

The Fifth

LAW & RELIGION

Conference

Living Together in Diversity:  
Strategies from Law and Religion

# Living Together in Diversity: Strategies from Law and Religion

FIFTH CONFERENCE — INTERNATIONAL CONSORTIUM FOR LAW AND RELIGION STUDIES  
— RIO DE JANEIRO 12-14 SEPTEMBER 2018

Wednesday 12

- 1.30 – 6.30 pm ARRIVAL AND REGISTRATION (PUC-Rio, Law School, 7<sup>th</sup> floor)
- 3.30 – 5 pm YOUNG SCHOLARS SESSIONS
- Session 1: YOUNG SCHOLARS' PRESENTATIONS (Auditorium B8-A)  
CHAIR: Cristiana Cianitto (Università degli Studi di Milano, Italy)  
Speakers:
- **Sohail Wahedi** (Erasmus School of Law, Netherlands), *Religious freedom and living together in diversity. A peaceful combination?*
  - **Werner Nel** (Tshwane University of Technology & Religious Liberty Commission, South Africa), *A taxonomy of crimes against humanity of religious persecution in terms of the Rome Statute*
  - **Tamar de Waal** (Erasmus School of Law, Netherlands), *Equal citizenship and the Judeo-Christian Leitkultur of Western democracies*
  - **Mohammed Jemal Ahmed** and **Seid Demeke Mekonnen** (Wollo University, Ethiopia / City University of Hong Kong), *Social medias as an alternative space for faith. Inter and intra-religions polemics among the Ethiopian diasporas*
- 3.30 – 5 pm Session 2: LATIN AMERICAN YOUNG SCHOLARS (Auditorium B8-B) CHAIR:  
**Ana María Celis Brunet**, President, ICLARS  
Speakers:
- **Elena López Ruf** (Pontificia Universidad Católica Argentina), *Paradigms of relations between state and religion, state organizational design and intercultural dialogue policies*
  - **Maria Delfina Orpelli** (Pontificia Universidad Católica Argentina), *Does the Exhibition of Religious Symbols in the Public Spaces of Court House violate individual rights? A resolution by the High Court of La Pampa*
  - **Alexia Duarte Torres** (Universidade Federal de Minas Gerais, Brazil), *Social pluralism, state, and religious freedom. An analysis of Herman Dooyeerd's Theory of the Spheres of Justice*
- 5 – 5.15 pm REFRESHMENTS (8<sup>th</sup> Floor)
- 5.15 – 6.45 pm WELCOMES  
CHAIR: **Fábio Carvalho Leite**, Professor of Law and Legal Advisor to the Rector, Pontifícia Universidade Católica do Rio de Janeiro
- **Prof. Pe. Álvaro Mendonça Pimentel**, S.J., Vice Rector, Pontifícia Universidade Católica do Rio de Janeiro

- **Prof. Luiz Roberto Cunha**, Dean of the Social Sciences Center, Pontifícia Universidade Católica do Rio de Janeiro
- **Prof. Francisco de Guimaraens**, Dean of the Law School, Pontifícia Universidade Católica do Rio de Janeiro
- **Ana María Celis Brunet**, President of the International Consortium for Law and Religion Studies and Director of Centro UC Derecho y Religión, Pontificia Universidad Católica de Chile

KEYNOTE SPEAKER: SILVIO FERRARI, Honorary Life President of the International Consortium for Law and Religion Studies and Professor Emeritus, Università degli Studi di Milano, Italy

7 – 8 pm WELCOME COCKTAIL (Salão da Pastoral)

