

OXFORD

RELIGIOUS FREEDOM
IN THE
LIBERAL STATE

Rex Ahdar and Ian Leigh

D956.11
A285

Religious Freedom in the Liberal State

REX AHDAR

and

IAN LEIGH



E2007000884

OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide in

Oxford New York

Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in

Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Oxford is a registered trade mark of Oxford University Press
in the UK and in certain other countries

Published in the United States
by Oxford University Press Inc., New York

© R. Ahdar and I. Leigh, 2005

The moral rights of the authors have been asserted
Database right Oxford University Press (maker)

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

First published 2005

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
without the prior permission in writing of Oxford University Press,
or as expressly permitted by law, or under terms agreed with the appropriate
reprographics rights organization. Enquiries concerning reproduction
outside the scope of the above should be sent to the Rights Department,
Oxford University Press, at the address above

You must not circulate this book in any other binding or cover
and you must impose the same condition on any acquirer

British Library Cataloguing in Publication Data
Data available

Library of Congress Cataloging in Publication Data

Ahdar, Rex J.

Religious freedom in the liberal state / Rex Ahdar and Ian Leigh.
p. cm.

Includes bibliographical references and index.

ISBN-10: 0-19-925362-5 (hardback : alk. paper)

ISBN-13: 978-0-19-925362-3

1. Religion and state. 2. Freedom of religion. 3. Religious minorities—
Legal status, laws, etc. 4. Church and state—Great Britain. I. Leigh,
I. (Ian) II. Title.

K3280.A36 2005

342.08'52—dc22

2005018869

Typeset by Newgen Imaging Systems (P) Ltd., Chennai, India
Printed in Great Britain
on acid-free paper by
Biddles Ltd., King's Lynn

ISBN 0-19-925362-5 978-0-19-925362-3

3 5 7 9 10 8 6 4

RELIGIOUS FREEDOM IN THE LIBERAL STATE

For Lidwina and Sue

Acknowledgements

We are indebted to the British Academy and Association of Commonwealth Universities for their generosity in awarding us a research grant under their joint programme to support international collaboration. Ian Leigh is grateful for the support of the Arts and Humanities Research Board under its Research Leave scheme. We also acknowledge the support of our home institutions—the Law Schools at the Universities of Otago and Durham—who provided us with much encouragement (and hospitality during the visit of each co-author).

We are grateful to the *McGill Law Journal* for permission to use material which originally appeared as an article in the (2004) 49 *McGill Law Journal* 635 and to Brill Academic Publishers for material which first appeared in (2002) 10 *International Journal of Children's Rights* 89.

We have also drawn freely from material previously published in the form of articles, books and book chapters. We wish to acknowledge and sincerely thank the following for giving their permission to use this material: Ashgate Publishing (for P. Edge and G. Harvey (eds.), *Law and Religion in Contemporary Society* (2000); R. Ahdar (ed.), *Law and Religion* (2000); R. Ahdar, *Worlds Colliding* (2001)), Oxford University Press (R. O'Dair and A. Lewis (eds.), *Law and Religion: Current Legal Issues, volume 4* (2001); the *International and Comparative Law Quarterly*; the *International Journal of Law, Policy and the Family*), University of Wales Press (M. Hill (ed.), *Religious Liberty and Human Rights* (2002)), Paternoster Press (P. Beaumont (ed.), *Christian Perspectives on Human Rights and Legal Philosophy* (1998)), Sweet & Maxwell (*Public Law*), the Ecclesiastical Law Society (the *Ecclesiastical Law Journal*), the *Cambrian Law Review*, ATF Press and the Christian Institute.

Ivor Davidson and Peter Skegg made very helpful comments on draft chapters and we appreciate these. The usual caveat applies. Many other people gave us useful comments, or information. We thank especially: Tom Allen, Paul Beaumont, Iain Benson, Simon Calvert, Tufyal Choudhury, Holly Cullen, Ian Cundy, Paul Diamond, Jon Errington, Malcolm Evans, Helen Fenwick, Andrew Geddis, Paula Griffiths, Colin Hart, David Harte, Mark Hill, Reid Mortensen, Mark Mullins, Peter Norris, Julian Rivers, Michael Scott-Joynt, Stephen Slack, Gopal Sri Ram, Stephen Sykes, Colin Warbrick, and John Witte Jr.

The book benefited from the fine secretarial skills of Lucy Gray and Hana Heighway and the expert research assistance of Lisa Davis and Jenny Leigh.

We wish to thank John Louth, Gwen Booth, Rebecca Smith, Rebecca Collins, and Virginia Williams of Oxford University Press for their patience and perseverance in seeing this project through to completion.

Table of Cases

<i>A v. Chief Constable of West Yorkshire Police</i> [2004] UKHL 21	310
<i>A v. United Kingdom</i> [1998] 2 FLR 959; (1998) 27 EHRR 61	220
<i>Abingdon School District v. Schempp</i> , 374 US 203 (1963)	128, 236
<i>Abrahams v. Cavey</i> [1968] 1 QB 479	363
<i>Adelaide Company of Jehovah's Witnesses v. The Commonwealth</i> (1943) 67 CLR 116	161
<i>Adler v. Ontario</i> [1996] 3 SCR 609; (1996) 140 DLR (4th) 385	146–7, 258
<i>Africa v. Commonwealth of Pennsylvania</i> , 662 F 2d 1025 (1981)	113, 119
<i>Aguillard v. Treen</i> , 634 F Supp 426 (E D La 1985)	251
<i>Ahmad v. ILEA</i> [1976] 1 QB 36	298
<i>Ahmad v. United Kingdom</i> (1981) 4 EHRR 126	166, 300
<i>Airedale NHS Trust v. Bland</i> [1993] AC 789	263–4
<i>Allcard v. Skinner</i> (1887) 36 Ch D 145	266
<i>Alujer Fernandez and Caballero Garcia v. Spain</i> , Appl No 53072/99, 14 June 2001	132, 150
<i>Andrews v. Law Society of British Columbia</i> [1989] 1 SCR 143	150
<i>Arrowsmith v. United Kingdom</i> (1978) 3 EHRR 218	163–4, 168
<i>Aston Cantlow and Wilmcote with Billesley Parochial Church Council v. Wallbank</i> [2003] UKHL 37; [2004] 1 AC 546	77, 138, 180, 183
<i>Attorney-General (Victoria); Ex rel. Black v. The Commonwealth</i> (1981) 146 CLR 559	132, 146, 258
<i>Auckland Area Health Board v. Television New Zealand</i> [1992] 3 NZLR 406	178
<i>Auckland Healthcare Services Ltd v. Liu</i> , High Court, Auckland, M 812/96, 11 July 1996, Tompkins J	274
<i>Auckland Healthcare Services v. T</i> [1996] NZFLR 670	277
<i>Australian Capital Television Pty Ltd v. Commonwealth</i> (1992) 177 CLR 106	102
<i>Autronic v. Switzerland</i> , Series A178 (1983)	393
<i>Avitan v. Avitan</i> (1992) 38 RFL (3d) 382	202
<i>B(R) v. Children's Aid Society of Metropolitan Toronto</i> [1995] 1 SCR 315; (1995) 122 DLR (4th) 1	157, 159, 194–5, 267, 270
<i>Ballantyne v. Presbytery of Wigtown</i> , 1936 SC 625	82
<i>Barralet v. Attorney-General (sub nom Re South Place Ethical Society)</i> [1980] 3 All ER 918; 1 WLR 1565	112, 116, 118
<i>Barthorpe v. Exeter Diocesan Board of Finance</i> [1979] ICR 900	294
<i>Beatty v. Gillbanks</i> (1882) 9 QBD 308	12
<i>Belgian Linguistics Case</i> (1968) 1 EHRR 252	150, 242
<i>Bhatia v. Chevron USA Inc</i> , 734 F 2d 1382 (9th Cir 1984)	299
<i>Bhewa v. Government of Mauritius</i> [1991] LRC (Const) 298	157
<i>Bhinder v. Canadian National Railway</i> (1985) 23 DLR (4th) 481	299
<i>Birmingham Mosque Trust Ltd v. Alavi</i> [1992] ICR 435	295
<i>Blaythwayt v. Baron Cawley</i> [1976] AC 397	102, 179
<i>Board of Airport Commissioners of Los Angeles v. Jews for Jesus, Inc</i> , 482 US 569 (1987)	158
<i>Board of Education of Kiryas Joel v. Grumet</i> , 512 US 687 (1994)	45
<i>Board of Education of the Westside Community Schools v. Mergens</i> , 496 US 226 (1990)	244
<i>Board of Education, Island Trees Union Free School District No 26 v. Pico</i> , 457 US 853 (1982)	230
<i>Board of Education v. Rice</i> [1911] AC 179	303
<i>Bob Jones University v. United States</i> , 461 US 574 (1983)	315

