



MARY ANNE WALDRON

FREE TO BELIEVE

Rethinking
Freedom of
Conscience
and Religion
in Canada

JUSTITIA

Free To Believe Rethinking Freedom Of Conscience And Religion In Canada

Mary Anne Waldron



Free To Believe Rethinking Freedom Of Conscience And Religion In Canada:

Free to Believe Mary Anne Waldron, 2013-01-01 *Free to Believe* investigates the protection for freedom of conscience and religion the first of the fundamental freedoms listed in the Canadian Charter of Rights and Freedoms and its interpretation in the courts Through an examination of decided cases that touches on the most controversial issues of our day such as abortion same sex marriage and minority religious practices Mary Anne Waldron examines how the law has developed in the way that it has the role that freedom of conscience and religion play in our society and the role it could play in making it a more open peaceful and democratic place While the range of cases explored will be of interest to scholars *Free to Believe* is also written in an accessible style with legal terms and concepts explained for those who wish to learn accurate detailed information about the impact of the law on contemporary social policy issues As such this book widens the debate about this fundamental freedom and the influence of public opinion on what is often a misrepresented and misunderstood issue *Debating Rights Inflation in Canada* Dominique Clément, 2018-10-18 Human rights has become the dominant vernacular for framing social problems around the world In this book Dominique Clément presents a paradox in politics law and social practice he argues that whereas framing grievances as human rights violations has become an effective strategy the increasing appropriation of rights talk to frame any and all grievances undermines attempts to address systemic social problems His argument is followed by commentator response from several leading human rights scholars and practitioners in Canada and abroad who bridge the divide between academia public policy and practice Law, Religion, and Freedom W. Cole Durham, Jr., Javier Martínez-Torrón, Donlu D Thayer, 2021-02-22 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 **Religious Accommodation and its Limits** Farrah Raza, 2023-04-20 On what grounds should religious accommodation claims be limited When do religious claims harm the autonomy of others This book proposes an original model of religious accommodation which can be applied in secular liberal democracies where religious diversity has been a hotly contested issue Addressing the complex question of limitations to the right to Freedom of Religion or Belief and how these limitations might be determined it examines how religious claims can harm the autonomy of others and emphasises the need for an appropriate balancing of competing interests Drawing on a range of case study examples

from jurisdictions including the US Canada the European Court of Human Rights the European Union s Court of Justice the UK Germany and France this is a timely contribution to the debate on how a legal duty or policy approach in favour of religious accommodation can be applied in practice Moreover the proposed model offers criteria that may be used to guide the implementation of equality and diversity policies in contexts such as employment and education The book will be of interest to academics legal practitioners and policy makers in the field Conscientious Objection Kerry

O'Halloran,2022-03-25 This book traces assesses and compares the history of conscientious objection in the cultural context of six common law nations from refusal of military service and a range of similar moral dilemmas to objecting to abortion to the current social polarisation surrounding vaccination hesitancy in the COVID 19 pandemic It considers the impact of this form of dissent in relation to social movements like Black Lives Matter social activists such as Gandhi and whistle blowers like Daniel Ellsberg It reflects on the relationships between the sacred and the secular the state and the citizen in order to better understand the responsibilities of citizenship in our increasingly secular societies It analyses what defines the conscientiousness of an objection from both legal and ethical standpoints It examines what constitutes a matter of conscience why this should justify exemption from civic duties and why this form of dissent has such a time honoured status It explores the increased reliance on grounds of religion belief or conscience as providing justification for excusing some citizens from complying with certain responsibilities mandated by equality and non discrimination legislation that are binding for all others By conducting a comparative evaluation of national law and judicial rulings on a fixed agenda of issues this book identifies key jurisdictional differences concerning conscientious objection In so doing it highlights the importance of cultural context and constructs a jurisdiction specific overview of legislation policies and case law By tracking policy developments and highlighting crucial judicial rulings particularly in the US it provides insights into the probable future direction of developments in national law relating to conscientious objection Lastly the book draws attention to some of the potential consequences of manifesting dissent by opting out of performing public services e g the possible local breakdown of specific service availability e g abortion officiating at same sex marriages and immunisation prompting population movements as established democratic civil rights are locally negated reproductive rights LGBT rights right to health protection fragmenting society into a geographic patchwork of regions in which some citizens are branded as conservative reactionary and others as progressive and fuelling the culture wars with profound implications for a coherent democratic society What Has No Place, Remains Nicholas Shrubsole,2019-08-10 The desire to erase the religions of Indigenous Peoples is an ideological fixture of the colonial project that marked the first century of Canada s nationhood While the ban on certain Indigenous religious practices was lifted after the Second World War it was not until 1982 that Canada recognized Aboriginal rights constitutionally protecting the diverse cultures of Indigenous Peoples As former prime minister Stephen Harper stated in Canada s apology for Indian residential schools the desire to destroy Indigenous cultures including religions has no place in

