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### Center for the Study of Law and Religion

at Emory University
Directors’ Letter

Dear Colleagues, Friends, and Students,

We are delighted to introduce you to the work and people of the Center for the Study of Law and Religion (CSLR) at Emory University. The CSLR just celebrated its 25th anniversary, and we are looking forward to continued leadership of this vital field of interdisciplinary inquiry.

We dedicate this brochure to the memory of our beloved friend, colleague, and teacher, Harold J. Berman (1918-2007). During his lifetime, Professor Berman was often described as “the founding father of the modern study of law and religion.” The Center for the Study of Law and Religion would not have been possible without his initial inspiration and leadership.

We hope that you will enjoy reading the pages that follow and will be inspired to join us in this work. Please call upon us if you have any questions about what you read here, or any suggestions about how our work can serve you better.

John Witte, Jr.
Jonas Robitscher Professor of Law
Director, CSLR
Emory University

Frank S. Alexander
Professor of Law
Founding Director, CSLR
Emory University
Overview

CSLR: Home to World-Class Scholars and Forums

The Center for the Study of Law and Religion (CSLR) at Emory University is dedicated to studying the religious dimensions of law, the legal dimensions of religion, and the interaction of legal and religious ideas and institutions, norms and practices. This study is predicated on the assumptions that religion gives law its spirit and inspires its adherence to ritual and justice. Law gives religion its structure and encourages its devotion to order and organization. Law and religion share such ideas as fault, obligation, and covenant and such methods as ethics, rhetoric, and textual interpretation. Law and religion also balance each other by counterpoising justice and mercy, rule and equity, discipline and love. This dialectical interaction gives these two disciplines and dimensions of life their vitality and their strength.

The Center focuses its research and teaching on the fundamentals of faith, freedom, and the family – the three things that people will die for. By hosting international conferences on Christianity and democracy; religion and human rights; proselytism and pluralism; sex, marriage, and family; by publishing more than 300 new volumes; by developing relationships with more than 1,600 scholars from around the world in dozens of disciplines; and by educating and launching scores of joint-degree students, the CSLR has helped to create a major new academic discipline that is now emulated by dozens of other universities around the world.

The increasingly volatile relationship of law and religion in the past few years has only underscored the need for continued cultivation of this vital area of interdisciplinary inquiry. The rise of savage fundamentalisms, the clash of religious ideologies, the escalation of religious persecution, and the intensification of religious warfare around the world have made it all the more important for law and religion to learn to balance each other and to stabilize society and politics. In the words of the late Harold J. Berman, Woodruff Professor of Law at Emory, “We have to find common spiritual values to hold us together or we may destroy each other with our nuclear weapons.”

“Far from being able to be destroyed, as some critics would wish, religion is prospering on a global scale, in part because so many believers experience and witness to its healing dimensions. Far from being able to be abolished, as some critics would wish, the role of law is expanding because it can also help many achieve freedom.”

Martin E. Marty
Fairfax M. Cone Distinguished Service Professor Emeritus
University of Chicago

Center for the Study of Law and Religion
Overview

CSLR Offerings

Included within the CSLR’s research, teaching, and public education:
4 joint-degree programs (JD/MDiv, JD/MTS, JD/MA, JD/PhD)
14 cross-listed courses
8 major research projects; dozens of individual and side research projects
6-9 annual public forums
2 book series
300 plus published volumes
90 Emory senior fellows and associated faculty from 20 fields of study
1,600 corresponding members from around the world

Course and Degree Information

CSLR offers four joint-degree programs. The Juris Doctor and Master of Divinity (JD/MDiv) and the Juris Doctor/Master of Theological Studies (JD/MTS) degree programs are offered in conjunction with Emory’s Candler School of Theology. The Juris Doctor/Master of Judaic Studies (JD/MA) degree program is offered in conjunction with the Institute for Judaic Studies in the Graduate School of Arts and Sciences. The Juris Doctor/Doctor of Philosophy (JD/PhD) degree program is offered in conjunction with the Graduate Division of Religion in the Graduate School of Arts and Sciences.

Admissions and Registration Requirements

Prospective candidates for joint-degree programs in law and religion must apply separately to each school, and be admitted by each school. A student must also apply separately for scholarships and financial aid in each school.

Once matriculated at Emory, joint-degree candidates in law and religion take one full year of study in one school, then one full year of study in the other school. From the third year forward, candidates take a mixture of courses in both schools each semester. Included among the electives available are a dozen law and religion courses, which joint-degree candidates can take for credit in either school.

Each semester, candidates pay tuition to the school in which they are registered, regardless of the mixture of courses they happen to take that semester. All scholarships and financial aid packages are handled separately by each school, and are applied only during the semester in which the student is registered in that school. The Center offers modest additional research stipends and scholarships for selected joint-degree candidates in their final two years of study.

“We are not here to proselytize our faith. We are not introducing a soft subject that dilutes or distracts from rigorous legal study. We are not trying to create room for given fundamentalist agendas. Instead, we genuinely seek to sponsor a deeper and richer understanding of law, by increasing understanding of the fundamental role religion has played and can play in shaping law, politics, and society.”