<i>Bowen v. Roy</i> , 476 US 693 (1986)	159
<i>Bowman v. Secular Society Ltd</i> [1917] AC 406	367
<i>Boy Scouts of America v. Dale</i> , 530 US 640 (2000)	309
<i>Braunfeld v. Brown</i> , 366 US 599 (1961)	49
<i>British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees Union</i> [1999] 3 SCR 3	300, 310
<i>British Columbia College of Teachers v. Trinity Western University</i> (2001) 199 DLR (4th) 1	231
<i>Bryce v. Episcopal Church in the Diocese of Colorado</i> , 289 F 3d 648 (10th Cir 2002) ...	330, 341, 343
<i>Buscarini v. San Marino</i> (2000) 30 EHRR 208	45
<i>C v. United Kingdom</i> (1983) 37 DR 142	100
<i>Caldwell v. Stuart</i> [1984] 2 SCR 603	316
<i>Campbell and Cosans v. United Kingdom</i> (1982) 4 EHRR 293	123, 219
<i>Canadian Civil Liberties Assoc v. Ontario (Minister of Education)</i> (1990) 65 DLR (4th) 1	216, 143, 246, 247
<i>Canadian Foundation for Children, Youth and the Law v. Canada (Attorney-General)</i> 2004 SCC 4; (2004) 234 DLR (4th) 257	186, 220
<i>Canea Catholic Church v. Greece</i> (1999) 27 EHRR 521	110, 136
<i>Cantwell v. Connecticut</i> , 310 US 296 (1940)	110, 159
<i>Central Okanagan School District No 23 v. Renaud</i> (1992) 95 DLR (4th) 577	158
<i>Chamberlain v. Board of Trustees of School District No. 36</i> , 2002 SCC 86; [2002] 4 SCR 710; (2003) 221 DLR (4th) 156	174–5, 253
<i>Chamberlain v. Dade County Board of Public Instruction</i> , 377 US 402 (1964)	236
<i>Chambly Regional Board of Education v. Bergevin</i> [1994] 2 SCR 525	299
<i>Chappell v. United Kingdom</i> (1987) 53 DR 241	124
<i>Chappell v. United Kingdom</i> (1998) 10 EHRR 503	346
<i>Choudhury v. Governors of Bishop Challoner Roman Catholic Comprehensive School</i> [1992] 3 All ER 277	259
<i>Choudhury v. United Kingdom</i> , Appl. No. 17439/90, (1991) 12 HRLJ 172	136
<i>Christian Association of Jehovah's Witnesses v. Bulgaria</i> (1997) 24 EHRR CD52	109
<i>Christian Education South Africa v. Ministry of Education</i> , 2000(4) SA 757	158, 170, 188, 221
<i>Christian Gospel Church, Inc v. San Francisco</i> , 896 F 2d 1221 (9th Cir 1990)	354
<i>Church of Jesus Christ of Latter-Day Saints v. Henning</i> [1963] 2 All ER 733	118
<i>Church of the Lukumi Babalu Aye v. City of Hialeah</i> , 508 US 520 (1993)	158
<i>Church of the New Faith v. Commissioner of Pay-Roll Tax (Victoria)</i> (1983) 154 CLR 120 ...	111, 112, 113, 114, 116, 120, 121, 159
<i>Church of X v. United Kingdom</i> , Appl No 3798/68, (1968) 13 Yearbook Eur Conv 306 ...	109, 183
<i>City of Boerne v. Flores</i> (1997) 521 US 507	349
<i>Clayton v. Ramsden</i> [1943] AC 320	102
<i>Committee for Public Education and Religious Liberty v. Regan</i> , 444 US 646 (1980)	45
<i>Commonwealth of Pennsylvania v. Nixon</i> , 718 A 2d 311 (Pa Super 1998)	286
<i>Commonwealth v. Twitchell</i> , 617 NE 2d 609 (Mass 1993)	272
<i>Compston v. Borden</i> , 424 F Supp 57 (1976)	301
<i>Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)</i> , 2004 SCC 48; (2004) 241 DLR (4th) 83	347
<i>Cooper v. General Dynamics</i> , 553 F 2d 163 (6th Cir 1976)	299
<i>Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos</i> , 483 US 327 (1987)	158, 309, 313, 335
<i>Costello-Roberts v. United Kingdom</i> (1995) 19 EHRR 112	219
<i>County of Allegheny v. ACLU, Greater Pittsburgh Chapter</i> , 492 US 573 (1989)	139–42, 151–2, 154
<i>Crizzle v. St Matthias Church of England School</i> [1993] ICR 401	305, 309

