

## Index

- A, B and C v. Ireland*, (ECtHR), 128n  
 About-Picard law 2001, (Fr), 317, 331  
*A.C. v. Manitoba Director of Child and Family Services*, (Can), 236  
 Abortion Act 1967, (E&W), 288  
 abortion, right to, 128, 342, 433  
*Adi Kaplan v. Prime Minister and Broadcasting Authority*, (Isr), 439  
*Adler v. Ontario*, (Can), 205, 222, 229, 241  
**Affirmative action;**  
   general, 35, 64, 83, 100–101, 163, 456–457  
   Canada, in, 222–223  
   England & Wales, in, 257, 270–271  
   France, in, 326  
   Germany, in, 372–373  
   Israel, in, 419  
   US, in, 163, 167  
 Affordable Care Act 2010, (US), 149, 153, 176, 180, 183, 193, 200  
 African Charter on Human and Peoples' Rights (AfCHPR), 1987, 83  
*Agostini v. Felton*, (US), 143n, 189  
 Ahdar, R. and Leigh, I., 31, 40  
*Ahmet Arslan and Others v. Turkey*, (ECtHR), 103  
*Akdas, v. Turkey*, (ECtHR), 109  
*Aktas v. France et al.*, (ECtHR), 346  
*Akhter v. Khan*, (E&W), 267  
*Alberta v. Hutterian Brethren of Wilson County* (Can), 204, 207n, 215, 221, 225  
 aliyah, (Isr), 445  
 Alternative for Germany (AfD), 360, 478  
*Alexandridis v. Greece*, (ECtHR), 102  
*Al-Hijrah School case*, (E&W), 204  
 Ali, A.H., 118n  
 Ali, S.S., 67n  
 Alicino, F., 333  
 American Convention on Human Rights (ACHR), 1978, 83, 155  
 American Indian Religious Freedom Act of 1978, (US), 158  
*Americans United For Separation of Church and State v. Prison Fellowship Ministries*, (US) 164  
*Amir v. Great Rabbinical Court*, (Isr), 416  
*Andrews v. Law Society of British Columbia*, (Can), 215  
*Anonymous v. Orbach*, (Isr), 441  
*Anonymous v. Shari'a Court of Appeals*, (Isr), 431  
 anti-Semitic, 493  
**Anti-terrorism;**  
   general, 89, 295, 310, 476  
   Canada, in, 247  
   England & Wales, in, 304–305  
   France, in, 354–355  
   Germany, in, 395  
   Israel, in, 443  
   US, in, 199  
*Apelogun-Gabriels v. London Borough of Lambeth*, (E&W), 299  
*Appel-Irrgang and Others v. Germany*, (ECtHR), 130  
 apostasy, 11, 90, 117, 495  
 Arbitration Act 1996, (E&W), 266  
 Arendt, H., 41  
*Arrowsmith v. the United Kingdom*, (ECtHR), 93n, 119n  
**Assembly, right of;**  
   general, 78  
*Awad v. Ziriax*, (US), 165  
*Azmi v. Kirkless Metropolitan Borough Council*, (E&W), 273–274

- Baader-Meinhof gang, (Ger), 358  
*Baby Loup* case, (Fr), 336, 339, 350–401  
*Bailey v. Associated Press*, (US), 192  
 Balfour Declaration 1917, (Isr), 407  
*Barber v. Bryant*, (US), 144n, 176n, 181n, 197  
 Barth, F., 22  
 Basic Law: Human Dignity and Liberty, 1992, (Isr), 407, 412, 423, 426, 441  
 Basic Law: Nation State of the Jewish People, 2018, (Isr), 407, 418, 445–446  
 Basic Law: Freedom of Occupation Law, 1994, (Isr), 437  
*Bayatyan v. Armenia*, (ECtHR), 74n, 99n, 101n, 106n, 119  
*Bavli v. Great Rabbinical Court*, (Isr), 416  
 bedouin, 411, 418, 421–422, 435  
*Begum v. Barley Lane Montessori Day Nursery*, (E&W), 273  
*Belgian Linguistic*, 78n  
 Berenbaum, M., 404n, 427n, 434, 446  
*Bessarabia v. Moldova*, (ECtHR), 101n  
*Bikramjit Singh v. France*, (UN HRC), 346  
 Bielefeldt, H., 96n  
 bijuralism, 202  
 Bill 21, (Can), 205, 221, 225, 245, 450, 482, 497  
 Bill 62, (Can), 225  
 Bill C-14, (Can), 236  
 Bill C-16, (Can), 236, 245  
 Bill C-51, (Can), 231  
 Bill C-59, (Can), 247  
*Black and Morgan v. Wilkinson*, (E&W), 302  
 blasphemy, 11, 90, 117–118, 174, 280, 335, 378, 424, 462  
*Blumberg v. Germany (dec.)*, (ECtHR), 384  
*Board of Education of Kiryas Joel Village School District v. Grumet*, (US), 164–165  
*Bob Jones University v. United States* (US), 185  
*Boisson v. Lund*, (Can), 230, 246  
 bona fide occupational requirement (BFOR), 191–192, 234, 339, 381, 471  
*Boronovski v. Chief Rabbinate*, (Isr), 429  
*Boungaoui v. Micropole SA*, (ECJ), 95, 105, 339, 350–401  
 Boycott Law, 2011, (Isr), 424  
*Boy Scouts v. Dale* (US), 173  
*Bowen v. Kendrick* (US), 189  
*Bowman v. Secular Society Ltd* (E&W), 19  
 Briand-Ceretti Agreement 1926, (Fr), 310, 325  
*B. (R.) v. Children's Aid Society of Met. Toronto*, (Can), 230, 236  
*Brillinger v. Brockie* (No. 3), (Can), 245  
 broadcasting services, 136–137, 198, 246, 303–304, 353–354, 394, 441–442, 475  
*Brown v. Pena*, (US), 156–157, 162  
*Braker v. Markovitz*, (Can), 216  
 buddhism, 106–107  
*Bull v. Hall and Preddy*, (E&W), 302  
 burkini ban, 328  
 Bureau Central des Cultes, (Fr), 485  
**Burqa;**  
   ban, the, 86, 103–104, 322, 326–327, 457  
*Burwell v. Hobby Lobby* (US), 144, 173, 180, 183n, 193, 197–198  
*Buscarini and Others v. San Marino*, (ECtHR), 101  
 C. v. A., (Can), 232  
 C.v. K., (ECtHR), 263  
 C. v. *the United Kingdom*, (ECtHR), 121n  
*Caldwell v. St. Thomas Aquinas High School*, (Can), 242  
 Calvès, G., 322n, 323, 331, 348  
*Campbell and Cosans v. United Kingdom*, 129n, 261  
*Canada v. Taylor*, (Can), 246  
*Canada Trust Co. v. Ontario Human Rights Commission*, 233  
**Canadian Charter of Rights and Freedoms;**  
   general, 208, 212, 215, 222  
   section 2(a), of, 220, 230–232, 241, 245  
   section 2(b), of, 231  
   section 15, of, 212, 222, 232  
   section 25, of, 215  
 Canadian Human Rights Act 1985, 210, 215, 237, 242, 244  
 Canadian Human Rights Commission, 211, 225  
 Canadian Human Rights Tribunal, 211, 232  
*Canadian Multiculturalism Act*, 1988, 209  
 canon law, 18, 50  
 CANZUS, 82, 456  
*Carter v. Canada*, 236  
*Catholic Care* case (E&W), 300  
 Catholic Charities (US), 166, 196, 474  
 Çelik, G., 58, 61n  
*Central Alberta Dairy Pool v. Alberta (Human Rights Comm.)*, (Can), 243  
 Central Council of Muslims in Germany, 369  
*Cha'are Shalom ve Tsedek v. France*, (ECtHR), 106  
*Chamberlain v. Surrey School District No. 36*, (Can), 203, 218, 239  
*Chaplin v. Royal Devon & Exeter Hospital NHS Foundation Trust*, (E&W), 272, 275–276  
 Charitable Choice, 149, 485  
 Charlie Hebdo, massacre of, 115, 303, 475  
**Charter of Fundamental Rights of the European Union;**  
   Article 2, 217  
   Article 10, 92  
   Article 21, 82  
   Preamble, to, 248

