Law and religion celebrate 25-year partnership at Emory

The Center for the Study of Law and Religion brings together scholars and students, policymakers and the public to explore the interaction of law and religion. This convergence builds new bridges of dialogue among the finest existing and emerging minds, establishes new libraries of knowledge and forums of public discussion, and generates objective information and reasoned opinions on contentious public policy issues. CSLR offers:

- 4 joint degree programs (JD/MD, JD/MTS, JD/MA, JD/PhD)
- 15 cross-listed courses
- 8 major research projects, dozens of individual and side research projects
- 6-9 annual public forums
- 2 book series
- 300+ published volumes
- Visiting scholars and fellows programs
- 20 Emory senior fellows and associated faculty from 20 fields of study
- 1,600 scholarly affiliates from around the world

“We’ve asked our speakers to be principally prospective, even prophetic, in their presentations, with an eye to giving the next generation of legal and religious professionals and activists something of a map and manifesto for this field,” said John Witte, Jr., Jonas Robitscher Professor of Law and CSLR director.

The event will focus on three themes that have been central to CSLR’s work the past 25 years:

1) Religious liberty, human rights, and church-state relations; 2) sex, marriage, and family life; and 3) Christian, Jewish and Islamic legal studies.

Registration is required and seats are limited.

To register, go to www.law.emory.edu/cslr/silveranniversary.
Deadline is Sept. 21.
All events are free to Emory faculty, staff and alumni/ae.

Conference Schedule
Lectures take place at Emory Law’s Tull Auditorium unless otherwise noted.

Wednesday, Oct. 24
8 p.m.: Opening Keynote
- James T. Laney
Emory University
(Emory Conference Center Grand Ballroom)

Thursday, Oct. 25
9–10:30 a.m.: The Future of Law and Religion
- Harold J. Berman
Emory University
- Kent R. Greenawalt
Columbia University
- M. Cathleen Kaveny
University of Notre Dame

11 a.m.–12:30 p.m.: The Future of Religious Liberty
- Douglas Laycock
University of Michigan
- David Little
Harvard University
- Michael J. Perry
Emory University

2–3:30 p.m.: The Currie Lecture in Law and Religion
- Jean Bethke Elshltern
University of Chicago
- John T. Noonan, Jr.
U.S. Court of Appeals, Ninth Circuit

4–5:30 p.m.: The Future of Law, Religion, and Marriage
- Margaret F. Brinig
University of Notre Dame
- Don S. Browning
University of Chicago
- Carl E. Schneider
University of Michigan

7:30 p.m.: The Decalogue Lecture: Law, Religion, and the Future of the African-American Family
- Enola G. Aird
The Motherhood Project, Institute for American Values
- Stephen L. Carter
Yale University
- Leah Ward Sears
Supreme Court of Georgia

Friday, Oct. 26
9–10:30 a.m.: The Future of Jewish, Christian, and Islamic Legal Studies
- Elliot N. Dorff
University of Judaism
Los Angeles
- Baber Johansen
Harvard University
- David A. Skeel
University of Pennsylvania

11 a.m.–12:30 p.m.: The Future of Law, Religion, and Human Rights
- Abdullahi Ahmed
An-Na’im
Emory University
- David Novak
University of Toronto
- Nicholas P. Wolterstorff
Yale University

2–3:30 p.m.: The Future of Law, Religion, and International Affairs
- T. Jeremy Gunn
American Civil Liberties Union
- Robert A. Seiple
Council for America’s First Freedom
- Jeremy Waldron
New York University

4 p.m.: The Alonzo L. McDonald Lecture
- Robert N. Bellah
University of California at Berkeley
- Martin E. Marty
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South Africa’s Anglican Archbishop Desmond M. Tutu (left) and Marcos McGraith, the Catholic Archbishop of Phoenix, spoke at “Christianity and Democracy in Global Context” in 1991, a conference that put the CSLR “on the map.”

New volumes from CSLR


April L. Bogle and Ginger Pyron, When Law and Religion Meet: The Point of Convergence (Wm. B. Eerdmans, 2007)

Don S. Browning, Christian Ethics and the Moral Psychologies (Wm. B. Eerdmans, 2006)


Don S. Browning, M. Christian Green, and John Witte, Jr., eds., Sex, Marriage, and Family in World Religions (Columbia University Press, 2005)


For more information and book descriptions, go to www.law.emory.edu/cslr.

