

AALS Section on Law and Religion
Dec. 2006 Newsletter

Greetings to all from the Executive Committee of the Law and Religion Section. We hope yours has been a productive and fulfilling year. The annual meeting of the AALS is fast approaching, and our Section has an excellent program planned for Wednesday, January 3, 2007, from 2:00-5:00 p.m. The rich and timely theme for the program is “Religion, Religious Pluralism, and the Rule of Law.” Here is a description (updated from the description in the AALS Program book to reflect a different moderator and one different speaker):

Assoc. of American Law Schools Annual Meeting
Section on Law and Religion
January 3, 2007 (2:00 to 5:00 p.m.)

Religion, Religious Pluralism, and the Rule of Law
(Program to be published in *Mississippi College Law Review* - Fall 2007)

Popular debate about the relationship between law and religion appears to be dominated by two camps – religionists and secularists. Religionists maintain that law ultimately requires a religious foundation which some countries have explicitly embraced in their constitutions and substantive legal norms. In the United States, they urge that government officials recognize this religious foundation by posting the Ten Commandments, displaying crèches, keeping “under God” in the pledge of allegiance, citing scripture in judicial opinions, and allowing prayer and the teaching of intelligent design in public schools. Conversely, secularists embrace the opposite claim that law should have a non-religious foundation. Religion is usually perceived as a threat rather than a source of social solidarity. In France, for example, the doctrine of *laïcité* requires secular solidarity to take priority over religious freedom by prohibiting children from wearing headscarves or religious symbols in public schools. Although there are positions between these extremes, religionists and secularists dominate the current debate without demonstrating much potential for moving the debate forward.

Perhaps their differences rest on more fundamental disagreements regarding their conceptions of religion, religious pluralism, and the nature and rule of law. What are these presuppositions and where do they come from? Are the presuppositions of religionists and secularists reasonable or justifiable? Are there other possible positions based on different understandings of religion, religious pluralism, and the rule of law? How do conceptions of religion, religious pluralism, and law shape our thinking about the proper role of religion in a pluralistic democratic society?

Panelists will use various theoretical and methodological perspectives to explore these questions. Some panelists will draw on resources within the law (e.g., U.S. Supreme Court jurisprudence, international and foreign law) to address these questions. Others will draw on resources outside the law. For instance, in the United States, aspects of the Christian tradition or resources within U.S. history may explain the current state of affairs or may support a different trajectory. Alternatively, other religious traditions like

Buddhism and Islam may lead to different understandings of religion and its relationship to law and human rights. Furthermore, the unique nature of religion may make it problematic to protect religious liberty directly by singling out religious activity for special treatment. Finally, it may be that the nature of law, religion, and religious pluralism needs to be rethought before we can properly consider the relationship between law and religion.

Moderator:

Joel A. Nichols, Associate Professor of Law, Pepperdine University, School of Law (replacing Mark C. Modak-Truran, J. Will Young Professor of Law, Mississippi College, School of Law, who is listed in the AALS Program).

Panel Participants:

- 1) Larry Cata Backer, Professor of Law, Penn State, The Dickinson School of Law;
- 2) Rebecca R. French, Professor of Law, SUNY Buffalo, School of Law;
- 3) Scott Idleman, Professor of Law, Marquette University, Law School;
- 4) Robin Lovin, Cary M. Maguire University Professor of Ethics, Southern Methodist University;
- 5) Elizabeth Mensch, SUNY Distinguished Teaching Professor, SUNY Buffalo, School of Law;
- 6) Michael Novak, George Frederick Jewett Scholar in Religion, Philosophy, and Public Policy, American Enterprise Institute for Public Policy Research;
- 7) Steven Smith, Warren Distinguished Professor of Law, University of San Diego, School of Law;
- 8) Mark C. Modak-Truran, J. Will Young Professor of Law, Mississippi College, School of Law (replacing Winnifred Fallers Sullivan, Associate Professor of Law, SUNY Buffalo, School of Law, who is listed in the AALS Program).

The Section's business meeting will follow the program. Please attend, and consider getting involved in the Section's work.

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As you probably remember, our Section hosted two engaging and well-attended programs at the 2006 annual meeting, and also co-sponsored a program with the Professional Responsibility Section. We are pleased to announce that the papers presented at those

conferences will be published in leading law reviews, and should be available in print very soon. You can also hear the presentations, and discussion, from both panels, via Podcast, at:

<http://www2.cali.org/index.php?fuseaction=static.aals2006>.