- Cherfi v. G4S Security Services Ltd.*, (E&W), 272, 298
- Christian fundamentalists, 36, 200
- Christian heritage, 45, 96, 108–109, 129, 131, 158, 168, 171, 205, 226–227, 251, 276–277, 306, 325, 330, 370, 376, 397, 454, 457, 469, 490, 498
- Christian Institute and Others v. Office of First Minister and Deputy First Minister*, (E&W), 263n, 272, 276n
- Christian morality, 46, 68, 70–101
- Christianity**;  
   crusades, of, 23, 31  
   general, 11, 13, 16, 18, 25, 129
- Christian Legal Society v. Martinez* (US), 185
- Christians against Racism and Fascism v. the United Kingdom*, (E&W), 280
- Christine Goodwin v. United Kingdom*, (ECtHR), 286
- Chondol v. Liverpool CC*, (E&W), 299
- Church and State**;  
   general, 9, 10, 16, 20, 21, 451, 464, 467, 479, 489  
   Canada, in, 202, 207, 225–227, 497–498  
   England & Wales, in, 259–260, 263, 499  
   France, in, 312, 482, 499  
   Germany, in, 366, 376, 379, 397, 498–499  
   Israel, in, 411, 426–427, 498  
   US, in, 481–482, 497  
   fundamental human rights, and, 451–464, 488  
   future of, 485  
   partnership of, 490, 498, 499  
   separation of, 481–482
- Church disputes, state intervention in**;  
   general, 111–113, 461–462  
   Canada, in, 228–229  
   England & Wales, in, 277–278  
   France, in, 331–332  
   Germany, in, 377  
   Israel, in, 422–423  
   US, in, 171–172
- Church of Atheism of Central Canada v. Canada (National Revenue)*, (Can), 214
- Church of England, 251, 264–266, 268, 275, 281, 285, 483, 485, 499
- Church of Jesus Christ Latter-Day Saints v. the United Kingdom*, (ECtHR), 110n
- Church of the Holy Trinity v. United States*, (US), 143
- Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, (US), 159, 168–169, 198n
- Ciarlariello v. Schacter*, (Can), 237
- Citizen**;  
   citizenship, 27, 67, 463, 491–493
- Civil Code, (Fr), 316, 338, 340, 342
- Civil Code, (Ger), 363, 380
- Civil law, 11
- Civil Rights Act 1964 (US)**;  
   general, 147, 152–153  
   Title II, of, 195  
   Title VII, of, 152–153, 169, 190–204, 197, 471
- Civil society**;  
   general, 43, 46, 57–67, 72, 97, 478–479  
   religion, and, 57–60, 67, 446, 486, 497, 501
- Civil Union Law for Citizens with no Religious Affiliation, 2010, (Isr), 429
- Cloutier v. Costco Wholesale Corp.*, (US), 156
- Commission Nationale Consultative des Droits de L'homme (CNCDDH), 319–320
- compelling interest test (US), 152, 159, 179, 193, 456, 459
- confraternities, 16, 17
- Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*, (Can), 202n, 212, 222, 227
- Conscience and Religious Freedom Division, (US), 176, 183, 191, 463, 485
- conscience, matters of, 119–121, 175–176, 231–232, 280, 336, 379, 424–425, 463–464
- Conscientious objection**;  
   general, 120, 281, 303, 336, 342–343, 379, 425, 434, 468, 490–501  
   motorbike helmets, Sikhs, and, 120  
   public sector employees, 237–238, 289, 301, 329–330, 336–337, 343, 353, 384–385, 426, 463, 467–468, 474, 490  
   same sex, and, 120, 300–303  
   Quakers, and, 120–121
- Conscientious Objection (Medical Activities) Bill, 2017, (E&W), 289
- Conseil de Prud' Hommes, (Fr), 320
- Conseil d'é tat (Fr)**;  
   general, 319  
   Etude demand'ee par le D'efenseur des droits, (Fr), 319
- Constitution**;  
   Canada, of, 208  
   France, of, 316  
   Germany, of, 368  
   Israel, of, 405  
   US, of, 150  
     1st Amendment, of, 28n, 55, 145–146, 150, 156–157, 168, 170–203, 176, 186, 190, 194, 197–198, 456, 471, 475  
     14<sup>th</sup> Amendment, of, 153, 173, 176, 183, 195  
   Constitution Act 1867 (Can), 208, 230, 234, 238, 461  
   Constitution Act 1982 (Can), 208, 212, 215  
   Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 374

- Cooke v. Town of Colorado City*, (US), 196  
*Cooper v. Eugene School District No. 4J*, (US), 187n  
*Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, (US), 191  
 Council Directive 2000/78/EC, 83  
**Council of Europe;**  
 general, 84, 128, 331  
 International Partnership on Religion and Development, 89  
 Cour de cassation, (Fr), 319  
 Cranmer, F., 77n  
 Crime and Disorder Act 1998, (E&W), 257  
 Criminal Code (Fr), 316  
**Culture;**  
 'blind', 285  
 context, 68, 295, 456, 488  
 identity, 24, 25, 44, 48–49, 64–65, 107, 138, 225, 275, 421, 449–450, 460, 469, 483, 486, 501  
 indigenous people, and, 48, 488  
 culture wars, 4, 25, 68–69, 70–72, 148, 158, 183, 199, 450, 455, 479, 488–489  
*Cumhuriyeti Eğitimi ve Kültür Merkezi Vakfı v. Turkey*, (ECtHR), 100  
*Curzon v. Director, Missouri Dept of Health*, (US), 182  
*Cutter v. Wilkinson*, (US), 170  
  
*D v. France*, (ECtHR), 97  
*Dahlab v. Switzerland*, (ECtHR), 90n, 103, 105, 129n, 134  
*Daly v. Ontario (Attorney General)*, (Can), 242  
**Death, medically assisted;**  
 general, 126, 466  
 Canada, in, 236  
 England & Wales, in, 287  
 France, in, 341–342  
 Germany, in, 383–384  
 Israel, in, 432–433  
 US, in, 182–183  
*Débre Law 1959*, (Fr), 310  
 Declaration of Independence, (Isr), 1948, 405, 426, 446  
 Declaration of Independence (US), 12, 143, 153  
**Declaration of the Rights of Man and of the Citizen, 1789 (Fr);**  
 general, 315–316, 337, 491  
 Article 1, 308  
 Article 4, 316  
 Article 5, 316  
 Article 10, 309, 316  
  
**Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;**  
 general, 81, 124  
 Article 2, of, 81, 94  
 Article 4, of, 81  
 Article 6, of, 81  
 Article 41, of, 93  
*De fenseur des Droits (DDD)*, (Fr), 320  
 Democracy, 37, 486  
**Democratic society;**  
 general, 9, 10, 25, 30, 36–37, 62, 66, 70, 77–78, 88, 94, 97, 102, 104, 106, 109, 114–116, 130, 137, 272, 413, 426, 428–429, 434, 440, 442, 462, 465, 480, 486  
 thresholds of, 37, 465, 491, 494–495, 497, 499  
 democratic state, 36, 68, 106, 109, 426, 433, 442, 445–446, 455  
*Detainee Treatment Act 2005* (US), 199  
 Devlin, LJ, 70  
*D.H. v. Czech Republic*, (ECtHR), 107, 119  
*Dhillen v. British Columbia Ministry of Transportation and Highways*, (Can), 202  
*Diaferia v. Elliott* (Can), 229  
 Didactic moralism, 489  
*Dimitras and Others v. Greece*, (ECtHR), 102  
 Diplock, LJ, 288  
**Diversity;**  
 general, 38, 54–55, 78, 450  
 religious, 148, 252–253, 313, 356, 361, 403–404  
*Dodge v. Salvation Army*, (US), 191  
*Dogru v. France*, (ECtHR), 96n, 103, 333, 345  
*Dojan and Others v. Germany*, (ECtHR), 130n, 386  
*Dore v. Barreau du Quebec* (Can), 209  
*Downing v. West Haven Board of Education*, (US), 194  
*Drew v. Walsall Healthcare NHS Trust*, (E&W), 299  
 druids (UK), 261  
*Dudgeon v. The United Kingdom*, (ECtHR), 125  
 Dying Patient Act, 2005, (Isr), 432  
  
