The Trouble with Collective Religious Freedom

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David Turpin Building, Room A110

Canadian courts and scholars have recognized the deep linkages between religious belief and the communal institutions and practices through which it manifests. At the same time, we have not worked out the legal or practical consequences of giving collective religious freedom a place within our constitutional structure. Collective religious freedom claims are tricky for courts: collectivities are difficult to define, and their legal arguments often incorporate claims about political pluralism, sovereignty and jurisdiction. In this presentation I discuss the “trouble(s) with collective religious freedom”, and consider how we might develop a principled response to its challenges.

Kathryn Chan is an Associate Professor at the University of Victoria Faculty of Law, and author of The Public-Private Nature of Charity Law (2016). She teaches and researches in the areas of public law, non-profit law, and law and religion.

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