

RELIGIOUS  
LIBERTY  
AND THE  
SECULAR  
STATE

THE CONSTITUTIONAL CONTEXT

JOHN M. SWOMLEY

# Religious Liberty And The Secular State

**John Witte, Johan D. van der Vyver**



## **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 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

**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      *The Future of Religious Freedom* Allen D. Hertzke, 2013 Based on a symposium held in Istanbul Turkey      **Indian Secularism and Religious Freedom** Aruthuckal Varughese John, 2024-10-31 The book intricately examines secularism in India presenting it as a complex tapestry of social struggles which introduces assumptions not shared by traditional Hindu culture These cross pressures influence both societal and legal realms affecting how secularism is implemented The work suggests that these pressures originate from the doctrines that shape India's social fabric and culture It investigates whether secularism inherently assumes specific theological or cultural doctrines thus affecting its cultural manifestation By focusing on the intersection of religious freedom with human rights and legislation concerning the contentious issue of religious conversions the book delves into these complexities The Ghent school attempts to address these tensions by advocating for a Hindu interpretation of religious freedom However acknowledging the truth claims of all religious beliefs offers a better approach to mediating between the constitution and Hindu tradition Additionally it highlights how Christian converts have developed adaptive mechanisms that blend their faith with traditional Hindu culture This synthesis of beliefs and practices or hybrid lifestyles may provide a potential path forward reflecting a response to the experienced cross pressures      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, Rajeev Bhargava, André Laliberté, 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 inter disciplinary 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

*Challenges to Religious Liberty in the Twenty-First Century* Gerard V. Bradley, 2012-03-12 Almost everyone today affirms and applauds religious liberty But different and sometimes irreconcilable conceptions of religious liberty have emerged in our world often as responses to specific challenges for example globalization or Islamic immigration In this book scholars in law theology and political theory exchange views on five specific challenges to religious liberty in the twenty first century

Religious Freedom Under Scrutiny Heiner Bielefeldt, Michael Wiener, 2019-12-20 Freedom of religion or belief is deeply entrenched in international human rights conventions and constitutional traditions around the world Article 18 of the Universal Declaration of Human Rights enshrines the right to freedom of thought conscience and religion as does the International Covenant on Civil and Political Rights which the United Nations General Assembly adopted in 1966 A rich jurisprudence on freedom of religion or belief is based on the European Convention on Human Rights drafted in 1950 by the Council of Europe Similar regional guarantees exist in the framework of the Organization of American States as well as within the African Union Freedom of religion or belief has found recognition in numerous national constitutions and some governments have shown a particularly strong commitment to the international promotion of this right As Heiner Bielefeldt and Michael Wiener observe however freedom of religion or belief remains a source of political conflict legal controversy and intellectual debate In *Religious Freedom Under Scrutiny* Bielefeldt and Wiener explore various critiques leveled at this right For example does freedom of religion contribute to the spread of Western neoliberal values to the detriment of religious and cultural diversity Can religious freedom serve as the entry point for antifeminist agendas within the human rights framework Drawing on their considerable experience in the field Bielefeldt and Wiener provide a typological overview and analysis of violations around the world that illustrate the underlying principles as well as the relationship between freedom of religion or belief and other human rights *Religious Freedom Under Scrutiny* argues that without freedom of religion or belief human rights cannot fully address our complex needs yearnings and vulnerabilities as human beings Furthermore ignoring or marginalizing freedom of religion or belief would weaken the plausibility attractiveness and legitimacy of the entire system of human rights

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 Difference in a Secular Age Saba Mahmood, 2015-11-03 How secular governance in the Middle East is making life worse not better for religious minorities The plight of religious minorities in the Middle East is often attributed to the failure of secularism to take root in the region *Religious Difference in a Secular Age* challenges this assessment by examining four cornerstones of secularism political and civil equality minority rights religious freedom and the legal separation of private and public domains Drawing on her extensive fieldwork in Egypt with Coptic Orthodox Christians and Bahais religious minorities in a predominantly Muslim country Saba Mahmood shows how modern secular governance has exacerbated religious tensions and inequalities rather than reduced them Tracing the historical career of secular legal concepts in the colonial and postcolonial Middle East she explores how contradictions at the very heart of political secularism have aggravated and amplified existing forms of Islamic hierarchy bringing minority relations in Egypt to a new historical impasse Through a close examination of Egyptian court cases and constitutional debates about minority rights conflicts around family law and controversies over freedom of expression Mahmood invites us to reflect on the entwined histories of secularism in the Middle East and Europe A provocative work of scholarship *Religious Difference in a Secular Age* challenges us to rethink the promise and limits of the secular ideal of religious equality

