



# RIGHT TO FREEDOM OF RELIGION



# Religion Rights And Laws

**Anthony Bradney**



## **Religion Rights And Laws:**

*State-Religion Relationships and Human Rights Law* Jeroen Temperman, 2010 This book presents a human rights based assessment of the various modes of state religion identification and of the various forms of state practice that characterize these different state religion models This book makes a case for the recognition of a state duty to remain impartial with respect to religion or belief in all regards so as to comply with people s fundamental right to be governed at all times in a religiously neutral manner As this book demonstrates through the various case studies there is increasing interest and concern at the manner in which questions concerning the enjoyment of the right to the freedom of religion or belief bear upon key questions concerning the governance of democratic society Issues raised involve matters concerning employment education expression association and more generally the interface between religion and political life The existing literature often traces these concerns back to the need to consider the place of religion in contemporary society but leaves matters there Another body of academic literature explores the theoretical dimensions of that relationship but fails to connect it to the practice of states in order to test out the propositions which are the product of these reflections The great virtue of this work is that it seeks to unite these various enterprises and engages head on with the challenges which this produces The aim is to demonstrate and illustrate the key contention that there is an emergent right to religiously neutral governance and that this is incompatible with the continuation of systems which offer preference to particular forms of belief system religious or otherwise A chief virtue of this book is that it works through the consequences of this claim in a fearless fashion posing challenges for those states which continue to use their legal frameworks to offer support directly or indirectly for historical dominant or favoured forms of religion or belief It challenges received assumptions and by driving the logic of contemporary human rights thinking to the foundations of state religion relationships performs a valuable service for those engaging with this most difficult and timely of questions Malcolm D Evans Professor of Public International Law University of Bristol

Religious Human Rights in Global Perspective Van der Vyver, J. D., Johan David Van der Vyver, John Witte, Jr., 1996-02-09 Media By James Finn **Religion, Secular Beliefs and Human Rights** Natan Lerner, 2012-08-01 Religion and beliefs related to religion are a central factor in international life and politics International law and human rights law in particular have to take into consideration the religious dimension and have done it to some extent A body of positive law has already been developed for the protection of freedom of religion and from religion by the United Nations and regional and specialized organizations The first edition of this book appeared six years ago in coincidence with the 25th anniversary of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion of Belief It discussed the legal meaning of religion and belief the United Nations work in this respect religious minorities relevant regional and special arrangements the issue of proselytism religion and terrorism religious symbols international criminal law and some particular cases such as the state and religious communities in Israel and this country s agreement with the

Holy See This second edition of the book updates the information on relevant developments that took place in the time elapsed and incorporates several new chapters on important issues related to religious freedoms Such are the chapters on freedom from religion religion and freedom of association religion and freedom of expression including the controversy with respect of defamation of religions and group rights and legal pluralism The order of the chapters has been rearranged It is hoped that law and political science schools human rights associations and scholars as well as governments and bodies active in the area of religious freedoms will find interest in this second revised and considerably enlarged edition

**Religion and Human Rights** John Witte Jr.,M. Christian Green,2011-11-25 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 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

**Law, Religion, and Freedom** W. Cole Durham, Jr.,Javier Martínez-Torrón,Donlu D Thayer,2021-02-22 This book examines major conceptual challenges confronting freedom of religion or belief in contemporary settings The volume brings together chapters by leading experts from law religious studies and international relations who provide perspectives from both sides of the Atlantic At a time when the polarization of culture wars is aggravating tensions between secular and religious views about accommodating the conscientious claims of individuals and groups and when the right to freedom of religion itself is facing misunderstanding and erosion the work provides welcome clarity and depth Some chapters adopt a primarily conceptual and historical approach others analyze particular difficulties or conflicts that have emerged in European and American jurisdictions along with concrete applications and recommendations for the future The book will be a valuable resource for students academics and policy makers with an interest in law religion and human rights