John Witte, Jr.
Jonas Robitscher Professor of Law and CSLR Director
Emory University
For application materials and further application instructions see:

School of Law JD Program www.law.emory.edu/admissions

School of Theology MDiv or MTS Program www.candler.emory.edu/admissions

Graduate School of Arts and Sciences MA or PhD Program www.emory.edu/gsoas or www.des.emory.edu

Career Options

While at Emory, joint-degree candidates participate actively in the Center’s research projects and public forums, pursue their own research and internship programs, and engage in a number of social and academic events with other joint-degree candidates. Some joint-degree alumni/ae choose to practice law with large or small firms, with local, state, and federal governments, or with any number of public interest groups in America and abroad. Others pursue ordained ministry or work within the polity of various religious organizations. Several associate with non-profit agencies, non-governmental organizations, and human rights or religious freedom advocacy groups. A number work in prison fellowship organizations, social welfare ministries, mediation and arbitration centers, and more. The choice of career depends as much upon a candidate’s own individual interests and talents as it does upon the job market. The degree programs provide flexibility for students to experiment with their interests and to tailor a program suited to their long-term professional aspirations.
The world’s most distinguished thinkers and writers in the field of law and religion believe that future peoples will continue to be challenged by how to integrate the teachings of religion into civil society, but despite violent conflicts that are certain to ensue, the coming together could ultimately lead to a just and peaceful world order.

The scholars outlined their predictions during the CSLR’s silver anniversary conference, “From Silver to Gold: The Next 25 Years of Law and Religion,” at Emory Law, Oct. 24-26, 2007. The future of religious liberty and human rights; sex, marriage and family life; and Jewish, Christian and Islamic legal studies were among the themes addressed during the two-and-a-half day event that drew more than 400 participants from around the world. The proceedings are to be published in a series of new major university press titles and journal symposia.

Acknowledging the harms that can be done by religion or in the name of it, Judge John Noonan of the Ninth Circuit Court of Appeals cautioned of the dangers of secularism, pointing to ex-Christians Adolf Hitler and Joseph Stalin, and non-Christians Chairman Mao Tse Tung and the Turkish rulers of Armenia.

“The 20th century, the most secular in history, was also the bloodiest in the destruction of human lives,” said

“Tolerance is a wonderful word, but I prefer the word ‘hospitality.’ In Hebrew scripture, there is no worse sin than being inhospitable.”

Martin E. Marty
Fairfax M. Cone Distinguished Service Professor Emeritus
University of Chicago

“The special treatment of religion in comparison with other subjects is, on balance, usually beneficial to minority religions . . . the law must often settle for something less than an ideal.”

R. Kent Greenawalt
University Professor, Columbia University
Noonan, who was one of two speakers to deliver the Currie Lecture in Law and Religion on October 25. “Consider the fate of law if … it could be understood as a mere reading of bloodless print, and conscience did not control and animate the reader. Consider what religion would consist of if there were no authority, no rules, no cohesive bonds framing the community,” he said.

Jean Bethke Elshtain, Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago, presented the day’s second Currie Lecture, warning against legal moralism as we enter an ever more litigious future.

“Law is an ordination of reason for the common good. Law helps to habituate human beings to virtue. But there are limits. Not every sin is a crime and not every sin can or should be punished by civil law,” she said.

The conference also celebrated the CSLR’s past achievements. All participants received a commemorative book, *When Law and Religion Meet: The Point of Convergence*, which captures the Center’s history, evolution, accomplishments, and aims.

Founded in 1982 by Emory President Emeritus James T. Laney and Emory Professor of Law Frank S. Alexander, the Center incorporated religion into Emory Law’s curriculum, breaking new ground in legal education.

“At that time virtually no law school in the country had serious religious scholarship or teaching. Indeed, most law schools were hostile to the study of theology or religion or church-state issues. So we were nervous about the success of it,” said Alexander.

Laney, who delivered the conference’s opening keynote address, discussed his strong conviction that interdisciplinary education is important to the larger role of a university.

“Our great nation’s commitment to principles of equality and our concern for all children require that we undertake the task of renewing marriage in this country.”

**Leah Ward Sears**
Chief Justice, *Supreme Court of Georgia*

“The unlawful combatant may be … an evil and dangerous man, but he is also man-created-in-the-image of God, and the status associated with that characterization imposes radical limits on what may be done with him and radical constraints on how lightly we may treat the question of what may be done with him.”

**Jeremy Waldron**
University Professor, *New York University*
“I was very much interested in how the disciplines should speak to each other. I wanted to set them in motion to cross the disciplines and indeed, the professions, in a way that would enable these conversations to take place and new thought to emerge,” he said.

“Looking back now, it’s hard to appreciate how truly groundbreaking this step was,” said Laney, noting that 30 similar programs have emerged around the country since the Center began. “All of us are simply astounded at the range of its influence at the University, the nation, and the world.”

The Center’s goals for the next 25 years, says John Witte, Jr., Jonas Robitscher Professor of Law and CSLR director, include finding healthier ways for law and religion to come together, as well as providing resources for religious communities to understand more deeply their own traditions and to more ably engage with each other in a pluralistic world.

A variety of conference materials are available, including When Law and Religion Meet: The Point of Convergence commemorative book and poster; DVD sets, webcasts, and transcripts of all lectures; video interviews with scholars; and news coverage. Go to www.law.emory.edu/cslr to access and/or purchase these items.

Prophetic Voices

Robert N. Bellah
Elliott Professor of Sociology Emeritus
University of California, Berkeley

“I am convinced that religious motivation is a necessary factor if we are to transform the growing global moral consensus and the significant beginnings of world law into an effective form of global solidarity and global governance.”