**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

**Religious Human Rights in Global Perspective** John Witte Jr., Johan D. van der Vyver, 2023-12-11 In this Dickensian century of human rights the world has

cultivated the best of religious rights protections but witnessed the worst of religious rights abuses In this volume Jimmy Carter John T Noonan Jr and a score of leading jurists assess critically and comparatively the religious rights laws and practices of the international community and of selected states in the Atlantic continents This volume and its companion Religious Human Rights in Global Perspective Religious Perspectives are products of an ongoing project on religion human rights and democracy undertaken by the Law and Religion Program at Emory University *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 International Encyclopedia of Political Science Bertrand Badie, Dirk Berg-Schlosser, Leonardo Morlino, 2011-09-07 Request a FREE 30 day online trial to this title at [www.sagepub.com/freetrial](http://www.sagepub.com/freetrial) With entries from leading international scholars from around the world this eight volume encyclopedia offers the widest possible coverage of key areas both regionally and globally The International Encyclopedia of Political Science provides a definitive comprehensive picture of all aspects of political life recognizing the theoretical and cultural pluralism of our approaches and including findings from the far corners of the world The eight volumes cover every field of politics from political theory and methodology to political sociology comparative politics public policies and international relations Entries are arranged in alphabetical order and a list of entries by subject area appears in the front of each volume for ease of use The encyclopedia contains a detailed index as well as extensive bibliographical references Filling the need for an exhaustive overview of the empirical findings and reflections on politics this reference resource is suited for undergraduate or graduate students who wish to be informed effectively and quickly on their field of study for scholars seeking information on relevant research findings in their area of specialization or in related fields and for lay readers who may lack a formal background in political science but have an interest in the field nonetheless The International Encyclopedia of Political Science provides an essential authoritative guide to the state of political science at the start of the 21st century and for decades to come making it an invaluable resource for a global readership including researchers students citizens and policy makers The encyclopedia was developed in partnership with the International Political Science Association Key Themes Case and Area Studies Comparative Politics Theory and Methods Democracy and Democratization Economics Epistemological Foundations Equality and Inequality Gender and Race Ethnicity International Relations Local Government Peace War and Conflict Resolution People and Organizations Political Economy Political Parties Political Sociology Public Policy and Administration Qualitative Methods Quantitative Methods Religion 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 The Routledge Companion to Christian Ethics D. Stephen Long, Rebekah L. Miles, 2023-01-01 The Routledge Companion to Christian Ethics

brings together two different but related disciplines the first is contemplative or theoretical asking what are the beliefs or doctrines that characterize Christianity whilst the second is practical asking what are the ethical practices that attend its teachings The movement between the theoretical and practical aspects is not however one way as doctrine and life are mutually informing In this comprehensive volume leading scholars address key topics problems and debates in this hotly debated topic within a truly global context Comprising over 35 chapters by a team of international contributors the handbook is divided into three parts based on the three persons of the Trinity God the Father God the Son and God the Holy Spirit Within these sections cutting edge issues are examined including God and genetics War peace and violence White supremacy Creation and sexuality Digital ethics Transgender studies Climate change Immigration and refugees Adopting a practical approach that must consider new concerns that have arisen with recent social political and cultural shifts The Routledge Companion to Christian Ethics is essential reading for students and researchers in Christian ethics religious ethics and Christianity studies The handbook will also be very useful for those in related fields such as ethics and philosophy

*Religious Freedom in Islam* Daniel Philpott, 2019-02-01 Since at least the attacks of September 11 2001 one of the most pressing political questions of the age has been whether Islam is hostile to religious freedom Daniel Philpott examines conditions on the ground in forty seven Muslim majority countries today and offers an honest clear eyed answer to this urgent question It is not however a simple answer From a satellite view the Muslim world looks unfree But Philpott shows the truth is much more complex Some one fourth of Muslim majority countries are in fact religiously free Of the other countries about forty percent are governed not by Islamists but by a hostile secularism imported from the West while the other sixty percent are Islamist The picture that emerges is both honest and hopeful Yes most Muslim majority countries are lacking in religious freedom But Philpott argues the Islamic tradition carries within it seeds of freedom and he offers guidance for how to cultivate those seeds in order to expand religious freedom in the Muslim world and the world at large It is an urgent project Religious freedom promotes goods like democracy and the advancement of women that are lacking in the Muslim majority world and reduces ills like civil war terrorism and violence Further religious freedom is simply a matter of justice not an exclusively Western value but rather a universal right rooted in human nature Its realization is critical to the aspirations of religious minorities and dissenters in Muslim countries to Muslims living in non Muslim countries or under secular dictatorships and to relations between the West and the Muslim world In this thoughtful book Philpott seeks to establish a constructive middle ground in a fiery and long lasting debate over Islam

### **The Rise of Hindu**

**Authoritarianism** Achin Vanaik, 2017-05-16 The definitive analysis of Hindu nationalism in contemporary India and the challenges for the radical Left With the Hindu nationalist BJP now replacing the Congress as the only national political force the communalization of the Indian polity has qualitatively advanced since the earlier edition of this book in 1997 This edition has been substantially reworked and updated with several new chapters added Hindutva's rise necessitates a more critical



take on mainstream secular claims ironically reinforced by liberal left sections discovering special virtues in India's distinctive secularism. The careful evaluation of the ongoing debate on Indian fascism has resonances for the broader debate about how best to assess the dangers of the far right's rise in other liberal democracies. A study follows of how Hindutva forces are pursuing their project of establishing a Hindu Rashtra and how to thwart them through a wider transformative struggle targeting capitalism itself.

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