The first 2006 panel, “The (Re)Turn to History in Religion Clause Law and Scholarship,” featured the work of Profs. Lee J. Strang (Ave Maria), Noah R. Feldman (NYU), Steven K. Green (Willamette), Marci A. Hamilton (Cardozo), Douglas Laycock (Texas), and Steven Douglas Smith (San Diego). The papers are forthcoming in the *Notre Dame Law Review*. The second panel, “Religion, Division, and the Constitution,” was chaired by Prof. Richard W. Garnett (Notre Dame) and included Profs. David Campbell (Dept. of Poli. Sci., Notre Dame), Stephen M. Feldman (Wyoming), Frederick Mark Gedicks (BYU), and Paul Horwitz (Southwestern). Prof. Larry Solum (Illinois) also contributed a paper. The entire collection is forthcoming in the *William & Mary Bill of Rights Journal*. Thanks very much to the student members of these two journals for their work and interest.

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During the past year, our Section decided to move to e-mail distribution of this newsletter. This move should save significant postage and copying costs, and allow us to target all available resources to the Section’s scholarly and other activities. The distribution list is “announcement only”; only a few of the Section officers are able to send items to the list. So, do not fear an onslaught of e-mail clutter. As always, discussion-via-listserv of law-and-religion topics is available through the “religionlaw” list which Prof. Eugene Volokh (UCLA) moderates.

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The Section and the Executive Committee would like to thank the 2006 Co-Chairs, Profs. Lisa Shaw Roy (University of Mississippi School of Law) and Mark S. Scarberry (Pepperdine University School of Law) for their dedication and hard work. The other Executive Committee members for 2006 are: Brett G. Scharffs (Brigham Young University, J. Reuben Clark Law School) (immediate past Section Chair), Marie A. Failinger (Hamline University School of Law) (Co-Chair of the Section Nominating Committee), Mark C. Modak-Truran (Mississippi College School of Law) (Chair of the Section Program Committee for the 2007 AALS Annual Meeting), Eric R. Claeys (Saint Louis University School of Law), Davison M. Douglas (College of William and Mary, Marshall-Wythe School of Law) (Co-Chair of the Section Nominating Committee), and Richard W. Garnett (Notre Dame Law School) (Chair-Elect and Secretary).

The members of the Program Committee for the 2007 AALS Annual Meeting are Mark C. Modak-Truran (Chair), Eric R. Claeys, Marie A. Failinger, Joel A. Nichols (Pepperdine University School of Law), and John Edward Taylor (West Virginia University College of Law).

The members of this year’s Nominating Committee are Marie A. Failinger (Co-Chair), Davison M. Douglas (Co-Chair), Robert Allen Garda, Jr. (Loyola University, New Orleans, School of Law), Jessie Hill (Case Western Reserve University School of Law), Clark B. Lombardi (University of Washington School of Law), and Richard W. Garnett.

If you are interested in serving as a Section officer or on a Section committee, please attend the Section's business meeting following the Wednesday afternoon program, or contact Marie Failing or Davison Douglas. As provided in our bylaws, the Nominating Committee will present a slate of nominations at the business meeting for 2007 officers. Nominations from the floor are also in order, as are expressions of interest in being considered by the Nominating Committee for the following year.

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We have a few corrections and additions to the previous, June 2006 newsletter. First, the *errata*: The citations for articles by Professors Frank S. Ravitch and Stephen M. Feldman somehow were combined into a single citation to a *Wyoming Lawyer* piece supposedly authored by Professor Ravitch. Here are the correct citations:

Stephen M. Feldman, *The Rehnquist Court and Religion*, 28 WYO. LAW. 30 (2005).

Frank S. Ravitch, *Religious Objects as Legal Subjects*, 40 WAKE FOREST L. REV. 1011 (2005).

Moving on to additions to the 2005 bibliography:

Books

(These works are projects of or otherwise associated with the Center for the Study of Law and Religion at Emory University: www.law.emory.edu/csrlr.)

COVENANT MARRIAGE IN COMPARATIVE PERSPECTIVE (John Witte, Jr. & Eliza Ellison eds., 2005).

FAMILY TRANSFORMED: RELIGION, VALUES, AND SOCIETY IN AMERICAN LIFE (Steven M. Tipton & John Witte, Jr. eds., 2005).

MARK D. JORDAN, BLESSING SAME-SEX UNIONS: THE PERILS OF QUEER ROMANCE AND THE CONFUSIONS OF CHRISTIAN MARRIAGE (2005).

