

Religion And The Law Legal Almanac Series

Law and ReligionLaw, Religion and TraditionReligion and LawLaw, Religion and HomosexualityChristianity and Global LawReligion, Law, Politics and the State in AfricaChristianity and Criminal LawReligious Freedom and the LawReligion, Law and SocietyLaw and Religion in IndonesiaLaw and Religion in the 21st CenturyLaw and ReligionChurch Laws and EcumenismReligion, Law and the ConstitutionLaw and The Christian Tradition in ScandinaviaThe Transition of Religion to Culture in Law and Public DiscourseReligion, Medicine and the LawLaw and Religion in Public LifeReligion and Law in AustraliaReligion as EmpowermentFeminism, Law, and ReligionThe Contested Place of Religion in Family LawReligion and Law in PolandChristianity and LawReligion and Law in South AfricaLaw, Religion, ConstitutionDeath, Religion and LawLaw's ReligionCopyrighting GodReligion and Law in SpainLaw and Religion in the Roman RepublicRoutledge Handbook of Law and ReligionLaw, Religion, and Health in the United StatesLaw, Religion and LoveLaw and Religion in American HistoryReligion and Legal PluralismReligion and International LawInternational Law and ReligionLaw and Religion in EuropeLaw, Religion, and Freedom

Law and Religion

While the law can create conflict between religion and health, it can also facilitate religious accommodation and protection of conscience. Finding this balance is critical to addressing the most pressing questions at the intersection of law, religion, and health in the United States: should physicians be required to disclose their religious beliefs to patients? How should we think about institutional conscience in the health care setting? How should health care providers deal with families with religious objections to withdrawing treatment? In this timely book, experts from a variety of perspectives and disciplines offer insight on these and other pressing questions, describing what the public discourse gets right and wrong, how policymakers might respond, and what potential conflicts may arise in the future. It should be read by academics, policymakers, and anyone else - patient or physician, secular or devout - interested in how US law interacts with health care and religion.

Law, Religion and Tradition

Drawing on epigraphic, legal, literary, and numismatic sources, this book reveals how, in the Roman Republic, law and religion interacted to serve the same purpose, the continued growth and consolidation of Rome's power.

Religion and Law

The book is unique in bringing together leading scholars and respected religious leaders to address contemporary issues in the relationship of law, religion and the state. The book highlights the interaction between secular law and religion with particular attention being given to the implications for law and society, religious tolerance and freedom. The book focuses on the practical and topical issues that have arisen in recent years in Australia. As one of the most ethnically diverse countries in the world, a pioneer of multicultural policies in immigration and social justice, Australia is a revealing site for contemporary studies in a world afraid of immigration and terrorism., issues that are affecting much of the globe.

Law, Religion and Homosexuality

Written by experts from within their communities, this book compares the legal regimes of Christian churches as systems of religious law. The ecumenical movement, with its historical theological focus, has failed to date to address the role of church law in shaping relations between churches and fostering greater mutual understanding between them. In turn, theologians and jurists from the different traditions have not hitherto worked together on a fully ecumenical appreciation of the potential value of church laws to help, and sometimes to hinder, the achievement of greater Christian unity. This book seeks to correct this ecumenical church law deficit. It takes account of the recent formulation by an ecumenical panel of a Statement of Principles of Christian Law, which has been welcomed by Pope Francis and the Ecumenical Patriarch of Constantinople, leader of the Orthodox Church worldwide, as recognizing the importance of canon law for ecumenical dialogue. This book, therefore, not only provides the fruits of an understanding of church laws within ten Christian traditions, but also critically evaluates the Statement against the laws of these individual ecclesial communities. The book will be an essential resource for scholars of law and religion, theology, and sociology. It will also be of interest to those working in religious institutions and policy-makers.

Christianity and Global Law

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.