*Eadie and Thomas v. Riverbend Bed and Breakfast and Others* (No. 2), (Can), 245  
*E.B. v. France*, (ECtHR), 340n  
*Ebrahimian v. France*, (ECtHR), 97n, 105–106, 329  
 Ecclesiastical courts, 18, 20  
*Edwards v. Aguillard*, (US), 186  
 Education and Inspections Act, 2006, (E&W), 293  
*Egenberger case*, (ECJ), 380, 389, 391  
*Eli Lilly v. Human Genome Sciences (HGS)*, (E&W), 286  
 El Khomni law, (Fr), 351  
*El Morsli v. France*, (ECtHR), 329  
 Employment Appeal Tribunal (E&W), 259

- Employment Tribunal (E&W), 259  
*Employment Division (Department of Human Resources of Oregon) v. Smith*, (US), 151n, 152, 157, 159, 169, 172, 179, 198n, 454  
 Employment Equity Act 1996 (Can), 409  
 Employment Equality (Religion or Belief) Regulations 2003, 255, 237, 296  
 Employment (Equal Opportunities) Law 1988, (Isr), 209, 437  
 Equal Employment Opportunity Commission (Isr), 409  
 Equal Employment Opportunity Commission (US), 154  
*Equal Employment Opportunity Commission (EEOC) v. Abercrombie & Fitch Stores Inc.*, (US), 169  
 equality, 31, 101, 501  
**Equality Act 2010 (E&W);**  
 general, 255–256, 261, 264, 283, 295  
 s.149, of, 256  
 s.158, 270  
 s.193, of, 182  
 Schd. 9, of, 281, 283  
 Schd. 23, of, 283  
**Equality Act (Sexual Orientation) Regulations, 2007, (E&W);**  
 Reg., 4, 302  
 Equality and Human Rights Commission (E&W), 258, 271, 303  
**Equality and non-discrimination;**  
 general, 464  
 US, and, 153  
**Equality, education and church/state relationship;**  
 general, 129, 468–471  
 Canada, in, 238–241  
 England & Wales, in, 290–295  
 France, in, 344–348  
 Germany, in, 385–388  
 Israel, in, 434–437  
 US, in, 185–190  
**Equality, employment and church/state relationship;**  
 general, 132–134, 471–473  
 religious organisations, and, 132, 428  
 Canada, in, 232, 234, 242–244  
 England & Wales, in, 282–284, 295–299  
 France, in, 338–339, 348–351  
 Germany, in, 389–392  
 Israel, in, 428, 437–438  
 US, in, 179–180, 190–195  
**Equality, family, life, death and the church–state relationship**  
 general, 465–467  
 Canada, in, 234–237  
 England & Wales, in, 284–287  
 France, in, 339–342  
 Germany, in, 381–384  
 Israel, in, 428–433  
 US, in, 181–203  
**Equality, healthcare and church/state relationship;**  
 general, 127, 467  
 Canada, in, 237–238  
 England & Wales, in, 288–290  
 France, in, 342–344  
 Germany, in, 384–385  
 Israel, in, 433–434  
 US, in, 183–185  
**Equality, national security and church/state relationship;**  
 general, 137, 475–Canada, in, 246–247  
 England & Wales, in, 288–290, 304–305  
 France, in, 354  
 Germany, in, 394–395  
 Israel, in, 442–443  
 US, in, 198–199  
**Equality, service provision and church/state relationship;**  
 general, 134–137, 473–475  
 by religious organisations, 135, 195–196, 283  
 Canada, in, 244–246  
 England & Wales, in, 283, 299–303  
 France, in, 351–354  
 Germany, in, 392–394  
 Israel, in, 433–434, 438–442  
 US, in, 195–198  
**Equality, state schools and church/state relationship;**  
 general, 129–130  
 Canada, in, 238–240  
 England & Wales, in, 290–302  
 France, in, 325, 344–347  
 Germany, in, 385–388  
 Israel, in, 434–436  
 US, in, 195–198  
 Equal Pay Act, (US), 191  
*Erazo v. Dufferin-Peel Catholic District School Board*, (Can), 240  
 Esau, A.J., 15, 68n, 201, 465  
*Esson v. London Transport Executive*, (E&W), 298  
 established church, 12, 24, 26, 95–96, 114, 139, 158, 216, 251–252, 265, 285, 323, 368, 413, 461, 483, 499  
 Establishment Clause, the (US), 158, 163, 168, 171, 194–195, 497  
 Ethics and Religious Freedom (ERC), 240

**Ethnicity;**

- general, 22
- Germany, and, 23

EU Equal Treatment Directive 2000/78, 123

**European Convention for the Protection of Human Rights and Fundamental Freedoms 1950;**

- general, 77, 254, 451
- Article 1, of, 109
- Article 2, of, 127, 337
- Article 3, 116–117, 126, 138
- Article 8, of, 77, 126, 128
- Article 9 of, 77, 92–93, 96, 98, 102–103, 110, 112, 114, 117, 128, 134, 137, 260, 346
- Article 10 of, 78, 117–118, 137, 393
- Article 11 of, 78, 101, 112, 393
- Article 12 of, 78, 125
- Article 14 of, 78, 92, 94, 98, 116–117, 126
- Article 34, of, 110
- Article 2 of Protocol 1, 78, 108, 129–131, 261, 346, 386–387, 469

**European Court of Human Rights (ECtHR);**

- general, 26, 87, 258, 363–364, 451
- margin of appreciation, and, 87–88, 90, 258

European Court of Justice (ECJ), 87, 258

European Framework Equality Directive 2000/78/  
 EC, 131, 133, 338

European Social Charter, 83, 132

*Eweida and Others v. the United Kingdom*,  
 (ECtHR), 92n, 95, 99n, 102n, 105, 128, 134,  
 264n, 269, 272, 275, 281, 332n

evangelism, 119, 175

*Evans v. the United Kingdom*, (ECtHR), 128n

*Everson v. Board of Education*, (US), 143n, 144, 154,  
 164–165

**Faith schools;**

- general, 33–34, 52, 64, 75, 100, 131–132,  
 470–501
- Canada, in, 241
- England & Wales, in, 252, 291, 293–295, 307
- France, in, 325, 344, 347–348
- Germany, in, 388
- Israel, in, 436
- US, in, 188–190

**Family;**

- general, 50, 127, 489
- law, 20
- life, 127
- marital, 18, 19, 124–127, 181–183, 235, 284, 340,  
 381–383, 429–430
- parenting, 286, 340–401, 382, 431–432
- spouses, 285, 340, 382

Farr, T.F., 144

*Fellowship of Humanity v. County of Alameda*,  
 (US), 155

female genital mutilation (FGM), 267, 307

*Fernández Martínez*, (ECtHR), 133

First Nations, the, 216

Flack, T., 17

*Folgerø & Others v. Norway*, (ECtHR), 75, 78n,  
 101, 108, 129–130

*Fox v. Fox Estate*, (Can), 234

Foundations of Law Act 1980, (Isr), 414

Framework Convention on National Minorities,  
 84–85

Framework Equal Treatment Directive (2000/78/  
 EC), 83, 101, 257, 264, 283, 352, 379, 389, 391

*Francesco Sessa v. Italy*, (ECtHR), 135

*Fränklin-Beentjes and CEFLU-Luz da Floresta*  
*v. the Netherlands*, (ECtHR), 94, 106

**Freedom of assembly and association;**

- general, 109–114, 117, 460–502, 487
- Canada, in, 227–230
- England & Wales, in, 277–278
- France, in, 330–332
- Germany, in, 376–377
- Israel, in, 422–423
- US, in, 171

