
AALS LAW AND RELIGION SECTION NEWSLETTER*
WINTER 2017

Editors: Seval Yildirim and Robin Fretwell Wilson

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SECTION LEADERSHIP

2017 SECTION OFFICERS:

Chair:

Robin Fretwell Wilson, University of Illinois College of Law

Chair-Elect:

Seval Yildirim, Whittier Law School

Executive Committee:

Richard Albert, Boston College School of Law (Immediate Past Chair)

Nathan Chapman, University of Georgia School of Law (Program Committee Chair)

Haider Ala Hamoudi, Pittsburgh University School of Law (Prize Committee Chair)

Jeff Redding, St. Louis University School of Law (Nomination Chair)

Brett Scharffs, BYU School of Law

James Sonne, Stanford University School of Law

NOMINATIONS FOR 2018 OFFICERS AND EXECUTIVE COMMITTEE

Chair:

Nathan S. Chapman, University of Georgia Law School

Chair-Elect:

Michael A. Helfand, Pepperdine University School of Law

Program Chair:

Michael P. Moreland (Villanova University School of Law)

Executive Committee:

Robin Fretwell Wilson (University of Illinois College of Law) (Immediate Past Chair)

Thomas C. Berg (University of St. Thomas School of Law)

Elizabeth Clark (Brigham Young University School of Law)

Perry Dane (Rutgers Law School)

Marie Failing (Mitchell/Hamline School of Law)

* This newsletter is a forum for the exchange of ideas. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.

Haider ala Hamoudi (University of Pittsburgh School of Law)
Stephanie Acosta Inks (Georgetown University Law Center)
Michael P. Moreland (Villanova University School of Law)
Russell Powell (Seattle University School of Law)
Elizabeth Sepper (Washington University Law School)
Nelson Tebbe (Cornell Law School)
Mary Ziegler (Florida State University College of Law)

MESSAGE FROM THE CHAIR

Robin Fretwell Wilson
University of Illinois College of Law

As will be apparent at the AALS Annual Meeting in San Diego, our Section has had a terrific year and there are many people to thank. The Section's leadership has made this term enjoyable and incredibly productive.

Kudos especially to our Program Committee, chaired by Nathan Chapman (Georgia). Together with James Sonne (Stanford), Brett Scharffs (BYU), Marie Failing (Mitchell Hamline School of Law), Jaclyn L. Neo (National University of Singapore), and Paul Horwitz (Alabama), they have assembled a first rate program. We look forward to seeing many of you in attendance.

Thanks to Haider Ala Hamoudi (Pittsburgh) and the Prize Committee for its work in soliciting nominations for and awarding the second Berman Prize. The Berman Prize is named for Harold Berman, a veritable giant in our field and recognizes an untenured scholar for excellence in scholarship related to law and religion. The winner is announced below and will be recognized at our Section program in January.

The Nomination Committee, consisting of Jeff Redding (SLU), Richard W. Garnett (Notre Dame), and Chris Lund (Wayne State), has put together an outstanding slate of officers and Executive Committee members for the year ahead. Thank you to each of them. As you will see, we have had some officers this year step aside for time reasons from taking on roles they would otherwise assume. We have welcomed some new scholars into the Section's Executive Committee, including clinical colleagues teaching experiential courses and colleagues who have done considerable work on international religious freedom.

I am confident that the Section will work well under the leadership of Chair-Elect, Nathan Chapman, when their work begins in January.

Special thanks to Seval Yildirim (Whittier) for her work on the Newsletter and as Chair-Elect. We are grateful to the University of Illinois law library and Professor Stephanie Davidson in particular for assisting us in preparing the annual Bibliography of scholarship which so many of us have come to rely upon. Special thanks also to Mark Scarberry (Pepperdine) for keeping us connected virtually through the email list he so generously maintains for our Section.

When you next see them, please join me in thanking the members of the Executive Committee for their contributions to the life of our Section: Richard Albert (Boston College), Nathan Chapman (Georgia), Haider Ala Hamoudi (Pittsburgh), Jeff Redding (SLU), Brett Scharffs (BYU), James Sonne (Stanford), and Seval Yildirim (Whittier).

I hope 2017 comes to smooth close. Best wishes to you in the New Year.

