

## RELIGIOUS DISCRIMINATION AND CULTURAL CONTEXT

Generations of festering culture wars, compounded by actual wars in predominantly Muslim countries, the terrorism of ISIS and the ongoing migrant crisis, have all combined to make religious discrimination the most pressing challenge now facing many governments. For the leading common law nations, with their shared Christian cultural heritage balanced by a growing secularism, the threat presented by this toxic mix has the potential to destabilise civil society. This book suggests that the instances of religious discrimination, as currently legally defined, are constrained by that cultural context, exacerbated by a policy of multiculturalism and in practice conflated with racial, ethnic and other forms of discrimination. Kerry O'Halloran argues that many culture war issues – such as those that surround the pro-choice/pro-life debate and the rights of the LGBT community – can be viewed as rooted in the same Christian morality that underpins the law relating to religious discrimination.

KERRY O'HALLORAN is a professionally qualified lawyer and social worker, and Adjunct Professor at the Australian Centre for Philanthropy and Non-profit Studies at The Queensland University of Technology, Brisbane. He is the author of *Religion, Charity and Human Rights* (Cambridge, 2014).

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Issues of religious discrimination – whether real or imaginary – have become ever more important in a world that is increasingly polarised between secularism and religious fundamentalism. This book is an important contribution to the debate on the “culture wars” as viewed through the lens of some of the major multi-cultural common law jurisdictions.

**Frank Cranmer**

*Centre for Law and Religion, Cardiff University, UK*

*Religious Discrimination and Cultural Context* tackles some of the most perplexing social issues that are facing liberal democracies today as Christianity wanes and the ISIS challenge to social cohesion grows. The laws of England and Wales, Ireland, the USA, Canada, Australia and New Zealand and their cultural context are examined in relation to the main areas of religious discrimination. The book tracks how infractions are processed through regulatory or judicial systems and considers the significance of any jurisdictional similarities or differences in the way issues are resolved. This poses questions such as: will governments be moved from a position of State neutrality to assert a positive policing role, regulating for the public benefit, in respect of religious matters? It is a thought-provoking contribution for our times.

**Myles McGregor-Lowndes**

*Australian Centre for Philanthropy and Nonprofit Studies, QUT, Australia*

This book is an intriguing and challenging assessment of the ability of the law to address the problem of religious discrimination in an increasingly multicultural society. In particular, O'Halloran explores the manner in which religion and culture are frequently intertwined in ways that often result in religious discrimination becoming a means of expressing cultural animus. The so-called “culture wars” provide the backdrop for a study of the ways in which the moral arguments advanced by its various participants often merely serve as proxies for religious or cultural discrimination. The book contains an exhaustive survey of legal prohibitions against religious discrimination across the common law world that will prove invaluable to researchers in religion, human rights and comparative law. More importantly, O'Halloran shows that the common law has not yet developed the tools to address claims of discrimination where culture and religion are intertwined. *Religious Discrimination and Cultural Context* is an important contribution to a debate that is sure to intensify as our society becomes ever more globalised in the years to come.

**Matthew P. Harrington**

*Law Faculty, University of Montreal, Canada*

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A Common Law Perspective

KERRY O'HALLORAN  
*Queensland University of Technology*



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