**Freedom of expression;**

- general, 114–121, 462–464
- Canada, in, 230–232
- England & Wales, in, 278–281
- France, in, 332–337
- Germany, in, 378–379
- Israel, in, 423–426
- US, in, 174–176

free speech, 115–119, 174, 198, 230, 424–425, 462

**Freedom of religion and belief;**

- general, 66, 92–109, 452–460
- Canada, in, 212–227
- England & Wales, in, 260–277
- France, in, 321–330
- Germany, in, 366
- Israel, in, 411–422
- US, in, 154–171
- definitions, 92–93
- equality laws, and, 121

Free exercise clause, the (US), 168, 190

Freemasons, 262

free speech, 115–119, 279–280, 333–336, 378–379,  
 473

French Council of the Muslim Faith, 313

Freud, S., 53

*Friesen v. Fisher Bay Seafood*, (Can), 243

**Fundamentalism;**

- general, 43–44, 67, 500
- Islamic, 67, 285, 475, 494–495

- Gallagher v. Church of Jesus Christ of Latter Day Saints*, 61
- Gareth Lee v. Ashers Baking Company Ltd., McArthur and McArthur*, (E&W), 302–303
- Geddicks, F.M., 144, 177, 179, 263
- Gender Directive, 2004/113/EC, 83
- Gender inequality;**  
 general, 121  
 Israel, in, 429–430
- Gender Recognition Act 2004, (E&W), 285–286
- General Alliance against Racism and for Respect for French and Christian Identity (AGRIF), (Fr), 334
- General Equal Treatment Act 2006, (Ger);**  
 general, 379–380, 382, 389, 392  
 Article 9, of, 380  
*get*, the, 97, 181, 217, 416, 431, 484
- Ghai, R (on the application of) v. Newcastle City Council & Ors.* (E&W), 269, 274–275
- Ghattas, K., 26n
- Gillette v. United States*, (US), 158n, 175
- Girbaud case*, (Fr), 334–335
- Glasgow City Council v. McNab*, (E&W), 291
- Gonzales v. O Centro Espirita*, (US), 152, 157, 170, 179, 454
- Good News Club v. Milford Central School*, (US), 189
- Gopnik, A., 480, 486–487, 501
- Gorzelik and Others v. Poland*, 78n, 110n
- Grace v. Places for Children*, (E&W), 299
- Grace United Methodist Church v. City of Cheyenne*, (US), 160
- Grainger v. Nicholson plc*, (E&W), 262, 263n
- Grand Rabbinical Court, (Isr), 431
- Greater Glasgow Health Board v. Doogan and Anor*, (E&W), 289
- Grzelac v. Poland*, (ECtHR), 130n
- Griggs v. Duke Power* (US), 190
- Grundgesetz, (Ger);**  
 general, 357–358, 362–363, 366  
 Article 3, 367, 379, 382  
 Article 4, 362, 366, 368, 372–373, 375, 379  
 Article 5, 378  
 Article 6, 381, 387  
 Article 7, 358, 372, 385–388, 397  
 Article 9, 393  
 Article 24, 393  
 Article 32, 393  
 Article 33, 367–368, 379, 393  
 Article 56, 373  
 Article, 140, 367–368, 370, 372, 377  
 guilds, 17
- Haas v. Switzerland*, (ECtHR), 126, 287
- Habermas, J., 16, 39, 144–145, 147–148, 150–201, 458
- hadata, (Isr), 435
- Haim Cohn, Justice, 405
- halakha, (Isr), 399, 414, 427–429, 432–433, 439, 441, 462, 483, 498
- Halima Bria v. Qadi of the Shari'a Moslem Court et al.*, (Isr), 431
- Hall v. Durham Catholic School Board*, (Can), 244
- Hall v. Tift County Hospital*, (US), 195
- Halpern v. Canada (Attorney General)*, (Can), 235
- Handyside v. The United Kingdom*, (ECtHR), 115, 303
- Harrington, M., 215n, 228, 229n, 241n
- Hart, H, 71
- Hasan and Chaush v. Bulgaria*, (ECtHR), 26n, 99, 110n, 111, 264n
- Hasan and Eylem Zengin v. Turkey*, (ECtHR), 108, 130n
- Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE), 315, 485
- Haye v. London Borough of Lewisham*, (E&W), 299
- Hearn and United States v. Muskogee Public School District*, (US), 168
- Heffron v International Society for Krishna Consciousness*, (US), 175
- Hein v. Freedom From Religion Foundation* (US), 165
- Heintz v. Christian Horizons* (Can), 243
- Hender & Sheridan v. Prospects for People with Learning Disabilities*, (E&W), 295
- Hennette-Vauchez, S., 311
- Highwood Congregation v. Wall*, (Can), 229
- Hobbes, T., 14n
- Hobhouse, L.T., 27n
- Hobson, S.G., 54n
- homeschooling, 290
- Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, (US), 144, 179, 191
- hudud (Isr), 484
- Human Fertilisation and Embryology Act, 1990, (E&W), 286
- Human Rights Act 1998 (UK);**  
 general, 256, 280, 287  
 s.9, 256, 260  
 s.13, 256  
 schd. 1, 285
- Human Rights and social cohesion, 62, 488
- Human Rights Commission, 89
- Human Rights Watch, 89, 211, 320, 355, 365, 410, 424
- Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, (US), 173

- Iacobucci, J., 213  
*Ibragim Ibragimov and Others v. Russia*, 99, 114  
 identity, 47  
 identity politics, 46–50  
*Identoba and Others v. Georgia*, (ECtHR), 110n, 116n, 117  
 Ignatieff, M., 63n, 121n  
 Indian Act 1876 (Can), 241  
**Indigenous communities;**  
   general, 25, 48, 453, 456  
   Canada, in, 51, 53, 215, 220, 241  
   England & Wales, in, 53  
   Israel, in, 52, 417–418, 421–422  
   US, in, 53, 157–158, 163  
 International Centre for Human Rights and Democratic Development Act, 1985 (Can), 210  
**International Covenant on Civil and Political Rights 1966 (ICCPR);**  
   general, 79, 207, 240, 255, 451  
   Article 2, of, 94  
   Article 18, of, 79, 88, 92–93, 104, 118–119, 129, 260, 350  
   Article 19, of, 78–79, 114, 118, 230  
   Article 20, 79–80, 94, 114  
   Article 22, 80, 109  
   Articles 26 and 27, 80, 94, 208, 350  
   Article, 28, 88  
**International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR);**  
   general, 80, 207, 255  
   Article 8, of, 109  
   Article 13, of, 80  
 International Convention on the Elimination of Race Discrimination (ICERD), 1969, 82, 89, 207, 255  
 International Convention on the Rights of Persons with Disabilities, 2006, 83  
 International Draft Convention on the Elimination of All Forms of Religious Intolerance, 95  
 International Labour Organisation Discrimination (Employment and Occupation) Convention 1958, 82  
*Ishaq v. Canada (Citizenship and Immigration)*, (Can), 206, 224  
 ‘islands of exclusivity’, 15, 68, 201, 465  
**ISIS;**  
   general, 1, 16, 31, 43–44, 53, 137, 303, 354, 359, 443, 478, 480, 488, 495  
**Islam;**  
   caliphate, of, 23  
   democracy, and, 36–37  
   general, 13, 14, 285  
   Islamic Sharia Council, (E&W), 267  
   Islamic terrorism, 21, 26, 46, 53, 66–67, 139, 198, 200, 250, 304, 354, 443, 451, 486, 494  
   Islamophobia, 43, 159, 493  
   Israel, 24  
*Ivanova v. Bulgaria*, (ECtHR), 135  
 IVF, 127, 286, 290, 342  
*Izramov v. State of Israel*, (Isr), 419  
*Izzettin Dogan and Others v. Turkey*, (ECtHR), 93n, 94n, 99n  
  
*Jakobski v. Poland*, (ECtHR), 106  
*James v. MSC Cruises Limited*, (E&W), 298  
*Jehovah's Witnesses Association and Ors v. Turkey*, (ECtHR), 113  
*Jehovah's Witnesses v. Austria*, (ECtHR), 75  
*Jehovah's Witnesses of Moscow v. Russia*, (ECtHR), 112  
 ‘Jew’, definition of, (Isr), 423  
*Johns and Anor, R (on the application of) v. Derby City Council and Anor*, (E&W), 277  
*Johnston and Others v. Ireland*, (ECtHR), 125  
*Jones v. Wolf*, (US), 172  
*Joseph Burstyn, Inc. v. Wilson*, (US), 175  
 Judaism, 13, 450, 455, 483, 492, 498  
 Judt, T., 58, 67n, 478n  
*Jumah Mosque Congregation and Ors v. Azerbaijan*, (ECtHR), 111  
*JQ v. IR*, (ECJ), 133, 391  
  