### Thursday 13

- 9 – 10.30 am PLENARY SESSION I — MAJORITIES AND MINORITIES (Auditorium B6)  
 CHAIR: **W. Cole Durham, Jr.** (Brigham Young University, United States)  
 Speakers:
- **Mark Hill QC** (Cardiff University, United Kingdom), *Minority religion. Global issues from a United Kingdom perspective*
  - **Emerson Giumbelli** (Universidade Federal do Rio Grande do Sul, Brazil), *Minorities are not necessarily against majorities. Evangelical discourses in contemporary Brazil*
- 10.30 – 11 am REFRESHMENTS (8<sup>th</sup> Floor)
- 11 am – 12.45 pm PARALLEL SESSIONS I — APPROACHES ON MAJORITIES AND MINORITIES  
 Session 1: Online Atlas of Religious Minorities Rights in the Council of Europe Countries (Auditorium B6)  
 Presentation of the Project by the Author, **Professor Silvio Ferrari**  
 Session 2: Worldwide Laws and Jurisprudence of Living Together (Auditorium B8-A)  
 CHAIR: **Gary Doxey** (Brigham Young University, United States)  
 Speakers:
- **Rodrigo Vitorino Souza Alves** (Universidade Federal de Uberlândia, Brazil), *Religious diversity and the protection of minority rights in the Inter-American human rights system*
  - **Abbas Panakkal** (International Interfaith Initiative, India), *Living together in diversity. Matrilineal and other models from Malabar*
  - **Rosa María Martínez de Codes** (Universidad Complutense de Madrid, Spain), *Reasonable accommodations in a secularized Europe in the face of integration challenge. Strategies from law and religion*
  - **Antonio Pele** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil), *Vipassana Meditation as a 'technique of self'. Living (and suffering) together with neoliberalism*
- Session 3: Majorities and Minorities in Africa, Middle East, and Asia (Auditorium B8-B)  
 CHAIR: **Christof Sauer** (Freie Theologische Hochschule Giessen, Germany)  
 Speakers:

- **Ewelina Ochab** (University of Kent, United Kingdom): *A new approach to help Iraqi minorities*
- **Mohamed Saeed M. Eltayeb** (Ministry of Foreign Affairs, Qatar): *The quest for ensuring intra-religious diversity in Islamic tradition*
- **Shuxi Yin** (Shantou University, China), *Living together with the Muslim minority in Xinjiang*

Session 4: Majorities and Minorities in Europe and the Americas (602 Frings)

CHAIR: **Norberto Padilla** (Presidente Consorcio Latinoamericano de Libertad Religiosa / Pontificia Universidad Católica de Argentina)

Speakers:

- **Rodrigo Cespedes** (Law & Anthropology Department, Max Planck Institute for Social Anthropology [Halle], Germany), *Religion and indigenous people in the Americas*
- **Eugenio Relaño Pastor** (Law & Anthropology Department, Max Planck Institute for Social Anthropology [Halle], Germany), *CURED: The new European database on Cultural and Religious Diversity*
- **Javier García Oliva** (University of Manchester, United Kingdom) and **Helen Hall** (Nottingham Trent University, United Kingdom), *A comparative analysis on the legal regulation of exorcism in England and the United States*

1 – 2.15 pm

LUNCH (Salão da Pastoral)

**BOOK LAUNCH.** *Religious Freedom and the Law: Emerging Contexts for Freedom for and From Religion*, Brett G. Scharffs, Asher Maoz, and Ashley Isaacson Wooley, eds. (a volume in the Routledge ICLARS Series on Law and Religion, developed from papers at ICLARS IV in Oxford, UK, September 2016)

2.15 – 3.45 pm

PLENARY SESSION II — PRIVATE AND PUBLIC LIFE (Auditorium B6)

CHAIR: **Carmen Aida Domínguez Hidalgo** (Pontificia Universidad Católica de Chile)

Speakers:

- **Brett G. Scharffs** (Brigham Young University, United States), *The public / private distinction, religious rights, and the Universal Declaration of Human Rights*
- **Javier Martínez-Torrón** (Universidad Complutense de Madrid, Spain), *Freedom of religion, freedom of expression, and public morals in the Strasbourg case law*

3.45 – 4.15 pm

REFRESHMENTS (8<sup>th</sup> Floor)

4.15 – 5.45 pm

PARALLEL SESSIONS II — PRIVATE AND PUBLIC LIFE

Session 1: Perspectives in Private and Public Space (Auditorium B6)

