

The Fifth ICLARS CONFERENCE, 12-14 September 2018

CONCEPT PAPER

Demographic projections indicate that cultural and religious diversity will increase dramatically in the coming decades in many parts of the world. What are the contributions that law and religion studies can give in response to the challenges posed by increasing religious and cultural diversity? What are the political, legal and sociological strategies “from law and religion” that can enable citizens to live together with religious and cultural difference?

Granting freedom of religion or belief to everyone is obvious. But what theological and philosophical conceptions and what political and legal practices of freedom of religion or belief are most helpful in addressing cultural and religious diversification. Historically, differing conceptions and practices have been dominant in various regions of the world. Today freedom of religion or belief is granted in many different ways on a continuum between the two extremities of promoting equality or encouraging diversity. In Western countries, freedom of religion or belief has been primarily granted through equality, discarding the regimes of religiously-based personal laws that were in force until the 18th century and replacing them with a uniform State legal system. In other parts of the world – India or South Africa for example – freedom of religion or belief is promoted through diversity, maintaining systems of personal laws that give citizens different civil (and sometimes even political) rights based on religious confession. Both systems have their weak and strong points and cannot be understood without taking into consideration the history, culture, and social conditions of different parts of the world. What is the impact of increasing religious and cultural diversification on different iterations of freedom of religion or belief and what are the best strategies to make freedom of religion or belief an effective tool for living together in diversity are the questions which lie at the core of this conference.

THE CONFERENCE GENERAL THEME IS SUBDIVIDED INTO THE FOLLOWING TOPICS

1. Majorities and Minorities (including indigenous peoples). Is the distinction between religious majorities and minorities a helpful starting point to approach the issue of freedom of religion or belief as a tool for “living together in diversity”? Is speaking of majorities and minorities harmful to the respect of individual rights, including the right to freedom of religion or belief? What are the best legal strategies to grant freedom of religion or belief to both majorities and minorities? Should indigenous people be set apart as a specific group that deserves protection or should they be included in the broader category of minority? Is State recognition of the customary law of indigenous populations a helpful tool to safeguard cultural and religious diversity?
2. Private and Public life (education, family). Is the distinction public/private meaningful for strategies of granting freedom of religion or belief and living together in diversity? Is it helpful in areas of human life (education, family and so on) that include a public and private dimension? Is a more inclusive notion of public life required to address the issue of religious and cultural diversification? How far can we go in thinking of a plural family law and a plural education system?

3. Religious freedom (laws that may or may not contribute to living together in diversity). Is “living together in diversity” dependent on a strong notion and practice of freedom of religion or belief? What is the role and place of freedom of conscience? How much does religious and cultural diversification affect the way we conceive and practice freedom of religion or belief? What conceptions of freedom of religion or belief have historically proved to be more conducive to a society where living together in diversity is possible? International law regulates freedom of religion or belief: is it also capable of addressing religious and cultural diversity?

4. Structural and institutional level (citizenship, neutrality). Are forms of “differentiated citizenship” required or helpful in order to live together in difference? What impact could it have on freedom of religion or belief and equal treatment? Is the notion of “neutrality” scientifically sound and, if so, what is its content when applied to State laws? Is the separation of State and religion an effective strategy for maximizing freedom of religion or belief in a highly diverse society? What other strategies could be devised? Are States with a dominant religion inherently hostile to the promotion of religious diversity? Should religious diversity find expression at a political level, through the creation of religiously-based political parties?