Stephen L. Carter
William Nelson Cromwell Professor of Law
Yale University

“[There must be] a great respect for the role of religion in our public life and less derision for its role in our private life.”
Research Projects

The Center for the Study of Law and Religion sponsors research projects on discrete themes that have religion at their core but command the analysis of several other disciplines, not the least law and legal theory. Most projects yield public forums and publications. Larger projects are driven by a team of Emory senior fellows and scholars from other institutions; some consist of a series of multi-year initiatives, often with the generous support of both Emory University and external benefactors. These projects have yielded more than 250 public forums and more than 300 volumes.

The themes most central to the work of the CSLR for the past 25 years will remain critical in the years ahead: religious liberty, human rights, and the relation of religions and states; sex, marriage, and family life; and Christian, Jewish, and Islamic legal studies. The CSLR is also exploring the prospects of developing new projects involving law, religion, and science; law and Asian religions; and issues of religious freedom and self-determination for Native Americans and other first peoples around the world.

Descriptions of ongoing projects follow. For complete details of all CSLR projects and their publications, please see www.law.emory.edu/cslr.

“In directing a research project, I like to let each participant play to his or her specialty, open their scholarly world for us, push them to think beyond their traditional categories of knowledge in writing something fresh, and then build a responsible architecture that holds together these multiple specialty contributions to the project.”

John Witte, Jr.
Jonas Robitscher Professor of Law and CSLR Director Emory University
Affordable Housing and Community Development (AHCD) provides technical assistance to local governments and nonprofit community development organizations. CSLR Founding Director Frank S. Alexander leads the project in collaboration with Annie E. Casey Foundation, Fannie Mae Foundation, Local Initiatives Support Corporation, Joe and Emily Lowe Foundation, National Vacant Properties Campaign (Smart Growth America), Southern Bell Matching Gifts Program, Stern Foundation, and the U.S. Department of Housing and Urban Development.

AHCD has led legislative initiatives in Georgia and Michigan to authorize the creation of state and local land bank authorities, assisted in the reform of state tax foreclosure laws in Arkansas, Georgia, Indiana, Louisiana and Michigan, and provided assistance at the local levels on vacant, abandoned, and tax delinquent properties in Atlanta, Flint, Detroit, Saginaw, Indianapolis, Little Rock, Jacksonville, Baltimore, Baton Rouge, and New Orleans.

Alexander, a professor of law, plays a significant role in advising the U.S. Congress and state governments on the issues surrounding vacant and abandoned properties resulting from foreclosures. This includes helping draft state and federal legislation, and testifying before Congress in support of proposed legislation.

Frank S. Alexander Focuses on Those at Ground Level

"For me, where law and religion lead is the call to respond in service to those who are facing really tough issues, and to do so with all the resources of legal and religious traditions."

Frank S. Alexander
Professor of Law and CSLR Founding Director
Emory University

Law and religion. Attorney and minister. Legal systems and an unremitting care for the individual. For some, such pairings would constitute a difficult fence to straddle. Not for Frank Alexander because he has simply removed the fence. In his life, the two seemingly disparate fields blend into a focused calling, the work he’s here to do.

As an attorney poised at the exact point where law and religion intersect, Alexander says: “I want to be involved with the people who have the least. I also want to be involved with the providers of services to those people, and with the legal and political structures that need to be serving them.” Remembering the homeless, the down-and-out, the chronically mentally ill, the victims of credit loans, foreclosures, and evictions: These people and their suffering help him, he says, to “understand the complexity that underlies each legal question. It reminds me that law can work both to liberate and to oppress.”

When Alexander chose to pursue graduate degrees in both law and theology, he did so with deliberate intent: Ministerial work would keep him close to the people he yearned to serve; legal study would give him the knowledge and skill to influence the law on their behalf.
Christian Legal Studies explores the historical and contemporary influence of Christian ideas, institutions, and individuals on Western law, politics, and society. Frank S. Alexander and John Witte, Jr. co-direct this project, with generous support from The Pew Charitable Trusts, Lilly Endowment, Inc., and the Alonzo L. McDonald Family Foundation. Three major projects are currently underway:

**Law, Religion, and the Protestant Tradition**, sponsored by the Lilly Endowment, Inc., systematically analyzes the historical contributions of mainline Protestantism to the development of the Western law of marriage, family, and children, and of rights, liberties, and constitutionalism. This project has yielded 15 volumes in five languages. The most recent titles include Witte’s *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (Cambridge University Press, 2007); *God’s Joust, God’s Justice: Law and Religion in the Western Tradition* (Wm. B. Eerdmans, 2007); and *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge University Press, 2002).

**Christian Jurisprudence II**, sponsored by the Alonzo L. McDonald Family Foundation, offers a comprehensive analysis of the contributions of modern Catholic, Protestant, and Orthodox figures to fundamental questions of law, politics, and society. The project has yielded a three-volume work, co-edited by Witte and Alexander, *The Teachings of Modern Christianity on Law, Politics, and Human Nature* (Columbia University Press, 2005-2007). It is scheduled to yield 30 new volumes, including *Cambridge Companion to Martin Luther King, Jr.* by Timothy P. Jackson, Emory University, and Robert M. Franklin, Morehouse College; and *Christian Marriage and Modern Marriage Law* by Don S. Browning, University of Chicago.

**Christian Foundations of Religious Liberty and Rule of Law**, also sponsored by the Alonzo L. McDonald Family Foundation, supports the preparation of four new volumes and 50 new public lectures.

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**Book Sets Stage for Open-Ended Drama Between Law, Christianity**

Edited by John Witte, Jr. and Frank S. Alexander, the book is a product of the CSLR’s Christian Legal Studies Project and features perspectives from some of the top law and religion scholars in the world.