**Freedom from Religion and Human Rights Law** Marika McAdam,2017-11-14 Although human rights belong to all persons on the basis of their humanity this book demonstrates that in the practice of international human rights law the freedom to be non religious or atheist does not receive the same protection as the freedom to be religious Despite the claimed universality of freedom of religion and belief contained in article 18 of the International Covenant on Civil and Political Rights the key assertion made is that there is a hierarchy of religion and belief with followers of major established religions enjoying high protection and low regulation at the top and atheists and non believers enduring high persecution and weaker protection at the bottom The existence of this

hierarchy is proven and critiqued through three case study chapters that respectively explore the extent to which non religious and atheist rights holders enjoy freedom from proselytism freedom from hate and freedom from the religions of their parents *Human Rights Law in Egypt and Malaysia: Freedom of Religion and Expression, Volume 1* Asif Mohiuddin,2024-12-19 The discourse surrounding freedom of religion and expression in Muslim majority countries is complex and multifaceted shaped by a myriad of factors including cultural political and legal dynamics This volume examines the complex interplay of these factors within the contexts of Egypt and Malaysia offering valuable insights into the challenges and advancements in safeguarding these fundamental freedoms From the diverse interpretations of Islamic principles to the varying legal frameworks and the influence of global events such as geopolitical conflicts and terrorism on human rights dynamics this volume provides a comprehensive exploration of the complexities involved Moreover it delves into the historical social and political contexts that shape the protection and limitation of these freedoms offering a nuanced understanding of the evolving discourse surrounding human rights in Muslim majority countries Through comparative analyses and discussions on the role of civil society and advocacy groups this volume serves as an invaluable resource for scholars policymakers and activists seeking to deepen their understanding of the multifaceted realm of freedom of religion and expression in Egypt and Malaysia Law, Religion, Constitution Dr Cristiana Cianitto, Ms Donlu Thayer, Professor Silvio Ferrari, Professor W Cole Durham Jr.,2013-09-28 What is the place assigned to religion in the constitutions of contemporary States What role is religion expected to perform in the fields that are the object of constitutional regulation Is separation of religion and politics a necessary precondition for democracy and the rule of law These questions are addressed in this book through an analysis of the constitutional texts that are in force in different parts of the world Constitutions are at the centre of almost all contemporary legal systems and provide the principles and values that inspire the action of the national law makers After a discussion of some topics that are central to the constitutional regulation of religion the book considers a number of national systems covering countries with a variety of religious and cultural backgrounds The final section of the book is devoted to the discussion of the constitutional regulation of some particularly controversial issues such as religious education the relation between freedom of speech and freedom of religion abortion and freedom of conscience *Religions, Rights and Laws* Anthony Bradney,1993 The central concern of this book is the interaction between the idea of religious freedom and the regulation of a modern state by laws Hence it primarily addresses the structure of and reasons for the legal order rather than describing legal rules It is a book about law rather than a mere law book The author begins by examining the nature of religion the differences between religious and secular philosophies and existing notions of rights In Part 2 he illustrates the relationship between legal rules and religion by means of case studies the laws applying the conscientious objection to trade union membership religious education in schools Sunday trading religious slaughter charities and blasphemy Part 3 ponders the links between freedom of belief and freedom of practice discusses the idea of legislation

against religious discrimination and concludes with a discussion of the prospects for religious freedom under the law. Although practising and academic lawyers will obviously find this book useful it will also be valued by students and teachers of religious studies, sociologists and philosophers.

**Religious Legal Traditions, International Human Rights Law and Muslim States** Kamran Hashemi, 2008-08-31. This book offers an exploration of aspects of the subject Islam and Human Rights which is the focus of considerable scholarship in recent years predominantly from Western scholars. Thus it is interesting and important to have the field addressed from a non-Western perspective and by an Iranian scholar. The study draws on Persian language literature that addresses both theological and legal dimensions of the theme. The work is also distinctive in that it tackles three areas that have been largely ignored in the literature. It undertakes a comparative study of the laws of several Muslim States with respect to religious freedom, minorities and the rights of the child. The study offers an optimistic vision of the fundamental compatibility of Islam and international human rights standards.

