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# RELIGIOUS FREEDOM IN THE LIBERAL STATE

SECOND EDITION

*Rex Ahdar and Ian Leigh*

# Religious Freedom In The Liberal State

**Rex Ahdar, Ian Leigh**



## **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, *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 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

**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

**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

**Should a Liberal State Ban the Burqa?** Brandon Robshaw, 2020-05-14 Debates about whether the Wahhabist practice of face veiling for women should be banned in modern liberal states tend to generate more heat than light This book brings clarity to what can be a confusing subject by disentangling the different strands of the problem and breaking through the accusations of misogyny and Islamophobia Explaining and expounding the ideas of giants of the liberal

tradition including Locke Mill and Rawls as well as contemporary thinkers like Nussbaum Kymlicka and Oshana the book considers a variety of conceptions of liberalism and how they affect the response to the question Directly addressing issues facing many of today s societies it unpicks whether paternalism on grounds of welfare can be justified within liberalism the value of personal autonomy and the problem of whether a socially influenced choice counts as a genuine preference Covering the role of multiculturalism gender issues and feminism this comprehensive philosophical study of a major political question gets to the heart of whether a ban could be justified in principle and also questions whether any such ban could prove efficacious in achieving its end

**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

Liberal Politics and Public Faith Kevin Vallier,2014-06-13 In the eyes of many liberalism requires the aggressive secularization of social institutions especially public media and public schools The unfortunate result is that many Americans have become alienated from the liberal tradition because they believe it threatens their most sacred forms of life This was not always the case in American history the relation between liberalism and religion has often been one of mutual respect and support In Liberal Politics and Public Faith Beyond Separation Kevin Vallier attempts to reestablish mutual respect by developing a liberal political theory that avoids the standard liberal hostility to religious voices in public life He claims that the dominant form of academic liberalism public reason liberalism is far friendlier to religious influences in public life than either its proponents or detractors suppose The best interpretation of public reason convergence liberalism rejects the much derided privatization of religious belief instead viewing religious contributions to politics as a resource for liberal political institutions Many books reject privatization Liberal Politics and Public Faith Beyond Separation is unique in doing so on liberal grounds

**Religion in Liberal Political Philosophy** Cécile Laborde,Aurélia Bardon,2017-05-26 Until now there has been no direct and extensive engagement with the category of religion from liberal political philosophy Over the last thirty years or so liberals have tended to analyze religion under proximate categories such as conceptions of the good in debates about neutrality or culture in debates about multiculturalism US constitutional lawyers and French political theorists both tackled the category of religion head on under First Amendment jurisprudence and the political tradition of la cit

respectively but neither of these specialized national discourses found their way into mainstream liberal political philosophy. This is somewhat paradoxical because key liberal notions state sovereignty, toleration, individual freedom, the rights of conscience, public reason were elaborated as a response to 17th Century European Wars of Religion and the fundamental structure of liberalism is rooted in the western experience of politico religious conflict. So a reappraisal of this tradition and of its validity in the light of contemporary challenges is well overdue. This book offers the first extensive engagement with religion from liberal political philosophers. The volume analyzes from within the liberal philosophical tradition itself the key notions of conscience, public reason, non establishment and neutrality. Insofar as the contemporary religious revival is seen as posing a challenge to liberalism, it seems more crucial than ever to explore the specific resources that the liberal tradition has to answer it.

**Liberal Neutrality and State Support for Religion** Leni Franken, 2016-05-18. This book focuses on the financing of religions, examining some European church state models using a philosophical methodology. The work defends autonomy based liberalism and elaborates how this liberalism can meet the requirements of liberal neutrality. The chapters also explore religious education and the financing of institutionalized religion. This volume collates the work of top scholars in the field. Starting from the idea that autonomy based liberalism is an adequate framework for the requirement of liberal neutrality, the author elaborates why a liberal state can support religions and how she should do this without violating the principle of neutrality. Taking into account the principle of religious freedom and the separation of church and state, this work explores which criteria the state should take into account when she actively supports religions, faith based schools and religious education. A number of concrete church state models including hands off religious accommodation and the state church are evaluated and the book gives some recommendations in order to optimize those church state models where needed. Practitioners and scholars of politics, law, philosophy and education, especially religious education, will find this work of particular interest as it has useful guidelines on policies and practices as well as studies of church state models.

**Mapping the Academic Debate** Johannes Duschka, Christoph Kleine, Monika Wohlrab-Sahr, Florian Zemmin, 2024-12-16. This volume maps the international academic debate on secularity. It places seminal contributions from within Western academia alongside less well known texts from various parts of the world. In several cases, this is the first time that they have been translated into English. The volume demonstrates that the academic debate on secularity was and is a global debate with contributions from many regions. The collected texts relate to each other either directly or indirectly by referring to similar arguments, whether reinforcing or criticising them, and thus create a discourse. When speaking of global secularity, we therefore do not insinuate a uniform world secularity resulting from the alleged global diffusion of Western norms, ideas and concepts. It is rather a web of relations that is constituted via various different references. These references are not evenly distributed; the development in the West is often the point of reference to which positions from other regions relate to which they connect or from which they distance themselves. But the references are not completely unidirectional. We also present

texts from Europe that underline the multidirectionality of the process even early on Thereby the volume offers the reader the material with which to trace these global exchanges and references

