

RELIGIOUS  
LIBERTY  
AND THE  
SECULAR  
STATE

THE CONSTITUTIONAL CONTEXT

JOHN M. SWOMLEY

# Religious Liberty And The Secular State

**Ahmet T. Kuru**



## **Religious Liberty And The Secular State:**

*Religious Liberty and the Secular State* John M. Swomley, 1987 This book examines the political and religious context in which the Constitution and The Bill of Rights were adopted Swomley reasons that those who wrote and adopted the Constitution and First Amendment intended a strict separation of church and state a government that would neither aid nor impede religion Religious Liberty and the Secular State refutes Chief Justice Rehnquist's position that the framers of the Constitution did not intend to ban all religious aid only preferential aid Swomley also refutes Rehnquist's claim that the Establishment Clause in the First Amendment was intended to prevent the establishment of a single national church Swomley concludes that the Constitution was intended to prevent the federal government from establishing one or more churches and to prevent the tax support of churches on any basis This book exposes the Supreme Court's erosion of the Establishment Clause while emphasizing the Free Exercise Clause Swomley also explores civil religion secular humanism and the current counter revolution against separation of church and state led by some religious and political conservatives who would profit from government aid He also lists the benefits churches would realize under a secular government

*Religious Liberty and the Law* Angus J. L. Menage, 2017-07-20 Questions of religious liberty have become flashpoints of controversy in virtually every area of life around the world Despite the protection of religious liberty at both national and supranational levels there is an increasing number of conflicts concerning the proper way to recognize it both in modern secular states and in countries with an established religion or theocratic mode of government This book provides an analysis of the general concept of religious liberty along with a close study of important cases that can serve as test beds for conflict resolution proposals It combines the insights of both pure academics and experienced legal practitioners to take a fresh look at the nature scope and limits of religious liberty Divided into two parts the collection presents a blend of legal and philosophical approaches and draws on cases from a wide range of jurisdictions including Brazil India Australia the USA the Netherlands and Canada Presenting a broad range of views this often provocative volume makes for fascinating reading for academics and researchers working in the areas of law and religion legal philosophy and human rights

**Religious Freedom in Secular States** Md. Jahid Hossain Bhuiyan, Ann Black, 2022-08-29 What constitutes the core values tenets cultural historic and ideological parameters of secularism in international contexts In twelve chapters this edited work examines current tensions in liberal secular states where myriad rights and freedoms compete regarding education healthcare end of life choices clothing sexual orientation reproduction and minority interests It explores the legal complexity of defining a religion through judicial decisions and scrutinises Christianity Hinduism and Islam's relative success in accommodating religious pluralism Part One explores the religious practice and persecution nexus COVID 19's effect on religious freedom religious education burqas headscarves and religious culture in civil law Part Two explores the constitutional principle of secularism in Member States of the Council of Europe US Religious Clauses and religious freedom in South Africa UK Australia and India

**India's Living Constitution** Zoya Hasan, Eswaran Sridharan, R. Sudarshan, 2005 India became independent in 1947 and after nearly three years of debate in the Constituent Assembly adopted a Constitution that came into effect on 26 January 1950. This Constitution has lasted until the present with its basic structure unaltered, a remarkable achievement given that the generally accepted prerequisites for democratic stability did not exist and do not exist even today. Half a century of constitutional democracy is something that political scientists and legal scholars need to analyze and explain. This volume examines the career of constitutional political ideas, implicitly of Western origin, in the text of the Indian Constitution or implicit within it as well as in actual political practice in the country over the past half century.