Religion, Law, Politics and the State in Africa

Increasingly, the modern neo-liberal world marginalises any notion of religion or spirituality, leaving little or no room for the sacred in the public sphere. While this process advances, the conservative and harmful behaviours associated with some religions and their adherents exacerbate this marginalisation by driving out those who remain religious or spiritual. And all of this is seen through the lens of social science, which seems to agree that religion remains important, if not in spiritual sense, at least as a source of folklore and a means of identification: religions remain rooted in the societies from which they emerged, and the legal systems of many of those societies emerged from religious sources, even if those societies remain unwilling to admit that fact. In the modern materialistic world of conformity, religion is less a source of guidance than a label of identification. The world therefore faces two issues. First, the decreasing level of spirituality in the 'West' widens the gap between worshippers and those who have left their faith (eg agnostics and atheists, or those who look at religion as a matter of 'picking and choosing' from a range of options). And, second, the strong connections to religion which remain in many nations, but which are often misused in the secular public sphere (both in the West and internationally). In such divided worlds, both religious and secular forces tend to lock themselves into closed groupings of 'pure truth' and in so doing increase the level of disagreement, in turn producing radicalism. In short, the modern world is divided in two ways: between religious and non-religious (although some have argued that the non-religious secular is itself a form of civil religion), and between those subscribing to divergent understandings of the same religious tradition. While hyperbolic and histrionic, the term 'culture wars' nonetheless best captures what we see happening in the public sphere today. The question emerges, then: how best to accommodate the democratic principle which posits that the majority should feel that it lives in a society of its own with the human rights principle, holding that is necessary to ensure the full protection of the minority's rights? How to balance these seemingly opposed principles? We are very familiar with the differences that appear between secular and sacred in the modern world; yet, what of the similarities amongst scriptures and laws which seek to encourage mutual understanding, cooperation and even cohabitation? Because religion itself is a source of law, a set of exhortations or commands as much as a set of rights, every major religion offers an approach to encountering 'the Other' in a positive, constructive, affirming way; and it is here that religions reveal much that they have in common. This book draws together the work of scholars engaged in exploring the possibilities for a 'utopian' world in the sense fostered by St Thomas More. The essays explore those dimensions of religious and civil law where 'love' – however that is defined by relevant texts – fosters and encourages acceptance of 'the Other' and will offer perspectives on the ways in which religious or civil/state law command one to act in the spirit of 'love'.

Christianity and Criminal Law

This book explores both historical and contemporary Christian sources and dimensions of global law and includes critical

perspectives from various religious and philosophical traditions. Two dozen leading scholars discuss the constituent principles of this new global legal order historically, comparatively, and currently. The first part uses a historical-biographical approach to study a few of the major Christian architects of global law and transnational legal theory, from St. Paul to Jacques Maritain. The second part distills the deep Christian sources and dimensions of the main principles of global law, historically and today, separating out the distinct Catholic, Protestant, and Orthodox Christian contributions as appropriate. Finally, the authors address a number of pressing global issues and challenges, where a Christian-informed legal perspective can and should have deep purchase and influence. The work makes no claim that Christianity is the only historical shaper of global law, nor that it should monopolize the theory and practice of global law today. But the book does insist that Christianity, as one of the world's great religions, has deep norms and practices, ideas and institutions, prophets and procedures that can be of benefit as the world struggles to find global legal resources to confront humanity's greatest challenges. The volume will be an essential resource for academics and researchers working in the areas of law and religion, transnational law, legal philosophy, and legal history.

Religious Freedom and the Law

This practical guide summarizes the principles of working with dying patients and their families as influenced by the commoner world religions and secular philosophies. It also outlines the main legal requirements to be followed by those who care for the dying following the death of the patient. The first part of the book provides a reflective introduction to the general influences of world religions on matters to do with dying, death and grief. It considers the sometimes conflicting relationships between ethics, religion, culture and personal philosophies and how these differences impact on individual cases of dying, death and loss. The second part describes the general customs and beliefs of the major religions that are encountered in hospitals, hospices, care homes and home care settings. It also includes discussion of non-religious spirituality, humanism, agnosticism and atheism. The final part outlines key socio-legal aspects of death across the UK. *Death, Religion and Law* provides key knowledge, discussion and reflection for dealing with the diversity of the everyday care of dying and death in different religious, secular and cultural contexts. It is an important reference for practitioners working with dying patients, their families and the bereaved.

Religion, Law and Society

What can lawyers and sociologists learn from each other about religion in the twenty-first century?

