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RELIGIOUS FREEDOM IN THE LIBERAL STATE

SECOND EDITION

Rex Ahdar and Ian Leigh

Religious Freedom In The Liberal State

Brian Jeffrey Hutler



Religious Freedom In The Liberal State:

Religious Freedom in the Liberal State Rex Ahdar, Ian Leigh, 2013-03-21 Examining the law and public policy relating to religious liberty in Western liberal democracies this book contains a detailed analysis of the history rationale scope and limits of religious freedom from but not restricted to an evangelical Christian perspective Focussing on United Kingdom the United States Canada New Zealand Australia and EU it studies the interaction between law and religion at several different levels looking at the key debates that have arisen Divided into three parts the book begins by contrasting the liberal and Christian rationales for and understandings of religious freedom It then explores central thematic issues the types of constitutional frameworks within which any right to religious exercise must operate the varieties of paradigmatic relationships between organized religion and the state the meaning of religion the limitations upon individual and institutional religious behaviour and the domestic and international legal mechanisms that have evolved to address religious conduct The final part explores key subject areas where current religious freedom controversies have arisen employment education parental rights and childrearing controls on pro religious and anti religious expression medical treatment and religious group church autonomy This new edition is fully updated with the growing case law in the area and features increased coverage of Islam and the flashpoint debates surrounding the accommodation of Muslim beliefs and practices in Anglophone nations Religious

Freedom in the Liberal State Rex Ahdar, Ian Leigh, 2013-03-21 Rex Ahdar and Ian Leigh present a critique of how religious freedom should be understood in liberal legal systems based on historical and contemporary controversies **Religion in a**

Liberal State Gavin D'Costa Malcolm Evans Tariq Modood and Julian Rivers, *Law and Religion in the Liberal State* Md Jahid Hossain Bhuiyan, Darryn Jensen, 2020-05-28 The relationship between law and religion is evident throughout history They have never been completely independent from each other There is no doubt that religion has played an important role in providing the underlying values of modern laws in setting the terms of the relationship between the individual and the state and in demanding a space for the variety of intermediate institutions which stand between individuals and the state However the relationships between law and religion and the state and religious institutions differ significantly from one modern state to another There is not one liberalism but many This work brings together reflections upon the relationship between religion and the law from the perspectives of different sub traditions within the broader liberal project and in light of some contemporary problems in the accommodation of religious and secular authority **Cooperation, Religious**

Freedom, and the Liberal State Brian Jeffrey Hutler, 2018 Religious freedom is often listed among the core freedoms that characterize the liberal state along with freedom of speech freedom of association and freedom of the person But it may seem that what is valuable about religion from a liberal point of view would be sufficiently protected by these other core freedoms Does religious freedom have a special role to play in a liberal state Traditionally liberal theorists have thought that religious freedom required maintaining separation between the state and religion But problems arise when separation is

applied strictly to every type of religion state interaction without attention to the underlying values at stake This dissertation defends a conception of religious freedom that makes room for cooperation and compromise with the aim of creating mutually beneficial relationships between religion and the state Separation is an important component of this picture but not its guiding principle This dissertation discusses two areas in which strict adherence to religion state separation may lead to problematic outcomes First strict adherence to separation lends support to an all or nothing approach to religious accommodation But compromise can often be more valuable for both religious persons and the state especially when the meaning or purpose of the religious activity is consistent with the purpose of the conflicting law In such cases compromise may generate creative solutions to conflicts and may promote mutual understanding and respect between religious persons and their fellow citizens This compromise based approach to accommodation is limited however by the principle that accommodation should not be used as a form of political protest Second strict adherence to separation supports protecting the autonomy of religious institutions to oversee their internal own affairs But the state must also protect the rights and interests of the members of religious institutions As such the state must ensure that religious institutions are voluntarily associations whose members have both a right and a genuine opportunity to exit the association As one example the state should generally not enforce religious arbitration agreements against members of religious institutions even when they have voluntarily agreed to them

Religious Ideas in Liberal Democratic States Jasper Doomen, Mirjam van

Schaik, 2021-07-29 Religious Ideas in Liberal Democratic States adds new context to the ongoing debate over the scope of religious freedom drawing from a variety of perspectives to discuss the meaning of religion itself within a democratic state This book argues that categorizing religion as a solely private affair is too narrow an interpretation and questions whether ideas like freedom human dignity and equality can be truly actualized in a neutral and secular state Contributors explore the impact of religion acknowledged or not on legislation human rights and group rights through legal historical and sociological lenses Scholars of constitutional law jurisprudence international law and political science will find this book particularly useful