Warmly,

Robin Fretwell Wilson

SECTION SPONSORED EVENTS

2018 AALS ANNUAL MEETING San Diego, CA

The Section's annual program is scheduled for **Wednesday, January 3, 2018, from 3:30pm to 5:15 pm, in Pacific Ballroom Salon 25 on the Ground Level of the North Tower in the Marriott Marquis San Diego Marina.** The program will feature the panel described below. We will also award the Section's new Harold Berman Prize to an untenured scholar for excellence in law & religion scholarship. The program will close with a business meeting; anyone interested in joining the leadership of the Section is invited to express an interest at the business meeting.

Governance, Resistance, and Rejection: Religion and Politics Now

Religion, politics, morality, and law have always had a dynamic relationship. On this panel, a diverse group of scholars will explore the variety of ways that current political and social movements are inspiring many to rethink that relationship. In some cases religion has influenced political and social movements, and in others religion has responded to them with civil disobedience, claims for accommodations, and even cultural withdrawal. Underlying these dynamics is an ongoing philosophical dispute, reflected to some extent in popular discourse, about the appropriate relationship between religious reasoning and political liberalism. The panelists will give special attention to the ways in which these dynamics have manifested themselves on both the right and the left in American law and politics, with an eye toward parallel developments abroad.

Moderator:

Nathan Chapman
University of Georgia School of Law

Panelists:

Monica Duffy Toft
The Fletcher School of Law and Diplomacy, Tufts University

Michael A. Helfand
Pepperdine University School of Law

Cathleen Kaveny
Boston College Law School

Steven D. Smith
University of San Diego School of Law

All are welcome to attend.

AWARDS

The AALS Section on Law & Religion is delighted to award Christopher Lund, Wayne State University Law School the Inagural Harold Berman Prize for Excellence in Law & Religion Scholarship.

The Harold Berman Prize is awarded to an untenured scholar on the tenure track for excellence in law and religion scholarship, who has made an outstanding scholarly contribution to the field of law and religion. The members of the prize committee selected Christopher's article, *Religion is Special Enough*, Virginia Law Review (2017) as the most meritorious. There will be a brief ceremony awarding the plaque for the award at the end of the Section panel at the AALS Annual Meeting on Wednesday, January 3, 2018, from 3:30pm to 5:15 pm, in Pacific Ballroom Salon 25 on the Ground Level of the North Tower in the Marriott Marquis San Diego Marina.

The members of the prize committee include the Chair, Haider Ala Hamoudi (Pittsburgh University School of Law), Marie Failinger (Mitchell Hamline School of Law), Fred Gedicks (BYU School of Law), Michael Moreland (Villanova University School of Law), Michael A. Helfand (Pepperdine University School of Law).

We ask that you join us in congratulating Christopher Lund on this award.

MEMBER NEWS & RECENT AND FORTHCOMING PUBLICATIONS

Kathleen Brady, Senior Fellow at the Center for the Study of Law and Religion at Emory University, published *The Disappearance of Religion from Debates about Religious Accommodation*, 20 *Lewis & Clark Law Review* 1093 (2017), and a Book Review Essay on Micah Schwartzman et al. eds., *The Rise of Corporate Religious Liberty*, 59 *Journal of Church and State* 489 (2107).

Gilbert Paul Carrasco, Professor of Law at Willamette University School of Law, co-authored with Iryna Zaverukha, *Mercy Versus Fear, or Where the Law on Migration Stands*, 40 *Seattle Law Review* 1283 (2017).

Richard Garnett, Paul J. Schierl/Fort Howard Corporation Professor of Law at the University of Notre Dame Law School, co-authored with Jackson Blais, *Religious Freedom and Recycled Tires: The Meaning and Implications of Trinity Lutheran*, 2016-17 Cato Supreme Court Review.

Scott D. Gerber, Professor of Law at Ohio Northern University Pettit College of Law, published *Law and Catholicism in Colonial Maryland*, 103 Catholic Historical Review 465 (2017)

Luke W. Goodrich, Deputy General Counsel at the Becket Fund for Religious Liberty, has a forthcoming article in Seton Hall Law Review, *Sex, Drugs, and Eagle Feathers: An Empirical Study of Federal Religious Freedom Cases*, which he co-authored with Rachel N. Busick.

