**Religious Exemptions from Otherwise Applicable Laws**

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**Course outline**

This course is an introduction to the relationship of the „state and the church/churches” and „law and religion” from a comparative constitutional and international human rights perspective. Topics include the history of freedom of religion and the relationship of the state and the church/churches, theoretical perspectives, international human rights perspectives and comparative constitutional law perspectives. More focused attention is placed on freedom of religious belief and expression, religious rights in specialized regulatory contexts, financial relationships between church and the state, the problem of religious education, and the role of the church in public life. The course material will place special emphasis on the jurisprudence of EU member states, the European Court of Human Rights and United Nations institutions. The course will analyse through exining case law the different constitutional law approaches to these issues, and the implications, advantages and disadvantages of various European systems. The course will discuss different European approaches to defining religion, and analyse general justifications for freedom of religion and belief. The basic framework contains the evolution of international protection of freedom of religion in the regional human rights regimes and also in the Universal Declaration of Human Rights, the International Covenants, with a focus on the International Covenant of Civil and Political Rights and the Optional Protocol and the role of U.N. monitoring institutions in protecting religious freedom. Within the framework of church and state relationship the course will study the different financial relationships, the role of churches and religion as such in education, including the problem of state aid to religious schools, and the role of the education of religion in public schools. Concerning the above mentioned issues learning about practice and theory in Europe in the system of mulilevel constitutionlaism will shed light on the possible roles of religion and churces int he construction of the state and public life.

**Competences**

Students completing the course will develop to understand the basic european and international human rights approach to church and the state and law and religion issues. They will develop their ablilty to understand theoretical perspectives and comparative constitutional perspectives, including the range of possible church-state structures, and the likely institutional implications of these types of relationships.The rich case law material with developing the analythical skills of students helps to understand the various approaches to the issue of setting appropriate limitations on religious actions and helps to understand conflicts and tensions that can arise between religious freedom and other rights.

**Recommended materials**

* Tore Lindholm; W. Cole Durham, Bahia G. Tahzib-Lie; Elizabeth A Sewell-Lena Larsen (eds.): Facilitating Freedom of Religion or Beleif: A Deskbook, Martinus Nijhoff Publishers ISBN 90 04 13783 I 2004. Koninklijke Brill NV, Leiden, The Netherlands.
* W.Cole Durham Jr. Brett G Scharffs (eds): Law and religion national international and comparatic peerspectives , Wolters Kluwer, 2010. ISBN 978-0-7355-8482-2
* Tad Stahnke & Paul Martin (eds.): Religion and Human Rights: Basic Documents, Center for the Study of Human Rights, Columbia University 1998. (Available online at <http://www.religlaw.org/doc_lib2.php>)
* Materials relevant to the course are available at other web sites maintained by the International Center for Law and Religion Studies, including [www.iclrs.org](http://www.iclrs.org), [www.religlaw.org](http://www.religlaw.org), and [www.strasbourgconsortium.org](http://www.strasbourgconsortium.org).

**Assessment**

* written exam