Religion in a Liberal State Gavin D'Costa, Malcolm Evans, Tariq Modood, Julian Rivers, 2013-08-29 As religion has become more visible in public life with closer relations of co operation with government as well as a force in some political campaigns its place in public life has become more contested Fudged compromises of the past are giving way to a desire for clear lines and moral principles This book brings the disciplines of law sociology politics and theology into conversation with one another to shed light on the questions thrown up by religion in a liberal state It discusses practical problems in a British context such as the accommodation of religious dress discrimination against sexual minorities and state support for historic religions considers legal frameworks of equality and human rights and elucidates leading ideas of neutrality pluralism secularism and public reason Fundamentally it asks what it means to be liberal in a world in which religious diversity is becoming more present and more problematic

Why Religious Freedom Matters for Democracy Myriam

Hunter-Henin,2020-06-11 Should an employee be allowed to wear a religious symbol at work Should a religious employer be allowed to impose constraints on employees private lives for the sake of enforcing a religious work ethos Should an employee or service provider be allowed on religious grounds to refuse to work with customers of the opposite sex or of a same sex sexual orientation This book explores how judges decide these issues and defends a democratic approach which is conducive to a more democratic understanding of our vivre ensemble The normative democratic approach proposed in this book is grounded on a sociological and historical analysis of two national stories of the relationships between law religion diversity and the State the British mainly English and the French stories The book then puts the democratic paradigm to the test by looking at cases involving clashes between religious freedoms and competing rights in the workplace Contrary to the current alternative between the accommodationist view which defers to religious requests and the analogous view which undermines the importance of religious freedom for pluralism this book offers a third way It fills a gap in the literature on the relationships between law and religious freedoms and provides guidelines for judges confronted with difficult cases

Negotiating Religion François Guesnet,Cécile Laborde,Lois Lee,2016-08-25 Negotiating religious diversity as well as negotiating different forms and degrees of commitment to religious belief and identity constitutes a major challenge for all societies Recent developments such as the de secularisation of the world the transformation and globalisation of religion and the attacks of September 11 have made religious claims and religious actors much more visible in the public sphere This volume provides multiple perspectives on the processes through which religious communities create or defend their place in a given society both in history and in our world today Offering a critical cross disciplinary investigation into processes of negotiating religion and religious diversity the contributors present new insights on the meaning and substance of negotiation itself This volume draws on diverse historical sociological geographic legal and political theoretical approaches to take a close look at the religious and political agents involved in such processes as well as the political social and cultural context in which they take place Its focus on the European experiences that have shaped not only the history of negotiating religion in this region but also around the world provides new perspectives for critical inquiries into the way in which contemporary societies engage with religion This study will be of interest to academics lawyers and scholars in law and religion sociology politics and religious history

The Right to Religious Freedom in International Law Anat Scolnicov,2010-10-18 This book explores the right to religious freedom within international law Analysing legal structures in a variety of both Western and Non Western jurisdictions the book sets out a topography of the different constitutional structures of religion within the state and their compliance with international human rights law

A Principled Framework for the Autonomy of Religious Communities Alex Deagon,2023-02-23 This book engages in a theological critique of the legal frameworks and theoretical approaches of Australia the US and England to create a peaceful coexistence of difference which supports both religious freedom and equality It develops a new framework for reconciling religious

freedom and discrimination in Western liberal democracies and presents a unique approach to practically supporting both religious freedom and equality as fundamentally important objectives which promote more compassionate and cohesive communities. The book applies the idea of peaceful coexistence of difference by assuming the dignity and goodwill of different people and perspectives and proceeds upon shared virtues such as love which are affirmed by all. 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.

Liberalism and Islam H. Haidar, 2008-02-04. This book examines the possibility of reconciliation between liberalism and Shiite Islam. By examining two key liberal theories, this book shows that secular liberalism is not justifiable in the view of Shiite Islamic thought. *Religion in a Liberal State* Gavin D'Costa, Malcolm Evans, Tariq Modood, Julian Rivers, 2013-08-29. Leading authors in politics, law, sociology and theology discuss what the proper place of religion is in a liberal state.

