

Rights, Religion, and the State: A Debate

Friday September 14, 2007

Question 1: Do inalienable rights attach only to individuals or also to the natural family and to religious communities?

Question 2: Is religious freedom losing its status as a fundamental right?

Question 3: Can the state be neutral as regards religion?

Chair, Douglas Farrow (Ph.D., University of London – King's College)



Douglas Farrow is associate professor of Christian Thought at McGill University. Before coming to McGill he taught in Britain at King's College London. Besides lecturing and supervising in theology and ethics, he is director of a project in religion and public policy, a consultant in the Institute for the Study of Marriage, Law, and Culture, and co-editor of the *Great Theologians* series. Among his publications are *Ascension and Ecclesia*, *Recognizing Religion in a Secular Society* (editor), and *Divorcing Marriage* (co-editor). Professor Farrow also writes occasional articles for the popular press and has been a guest on various radio and television programs. A new book will appear in September, entitled *Nation of Bastards*.

Panellist, Hon. Michael Ignatieff, M.P. (Ph.D., Harvard University)



Michael Ignatieff, prominent Canadian author and academic, was first elected in 2006 as the Member of Parliament for Etobicoke Lakeshore. Mr. Ignatieff is Deputy Leader of the Liberal Opposition.

Son of a distinguished diplomat George Ignatieff, Mr. Ignatieff is the former director of the Carr Centre for Human Rights and Policy at Harvard University. He is one of the most influential voices in the global debate on human rights, as well as the distinguished author of an acclaimed biography of British academic

Sir Isaiah Berlin and such award-winning works as *The Lesser Evil: Political Ethics in an Age of Terror*.

Mr. Ignatieff received a degree in History at the University of Toronto and a doctorate at Harvard University. He is a former Senior Research Fellow at King's College, Cambridge, and has held teaching posts at Harvard, Cambridge, Oxford, the University of California, the University of London and the London School of Economics.

Mr. Ignatieff has written extensively about the challenges Canada faces in the 21st Century and the urgency of making Canada's voice strong and credible on the international stage. In his keynote address to the Liberal Party of Canada's Biennial Policy Convention in March 2005, Mr. Ignatieff stressed the importance of remaining true to our cherished Liberal values – "generosity, unity, sovereignty, justice, and the courage to choose, the will to govern."

He is a recipient of the Governor General's Award for Non-Fiction and the Heinemann Award, and was shortlisted for the prestigious Booker Prize for Fiction and the Whitbread Novel Award. Mr. Ignatieff has also been a regular broadcaster and critic on television and radio. In 1997, Maclean's magazine named Ignatieff in its "Top 10 Canadian Who's Who."

Currently, Mr. Ignatieff is Member of Parliament for Etobicoke-Lakeshore and is Deputy Leader of the Liberal Party of Canada.

Panellist, Marci Hamilton (J.D., University of Pennsylvania, M.A. Penn. State)



Professor Hamilton is an internationally recognized constitutional law scholar, specializing in church/state relations, federalism, and representation. She has published extensively and frequently lectures on constitutional issues in the United States, Europe, and Africa. Her most recent work is *God vs. The Gavel: Religion and the Rule of Law* (Cambridge 2005). She is often asked to testify before Congress and state legislatures and is involved in appellate litigation addressing cutting-edge constitutional law issues. Professor Hamilton is the First Amendment advisor for victims in clergy abuse cases, including the consolidated cases in northern and southern California, the Portland Archdiocese federal bankruptcy, and the Spokane Diocese federal bankruptcy. She was lead counsel for the City of Boerne, Texas, in the landmark Supreme Court case, *Boerne v. Flores*, which invalidated the Religious Freedom Restoration Act and advises municipalities on the constitutional issues related to the Religious Land Use and

Institutionalized Persons Act. She has advised officials in South Africa, Slovenia, and France on issues of religious freedom, and is one of the leading voices in the United States on the responsibility of religious organizations to the public good. Professor Hamilton is the founding director of Cardozo's Intellectual Property Law Program and is considered one of the leading commentators on copyright issues as they relate to the First Amendment. She clerked for Associate Justice Sandra Day O'Connor of the US Supreme Court and Chief Judge Edward R. Becker of the US Court of Appeals for the Third Circuit. Professor Hamilton has visited at New York University School of Law, Emory University School of Law, Princeton Theological Seminary, and the Center of Theological Inquiry. She is a columnist on constitutional issues for www.findlaw.com.

