

**AALS SECTION ON LAW AND RELIGION**  
**December 2010 Newsletter**

**EXECUTIVE COMMITTEE**

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Bernadette A. Meyler  
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**Other Executive Committee Members:**

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Mary Jean Dolan  
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Richard W. Garnett  
**At-large Executive Committee Member**  
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Welcome to the 2010 newsletter for the Section on Law and Religion. We have a stimulating program planned for next month's AALS meeting in San Francisco—*Law and Religion in a (Post-) Secular Age*. Below we also note panels of some other sections that may be of interest to you.

In this issue you will also find information about our annual business meeting, which will take place immediately after our section program, which begins at 8:30 a.m. on Saturday, January 8, 2011 in the following location: Monterey I, Third Floor, Hotel Nikko. You will also find information regarding last year's business meeting, including the election of this past year's Section officers. Finally, as is customary, we are including a bibliography of law and religion books and articles published since last year's newsletter.

**I. 2011 AALS ANNUAL MEETING PROGRAMS: SECTION ON LAW AND RELIGION AND PROGRAMS OF INTEREST****A. Section on Law and Religion: *Law and Religion in a (Post-) Secular Age***

Saturday, January 8, 2011, 8:30 – 10:15 a.m.

Monterey I, Third Floor, Hotel Nikko

**Moderators:** Paul Horwitz, University of Alabama School of Law  
Caroline Mala Corbin, University of Miami School of Law

**Speakers:** 1) Emily Hartigan, St. Mary's University School of Law  
2) Charlton Copeland, University of Miami School of Law  
3) Andrew Koppelman, Northwestern University School of Law  
4) Ayelet Shachar, University of Toronto Faculty of Law

What is the religious nature of our age? In his influential book, *A Secular Age*, Charles Taylor argues that we have moved from "a society in which it was virtually impossible not to believe in God," past an era in which it was thought that religion itself might wither away, and into an age in which "faith, even for the staunchest believer, is one human possibility among others." In different language and with somewhat different meaning, others have argued that ours is a "post-secular age." Whether this is true, and what the implications of a secular or post-secular age might be for work in law and religion, are the topics of this program. How can we best characterize the role and nature of religion in our times? And how should our conclusions on this pressing question influence what law has to say about religion, religious liberty, and the role of the state? Program speakers will discuss these questions from a variety of background and perspectives. The section business meeting will be held after the program's conclusion.

**B. Section on Jewish Law: *Rabbinical Courts in American Law***

Thursday, January 6, 2011, 9:00 a.m. – 12:00 p.m.

Franciscan C, Ballroom Level, Hilton San Francisco Union Square

**Moderator:** Keith B. Sharfman, St. John's University School of Law

**Speakers:** Michael Jay Broyde, Emory University School of Law  
Michael Helfand, Pepperdine University School of Law  
Douglas Laycock, University of Virginia School of Law

The program will address the use of rabbinical courts ("Beth Dins") as alternative forums for the resolution of civil disputes in the United States today. Panelists will discuss (from descriptive, policy, and constitutional perspectives) the functions and value of rabbinical courts and the legality of enforcing awards issued by and agreements to arbitrate before them. The panel will also address the extent to which rabbinical courts should be thought of as similar to or distinct from other arbitration forums, both secular and religious. Business Meeting at Program Conclusion.

**C. Section on Sexual Orientation and Gender Identity Issues: *Expression, Association, and Belief: Clashes Between the Rights of Sexual Minorities and Religious Objectors***

Friday, January 7, 2011, 10:30 a.m. – 12:15 p.m.

(Papers to be published in the *University of La Verne Law Review*)

