

Courts endangering religious freedom, academic claims

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Recent cases in the European Court of Human Rights in Strasbourg have overlooked the right to religious freedom, Professor Trigg claims. Credit: Fred Schærli

Studying recent cases in the UK, USA, Canada and mainland Europe, Oxford University philosopher Professor Roger Trigg has identified a trend towards curtailing religious freedom in favour of other social priorities such as equality and non-discrimination.

Professor Trigg, whose book *Equality, Freedom and [Religion](#)* is published by Oxford University Press and launched today, said: "Religious freedom and the right to manifest [religious belief](#) is a central part of every charter of human rights but in recent years there has been a clear trend for courts in Europe and North America to prioritize equality and non-discrimination above religion, placing the right to religious

freedom in danger."

Professor Trigg, who is a member of the faculties of Theology and Philosophy and academic director of the centre for the Study of Religion in Public Life at Kellogg College, Oxford University, added: "In my book, I am calling for these rights to be balanced. There should not be a hierarchy of rights, but it should be possible to take account of all of them in some way. Reasonable accommodation' ought to be the standard."

In his book, Professor Trigg highlighted a number of recent cases in courts in the UK, Europe, the USA and Canada. He argued that these cases illustrate religion coming under threat.

He said: "A case is before the European Court of Human Rights about a civil registrar from Islington who refused to conduct civil partnership ceremonies because of her religious beliefs. It should have been easy to find a solution here by giving these ceremonies to one of her colleagues, but the need to respect the right to [equality](#) trumped the freedom of religious convictions in this instance."

Another worrying trend, Professor Trigg added, is that courts often offer their own definitions of what is core to a religion's belief system. He explained: "The courts seem to have taken it upon themselves to decide what is and isn't core to belief in a particular religion. In one case to decide whether or not a British Airways employee could wear a cross with her uniform, the courts have suggested it is not a core part of Christian belief - but this decision shouldn't be up to them. Another case saw a court trying to decide whether or not a student was sufficiently 'Jewish' to be accepted to a Jewish school – the UK Supreme Court overruled the school's decision not to accept the boy, invoking the Race Relations Act."

Professor Trigg argued that by limiting the freedom of religion, courts are limiting human freedom itself because of the central role played by religion in society. In previous research work at Oxford University directed by Professor Trigg, evidence has shown that religion is firmly rooted in what it is to be human. He said: "Religion is always vulnerable as it posits a different source of authority from that of the State. No State can be a functioning democracy unless it allows its citizens to manifest their beliefs about what is most important in life."

Professor Trigg added: "The same legal battles even occur in the USA where freedom of religion is often seen as the 'first freedom' and religion is so important to the man on the street that it is currently influencing the Republican presidential nomination."

Provided by Oxford University

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