

Religion worship

Law



Religion/Worship

Religion/Worship A In the U. S., freedom of religion is constitutionally provided for within the religion clauses of the First Amendment and Fourteenth Amendments, which guarantee free exercise and equal protection of religious practice, but reasonably. The Free Exercise Clause safeguards prisoner's right to practice religion as long as the facilitation does not unduly burden the institution. The Equal Protection clause demands that inmates be treated equally; nevertheless, a prison regulation that treats prisoners unequally may be sustained if it is reasonable as per the legitimate penological interests (Barbalet, Adam, & Bryan, 2011).

A prison may limit a prisoner's capability to observe absolutely to a certain tenet of his religion provided that the prison has sound penological interests reinforcing the restriction, and provided that the interests surpass the prisoner's religious interests, then the limitation does not violate the First Amendment (Harr, Kären, Christine, 2012). Right at the outset it is essential to note that jails and prisons that embrace federal prisoners place themselves under limiting federal law of Religious Land Use of Institutionalized Persons Act, which avails protections for the protections rights unless the prison/jail present a compelling state interest in denying the rights (Gaines & Roger, 2013).

B

Inmates in jails and prisons make all sorts of complaints grounded in the freedom of religion. There are numerous cases based on a complain that the has declined to avail religious meal; complaints grounded in the claim that the jail has declined to avail religious materials; and, accusations grounded

in the allegation that the jail is limiting a prisoner's right to worship (Cole & Christopher, 2008). The suitable legal standard governing inmate religious claims remains a source of heated debate (Cole & Christopher, 2006). In the past few decades, the legal protections of prisoners' religious freedom have been subjected to a dramatic series of ebbs and flows. Presently, inmate religious claims within the state and federal prisons reviewed under strict scrutiny.

In the case *Lewis v. Sternes*, #11-3297, 2013 U. S. App. Lexis 6154 (7th Cir.) a prisoner declined to have a hair cut citing a "Nazarite vow" in which he claimed that the haircut violated his right to religious freedom. The federal court ruled that the "Nazarite vow" was optional instead of a compulsory observance of his religion. In another case of *Sisney v. Reisch*, #10-3003, 674 F. 3d 839 (8th Cir. 2012), the federal court, threw out a Jewish prisoner's claim of right violation based on his denial of his request to eat his meal when housed in a "succah" that he sought to erect during Jewish holiday of Sukkot (AELE Law, 2012).

C

Prison inmates are usually subject to closely regulated environment where they may be denied numerous freedoms and constitution rights; nevertheless, they continue to receive protections based on the First Amendment. As highlighted in the bulk of the cases, it is apparent that prisoners are using statutory rights as a weapon against correctional administrators' yielding to a massive onslaught of frivolous lawsuits unleashed against correctional institutions countrywide. To this extent, the law governing the right to religious practice among inmates within correctional institutions can be regarded as incorrect.

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The strict doctrine under RLUIPA can be regarded as creating two categories of inmates: those whose rights may be safeguarded when they hide under the banner of religion, as well as those whose rights may not be safeguarded when they do not do so. As a result, those inmates who might desire to advance hatred against another group can easily do so by structuring their religious service under varying banners (some inflammatory) and hide under constitutional protection. Prison administration should be awarded the opportunity to outline what remain in the best interest of safeguarding safety and security.

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