**Secular States and Religious Diversity** Bruce J. Berman, 2013-10-25 Contemporary nation states have seen the rise of religious pluralism within their borders brought about by global migration and the challenge of radical religious movements. *Secular States and Religious Diversity* explores the meaning of secularism and religious freedom in these new contexts. The contributors chart the impact of globalization, the varying forms of secularism in Western states, and the different kinds of relations between states and religious institutions in the historical traditions and contemporary politics of Islamic, Indic, and Chinese societies. They also examine the limitations and dilemmas of governmental responses to religious diversity and grapple with the question of how secular states deal and should deal with such pluralism. This volume brings in perspectives from the non-Western world and engages with viewpoints that might increase states' capacities to accommodate religious diversity positively.

**Contesting Secularism** Anders Berg-Sørensen, 2016-05-13 As we enter the twenty-first century, the role of religion within civic society has become an issue of central concern across the world. The complex trends of secularism, multiculturalism, and the rise of religiously motivated violence raise fundamental questions about the relationship between political institutions, civic culture, and religious groups. *Contesting Secularism* represents a major intervention into this debate. Drawing together contributions from leading scholars from across the world, it analyses how secularism functions as a political doctrine in different national contexts put under pressure by globalisation. In doing so, it presents different models for the relationship between political institutions and religious groups, challenging the reader to be more aware of assumptions within their own cultural context and raises alternative possibilities for the structure of democratic multi-faith societies. Through its interdisciplinary and comparative approach, *Contesting Secularism* sets a new agenda for thinking about the place of religion in the public sphere of twenty-first century societies. It is essential reading for policymakers as well as for scholars and students in political science, law, sociology, and religious studies.

**Transforming Religious Liberties** S. I. Strong, 2018 Proposes a new theoretical approach to religious liberty that both transcends and transforms current approaches to law and religion.

*Secularism and State Policies toward Religion* Ahmet T. Kuru, 2009-04-20 Why do secular states pursue different policies toward religion? This book provides a generalizable argument about the impact of ideological struggles on the public policy-making process as well as a state religion regimes index of 197 countries. More

specifically it analyzes why American state policies are largely tolerant of religion whereas French and Turkish policies generally prohibit its public visibility as seen in their bans on Muslim headscarves In the United States the dominant ideology is passive secularism which requires the state to play a passive role by allowing public visibility of religion Dominant ideology in France and Turkey is assertive secularism which demands that the state play an assertive role in excluding religion from the public sphere Passive and assertive secularism became dominant in these cases through certain historical processes particularly the presence or absence of an ancien r gime based on the marriage between monarchy and hegemonic religion during state building periods

Enlightenment and Secularism Christopher Nadon,2013-04-18 Enlightenment and Secularism is a collection of twenty eight essays that seek to understand the connection between the European Enlightenment and the emergence of secular societies as well as the character or nature of those societies The contributors are drawn from a variety of disciplines including History Sociology Political Science and Literature Most of the essays focus on a single text from the Enlightenment borrowing or secularizing the format of a sermon on a text and are designed to be of particular use to those teaching and studying the history of the Enlightenment within a liberal arts curriculum

**Political Theory** Rajeev Bhargava,2008 Religious Diversity, State, and Law Joseph Marko,Maximilian Lakitsch,Franz Winter,Wolfgang Weirer,Kerstin Wonisch,2022-10-17 Globalisation migration and de secularisation have fundamentally transformed the concepts of religion state and law during the last decades The main goal of this interdisciplinary approach is to clarify the multifaceted theoretical and practical challenges of religious diversity and socio political pluralism in Europe In twenty two chapters the contributions to this volume revisit basic concepts structures and institutional settings such as sovereignty the dogma of the separation of state church and or religion human and minority rights gender and religion varieties of fundamentalisms interreligious dialogue and peacebuilding and not least religious education