CHAIR: **Elena Miroshnikova** (Pushkin Leningrad State University, Russia)

Speakers

- **Kyriaki Topidi** (Faculty of Law University of Luzern, Switzerland), *Faith based education and equality: towards an education of prejudice? The example of faith schools in England*

- **Fábio Carvalho Leite** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil), *Controversy about religious education in Brazilian public schools*
- **Ana María Celis Brunet** and **Sebastian Zarate Rojas** (Pontificia Universidad Católica de Chile / Universidad de los Andes, Chile),  
*A Comparative analysis of Pope Francis' media coverage. Religious freedom and the secular state*
- **Thiago Felipe Alves Pinto** (University of Oxford, United Kingdom), *Freedom of religion or belief and protection of places of worship. A human rights based analysis of the Al Mahdi case at the International Criminal Court*

Session 2: Religious Freedom, State Neutrality, and Education (sponsored by the Research Projects REVESTRA and NESPUPRI, funded by the Spanish Ministry of Science and based at Complutense University) (session in Spanish without translation) (Auditorium B8-B)

CHAIR: **Javier Martínez-Torrón** (Universidad Complutense de Madrid, Spain)

Speakers:

- **Santiago Cañamares** (Universidad Complutense de Madrid, Spain), *Una revisión crítica de la posición del TEDH sobre la 'excepción ministerial' en la sentencia Karoly Nagy v. Hungría del Tribunal de Estrasburgo*
- **María José Valero** (Universidad Complutense de Madrid, Spain), *Neutralidad del estado y prohibición de arbitrariedad en los últimos pronunciamientos del Tribunal Europeo de Derechos Humanos*
- **Ana María Vega Gutiérrez** (Catedrática de Derecho Eclesiástico del Estado, Universidad de La Rioja, Spain), *La educación como estrategia jurídico-política en los planes de prevención del radicalismo violento*
- **Silvia Meseguer** (Universidad Complutense de Madrid, Spain), *Neutralidad, diversidad y celebración de las festividades religiosas en las escuelas públicas*
- **Belén Rodrigo** (Universidad Complutense de Madrid, Spain), *La dieta adaptada a prescripciones religiosas en los comedores escolares*

Session 3: La vida privada y pública en América Latina (session in Spanish or Portuguese without translation) (602 Frings)

CHAIR: **Juan Martin Vives** (Universidad Adventista del Plata, Argentina)

Speakers:

- **Norberto Padilla** (Presidente Consorcio Latinoamericano de Libertad Religiosa), *El pluralismo en la legislación de familia y en los sistemas educativos. Alcances y límites*
- **Carmen Asiaín Pereira** (Universidad de Montevideo, Uruguay; Senado do Uruguay): *La Familia titular de derechos y libertades, especialmente en la educación. Desde los instrumentos de Derechos Humanos a la Constitución uruguaya*
- **Cecilia Palomo Caudillo** (Instituto de la Judicatura Federal – Aguascalientes, México), *Influencia de los criterios de la Corte Interamericana, en la educación pública y privada en América latina*
- **Jayme Weingartner Neto** (Centro Universitário La Salle; Tribunal de Justiça do Rio Grande do Sul, Brazil), *Ensino religioso nas escolas públicas brasileiras: a diretriz (?) do Supremo Tribunal Federal*

6– 7.30 pm

SPECIAL SESSION and DINNER in Honor of Lifetime Achievements of Professor Silvio Ferrari and Professor W. Cole Durham, Jr. (Auditorium B6)  
CHAIR: **Ana María Celis Brunet** (Pontificia Universidad Católica de Chile)

Speakers:

- **Gerhard Robbers** (Universität Trier, Germany)
- **Brett G. Scharffs** (Brigham Young University, United States)

8 pm

DINNER in honor of Professor SILVIO FERRARI and Professor W. COLE DURHAM, JR. (Fogo de Chão Brazilian Steak House, Av. Reporter Nestor Moreira, s/n - Botafogo, Rio de Janeiro)

There will be shuttles from the event to the restaurant and from the restaurant to Atlantis and Everest hotels.