*Karakuzey v. Germany*, (ECtHR), 97  
 kashrut, (Isr), 438–439  
 Kennedy, Justice, 197–198  
*Kervanci v. France*, (ECtHR), 103, 333, 345–346  
*Khan v. the United Kingdom*, (ECtHR), 97, 124n  
 kirchensteuer, (Ger), 361, 372  
*Kjeldsen, Busk Madsen and Pedersen v. Denmark*, (ECtHR), 130  
*Knight v. State of Connecticut, Department of Public Health*, (US), 194  
*Knudsen v. Norway*, (ECtHR), 93n, 128n  
*Koch v. Germany*, (ECtHR), 126n, 383n  
*Kokkinakis v. Greece* (ECtHR), 26n, 92n, 118n, 119  
*Konrad and Others v. Germany*, (ECtHR), 385  
 kosher, 106  
*Kosteski v. the former Yugoslav Republic of Macedonia*, (ECtHR), 99n, 133  
*Kottinen v. Finland*, (ECtHR), 133  
*Ktunaxa Nation v. British Columbia*, (Can), 212, 218, 220, 229  
 Kurland, P.B., 145  
*Kurtulmus v. Turkey*, (ECtHR), 105  
*Kuteh v. Dartford and Gravesham NHS Trust*, (E&W), 299



- Labassee v. France*, (ECtHR), 341, 382  
*Ladele v. London Borough of Islington*, (E&W), 301  
 l'affaire du foulard, (Fr), 312, 332–333  
 Laïcité, (Fr), 3, 89, 201, 204–205, 311–312, 322, 333, 353, 455, 462  
*Lakeside Colony of Hutterian Brethren v. Hofer*, (Can), 228  
*Lambert and Others v. France*, (ECtHR), 126n, 337  
 Landau, Justice, 411, 412  
*Lapunov v. Russia*, (ECtHR), 126  
*Larissis and Others v. Greece*, (ECtHR), 134  
 Laycock, D., 144–145, 148, 166, 198n  
**Law**;  
   religion, and, 62  
   role of, 62–64  
 Law of Associations 1901 (Fr), 310, 324, 331  
 Law of Return 1950, (Isr), 404, 406, 417, 419, 422, 445, 492  
 Laws LJ, 251, 265–266, 268, 270  
*Law Society of British Columbia v. Trinity Western University*, (Can), 202n, 230  
*Laurence v. McQuarrie*, (Can), 233  
*Lautsi v. Italy*, (ECtHR), 75n, 93n, 101n, 108, 119, 131, 387  
*Lazarovitz v. Food Controller*, (Isr), 440  
*League for Prevention of Religious Coercion v. Jerusalem City Council*, (Isr), 439–440  
 Le Bureau Central des Cultes, (Fr), 314  
 'lemon test', the (US), 165, 167, 189  
*Lemon v. Kurtzman*, (US), 143n, 165  
*Leyla Sahin v. Turkey*, (ECtHR), 98n, 101n, 103, 129n  
 LGBT, 47, 49, 69, 78, 86, 116–117, 126, 158, 173, 176, 184, 197, 200, 239, 246, 280, 345, 382, 432, 463, 468, 491  
*Lifshitz-Aviram v. Law Society*, (Isr), 429  
*Lithgow v. United Kingdom*, (ECtHR), 88n, 92n, 258n, 319n, 364n  
 Loi du 9 Decembre 1905, (Fr), 308, 310, 312, 314, 325–326, 330–332, 336, 339, 349, 482  
 Loi no 2004-228 du 15 mars 2004, (Fr), 317, 322  
 Loi n<sub>o</sub> 2010-1192 du 11 octobre 2010, (Fr), 317  
 Loi n<sub>o</sub> 2013-404 du 17 mai 2013, (Fr), 317, 340  
 Lois Jules Ferry, (Fr), 323, 344  
*Lombardi Vallauri v. Italy*, (ECtHR), 133  
*Loyola High School v. Quebec (Attorney General)*, (Can), 209, 218, 238, 240–241, 245  
*Ludin v. Land Baden-Württemberg*, (Ger), 374, 378–379, 388  
  
*Magyar Keresztény Mennonita Egyház and Others v. Hungary*, (ECtHR), 112  
 Magna Carta 1215, 255  
  
*Malnak v. Yogi* (US), 156  
*Mandla (Sewa Singh) and another v. Dowell Lee and Others*, (E&W), 291  
*Mann Singh v. France*, (ECtHR), 329, 347  
*Manoussakis v. Greece* (ECtHR), 26n  
*Mansur Yalçın and Ors v. Turkey*, (ECtHR), 109  
 Marriage (Same Sex Couples) Act 2013 (E&W), 268, 285  
*Marsh v. Chambers*, (US), 168  
*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, (US), 144n, 197  
*Matter of an Application for Judicial Review by the NI Human Rights Commission*, (E&W), 288  
*Maurice v. Canada (AG)*, (Can), 214  
*McClintock v. Department of Constitutional Affairs*, (E&W), 262, 301  
 McConnell, M., 39  
*McFarlane v. Relate Avon Ltd* (E&W), 251, 263n, 265, 268, 301  
*McGill University Health Centre (Montreal General Hospital) v. Syndicat des employés de l'Hôpital général de Montréal*, (Can), 243  
*McNab v. Glasgow City Council*, (E&W), 296  
 McLachlin, CJ, 213, 228  
*Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, (ECtHR), 107n, 116n  
*Metropolitan Church of Bessarabia and Others v. Moldova*, (ECtHR), 90n, 100n, 110n, 112  
 Mendelsohn, D., 49n, 496n  
*Menneson v. France*, (ECtHR), 127, 341, 382  
 M. v. H., (Can), 235  
**Migrants**,  
   cultural identity, and, 48–49, 199, 305–306, 445, 477–478  
   Muslims, and, 42, 496–497  
**Migrant crisis, state response to**;  
   general, 1, 41–42, 46, 49, 53–54, 137–138, 198–200, 476–479, 488, 494, 501  
     Canada, 247, 494  
     England & Wales, 305  
     France, 354–355  
     Germany, 359–360, 395–396, 482, 494  
     Israel, 444–445  
     US, 199–200, 494  
 Militia Ballot Act 1757, (E&W), 280  
 Mill, John Stuart, 27  
 ministerial exception, 178–179, 471  
 Minister of State for Faith and Communities, (E&W), 485  
 Ministry of Religious Affairs, (Isr), 418  
*Mitchell v. Helms* (US), 143n, 167, 189