MARRIAGE PROPOSALS: QUESTIONING A LEGAL STATUS (Anita Bernstein ed., 2005).

MARRIAGE, SEX, AND FAMILY IN JUDAISM (Michael J. Broyde & Michael Ausubel, eds., 2005).

MEXICAN IMMIGRATION TO THE U.S. SOUTHEAST: IMPACT AND CHALLENGES (Mary E. Odem & Elaine Lacy eds., 2005).

THE MORALITY OF ADOPTION: SOCIAL-PSYCHOLOGICAL, THEOLOGICAL, AND LEGAL PERSPECTIVES (Timothy P. Jackson ed. 2005).

SEX, MARRIAGE, & FAMILY IN WORLD RELIGIONS (Don S. Browning, M. Christian Green & John Witte, Jr. eds., 2005).

THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS, AND HUMAN NATURE (John Witte, Jr. & Frank S. Alexander eds., 2005) (volume 1; see below for companion volume).

THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS, AND HUMAN NATURE (John Witte, Jr. & Frank S. Alexander eds., 2005) (volume 2, containing primary sources).

JOHN WITTE, JR., RELIGION AND THE AMERICAN CONSTITUTIONAL EXPERIMENT (2d ed. 2005).

JOHN WITTE, JR. & ROBERT M. KINGDON, SEX, MARRIAGE, AND FAMILY IN JOHN CALVIN'S GENEVA I: COURTSHIP, ENGAGEMENT, MARRIAGE (2005).

Articles and Book Chapters (Symposia Listed Separately Below)

Bruce Ledewitz, *Up Against the Wall of Separation: The Question of American Religious Democracy*, 14 WM. & MARY BILL RTS. J. 555 (2005).

Symposia

Bankruptcy in the Religious Non-Profit Context

- Kathleen M. Boozang, *Introduction*, 29 SETON HALL LEGIS. J. 341 (2005).
- David A. Skeel, Jr., *"Sovereignty" Issues and the Church Bankruptcy Cases*, 29 SETON HALL LEGIS. J. 345 (2005).
- Nicholas P. Cafardi, *The Availability of Parish Assets for Diocesan Debts: A Canonical Analysis*, 29 SETON HALL LEGIS. J. 361 (2005).
- Catherine Pierce Wells, *Who Owns the Church? A Pressing Issue for Dioceses in Bankruptcy*, 29 SETON HALL LEGIS. J. 375 (2005).
- Melanie DiPietro, *The Relevance of Canon Law in a Bankruptcy Proceeding*, 29 SETON HALL LEGIS. J. 399 (2005).
- Mark A. Sargent, *The Dioceses After Chapter 11*, 29 SETON HALL LEGIS. J. 427 (2005).
- Angela C. Carmella, *Constitutional Arguments in Church Bankruptcies: Why Judicial Discourse About Religion Matters*, 29 SETON HALL LEGIS. J. 435 (2005).
- Evelyn Brody, *The Charity in Bankruptcy and Ghosts of Donors Past, Present, and Future*, 29 SETON HALL LEGIS. J. 471 (2005).
- Christina M. Davitt, *Whose Steeple is it? Defining the Limits of the Debtor's Estate in the Religious Bankruptcy Context*, 29 SETON HALL LEGIS. J. 531 (2005).

The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief (symposium edited by Johan D. van der Vyver & T. Jeremy Gunn)