## Friday 14

9 – 10.30 am

### PARALLEL SESSIONS III — RELIGIOUS FREEDOM LAWS THAT MAY OR MAY NOT CONTRIBUTE TO LIVING TOGETHER IN DIVERSITY

Session 1: Religious Freedom, the Law, and Diversity (Auditorium B6)

CHAIR: **Pieter Coertzen** (Stellenbosch University, South Africa)

Speakers:

- **Burkhard J. Berkmann** (Ludwig Maximilian University of Munich, Germany), Does freedom of religion foster a pluralism of religious laws in Europe?
- **Werner Nel** (Tshwane University of Technology & Religious Liberty Commission, South Africa), *The role of religious identity in determining the 'mode of persecution' as a crime against humanity*
- **Barry W. Bussey** (Canadian Council of Christian Charities, Canada / University of Notre Dame Australia, Sydney), *The constitutional promise of religious freedom and the Canada Supreme Court decision in the Trinity Western University case*

Session 2: Delineating the Contours of Religious Liberty (Auditorium B8-A)

CHAIR: **Rosa María Martínez de Codes** (Universidad Complutense de Madrid, Spain)

Speakers:

- **Christof Sauer** (Freie Theologische Hochschule Giessen, Germany), *The Freedom of Thought Report of the International Humanist and Ethical Union. A critical assessment of methods and outcomes of a transnational comparison of ForB*
- **Priscilla Regina da Silva** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil), *The sacred boundaries of liberty: an analysis of hate speech against religion*
- **Gregory Mose** (Aix-Marseille Université, France), *'Ceci n'est pas un gateau.' The distorting effects of standards of review in religious freedom cases*

Session 3: Impacts of Legal Change on Religious Liberty (Auditorium B8-B)

CHAIR: **Jessica Giles** (The Open University, United Kingdom)

Speakers:

- **Evaldo Xavier Gomes** (Conferencia Nacional dos Bispos do Brasil): *Living together in the Americas: recent developments on the protection of the right to freedom of religion in the Inter-American human rights system*
- **Marek Szopski** (Warsaw University, Poland): *Politicization of religion in contemporary Poland - from freedom of religion to religious autocracy*

- **Greg Walsh** (University of Notre Dame Australia): *Same-sex marriage and religious liberty*

Session 4: Leyes de libertad religiosa en América Latina (in Spanish or Portuguese without translation) (602 Frings)

CHAIR: **Pe. Waldecir Gonzaga** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil)

Speakers:

- **Joel Portella Amado** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil), *Influência ou autonomía: reflexões a respeito da incidência religiosa na elaboração de leis numa sociedade democrática*
- **Óscar Díaz Muñoz** (Constitutional Court of Peru), *La neutralidad del estado como respeto por la diversidad religiosa en el Perú*
- **Juan G. Navarro Floria** (Pontificia Universidad Católica de Argentina), *El proyecto de ley de libertad religiosa para la Argentina y la intervención de las confesiones religiosas en el ámbito público*

10.30 – 11 am REFRESHMENTS (8<sup>th</sup> Floor)

11 am –  
12.45 pm PLENARY SESSION III — RELIGIOUS FREEDOM (LAWS THAT MAY OR MAY NOT CONTRIBUTE TO LIVING TOGETHER IN DIVERSITY) (Auditorium B6)

CHAIR: **Gerhard Robbers** (Universität Trier, Germany)

Speakers:

- **Jónatas Machado** (Universidade de Coimbra, Portugal), *Freedom of religion and expression. Between populism and postsecularism*
- **Carmen Asiaín Pereira** (Universidad de Montevideo; Senado de Uruguay), *Discriminating to fight discrimination? A perspective from freedom of religion or belief advocacy*
- **Scott Isaacson** (Brigham Young University, United States), *Finding solutions to culture war issues. The example of the Utah Compromise*