- Mockute v. Lithuania*, (ECtHR), 135  
 molad, (Isr), 435  
 Moon, R., 205n, 206n, 210n, 229n, 232n  
*Moore v. British Columbia (Ministry of Social Services)*, (Can), 232, 237  
 moral imperatives, 18, 20, 68–69, 72, 489  
*Morgentaler v. R* (Can), 214, 237  
 Morgan, LCJ, 303  
*Moscow Branch of the Salvation Army v. Russia*, 92n, 110n  
*Mounted Police Association of Ontario v. Canada* (AG), (Can), 227  
*Mouvement laïque québécois v. Saguenay (City)*, (Can), 202n, 204, 212, 214, 216, 223, 226, 229, 245  
*Mr H Monaghan v. Leicester Young Men's Christian Association*, (E&W), 299  
*Muhammed v. The Leprosy Mission International*, (E&W), 283, 296  
*Multani v. Commission scolaire Marguerite-Bourgeoys*, (Can), 202, 224, 226, 454
- Multiculturalism;**  
 Christianity, and, 52  
 general, 48, 50–54, 72, 450, 478  
   Canada, in, 51, 205, 238–239  
   England & Wales, in, 53, 57, 252–253, 306–307  
   France, in, 313  
   Germany, in, 359–361  
   Israel, in, 52, 400–403  
   US, in, 147  
 in practice, 52–54, 138  
 multi-ethnic, 24  
*Murphy v. Ireland*, (ECtHR), 137
- Muslims;**  
 clothing, 49, 106, 272–274, 472  
 general, 15, 111–112, 137, 165, 199, 266, 285, 305–306, 311, 322, 373, 394, 396, 450, 486, 496  
 Sunni, 131
- NAACP v. Alabama ex rel. Patterson* (US), 171  
*Nachmani v. Nachmani*, (Isr), 433  
 National Labour Court, (Isr), 410  
*National Union of Teachers v. Governing Body of St Mary's Church of England (Aided) Junior School*, (E&W), 270
- Nation state,**  
 general, 4, 22, 23, 43–44, 138, 200, 247, 306, 355, 396–397, 450  
 Israel, and, 445, 455, 478, 492, 498  
 Nazi, 3, 358, 360, 382–384, 397, 493  
 Neuhaus, R., 40  
*Newman v. Piggie Park Enterprises*, (US), 158, 197n  
*Ng v. Jacobs Engineering Group*, (US), 175
- Nicklinson and Anor R (on the application of) (Rev 1)*, (E&W), 287  
*Noah v. Sarah Desrosiers (trading as Wedge)*, (E&W), 273  
*Nof v. Ministry of Defense*, (Isr), 425  
*NSS v. Bideford Town Council*, (E&W), 271
- Obergefell v. Hodges* (US), 181, 195  
*Obst v. Germany*, 74, 98, 133, 377, 390  
*Oliari and Ors v. Italy*, (ECtHR), 125  
*Olson v. Sweden (No 1)* (ECtHR), 87n, 88n  
*O'Malley v. Simpson Sears*, (Can), 243  
 Organisation of Islamic Co-operation, 86  
*Osmanoglu et Kocabas, v. Switzerland*, (IECtHR), 97–98  
*Otto-Preminger-Institute v. Austria*, (ECtHR), 103, 117n, 386
- P. and S. v. Poland*, (ECtHR), 128n  
*Patrick v. IH Sterile Services Ltd*, (E&W), 298  
 Paris Principles, 89, 90  
 Palestine Mandate 1922, (Isr), 406  
 parliamentary democracy, 12  
 Patriot Act 2001 (US), 199  
*Pelozo v. Capistrano Unified School District*, (US), 186  
 Pew Research Centre, 11, 118n, 122n, 147, 159, 399, 403, 420n, 450  
*Pichon and Sajous v. France*, (ECtHR), 128n, 136, 343, 353  
*Pierce v. Society of Sisters*, (US), 186  
*Planned Parenthood v. Casey* (US), 183  
*Playfoot (a minor), R (on the application of) v. Millais School*, (E&W), 272  
 Pleven Law 1972, (Fr), 332  
*Plonit v. Ploni*, (Isr), 431
- Pluralism;**  
 general, 25, 29, 36, 54–57, 72, 78, 101, 109, 130, 450–501  
   Canada, in, 248  
   England & Wales, in, 54–55  
   Germany, in, 397  
   Israel, in, 402  
   US, in, 147  
 in practice, 55–56, 131  
 religion, and, 493–494  
 populism, 478, 483, 488, 494–495  
*Poraz v. Lahat, Mayor of Tel Aviv et al.*, (Isr), 414  
*Pretty v. the United Kingdom*, (ECtHR), 103  
 Prevention of Infiltration Law 2014, (Isr), 444  
 Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000, (Isr), 438

- pro-life/pro-choice, 184, 467  
 procreation, right of, 125, 127  
 proportionality, 74, 98, 109, 113, 349–350, 393, 472, 502  
 proselytism, 33, 61, 118–119, 134, 174–175, 193–195, 231, 243–244, 280, 298–299, 335–336, 351, 378–379, 392, 424–425, 438, 462, 470, 473
- Protecting Religion from the State;**  
 general, 455–456  
   Canada, in, 217–220, 226, 228  
   England & Wales, in, 268–269  
   France, in, 324  
   Germany, in, 370–373  
   Israel, in, 417–420  
   US, in, 159–163
- Protecting the State from Religion;**  
 general, 454–455  
   Canada, in, 215  
   England & Wales, in, 264  
   France, in, 322–323  
   Germany, in, 368  
   Israel, in, 413–417  
   US, in, 158
- Protection of Holy Sites Law, 1967, (Isr), 421
- Public benefit;**  
 principle of, 32  
 services, 21
- Public policy;**  
 Church and state, and, 33, 39–40  
 civil liberties, and, 38  
 private piety, and, 40
- Public Order Act 1986, (E&W), 257
- Public Sector Equality Duty, (E&W), 256, 258–259, 270
- Public services;**  
 delivery of, 20
- Pupils' Rights Law, 2000, (Isr), 435
- Pussy Church of Modern Witchcraft, (US), 156, 489
- Putnam, R.D., 61n
- Quental v. State of Connecticut Commission on the Deaf and Hearing Impaired*, (US), 194
- Qur'an, 15, 67, 105, 289, 294
- Qureshi v. G4S Security Services*, (Can), 242
- R. v. Big M Drug Mart Ltd* (Can), 203, 206, 212–213, 218, 221, 223, 226
- R. v. Edwards Books and Art Ltd.*, (Can), 213n
- R. v. Jones*, (Can), 204, 221
- R. v. Laws*, (Can), 208n
- R. v. N.S.*, (Can), 224
- R. v. Oakes*, (Can), 209
- R. v. Senior*, (E&W), 287
- R. v. Videoflicks Ltd*, (Can), 213n
- Rabat Plan of Action, 115, 118
- Rabbinical courts, (Isr), 409, 416, 431
- Race Equality Directive 2000/43/EC, 83, 101
- Racial and Religious Hatred Act 2006, (E&W), 257, 279
- Raihon Hudoyberganova v. Uzbekistan*, (ECtHR), 104
- Ramsden Estate*, (Can), 233
- Rawls, J., 27n
- Ravitch, F., 145n, 159, 198
- Reaney v. Hereford* (E&W), 296
- Re Canada Trust Co v. Ontario (Human Rights Commission)*, (Can), 215
- Re Carroll*, (E&W), 277
- Recast Gender Directive, 2006/54/EC, 83
- Redmond-Bate v. DPP*, (E&W), 280
- Refah Partisi v. Turkey*, (ECtHR), 74n, 88n, 90n, 97n, 99, 258n, 318n, 364n
- Reference Re Same Sex Marriage* (Can), 234, 235
- Refusal to bear arms;**  
 general, 463  
   Canada, in, 231  
   England & Wales, in, 280  
   France, in, 336  
   Germany, in, 379  
   Israel, in, 425  
   US, in, 175
- Regulatory exemptions;**  
 general, 123–124  
   Canada, in, 234  
   England & Wales, in, 284  
   France, in, 339  
   Germany, in, 381  
   Israel, in, 428  
   US, in, 180
- Religion;  
 general, 12, 13, 32, 34–35, 453  
   Canada, in, 213–214, 219–220  
   England & Wales, in, 260, 268  
   France, in, 322  
   Germany, in, 366  
   Israel, in, 412  
   US, in, 155  
 adherents, of, 32, 49, 66, 68, 226, 323  
 belief, and, 37, 261–263, 322, 367, 412, 456  
 'blind', 29  
 cultural identity, and, 49  
 definition of, 66, 155, 261, 452, 489  
 democracy, and, 36, 489  
 legitimacy, of, 98–99, 219, 268–269, 324, 332, 370, 417, 456, 490

**Religion, manifesting of;**

- general, 49, 102–103, 131, 479, 486
  - Canada, in, 223
  - England & Wales, in, 271
  - France, in, 326–330, 346
  - Germany, in, 373–376
  - Israel, in, 420–422
  - US, in, 168–171
- proxies for, 29, 66, 71
- public services, and, 58–59, 328
- social capital, and, 59–60
- state protection for, 457
- subjective perception of, 66