Law and Religion in Indonesia

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 builds on the eleven essays edited by Mark Janis in 1991 in *The Influence of Religion and the Development of International Law*, more than doubling its authors and essays and covering more religious traditions. Now included are 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.

Law and Religion in the 21st Century

The worlds of law and religion increasingly collide in Parliament and the courtroom. Religious courts, the wearing of religious symbols and faith schools have given rise to increased legislation and litigation. This is the first student textbook to set out the fundamental principles and issues of law and religion in England and Wales. Offering a succinct exposition and critical analysis of the field, it explores how English law regulates the practice of religion. The textbook surveys law and religion from various perspectives, such as human rights and discrimination law, as well as considering the legal status of both religion and religious groups. Controversial and provocative questions are explored, promoting full engagement with the key debates. The book's explanatory approach and detailed references ensure understanding and encourage independent study. Students can track key developments on the book's updating website. This innovative text is essential reading for all students in the field.

Law and Religion

The first comparative introduction for students on the national laws governing religion in Europe, it examines national laws, particularly as they affect the attitudes of states towards religion, religious freedom and discrimination, and the legal position and autonomy of religious organizations.

Church Laws and Ecumenism

Prevailing stories about law and religion place great faith in the capacity of legal multiculturalism, rights-based toleration, and conceptions of the secular to manage issues raised by religious difference. Yet the relationship between law and religion consistently proves more fraught than such accounts suggest. In *Law's Religion*, Benjamin L. Berger knocks law from its perch above culture, arguing that liberal constitutionalism is an aspect of, not an answer to, the challenges of

cultural pluralism. Berger urges an approach to the study of law and religion that focuses on the experience of law as a potent cultural force. Based on a close reading of Canadian jurisprudence, but relevant to all liberal legal orders, this book explores the nature and limits of legal tolerance and shows how constitutional law's understanding of religion shapes religious freedom. Rather than calling for legal reform, Law's Religion invites us to rethink the ethics, virtues, and practices of adjudication in matters of religious difference.

Religion, Law and the Constitution

This book presents a comprehensive history of law and religion in the Nordic context. The entwinement of law and religion in Scandinavia encompasses an unusual history, not widely known yet important for its impact on contemporary political and international relations in the region. The volume provides a holistic picture from the first written legal sources of the twelfth century to the law of the present secular welfare states. It recounts this history through biographical case studies. Taking the point of view of major influential figures in church, politics, university, and law, it thus presents the principal actors who served as catalysts in ecclesiastical and secular law through the centuries. This refreshing approach to legal history contributes to a new trend in historiography, particularly articulated by a younger generation of experienced Nordic scholars whose work is featured prominently in this volume. The collection will be a valuable resource for academics and researchers working in the areas of Legal History and Law and Religion.

Law and The Christian Tradition in Scandinavia

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.

The Transition of Religion to Culture in Law and Public Discourse

This book brings together leading international scholars of law and religion to provide an overview of current issues in State-

religion relations. The first part of the collection offers a picture of recent developments in key countries and regions. The second part is focused on Europe and, in particular, on the Nordic States and the post-communist countries where State-religion systems have undergone most profound change. The third and final part is devoted to four issues that are currently debated all over the world: the relations between freedom of expression and freedom of religion; proselytism and the right to change religion; the religious symbols; and the legal status of Islam in Europe and Canada. The work will be a valuable resource for academics, students and policy-makers with an interest in the interaction between law and religion.

Religion, Medicine and the Law

An authoritative introduction to some of the main legal teachings of the Western Christian tradition.

Law and Religion in Public Life

Derived from the renowned multi-volume International Encyclopaedia of Laws, this convenient resource provides systematic information on how South Africa deals with the role religion plays or can play in society, the legal status of religious communities and institutions, and the legal interaction among religion, culture, education, and media. After a general introduction describing the social and historical background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide. Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in South Africa. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part.