- Johan D. van der Vyver, *Limitations of Freedom of Religion or Belief: International Law Perspectives*, 19 EMORY INT'L L. REV. 499 (2005).
- Heather Payne & Norman Doe, *Public Health and the Limits of Religious Freedom*, 19 EMORY INT'L L. REV. 539 (2005).
- Ingvill Thorson Plesner, *Legal Limitations to Freedom of Religion or Belief in School Education*, 19 EMORY INT'L L. REV. 557 (2005).
- Javier Martínez-Torrón, *Limitations on Religious Freedom in the Case Law of the European Court of Human Rights*, 19 EMORY INT'L L. REV. 587 (2005).
- Rik Torfs, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Belgium*, 19 EMORY INT'L L. REV. 637 (2005).
- Pauline Côté & T. Jeremy Gunn, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Canada*, 19 EMORY INT'L L. REV. 685 (2005).
- Merilin Kiviorg, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Estonia*, 19 EMORY INT'L L. REV. 753 (2005).
- Alain Garay, Blandine Chélini-Pont, Emmanuel Tawil & Zarah Anseur, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in France*, 19 EMORY INT'L L. REV. 785 (2005).
- Gerhard Robbers, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Germany*, 19 EMORY INT'L L. REV. 841 (2005).
- Balázs Schanda, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Hungary*, 19 EMORY INT'L L. REV. 889 (2005).
- Marco Ventura, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Italy*, 19 EMORY INT'L L. REV. 913 (2005).
- Sophie C. van Bijsterveld, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in the Netherlands*, 19 EMORY INT'L L. REV. 929 (2005).
- Njål Hostmaelingen, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Norway*, 19 EMORY INT'L L. REV. 989 (2005).
- José M. González del Valle, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Spain*, 19 EMORY INT'L L. REV. 1033 (2005).
- Ergun Özsunay, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in Turkey*, 19 EMORY INT'L L. REV. 1087 (2005).
- Mark Hill, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in the United Kingdom*, 19 EMORY INT'L L. REV. 1129 (2005).
- Frederick Mark Gedicks, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in the United States*, 19 EMORY INT'L L. REV. 1187 (2005).
- Thomas C. Berg, *The Permissible Scope of Legal Limitations on the Freedom of Religion or Belief in the United States*, 19 EMORY INT'L L. REV. 1277 (2005).

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Some Section members might be interested in a program, hosted by the Lumen Christi Institute and the Law Professors Christian Fellowship, planned for Saturday, January 6, 2007, at the University Club in Washington D.C. The theme for the conference is “Christian Legal Thought,” and features panels on “Modesty and the Limits of Law: The Skeel-Stuntz Thesis”, “Law and Christian Feminism,” and “Christian Legal Scholars and Scholarship.” For more information on the program, contact Professor Robert F. Cochran, Jr. (Pepperdine), or visit the website of the Lumen Christi Institute: <http://lumenchristi.org/lawconference.html>

Many Section members will probably also be interested in the events associated with the annual meeting of the American Society for Political and Legal Philosophy, on Friday, January 5 and Saturday, January 6. This year’s theme is “American Conservative Thought and Politics.” For more information, contact Prof. Jacob T. Levy (Dept. Pol. Sci., McGill University). More information on these events is available here: <http://aals.org/am2007/saturday/index.html>.

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In keeping with the Section’s traditional practice, what follows is our best effort at a comprehensive Law and Religion bibliography for 2006. We apologize in advance for any omissions or mistakes, and ask you to inform Richard Garnett, the 2006 secretary, about any necessary corrections or additions for the next newsletter. And, we are grateful to Benjamin Carr, a second-year law student at Notre Dame, for his help in compiling this list.

Books

DAVID M. ACKERMAN & KIMBERLY D. JONES, *THE LAW OF CHURCH AND STATE IN THE SUPREME COURT REVISITED* (2006).

ASAD AHMED, *ADJUDICATING MUSLIMS: LAW, RELIGION AND THE STATE IN COLONIAL INDIA AND POST-COLONIAL PAKISTAN* (2006).

THOMAS AHNERT, *RELIGION AND THE ORIGINS OF THE GERMAN ENLIGHTENMENT* (2006).

ABDULLAHI AHMED AN-NA’IM, *INTER-RELIGIOUS MARRIAGES AMONG MUSLIMS: NEGOTIATING RELIGIOUS AND SOCIAL IDENTITY IN FAMILY AND COMMUNITY* (2005).

BROOKE ALLEN, *MORAL MINORITY: OUR SKEPTICAL FOUNDING FATHERS* (2006).

CLIFFORD ANDO & JÖRG RÜPKE, *RELIGION AND LAW IN CLASSICAL AND CHRISTIAN ROME* (2006).

GORDON ARTHUR, *LAW, LIBERTY, AND CHURCH: AUTHORITY AND JUSTICE IN THE MAJOR CHURCHES IN ENGLAND* (2006).

PAUL BEARMAN, ET AL., THE ISLAMIC SCHOOL OF LAW: EVOLUTION, DEVOLUTION, AND PROGRESS (2006).

RANDALL P. BEZANSON, HOW FREE CAN RELIGION BE? (2006).

EVA BREMS, ARTICLE 14: THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE, AND RELIGION (2006).

KATHRYN PAGE CAMP, IN GOD WE TRUST: HOW THE SUPREME COURT'S FIRST AMENDMENT DECISIONS AFFECT ORGANIZED RELIGION (2006).

DAMIAN C. A. COLLINS, THE PLACE OF RELIGION IN PUBLIC SCHOOLS: A GEOGRAPHICAL ANALYSIS OF U.S. AND CANADIAN CASE LAW (2006).

