

RELIGIOUS
LIBERTY
AND THE
SECULAR
STATE

THE CONSTITUTIONAL CONTEXT

JOHN M. SWOMLEY

Religious Liberty And The Secular State

D. Stephen Long, Rebekah L. Miles



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

Secular States and Religious Diversity Bruce J. Berman, 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

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

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 interdisciplinary 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

The Oxford Handbook of Church and State in the United States Derek Davis,2010-11-18 21 essays present a scholarly look at the intricacies and past and current debates that frame the American system of church and state within 5 main areas history politics sociology theology philosophy and law From Religious Empires to Secular States Birol Başkan,2014-03-26 In the 1920s and the 1930s Turkey Iran and Russia vehemently pursued state secularizing reforms but adopted different strategies in doing so But why do states follow different secularizing strategies The literature has already shattered the illusion that secularization of the state has been a unilinear homogeneous and universal process and has convincingly shown that secularization of the state has unfolded along different paths Much however remains to be uncovered This book provides an in depth comparative historical analysis of state secularization in three major Eurasian countries Turkey Iran and Russia To capture the aforementioned variation in state secularization across three countries that have been hitherto analyzed as separate studies Birol Ba kan adopts three modes of state secularization accommodationism separationism and eradicationism Focusing thematically on the changing relations between the state and religious institutions Ba kan brings together a host of factors historical strategic and structural to account for why Turkey adopted accommodationism Iran separationism and Russia eradicationism In doing so he expertly demonstrates that each secularization strategy was a rational response to the strategic context the reformers found themselves in 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

Secularism and State Policies toward Religion Ahmet T. Kuru, 2009-04-20 Why do secular states pursue different policies toward religion This book provides a generalizable argument about the impact of ideological struggles on the public policy making process as well as a state religion regimes index of 197 countries More specifically it analyzes why American state policies are largely tolerant of religion whereas French and Turkish policies generally prohibit its public visibility as seen in their bans on Muslim headscarves In the United States the dominant ideology is passive secularism which requires the state to play a passive role by allowing public visibility of religion Dominant ideology in France and Turkey is assertive secularism which demands that the state play an assertive role in excluding religion from the public sphere Passive and assertive secularism became dominant in these cases through certain historical processes particularly the presence or absence of an ancien r gime based on the marriage between monarchy and hegemonic religion during state building periods

Enlightenment and Secularism Christopher Nadon, 2013-04-18 Enlightenment and Secularism is a collection of twenty eight essays that seek to understand the connection between the European Enlightenment and the emergence of secular societies as well as the character or nature of those societies The contributors are drawn from a variety of disciplines including History Sociology Political Science and Literature Most of the essays focus on a single text from the Enlightenment borrowing or secularizing the format of a sermon on a text and are designed to be of particular use to those teaching and studying the history of the Enlightenment within a liberal arts curriculum [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 **Indian Secularism: Constitutional Vision and its Subversion** Dr. Avaneesh maurya,2024-10-29

This book gives the reader a brief introduction to some of the theories of secular thought that are popular in the West as well as in India It also deals extensively into what the true meaning of secularism in India is It innovatively embeds Indian cases and contexts in the Constitutional Perspective It presents an understating of the manner in which India developed its peculiar variant of secularism Chapter 1 traces the historical and conceptual exposition of secularism both in the western and Indian Contexts Chapter two narrated the political intensions of the constitution framers and constitutional provisions In the following two chapters it deals with judicial pronouncements with regards to secularism and also discussed the threats to Indian Constitutional Secularism and its vision by its rebellions This work is a modified version of the doctoral thesis submitted to the Pondicherry University **Human Dignity, Religion and the Law** Mark Hill KC,María-José

Valero-Estarellas,2024-09-09 The concept of human dignity is already embedded in the constitutional architecture of the European Union and throughout the world but it remains a slippery and elusive concept In this volume leading commentators from across the globe address the shift from the monolithic influence of major world religions in the past towards religious pluralism coupled with the increased secularism of civil society The contributors drawn from different backgrounds and traditions explore how the deployment of a nuanced understanding of human dignity can provide a way to maximise religious liberty for all within liberal democracies Specific consideration is given to the reasonable accommodation of religious practices through exemptions to generally applicable laws conscientious objection on the grounds of religious beliefs the interplay between religious pluralism and legal pluralism balancing religious sensibilities with same sex marriage exercising the right to change one s religion both generally and with a particular focus on data protection protecting the right to asylum in the light of recent changes in migratory flows and exploring its impact on those enjoying non theistic beliefs as well as the complex relationship between the Ukrainian and Russian Orthodox Churches in these febrile times Through the prism of informed investigation of these matters of specificity the volume offers readers fresh insights and analysis which collectively contribute to an overall picture of governments in liberal democracies being encouraged and enabled to foster laws and practices whereby pluralism can be encouraged and human dignity can flourish The book will be of interest to academics researchers and policy makers working in the areas of Law and Religion Human Rights Law Constitutional Law and International Relations **Entangled Domains** Rabi Akande,2023-06 This book provides the first account of the

sustained entanglement of law religion and empire in Northern Nigeria **Rethinking Secularism** Craig Calhoun,Mark