Religion and Law in Australia

This collection, by leading legal scholars, judges and practitioners, together with theologians and church historians, presents historical, theological, philosophical and legal perspectives on Christianity and criminal law. Following a Preface by Lord Judge, formerly Lord Chief Justice of England and Wales, and an introductory chapter, the book is divided into four thematic sections. Part I addresses the historical contributions of Christianity to criminal law drawing on biblical sources, early church fathers and canonists, as far as the Enlightenment. Part II, titled Christianity and the principles of criminal law,

compares crime and sin, examines concepts of mens rea and intention, and considers the virtue of due process within criminal justice. Part III looks at Christianity and criminal offences, considering their Christian origins and continuing relevance for several basic crimes that every legal system prohibits. Finally, in Part IV, the authors consider Christianity and the enforcement of criminal law, looking at defences, punishment and forgiveness. The book will be an invaluable resource for students and academics working in the areas of Law and Religion, Legal Philosophy and Theology.

Religion as Empowerment

This book explores different theories of law, religion, and tradition, from both a secular and a religious perspective. It reflects on how tradition and change can affect religious and secular legal reasoning, identifying the patterns of legal evolution within religious and secular traditions. It is often taken for granted that, even in law, change corresponds and correlates to progress - that things ought to be changed and they will necessarily get better. There is no doubt that legal changes over the centuries have made it possible to enhance the protection of individual rights and to somewhat contain the possibility of tyranny and despotism. But progress is not everything in law: stability and certainty lie at the core of the rule of law. Similarly, religions and religious laws could not survive without traditions; and yet, they still evolve, and their evolution is often intermingled with secular law. The book asks (and in some ways answers) the questions: What is the role of tradition within religions and religious laws? What is the impact of religious traditions on secular laws, and vice-versa? How are the elements of tradition to be identified? Are they the same within the secular and the religious realm? Do secular law and religious law follow comparable patterns of change? Do their levels of resilience differ significantly? How does the history of religion and law affect changes within religious traditions and legal systems? The overall focus of the book addresses the extent to which tradition plays a role in shaping and re-shaping secular and religious laws, as well as their mutual boundaries.

Feminism, Law, and Religion

Derived from the renowned multi-volume International Encyclopaedia of Laws, this convenient resource provides systematic information on how Spain deals with the role religion plays or can play in society, the legal status of religious communities and institutions, and the legal interaction among religion, culture, education, and media. After a general introduction describing the social and historical background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant

legislation and legal doctrine make the book an invaluable reference source and very useful guide. Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in Spain. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part.

The Contested Place of Religion in Family Law

This book examines the existing constitutional and legal system in England, Wales and Scotland, through the prism of its treatment of religion and belief. The study encompasses questions of Church/state relations, but pushes far beyond these. It asks whether the approach to religion which has spread out from establishment to permeate the whole legal framework is a cause of concern or celebration in relation to individual and collective freedoms. The primary focus of the work is the synergy between the religious dimension of the juridical system and the fundamental pillars of the Constitution (parliamentary sovereignty, the rule of law, separation of powers and human rights). Javier García Oliva and Helen Hall challenge the view that separation between public and religious authorities is the most conducive means of nurturing a free and democratic society in modern Britain. The authors explore whether, counter-intuitively for some, the religious dynamic to the legal system actually operates to safeguard liberties, and has a role in generating an inclusive and adaptable backdrop for our collective life. They suggest that the present paradigm brings benefits for citizens of all shades of religious belief and opinion (including Atheist and Humanist perspectives), as well as secondary advantages for those with profound beliefs on non-religious matters, such as pacifism and veganism. In support of their contentions, García Oliva and Hall examine how the religious dimension of the legal framework operates to further essential constitutional principles in diverse settings, ranging from criminal to family law. In a groundbreaking move, the authors also set the legal discussion alongside its social and cultural context. They consider how the theological perspectives of the larger faith traditions might influence members' ideas around the key constitutional precepts, and they include extracts from interviews which give the personal perspective of more than 100 individuals on contemporary issues of law and religious freedom. These voices are drawn from a range of fields and positions on faith. While the authors are at pains to stress that these sections do not support or advance their legal or theological conclusions, they do provide readers with a human backdrop to the discussion, and demonstrate its crucial importance in twenty-first century Britain.