**Moderator:** Taylor Flynn, Western New England College School of Law  
(Speakers TBA)

Recent years have seen a resurgence in prominence of claims related to expression, association, and belief, both by religious conservatives (exemplified by *Christian Legal Society v. Martinez*, the suit against University of California Hastings College of the Law, and *Doe v. Reed*, challenging a public disclosure statute on the ground that gay rights advocates intimidate people who supported proposals to repeal a domestic partners law). At the legislative level, controversies concern the push for broad-based religious exemptions related to same-sex marriage statutes, the continuation of "Don't Ask, Don't Tell," and the Employment Non-Discrimination Act of 2009 (ENDA) (H.R. 3017). A new "front" has opened relating to the desire of some private business proprietors not to do business with sexual/gender minority customers in some circumstances. These are just a few examples. The larger question is: how should the law understand legal claims, including but not limited to discrimination/ anti-discrimination claims, which seemingly or actually pit sexual and gender minorities against members of faith communities whose understandings of sexuality and/or gender are in some way at odds with one another? The Section's call for papers seeks scholarly analysis of any aspect of this very broad topic. The Section further seeks papers that reflect thoughtful consideration of the relevant scholarship (inside and outside the law, as appropriate) and deep engagement with the field. We hope and intend for our program to provide a forum for scholarly work that is both responsive and responsible to the communities potentially most affected by it. Business Meeting at Program Conclusion.

**D. AALS Presidential Program - Film Screening of *Divided We Fall: Americans in the Aftermath***

Friday, January 7, 2011, 8:30 p.m.

Plaza A, Lobby Level, Hilton San Francisco Union Square

Valarie Kaur was a 20-year-old college student when she set out across America in the aftermath of 9/11, camera in hand, to document hate violence against her community. From the still-shocked streets of Ground Zero to the desert towns of the American west, her epic journey confronts the forces unleashed in a time of national crisis – racism and religion, fear and forgiveness – until she finds the heart of America... halfway around the world. The journey to make the film began when Valarie Kaur drove across the country in the immediate aftermath of the terrorist attacks on September 11, 2001, documenting stories in the Sikh, Muslim, and Arab American communities. Over the next five years, Valarie Kaur's journey unfolded into a larger exploration of 'who counts' as American. In 2005, award-winning director Sharat Raju and his film crew joined Valarie as she retraced her steps across the country, revisiting her original

interviewees and interviewing scholars, lawyers, and legislators about race, religion, and security in post-9/11 America.

**E. Section on Islamic Law: *Islamic Law and Crime in Contemporary Courts***

Saturday, January 8, 10:30 a.m. – 12:15 p.m.

(Papers to be published in the *Journal of Islamic and Middle Eastern Law*)

**Moderator:** Mark E. Cammack, Southwestern Law School

**Speakers:** Clark B. Lombardi, University of Washington School of Law

Russell Powell, Seattle University School of Law

Intisar Rabb, Boston College Law School

Sadiq Reza, New York Law School

Much contemporary scholarship on Islamic law continues to be influenced by literary or anthropological approaches that downplay its role and importance as law. On this panel we focus on Islamic law as a form of modern law by examining the way in which principles considered to be Islamic are understood and applied in the day-to-day operation of contemporary legal systems. The four speakers on the panel will each discuss a decision by a contemporary national court in which Islamic doctrines are invoked in deciding a criminal case. The aim of the exercise is to examine the construction and use of Islamic law as an element of the professional practice of a bureaucratic national state. This perspective will enable us both to explore the significance of Islamic law as a contemporary legal phenomenon and to begin to chart the development of the Islamic legal tradition as it adapts to the circumstances of the modern nation state. Business Meeting at Program Conclusion.

**F. Section on Comparative Law: *Beyond the State? Comparative Approaches to Group Political Identity in the Age of the Transnational***

Saturday, January 8, 2011, 1:30 - 3:15 p.m.

Sutro, Second Floor Level, Parc 55 Wyndham San Francisco Union Square

**Speakers:** Karen Knop, Professor, University of Toronto Faculty of Law

Ralf C. Michaels, Duke University School of Law

Moria Paz, Stanford Law School

Annelise Riles, Cornell Law School

Suzanne L. Stone, Benjamin N. Cardozo School of Law

Jenia I. Turner, Southern Methodist University Dedman School of Law

**Commentator:** Bernadette A. Meyler, Cornell Law School

Offering case studies from different regions (and time periods), the four papers in this panel facilitate a comparative perspective on a question of great salience in our era of "globalization"—namely, how groups of various kinds (ethnic, religious, or otherwise) wield political authority outside the bounds of the nation-state and the role that the law plays in enabling (and hindering) their ability to do so. Professors Knopf, Michaels and Riles will examine how the technicalities of private international law (conflicts) can be deployed to enable an accommodation between potentially conflicting feminist and

multicultural concerns. Professor Stone considers how the Jewish legal experience challenges classical normative theories of the relationship of nation to law, which conceive of the state as central to law formation. Professor Paz studies the Alliance Israélite Universelle, a late 19th and early 20th century transnational, Jewish ethnic-religious network, in order to shed light on the surprisingly formative role that networks played in the development of our modern, state-based legal and political system. And Professor Turner explores the increasing transfer of criminal law competences to the EU/supranational level, examining whether this process—which generates significant national and civil society resistance—presupposes or contributes to a common EU political identity. Business Meeting at Program Conclusion.