Juergensmeyer, Jonathan VanAntwerpen, 2011-08-25 This collection of essays examines how the secular is constituted and understood and how new understandings of secularism and religion shape analytic perspectives in the social sciences politics and international affairs

Political Ideas in Modern India Project of History of Indian Science, Philosophy, and Culture, 2006-03-31 The volumes of the Project on the History of Science Philosophy and Culture in Indian Civilization aim at discovering the main aspects of India's heritage and present them in an interrelated way In Political Ideas in Modern India an outstanding group of social and political theorists offers a creative reinterpretation of the ideas and principles that have shaped modern Indian society and state The ideas interpreted or analysed include rights freedoms equality social justice constitutional rule swaraj swadeshi satyagraha class war socialism Hindutva Hind Swaraj syncretic culture composite nationalism and international peace and justice

Freedom and Religion in the Nineteenth Century Richard J. Helmstadter, 1997 The subject of religious liberty in the nineteenth century has been defined by a liberal narrative that has prevailed since Mill and Macaulay to Trevelyan and Commager to name only a few philosophers and historians who wrote in English Underlying this narrative is a noble dream liberty for every person guaranteed by democratic states that promote social progress though not interfering with those broadly defined areas of life including religion that are properly the preserve of free individuals At the end of the twentieth century however it becomes clear that religious liberty requires a more comprehensive subtle and complex definition than the liberal tradition affords one that confronts such questions as gender ethnicity and the distinction between individual and corporate liberty None of the authors in this volume finds the familiar liberal narrative an adequate interpretive context for understanding his particular subject Some address the liberal tradition directly and propose modified versions others approach it implicitly All revise it and all revise in ways that echo across the chapters The topics covered are religious liberty in early America Nathan O Hatch science and religious freedom Frank M Turner the conflicting ideas of religious freedom in early Victorian England J P Ellens the arguments over theological innovation in the England of the 1860s R K Webb European Jews and the limits of religious freedom David C Iitzkowitz restrictions and controls on the practice of religion in Bismarck's Germany Ronald J Ross the Catholic Church in nineteenth century Europe Raymond Grew religious liberty in France 1787 1908 C T McIntyre clericalism and anticlericalism in Chile 1820 1920 Simon Collier and religion and imperialism in nineteenth century Britain Jeffrey Cox

Freedom of Religion and Religious Diversity Md Jahid Hossain Bhuiyan, Ann Black, 2024-08-23 Today pluralism is increasingly the norm and can be seen as a permanent characteristic of modernity As seen in world events religion has not become irrelevant but more diverse giving rise to a complex web of religion and belief minorities together with intra plural majorities Nations seek ways to implement the ideal of freedom of religion but as this book shows whether East or West in the global North or the South there is no simple formalism for accommodating religious diversity Different faith communities have competing needs and demands for the same social space with tensions inevitably arising This book highlights responses from liberal

democracies which enshrine secularism into their constitutions to other constitutions where religion and ethnic identity are enshrined to prioritise their ethno religious majority Western and Asian countries encounter different obstacles and challenges With analysis from 19 international scholars the book explores different obstacles and responses to accommodation of religious minorities in a range of jurisdictions In a globalised world it will be invaluable for comparative legal scholars for law and religion scholars researchers and students and decision makers e g governments non governmental organisations and for those who seek to better understand the challenges of our time

Political Theory

Rajeev Bhargava,2008 **The Secular State Under Siege** Christian Joppke,2015-04-22 Throughout human history religion and politics have entertained the most intimate of connections as systems of authority regulating individuals and society While the two have come apart through the process of secularization secularism is challenged today by the return of public religion This cogent analysis unravels the nature of the connection disconnection and attempted reconnection between religion and politics in the West In a comparison of Western Europe and North America Christianity and Islam Joppke advances far reaching theoretical historical and comparative political arguments With respect to theory it is argued that only a substantive concept of religion as pertaining to the existence of supra human powers opens up the possibility of a historical comparative perspective on religion At the level of history secularization is shown to be the distinct outcome of Latin Christianity itself And at the level of comparative politics the Christian Right in America which has attacked the wall of separation between religion and state and Islam in Europe with the controversial insistence on sharia law and other illiberal claims from some quarters are taken to be counterpart incarnations of public religion and challenges to the secular state This clearly argued sweeping book will provide an invaluable framework for approaching an array of critical issues at the intersection of religion law and politics for advanced students and researchers across the social sciences and legal studies as well as for the interested public

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