Beginning with Witte’s introductory chapter – which traces the dialectical interaction of Christianity and law through four “watershed” phases in the Western Christian tradition (the Roman Empire, Medieval Catholicism, the Protestant Reformation, and the Modern Age) – the book lives up to its subtitle by literally leading readers into an exploration of Western religious and legal history, of specialized topics such as natural law and canon law, even of readers’ own response to Christian teachings like “love the poor” and “love your enemies.”

Alexander examines from a Christian context the perennially ambiguous role of property in his chapter “Property and Christian Theology.” Is it a gift, a reward, or a resource all too easy to abuse? Alexander analyzes the concept of property in its relational definitions – “mine,” “yours” and “ours” – and considers historical property law in light of the biblical injunction to act as stewards of the land.

Other contributors to the collection include William W. Bassett, the late Harold J. Berman, Don S. Browning, Norman Doe, R. Kent Greenawalt, R.H. Helmholz, Luke Timothy Johnson, David Little, Jeffrie G. Murphy, David Novak, Michael J. Perry, Brian S. Pullan, Mathias Schmoeckel, David A. Skeel, and Brian Tierney.
“The work of the Center has forced me to reflect on my own tradition in a much broader analytic way. In a vacuum, the Jewish tradition is the center of its own conversation, so it looks normal. But from an interdisciplinary perspective, you have to ask, ‘Why is the Jewish tradition so different from all these others?’”

Rabbi Michael J. Broyde
Professor of Law and CSLR Senior Fellow
Emory University

**Jewish Legal Studies** offers an analysis of the contributions of historical and contemporary Jewish law, theology, and ethics to modern issues of marriage and family, liberty, and rights. The project is directed by Emory Law Professor and CSLR Senior Fellow Michael J. Broyde, with funding from The Steinhardt Foundation and The Pew Charitable Trusts. Ongoing projects include:

- **Aruch Hashulchan Translation** focuses on the preparation of a translation and authoritative edition of this 19th-century masterwork of Jewish law of Yheil Michel Epstein.
- **Marriage, Family, and Reproduction in the Jewish Tradition** is an analysis of Jewish law responses to marriage, divorce, modern biotechnology, and assisted reproduction.

**Broyde-Lipstadt Op-Ed Spurs Legislation on ‘Libel Tourism’**

A *New York Times* opinion piece co-written by Michael J. Broyde and Deborah Lipstadt prompted federal legislation on the problem of libel tourism in late 2007. The bill prohibits U.S. Courts from recognizing or enforcing foreign defamation judgments that are inconsistent with the First Amendment.

Broyde, an expert in comparative and Jewish law and a CSLR senior fellow, helped draft the federal bill, which contends that libel tourism “threatens to undermine our nation’s core free speech principles, as embodied in the First Amendment. U.S. law places a higher burden on certain defamation plaintiffs in order to safeguard First Amendment-protected speech. Other countries, including those that generally share our legal tradition, provide no such protection…”

Broyde and Lipstadt, Dorot Professor of Modern Jewish and Holocaust Studies at Emory University and a CSLR associated faculty member, wrote the op-ed in response to billionaire Saudi businessman Khalid bin Mahfouz’s 2004 lawsuit against Rachel Ehrenfeld, an American author who wrote *Funding Evil: How Terrorism Is Financed and How to Stop It*. The 2003 book argues that bin Mahfouz has financed Osama bin Laden and other terrorists. Bin Mahfouz sued Ehrenfeld for libel in Britain, where libel laws place the burden of proof on defendants. She lost the case and was ordered to apologize, destroy all copies of the book, and pay bin Mahfouz $230,000 in damages.

Lipstadt faced a similar legal battle when Holocaust denier David Irving sued her in Britain for her 1994 book, *Denying the Holocaust: The Growing Assault on Truth and Memory*, which asserted Irving had deliberately distorted Holocaust facts. Although Lipstadt won, her case lasted four years and cost more than $1 million in legal fees.

Lipstadt’s lawsuit and subsequent trial prompted CSLR to host two conferences to celebrate her successful defense. The first, “Holocaust Denial: Theological Reflections,” featured Lipstadt and Dr. Norman Lamm, president of Yeshiva University; the second, “Reconciling the Irreconcilable?: Holocaust Denial, Historical Truth, and Jewish Identity,” featured Richard Rampton, QC, Lipstadt’s defense attorney. Broyde and Michael S. Berger, associate professor of religion and CSLR senior fellow, led the conferences.
Broyde Speaks Out on Bioethics

Israeli President Shimon Peres invited CSLR Senior Fellow Michael J. Broyde to address biotechnology and ethics at the 2008 “Facing Tomorrow” conference held in conjunction with Israel’s 60th birthday in Jerusalem. Broyde, a professor of law at Emory, is ordained as a rabbi by Yeshiva University and is a member (dayan) of the Beth Din of America, the largest Jewish law court in America. His thoughts on the issues:

Q: As a law professor and rabbi, what got you interested in bioethics?
A: One of the most fascinating topics to me is how legal principles address new technological changes. Some fields of law essentially don’t change — they are fixed on a set of problems that are constant, and how to understand these problems hasn’t changed in a thousand years. Sometimes the reality changes so much that historical legal principles don’t mean anything anymore. Dealing with an idea, such as genetic engineering, is unprecedented. You have to figure out how to take historical principles, determine if they work, and apply them to drastically different situations.