*The Changing Nature of Religious Rights Under International Law* Malcolm David Evans, Peter Petkoff, Julian Rivers, 2015. The right to freedom of religion or belief has become a matter of increasing controversy both politically and in international law. This book provides a detailed assessment of the right in its contemporary context, analysing its current status, the impact of the 1981 Declaration and the challenges facing the continued existence of the right.

Children's Rights Law in the Global Human Rights Landscape Eva Brems, Ellen Desmet, Wouter Vandenhoele, 2017-04-21. Children's rights law is often studied and perceived in isolation from the broader field of human rights law. This volume explores the inter-relationship between children's rights law and more general human rights law in order to see whether elements from each could successfully inform the other. Children's rights law has a number of distinctive characteristics such as the emphasis on the best interests of the child, the use of general principles and the inclusion of third parties e.g. parents and other care takers in treaty provisions. The first part of this book questions whether these features could be a source of inspiration for general human rights law. In part two the reverse question is asked: could children's rights law draw inspiration from developments in other branches of human rights law that focus on other specific categories of rights holders such as women, persons with disabilities, indigenous peoples or older persons. Finally, the interaction between children's rights law and human rights law and the potential for their isolation, inspiration or integration may be coloured or determined by the thematic issue under consideration. Therefore the third part of the book studies the interplay between children's rights law and human rights law in the context of specific topics: intra-family relations, LGBTQI marginalization, migration, media, the environment and transnational human rights obligations.

*Islamic Law and International Human Rights Law* Anver M. Emon, Mark Ellis, Benjamin Glahn, 2012-10-11. The relationship between Islamic law and international human rights law has been the subject of considerable and heated debate in recent years. The usual starting point has been to test one system by the standards of the other, asking: is Islamic law compatible with international human rights standards or vice versa? This

approach quickly ends in acrimony and accusations of misunderstanding. By overlaying one set of norms on another we overlook the deeply contextual nature of how legal rules operate in a society and meaningful comparison and discussion is impossible. In this volume leading experts in Islamic law and international human rights law attempt to deepen the understanding of human rights and Islam paving the way for a more meaningful debate. Focusing on central areas of controversy such as freedom of speech and religion, gender equality and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed, interpreted and applied within a community. They examine how these fundamental interests are recognized and protected within the law and what restrictions are placed on the freedoms associated with them. By examining how each system recognizes and limits fundamental freedoms, this volume clears the ground for exploring the relationship between Islamic law and international human rights law on a sounder footing. In doing so, it offers a challenging and distinctive contribution to the literature on the subject and will be an invaluable reference for students, academics and policy makers engaged in the legal and religious debates surrounding Islam and the West.

**Human Rights Law Concentrate** Bernadette Rainey, 2012-02-23. Accurate and accessible. Concentrate guides enable you to take exams with confidence. Including revision tips and advice for extra marks alongside a thorough and focussed breakdown of the key topics and cases, this guide will help you to get the most out of your revision and to maximise your performance in exams.

*Controversies in Contemporary Religion* Paul Hedges, 2014-09-09. Religious or spiritual beliefs underpin many controversies and conflicts in the contemporary world. Written by a range of scholarly contributors, this three volume set provides contextual background information and detailed explanations of religious controversies across the globe. *Controversies in Contemporary Religion: Education, Law, Politics, Society and Spirituality* is a three volume set that addresses a wide variety of current religious issues, analyzing religion's role in the rise of fundamentalism, censorship, human rights, environmentalism and sustainability, sexuality, bioethics and other questions of widespread interest. Providing in depth context and analysis far beyond what's available in the news or online, this work will enable readers to understand the nature of and reasons for controversies in current headlines. The first volume covers theoretical and academic debates, the second looks at debates in the public square and ethical issues, while the third examines specific issues and case studies. These volumes bring detailed and careful debate of a range of controversies together in one place, including topics not often covered, for example, how religions promote or hinder social cohesion and peace, the relationship of religions to human rights and the intersection of Buddhism and violence. Written by a range of experts that includes both established and emerging scholars, the text explains key debates in ways that are accessible and easy to understand for lay readers as well as undergraduate students researching particular issues or global religious trends.