A COMMUNION OF SUBJECTS: ANIMALS IN RELIGION, SCIENCE, AND ETHICS (Paul Waldau & Kimberley Patton eds., 2006).

COVENANT MARRIAGE IN COMPARATIVE PERSPECTIVE (John Witte, Jr. & Eliza Ellison eds., 2005).

SHARON CROWLEY, TOWARD A CIVIL DISCOURSE: RHETORIC AND FUNDAMENTALISM (2006).

THE DAWN OF RELIGIOUS FREEDOM IN SOUTH CAROLINA (James L. Underwood & W. Lewis Burke eds., 2006).

DEFENDING SAME-SEX MARRIAGE (Mark Strasser ed., 2006).

FULVIO DI BLASI, GOD AND THE NATURAL LAW: A REREADING OF THOMAS AQUINAS (2006).

ROBERT F. DRINAN, CAN GOD & CAESAR COEXIST?: BALANCING RELIGIOUS FREEDOM AND INTERNATIONAL LAW (2006).

FAMILY TRANSFORMED: RELIGION, VALUES, AND SOCIETY IN AMERICAN LIFE (Steven M. Tipton & John Witte, Jr. eds., 2005).

PATRICK M. GARRY, WRESTLING WITH GOD: THE COURTS' TORTUOUS TREATMENT OF RELIGION (2006).

STEPHEN G. GEY, RELIGION AND THE STATE (2d ed. 2006).

CULLEN M. GODFREY, THE FIRST AMENDMENT'S RELIGIOUS LIBERTY CLAUSES (2006).

STEPHEN J. GRABILL, REDISCOVERING THE NATURAL LAW IN REFORMED THEOLOGICAL ETHICS (2006).

KENT GREENAWALT, RELIGION AND THE CONSTITUTION (2006).

RICHARD R. HAMMAR, THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (2006).

HANDBOOK OF BIOETHICS AND RELIGION (David E. Guinn ed., 2006).

DARRYL HART, A SECULAR FAITH: WHY CHRISTIANITY FAVORS THE SEPARATION OF CHURCH AND STATE (2006).

CHARLES C. HAYNES ET AL., FIRST FREEDOMS: A DOCUMENTARY HISTORY OF FIRST AMENDMENT RIGHTS IN AMERICA (2006).

ARTHUR D. HELLMAN ET AL., FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (2006).

DAVID L. HOLMES, THE FAITHS OF THE FOUNDING FATHERS (2006).

DAVIS W. HOUCK & DAVID E. DIXON, RHETORIC, RELIGION, AND THE CIVIL RIGHTS MOVEMENT 1954–1965 (2006).

HUMANITY BEFORE GOD: CONTEMPORARY FACES OF JEWISH, CHRISTIAN, AND ISLAMIC ETHICS (William Schweiker et al. eds., 2006).

THOMAS JEFFERSON & JOHN ADAMS, “YE WILL SAY I AM NO CHRISTIAN”: THE THOMAS JEFFERSON/JOHN ADAMS CORRESPONDENCE ON RELIGION, MORALS, AND VALUES (Bruce Braden ed., 2006).

JEWISH ETHICS AND THE CARE OF END-OF-LIFE PATIENTS: A COLLECTION OF RABBINICAL, BIOETHICAL, PHILOSOPHICAL, AND JURISTIC OPINIONS (Peter Joel Hurwitz et al. eds., 2006).

ANNE JOHNSON, THE SCOPES “MONKEY TRIAL” (2006).

WILLIAM STACY JOHNSON, A TIME TO EMBRACE: SAME-GENDER UNIONS IN RELIGION, LAW, AND POLITICS (2006).

MARK D. JORDAN, BLESSING SAME-SEX UNIONS: THE PERILS OF QUEER ROMANCE AND THE CONFUSIONS OF CHRISTIAN MARRIAGE (2005).

MARTY KLEIN, AMERICA’S WAR ON SEX: THE ATTACK ON LAW, LUST AND LIBERTY (2006).

SAMANTHA KNIGHTS, FREEDOM OF RELIGION, MINORITIES, AND THE LAW (2006).

LAW AND THE SACRED (Austin Sarat et al. eds., 2006).

LAW, RELIGION AND MEDICAL SCIENCE (Rosalind F. Croucher & Cameron Stewart eds., 2006).