<i>Crockett v. Sorenson</i> , 568 F Supp 1422 (1983)	247
<i>Crown Suppliers v. Dawkins</i> [1991] IRLR 327	304
<i>D v. France</i> (1974) 1 DR 89	157
<i>Dagenais v. Canadian Broadcasting Corp</i> (1994) 120 DLR (4th) 12	174
<i>Dahlab v. Switzerland</i> , 15 February 2001, Appl No 42393/98, (E Comm HR)	243
<i>Daniel v. Waters</i> , 515 F 2d 485 (6th Cir 1975)	251
<i>Darby v. Sweden</i> (1991) 13 EHRR 774.	137, 158
<i>Davies v. Presbyterian Church of Wales</i> [1986] 1 WLR 323	295–7
<i>Davis Contractors Ltd v. Fareham UDC</i> [1956] AC 696.	140
<i>Davis v. United Church of Canada</i> (1992) 8 OR (3d) 75	333
<i>De Marco v. Holy Cross High School</i> , 4 F 3d 166 (2d Cir 1993)	314
<i>Diocese of Southwark v. Coker</i> [1998] ICR 140	295
<i>Dixon v. Edwards</i> , 290 F 3d 699 (4th Cir 2002)	331
<i>Dolter v. Wahlert High School</i> , 438 F Supp 266 (ND Iowa 1980)	317
<i>Driskel v. Peninsular Business Service</i> [2000] IRLR 151	307
<i>Du Plessis v. De Klerk</i> , 1996 (3) SA 850	178
<i>Edwards Books and Art Ltd v. R</i> (1986) 35 DLR (4th) 1	144, 170, 185
<i>Edwards v. Aguillard</i> , 482 US 578 (1987)	251
<i>EEOC v. Mississippi College</i> , 626 F 2d 477 (5th Cir 1980)	314
<i>EEOC v. Southwestern Baptist Theological Seminary</i> , 651 F 2d 277 (1981)	315
<i>Efstathiou v. Greece</i> (1997) 24 EHRR 294.	164, 231
<i>Eldridge v. AG for British Columbia</i> (1997) 3 BHRC 137	180
<i>Elk Grove Unified School District v. Newdow</i> , 124 S Ct 2301 (2004)	127, 185, 240
<i>Employment Division v. Smith</i> , 494 US 872 (1990)	158, 159, 161–2, 186, 188, 350
<i>Engel v. Vitale</i> , 307 US 421 (1962)	236
<i>Epperson v. Arkansas</i> , 393 US 97 (1968)	251
<i>Ermogenous v. Greek Orthodox Community of South Australia Inc</i> [2002] HCA 8; (2002) 187 ALR 92	297, 329
<i>Esson v. London Transport Executive</i> [1975] IRLR 48	298
<i>Family H v. United Kingdom</i> (1984) 37 DR 105	255
<i>Fatemi v. Fatemi</i> , 489 A 2d 798 (1985)	215
<i>Faurisson v. France</i> , 2 BHRC 1, Communication No 550/1993, UN Doc CCPR/C/58/550/1993 (1996)	378
<i>First Covenant Church of Seattle v. Seattle</i> , 840 P 2d 174 (Wash 1992)	350
<i>Fitzpatrick v. Sterling Housing Association Ltd</i> [2001] 1 AC 27	200
<i>Fraser v. State Services Commission</i> [1984] 1 NZLR 116	103
<i>Frazee v. Illinois Dept of Employment</i> , 489 US 829 (1989)	299
<i>Free Church of Scotland v. Lord Overtoun</i> [1904] AC 515	332
<i>Freiler v. Tangipahoa Parish Board of Education</i> , 975 F Supp 819 (E D La 1996)	252
<i>Freitag v. Penetangusihene (Town)</i> (1999) 179 DLR (4th) 150	143
<i>Funkhouse v. State</i> , 763 P 2d 695 (Okla Crim App 1983)	272
<i>Gallagher v. Crown Koshier Super Market</i> , 366 US 617 (1961)	49
<i>Garrod v. Rhema Christian School</i> (1991) 92 CLLC 17.003	316
<i>Gay News Ltd and Lemon v. United Kingdom</i> (1983) 5 EHRR 123	371
<i>Geary v. Visitation of the Blessed Virgin Mary Parish School</i> , 7 F 3d 324 (3d Cir 1993)	314
<i>Ghaidan v. Godin-Mendoza</i> [2004] UKHL 30; [2004] 3 All ER 411	179, 200, 305
<i>Gillick v. West Norfolk and Wisbech Area Health Authority</i> [1986] 1 AC 112.	194, 204, 206, 210, 276
<i>Goldman v. Weinberger</i> , 475 US 503 (1986)	61
<i>Goldsboro Christian Schools v. United States</i> , 461 US 574 (1983)	315
<i>Gonzalez v. Roman Catholic Archbishop</i> , 280 US 1 (1929)	341
<i>Goodwin v. United Kingdom</i> (2002) 35 EHRR 18	357