Q: Can you offer an example from today’s reality?
A: A problem that has intrigued me for 20 years is the simple question of who is the mother in cases of surrogate motherhood. You take one woman’s egg, fertilize it in a Petri dish with a man’s sperm, and then implant it in a second woman’s uterus. So we have an unprecedented question because the historical definition of motherhood was easy: The mother was the woman who did the whole thing, and we couldn’t separate the egg provider from the woman carrying the child to term because the two were one. Now we’ve been asked a much more precise question: What is our core definition of maternity?

Q: Is there a Jewish legal tradition viewpoint on bioethics and this issue in particular?
A: The starting point with Jewish law is that the world God created is imperfect and our mission is to perfect it. Jewish law and Judaism are comfortable recognizing that part of our mission is to make the world a better place, and our job is to examine technological changes to make sure they do this. Most religious traditions are hostile to these changes because they are unnatural. Jewish tradition has comfortably examined changes in technology to determine whether they are doing good, and it doesn’t presuppose that anything that isn’t natural is inherently bad.

The Jewish tradition looks at biotech and asks how is this making the world a better place. If we look at genetically engineered corn, which is much easier than genetically engineered people, we would say it is part of the process of alleviating food shortages and could be a very good thing — making the human condition better by increasing the amount of food and reducing starvation and hunger is a positive thing.

Q: What about chimerism (combining animal and human DNA), the topic you addressed at the “Facing Tomorrow” conference?
A: It becomes much harder because you have to always ask yourself about the rule of unintended consequences. When you start talking about genetically engineering people, human-animal chimerisms, you have to discount every possible good by the possibility of a bad. You always have to proceed with caution, but you have to be open to the possibility that what we’ve got here is a spectacular world in which progress is very possible in alleviating the human condition.

Q: How are different parts of the world proceeding in this ethically challenging territory?
A: In general, it goes as follows: Europe is, at its core, hostile to technological innovation in the area of genetic engineering and they’ve restricted access to all sorts of positive modifications. The United States is conservative in the sense that it requires very heavy testing but ultimately is prepared to allow safe technologies in. Eastern Europe, Israel, and the Asian countries (except Japan) that are high tech are a “Wild West.” There’s not enough governmental regulation. Everybody opens their own lab and does their own experimentation.

Q: What do you foresee in terms of the people and nations that continue to be against these advancements because they’re unnatural?
A: This is a fight. There’s going to be a structural realignment. Eventually advancements will spread, and some places will remain resistant in perpetuity. But we’re on the forefront of a real change.

Q: Any final remarks about the tension between biotechnology and ethics?
A: There’s a natural sense that everything we want to do we ought to do, which needs to be somehow tempered by the notion that maybe there are things that we can do that we shouldn’t do.
Islamic Legal Studies explores the relationship between Islam and Shari’a (Islamic law) on the one hand, and law, human rights, constitutionalism, and secularism on the other, in different parts of the world. The project is directed by Charles Howard Candler Professor of Law and CSLR Senior Fellow Abdullahi Ahmed An-Na’im, with funding from the Ford Foundation. Islamic Legal Studies has focused on three projects:

**Islamic Family Law Project**, a comprehensive analysis of the sources and scope of Islamic family law around the world, and of possible reforms in light of international and domestic human rights norms.

**Islam and Human Rights Fellowship Program**, a residential program for scholars and activists from various parts of the Islamic world to explore the relationship between human rights and Islam.

**The Future of Shari’a in Islamic Societies**, an exploration of the Islamic argument for secularism and against the idea of an Islamic state through seminars and workshops in various countries and a published volume.

Abdullahi Ahmed An-Na’im has directed several CSLR projects, all with a long and deep reach. Some of his initial research involved cultural transformation and human rights in Africa, followed by a global survey of Islamic family law, the most widely applied family law system in the world today. From the outset, An-Na’im viewed his work through the lens of human rights, especially the rights of women and children, and as an essential first step in a methodical progression of research, analysis, law reform proposals, and active advocacy for change.

“It is not good enough,” wrote An-Na’im in *Islam and Human Rights: Advocacy for Social Change in Local Contexts* (2006), “to have the best ideas and arguments for public policy, without the effective ability to communicate and translate them into practical strategies for social transformation.”

Under An-Na’im’s direction, the Human Rights Fellowship Program, a four-year project at the Center funded by the Ford Foundation, brought together 10 resident scholars and activists from the Islamic world to study the relationship between human rights and Islam. The team’s study went worldwide and yielded the *Islam and Human Rights* volume. It also prompted what has become An-Na’im’s signature: Interactive web sites designed to invite the widest possible participation by opening the door to intellectual exchange, debate, and shared resources, thus establishing a permanent network of people working in this field.
Abdullahi Ahmed An-Na’im’s latest book offers a formula for nations and peoples of the world – including the United States and its politicians – struggling with the separation of religion and politics.

“The American Constitution got it right on the separation of church and state, but there isn’t much clarity of the relationship between religion and politics,” said An-Na’im. “You can’t separate religion and politics even if you try. Believers will act politically as believers.”

An-Na’im wrote Islam and the Secular State: Negotiating the Future of Shari’a (Harvard University Press, 2008) to help countries navigate this tricky and treacherous plane, no matter the religion, no matter the geography. The book was first published in Indonesia in 2007 and is available on the Internet in eight languages spoken by Muslims. It was funded by a grant from the Ford Foundation.

“I want to help clarify the role of religion in society so that it is seen as a positive, humanizing force, not as a bigoted, narrow-minded, destructive force,” he said. “The state is the institutional continuity. Countries must be able to keep this alive while allowing elected officials to lead, but without allowing them to take over the state.”