Michael A. Helfand, Associate Director of Diane and Guilford Glazer Institute for Jewish Studies at Pepperdine University School of Law was recently promoted to Full Professor. He published *Identifying Substantial Burdens*, 2016 U. Ill. L. Rev. 1771 (2016). His forthcoming works are as follows: *Implied Consent: A Primer and a Defense*, 50 CONN. L. REV. (forthcoming 2018); *The Future of Religious Arbitration in the United States: Looking Through a Pluralist Lens*, in OXFORD LEGAL HANDBOOK ON GLOBAL LEGAL PLURALISM (Paul Schiff Berman ed., forthcoming 2018); *When Judges Are Theologians: Adjudicating Religious Questions*, in RESEARCH HANDBOOK ON LAW & RELIGION (Rex Ahdar ed., Edward Elgar Publishing, forthcoming 2018); *The Future of Religious Liberty in the Wake of Hobby Lobby*, in THE CONTESTED PLACE OF RELIGION IN FAMILY LIFE (Robin Fretwell Wilson ed., Cambridge Univ. Press, forthcoming 2018); and *The Substantial Burden Question: Secular Tools for Secular Courts*, in THE CONTESTED PLACE OF RELIGION IN FAMILY LIFE (Robin Fretwell Wilson ed., Cambridge Univ. Press, forthcoming 2018).

John J. Infranca, Associate Professor of Law at Suffolk University Law School, published *(Communal) Life, (Religious) Liberty, and Property*, 2017 Mich. St. L. Rev. __ (2017).

Bruce Ledewitz, Professor of Law at Duquesne University School of Law, published *The Role of Religiously Affiliated Law Schools in the Renewal of American Democracy*, 12 UMass L.Rev. 230 (2017), and *Is Religion a Non-Negotiable Aspect of Liberal Democracy?*, 2017 Mich. St. L.Rev. 209 (2017).

Ira Lupu, Emeritus Professor of Law at the George Washington University School of Law, co-authored the following pieces with Robert W. Tuttle: "Trinity Lutheran Church v. Comer: Paradigm Lost?," American Constitution Society Supreme Court Review 2016-2017, 131-160, and *The Mystery of Unanimity in Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 20 Lewis & Clark L. Rev. 1265-1315 (2017).

James Oleske, Associate Professor of Law at Lewis and Clark Law School, published *A Regrettable Invitation to "Constitutional Resistance," Renewed Confusion over Religious Exemptions, and the Future of Free Exercise*, 20 Lewis & Clark L. Rev. 1317 (2017).

Frank Ravitch, Professor of Law & Walter H. Stowers Chair of Law and Religion at Michigan State University College of Law, published *The Continued Relevance of Philosophical Hermeneutics in Legal Thought*, in THE NATURE OF LEGAL INTERPRETATION WHAT JURISTS CAN

LEARN ABOUT LEGAL INTERPRETATION FROM LINGUISTICS AND PHILOSOPHY (Univ. Of Chicago Press, Brian G. Slocum ed. 2017) and *Secularism and Liberal Constitutionalism: Lessons from Japan*, 2017 Mich. St. L. Rev. 149 (2017).

Stacie I. Strong, Manley O. Hudson Professor of Law at the University of Missouri School of Law, published *TRANSFORMING RELIGIOUS LIBERTIES: A NEW THEORY OF RELIGIOUS RIGHTS FOR NATIONAL AND INTERNATIONAL LEGAL SYSTEMS* (Cambridge University Press, 2017).

Nelson Tebbe, Professor of Law at Brooklyn Law School, published *RELIGIOUS FREEDOM IN AN EGALITARIAN AGE* (Harvard University Press, 2017).

