Religion and Law in the USA

By

Elizabeth A. Clark
Brett G. Scharffs

Derived from the renowned multi-volume *International Encyclopaedia of Laws*, this convenient resource provides systematic information on how the USA deals with the role religion plays or can play in society, the legal status of religious communities and institutions, and the legal interaction among religion, culture, education, and media.

After a general introduction describing the social and historical background, the book goes on to explain the legal framework in which religion is approached. Coverage proceeds from the principle of religious freedom through the rights and contractual obligations of religious communities; international, transnational, and regional law effects; and the legal parameters affecting the influence of religion in politics and public life. Also covered are legal positions on religion in such specific fields as church financing, labour and employment, and matrimonial and family law. A clear and comprehensive overview of relevant legislation and legal doctrine make the book an invaluable reference source and very useful guide.

Succinct and practical, this book will prove to be of great value to practitioners in the myriad instances where a law-related religious interest arises in the USA. Academics and researchers will appreciate its value as a thorough but concise treatment of the legal aspects of diversity and multiculturalism in which religion plays such an important part.
Table of Contents

The Authors
List of Abbreviations
Preface
General Introduction
Part I. Legal Framework and Sources
  Chapter 1. Constitutional Position of Religion
  Chapter 2. Other Legislation with Regard to Religion
  Chapter 3. Typology of the System
Part II. Religious Freedom in General
  Chapter 1. Individual Religious Freedom
  Chapter 2. Collective Religious Freedom
  Chapter 3. Organizational Religious Freedom
Part III. Legal Status of Religious Communities
  Chapter 1. Formal Status of Religious Communities
  Chapter 2. Autonomy of Religious Communities
  Chapter 3. Fundamental Rights and Religious Communities
  Chapter 4. Contractual Religious Freedom
Part IV. International, Transnational, Regional Effects on Religious Communities
  Chapter 1. International Law Effects on Religious Communities
  Chapter 2. Transnational Law Effects on Religious Communities
  Chapter 3. Regional Law Effects on Religious Communities
Part V. Religion and Politics
  Chapter 1. Religious Influence in Politics
  Chapter 2. Political Influence in Religion
  Chapter 3. Interaction between Religion and State on a Political and Legal Level
Part VI. Labor Law within Religious Communities
  Chapter 1. Scope of Application of Labor Law
  Chapter 2. Religious Ministers and Labor Law
  Chapter 3. Other Church Employees and Labor Law
Part VII. Religious Communities and Protections of the Individual
  Chapter 1. Protection of Privacy
  Chapter 2. Freedom to Marry
  Chapter 3. Freedom of Expression
  Chapter 4. Due Process Norms and Religious Groups
  Chapter 5. Professional Secrecy
  Chapter 6. Medical Deontology
  Chapter 7. Non-discrimination
  Chapter 8. Penal Law and Religion
Part VIII. Church Financing
  Chapter 1. Direct Financing of Religious Communities
  Chapter 2. Indirect Financing of Religious Communities
Part IX. Education
  Chapter 1. Religious Education in Public and Private Schools
  Chapter 2. Religious Schools
Part X. Matrimonial and Family Law
  Chapter 1. Legal Position of Religious Marriage
  Chapter 2. Legal Position of Religious Family Law
Part XI. Religion and Culture
  Chapter 1. Religion and Art
  Chapter 2. Religion and Media
  Chapter 3. Religion and Civil Society
  Chapter 4. Religion and Public Debate
Table of Statutes
Table of Cases
Selected Bibliography
Index