One of the ways An-Na’im proposes to keep religion and politics in balance is by using civic reason. “Law and public policy can’t be adopted based on religious convictions alone. Non-religious reasons that can be appreciated by all people, including non-believers, should be the basis of adopting a law,” he said.

Another major purpose of the book, says An-Na’im, is to “rehabilitate” Islam. “I worry about the demonization of Islam, which is driven by fear of what the extremists have done and threaten to do. What I speak of in my book is closer to Islam as a religion than what the extremists talk about.”

Moral and Religious Foundations of Law is an exploration of the moral and religious sources and dimensions of constitutional order, rule of law, and human rights. The project is directed by Robert W. Woodruff Professor of Law and CSLR Senior Fellow Michael J. Perry, and has received its funding from the Georgia Bar Foundation and the law firm of Hoogendoorn, Miller, Talbot & Davids. Side projects include:

Roundtable on New Books in Morality, Religion, and Law is an annual conference of 12 to 15 scholars dedicated to discussion of an important book in law and religion in the making. Led by Michael Perry, books reviewed to date include Justice: Rights and Wrongs (Princeton University Press, 2007) by Nicholas P. Wolterstorff, Yale University; Perry’s Toward a Theory of Human Rights (Cambridge University Press, 2007); Political Agapism by Timothy P. Jackson, Emory University; and Islam and the Secular State (Harvard University Press, 2008) by Abdullahi Ahmed An-Na’im. Forthcoming books by Chris Eberle, United States Naval Academy (tentatively titled God and War: An Exploration), and Nigel Biggar, Oxford University (tentatively titled Justifying War: Outstanding Issues), are next up for roundtable review.

“We look for a book that is far enough along so that it can provoke interesting productive conversation, but that is not so far along that the conversation won’t be useful to the author. We have philosophers, theologians, political theorists, and academic lawyers sit around a table and discuss the work intensely and, I hope from the perspective of the authors of the work, productively.”

Michael J. Perry
Robert W. Woodruff Professor of Law and CSLR Senior Fellow
Emory University
The ambitious concept was partly inspired by the Declaration of Independence’s most oft-quoted promise: Why the emphasis on the pursuit of happiness rather than happiness itself? What does the right to pursue happiness mean?

Directing the project is Philip L. Reynolds, Aquinas Professor of Historical Theology, who is studying happiness through the prism of Christian theological history. For early Christians, Reynolds says, hunting happiness with little hope of catching it was the best they could hope for.

“Ancient Christians experienced the real world as a place of pain and injustice,” Reynolds says. “Happiness was not something to be had in this life, but in the next life. This line of thinking is very unfashionable now. There’s this idea that happiness is something you’re supposed to be able to get.”

Reynolds, however, finds positive psychology a little too lenient. He sees merit in the idea that pursuing an ideal is more important, even more innately human, than achieving it. He, too, speaks of eudemonia, an idea he says early Christians appropriated from pagan philosophy but postponed to the next life.

Today, in a world of comfort and safety, soft sheets and tall lattes, we could benefit from a little delayed gratification. It might even, Reynolds suggests, make us happy — in a way.

“I think as human beings, we need an openness to something transcendent,” he says. “We need to try to get in touch with something outside everyday, mundane existence. The idea of living for future bliss can be a way of living well now. It’s what it is to be human. We are reaching out for things.”
Religion and Human Rights is an exploration of the religious sources and sanctions of human rights, and of human rights protections for religious individuals and institutions. CSLR has been deeply involved in the leadership of this field of study around the world. Prior projects collectively have yielded 70 volumes, 15 international conferences, and hundreds of lectures. Projects include: Religious Human Rights in Global Perspective; Cultural Transformation in Africa: Legal, Theological, and Human Rights Perspectives; Religious Liberty in Russia; The Problem and Promise of Proselytism in the New Democratic World Order; Religious Freedom and Limitations Clauses in International and Constitutional Law; and Foundations and Frontiers of Religious Liberty in Common Law Countries.

The current project, Law, Religion, and Human Rights in International Perspective, funded by The Henry Luce Foundation, is designed to make the CSLR’s 15 years of research on religion and human rights available to activists, public policy leaders, and media experts. It also assesses the current state and future questions of religion and human rights that will confront different legal and religious communities around the world.

When Senator Barack Obama gave a landmark 2008 speech on race in America in response to searing slices of sermons preached by his former pastor, Reverend Jeremiah Wright, Jr., it underscored just how powerfully judgments of right and wrong can ring out in public from the pulpit, notes Steven M. Tipton. It also showed how arguably they can ring true or false to the diverse experience of a people pledged to form a more perfect political union.

“Pulpit, pew, and public square frame parts we play in the moral drama and cultural conversation we share as faithful citizens, even as we agree that church and state should be ‘separate’ institutions, each governed by their own free members,” said Tipton, professor of sociology of religion, director of the Graduate Division of Religion at Emory, and CSLR senior fellow.

Tipton brings a fine-grained focus to the vivid interplay of religious faith and public life in Public Pulpits: Methodists and Mainline Churches in the Moral Argument of Public Life (University of Chicago Press, 2007).