**The Praeger Handbook of Religion and Education in the United States** James C. Carper,Thomas C. Hunt,2009-03-05 Ten Commandments displays prayer at football games Bible in the curriculum vouchers for tuition at religious schools Pledge of Allegiance wall of separation between church and state among other hot button issues at the intersection of religion and education generate a great deal of heat but often light is sorely lacking The Praeger Handbook of Religion and Education in the United States provides a unique source of light to educators religious leaders journalists policy makers parents and the general public as well as a useful resource for scholars interested in the impact of religion on the origins development and current shape of the American educational landscape Following an introductory essay that surveys the relationship of religion to elementary and secondary education from the 1600s to the present this set offers 175 entries written by more than 40 scholars with national reputations that cover a wide range of topics related to religion and education both in the past and the present These jargon free entries are cross referenced and provide suggestions for further reading Readers who want to know what is behind the heat in current debates will find entries on United States Supreme Court decisions on

religion and education current controversies regarding religion in the public schools religious legal and educational associations involved in these controversies religion and the curriculum religious schools individuals and movements that have affected the role of religion in education and religion and education developments in the eighteenth and nineteenth centuries This one of a kind set also includes a convenient table summarizing all of the religious liberty decisions of the Supreme Court from 1815 to the present

**The Secular State Under Siege** Christian Joppke, 2015-04-22 Throughout human history religion and politics have entertained the most intimate of connections as systems of authority regulating individuals and society While the two have come apart through the process of secularization secularism is challenged today by the return of public religion This cogent analysis unravels the nature of the connection disconnection and attempted reconnection between religion and politics in the West In a comparison of Western Europe and North America Christianity and Islam Joppke advances far reaching theoretical historical and comparative political arguments With respect to theory it is argued that only a substantive concept of religion as pertaining to the existence of supra human powers opens up the possibility of a historical comparative perspective on religion At the level of history secularization is shown to be the distinct outcome of Latin Christianity itself And at the level of comparative politics the Christian Right in America which has attacked the wall of separation between religion and state and Islam in Europe with the controversial insistence on sharia law and other illiberal claims from some quarters are taken to be counterpart incarnations of public religion and challenges to the secular state This clearly argued sweeping book will provide an invaluable framework for approaching an array of critical issues at the intersection of religion law and politics for advanced students and researchers across the social sciences and legal studies as well as for the interested public

**The Myth of American Religious Freedom** David Sehat, 2011-01-14 In the battles over religion and politics in America both liberals and conservatives often appeal to history Liberals claim that the Founders separated church and state But for much of American history David Sehat writes Protestant Christianity was intimately intertwined with the state Yet the past was not the Christian utopia that conservatives imagine either Instead a Protestant moral establishment prevailed using government power to punish free thinkers and religious dissidents In *The Myth of American Religious Freedom* Sehat provides an eye opening history of religion in public life overturning our most cherished myths Originally the First Amendment applied only to the federal government which had limited authority The Protestant moral establishment ruled on the state level Using moral laws to uphold religious power religious partisans enforced a moral and religious orthodoxy against Catholics Jews Mormons agnostics and others Not until 1940 did the U S Supreme Court extend the First Amendment to the states As the Supreme Court began to dismantle the connections between religion and government Sehat argues religious conservatives mobilized to maintain their power and began the culture wars of the last fifty years To trace the rise and fall of this Protestant establishment Sehat focuses on a series of dissenters abolitionist William Lloyd Garrison suffragist Elizabeth Cady Stanton socialist Eugene V Debs and many others Shattering

myths held by both the left and right David Sehat forces us to rethink some of our most deeply held beliefs By showing the bad history used on both sides he denies partisans a safe refuge with the Founders

**Religious Human Rights in Global Perspective** John Witte, Johan D. van der Vyver, 1996 The legal traditions of Christianity Judaism and Islam have contributed much to the cultivation and violation of religious human rights around the world In this volume Desmond Tutu Martin Marty and twenty leading scholars offer an authoritative assessment of these contributions and challenge people of all faiths to adopt golden rules of religious liberty