Religion and Law in Poland

This book maps out the territory of international law and religion challenging receiving traditions in fundamental aspects. On the one hand, the connection of international law and religion has been little explored. On the other, most of current research on international legal thought presents international law as the very victory of secularization. By questioning that

narrative of secularization this book approaches these traditions from a new perspective. From the Middle Ages' early conceptualizations of rights and law to contemporary political theory, the chapters bring to life debates concerning the interaction of the meaning of the legal and the sacred. The contributors approach their chapters from an array of different backgrounds and perspectives but with the common objective of investigating the mutually shaping relationship of religion and law. The collaborative endeavour that this volume offers makes available substantial knowledge on the question of international law and religion.

Christianity and Law

Like many beliefs, religious views matter across an individual's life and the life cycle of a family - from birth to marriage, through child-rearing, and, eventually, death. This volume examines clashes over religious liberty within the personal realm of the family. Against swirling religious beliefs, secular values, and legal regulation, this volume offers a forward-looking examination of tensions between religious freedom and the state's protective function. Contributors unpack some of the Court's recent decisions and explain how they set the stage for ongoing disputes. They evaluate religious claims around birth control, circumcision, modesty, religious education, marriage, polygamy, shared parenting, corporal punishment, faith healing, divorce, and the end of life. Authors span legislators, attorneys, academics, journalists, ministers, physicians, child advocates, and representatives of minority faiths. *The Contested Place of Religion in Family Law* begins an overdue conversation on questions dividing the nation.

Religion and Law in South Africa

Designed to be used either as a primary text or with any Law and Religion or First Amendment text, *Law and Religion: Cases in Context* presents descriptions and discussions of the landmark cases in law and religion and the First Amendment. Cases are selected from the leading religion and First Amendment casebooks, and the authors provide insights into the significance of each while revealing its context and, for many, details about what happened after the case was concluded. This unique text will intrigue students and engage their interest with: - Accessible prose and interesting illustrations; - Cases that involve issues that continue to confound the courts: creation science and evolution; public religious symbols like the cross and the crèche; private religious clothing like the yarmulke and the khimar; tax policy and religion; - Engaging characters, such as: Guy Ballard, who told customers that he was chosen by Saint Germain as a divine messenger and possessed supernatural healing powers that they could purchase; Officer and Doctor Simcha Goldman, who wore a yarmulke to the psychology clinic until an irritated military attorney complained to Goldman's superiors that the yarmulke was not permitted under Air Force regulations; Kimberlie Webb, a Philadelphia police officer who lost her efforts to wear a headscarf while in uniform and on duty; Ronald Rosenberger, who successfully challenged the University of Virginia's denial

of funding to his evangelical publication, *Wide Awake*; - Insights from leading law and religion scholars of diverse professional, religious, geographical, and institutional backgrounds. In her role as editor, Leslie C. Griffin, who holds a Ph.D. in Religious Studies from Yale University as well as a J.D. from Stanford Law School, has brought together an impressive group of contributors to create *Law and Religion: Cases in Context*.

Law, Religion, Constitution

This volume presents a timely analysis of some of the current controversies relating to freedom for religion and freedom from religion that have dominated headlines worldwide. The collection trains the lens closely on select issues and contexts to provide detailed snapshots of the ways in which freedom for and from religion are conceptualized, protected, neglected, and negotiated in diverse situations and locations. A broad range of issues including migration, education, the public space, prisons and healthcare are discussed drawing examples from Europe, the US, Asia, Africa and South America. Including contributions from leading experts in the field, the book will be essential reading for researchers and policy-makers interested in Law and Religion.

Death, Religion and Law

This book furthers dialogue on the separation of church and state with an approach that emphasizes intellectual history and the constitutional theory that underlies American society. Mark D. McGarvie explains that the founding fathers of America considered the right of conscience to be an individual right, to be protected against governmental interference. While the religion clauses enunciated this right, its true protection occurred in the creation of separate public and private spheres. Religion and the churches were placed in the private sector. Yet, politically active Christians have intermittently mounted challenges to this bifurcation in calling for a greater public role for Christian faith and morality in American society. Both students and scholars will learn much from this intellectual history of law and religion that contextualizes a four-hundred-year-old ideological struggle.

Law's Religion

By using copyright in sacred texts, American religious organizations help to create, manage, and control emerging spiritual communities.