*Religiionsgemeinschaft der Zeugen Jehovas and Others v. Austria*, (ECtHR), 99

**Religion specific clothing;**

- general, 103–105
  - Canada, in, 224–225
  - England & Wales, in, 272–274
  - France, in, 312, 326–330, 457
  - Germany, in, 373–375
  - Israel, in, 420
  - US, in, 168–169

religious communities, 110, 112–113

**Religious discrimination;**

- general, 43, 65–66, 72, 94–95, 453–454
  - Canada, in, 215
  - England & Wales, in, 263, 283, 300–301
  - France, in, 322, 328, 330, 348–349, 350
  - Germany, in, 367
  - Israel, in, 412, 435
  - US, in, 158
- multiculturalism, and, 52

**Religious education of children;**

- general, 129–131
  - Canada, in, 238–240
  - England & Wales, in, 290, 292
  - France, in, 344–345
  - Germany, in, 385–388
  - Israel, in, 434–436
  - US, in, 185–186

religious employers, 38

religious freedom, 28, 65

Religious Freedom Restoration Act 1993 (US),  
 152, 157, 159, 169–170, 179–180, 193,  
 198, 454

Religious Land Use and Institutionalised Persons  
 Act 2000 (US), 151, 171

Religious Liberty Accommodations Act, (US), 176,  
 184, 200

religious liberty laws, 183, 463, 474, 491, 497

religious organisations, 13, 38, 63–64, 110–114,  
 122–123, 190, 391

service provision by, 244, 457

**Religious organisations and the state;**

- general, 457, 471–473
  - Canada, in, 227–230
  - England & Wales, in, 277–278
  - France, in, 330–402, 349–350
  - Germany, in, 370–401, 377, 390–391
  - Israel, in, 422–423, 437
  - US, in, 171–173

**Religious organisations exemption;**

- general, 122–124, 457, 465, 479
  - Canada, in, 232–234, 242
  - England & Wales, in, 295–297
  - France, in, 337, 352
  - Germany, in, 379–381
  - Israel, in, 427–428
  - US, in, 177–181

**Religious symbols/prayers;**

- general, 101–102, 131, 470
  - Canada, in, 223, 240–241
  - England & Wales, in, 271, 293
  - France, in, 322, 326, 345–346
  - Germany, in, 373, 387–388
  - Israel, in, 419–420, 436, 459
  - US, in, 187

state support for, 458–460

reproductive rights, 69, 467

*Re Pinion (deceased)*, (E&W), 268, 277

*Ressler v. Minister of Defence*, (Isr), 425

*Reynolds v. United States*, (US), 159, 165, 168

*R (Countryside Alliance) v. Attorney-General*, 25

*R (Fox & Ors) v. Secretary of State for Education*,  
 (E&W), 276, 292

*R v. Governing Body of JFS case* (E&W), 291

*Richmond Pharmaceuticals v. Dhaliwal*, (E&W), 279

*R (on the application of Hodkin and another)*  
*v. Registrar General of Births, Deaths and*  
*Marriages*, (E&W), 260, 263n, 274

*R (on the application of Johns) v. Derby City*  
*Council*, (E&W), 302

*Robbers, G.*, 361, 389n

*Roberts v. United States Jaycees*, (US), 173

*Roe v. Wade*, (US), 183

*Rommelfanger v. Germany*, (ECtHR), 133n, 390

Roosevelt, Mrs Eleanor, 63, 73, 121, 501

*Ross v. Canada*, (Can), 230

Rubenstein, Justice, 441–442

*Rufeisen v. Minister of the Interior*, (Isr), 422

*Russow v. BC* (AG), (Can), 240

*R (On the application of Begum (by her litigation*  
*friend, Rahman)) v. Headteacher and*  
*Governors of Denbigh High School*,  
 (E&W), 269

*R (Pretty) v. Director of Public Prosecutions*,  
 (E&W), 287

- (R) *The British Humanist Association v. LB of Richmond upon Thames*, (E&W), 292
- R (*Wachmann*) v. *Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth*, (E&W), 278
- R (*Watkins-Singh*) v. *Aberdale Girls' High School*, (E&W), 274
- R (*Williamson*) v. *Secretary of State for Education and Employment*, (E&W), 261, 269
- Saadi v. Audmax*, (Can), 224
- secular and the secular, 10–15, 481, 489, 501
- Salazar v. Buono*, (US), 162, 171
- Salgueiro da Silva Mouta v. Portugal*, (ECtHR), 95
- Same sex issues, 125, 234, 300–303, 381, 432, 474
- Samira Achbita and Anor v. G4S Secure Solutions NV*, (ECJ), 95, 105, 132
- Santeria, 160, 169
- S.A.S. v. France*, (ECtHR), 326n, 327–328, 331, 335, 347
- Saskatchewan (Human Rights Commission) v. Whatcott*, 231
- Savez crkava "Rijec" života" and Others v. Croatia*, (ECtHR), 100, 113, 129n
- Schalk and Kopf v. Austria*, (ECtHR), 125
- Schmidt v. Germany* (ECtHR), 74n
- School prayer cases, (US), 187
- Schools Standards and Framework Act, 1998, (E&W), 290
- Schnabel, P., 58, 59
- Schroen v. Steinbach Bible College*, (Can), 242
- Schüth v. Germany*, (ECtHR), 133, 377, 390
- Scrutton, R., 39
- S.D. v. M.J.R.* (US), 159, 163
- sectarianism, 43
- Secularism;**  
     general, 14, 15, 39–40, 55, 58–60, 449, 480, 501  
     democracy, and, 40
- secular state, 96–97, 158, 216, 265, 323, 368, 413–415
- secular organisations, 133–134, 191, 243, 297–298, 350, 391–392, 438, 472
- Serif v. Greece*, (ECtHR), 97n, 107n, 111, 125n
- Service provision by religious organisations**  
     general, 461, 473  
     Canada, in, 244–245  
     England & Wales, in, 300–301  
     France, in, 352–353  
     Germany, in, 392–393  
     Israel, in, 438–439  
     US, in, 195–196
- Sexuality, 19, 20, 69
- Sharia law, 15, 50, 97–98, 124, 159, 217, 266–268, 324, 369, 416–417, 431, 455, 484
- Shakdiel v. Minister for Religious Affairs et al.*, (Isr), 44
- S. H. and Others v. Austria*, (ECtHR), 127
- Sherbert v. Vermer*, (US), 159, 179, 192
- Shergill v. Khaira*, (E&W), 278
- Sidis v. President and Members of the Great Rabbinical Court*, (Isr), 416, 430n
- Siebenhaar v. Germany*, (ECtHR), 391
- Sijakova v. The Former Yugoslav Republic of Macedonia*, (ECtHR), 125
- Sindicatul "Pastorul cel Bun" v. Romania*, (ECtHR), 113
- Skugar and Others v. Russia*, 99n
- S.L., et al. v. Commission scolaire des Chênes, et al* (Can), 203, 220n, 228, 239
- Smith and Chymyshyn v. Knights of Columbus and Others*, (Can), 244
- Smith and Grady v. United Kingdom*, (ECtHR), 125n
- Smith v. Trafford Housing Trust*, (E&W), 279
- Social capital;**  
     general, 59, 72  
     bonding form of, 60–61  
     bridging form of, 60–61, 72
- social cohesion, 59, 62, 78, 295, 488, 491
- socially disadvantaged, 21, 167
- SOGI, 46, 49, 126, 181, 236, 290, 341, 382, 385–386, 432, 463, 466–469, 474
- Spence v. BMO Trust Company*, (Can), 234
- Spencer v. World Vision, Inc.* (US), 143, 166, 197
- Spouses (Property Relations) Law, 1973, (Isr), 430
- Stasi Commission (Fr)**,  
     general, 312, 333, 349  
     report of, 314, 344
- State, the;**  
     general, 486, 493  
     religion, and, 486, 494
- State agencies for religious matters;**  
     general, 484  
     Canada, in, 207  
     England & Wales, in, 254  
     France, in, 314  
     Germany, in, 361–362  
     Israel, in, 404, 418  
     US, in, 148–151, 176
- State protection for traditional cultural identity**  
     general, 107–109  
     Canada, in, 226–227  
     England & Wales, in, 276–277  
     France, in, 330  
     Germany, in, 376  
     Israel, in, 421–422  
     US, in, 163
- state response to terrorism, 199
- state sovereignty, 12
- state support, 34

**State neutrality,**

general, 24, 107, 112, 121, 198, 200, 203–204, 212, 218, 299, 303, 310, 314, 333, 339, 351, 358–359, 369, 373, 376–377, 385, 393, 399, 418, 439, 478, 486

multiculturalism, and, 52, 313–314

principle of, 5, 9, 26–29, 63, 90, 96, 101, 221, 222n, 223, 227–229, 241, 249, 251, 268, 276, 278, 285, 290–302, 366, 388, 429, 440–501, 453, 481–483, 499–500

terrorism, and, 41–42, 444, 496

**State treatment of religions;**

general, 452–454, 456–458, 461

Canada, in, 221–223, 482

England & Wales, in, 269–271, 278, 483

France, in, 324–326, 330, 332, 482, 484–485

Germany, in, 370–403, 482

Israel, in, 418, 421–423, 429, 457, 483, 485

US, in, 163

Status Quo Agreement 1948, (Isr), 398, 400, 404, 407, 413, 426, 432, 439, 483

*Stedman v. United Kingdom*, (ECtHR), 133n, 298

sterilisation policy, Israel and, 433

strict scrutiny test, 162

*Sunday Times v. the United Kingdom (no. 1)*, (ECtHR), 303

Supreme Court of Canada (SCC), 211

Supreme Court of Germany, 364

Supreme Court of Israel, 409, 413, 424, 430–501, 440–501, 443

Supreme Court of US (USSC), 154

surrogacy, 289, 341, 384, 431

*Syndicat Northcrest v. Anselem* (Can), 213, 219–220, 225, 228

*Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen*, (ECJ), 382

Taylor, C., 39n, 496

**Tax;**

exemption and religion, 122, 177, 233, 321, 338, 377, 380, 427

exemption and the state, 35, 418, 461

preferencing, 35, 122, 281–282, 427

public benefit, and, 122

Taylor, C., 206n, 50n

*Tenafly Eruv Association v. Borough of Tenafly*, (US), 170

**Testamentary privileges;**

general, 122–123

Canada, in, 233

England & Wales, in, 282

France, in, 338

Germany, in, 380

Israel, in, 427–428

US, in, 177

religious discrimination, and, 123

theocracy, 11, 12, 23

Thilo Sarrazin debate 2010, (Ger), 394

*Thlimmenos v. Greece* (ECtHR), 95

*Thomas v. Chicago Park District*, (US), 198

*Thompson v. Luke Delaney George Stobbs Ltd.* (E&W), 298

*Torcaso v. Watkins* (US), 155, 167

Toulson LJ, 233

Tranopolsky J, 233

*Trans World Airlines, Inc. v. Hardison*, (US), 153

Treaty of Westphalia, 22

Trigg, R., 37, 144n, 452

*Trinity Lutheran Church of Columbia Inc.*,

*v. Corner*, (US), 144n, 162

*Trinity Western University v. British Columbia College of Teachers*, 211, 231

*Trinity Western University v. The Law Society of Upper Canada*, 204n, 219

*Trinity Western University v. The Law Society of British Columbia*, (Can), 209n, 219

*Trinity Western University v. Nova Scotia Barristers' Society*, (Can), 216, 232

Trump Administration, 176, 497

*Tsilhqot'in Nation v. British Columbia*, (Can), 220

Turner, B., 491

*Tzaban v. Minister of Religious Affairs*, (Isr), 415n

U.S. Commission on International Religious Freedom, 320

*U.S. v. Friday*, (US), 170

*U.S. v. Winddancer*, (US), 160

**US Annual Country Report on International Human Rights;**

Canada, 211

France, 485

Germany, 365

Israel, 411, 420–422, 435

*United Grand Lodge of England v. Commissioners of HM Revenue and Customs*, (E&W), 262

**United Nations;**

general, 85

Committee on the Elimination of Racial Discrimination, 89

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 82, 128, 207

Committee on the Rights of the Child, 259  
Convention on the Rights of the Child, 48, 81–82, 90

Declaration on the Rights of Indigenous Peoples 2007, 82, 150, 207, 221

Declaration on Race and Racial Prejudice, 1978, 85

Declaration on Religious Intolerance, 123

General Assembly of, 86, 89

Global Counter-Terrorism Strategy, 476

- High Commissioner for Refugees, 92  
 Human Rights Committee, 88–89, 94, 101, 118,  
 129, 208, 230, 238, 258, 321–322, 328,  
 346–347, 350, 365, 367  
 Human Rights Council, of, 50, 86, 90, 115, 151,  
 444  
 Universal Periodic Review -  
   Canada, on, 208, 210–212  
   England & Wales, on, 259  
   France, on, 321  
   Germany, on, 365  
   Israel, on, 410  
   US, on, 150  
 Resolutions on the Elimination of All Forms of  
   Religious Intolerance 1981 and 1993, 82  
 Special Rapporteur (Religion and Belief), for, 30,  
 45, 50, 65, 86, 90, 94–96, 107, 118, 270, 281  
 US Annual Government Report on International  
   Human Rights, 259, 411  
*United States v. Seeger*, 155  
**Universal Declaration of Human Rights 1948**;  
   general, 28, 63, 75, 207, 451  
   Article 2, of, 75  
   Article 3, of, 75–76  
   Articles 6–11, 76  
   Articles 12, 16 and 17, of, 76  
   Article 18, of, 76, 92, 260  
   Article 19, of, 114  
   Articles 20, 23 and 26 of, 76  
   Article 20, of, 109  
 United Kingdom Supreme Court (UKSC), 258  
*University of Victoria v. British Columbia (A.G.)*,  
   (Can), 222  
*United States v. Board of Education for the School  
   District of Philadelphia*, (US), 187  
*United States v. Lee*, (US), 192  
*United States v. Meyers*, (US), 156  
 United States Supreme Court (USSC), 154  
  
*Valsamis v. Greece*, (ECtHR), 101–102  
*Van Orden v. Perry*, (US), 164  
 vaterland, (Ger), 359  
 Venice Commission, the, 88  
*Vögt v. Germany*, (ECtHR), 393  
  
*Waldman v. Canada*, 207n  
*Wall v. Highwood Congregation et al.*, (Can), 228  
*Walz v. Tax Comm'n of New York*, (US), 145  
*Ward v. Polite*, (US), 185  
*Washington v. Glucksberg*, (US), 182  
*Watchtower Bible and Tract Society of New York  
   v. Village of Stratton*, (US), 170  
**Weimar Constitution, (Ger)**;  
   Article 136(4), 373  
   Article 137(2), 376  
   Article 137(3), 381  
   Article 137(5), 370–401  
   Article 137(6), 372  
   Article 137(7), 367–368  
 Weller, P., 263–264  
*Welsh v. United States*, (US), 156  
 whistleblower, 264  
 Wiccans (E&W), 261  
*Widdis v. Desjardins Group*, (Can), 242  
*Widmar v. Vincent*, (US), 185  
*Wingrove v. the United Kingdom*, (ECtHR), 116n,  
 137  
*Wisconsin v. Yoder*, (US), 155, 172, 186, 188  
 Women's Equal Rights Law, 1951, (Isr),  
 430–501  
*Wooley v. Maynard*, (US), 156  
 Worship, 94, 157, 214, 263, 290, 322, 367, 412  
  
*X. v. the United Kingdom*, (ECtHR), 102n  
*X v. X*, (E&W), 265  
  
*Yemini v. Great Rabbinical Court*, (Isr), 430  
*Young v. Shawnee Mission Medical Centre*, (US),  
 166  
*Young v. Young*, (Can), 235  
  
*Zelman v. Simmons-Harris*, (US), 164, 166–167,  
 190n  
 Zionism, 300, 450, 483, 492  
*Zubik v. Burwell*, (US), 183n  
*Zundel v. Canada*, (Can), 231  
 Zvi Berinson, Justice, 439  
*Zylberberg v. Sudbury Board of Education  
   (Director)*, (Can), 240