1 – 2 pm LUNCH (Salão da Pastoral)

2.15 – 4 pm PLENARY SESSION IV — STRUCTURAL AND INSTITUTIONAL LEVEL APPROACHES TO CHALLENGES OF DIVERSITY (Auditorium B6)

CHAIR: **Juan G. Navarro Floria** (Pontificia Universidad Católica Argentina)

Speakers:

- **Rajeev Bhargava** (Centre for the Study of Developing Societies, India), *The state, religious diversity, and principled distance*
- **W. Cole Durham, Jr.**, (Brigham Young University, United States), *Benign secularity as a response to diversity*

4 – 4.30 pm REFRESHMENTS (8<sup>th</sup> Floor)

4.30 – 5.45 PARALLEL SESSIONS IV — STRUCTURAL AND INSTITUTIONAL LEVEL

Session 1: Theoretical Approaches to International Religious Freedom Accords (Auditorium B6)

CHAIR: **Thiago Alves Pinto** (University of Oxford, United Kingdom)

Speakers:

- **Michael Wiener** (Office of the United Nations High Commissioner for Human Rights, Geneva), *Religious freedom accords in international law*
- **Jessica Giles** (The Open University, United Kingdom), *A theoretical approach to implementation of religious freedom accords*
- **Zachary Calo** (Hamad Bin Khalifa University, Qatar), *Internal and external coherence: freedom of religion from a global perspective*

Session 2: Religion-State Structures and Strategies for Living Together in Diversity (Auditorium B8-A)

CHAIR: **María Elena Pimstein** (Pontificia Universidad Católica de Chile)

Speakers:

- **Elena Miroshnikova** (Pushkin Leningrad State University, Russia), *Freedom of conscience as an effective strategy from law and religion*
- **Graham McGeoch** (Faculdade Unida de Vitoria, Brazil), *Religious freedom, a national church and 'New Scots': Does a Scottish Muslim need a national church?*
- **Antonio Fuccillo, Francesco Sorvillo, and Ludovica Decimo** (Università degli Studi della Campania - Luigi Vanvitell / Università degli Studi di Padova, Italy), *The courts and the code: legal osmosis between religion and law in the cultural framework of civil law systems*
- **Agnes Christian Chaves Faria Alexandrovna Dybova** (Pontifícia Universidade Católica do Rio de Janeiro, Brazil): *Recognition of churches by the state and related ties to the state budget*

Session 3: Law, Religion, Culture – International Experiences (Auditorium B8-B)

CHAIR: **Rodrigo Vitorino Souza Alves** (Universidade Federal de Uberlândia, Brazil)

Speakers:

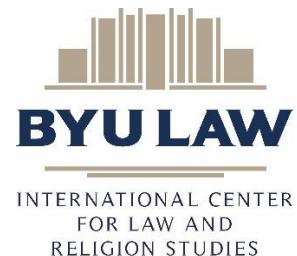
- **İsmail Başaran** (İğdır Üniversitesi Faculty of Theology, Turkey), *Religious freedom: Ottoman experience*
- **Pieter Coertzen** (Stellenbosch University, South Africa), *Strategies from law and religion in South Africa*
- **Li-Ann Thio** (National University of Singapore Faculty of Law, Singapore), *Religious freedom, rule of law and le vivre ensemble within religiously diverse secular democracies. Asian perspectives and practices*
- **Juan Martin Vives** (Universidad Adventista del Plata, Argentina), *Liberté, fraternité, uniformité. Religion as a source of social cohesion and political legitimacy in Argentina*

5.45 – 6.15 pm ICLARS GENERAL ASSEMBLY (AUDITORIUM B6)

6.15 pm CONCLUDING REMARKS by ICLARS PRESIDENTS: Silvio Ferrari, Cole Durham, and Ana María Celis (AUDITORIUM B6)

7.00 pm COCKTAIL (Salão da Pastoral)

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Rio de Janeiro  
September 12-14, 2018

