

THE HISTORY AND THEORY OF INTERNATIONAL LAW



INTERNATIONAL LAW AND RELIGION

HISTORICAL AND
CONTEMPORARY PERSPECTIVES

Edited by Martti Koskenniemi,
Mónica García-Salmones Rovira, and Paolo Amorosa

OXFORD

Religion And International Law

Kerry O'Halloran



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 Koskeniemi, 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 Uerpmann-Witzack, Evelyne Lagrange, Stefan Oeter, 2018-08-13 Growing religious antagonisms are challenging the ultimate goal of living together in peaceful societies Living together 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 Religion and International Law 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 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 **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 **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 **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 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 *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

Islamic Jihadism and the Laws of War Omar Mekky,2023 Drawing from his field expertise as a legal advisor in the Middle East and North Africa Omar Mekky narrates how Islamic Jihadism began and evolved outlines the laws jihadists apply during combat addresses how states often respond to jihadist groups and aims for a pragmatic humanitarian legal formula grounded in insightful readings

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

Encyclopedia of American Religion and Politics Paul A. Djupe,Laura R. Olson,2014-07 Presents an encyclopedia of religion and politics in America including short biographies of important political and religious figures like Ralph Abernathy civil rights leader and Ralph Waldo Emerson writer and synopses of religious entities like the Branch Davidians and the Episcopal church as well as important court cases of relevancy like Epperson et al v Arkansas having to do with evolution

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

Whispering the Secrets of Language: An Mental Journey through **Religion And International Law**

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