LLOYD J. LUNCEFORD, *A GUIDE TO CHURCH PROPERTY LAW: THEOLOGICAL, CONSTITUTIONAL AND PRACTICAL CONSIDERATIONS* (2006).

CLARK LOMBARDI, *STATE LAW AS ISLAMIC LAW IN MODERN EGYPT: THE INCORPORATION OF THE SHARI'A INTO EGYPTIAN CONSTITUTIONAL LAW* (2006).

LUTHERAN REFORMATION AND THE LAW (Virpi Mäkinen ed., 2006).

MARRIAGE PROPOSALS: QUESTIONING A LEGAL STATUS (Anita Bernstein ed., 2005).

MARRIAGE, SEX, AND FAMILY IN JUDAISM (Michael J. Broyde & Michael Ausubel eds., 2005).

JOSÉ LUIS MARTINEZ LÓPEZ-MUÑIZ ET AL., *RELIGIOUS EDUCATION IN PUBLIC SCHOOLS: STUDY OF COMPARATIVE LAW* (2006).

MUHAMMAD K. MASUD, ET AL., *DISPENSING JUSTICE IN ISLAM: QADIS AND THEIR JUDGMENTS* (2006).

RALPH D. MAWDSLEY, *LEGAL PROBLEMS OF RELIGIOUS AND PRIVATE SCHOOLS* (5th ed. 2006).

STEVEN V. MAZIE, *ISRAEL'S HIGHER LAW: RELIGION AND LIBERAL DEMOCRACY IN THE JEWISH STATE* (2006).

MICHAEL W. MCCONNELL, JOHN H. GARVEY & THOMAS C. BERG, *RELIGION AND THE CONSTITUTION* (2d ed. 2006).

KENNETH MCINTOSH & MARSHA MCINTOSH, *ISSUES OF CHURCH, STATE, & RELIGIOUS LIBERTIES: WHOSE FREEDOM, WHOSE FAITH?* (2006).

JON MEACHAM, *AMERICAN GOSPEL: GOD, THE FOUNDING FATHERS, AND THE MAKING OF A NATION* (2006).

MEDIEVAL CHURCH LAW AND THE ORIGINS OF THE WESTERN LEGAL TRADITION: A TRIBUTE TO KENNETH PENNINGTON (Wolfgang P. Müller & Mary E. Sommar eds., 2006)

H. L. MENCKEN, *A RELIGIOUS ORGY IN TENNESSEE: A REPORTER'S ACCOUNT OF THE SCOPES MONKEY TRIAL* (2006).

MEXICAN IMMIGRATION TO THE U.S. SOUTHEAST: IMPACT AND CHALLENGES (Mary E. Odem & Elaine Lacy eds., 2005).

MONICA K. MILLER, *RELIGION IN CRIMINAL JUSTICE* (2006).

MIXED BLESSINGS: LAWS, RELIGIONS, AND WOMEN'S RIGHTS IN THE ASIA-PACIFIC REGION (Amanda Whiting & Carolyn Evans eds., 2006).

THE MORALITY OF ADOPTION: SOCIAL-PSYCHOLOGICAL, THEOLOGICAL, AND LEGAL PERSPECTIVES (Timothy P. Jackson ed., 2005).

NATURAL LAW AND LAWS OF NATURE IN EARLY MODERN EUROPE: JURISPRUDENCE, THEOLOGY, MORAL, AND NATURAL PHILOSOPHY (Lorraine Daston & Michael Stolleis eds., 2006).

MICHAEL NAZIR-ALI, CONVICTION AND CONFLICT: ISLAM, CHRISTIANITY, AND WORLD ORDER (2006).

JILL NORNGREN & SERENA NANDA, AMERICAN CULTURAL PLURALISM AND LAW (3d ed. 2006).

ANDY G. OLREE, THE CHOICE PRINCIPLE: THE BIBLICAL CASE FOR LEGAL TOLERATION (2006).

MICHAEL STOKES PAULSEN, A PRIMER ON THE FIRST AMENDMENT (2006).

MICHAEL J. PERRY, TOWARD A THEORY OF HUMAN RIGHTS: RELIGION, LAW, COURTS (2006).

THE POLITICS OF PAST EVIL: RELIGION, RECONCILIATION, AND THE DILEMMAS OF TRANSITIONAL JUSTICE (Daniel Philpott ed., 2006).

PAUL POWERS, INTENT IN ISLAMIC LAW: MOTIVE AND MEANING IN MEDIEVAL SUNNI FIQH (2006).