Canada today And yet Indigenous religions continue to remain under threat Framed through a postcolonial lens What Has No Place Remains analyses state actions responses and decisions on matters of Indigenous religious freedom The book is particularly concerned with legal cases such as Ktunaxa Nation v British Columbia 2017 but also draws on political negotiations such as those at Voisey's Bay and standoffs such as the one at Gustafsen Lake to generate a more comprehensive picture of the challenges for Indigenous religious freedom beyond Canada's courts With particular attention to cosmologically significant space this book provides the first comprehensive assessment of the conceptual cultural political social and legal reasons why religious freedom for Indigenous Peoples is currently an impossibility in Canada **The**

Oxford Handbook of the Canadian Constitution Peter Crawford Oliver, Patrick Macklem, Nathalie Des Rosiers, 2017 The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non Canadians seeking a clear concise and authoritative account of Canadian constitutional law The Handbook is divided into six parts Constitutional History Institutions and Constitutional Change Aboriginal Peoples and the Canadian Constitution Federalism Rights and Freedoms and Constitutional Theory Readers of this Handbook will discover some of the distinctive features of the Canadian constitution for example the importance of Indigenous peoples and legal systems the long standing presence of a French speaking population French civil law and Quebec the British constitutional heritage the choice of federalism as well as the newer features most notably the Canadian Charter of Rights and Freedoms Section Thirty Five regarding Aboriginal rights and treaties and the procedures for constitutional amendment The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation

Law's Religion Benjamin L. Berger, 2016-01-28 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 **Proportionality, Equality Laws, and Religion** Megan Pearson, 2017-03-16 This book considers how the law should manage conflicts between the right of religious freedom and that of non discrimination on the grounds of sexual orientation These disputes are often high profile and frequently receive a lot of media attention and public debate Starting from the basis that both these rights are valuable and

worthy of protection but that such disputes are often characterised by animosity it contends that a proportionality analysis provides the best method for resolving these conflicts The work takes a comparative approach examining the law in England and Wales Canada and the USA and examines four main areas of law considering how a proportionality approach could be used in each The book will be an invaluable resource for students and researchers in the areas of Public Law Human Rights Law Law and Religion Discrimination Law and Comparative Law *Sovereignty and Religious Freedom* Ann

Schmiesing,2024-11-26 A comparative legal history of Jewish sovereignty and religious freedom illuminating the surprising ways that collective and individual rights have evolved over the past two centuries It is a common assumption that in Israel Jews have sovereignty and in most other places where Jews live today they have religious freedom instead As Simon Rabinovitch shows in this original work the situation is much more complicated Jews today possess different kinds of legal rights in states around the world some stem from religious freedom protections and others evolved from a longer history of Jewish autonomy By comparing conflicts between Jewish collective and individual rights in courts and laws across the globe from the French Revolution to today this book provides a nuanced legal history of Jewish sovereignty and religious freedom Rabinovitch weaves key themes in Jewish legal history with the individual stories of litigants exploring ideas about citizenship and belonging who is a Jew what makes a Jewish family and how to define Jewish space He uses recent court cases to explore problems of conflicting rights and then situates each case in a wider historical context This unique comparative history creates a global picture of modern legal development in which Jews continue to use the law to carve out surprising forms of sovereignty **Religion and Contemporary Politics** Timothy J. Demy,Jeffrey M. Shaw Ph.D.,2019-09-19 With respect to

