence of such concept in the HRC s case law could be explained by different understandings of the role of an international human rights body in conflicts between the majority and minorities This book argues that such divergence could be mitigated with various tools such as the inclusion of cross references to the case law of other relevant bodies as well as to instruments specifically established for the protection of minorities The book

will be of interest to academics researchers and practitioners in the area of international human rights law international public law in general and law and religion *Religious Liberty in Western and Islamic Law* Kristine Kalanges, 2012-04-19
Weaves together international and comparative law religion international relations comparative politics and legal history to illuminate and address the theoretical and practical dimensions of a significant human rights problem

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