Panellist, Hon. Mr. Justice David Mosely Brown, (LL.M. Osgoode Hall)



Mr. Justice Brown was appointed a Justice of the Superior Court of Justice of Ontario on September 14, 2006 and sits in Toronto. Prior to his appointment he was a partner with Stikeman Elliott LLP (Toronto) in its Litigation and Energy Groups. He was an Adjunct Professor of Law at Osgoode Hall Law School teaching Energy Law from 2004 until 2006, and was a Sessional Lecturer at Queen's University Law School from 1990 to 2002 teaching Trial Advocacy. His recent publications include: *Tradition and Change in Constitutional Interpretation: Do Living Trees have Roots?* (2005-2006), 19 National Journal of Constitutional Law 33; *Neutrality or Privilege? A Comment on Religious Freedom* (2005), 29 Supreme Court of Canada Law Review (2d) 221; *Where Can I Pray? Sacred Space in a Secular Land*, (2005) 17 N.J.C.L. 121; *Reconciling Equality and Other Rights: Paradigm Lost?* (2003), 15 N.J.C.L. 1; *Sauvé and Prisoners' Voting Rights: The Death of the Good Citizen?* (2003), 20 S.C.L.R. (2nd) 297. He was listed as an expert in Electrical Energy in the 2002 to 2006 *LEXPERT/ALM Leading 500 Lawyers in Canada*, as well in the 2006 *Best Lawyers in Canada*. J.D., 1981, University of Toronto; L.L.M., Osgoode Hall Law School, 2005; called to the Ontario Bar, 1983. Former Director, The Advocates' Society.

Panellist, Katherine Young, (Ph.D., McGill University)



Katherine K. Young (Ph.D., McGill University; M.A., University of Chicago; B.A., University of Vermont) is James McGill Professor in the Faculty of Religious Studies and belongs to the McGill Centre of Medicine, Ethics, and Law. She publishes in the areas of comparative ethics, comparative religions, gender studies, and Asian religions (especially Hinduism). One current project, funded by the Social Sciences and Humanities Research Council of Canada, is on the changing ways in which caste, religion, and the state relate to each other in South India. Another, funded by the Canadian Institutes of Health Research, is a comparative and historical study of the ways in which religion, medicine, and ethics interact.

She has pursued her interest in comparative studies with reference to gender, too, by collaborating with Dr. Arvind Sharma on twelve books about women in world religions. One of these, *Feminism and World Religions*, was selected by *Choice* in 1999 as an Academic Book of Excellence. She has co-authored a trilogy with Dr. Paul Nathanson, moreover, which focuses on misandry (the sexist counterpart of misogyny). The first volume, *Spreading Misandry: The Teaching of Contempt for Men in Popular Culture*, was published in 2001. It became the topic of many radio and television interviews and articles in print. The second, *Legalizing Misandry: From Public Shame to Systemic Discrimination against Men*, was published in 2006. Having disposed of the negative stereotypes and tendentious half-truths about men that have led to the polarization of men and women, Nathanson and Young will re-open the topics of maleness and masculinity from both historical and cross-cultural points of view in a third volume: *Transcending Misandry: From Feminist Ideology to Intersexual Dialogue*.

Underlying their collaborative work are several closely related problems that afflict modern democracies: the close relation between extreme individualism (which focuses exclusively on personal rights) and extreme collectivism (which focuses exclusively on the group rights of ethnic, linguistic, religious, sexual, or other minorities); the relation of both to society as a whole; the rhetoric of rights and its relation to the culture of entitlement; the moral implications of political ideologies; the shift from political ideologies as secular religions of the few to political ideologies as civil religions of the state; and, ultimately, the possibility of “dialogue” between conflicting groups. They are currently working on a book about secular religions; it is divided into three parts: religions of the state (often called civil religions or public religions), secular religions of formal communities (the transformation of branches of traditional Western religions into secular religions), and secular religions of informal communities (including the human rights, environmental, therapeutic, and quasi-scientific movements).