

Religion and the Secular State
La religion et l'État laïque

Interim National Reports
Rapports Nationaux Intermédiaires

issued for the occasion of

The XVIIIth International Congress of Comparative Law
Le XVIII^e Congrès international de droit comparé

Javier Martínez-Torrón
Complutense University
Madrid, Spain

W. Cole Durham, Jr.
Brigham Young University
Provo, Utah, USA

General Reporters

Washington, D.C.

July 2010

Published by
The International Center for Law and Religion Studies
Brigham Young University
Provo, Utah

ISBN 978-1-934537-91-6

© 2010 The International Center for Law and Religion Studies
Brigham Young University - www.iclrs.org

All rights reserved
Printed in the United States of America

Contents

Foreword & Acknowledgments

iii

Reports

Reporters

GENERAL REPORT	Javier Martínez-Torrón / W. Dole Durham, Jr.	1
ANDORRA	Santiago Bueno Salinas / Francisca Pérez-Madrid	57
ARGENTINA	Norberto Padilla	65
ARMENIA	Hranush Shavarsh Khachatryan	79
AUSTRALIA	Carolyn Evans	87
BELGIUM	Jan Velaers / Marie-Claire Foblets	103
BRAZIL	Evaldo Xavier Gomes	129
BULGARIA	Peter Petkoff	145
CANADA	José Woehrling / Rosalie Jukier	183
CHILE	Ana María Celis Brunet / René Cortínez Castro S.J. Maria Elena Pimstein Scroggie	213
COLOMBIA	Vicente Prieto	237
CZECH REPUBLIC	Záboj Horák	251
ESTONIA	Merilin Kiviorg	261
FINLAND	Matti Kotiranta	273
FRANCE	Blandine Chelini-Pont / Nassima Ferchiche	299
GERMANY	Stefan Koriotoh / Ino Augsburg	320
GHANA	Kofi Quashigah	331
GREECE	Charalambos K. Papastathis	339
HUNGARY	Balázs Schanda	377
INDIA	Tahir Mahmood	387
IRELAND	Carmen Garcimartín	403
ISRAEL	Natan Lerner	421
ITALY	Alessandro Ferrari / Silvio Ferrari	431
JAPAN	Kyoko Kimpara	449
KAZAKHSTAN	Roman Podoprigora	457
KOREA	Sang Yong Kim	467
LATVIA	Ringolds Balodis	475
MALTA	Andrea Bettetini	493
MEXICO	Alberto Patiño Reyes	505
NEPAL	Kanak Bikram Thapa	517

		Print Page	E-Doc Page
NETHERLANDS	Sophie van Bijsterveld	523	523
NEW ZEALAND	Rex Tauati Ahdar	537	537
PERU	Carlos Valderrama Adriansén	549	549
PHILIPPINES	Raul C. Pangalangan	559	557
RUSSIA	Elena Miroshnikova	573	569
SCOTLAND	Francis Lyall	593	587
SERBIA	Sima Avramovic	599	593
SLOVAK REPUBLIC	Michaela Moravčíková	615	609
SPAIN	Zoila Combalía / María Roca	629	623
SUDAN	Giuseppe D'Angelo	645	639
SWEDEN	Maarit Jänterä-Jareborg	669	663
SWITZERLAND	René Pahud De Mortanges	687	681
TURKEY	Emre Öktem / Mehmet C. Uzun	701	695
UKRAINE	Gennadiy Druzenko	719	713
UNITED KINGDOM	Anthony Bradney	737	731
UNITED STATES (1)	Catherine M.A. McCauliff	749	743
UNITED STATES (2)	Gene Shreve	761	755
URUGUAY	Carmen Asiaín Pereira	767	761
Selected Bibliography		791	785

Foreword and Acknowledgments

This Interim Volume has been prepared with the intent that it be on hand at the 18th International Congress of Comparative Law held in Washington, D.C., 25-31 July 2010. After review of these materials by Reporters, and input from participants in the Congress and in a concurrent Washington Conference sponsored by the International Center for Law and Religion Studies and Catholic University of America, a final volume will be prepared. We anticipate that this final volume will include author corrections, along with more consistent formatting and other editorial refinements.

We would like to express appreciation for the extraordinary work performed by the many National Reporters who have contributed. We believe that this compilation of national reports will make a substantial contribution to the comparative study of issues of law, religion, and the state. As General Reporters, we are grateful to have had the opportunity to be part of the important process of preparing this comparative study.

Preparation of this interim volume has involved the work of many people. The final version of the text could not have been prepared without the extraordinary around-the-clock efforts of Donlu D. Thayer. The following executive team members at the International Center for Law and Religion Studies at Brigham Young University (ICLRS) have all made valuable contributions: Robert T. Smith, Managing Director; Gary B. Doxey, Associate Director; Deborah A. Wright, Administrative Assistant; and Christine Scott.

Several law students from the J. Reuben Clark Law School at BYU were particularly helpful in identifying and analyzing significant contributions from the national reports. These students are Keith W. Barlow, Bryan Holm, Rebecca S. Nelson, Julie Slater, and Robert Stander. We express gratitude to the 2010 ICLRS Student Research Fellows who have assisted in this project: Heath Becker, M. Preston Gardner, Kristina Hardy, Bryan Holm, George Monsivais, Rebecca Nelson, Lori Olsen, Robert Stratford, Jordan Teuscher, Adam Thompson, and Elizabeth Willian. We also express gratitude to the 2010 ICLRS Law Student Externs who contributed: Ryan Hansen, Megan Hummel, Bobby Marion, Bruce Pinegar, and Jonathan Wayas. In addition, virtually all of the members of Professor Durham's 2010 Advanced Comparative Law Seminar helped edit and polish the national reports.

We express profound appreciation for the generous support we receive from members of the ICLRS International Advisory Council. Without their financial and administrative assistance, none of the work of the ICLRS could be accomplished.

We also express appreciation to our families for support during the intense and demanding period of compiling this interim volume.

Javier Martínez-Torrón
Complutense University, Madrid, Spain
W. Cole Durham, Jr.
Brigham Young University, Provo, Utah, USA

General Reporters on the Topic "Religion and the
Secular State /La religion et l'État laïque"

18th International Congress of Comparative Law
July 2010 – Washington, D.C.