Copyrighting God

With contributions from some of the most prominent voices writing on gender, law and religion today, this book illuminates some of the conflicts at the intersection of feminism, theology and law. It examines a range of themes from the viewpoint of identifiable traditions such as Judaism, Christianity, Islam and Buddhism, from a theoretical and practical perspective. Among the themes discussed are the cross-over between religious and secular values and assumptions in the search for a just jurisprudence for women, the application of theological insights from religious traditions to legal issues at the core of feminist work, feminist legal readings of scriptural texts on women's rights and the place that religious law has assigned to women in ecclesiastic life. Feminists of faith face challenges from many sides: patriarchal remnants in their own tradition, dismissal of their faith commitments by secular feminists and balancing the conflicting loyalties of their lives. The book will be essential reading for legal and religious academics and students working in the area of gender and law or law and religion.

Religion and Law in Spain

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.

Law and Religion in the Roman Republic

Understanding and managing inter-religious relations, particularly between Muslims and Christians, presents a challenge for states around the world. This book investigates legal disputes between religious communities in the world's largest majority-Muslim, democratic country, Indonesia. It considers how the interaction between state and religion has influenced relations between religious communities in the transition to democracy. The book presents original case studies based on empirical field research of court disputes in West Java, a majority-Muslim province with a history of radical Islam. These include criminal court cases, as well as cases of judicial review, relating to disputes concerning religious education, permits for religious buildings and the crime of blasphemy. The book argues that the democratic law reform process has been influenced by radical Islamists because of the politicization of religion under democracy and the persistence of fears of

Christianization. It finds that disputes have been localized through the decentralization of power and exacerbated by the central government's ambivalent attitude towards radical Islamists who disregard the rule of law. Examining the challenge facing governments to accommodate minorities and manage religious pluralism, the book furthers understanding of state-religion relations in the Muslim world. This accessible and engaging book is of interest to students and scholars of law and society in Southeast Asia, as well as Islam and the state, and the legal regulation of religious diversity.

Routledge Handbook of Law and Religion

Discussion of the way in which law engages with religious difference often takes place within the context of a single jurisdiction. *Religion and Law: An Introduction*, presents a comprehensive text for students, drawing on examples from across key Anglophone jurisdictions – the United Kingdom, the United States, Canada, New Zealand, Australia and South Africa, as well as international law, to explore a broad range of issues. Aimed at a non-legal readership, this book introduces the use of legal sources and focuses on factual situations as much as legal doctrine. Key issues arising from interaction of the religious individual and the State are discussed, as well as the religious organisation or community and the State. The interaction is explored through case studies of areas as diverse as the legal regulation of religious drug use, sacred spaces and sacred places, and claims of clergy misconduct. Taking a broad, non-jurisdictional approach to the key issues, in particular providing insights differing from the dominant US experiences and paradigms, this student-friendly textbook includes a clearly structured bibliography and clear guidance on how to approach relevant legal materials.

Law, Religion, and Health in the United States

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this convenient resource provides systematic information on how Poland deals with the role religion plays or can play in society, the legal status of religious communities and institutions, and the legal interaction among religion, culture, education, and media. After a general introduction describing the social and historical background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide. Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in Poland. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part.

Law, Religion and Love

This volume shows how and why legal empowerment is important for those exercising their religious rights under various jurisdictions, in conditions of legal pluralism. At the same time, it also questions the thesis that as societies become more modern, they also become less religious. The authors look beyond the rule of law orthodoxy in their consideration of the freedom of religion as a human right and place this discussion in a more plurality-sensitive context. The book sheds more light on the informal and/or customary mechanisms that explain the limited impact of law on individuals and groups, especially in non-Western societies. The focus is on discussing how religion and the exercise of religious rights may or may not empower individuals and social groups and improve access to human rights in general. This book is important reading for academics and practitioners of law and religion, religious rights, religious diversity and cultural difference, as well as NGOs, policy makers, lawyers and advocates at multicultural jurisdictions. It offers a contemporary take on comparative legal studies, with a distinct focus on religion as an identity marker.