RECOVERING SELF-EVIDENT TRUTHS: CATHOLIC PERSPECTIVES ON AMERICAN LAW (Michael A. Scaperlanda & Teresa Stanton Collett eds., 2007).

RELIGIOUS ORGANIZATIONS IN THE UNITED STATES: A STUDY OF IDENTITY, LIBERTY, AND THE LAW (James A. Serritella ed., 2006).

REPRESENTING GOD AT THE STATEHOUSE: RELIGION AND POLITICS IN THE AMERICAN STATES (Edward L. Cleary & Allen D. Hertzke eds., 2006).

STEVEN C. ROACH, POLITICIZING THE INTERNATIONAL CRIMINAL COURT: THE CONVERGENCE OF POLITICS, ETHICS, AND LAW (2006).

ELLIS SANDOZ, REPUBLICANISM, RELIGION, AND THE SOUL OF AMERICA (2006).

JAY ALAN SEKULOW, WITNESSING THEIR FAITH: RELIGIOUS INFLUENCE ON SUPREME COURT JUSTICES AND THEIR OPINIONS (2006).

SEX, MARRIAGE, & FAMILY IN WORLD RELIGIONS (Don S. Browning, M. Christian Green, & John Witte, Jr. eds., 2005).

NAIAZ A. SHAH, WOMEN, THE KORAN AND INTERNATIONAL HUMAN RIGHTS LAW (2006).

MARY ANGELA SHAUGHNESSY, RELIGIOUS EDUCATION, YOUTH, AND CAMPUS MINISTRY: LEGAL ISSUES FOR CATECHISTS, MINISTERS, AND VOLUNTEERS (2006).

HUSTON SMITH, A SEAT AT THE TABLE: HUSTON SMITH IN CONVERSATION WITH NATIVE AMERICANS ON RELIGIOUS FREEDOM (Phil Cousineau & Gary Rhine eds., 2006).

CHRISTOPH A. STUMPF, THE GROTIAN THEOLOGY OF INTERNATIONAL LAW (2006).

BRENDAN SWEETMAN, WHY POLITICS NEEDS RELIGION: THE PLACE OF RELIGIOUS ARGUMENTS IN THE PUBLIC SQUARE (2006).

R. MURRAY THOMAS, GOD IN THE CLASSROOM: RELIGION AND AMERICA'S PUBLIC SCHOOLS (2006).

JOHAN D. VAN DER VYVER, LEUVEN LECTURES ON RELIGIOUS INSTITUTIONS, RELIGIOUS COMMUNITIES AND RIGHTS (2005).

JOHN WITTE, JR., GOD'S JOUST, GOD'S JUSTICE: LAW AND RELIGION IN THE WESTERN TRADITION (2006).

Book Chapters

Ralph D. Mawdsley, *Religion in Public Schools*, in KEY LEGAL ISSUES FOR SCHOOLS 193 (Charles J. Russo ed., 2006).

Lee E. Teitelbaum, *Religion and Modernity in American Family Law*, in AMERICAN RELIGIONS AND THE FAMILY (Don S. Browning & David A. Clarimont eds., 2006).

Jeremy Webber, *The Irreducibly Religious Content of Freedom of Religion*, in DIVERSITY AND EQUALITY: THE CHANGING FRAMEWORK OF FREEDOM IN CANADA (Avigail I. Eisenberg ed., 2006).

Articles

Imam Feisal Abdul Rauf, *What is Islamic Law?*, 57 MERCER L. REV. 595 (2006).

C. F. Abel & Hans J. Hacker, *Local Compliance with Supreme Court Decisions: Making Space for Religious Expression in Public Schools*, 21 J. CHURCH & ST. 355 (2006).

Asma Afsaruddin, *The "Islamic State": Genealogy, Facts, and Myths*, 21 J. CHURCH & ST. 153 (2006).

Steven P. Aggergaard, *Religion, Speech, and the Minnesota Constitution: State-Based Protections Amid First Amendment Instabilities*, 32 WM. MITCHELL L. REV. 719 (2006).

- Marcia S. Alembik, Note, *The Future of the Lemon Test: A Sweeter Alternative for Establishment Clause Analysis*, 40 GA. L. REV. 1171 (2006).
- Mark R. Amstutz, *Is Reconciliation Possible After Genocide?: The Case of Rwanda*, 21 J. CHURCH & ST. 541 (2006).
- David M. Andersen, Comment, *Political Silence at Church: The Empty Threat of Removing Tax-Exempt Status for Insubstantial Attempts to Influence Legislation*, 2006 BYU L. REV. 115.
- Ogechi E. Anyanwu, *Crime and Justice in Postcolonial Nigeria: The Justifications and Challenges of Islamic Law of Shari'ah*, 21 J.L. & RELIGION 315 (2005–2006).
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- Patrick McKinley Brennan, *The "Right" of Religious Liberty of the Child: Its Meaning, Measure, and Justification*, 20 EMORY INT'L L. REV. 129 (2006).