Democracy, Law and Religious Pluralism in Europe Ferran Requejo, Camil Ungureanu, 2014-09-15. In contrast with the progressive dilution of religions predicted by traditional liberal and Marxist approaches, religions remain important for many people even in Europe, the most secularised continent. In the context of increasingly culturally diverse societies, this calls for a reinterpretation of the secular legacy of the Enlightenment and also for an updating of democratic institutions. This book focuses on a central question: are the classical secularist arrangements well equipped to tackle the challenge of fast growing religious pluralism? Or should we move to new post secular arrangements when dealing with pluralism in Europe? Offering an interdisciplinary approach that combines political theory and legal analysis, the authors tackle two interrelated facets of this controversial question. They begin by exploring the theoretical perspective, asking what post secularism is and looking at its relation to secularism. The practical consequences of this debate are then examined, focusing on case law through four empirical case studies. This book will be of interest to students and scholars of political theory, philosophy, religion and politics, European law, human rights, legal theory and socio legal studies. Religion on the Edge Courtney Bender, 2013. The thirteen essays in this volume offer a challenge to conventional scholarly approaches to the sociology of religion. They urge readers to look beyond congregational settings, beyond the United States and to religions other than Christianity and encourage critical engagement with religion's complex social consequences. By expanding conceptual

categories the essays reveal how aspects of the religious have always been part of allegedly non religious spaces and show how by attending to these intellectual blindspots we can understand aspects of identity modernity and institutional life that have long been obscured Religion on the Edge addresses a number of critical questions What is revealed about the self pluralism or modernity when we look outside the U S or outside Christian settings What do we learn about how and where the religious is actually at work and what its role is when we unpack the assumptions about it embedded in the categories we use Religion on the Edge offers groundbreaking new methodologies and models bringing to light conceptual lacunae re centering what is unsettled by their use and inviting a significant reordering of long accepted political and economic hierarchies The book shows how social scientists across the disciplines can engage with the sociology of religion By challenging many of its long standing empirical and analytic tendencies the contributors to this volume show how their work informs and is informed by debates in other fields and the analytical purchase gained by bringing these many conversations together Religion on the Edge will be a crucial resource for any scholar seeking to understand our post modern post secular world *Religious Freedom and Religious Pluralism in Africa* Pieter Coertzen,M Christian Green,Len Hansen,2016-05-22

Africa continues to be a region with strong commitments to religious freedom and religious pluralism These however are rarely mere facts on the ground they are legal political social and theological projects that require considerable effort to realise This volume compiling the proceedings of the third annual conference of the African Consortium for Law and Religion Studies focuses on various issues which vastly effect the understanding of religious pluralism in Africa These include amongst others religious freedom as a human right the importance of managing religious pluralism and the permissibility of religious practice and observance in South African public schools **Liberalism's Religion** Cécile Laborde,2017-09-25 C

cile Laborde argues that religion is more than a statement of belief or a moral code It refers to comprehensive ways of life theories of justice modes of association and vulnerable collective identities By disaggregating these dimensions she addresses questions about whether Western secularism and religion can be applied more universally **Religious Accommodation and its Limits** Farrah Raza,2023-04-20 On what grounds should religious accommodation claims be limited When do religious claims harm the autonomy of others This book proposes an original model of religious accommodation which can be applied in secular liberal democracies where religious diversity has been a hotly contested issue Addressing the complex question of limitations to the right to Freedom of Religion or Belief and how these limitations might be determined it examines how religious claims can harm the autonomy of others and emphasises the need for an appropriate balancing of competing interests Drawing on a range of case study examples from jurisdictions including the US Canada the European Court of Human Rights the European Union s Court of Justice the UK Germany and France this is a timely contribution to the debate on how a legal duty or policy approach in favour of religious accommodation can be applied in practice Moreover the proposed model offers criteria that may be used to guide the implementation of equality and

diversity policies in contexts such as employment and education The book will be of interest to academics legal practitioners and policy makers in the field **Models of Religious Freedom** Marcel Stüssi, 2012 In this thesis the US Swiss and Syrian models of religious freedom are illustrated in legal settings The Analytical Representation comprises more than statements of positive law or mechanical comparison Each chapter is introduced by thought forms predominant in the respective legal culture The objective of the Methodological Representation is to investigate the logic and legitimate pattern by which the US and Swiss judiciary come to the conclusion that an alleged interference is covered under the right to religious freedom The last dimension which is the Eclectic Representation pursues a dual aim Firstly the idea is to develop an actual guideline of religious freedom rules and secondly to evaluate how much religious freedom is internalized in the US Swiss and Syrian legal systems Dissertation Series ReligionsRecht im Dialog Vol 12

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