**A Companion to Applied Philosophy** Kasper Lippert-Rasmussen, Kimberley Brownlee, David Coady, 2016-11-14 Applied philosophy has been a growing area of research for the last 40 years Until now however almost all of this research has been centered around the field of ethics A Companion to Applied Philosophy breaks new ground demonstrating that all areas of philosophy including epistemology metaphysics philosophy of science and philosophy of mind can be applied and are relevant to questions of everyday life This perennial topic in philosophy provides an overview of these various applied philosophy developments highlighting similarities and differences between various areas of applied philosophy and examining the very nature of this topic It is an area to which many of the towering figures in the history of philosophy have contributed and this timely Companion demonstrates how various historical contributions are actually contributions within applied philosophy even if they are not traditionally seen as such The Companion contains 42 essays covering major areas of philosophy the articles themselves are all original contributions to the literature and represent the state of the art on this topic as well as offering a map to the current debates

Faith in Democracy Jonathan Chaplin, 2021-04-30 What is the place of faith in public life in the UK Beyond secularism that seeks to relegate faith to the margins of public life and a Christian nation position that seeks to retain or even regain Christian public privilege there is a third way Faith in Democracy Framing a Politics of Deep Diversity calls for an approach that maximises public space for the expression of faith based visions within democratic fora while repudiating all traces of religious privilege It argues for a truly conversational space reflecting theologically on the contested concepts at the heart of the current debate about the place of faith in British public life democracy secularism pluralism and public faith

Contemporary Political Philosophy: An Anthology Robert E. Goodin, Philip Pettit, 2019-04-08 The revised and updated edition of Goodin and Pettit's highly acclaimed contemporary political philosophy anthology bringing together the field's most important readings in a single volume Unparalleled in the breadth and scope of its coverage this newly revised third edition traces the evolution of political philosophy as a contemporary practice and raises important questions about the impact of current political events Fully updated to include 49 contemporary and classic selections from the most distinguished scholars in political philosophy Offers expanded coverage of international affairs and political oppression Includes essays which represent a diversity of political and ideological positions and features interdisciplinary voices in politics law and economics Edited by two of the field's most highly respected scholars The ideal collection of primary readings to accompany the Companion to Contemporary Political Philosophy Second Edition Wiley Blackwell 2012 for coursework in political philosophy

*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

**Belief, Law and Politics** Marie-Claire Foblets, Katayoun Alidadi, Zeynep Yanasmayan, 2016-04-15 This edited collection gathers together the principal findings of the three year RELIGARE project which dealt with the question of religious and philosophical diversity in European law Specifically it covers four spheres of public policy and legislation where the pressure to accommodate religious diversity has been most strongly felt in Europe employment family life use of public space and state support mechanisms Embracing a forward looking approach the final RELIGARE report provides recommendations to governance units at the local national and European levels regarding issues of religious pluralism and secularism This volume adds context and critique to those recommendations and more generally opens an intellectual discussion on the topic of religion in the European Union The book consists of two main parts the first includes the principal findings of the RELIGARE research project while the second is a compilation of 28 short contributions from influential scholars legal practitioners policy makers and activists who respond to the report and offer their views on the sensitive issue of religious diversity and the law in Europe

*The Legal Protection of Rights in Australia* Matthew Groves, Janina Boughey, Dan Meagher, 2019-11-14 How do you protect rights without a Bill of Rights Australia does not have a national bill or charter of rights and looks further away than ever from adopting one But it does have a range of individual elements sourced from common law statute and the Constitution which though unsystematic do provide Australians with some meaningful rights protection This book outlines and explains the unique human rights journey of Australia It moves beyond the criticisms long made of the Australian position that its formalism legalism and exceptionalism compromise its capacity for rights protection to consider how the many elements of its novel legal structure operate This book analyses the interlocking legal framework for the protection of rights in Australia A key theme of the book is that the many different elements of a fragmented scheme can add up to something significant albeit with significant gaps and flaws like any other legal rights protection framework It shows how the jumbled influences of a common law heritage a written constitution differing paths taken by jurisdictions within a single federal state statutory and common law innovations and a strong dose of comparative legal influences have led to the unique patchwork of rights protection in Australia It will provide valuable reading for all those researching in human rights constitutional and comparative law

*State-Religion*



*Relationships and Human Rights Law* Jeroen Temperman, 2010-05-17 This book examines the question of how the mode of state religion identification affects the state's scope for compliance with human rights law. It presents a human rights based assessment of the various modes of state religion identification and of the various forms of state practice that surround and characterize these different state religion models. A close assessment of norms of human rights law substantiates that although human rights law on the face of it is seemingly neutral to the issue of state religion identification, legal principles can be extrapolated that have a profound bearing on the question of legitimacy of the possible diverse relationships that may exist between the state and religion. A range of thematic case studies on among other issues: Establishment of Religion, the Equal Religious Rights of Others, Religion Freedom of Expression, Religion Political Rights, Religion Educational Rights, Religion Freedom of Association and Religion Equal Employment Opportunities demonstrates that existing regimes of positive state identification with religion are not devoid of forms of institutionalised discrimination and de facto practices of discrimination on grounds of religion or belief or lack thereof. At the same time it is observed by the author that in some secular or separationist states the ideals of state secularism and separationism have come to be considered ends in themselves. This has given rise to situations where the principles of secularism and separationism are construed so as to impose illegitimate limits on the activities of religions or illegitimate limits on the individual manifestation of certain beliefs. 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.

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