

Student's name

Instructor's name

Course

Date

Legal Issues Connected with Religion

Religion is one of the most significant factors that has shaped the world throughout its history. At the same time, the fact that such doctrines frequently affect the behavior of people and even establish specific codes for them, which leads to confrontations between religions and diverse legal systems. This question is especially relevant in the contemporary conditions of excessive immigration, which often leads to both cultural and religious clashes. In general, despite fundamental differences in their essence, religion and law are interrelated concepts because there are lots of cases where religious beliefs contradict the provisions of diverse legal systems, while laws still remain a significant tool in terms of protecting people's religious freedoms across the world.

To begin with, religious matters connect with international law. Numerous customs and events that can seem normal from a religious viewpoint oppose the primary principles of human rights and, thus, contradict the provisions of the international legal system. After all, international law is primarily a product of western culture, which is not characterized by a excessive devotion to religious traditions, especially when it comes to such domains as politics and law. According to the model of cultural opposition presented by Mashood Baderin, there is a

"potential conflict in the relationship between secularised legal cultures which are customarily labeled 'Western', and other legal cultures that wish to uphold their religious root" (Baderin 642). This point means that religion and law significantly differ in their essence; thus, their contradictions are inevitable. At the same time, religious doctrines are frequently used for guiding the essential provisions of international legal systems. For instance, the principle according to which murder is one of the most significant crimes has religious roots because the world's most influential religions perceive it as a deadly sin. At the same time, the vast majority of modern scholars utilize the separationist approach to religion (Baderin 644). This means that they tend to distinguish religious matters from secular ones. Therefore, there are lots of cases when religious principles do not enforce international law and local legal systems but rather contradict them, which is recognizable through a wide range of cases of human rights violations with a religious background.

At this point, it is important to refer to more specific contradictions between religious traditions and law. Significant conflicts between religion and the legal system can occur on a local level when it comes to the phenomenon of immigration. People who move to new lands keep on adhering to their religious values regardless of the fact that they may contradict the primary provisions of the legal system established in a state in which they have moved. An example of such affairs is recognizable in numerous conflicts between the Sharia law of Muslims and the laws of the United States of America. Sharia law is a legal and moral code of Islam, which is characterized by numerous provisions that are alien to the western legal system, as well as international law (Brogher 5). Such affairs can lead to controversial legal cases based on the opposition between religious values and generally-accepted legal principles of a specific state.

An example is domestic violence case S.D. v. M.J.R (Brogher). According to Cynthia Brogher, the scholar who has investigated this case, in the given situation, "a Muslim wife filed for a restraining order against her husband after several instances of physical abuse and non-consensual sexual intercourse" (Brogher 3). At this point, the court had significant issues while establishing the presence of the defendant's criminal intentions. This person of Muslim origin had acted according to his religious beliefs, which claim that a husband can start sexual intercourse with his wife whenever he desires. At the same time, according to American laws, sexual intercourse can occur only in case of the consent of all its participants, regardless of their religious beliefs and family status. Even though the defendant has not understood that he had been doing a crime, the act of forced sexual intercourse is considered illegal; thus, the Muslim husband was punished according to American laws (Brogher 3). It is important to point out that there are lots of similar examples that present conflicts between legal systems and Islam and other religious doctrines.

At the same time, the assumption that legal systems necessarily oppose religious principles is excessively one-sided. The point is that law frequently plays the role of the primary tool that protects specific religions from discrimination and oppression. For instance, The United States Constitution provides American citizens with the freedom of religious beliefs, as well as grants people the consideration of their religious values during legal processes (Jolicoeur and Memmer 2). After all, the contemporary world is full of diverse religion-based oppositions, such as the one which exists between the followers of Judaism and people whose religion is Islam. The law protects the rights of both citizens who follow Judaism and Islam in America. In addition, the above-mentioned provision means that the state cannot affect the religious beliefs of

its citizens, as well as force them to conform to the principles of a specific religious doctrine (Jolicoeur and Memmer 3). In different forms, such an approach is inherent in the majority of the world's developed or developing countries. Surely, there are exceptions—for instance, Iran, in which Islam has the status of a totally dominant religious doctrine after the Islamic Revolution of 1979 (Baderin 642). Therefore, according to legislation aimed at the protection of religious freedoms, people have the right to establish their temples, religious communities, and religious rituals. Surely, there may be situations in which the religious rights of people contradict their secular rights, which are secured by legal systems as well.

In the majority of such cases, one of such protections, most frequently a religion-related one, merely ceases to exist due to the higher significance of another one (Jolicoeur and Memmer 3). Nonetheless, the majority of developed states in the world have established systems in which law has a limited influence on religious practices, and the protection of religion is one of its essential provisions. This point means that law is not necessarily the power that opposes religion but rather a factor that secures it.

Consequently, religion and law closely connected concepts that can either contradict or enforce each other. They may differ in their fundamental principles and essence, which frequently leads to controversial cases based on the inconsistencies between people's religious beliefs and legal practices of their states. Such affairs are especially recognizable when it comes to problems of immigrants who try to assimilate in countries with religious traditions that differ from their own. Nonetheless, law plays the role of one of the primary tools for the protection of

people's religious freedoms. After all, it secures citizens from religious discrimination and gives them a fundamental right to organize and participate in their sacred rituals.

Works Cited

Baderin, Mashood. "Religion and International Law: Friends or Foes?" *European Human Rights Law Review*, issue 5, 2009, pp. 637-358.

Brogher, Cynthia. "Application of Religious Law in U.S. Courts: Selected Legal Issues." *Congressional Research Service* *cures citizens from religioe*, 2011,
<https://fas.org/sgp/crs/misc/R41824.pdf>

Jolicoeur, Jason, and Amy Memmer. "Spiritual Occlusion and Systemic Integrity: Legal Evaluations of Due Process Protections and Freedom of Religious Expression and Practices Safeguards." *Religions*, vol. 9, p. 173, 2018,
<https://www.mdpi.com/2077-1444/9/6/173/pdf>

Academic Experts

Your paper can be even better than this one.
Get help from real experts in academic writing.

**REQUEST
HELP**

**GET A FREE
QUOTE**