Routledge Handbook of Law and Religion Silvio Ferrari, 2015-03-05 The field of law and religion studies has undergone a profound transformation over the last thirty years looking beyond traditional relationships between State and religious communities to include rights of religious liberty and the role of religion in the public space This handbook features new specially commissioned papers by a range of eminent scholars that offer a comprehensive overview of the field of law and religion The book takes on an interdisciplinary approach drawing from anthropology sociology theology and political science in order to explore how laws and court decisions concerning religion contribute to the shape of the public space Key themes within the book include Religions symbols in the public space Religion and security Freedom of religion and cultural rights Defamation and hate speech Gender religion and law This advanced level reference work is essential reading for students researchers and scholars of law and religion as well as policy makers in the field

**Indian Secularism: Constitutional Vision and its Subversion** Dr. Avaneesh maurya, 2024-10-29 This book gives the reader a brief introduction to some of the theories of secular thought that are popular in the West as well as in India It also deals extensively into what the true meaning of secularism in India is It innovatively embeds Indian cases and contexts in the Constitutional Perspective It presents an understating of the manner in which India developed its peculiar variant of secularism Chapter 1 traces the historical and conceptual exposition of secularism both in the western and Indian Contexts Chapter two narrated the political intensions of the constitution framers and constitutional provisions In the following two chapters it deals with judicial pronouncements with regards to secularism and also discussed the threats to Indian Constitutional Secularism and its vision by its rebellions This work is a modified version of the doctoral thesis submitted to the Pondicherry University

*Human Dignity, Religion and the Law* Mark Hill KC, María-José Valero-Estarellas, 2024-09-09 The concept of human dignity is already embedded in the constitutional architecture of the European Union and throughout the world but it remains a slippery and elusive concept In this volume leading commentators from across the globe address the shift from the monolithic influence of major world religions in the past towards religious pluralism coupled with the increased secularism of civil society The contributors drawn from different backgrounds and traditions explore how the deployment of a nuanced understanding of human dignity can provide a way to maximise religious liberty for all within liberal democracies Specific consideration is given to the reasonable accommodation of religious practices through exemptions to generally applicable laws conscientious objection on the grounds of religious beliefs the interplay between

religious pluralism and legal pluralism balancing religious sensibilities with same sex marriage exercising the right to change one's religion both generally and with a particular focus on data protection protecting the right to asylum in the light of recent changes in migratory flows and exploring its impact on those enjoying non-theistic beliefs as well as the complex relationship between the Ukrainian and Russian Orthodox Churches in these febrile times Through the prism of informed investigation of these matters of specificity the volume offers readers fresh insights and analysis which collectively contribute to an overall picture of governments in liberal democracies being encouraged and enabled to foster laws and practices whereby pluralism can be encouraged and human dignity can flourish The book will be of interest to academics researchers and policy makers working in the areas of Law and Religion Human Rights Law Constitutional Law and International Relations

**From Religious Empires to Secular States** Birol Başkan, 2014-03-26 In the 1920s and the 1930s Turkey Iran and Russia vehemently pursued state secularizing reforms but adopted different strategies in doing so But why do states follow different secularizing strategies The literature has already shattered the illusion that secularization of the state has been a unilinear homogeneous and universal process and has convincingly shown that secularization of the state has unfolded along different paths Much however remains to be uncovered This book provides an in depth comparative historical analysis of state secularization in three major Eurasian countries Turkey Iran and Russia To capture the aforementioned variation in state secularization across three countries that have been hitherto analyzed as separate studies Birol Başkan adopts three modes of state secularization accommodationism separationism and eradicationism Focusing thematically on the changing relations between the state and religious institutions Başkan brings together a host of factors historical strategic and structural to account for why Turkey adopted accommodationism Iran separationism and Russia eradicationism In doing so he expertly demonstrates that each secularization strategy was a rational response to the strategic context the reformers found themselves in

**Rethinking Secularism** Craig Calhoun, Mark Juergensmeyer, Jonathan VanAntwerpen, 2011-08-25 This collection of essays examines how the secular is constituted and understood and how new understandings of secularism and religion shape analytic perspectives in the social sciences politics and international affairs



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