the countries of the world this work addresses two basic questions How does religion affect politics in this country and How does politics affect religion in this country Although there are many books on the topics of religion and politics reference works that consider the two together are few with those that do exist primarily addressing theory rather than trends The present work does the latter contextualizing them within regional and national boundaries In so doing it recognizes the power of political and religious ideas and movements on individuals communities and nations making the work a valuable resource for several disciplines among them political science international relations religion and sociology The work focuses on the interplay of religion and politics in countries around the world with an emphasis on the post 2000s It is organized by global geographic regions including Africa Central and South America and the Middle East and presents countries alphabetically within those sections Each region has a brief overview of the political religious dynamics of the area so readers can compare and contrast the dynamics between and among countries in a region The work also includes an introduction sidebars and a bibliography **Traditional, National, and International Law and Indigenous Communities** Marianne O. Nielsen,Karen Jarratt-Snider,2020-05-05 This volume of the Indigenous Justice series explores the global effects of marginalizing Indigenous law The essays in this book argue that European based law has been used to force Indigenous

peoples to assimilate has politically disenfranchised Indigenous communities and has destroyed traditional Indigenous social institutions European based law not only has been used as a tool to infringe upon Indigenous human rights it also has been used throughout global history to justify environmental injustices treaty breaking and massacres The research in this volume focuses on the resurgence of traditional law tribal state relations in the United States laws that have impacted Native American women laws that have failed to protect Indigenous sacred sites the effect of international conventions on domestic laws and the role of community justice organizations in operationalizing international law While all of these issues are rooted in colonization Indigenous peoples are using their own solutions to demonstrate the resilience persistence and innovation of their communities With chapters focusing on the use and misuse of law as it pertains to Indigenous peoples in North America Latin America Canada Australia and New Zealand this book offers a wide scope of global injustice Despite proof of oppressive legal practices concerning Indigenous peoples worldwide this book also provides hope for amelioration of colonial consequences

Desiring a Better Country Douglas Farrow, 2015-10-01 Douglas Farrow seldom shies from controversy Discussing several hot button issues such as religion in public life educational freedom human rights and the definition of marriage Farrow challenges the common misconception that secular institutions can be religiously neutral Inspired by current legal political and philosophical debates in North America *Desiring a Better Country* engages leading political thinkers from Augustine to John Rawls and John Courtney Murray contemporary political figures such as Michael Ignatieff and Justin Trudeau as well as legal scholars and Supreme Court judgments Writing from a Catholic perspective Farrow also incorporates contributions from the Church's pre and post Vatican II teaching His arguments treat five pressing issues the grounding of human rights the dislocation of the goods of marriage the incoherence of normative pluralism the uncertain future of religious freedom and the peculiar liberty of the Church Provocatively written well informed and relevant to current affairs *Desiring a Better Country* is a timely intervention in debates on religion civil society and the state

Religious Liberty and the Law Angus J. L. Menzies, 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

Human Rights in Canada

Dominique Clément, 2016-03-31 This book shows how human rights became the primary language for social change in Canada and how a single decade became the locus for that emergence The author argues that the 1970s was a critical moment in human rights history one that transformed political culture social movements law and foreign policy Human Rights in Canada is one of the first sociological studies of human rights in Canada It explains that human rights are a distinct social practice and it documents those social conditions that made human rights significant at a particular historical moment A central theme in this book is that human rights derive from society rather than abstract legal principles Therefore we can identify the boundaries and limits of Canada's rights culture at different moments in our history Until the 1970s Canadians framed their grievances with reference to Christianity or British justice rather than human rights A historical sociological approach to human rights reveals how rights are historically contingent and how new rights claims are built upon past claims This book explores governments tendency to suppress rights in periods of perceived emergency how Canada's rights culture was shaped by state formation how social movements have advanced new rights claims the changing discourse of rights in debates surrounding the constitution how the international human rights movement shaped domestic politics and foreign policy and much more In addition to drawing on secondary literature in law history sociology and political science this study looked to published government documents litigation and case law archival research newspapers opinion polls and materials produced by non governmental organizations