## II. 2011 SECTION ON LAW AND RELIGION BUSINESS MEETING

The 2011 Business Meeting of the Section on Law and Religion will be held at the conclusion of the Section program on **Saturday, January 8, 2011, at 10:15 a.m.** At this meeting, we will elect Section officers for next year. These include the Chair Elect, the Chair of the Program Committee, and the Chair of the Nominating Committee. We will also elect two at-large members of the Section's Executive Committee. This year's Chair Elect (Nelson Tebbe) will automatically become Chair for next year. The offices of Chair, Chair Elect, Chair of the Program Committee, and Chair of the Nominating Committee can be held by one individual or by two individuals (who would then serve as Co-Chairs). This year's Nominating Committee has put together a slate of candidates to serve as Chair Elect, Chair of the Program Committee, and Co-Chairs of the Nominating Committee. Nominations may also be made from the floor. Nominations for the two at-large positions on the Executive Committee may only come from the floor. *We encourage all Sections members to attend and to think about nominations that they might want to make from the floor.*

The Nominating Committee's slate of nominees is as follows:

**Chair Elect:**

Paul Horwitz (Alabama)

**Program Committee Co-Chairs:**

Bernadette A. Meyler (Cornell) and Jessie Hill (Case Western)

**Nominating Committee Co-Chairs:**

Mark Movsesian (St. John's) and Frank Ravitch (Michigan State)

### III. 2010 SECTION BUSINESS MEETING

At last year's business meeting, the Chair Elect, the Co-Chairs of the Program Committee, the Co-Chairs of the Nominating Committee, and two at-large members of the Executive Committee were elected for 2010. In accordance with the Section By-Laws, the Co-Chair Elect, Christopher Lund, automatically became the Chair at the conclusion of the business meeting. Additional members of the Executive Committee for 2010 are listed below as well as the remaining members of the Nominating and Program Committees. We thank all of these officers and committee members for their hard work during 2010.

#### EXECUTIVE COMMITTEE

Christopher C. Lund

**Chair**

Wayne State University Law School

Samuel J. Levine (Immediate Past Co-Chair)

**Executive Committee Member**

Touro College Law Center

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**Co-Chair of the Nominating Committee**

Cornell University Law School

Josh Chafetz

**Co-Chair of the Nominating Committee**

Cornell University Law School

**Program Committee:** Caroline Mala Corbin (Co-Chair, Miami), Paul Horwitz (Co-Chair, Alabama), Zachary Calo (Valparaiso), Charleton Copeland (Miami), Marc DeGirolami (St. Johns), , Jessie Hill (Case Western), Bruce Ledewitz (Duquesne), Barry McDonald (Pepperdine), Mark Scarberry (Pepperdine), Lee Strang (Toledo).

**Nominating Committee:** Bernadette Meyler (Co-Chair, Cornell), Josh Chafetz (Co-Chair, Cornell), Rick Garnett (Notre Dame), Joel Nichols (St. Thomas), Frank Ravitch (Michigan State).

#### IV. LAW AND RELIGION BIBLIOGRAPHY FOR 2010

As in the past, we have compiled a law and religion bibliography that includes books and articles published in the last year. We have tried to compile a comprehensive list that includes items appearing since last year's newsletter and through November of 2010. As has been our practice, we are also including a list of law and religion related blogs which may be of interest to section members. We apologize for any errors or omissions to this year's bibliography, and ask you to inform Nelson Tebbe, the 2010 Chair Elect and Newsletter Editor, about any necessary corrections for next year's newsletter. Special thanks to Brooklyn Law School student Justin Sowa for his help in compiling this bibliography.

#### BOOKS

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Farrah Ahmed, *Personal Autonomy and Option of Religious Law*, 24 INT'L J.L. POL'Y & FAM. 222 (2010).

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Lee Ann Bambach, *The Enforceability of Arbitration Decisions Made by Muslim Religious Tribunals: Examining the Beth Din Precedent*, 25 J. L. & RELIGION 379 (2010).

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