Robert R. Franklin, Crisis in the Village: Restoring Hope in African American Communities (Fortress Press, 2007)

Timothy P. Jackson, ed., The Morality of Adoption: Social-Psychological, Theological, and Legal Perspectives (Wm. B. Eerdmans, 2005)


Martin E. Marty, The Mystery of the Child (Wm. B. Eerdmans, 2007)


Philip L. Reynolds and John Witte, Jr., eds., To Have and to Hold: Marrying and its Documentation in Western Christendom, 400-1600 (Cambridge University Press, 2007)

Steven M. Tipton and John Witte, Jr., eds., Family Transformed: Religion, Values, and Society in American Life (Georgetown University Press, 2005)

Johan D. van der Vyver, Leuen Lectures on Religious Institutions, Religious Communities and Rights (Peeters, 2005)

John Witte, Jr., God’s Just, God’s Justice: Law and Religion in the Western Tradition (Wm. B. Eerdmans, 2006)

John Witte, Jr., The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism (Cambridge University Press, 2006)

John Witte, Jr. and Eliza Ellison, eds., Covenant Marriage in Comparative Perspective (Wm. B. Eerdmans, 2005)


A desert becomes a blossoming field

by Mary Loftus

The CSLR’s impact on the new discipline examining the ancient partnership of law and religion

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hen Robert W. Woodruff Professor of Law Harold J. Berman, seen in two-week lecture tour of China last year, huge crowds of law students and legal scholars — more than 100,000 people — awaited him. Berman, who delivered two dozen books, including his compre- hensive Law and Revolution: The Formation of the Western Legal Tradition, have been translated into Chinese. The 85-year-old legal scholar has achieved a level of pop-ularity in the country, which is in the throes of developing a more sophisticated legal system, akin to a pop- singer or sports star. “There were red banners in the lecture halls saying, ‘Welcome, world-renowned jurist and scholar!’ Berman told a reporter with delight.

Berman is, indeed, an international star, and his stature stems from a devotion to teaching and a body of scholarship that has become nearly legendary. “The significance of the Center has become clear far and wide — people keep coming back repeatedly to make conferences,” Jackson says. “It has im- pacted my scholarship in making it more casuistical, certainly in making me more productive.”

Many CSLR scholars take their teachings around the world. Senior Fellow Abdullahi Ahmed An-Na`im, Charles Howard Candler Professor of Law, frequently travels to the Middle East, Southeast Asia, Africa and Europe to advocate his view that secularism is necessary and possible within Islamic states. Brodie lectures in Iran, Israel and other international hot spots on the Jewish legal system. John Witte, Jr., CSLR director and Jonas Robitsher Professor of Law, has toured Israel, Japan, South Africa, and the Middle East explaining the impact of Jesus and Christianity on the Western legal tradition. Most recently he was at Windsor Castle on the fictions and fictions of church and state separation, one of 50 public intellectuals invited to participate in the royal event. Johnan of 2006, accompanied by his wife, Ruth, to espouse the Western legal tradi-

Engaging the public

Through such courageous scholarship, the Center has garnered the attention of media. Some recent highlights: Tine Nørby profiled the work of An-Na`im on the fifth anniversary of the September 11 terrorist attacks on the United States, and the New York Times ran a five-part series on the separation of church and state prominently featuring background and comments provided by Witte. It’s not unheard of for any one of the Center’s scholars to return to their office to find phone messages waiting from NPR, ABC, CNN, the Wall Street Journal, and the New York Times, and trying to decide whose call they should return first. Most take all the attention in stride, hoping to broaden and deepen the public discourse. “Being a scholar, being an activist, I have found myself thinking that if I produce good enough scholarship and it is engaged to the public issues of the day, people will pick it up and it will somehow influence life and come out of the confines of our institutions into policymaking,” said An-Na`im, who came to Emory in 1995 after being exiled from his native Sudan. “But often I find that I do not need to remind myself that it doesn’t come out that way. My work has to reach out and communicate the conclu-

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Since the Law and Religion Program began in 1982, its charge has been to envision the discourse, tackle tough questions of law, politics, and society, and provide resources for better understanding across cultural and political chasms, especially among Jews, Chris- tians, and Muslims, the “three children of Abraham.”

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Law and Religion: The Next 25 Years

What CSLR senior fellows are saying...