**The Oxford Handbook of International Human Rights Law** Dinah Shelton, 2013-09. The Oxford Handbook of International Human Rights Law provides an authoritative and original overview of one of the key branches of international law. Forty contributors comprehensively analyse the role of human rights

in international law from a global perspective examining its origins and principles and measuring its impact on the world

*Routledge Handbook of Constitutional Law* Mark Tushnet, Thomas Fleiner, Cheryl Saunders, 2013-06-26 The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law Featuring new specially commissioned papers by a range of leading scholars from around the world it offers a comprehensive overview of the field as well as identifying promising avenues for future research The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject It also pays particular attention to constitutional design identifying and evaluating various solutions to the challenges involved in constitutional architecture The book is split into four parts for ease of reference Part One General issues sets issues of constitutional law firmly in context including topics such as the making of constitutions the impact of religion and culture on constitutions and the relationship between international law and domestic constitutions Part Two Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three Rights covers the key rights often enshrined in constitutions Part Four New Challenges explores issues of importance such as migration and refugees sovereignty under pressure from globalization Supranational Organizations and their role in creating post conflict constitutions and new technological challenges Providing up to date and authoritative articles covering all the key aspects of constitutional law this reference work is essential reading for advanced students scholars and practitioners in the field

**European Human Rights Law** Mark W. Janis, Richard S. Kay, Anthony Wilfred Bradley, 2008 The third edition of European Human Rights Law Text and Materials has been substantially expanded to provide a complete review of the wide range of rights the Convention protects with new chapters on the right to life property discrimination religious freedom and education The book introduces both the process and the substance of this increasingly important area of European law A broad selection of extracts from essential cases and materials is accompanied by stimulating commentary that guides the reader through the legal rules and court system that have evolved in Strasbourg how the court works and how European human rights law is enforced both at the national and international level European human rights law is also placed into a useful comparative framework alongside human rights cases decided by courts in the United States Canada and elsewhere This third edition has been extensively updated to cover the major developments of recent years including the reform of the European Court of Human Rights and the expansion of the system to central and eastern Europe

**Writings on Human Rights, Law, and Society in India** Harsh Dobhal, 2011 *Peace, Discontent and Constitutional Law* Martin Below, 2021-05-24 This book offers a multi discursive analysis of the constitutional foundations for peaceful coexistence the constitutional background for discontent and the impact of discontent and the consequences of conflict and revolution on the constitutional order of a democratic society which may lead to its implosion It explores the capacity of the constitutional order to serve as a reliable framework for peaceful co existence while allowing for reasonable and legitimate discontent It



outlines the main factors contributing to rising pressure on constitutional order which may produce an implosion of constitutionalism and constitutional democracy as we have come to know it The collection presents a wide range of views on the ongoing implosion of the liberal democratic constitutional consensus which predetermined the constitutional axiology the institutional design the constitutional mythology and the functioning of the constitutional orders since the last decades of the 20th century The constitutional perspective is supplemented with perspectives from financial EU labour and social security law administrative law migration and religious law Liberal viewpoints encounter radical democratic and critical legal viewpoints The work thus allows for a plurality of viewpoints theoretical preferences and thematic discourses offering a pluralist scientific account of the key challenges to peaceful coexistence within the current constitutional framework The book provides a valuable resource for academics researchers and policymakers working in the areas of constitutional law and politics

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