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Jay Alan Sekulow & Erik Michael Zimmerman, *Posting the Ten Commandments is a "Law Respecting an Establishment of Religion"?: How McCreary County v. ACLU Illustrates the Need to Reexamine the Lemon Test and its Purpose Prong*, 23 T.M. COOLEY L. REV 25 (2006).

Jeffery J. Ventrella, *What's God Got To Do With It??!! The Prima Facie Propriety of Public Religious Expression*, 23 T.M. COOLEY L. REV 77 (2006).

David A. Friedman, *Why Governmental Decalogue Displays Endorse Religion*, 23 T.M. COOLEY L. REV 109 (2006).

Nadine Strossen, *What Role Religion Should Play (Or Not Play) In Our Public Policy*, 23 T.M. COOLEY L. REV 131 (2006).

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The previous newsletter included a list of law-and-religion related blogs, which might be of interest to Section members. What follows is an updated list:

Richard Bartholomew, Bartholomew's Notes on Religion: Researching Religion and Current Affairs Since February 2004, <http://blogs.salon.com/0003494/>.

Ed Brayton, Dispatches from the Cultural Wars: Thoughts from the Interface of Science, Religion, Law, and Culture, <http://scienceblogs.com/dispatches>.

Don Byrd, Blog from the Capitol: A Blog on Religious Liberty Issues and Separation of Church and State, <http://www.bjconline.org/cgi-bin/>.

Christianity Today, <http://www.christianitytoday.com/ct/features/news/weblog>.

Constitutionally Correct, <http://constitutionallycorrect.com>.

Contextual Criticism, <http://heavenswork.blogspot.com>.

Crosses aCross America, <http://crossesacrossamerica.blogspot.com>.

DefCon: Campaign to Defend the Constitution Because the Religious Right Is Wrong, <http://www.defconblog.org>.

The Evangelical Outpost: Reflections on Culture, Politics, and Religion From an Evangelical Worldview, <http://www.evangelicaloutpost.com>.

Robert M. Felton, Civil Commotion: The Intersection of Religion, Law, and Politics, <http://www.civilcommotion.com>.

Howard M. Friedman, Religion Clause, <http://religionclause.blogspot.com>.

Get Religion, <http://www.getreligion.org>.

Jews in Green: The Ultimate Resource for Jewish Service Members,
<http://www.jewsingreen.com>.

Mirror of Justice: A Blog Dedicated to the Development of Catholic Legal Theory,
<http://www.mirrorofjustice.com>.

No Left Turns: The Ashbrook Center Blog, <http://noleftturns.ashbrook.org>.

On the Square: Observations & Contentions, <http://www.firstthings.com>.

David W. Opderbeck, Through a Glass Darkly,
<http://www.davidopderbeck.com/throughaglass.html>.

Bruce Prescott, Mainstream Baptist, <http://mainstreambaptist.blogspot.com>.

Richard J. Radcliffe, Law Religion Culture Review: Exploring the Intersections of Law,
Theology and Ethics, <http://lawreligionculturereview.blogspot.com/>

ReligionNewsBlog.com: Religion News About Religious Cults, Sects, World Religions, and
Related Issues, <http://www.religionnewsblog.com>.

Religious Right Watch to Secure the Blessings of Liberty, <http://www.religiousrightwatch.com>.

Jeremy Richey, Religion Law Blog, <http://www.jeremyrichey.com>.

St. Maximos' Hut, <http://stmaximoshut.powerblogs.com>.

Secular Left: Exposing the Myths and Lies Told about Secularism, <http://www.secularleft.us>.

Street Prophets: A Daily Kos Community, <http://www.streetprophets.com>.

Carlos Stouffer, Jesus Politics, <http://www.jesuspolitics.typepad.com>.

Talk to Action: Reclaiming Citizenship History and Faith, <http://www.talk2action.org>.

Times and Seasons (Mormon group blog), <http://www.timesandseasons.org/>

The Wall of Separation: Official Weblog of AU.org, <http://blog.au.org>.

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Required disclaimer: "This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools."