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 Failinger (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.
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 Failinger (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
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


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)


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


2017 LAW AND RELIGION BIBLIOGRAPHY

Books:

Paul Babie and Savic Vanja-Ivan, Law, Religion and Love: Seeking Ecumenical Justice for the Other (2017).


Cathleen Kaveny, Prophecy without Contempt: Religious Discourse in the Public Square (2016).


Melissa Crouch, Islam and the State in Myanmar: Muslim-Buddhist Relations and the Politics of Belonging (2016).


Muhammad Naseem and Saman Naseem, Religion and Law in India (2016).


**Articles:**


Katayoun Alidadi and M.-C. Foblets, European Supranational Courts and the fundamental right to freedom of religion or belief: convergence or competition?, 5 Oxford J. Law & Religion 532 (2016).


Nevin D. Beiler, *Deciphering Title VII and executive order 13672: to what extent are religious organizations free to discriminate in their hiring practices?* 29 Regent U.L. Rev. 339 (2016-17).


Tracy Carbasho, *Gray area exists when public holiday displays feature both religious and secular elements*, Nov. 25, 2016 No. 24 Lawyers J. 1 (2016).


Robin Elliot and Michael Elliot, *Striking the right balance: rethinking the contest between freedom of religion and equality rights in Trinity Western University v. the Law Society of British Columbia (case comment)*, 50 U.B.C. L. Rev. 797 (2017).


Frederick Mark Gedicks, "*Substantial" burdens: how courts may (and why they must) judge burdens on religion under RFRA*, 85 Geo. Wash. L. Rev. 94 (2017).

Megan Gibson, *Competing concerns: can religious exemptions to mandatory childhood vaccinations and public health successfully coexist?* 54 U. Louisville L. Rev. 527 (2016).


Marion Goldman, *Dave Frohnmayer and the apocalypse that evaporated*, 94 Or. L. Rev. 633 (2016).


Andrew Koppelman, *If liberals knew themselves better, conservatives might like them better*, 20 Lewis & Clark L. Rev. 1201 (2017).


Lydia E. Lavelle, **WWJD?: What the judiciary should do about North Carolina's magistrate recusal bill**, 19 J. Gender Race & Just. 279 (2016).


Juan-Pablo Pérez-León-Acevedo, **International criminal justice rendered concerning the attack against Timbuktu mausoleums and mosque: Focus on religion-related considerations**, 6 Ox. J. Law Religion 180 (2017).


Cornelius V. Loughery, **California propositions 62 & 66 as misguided models for the capital punishment debate: the argument for the inclusion of Catholic social teaching and other religious denominations in the discussion and a proposed solution**, 43 J. Legis. 264 (2016).

Lauren Sudeall Lucas, **The free exercise of religious identity**, 64 UCLA L. Rev. 54 (2017).

Christopher C. Lund, **Religion is special enough**, 103 Va. L. Rev. 481 (2017).


Marcia L. McCormick, **Religious privilege to discriminate as religious freedom: From charitable choice to faith based initiatives to RFRA and FADA**, 56 Washburn L.J. 229 (2017).


Eugene B. Mayer et al., *Resolved: The Constitution is designed for a moral and religious people and it is wholly unsuited for the government of any other*, 49 Conn. L. Rev. 995 (2017).


Joseph William Singer, *Property and sovereignty imbricated: why religion is not an excuse to discriminate in public accommodations*, 18 Theoretical Inq. L. 519 (????).


Martha Swartz, *Justice Scalia was right: we’ve gone too far in protecting the exercise of religious beliefs*, 89 Temp. L. Rev. Online 16 (????).


Deborah Thebault, *Who ever said that the Nativity scene was religious?*, 6 Ox. J. Law Religion 399 (2017).


Kyle C. Velte, *Fueling the terrorist fires with the First Amendment*, 82 Brook. L. Rev. 1109 (2017).


Steven T. Voigt, *Early American public commitment to faith and religious freedom, including an inquiry into sermons of the era, as evidence for a strong Free Exercise clause*, 18 Rutgers J.L. & Religion 49 (2016).


James G. Wilson, *Bridging the secular-religious divide with assistance from the Buddha*, 45 Sw. L. Rev. 861 (2016).


**Special issues:**


Andrew Koppelman, *If liberals knew themselves better, conservatives might like them better*, 20 Lewis & Clark L. Rev. 1201 (2017).


**Blogs**

Jack M. Balkin, *Balkinization*

Richard Bartholomew, *Bartholomew’s Notes on Religion*

Ed Brayton, *Dispatches from the Cultural Wars*

Baptist Joint Committee for Religious Liberty, *Blog from the Capitol*

Christianity Today, *Weblog*

Commonweal: a Review of Religion, Politics and Culture from Commonweal Magazine, *dotCommonweal*

Robert M. Felton, *Civil Commotion*

Howard M. Friedman, *Religion Clause*

America Magazine, *The Good Word: A Blog on Scripture and Teaching from America Magazine*

*Jews in Green*: The Ultimate Resource for Jewish Service Members

Bruce Ledewitz, *Hallowed Secularism*

*Law and Religion, Legal Scholarship Blog*

*Law & Religion UK*

*Law, Religion & Politics* (Recht, Religie & Politiek) (in English and Dutch)

*Mirror of Justice*: A Blog Dedicated to the Development of Catholic Legal Theory

*Patheos*

Daniel Philpott, ed., *Arc of the Universe*

*Real Clear Religion*

*Religion News Blog*: Religion News Articles about Religious Cults, Sects, Worlds

*ReligiousLeftLaw*

*www.RFRAperils.com*
Daily Kos: Street Prophets
St. John’s Law School Center for Law and Religion, Law and Religion Forum
Social Science Research Council, The Immanent Frame: Secularism, Religion, and the Public Sphere
www.SOL-reform.com
Times and Seasons: A Mormon Group Blog
The Volokh Conspiracy
Vox Nova: Catholic Perspectives on Culture, Society and Politics
Wall of Separation (Blog of Americans United for Separation of Church and State)