While much has been made of political influence exerted from the religious right, Public Pulpits explores the contested efforts of mainline Protestant churches to remake the religious center among Americans today and enlarge their civic conscience. Drawing from a decade’s fieldwork on Capitol Hill and at denominational conferences across the country, Tipton probes the firsthand social experience and moral insight of national church leaders and activists, and their parachurch allies and adversaries.
Several new books on religion and human rights, as well as other web-based and print resources, are being developed in conjunction with regional consultations on law and religion. The first consultation, which took place in Durban, South Africa, in the spring of 2008, brought together African lawyers, academics, government officials, and religious leaders to discuss the status of religious freedom in sub-Saharan Africa and the ways that religion interacts – sometimes in concert, sometimes in conflict – with local politics, culture, and custom.

“The regional consultations are designed to discover common ground in perceptions and practices pertinent to the relationship between church and state and the interaction of religion and law in countries of the world, but perhaps most importantly, to uncover problem areas relating to religious human rights that are distinctive of Africa and other parts of the developing world,” said Johan D. van der Vyver, I.T. Cohen Professor of International Law and Human Rights and CSLR senior fellow.

Van der Vyver, who leads the project with John Witte, Jr., has published eight books on human rights, including an award-winning 1975 title, *The Protection of Human Rights in South Africa*, that introduced human rights talk to his native South Africa.

CSLR Senior Fellow M. Christian Green is examining the comparative state of religion and human rights issues around the world. After a three-year stint teaching at Harvard Divinity School, Green is back on staff at the CSLR as the Alonzo McDonald Family Senior Lecturer and Senior Research Fellow. She is mapping the issues and plotting a course for future study of the religious bases of human rights and the need for human rights in religion. Central concerns include not only religious rights – that is, freedom of thought, conscience, and belief – but also the ways that religion can play a positive role in supporting the rights of women, children, and those suffering various sorts of oppression, as well as in achieving the so-called “third generation” of human rights to global health, environmental sustainability, and the transformation of societies from conflict to peace.

April L. Bogle, CSLR director of public relations and information, is revising and updating the CSLR’s prior published research on the topic and repackaging it into web formats and condensed printed materials to make the most important messages more widely available.
Sex, Marriage, and Family & the Religions of the Book analyzes the role that Christianity, Judaism, and Islam have played and can play in forming and reforming theories, laws, and practices of sex, marriage, and family life. Eighteen senior fellows, working under the co-direction of Visiting Woodruff Professor Don S. Browning, University of Chicago, and CSLR Director John Witte, Jr., produced some 30 new volumes on the subject. The project sponsored a year-long faculty seminar, two faculty retreats, 10 new cross-listed courses, 18 public forums, 11 side projects, and a major international conference featuring 80 speakers and 700 plus registrants.

Ongoing projects include:

**Marital Pluralism**, directed by CSLR alumnus Joel A. Nichols, associate professor of law at St. Thomas Law School in Minneapolis, and co-sponsored by St. Thomas and Pepperdine Law School. This project explores the question of whether modern...

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**Love Rhymes from Early African America Endure Today**

Emory English Professor and CSLR Senior Fellow Frances Smith Foster’s book about love and marriage in African American history challenges popular beliefs that the horrors of slavery are the root cause of family crisis in current African American culture.

“Love and marriage were serious investments in the 18th century, and are so in our own contemporary experiences,” Foster writes in *Love and Marriage in Early African America* (Northeastern University Press, 2007). “I now see how the rhymes and sayings, the folk stories we absorbed, were our heritage being passed down, particular values being enforced or espoused.”

Foster compiled the anthology as part of the CSLR research project, “Sex, Marriage, and Family & the Religions of the Book.” Her research uncovered African American writings spanning the hundred years between the slave era and the Harlem Renaissance, and she found the works to be a testament to those who came before, to “the strength of African American families and to the many ways in which love lives in them.” She is preparing a complementary monograph that will set this unique collection of materials in fuller context.

Many of the writings are taken from publications and newspapers written by African Americans for African Americans, dating back to slave times. This early print culture was often bound up with the Afro-Protestant Church, found Foster. The earliest known newspaper, *Freedom’s Journal*, was started by a consortium of African Americans who lived in several states and cities, probably half of whom were ministers, she said.

Foster intends the book as a popular volume that will “work for many kinds of people with many kinds of intents and purposes.” The selections embody longing, loyalty, romance, intimacy, trust, betrayal, lost loves, broken hearts, cuckolded husbands, shrewish wives, newlyweds, first loves, lifelong loves, the loss of love, and marital issues from the common to the transcendent.
American law can and should accommodate multiple forms of marriage beyond heterosexual monogamy, and multiple forums for marital governance, beside the law of the state. Fifteen leading family scholars are writing fresh essays that will comprise a major new university press title. *The Frontier of Law, Religion, and Marriage*, led by CSLR Director John Witte, Jr., poses and probes the hard questions of marriage and family that face post-modern cultures and post-liberal societies. Six major scholars, including Stephen L. Carter (Yale), Jean Bethke Elshtain (Chicago), Margaret F. Brinig (Notre Dame), and Chief Justice Leah Ward Sears (Georgia Supreme Court), are contributing to a special edition of the *Emory Law Journal*.

The Child in Law, Religion, and Society, a sister project to *Sex, Marriage, and Family*, was an interdisciplinary exploration of children, with focus on birth, naming, and growth; children's rights and rites; education and formation; child abuse, poverty, and homelessness; juvenile delinquency, violence, public policy responses, and reforms. Visiting Woodruff Professor Martin E. Marty, University of Chicago, and CSLR Director John Witte, Jr., led 21 senior fellows and commissioned 24 new volumes. Don S. Browning, University of Chicago, served as a senior advisor. Project highlights included the popular Family Forum Series, hosted by Marty and featuring former President Jimmy Carter among several other high profile lecturers. President Carter also participated in the project’s major international conference, “What’s Wrong with Rights for Children?” which featured keynote addresses from Carter and Marty and drew an audience of 500.