Law and Religion in American History

This book explores the recent trend toward the transformation of religious symbols and practices into culture in Western democracies. Analyses of three legal cases involving religion in the public sphere are used to illuminate this trend: a municipal council chamber; a town hall; and town board meetings. Each case involves a different national context—Canada, France and the United States—and each illustrates something interesting about the shape-shifting nature of religion, specifically its flexibility and dexterity in the face of the secular, the religious and the plural. Despite the differences in national contexts, in each instance religion is transformed into culture or heritage by the courts to justify or excuse its presence and to distance the state from the possibility that it is violating legal norms of distance from religion. The cultural practice or symbol is represented as a shared national value or activity. Transforming the 'Other' into 'Us' through reconstitution is also possible. Finally, anxiety about the 'Other' becomes part of the story of rendering religion as culture, resulting in the impugning of anyone who dares to question the putative shared culture. The book will be essential reading for students, academics and policy-makers working in the areas of sociology of religion, religious studies, socio-legal studies, law and public policy, constitutional law, religion and politics, and cultural studies.

Religion and Legal Pluralism

Whilst a number of important theoretical works concerning legal pluralism in the context of cultural rights have been published, little has been published specifically on religion. Religion and Legal Pluralism explores the extent to which religious laws are already recognised by the state and the extent to which religious legal systems, such as Sharia law,

should be accommodated.

Religion and International Law

Is the legal protection that is given to the expression of Abrahamic religious belief adequate or appropriate in the context of English medical law? This is the central question that is explored in this book, which develops a framework to support judges in the resolution of contentious cases that involve dissension between religious belief and medical law, developed from Alan Gewirth's Principle of Generic Consistency (PGC). This framework is applied to a number of medical law case studies: the principle of double effect, ritual male circumcision, female genital mutilation, Jehovah's Witnesses (adults and children) who refuse blood transfusions, and conscientious objection of healthcare professionals to abortion. The book also examines the legal and religious contexts in which these contentious cases are arbitrated. It demonstrates how human rights law and the proposed framework can provide a gauge to measure competing rights and apply legitimate limits to the expression of religious belief, where appropriate. The book concludes with a stance of principled pragmatism, which finds that some aspects of current legal protections in English medical law require amendment.

International Law and Religion

Law, Religion and Homosexuality is the first book-length study of how religion has shaped, and continues to shape, legislation that regulates the lives of gay men and lesbians . Through a systematic examination of how religious discourse influences the making of law – in the form of official interventions made by faith communities and organizations, as well as by expressions of faith by individual legislators – the authors argue that religion continues to be central to both enabling and restricting the development of sexual orientation equality. Whilst some claim that faith has been marginalized in the legislative processes of contemporary western societies, Johnson and Vanderbeck show the significant impact of religion in a number of substantive legal areas relating to sexual orientation including: same-sex sexual relations, family life, civil partnership and same-sex marriage, equality in employment and the provision of goods and services, hate speech regulation, and education. Law, Religion and Homosexuality demonstrates the dynamic interplay between law and religion in respect of homosexuality and will be of considerable interest to a wide audience of academics, policy makers and stakeholders.

Law and Religion in Europe

Derived from the renowned multi-volume International Encyclopaedia of Laws, this convenient resource provides systematic information on how Australia deals with the role religion plays or can play in society, the legal status of religious

communities and institutions, and the legal interaction among religion, culture, education, and media. After a general introduction describing the social and historical background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide. Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in Australia. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part.

Law, Religion, and Freedom

Applying a legal pluralist framework, this study examines the complex interrelationships between religion, law and politics in contemporary Ghana, a professedly secular State characterised by high levels of religiosity. It aims to explore legal, cultural and moral tensions created by overlapping loci of authority (state actors, traditional leaders and religious functionaries). It contends that religion can function as an impediment to Ghana's secularity and also serve as an integral tool for realising the State's legal ideals and meeting international human rights standards. Using three case studies - legal tensions, child witchcraft accusations and same-sex partnerships - the study illustrates the ways that the entangled and complicated connections between religion and law compound Ghana's secular orientation. It suggests that legal pluralism is not a mere analytical framework for describing tensions, but ought to be seen as part of the solution. The study contributes to advancing knowledge in the area of the interrelationships between religion and law in contemporary African public domain. This book will be a valuable resource for those working in the areas of Law and Religion, Religious Studies, African Studies, Political Science, Legal Anthropology and Socio-legal Studies.

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