Equality Deferred Dominique Clément, 2014-05-06 In Equality Deferred Dominique Clément traces the history of sex discrimination in Canadian law and the origins of human rights legislation Focusing on British Columbia the first jurisdiction to prohibit discrimination on the basis of sex he documents a variety of absurd almost unbelievable acts of discrimination Drawing on previously undisclosed human rights commission records Clément explores the rise and fall of what was once the country's most progressive human rights legal regime and reveals how political divisions and social movements shaped the human rights state This book is not only a testament to the revolutionary impact of human rights on Canadian law but also a reminder that it takes more than laws to effect transformative social change

Invitation to Law & Society Kitty Calavita, 2016-04-11 Research and real life examples that lucidly connect some of the divisive social issues confronting us today to that thing we call the law Law and Politics Book Review Law and society is a rapidly growing field that turns the conventional view of law as mythical abstraction on its head Kitty Calavita brilliantly brings to life the ways in which law is found not only in statutes and courtrooms but in our institutions and interactions while inviting readers into conversations that introduce the field's dominant themes and most lively disagreements Deftly interweaving scholarship with familiar examples Calavita shows how scholars in the discipline are collectively engaged in a subversive exposé of law's public mythology While surveying prominent issues and distinctive approaches to both law as it is written and actual legal practices as well as the law's potential as a tool for social change this volume provides a view of law that is more real but just as compelling as its mythic counterpart With this second edition of Invitation to Law and Society

Calavita brings up to date what is arguably the leading introduction to this exciting evolving field of inquiry and adds a new chapter on the growing law and cultural studies movement Entertaining and conversational Law and Social Inquiry

Manitoba Law Journal: A Review of the Current Legal Landscape 2013 Volume 37(1) Darcy L. MacPherson, et al., The Manitoba Law Journal is a peer reviewed journal founded in 1961 The MLJ s current mission is to provide lively independent and high caliber commentary on legal events in Manitoba or events of special interest to our community This issue has articles from a variety of contributing authors including Amar Khoday Ami Kotler Brandon Trask Bruce MacFarlane Bryan P Schwartz Dale McFadzean Darcy L MacPherson Delloyd J Guth Donn Short Douglas D Ferguson Edward D Brown Eveline Milliken Gord Mackintosh Janelle Anderson Jeffrey Oliphant John Burchill John Pozios Lee Stuesser M Lynne Jenkins Martha E Simmons Miranda Grayson Philip Girard Richard J Chartier Richard Wolson Romeo Dallaire Sacha R Paul Sarah Buhler Susan Noakes and Trevor C W Farrow The End of Religion Kathleen McPhillips,Naomi Goldenberg,2020-10-22 Feminist theory has enhanced and expanded the agency influence status and contributions of women throughout the globe However feminist critical analysis has not yet examined how the assumption that religion is natural timeless universal and omnipresent supports sexist and race based oppression This book proposes radical new thinking about religion in order to better comprehend and confront the systematic disempowerment of women and marginalized groups Utilising feminist and post colonial analysis of access equity and violence contributors draw on recent critical theory to collapse accepted boundaries between religion and secularity with the aim of understanding that religion is a technology of governance in its function meaning and history The volume includes case studies focusing on how the category of religion is deployed to perpetuate male hegemony and racist inequities in Australia Mexico the United States Britain and Canada This trenchant feminist critique and academic analysis will be of key interest to scholars and students of Religion Sociology Political Science and Gender Studies **L'art de juger** Louis LeBel,2019-01-21T00:00:00-05:00 Le travail judiciaire est souvent ex cut dans un contexte d incertitude sur des mati res aussi l mentaires que les preuves et un autre niveau en pr sence de conflits de valeurs qui d chirent la soci t

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