

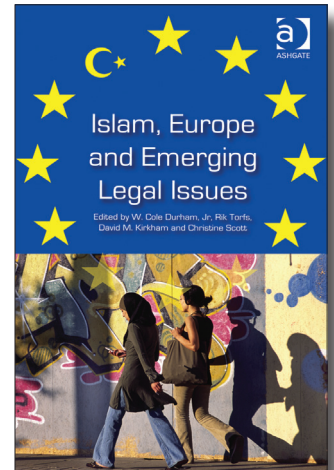
New

Now available from Ashgate Publishing...



Islam, Europe and Emerging Legal Issues

Edited by **W. Cole Durham Jr.**, Brigham Young University, Utah, **Rik Torfs**, Catholic University of Leuven, Belgium, **David M. Kirkham** and **Christine Scott**, both at Brigham Young University, Utah



This volume brings together vital analysis of the challenges that Europe and Islam pose for one another within their ever-evolving religious, legal and social environments. Gathered here is some of the best thinking on Islam and the law affecting current and contested issues that can no longer be ignored, particularly as they have found their way before the European Court of Human Rights.

Contents: Introduction, *W. Cole Durham Jr. and David M. Kirkham*. PART I: ISLAM, HUMAN RIGHTS AND SECULARISM IN EUROPE: AN OVERVIEW: Islam in Strasbourg: can politics substitute for law? *Javier Martínez-Torrón*; The European Court of Human Rights: between fundamentalist and liberal secularism, *Ingvill Thorson Plesner*; Wearing the hijab: some reflections from a Muslim woman's perspective, *Amal Idrissi*; International human rights law and the Islamic headscarf: a short note on the positions of the European Court of Human Rights and the Human Rights Committee, *Martin Scheinen*. PART II: EUROPEAN APPROACHES TO THE ISLAMIC HEADSCARF CONTROVERSY: The hijab in Strasbourg: clear conclusions, unclear reasoning, *Njål Høstmælingen*; Religious symbols in public schools: the Islamic headscarf and the European Court of Human Rights decision in *Sahin v. Turkey*, *T. Jeremy Gunn*; The Strasbourg court dealing with Turkey and the human right to freedom of religion or belief: an assessment in light of *Leyla Sahin v. Turkey*, *Tore Lindholm*; The religious headscarf (hijab) and access to employment under Norwegian antidiscrimination laws, *Ronald Craig*; The headscarf issue: a German perspective, *Richard Puza*. PART III: THE EUROPEAN COURT AND THE LIMITS OF PLURALISM: the Welfare Party Case: The dubious foundations of the Refah decision, *Ann Elizabeth Mayer*; Refah revisited: Strasbourg's construction of Islam, *Christian Moe*; The principle of legal pluralism and militant democracy, *Javid Gadirov*; The European Court's freedom of association cases and the implications for Islam, *Lance Lehnhof*; Bibliography; Index.

"Religious pluralism is one of the unintended and unanticipated societal consequences of immigration with which European states have yet to come to terms. The European Court of Human Rights has emerged as an important and controversial arbitrator of the meaning of toleration: when are states justified in imposing restrictions on minority churches and non-conforming religious practices? This excellent collection of essays by estimable scholars reviews critically important decisions before the Strasbourg Court. Legal scholars, students and policy-makers will find the book an indispensable help in sorting through the maze of judicial opinion on what states may and may not do with respect to placing restrictions on Muslim faith groups and other religious minority."

—Jytte Klausen, Brandeis University

About the Editors:

W. Cole Durham Jr. is the director of the International Center for Law and Religion Studies and the Susa Young Gates University Professor of Law at the J. Reuben Clark Law School, Brigham Young University in Provo, Utah.

Rik Torfs is a member of the Belgian Senate and a professor at the Catholic University of Leuven. He has also been a visiting professor at the University of Strasbourg in France and the University of Stellenbosch in South Africa.

David Kirkham, Ph.D., J.D., is Senior Fellow for Comparative Law and International Policy at the BYU International Center for Law and Religion Studies and senior advisor on Europe.

Christine Scott is a practicing attorney, an experienced editor, and former Director of Publications for the BYU International Center for Law and Religion Studies. She writes on international religion and law issues, and assists with consultations on legislation affecting international church-state relations and religious freedom.

Please visit www.ashgate.com for sample pages

Ashgate Publishing
PO Box 2225
Williston VT 05495-2225 USA
Toll-free: 1-800-535-9544
Email: orders@ashgate.com
Web: www.ashgate.com

February 2012 354 pages
Hardback 978-1-4094-3444-3 \$104.95
ebook 978-1-4094-3445-0
www.ashgate.com/isbn/9781409434443

ASHGATE