IRC Religious Conflicts and Coping Strategies

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Project 3: Law as a Coping Strategy



UNIVERSITÄT BERN

Law as a Coping Strategy in Religious Conflicts – an Assessment of the Legitimacy of Legal Regulations Prof. Dr. Anna Goppel & Prof. Dr. Martino Mona Dr. Sabine Hohl & Dr. Nora Scheidegger

Official Status of Religions

In many countries, some religions enjoy an official status while others do not. This is the case in Switzerland, with the Roman Catholic and Protestant churches enjoying a special status. Assuming that the state is required to remain neutral towards different religions, what should be made of this? Should the state opt for "hands-off" neutrality and not grant any religion an official status, or should it choose a "multiculturalist" solution in which different religious groups that meet certain requirements are granted a special status?



The state legally regulates family relationships, for example through marriage and divorce law. Religious groups often have a particular vision of the family and might want to regulate family relationships for their members according to their own standards. This can lead to conflicts when a religion does not grant equal rights to women in the family context. What legal provisions are justified in the area of family law given the conflicting aims of respecting diverse ways of life and protecting citizens' equality?

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Research Questions

- What legal regulations of religion are legitimate in a liberal state?
- Religious freedom: Why is it important? How far does it reach?
- In what sense must the state be neutral towards religions?
- What is religious discrimination?
- How ought criminal law deal with religious conflicts and what principles should it refer to?

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Religious Symbols

Some religious symbols attract particular attention and lead to controversy. The hijab is a case in point. Does freedom of religion require that a teacher be allowed to wear a hijab or a necklace with a Christian cross in class? Or should such symbols be prohibited for state agents in performance of their official role, as long as this provision applies equally to all religions?



Criminal Law

The state currently protects religious feelings by means of criminal law. Is there a convincing justification for the existence of such criminal prohibitions which restrict free expression in order to protect religious feelings? Or do we have to accept that in a liberal democratic society we will read and hear things that sometimes deeply offend us?



Child's

Parents' Rights

Parents find it important and have the legal right to teach their children religious beliefs and to introduce them to a particular religious community. Should this include the right to impose permanent bodily alteration on their children? In some instances, parents may also seek to prevent others from influencing their children in their religious beliefs. This is particularly relevant in the school context. Should parents have a legal right to ask for an exemption from sexual education class on the basis of their religious beliefs? What belongs on the curriculum for all children regardless of religious affiliation, and what should be up to parents to decide?

