



THE RELIGION AND DIVERSITY PROJECT/RELIGION ET DIVERSITÉ



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Research Statement

My research focuses on the interaction of law and religion, raising questions of their historical and contemporary relationship, how religion and law influence and define one another, and how modern theories and practices of constitutionalism shape the relationship between public life/authority and the world of religious belief, practice, and community. In particular, my research attempts to explore a kind of phenomenology of law and religion, asking how religion is perceived and experienced by the law and legal culture, and how contemporary legal orders are encountered and understood from within religious cultures.

Among the variety of issues generated from these questions, the following are currently at the centre of my work:

Religion, Tolerance, and Legal Multiculturalism:

Canadians have come to understand the management of deep diversity from within a story about multiculturalism. Religious diversity as a public policy issue is overwhelmingly discussed as a matter of tolerance and accommodation, mandated by a policy of multiculturalism in which the law and legal institutions play a key managerial role. My work questions the adequacy of this account, exploring the theory, practices, and experience of legal toleration and the way in which a close examination of legal tolerance and accommodation shows the limits and commitments of legal culture, the boundaries of religion in public life, and the cross-cultural nature of the interaction of law and religion.



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Judgment, Morality, and Religion:

I am keenly interested in the ethics and theory of judgment, both legal and otherwise. This focus has led me to study the nature of judgment in criminal and constitutional law and, recently, the way in which religion has historically shaped our understanding and practices of legal judgment. In contemporary constitutional and criminal law religion appears both as a particularly fraught subject of legal judgment (how do we assess religion and religious practices?) and as a cultural force that informs practices of legal judgment (what imprint have theological conceptions such as equity, retribution, mercy, and fear left on how we think about just judgment?).

Secularism, Political Theology, and Comparative Constitutionalism:

At the most general level, my research on law and religion inquires into the relationship between modern liberal legal culture and religion. I am interested in how various polities and constitutional traditions have understood the nature of religious freedom, secularism and public reason and, in particular, how these matters are understood and contested in Canada. The role of belief and value in the rule of law, as well as the imprint of history on our understanding of the modern liberal state, leads me also into questions about the deeper meanings and commitments that abide in our legal and political practices, questions that have sometimes been characterized as matters of “political theology”.