

# **Faith in Courts: Human Rights Advocacy and the Transnational Regulation of Religion**

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Lisa Harms

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## **Summary**

The regulation of religious diversity has not been immune to the broader trend of the 'judicialisation of politics'. Yet, while the extant literature primarily focuses on how this development affects states and their policies, there is little understanding of the *active* role religious actors play in it. This book examines this by studying the strategic use of the right to religious freedom under the European Convention on Human Rights by religious minorities, majorities, and their respective support networks. Relying on expert interviews, legal documentation, and public interventions by NGOs and lawyers, it traces the path of Muslims, Sikhs, Jehovah's Witnesses, and Christians to and through the European Court of Human Rights. It takes lawsuits involving strategic mobilisation by these actors as a starting point and explores from there the various legal, political, and organisational dynamics that allow religious actors to mobilise transnationally and that shape their legal strategies. While the book does not seek to explain legal outcomes, it aims at showing how religious actors contribute to constituting the legal frames and conflict lines around which struggles over religious freedom unfold.

The book nuances common assumptions of legal mobilisation scholars who portray legal mobilisation as an empowerment story of the downtrodden and marginalised. Thus, using field-theoretical tools of analysis, I show that religious actors' access to and use of the law vary depending on their respective positions of power in the legal field, their political resources, and their relations with grassroots constituencies. As a result, legal mobilisation is fraught with ambiguities: On the one hand, the ECtHR provides religious minorities new opportunities to seek recognition and to challenge the privileges of majority religions. At the same time, marginalised religious actors are bound by dominant conceptions of the 'good religion', while politically powerful religious groups

are well placed to covert their political power into interpretations of the law favourable to them. As a result, well-organised and well-equipped religious actors can litigate even when in a precarious position, while others – Muslim actors in the case at hand – are increasingly discouraged by unfavourable precedents. In exposing such ambiguities, I show how asymmetries of power can shape the use of human rights law.