Robin Fretwell Wilson, Roger and Stephany Joslin Professor of Law at University of Illinois College of Law, published *Unpacking the Relationship Between Religious Conscience and Access: Bounded Measures, Choke Points, and Gateways* IN *LAW, RELIGION, AND HEALTH IN THE UNITED STATES* 242 (Holly Fernandez Lynch, I. Glenn Cohen, & Elizabeth Sepper, eds., Cambridge University Press, 2017); *The Nonsense About Bathrooms: How Purported Concerns Over Safety Block Much-Needed Non-Discrimination Laws and Obscure Real Religious Liberty Concerns*, 20 *Lewis & Clark Law Review* 1373 (2017); and *Not All Government Expenditures Are a Subsidy to Religion*, *Cato Unbound: A Journal of Debate* (May 26, 2017). She has a number of pieces in her forthcoming volume, *THE CONTESTED PLACE OF RELIGION IN FAMILY LAW* (Robin Fretwell Wilson, ed., Cambridge University Press, 2018), including *By Faith Alone: When Religious Beliefs and Child Welfare Collide* (with Shaakirrah Sanders) and *Divorcing Marriage and the State: Unintended Consequences of Unwinding Civil and Religious Marriage*.

John Witte, Jr., Robert W. Woodruff Professor of Law, McDonald Distinguished Professor at Emory University School of Law, published the following books: *CHRISTIANITY AND FAMILY LAW: AN INTRODUCTION* (John Witte, Jr. and Gary S. Hauk, eds.) (Cambridge University Press, 2017) and *REFORMACJA PRAW: PRAWO, RELIGIA I PRAWA CZLOWIEKA W KALWINIZMIE U PROGU NOWOCZESNOSCI* (PWN, 2017), Polish translation of id., *THE REFORMATION OF RIGHTS: LAW, RELIGION, AND HUMAN RIGHTS IN EARLY MODERN CALVINISM* (Cambridge University Press, 2007). In addition, he published the following articles and essays: *Learning the Word in Geneva: John Calvin the Catechist*, in Douglas Gragg and John Weaver, eds., *READING FOR FAITH AND LEARNING: ESSAYS ON SCRIPTURE, COMMUNITY, AND LIBRARIES IN HONOR OF M. PATRICK GRAHAM* (Abilene, TX: Abilene Christian University Press, 2017), 115-128; *The Legal Turn of the Reformation*, in *LUTHER – 95 TREASURES, 95 PEOPLE* (Wittenberg: Stiftung Luthergedenkstätten in Sachsen-Anhalt, 2017), 451-455; John Witte, Jr., *Foreword: What Christianity Offers to the World of Law*, *Journal of Law and Religion* 32 (2017): 4-8; *Law, Religion, and Human Rights in David Little's Thought*, *Journal of Law and Religion* 32 (2017): 197-201; *Martin Luther's Influence on Legal Reforms and Civil Law*, in *OXFORD RESEARCH ENCYCLOPEDIA OF RELIGION* (March, 2017), 1-32; *Luther the Lawyer: The Lutheran Reformation of Law, Politics, and Society*, *Law and Justice: A Christian Law Review* 178 (2017): 6-36; *Introduction* to John Witte, Jr. and Gary S. Hauk, eds., *CHRISTIANITY AND FAMILY LAW: AN INTRODUCTION* (Cambridge University Press, 2017), 1-15; *Martin Luther*, in *ibid.*, 195-210 (with Steven Ozment); *Emil Brunner*, in *ibid.*, 307-322 (with Don S. Browning); *The Nature of Family in Seventeenth-Century Liberal Protestant Thought: Hugo Grotius and John*

Selden, Illinois Law Review (2017): 1947-1970; *The Integrative Christian Jurisprudence of John Selden*, in R.H. Helmholz and Mark Hill, eds., GREAT CHRISTIAN JURISTS IN ENGLISH HISTORY (Cambridge University Press, 2017), 139-62 (with Harold J. Berman); *The Universal Rule of Natural and Written Constitutions in the Thought of Johannes Althusius*, in Janne Nijman and Tony Carty, eds., MORALITY AND RESPONSIBILITY OF RULERS: CHINESE AND EUROPEAN EARLY MODERN ORIGINS OF A RULE OF LAW FOR WORLD ORDER (Oxford University Press, 2017), 167-186; *From Gospel to Law: The Lutheran Reformation and its Impact on Legal Culture*, *Ecclesiastical Law Journal* 19 (2017): 271-291, translated as “Dal Vangelo alla Legge: la Riforma luterana e il suo impatto sulla cultura giuridica,” in *Ephemerides iuris canonici* 57 (2017): 633-660.

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