Introduction

Among the few things that unite microstates like Andorra and Luxembourg with superpowers like China and India is their legal personality under international law, their complicated relationship with religion and their obligation to report on their human rights record to the United Nations (UN). This book tells the story of how these states—and virtually every other state in the world—have reported on their legal relationship with religion to four UN human rights committees from 1993 to 2013, and how the committees have responded to their reporting. While the committees under scrutiny are entities created under the rules and regulations of international law, this book offers an external view of their work, from outside law and the rules of legal interpretation: The selection of research questions, theoretical approaches, methods and data are not primarily guided by a concern with the legal scope of the recommendations issued by the committees, but with the fundamental ambiguity, at times disconnect, between approaches to religion among legal professionals, policymakers and scholars, and a conviction that examining the relations between these approaches could generate new and important insights.

Despite the strictly non-legal nature of this approach, the book has been written in order to be relevant to readers from both legal and non-legal backgrounds: how religion is approached, employed and negotiated legally is inextricably linked with its application in wider society, as the vocabulary and taxonomies of dominant social actors inevitably influence the legislative and legal process—and vice versa. What concepts, doctrines, practices and issues are recognized as “religious” in and around the legal process has wide-ranging effects for individuals, organizations and society at large. Hence, a non-legal examination of how religion is handled in the legal process concerns legal and non-legal readerships alike.