When we look deeply enough and thoughtfully enough we will find that all human societies and hu-
man persons share the same basic qualities, concerns, needs, desires and so on. Often this is colored by our color, by our political affiliations, and our religious affiliations, but down deep we are uni-
formly human. So my question for the future phase of the Center is how to appeal to and respond to
the human in us all on a globally.
Abdullahi Ahmed An-Na’im, Charles Howard Candler Professor of Law

In the coming years I would like the Center to focus more on the interrelationships of the different
religious and civil society systems that are now coming together. They currently divide the world, but
as the world has moved toward the prosperity, through their similarities, of bringing the world together.
Harold J. Berman, Robert W. Woodruff Professor of Law

Terrorism is one of the most crucial elements of the importance of the interdisciplinary discussion
of law and religion. It is important to bring more work on law, on what these religions are really
about, so historical work, bring different viewpoints into conversation, and this may help create a cul-
tural climate. The professor replied, “If it’s justice you’re after, go to law school.”

When I was a student at Harvard Divinity School and Harvard Law School, my professor told of a student who had gone to the law school and asked where
the conversation between law and religion.

For example, our immigration policies have to deal with
and the Middle East, the Indian subcontinent, and the Far East, we’re going
to broaden our understandings both of western common law and of religious traditions. I also think it will be time to take on con-
temporary social and political issues much more directly than we have in the past. For example, our immigration policies have to deal with
what it means to be a member of this community, and we can no
longer go forward in law and religion if we don’t begin to talk about
who belongs in the community and play out the ramifications of that.
Alexander:

In the past 25 years we will note the positive of changing the way we think about religion because
it’s been our tendency even within the Center to think of religion in terms of institutions. We’ve
not got to find a way of talking about, but more importantly, talking with those people who are falling out of the establishments, outside of the religious institutions, because there’s an
enormous religious energy there.
Mark D. Jordan, Asa Griggs Candler Professor of Religion

There are several problems that are going to be with us for many years to come. Many of the
mainstream religions of the world, including Islam, Eastern Orthodoxy, even Roman Catholicism to some extent, and other religions do not believe that one has the right to change your reli-
gion or belief. While the freedom to do so is a principle enunciated in international instruments, it
is not upheld in practice. That is a problem that we will have to look at much more closely.

John van der Vyver, I.T. Cohen Professor of International Law and Human Rights

So that is very much the context of the time when we were trying to find the common place for discussion of
the relationship of issues in theology, moral philosophy, legal history, political philosophy, professional responsibility. As we began to
contemplate the emergence of a law and religion program in the early 1980s, virtually no law school in the country had
serious scholarship or teaching about religion, and most law schools were indeed hostile to the idea of it. Is it a shame that this experiment among others has emboldened in the administration.

What has been the impact of the Law and Religion Program outside of Emory?

Alexander: It has shaped the culture for the entire system of legal education in the United States. Today no major law school in the country is shying away from the relevance of questions of law and religion, law and Christianity, law and Judaism, law and Islam. In 1980, if you were writing a book on law and religion, it was not considered scholarship, it was considered at best an anachronism.

Witte: We’re an institute for the advanced study of law and religion not an advocacy mill for any particular position, and the consequence of that is that our Center’s influence has become much more diffuse but pervasive. Yet our projects, publications, and public forums have emboldened and enriched others to take up causes in individual cases, to help sponsor new legislation domestically and internationally. One example is the development of the International Religious Freedom Act of 1998, an Act of Congress that in many ways was a culmination of 10 years of work that we had been doing in a pioneering way in religion and human rights.

What will be the program’s focus during the next 25 years?

Witte: The fundamental questions of faith, freedom and family, and the fundamental questions of human rights to religious liberty are going to continue to be perennial contexts in the culture wars both domestically and internationally. There are three other areas we’ll need to consider: the great contexts today between religion and science; the issues of environmental stewardship and the world’s concerns about a growing biological holocaust; and, given the rapidly glob-
ally. The Center has also been a wonderful laboratory for the university to experiment with a new interdisciplinary vi-
sion, to sponsor work that is viewed as controversial, cutting edge and dangerous and to see that it can work. I think that’s the challenge for us as a Center to think about other dangerous, controversial areas and to move into sponsorship of that work. The recent addition of Salman Rushdie to our faculty

To the people...