<i>Grace Bible Church Inc v. Reedman</i> (1984) 54 ALR 571	103, 256
<i>Grant v. Canada (Attorney-General)</i> (1995) 125 DLR (4th) 556	243
<i>Groppera v. Switzerland</i> (1990) 12 EHRR 321	394
<i>Groz v. City of Miami Beach, Florida</i> , 721 F 2d 729 (1983)	353–4
<i>H(B) (Next Friend Of) v. Alberta (Director of Child Welfare)</i> (2002) 95 CRR (2d) 333, aff'd (2002) 95 CRR (2d) 362	278
<i>Håkansson v. Sweden</i> (1983) 5 EHRR 297	376
<i>Hammond v. DPP</i> [2004] EWHC 69 (Admin)	376–8
<i>Handyside v. United Kingdom</i> (1979) 1 EHRR 737	370
<i>Hanrahan v. Hanrahan</i> (1972) 19 FLR 262	211
<i>Hasan and Chaush v. Bulgaria</i> (2002) 34 EHRR 55	163, 326
<i>Hautaniemi v. Sweden</i> (1996) 22 EHRR CD 155	110, 138, 182
<i>HE v. A Hospital NHS Trust</i> [2003] EWHC 1017 (Fam); [2003] 2 FLR 408	265
<i>Healthcare Otago Ltd v. Williams-Holloway</i> [1999] NZFLR 792	285
<i>Healthcare Otago Ltd v. Williams-Holloway</i> [1999] NZFLR 804	285
<i>Healthcare Otago Ltd v. Williams-Holloway</i> [1999] NZFLR 812	285
<i>Hermanson v. State</i> , 604 So 2d 775 (Fla 1992)	272
<i>Hernandez v. Commissioner of Internal Revenue</i> , 490 US 680 (1989)	164
<i>Hill v. Church of Scientology of Toronto</i> [1995] 2 SCR 1130	179
<i>Hoffman v. Austria</i> (1994) 17 EHRR 293	135, 177, 211, 213, 217, 225
<i>Hoffman v. Land Hessen</i> [1996] Verfassungsgericht: NJW [1996] No. 1/2, 31	240
<i>Holy Monasteries v. Greece</i> (1995) 20 EHRR 1	137–8
<i>Hosking v. Runting</i> [2005] 1 NZLR 1	178
<i>Human Rights Commission v. Eric Sides Motor Co Ltd</i> (1981) 2 NZAR 447	318
<i>Humphries v. Connor</i> (1864) 17 Ir CLR 1	376
<i>Hunt v. McNair</i> , 413 US 734 (1973)	45
<i>Iglesia Bautista 'El Salvadore' and Ortega Moratilla v. Spain</i> (1992) 72 DR 256	132, 150
<i>In re A (Children) (Conjoined Twins: Surgical Separation)</i> [2001] 2 WLR 480	267, 280
<i>In re Agar-Ellis</i> (1878) 10 Ch D 49; (1883) 24 Ch D 317	196
<i>In re Cabrera</i> , 552 A 2d 1114 (Pa Super Ct 1989)	274
<i>In re Guardianship of Faust</i> , 123 So 2d 218 (1960)	203
<i>In re J (a Minor) (Wardship: Medical Treatment)</i> [1991] Fam 33	274
<i>In re S (Adult: Refusal of Treatment)</i> [1993] Fam 123	266
<i>In re Sampson</i> , 317 NYS 2d 641 (NY Fam Ct 1970), aff'd, 323 NYS 2d 253 (NY App Div 1971), aff'd, 278 NE 2d 918 (NY 1972)	275
<i>In the Marriage of Paisio (No 2)</i> (1978) 5 Fam LR 281	58
<i>Informationsverein v. Austria</i> (1993) Series A 276	393
<i>ISKCON v. Lee</i> , 505 US 672 (1992)	158
<i>ISKCON v. Secretary of State for the Environment and Hertsmere Borough Council</i> (1992) 64 P & CR 85	352
<i>ISKCON v. United Kingdom</i> (1994) 76 DR 90	351–2
<i>Islamic Council of Victoria v. Catch The Fire Ministries Inc</i> [2003] VCAT 1753	385
<i>Islamic Council of Victoria v. Catch The Fire Ministries Inc</i> [2004] VCAT 2510	383, 385
<i>J v. C</i> [1975] AC 668	278
<i>Jehovah's Witnesses in Washington v. King County Hospital</i> , 278 F Supp 488 (1967), aff'd, 390 US 598 (1968)	267
<i>Jersild v. Denmark</i> (1994) 19 EHRR 1	378
<i>Jewish Liturgical Association Cha'are Shalom Ve Tsedek v. France</i> , Appl. No. 27417/95, 27 June 2000	46, 167
<i>JH Walker v. Hussain</i> [1996] IRLR 11	299, 304
<i>Johnson v. Nation</i> , 615 NE 2d 141 (Indiana App 5 Dist 1993)	209
<i>Johnstone v. Chief Constable of the RUC</i> [1986] IRLR 263	310

<i>Jones v. R</i> (1986) 31 DLR (4th) 569	144, 185
<i>Jones v. Wolf</i> , 443 US 595 (1979)	331
<i>Kalaç v. Turkey</i> (1999) 27 EHRR 552	46, 166
<i>Karaduman v. Turkey</i> (1993) 74 DR 93	166, 243
<i>Kearley v. Pentecostal Assemblies Board of Education</i> (1993) 19 CHRR D/473	316
<i>Kedroff v. Saint Nicholas Cathedral of the Russian Orthodox Church in North America</i> , 334 US 94 (1952)	330, 341
<i>Kelly v. BBC</i> [2001] 2 WLR 253	388
<i>Kensit v. Dean and Chapter of St. Paul's</i> [1905] 2 KB 249	363
<i>Kern v. Dynalectron Corp.</i> , 577 F Supp 1196 (1983)	310
<i>Khan v. RAF Summary Appeal Court</i> [2004] EWHC 2230	299
<i>Khan v. United Kingdom</i> (1986) 48 DR 253	157, 165
<i>King-Ansell v. Police</i> [1979] 2 NZLR 531	304
<i>Kjeldsen, Busk Madsen and Pedersen v. Denmark</i> (1979) 1 EHRR 71	254
<i>Koh v. Secretary of the Air Force</i> , 559 F Supp 852 (1982)	157
<i>Kokkinakis v. Greece</i> (1993) 17 EHRR 397	108 122, 137, 176, 361, 388, 394
<i>Kontinnen v. Finland</i> , Appl. No. 24949/94, 3 December 1996	166
<i>Kruse v. Johnson</i> [1898] 2 QB 91	375
<i>Krygger v. Williams</i> (1912) 15 CLR 366	157, 161
<i>Lakeside Colony of Hutterian Brethren v. Hofer</i> (1992) 97 DLR (4th) 17	329, 333
<i>Larissis v. Greece</i> (1999) 27 EHRR 329	301, 389
<i>Lavigne v. Ontario Public Service Employees Union</i> [1991] 2 SCR 211; (1991) 81 DLR (4th) 454)	180
<i>Le Doux v. Le Doux</i> , 452 NW 2d 1 (Neb 1990)	214
<i>Lee v. Weisman</i> , 505 US 577 (1992)	142
<i>Lemon v. Kurtzman</i> , 403 US 602 (1971)	45, 251
<i>Leyla Sabih v. Turkey</i> , Appl. No. 44774/98, European Court of Human Rights, 29 June 2004	158, 163, 243
<i>Little v. Wuerl</i> , 929 F 2d 944 (3rd Cir 1991)	316
<i>Living Word Distributors Ltd v. Human Rights Action Group (Wellington)</i> [2000] 3 NZLR 570	378
<i>Locke v. Davey</i> , 540 US 712 (2004)	92
<i>Logan v. Presbytery of Dumbarton</i> , 1995 SLT 1228	82
<i>London Borough of Lambeth v. CRE</i> [1990] IRLR 231	310
<i>Lough v. Ward</i> [1945] 2 All ER 338	203
<i>Lovell-Badge v. Norwich City College of Further and Higher Education</i> 1502237/97; (1999) 39 EOR Discrimination Law Digest 4	304
<i>Lustig-Prean and Beckett v. United Kingdom</i> (2000) 29 EHRR 548	166
<i>Lynch v. Donnelly</i> , 465 US 668 (1984)	139, 154
<i>Lyng v. Northwest Indian Cemetery Protection Association</i> , 489 US 439 (1988)	346
<i>Mabon v. Conference of the Methodist Church of New Zealand</i> [1998] 3 NZLR 513	329
<i>McCausland v. Young</i> [1949] NILR 49	102
<i>McCaw v. United Church of Canada</i> (1991) 82 DLR (4th) 289	297
<i>McClean v. Arkansas Board of Education</i> , 529 F Supp 1255 (E D Ark 1982)	251
<i>McClure v. Salvation Army</i> , 460 F 2d 553 (1972)	315
<i>McCollum v. Board of Education</i> , 333 US 203 (1948)	45, 246
<i>McDaniel v. Essex</i> , 571 F 2d 338 (6th Cir 1978)	299
<i>MacDonald v. Ministry of Defence</i> [2001] 1 All ER 620	179
<i>McGowan v. Maryland</i> , 366 US 420 (1961)	49, 63
<i>Maguire v. Marquette University</i> , 627 F Supp 1499 (ED Wisc 1986), aff'd, 814 F 2d 1213 (7th Cir 1987)	315
<i>Malette v. Shulman</i> (1990) 67 DLR (4th) 321	263–4

<i>Malik v. British Home Stores</i> (1995) IDS Brief 538	300
<i>Malnak v. Yogi</i> , 592 F 2d 197 (1979)	112, 113, 119, 120
<i>Mandla v. Dowell Lee</i> [1983] 2 AC 548	244, 304
<i>Manoussakis v. Greece</i> (1996) 23 EHRR 387	347
<i>Marshall v. Graham</i> [1907] 2 KB 112	77
<i>Marshall v. National Spiritual Assembly of the Bahais of New Zealand Inc</i> [2003] 2 NZLR 205 ..	329
<i>Masden v. Erwin</i> , 481 NE 2d 1160 (1985)	317
<i>Mauger v. Mauger (No 1)</i> (1966) 10 FLR 285	216
<i>Meek v. Pittenger</i> , 421 US 349 (1975)	45
<i>Mendelssohn v. Attorney-General</i> [1999] 2 NZLR 268	181
<i>Metropolitan Church of Bessarabia v. Moldova</i> (2002) 35 EHRR 13.	136, 181, 186, 223, 347
<i>Meyer v. Nebraska</i> , 262 US 390 (1923)	231
<i>Mitchell v. Davis</i> , 205 SW 2d 812 (Tex Civ App 1947)	275
<i>Moonen v. Film and Literature Board of Review</i> [2000] 2 NZLR 9	104
<i>Moore v. British Columbia (Ministry of Social Services)</i> (1992) 17 CHRR D/426	262, 300
<i>Morris v. Morris</i> , 412 A 2d 139 (1979)	210
<i>Morse v. Wiltshire CC</i> [1999] IRLR 352	300
<i>Moseley v. Moseley</i> (1989) 20 RFL (3d) 301	214, 216
<i>Mozert v. Hawkins County Board of Education</i> , 827 F 2d 1058 (6th Cir 1987)	229, 247, 261
<i>Murphy v. Ireland</i> , Appl No 44179/98, 10 July 2003	394–5
<i>New York v. Cathedral Academy</i> , 434 US 125 (1977)	45
<i>Newdow v. United States Congress</i> , 328 F 3d 466 (9th Cir, 2003)	127, 139, 141–4, 240
<i>Newfoundland Teachers' Assoc. v. Newfoundland (Treasury Board)</i> (1989) 53 DLR (4th) 161 ..	314
<i>Nielsen v. Denmark</i> (1988) 11 EHRR 175	194
<i>Norwood v. DPP</i> [2003] EWHC 1564	380–1, 383
<i>Norwood v. United Kingdom</i> , Appl No 23131/03, ECEHR, 16 November 2004	381
<i>OG v. Baum</i> , 790 SW 2d 839 (Tex Ct App 1990)	275
<i>Ojonye v. Adegbudu</i> [1983] 4 NCLR 492	157
<i>O'Malley v. Simpsons-Sears Ltd</i> (1985) 23 DLR (4th) 321	298
<i>Omkarananda and the Divine Light Zentrum v. Switzerland</i> (1981) 25 DR 105	124
<i>O'Neill v. Governors of St Thomas More Voluntary Aided Upper School</i> [1996] IRLR 372	316
<i>Ontario Human Rights Commission v. Brockie</i> (2003) 222 DLR (4th) 174	176, 181
<i>O'Sullivan v. Canada</i> (1991) 84 DLR (4th) 124	159
<i>Otto-Preminger Institute v. Austria</i> (1994) 19 EHRR 34	173, 181, 362, 370, 394
<i>P(D) v. S(C)</i> [1993] 4 SCR 141; (1993) 108 DLR (4th) 287	214, 216
<i>Palau-Martinez v. France</i> , Appl No 649278/01, 16 December 2003	217
<i>Panesar v. Nestle Co Ltd</i> [1980] IRLR 64	304
<i>Parham v. JR</i> , 442 US 584 (1979)	195
<i>Parks v. Christian Horizons</i> (1992) 16 CCHR D/40	318
<i>Parry v. Vine Christian Centre</i> , Bridgend County Court, BG 101748, 15 February 2002	357
<i>Peloza v. Capistrano Unified School District</i> , 37 F 3d 517 (9th Cir 1994)	251
<i>Pendragon v. United Kingdom</i> (1998) HUDOC 19	346
<i>People v. Pierson</i> , 176 NY 201; 68 NE 243 (1903)	271
<i>People v. Woody</i> , 394 P 2d 813 (1964)	161
<i>Pepper v. Hart</i> [1993] AC 593	391
<i>Percy v. Board of National Mission of the Church of Scotland</i> , 2001 SC 757; 2001 SLT 497 ..	82, 296
<i>Perera v. Civil Service Commission</i> [1983] IRLR 166	307
<i>Pierce v. Society of Sisters</i> , 268 US 510 (1925)	201, 232
<i>Poplar Housing v. Donoghue</i> [2001] 3 WLR 183	180
<i>Portsmouth NHS Trust v. Wyatt</i> [2004] EWHC 2247 (Fam)	273
<i>Prais v. Commission</i> [1976] ECR 1589	298
<i>Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church</i> , 393 US 440 (1969)	331

<i>Presbyterian Church Property Trustees Ltd v. Fuimaono</i> , High Court, Auckland, A 1595/85, 16 October 1986, Thorp J	334
<i>President of the Methodist Conference v. Parfitt</i> [1984] 1 QB 368	295–6
<i>Pretty v. United Kingdom</i> (2002) 35 EHRR 1	163, 264
<i>Prince v. Massachusetts</i> , 321 US 158 (1994)	267, 272
<i>Prince v. President of Law Society of Cape of Good Hope</i> , 2002 (2) SA 794	158, 170, 186, 188
<i>Proceedings Commissioner v. Boakes</i> , Complaints Review Tribunal, EOT 14/92, 13 April 1994	306
<i>Prussner v. Germany</i> (1987) 8 EHRR 79	336
<i>Quinn's Supermarket v. Attorney-General</i> [1972] IR 1	79
<i>R (on the application of A and Others) v. Partnerships in Care</i> [2002] 1 WLR 2610	180
<i>R (on the application of Amicus et al) v. Secretary of State for Trade and Industry</i> [2004] EWHC 860 (Admin)	298, 322, 329
<i>R (on the application of Begum (Shabina)) v. Headteacher and Governors of Denbigh High School</i> [2004] EWHC 1389 (Admin); [2005] EWCA Civ 199	158, 163, 235, 243
<i>R (on the application of Burke) v. General Medical Council</i> [2004] EWHC 1879 (Admin); [2004] Lloyd's Rep Med 451	264
<i>R (on the application of Daly) v. Secretary of State</i> [2001] 2 WLR 1622	102
<i>R (on the application of Farrakhan) v. Secretary of State for the Home Department</i> [2002] QB 1391	375
<i>R (on the application of Hammer Trout Farm) v. Hampshire Farmers Markets</i> [2003] EWCA Civ 1055	180
<i>R (on the application of Heather) v. Leonard Cheshire Foundation</i> [2002] 2 All ER 936	180
<i>R (on the application of Pro-Life Alliance) v. BBC</i> [2003] UKHL 23; [2004] 1 AC 185	391
<i>R (on the application of Ullah) v. Special Adjudicator</i> [2004] UKHL 26	375
<i>R (on the application of Williamson) v. Secretary for State for Education and Employment</i> [2001] EWHC Admin 960; [2002] FLR 493	184, 185
<i>R (on the application of Williamson) v. Secretary of State for Education and Employment</i> [2002] EWCA Civ 1820; [2003] QB 1300; [2003] 1 All ER 385	169, 184, 219, 223
<i>Rv. Anderson</i> , CA27/04, 23 June 2004	172
<i>Rv. Archbishops of Canterbury and York, ex p Williamson</i> , Court of Appeal, 1 March 1994	315, 343
<i>Rv. Atwood</i> , Cro Jac 42	366
<i>Rv. Big M Drug Mart Ltd</i> [1985] 1 SCR 295; (1985) 18 DLR (4th) 321	49, 99, 158, 170
<i>Rv. Boulter</i> (1908) 72 JP 188	367
<i>Rv. Bradlaugh</i> (1883) 15 Cox CC 217	367
<i>Rv. Carlile</i> (1819) 4 St Tr (NS) 1424	367
<i>Rv. Chief Metropolitan Magistrate, ex p Choudhury</i> [1991] QB 429	367–8, 372
<i>Rv. Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth, ex p Wachmann</i> [1993] 2 All ER 249	330
<i>Rv. Downes</i> (1875) 1 QBD 25	271
<i>Rv. Gathercole</i> (1838) 2 Lew CC 237	371
<i>Rv. Hetherington</i> , 4 St Tr (NS) 590	367
<i>Rv. Home Secretary, ex p Moon</i> (1996) 8 Admin LR 477	375
<i>Rv. Jones</i> [1986] 2 SCR 284; (1986) 31 DLR (4th) 569	256
<i>Rv. Keegstra</i> [1990] 3 SCR 697	378
<i>Rv. Lancashire CC, ex p F</i> [1995] ELR 3	259
<i>Rv. Laufau [Sentencing]</i> , High Court Auckland, T 000759, 2 October 2000, Potter J	285–6
<i>Rv. Laufau [Summing Up]</i> , High Court Auckland, T 000759, 23 August 2000, Potter J ...	286, 288
<i>Rv. Lord Chancellor, ex p Witham</i> [1998] QB 575	102
<i>Rv. Moorhead</i> , High Court, Auckland, T011974, 13 June 2002, Harrison J	286–9
<i>Rv. Oakes</i> (1986) 26 DLR (4th) 200	186

<i>R v. Pooley</i> , 8 St Tr (NS) 1089	367
<i>R v. Poulin</i> (2002) 169 CCC (3d) 378	221
<i>R v. Radio Authority</i> , ex p <i>Bull</i> [1997] 2 All ER 561	394
<i>R v. Rahard</i> (1936) 3 DLR 230	372
<i>R v. Ramsay and Foote</i> (1883) 15 Cox CC 231	367
<i>R v. Registrar General</i> , ex p <i>Segerdal</i> [1970] 2 QB 697	118
<i>R v. Salford Health Authority</i> , ex p <i>Janaway</i> [1988] 2 WLR 442	262, 300
<i>R v. Secretary of State for Education and Employment</i> , ex p <i>Williamson</i> [2005] UKHL 15; [2005] 2 WLR 590	1, 4, 7, 99, 100, 110, 112, 120, 123, 155, 164, 184, 185, 187–9, 194, 201, 218, 220–1, 223, 224, 232, 243, 256, 329
<i>R v. Secretary of State for Education</i> , ex p <i>Talmud Torah Machzikei Hadass School</i> , <i>The Times</i> , 12 April 1985	256
<i>R v. Secretary of State for Education</i> , ex p <i>Ruscoe and Dando</i> , CO/2202/92, 26 February 1993	239
<i>R v. Secretary of State for Education</i> , ex p <i>Yusaf Islam</i> , <i>The Times</i> , 22 May 1992	255
<i>R v. Secretary of State for the Home Department</i> , ex p <i>Simms</i> [2000] AC 115	102
<i>R v. Senior</i> [1899] 1 QB 283	271
<i>R v. Taylor (Paul)</i> [2001] EWCA Crim 2236; [2002] 1 Cr App R 37	172–3
<i>R v. The Bishop of Stafford</i> , ex p <i>Owen</i> (2000) 6 Ecc LJ 83	294
<i>R v. Wagstaffe</i> (1868) 10 Cox CC 530	270
<i>R v. Woolston</i> (1729) 94 ER 112	367
<i>R v. Zundel</i> [1993] 2 SCR 731	378
<i>RAV v. City of St Paul, Minnesota</i> , 505 US 377 (1992)	378
<i>Rayburn v. General Conference of Seventh Day Adventists</i> , 772 F 2d 1164 (1985)	315, 341–2
<i>Re Abraham's Will Trust</i> [1967] 2 All ER 1175	102
<i>Re B (Adult: Refusal of Medical Treatment)</i> [2002] EWCH 429 (Fam); [2002] 2 All ER 449	263
<i>Re Blaiberg</i> [1940] 1 Ch 385	102
<i>Re Borwick</i> [1933] Ch 657	102
<i>Re C (Medical Treatment)</i> [1998] 1 FLR 384	273
<i>Re Carroll</i> [1931] 1 KB 317	58, 211
<i>Re Chickweche</i> [1995] 2 LRC 93	158
<i>Re CL</i> [1994] NZFLR 352	268
<i>Re Collins (An Infant)</i> [1950] 1 Ch 498	58
<i>Re Donn's Will Trust</i> [1943] 2 All ER 564	102
<i>Re E (A Minor) (Wardship: Medical Treatment)</i> [1993] 1 FLR 386	277–8
<i>Re Employment of Ministers of United Methodist Church</i> (1912) 107 LT 143	295
<i>Re Governing Council of Salvation Army, Canada East et al and Attorney-General of Ontario</i> (1992) 88 DLR (4th) 238	297
<i>Re H (A Minor)</i> (1981) 2 FLR 253	214
<i>Re H (Contact: Domestic Violence)</i> [2000] 2 FLR 334	213
<i>Re J (An Infant): B and B v. Director-General of Social Welfare</i> [1996] 2 NZLR 134	197, 267–9
<i>Re J (Specific Issue Orders: Child's Religious Upbringing and Circumcision)</i> [1999] 2 FCR 345; [2000] 1 FLR 571	158, 195–7, 289–91
<i>Re Jenison</i> , 125 NW 2d 588 (1963)	157
<i>Re KD (A Minor) (Ward: Termination of Access)</i> [1988] 1 AC 806	195
<i>Re L (Medical Treatment: Gillick Competency)</i> [1998] 2 FLR 810	277–8
<i>Re Lipinski's Will Trusts</i> [1976] Ch 235	102
<i>Re Lysaght</i> [1966] 1 Ch 191	102
<i>Re Manitoba Language Rights</i> [1985] 1 SCR 721	104
<i>Re National Insurance Act 1911; Re Employment of Church of England Curates</i> [1912] 2 Ch 563	295
<i>Re P</i> [1992] NZFLR 94	268

<i>Re R (A Minor) (Blood Transfusion)</i> [1993] 2 FLR 757.....	268
<i>Re R (A Minor) (Residence: Religion)</i> [1993] 2 FLR 163	207, 212
<i>Re S (A Minor) (Consent to Medical Treatment)</i> [1994] 2 FLR 1065.....	276–8
<i>Re S (A Minor) (Medical Treatment)</i> [1993] 1 FLR 376	276
<i>Re S (Minors)</i> (1992) 2 FLR 313	214
<i>Re Selby's Will Trust</i> [1966] 1 WLR 43	102
<i>Re ST (A Minor)</i> , Family Division, High Court, 19 October 1995, Ward LJ	197
<i>Re T (A Minor) (Wardship: Medical Treatment)</i> [1997] 1 WLR 242	280
<i>Re T (Adult: Refusal of Treatment)</i> [1993] Fam 95	263, 265, 266
<i>Re T</i> (1981) 2 FLR 239, 245.....	213
<i>Re Tarnpolsk</i> [1958] 1 WLR 1157	102
<i>Re the P Children (No 2)</i> (1992) 9 FRNZ 93.....	197
<i>Re The Seven P Children</i> , Family Court, Levin, New Zealand, CYPF 031/122–8/91, 8 October 1991, Judge Inglis QC	197
<i>Re Tuck's Settlement Trusts</i> [1978] Ch 49	102
<i>Re V</i> [1993] NZFLR 369	268
<i>Re W (A Minor) (Medical Treatment: Court's Jurisdiction)</i> [1992] 3 WLR 758; [1992] 4 All ER 627	264, 276
<i>Redmond v. GAF</i> , 574 F 2d 897 (7th Cir 1978)	299
<i>Redmond-Bate v. DPP</i> [2000] HRLR 249	377
<i>Refah Partisi (The Welfare Party) v. Turkey</i> (2003) 37 EHRR 1	1, 131, 136, 151, 181
<i>Reference Re Bill 30, An Act to Amend the Education Act (Ontario)</i> [1987] 1 SCR 1148; (1987) 40 DLR (4th) 18	258
<i>Reference re Same-Sex Marriage</i> , 2004 SCC 79; (2004) 246 DLR (4th) 193	355
<i>Retail Wholesale and Department Store Union Local 580 v. Dolphin Delivery Ltd</i> [1986] 2 SCR 573; (1985) 33 DLR (4th) 174.....	178
<i>Reynolds v. United States</i> , 98 US 145 (1879)	157, 159, 161
<i>Riera Blume v. Spain</i> (2000) 30 EHRR 632	122
<i>Rogers v. Booth</i> [1937] 2 All ER 751.....	295
<i>Rommelfanger v. Germany</i> (1989) 62 DR 151	166, 308, 362
<i>Ross v. New Brunswick School District No. 15</i> [1996] 1 SCR 825; (1996) 133 DLR (4th) 1	170, 230, 302
<i>Ruldoph v. Dent</i> (1985) 10 Fam LR 669	209
<i>S v. Lawrence</i> , 1997(4) SA 1176	99, 139, 140, 142–5, 148, 158, 170, 185
<i>St Matthias Church of England Church School v. Crizzle</i> [1993] ICR 401	305, 309
<i>Salvation Army v. Canterbury Hotel Employees Union</i> [1985] 2 NZLR 366	297
<i>Santa Fe Independent School District v. Doe</i> , 530 US 290 (2000).....	139
<i>Santokh Singh v. Guru Nanak Gurdwara</i> [1990] ICR 309.....	295
<i>Sarvan Singh Seera</i> (1986) 53 P & CR 281	353
<i>Scandrett v. Dowling</i> (1992) 27 NSWLR 483	315, 331, 342
<i>Schloendorff v. Society of New York Hospital</i> (1914) 105 NE 92	263
<i>Schulz v. Schulz</i> (1978) 12 RFL (3d) 141	214
<i>Scopes v. State</i> , 289 SW 363 (1927)	251
<i>Seide v. Gillette Industries Ltd</i> [1980] IRLR 427	304
<i>Serbian Eastern Orthodox Diocese v. Milivojevic</i> , 426 US 696 (1976).....	331, 341
<i>Serif v. Greece</i> (2001) 31 EHRR 20	338–9
<i>Seven Individuals v. Sweden</i> (1982) 29 DR 104.....	222
<i>Shelton v. University of Medicine & Dentistry of New Jersey</i> , 233 F 3d 220 (3rd Cir 2000) ...	158, 262
<i>Sherbert v. Verner</i> , 374 US 398 (1963)	157, 161
<i>Sigurdur A Sigurjonsson v. Iceland</i> (1993) 16 EHRR 462	166
<i>Simon v. Brimham Associates</i> [1987] ICR 597.....	302

<i>Simpson v. Wells Lamont Corp.</i> , 494 F 2d 490 (1974)	314
<i>Singh v. Rowntree Mackintosh</i> [1979] 554	304
<i>Smith v. Board of School Commissioners of Mobile County</i> , 655 F Supp 939 (S D Ala 1987), rev'd, 827 F 2d 684 (11th Cir 1987)	153
<i>Smith and Grady v. United Kingdom</i> (2000) 29 EHRR 493	166
<i>SP v. United Kingdom</i> (1997) 23 EHRR CD 139	259
<i>State of Utah v. Green</i> , 2005 WL 221584 (Utah)	157
<i>State v. Lockhart</i> , 664 P 2d 1059 (Okla Crim App 1983)	272
<i>State v. McKown</i> , 461 NW 2d 720 (Minn Ct App 1990), aff'd, 475 NW 2d 63 (Minn 1991)	272
<i>Stedman v. United Kingdom</i> (1997) 5 EHRLR 544	166, 300
<i>Stoffman v. Vancouver General Hospital</i> [1990] 3 SCR 483; 76 DLR (4th) 700	180
<i>Supreme Holy Council of the Muslim Community v. Bulgaria</i> , Appl No 39023/97, 16 December 2004.	326, 340
<i>Syndicat Northcrest v. Amselem</i> , 2004 SCC 47; (2004) 241 DLR (4th) 1	111, 121, 144, 185, 187–8
<i>Tadman v. Canada</i> , Human Rights Committee, 816/1998, 4 November 1999	135
<i>Tangipahoa Parish Board of Education v. Herb</i> , 120 S Ct 2706 (2000)	252
<i>Taylor v. New Zealand Poultry Board</i> [1984] 1 NZLR 394.	103
<i>Taylor's case</i> , 1 Vent 293 (1676)	366
<i>Thlimmenos v. Greece</i> (2001) 31 EHRR 411	108, 150, 160
<i>Thomas Paine's case</i> , 26 St Tr (1796–98)	369
<i>Thomas v. Review Board of the Indiana Employment Security Division</i> , 450 US 707 (1981)	164, 170, 186
<i>Tilton v. Richardson</i> , 403 US 672 (1971)	45
<i>Torcaso v. Watkins</i> , 367 US 488 (1961)	45
<i>Tottenham Green Under-Fives Centre v. Marshall</i> [1989] IRLR 147	310
<i>Trinity Western University v. British Columbia College of Teachers</i> , 2001 SCC 31; [2001] 1 SCR 772; (2001) 199 DLR (4th) 1	174, 318, 323
<i>Trustees of Church Property for Diocese of Newcastle v. Ebbeck</i> (1960) 104 CLR 394	102
<i>Tsavachidis v. Greece</i> (1999) 27 EHRR CD27	122
<i>Two Guys from Harrison-Allentown, Inc v. McGinley</i> , 366 US 582 (1961)	49
<i>Tyler v United Kingdom</i> , Appl No 00021283/83, 5 April 1994.	137
<i>United Christian Broadcasters Ltd v. United Kingdom</i> , Appl No 44802/98, 7 November 2000	393
<i>United Grand Lodge of Ancient Free and Accepted Masons of England v. Holborn BC</i> [1957] 1 WLR 1080.	118
<i>United States v. Lee</i> , 455 US 252	158, 164
<i>United States v. Kuch</i> , 288 F Supp 439 (1968)	112, 113, 117
<i>United States v. Macintosh</i> , 283 US 605 (1931)	63
<i>United States v. Seeger</i> , 380 US 163 (1965)	110, 116, 117
<i>Valsamis v. Greece</i> (1997) 24 EHRR 294	157, 164, 231
<i>Van Duyn v. Home Office</i> [1974] 1 WLR 1107	46, 375
<i>VGT Verein gegen Tierfabriken v. Switzerland</i> (2001) 34 EHRR 159	394
<i>Vriend v. Alberta</i> [1998] 1 SCR 493; (1998) 156 DLR (4th) 385.	317
<i>Waldman v. Canada</i> , Human Rights Committee, 694/1996 (5 November 1999)	135
<i>Walker v. Supreme Court</i> , 253 Cal Rptr 1 (Cal 1998)	272
<i>Warford v. Carbonear General Hospital</i> (1988) 9 CHRR D/4947	299
<i>Warwick v. United Kingdom</i> (1986) 60 DR 5	220
<i>Watch Tower Bible and Tract Society v. Mount Roskill Borough</i> [1959] NZLR 1236.	113
<i>Watson v. Hertfordshire County Council</i> , 1977	252
<i>Watson v. Jones</i> , 80 US (13 Wall) 679	329

<i>Welsh v. United States</i> , 398 US 333 (1970)	116, 117
<i>West Virginia State Board of Education v. Barnette</i> , 319 US 624 (1943)	58
<i>Whitehouse v. Gay News Ltd and Lemon</i> [1979] AC 617	367–8
<i>Whitney v. Greater New York Corporation of Seventh Day Adventists</i> , 401 F Supp 1363 (SDNY 1975)	315
<i>Williamson v. United Kingdom</i> , Appl No 00027008/95, 17 May 1995	137, 316
<i>Wingrove v. United Kingdom</i> (1996) 24 EHRR 1	362, 368, 371
<i>Winnipeg Child and Family Services v. W(KL)</i> (2000) 191 DLR (4th) 9	195–6
<i>Wisconsin v. Yoder</i> , 406 US 205 (1972)	116, 161–2, 203, 228
<i>Wise v. Dunning</i> [1902] 1 KB 167	376
<i>Wolman v. Walter</i> , 433 US 229 (1977)	45
<i>Wylde v. Attorney-General for New South Wales</i> (1948) 78 CLR 224	342
<i>X and Church of Scientology v. Sweden</i> (1978) 16 DR 68	109, 124, 183
<i>X Ltd and Y v. United Kingdom</i> (1982) 28 DR 77	371
<i>X v. Denmark</i> (1976) 5 DR 157	336–7
<i>X v. Federal Republic of Germany</i> , Appl No 445/70, (1970) 37 Collection 119	124
<i>X v. Federal Republic of Germany</i> (1981) 24 DR 137	124
<i>X v. United Kingdom</i> , 14 DR 234	157
<i>X v. United Kingdom</i> (1977) 11 DR 55	112, 124
<i>Y v. United Kingdom</i> (1994) 17 EHRR 238	220
<i>Young v. Young</i> [1993] 4 SCR 3	209, 211–12, 214–15, 217
<i>Young, James and Webster v. United Kingdom</i> (1982) 4 EHRR 38	299, 301
<i>Zdralhal v. Wellington City Council</i> [1995] 1 NZLR 700	378
<i>Zelman v. Simmons-Harris</i> , 536 US 639 (2002)	89
<i>Zobrest v. Catalina Foothills School District</i> , 509 US 1 (1993)	45
<i>Zorach v. Clauson</i> , 354 US 306 (1952)	246
<i>Zummo v. Zummo</i> , 574 A 2d 1130 (Pa Super 1990)	210, 215, 217
<i>Zylberberg v. Sudbury Board of Education</i> (1988) 52 DLR (4th) 577	79, 143, 240