Ongoing projects on the child include:

*The Best Love of the Child*, directed by Professor of Christian Ethics and CSLR Senior Fellow Timothy P. Jackson. This project offers historical, philosophical, theological, psychological, legal, and ethical perspectives on what love by and of a child entails. Countering the predominant legal principle of “the best interest of the child,” the project is premised on the belief that the first right of the child is the right to be loved.

*The Vocation of the Child*, directed by Patrick M. Brennan, Scarpa Professor of Catholic Legal Studies at Villanova Law School and long-time contributor to the work of CSLR. Rather than discussing their possible vocation, discussions of children tend to center on their rights or duties. Does God have intentions for their young lives – before they grow up and become “real” people? Sixteen distinguished scholars approach this idea in various ways, from historical to psychological to theological. The authors explore throughout whether it is possible for adults to either squander their children’s vocations or instead to help them discover and embrace them.
The objects of church historian Martin E. Marty’s affections these days are not philosophical abstractions – they are real children, playing on swings, kicking soccer balls, and trying the patience of their parents.

Children are “the great disrupters, the great interrupters, who humanize us along the way,” says Marty, who has crafted his book, The Mystery of the Child (Wm. B. Eerdmans, 2007), as an antidote to the ubiquitous “how-to” guides for caretakers.

This profound, inspiring examination of the child is the culmination of Marty’s stint as co-director of the CSLR research project, “The Child in Law, Religion, and Society.” It is also part of an 11-book series on “Religion, Marriage, and the Family,” edited by Don S. Browning, Alexander Campbell Professor of Ethics and the Social Sciences Emeritus at the University of Chicago, and CSLR Director John Witte, Jr.

Most writing about children, says Marty, begins with a particular problem that needs to be solved.

“The child is undisciplined, abused, autistic – whatever the case may be, the child in some strange way is reduced,” says Marty, a great-grandfather. “I propose the alternative: That children are mysteries who invoke wonder. Problems have potential solutions, but mysteries don’t. The deeper you go, the deeper you go.”

As co-director of the child project, Marty began to reflect upon not just the ways children are defined under the law and through religious writings, or how they can best be protected or educated, but on the very essence of the child.

Children, he concludes, are “something more and other than the combination of parental genes – indeed, they are constant sources of inspiration and renewal.”

“There are plenty of places in the U.S. where there are good individual scholars of this field, but there’s no place other than Emory’s Center for the Study of Law and Religion for that convergence and concentration of energies.”

Martin E. Marty
Fairfax M. Cone
Distinguished Service Professor Emeritus, University of Chicago

For a complete description of these and other CSLR projects, please see our website at www.law.emory.edu/cslr.
Publications

The CSLR’s research projects have yielded a large number of volumes, journal symposia, scholarly articles, lectures, and op-ed pieces in recent years. The CSLR also sponsors two book series. For book descriptions, go to our website, www.law.emory.edu/cslr. You also may request a copy of our brochure, Publications from the Center for the Study of Law and Religion at Emory University, 2005-2008, by calling 404-712-8710.

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Abdullahi Ahmed An-Na’im; University of Pennsylvania Press, 2006

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Abdullahi Ahmed An-Na’im, ed.; Global Media Publications, 2005

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April L. Bogle and Ginger Pyron; Wm. B. Eerdmans, 2007

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Don S. Browning and Bonnie Miller-McLemore, eds.; Rutgers University Press, 2008

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Equality and the Family: A Fundamental Practical Theology of Children, Mothers, and Fathers in Modern Societies
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Steven M. Tipton; University of Chicago Press, 2007
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JULIA ANNAS (PhD, Harvard University) is Regents Professor of Philosophy at the University of Arizona. She has published numerous articles in many fields of ancient philosophy, and in recent years has focused on ancient ethics and on contemporary virtue ethics. She is a founding editor of *Oxford Studies in Ancient Philosophy*. Her books include *Hellenistic Philosophy of Mind; The Morality of Happiness*; and *Platonic Ethics, Old and New*. (Pursuit of Happiness Project)

MILNER S. BALL (JD, University of Georgia) is the emeritus Caldwell Professor of Constitutional Law at the University of Georgia School of Law and a Presbyterian minister. His focus has been the moment of theology for the practice and study of law. He is the author of several volumes, among them *Called by Stories: Biblical Sagas and Their Challenge for Law* and *The Word and The Law*, in addition to a number of book chapters and articles. (Christian Jurisprudence Project II)

JOHN R. BOWLIN (PhD, Princeton University) is the Rimmer and Ruth de Vries Associate Professor of Reformed Theology and Public Life at Princeton Theological Seminary. His primary areas of interest are moral theology, moral philosophy, political theory, and the history of ethics. He has published numerous articles and reviews on various aspects of the Christian moral life and is the author of *Contingency and Fortune in Aquinas’s Ethics* and the forthcoming *On Tolerance and Forbearance: Moral Inquiries Natural and Supernatural*. (Pursuit of Happiness Project)

KATHLEEN A. BRADY (JD, Yale University) is Professor of Law at Villanova University. Her scholarship focuses on the intersection of law and religion, including Catholic social thought, religion in public life, and the First Amendment religion clauses. Brady has been a member of the editorial board of the *Villanova Journal of Catholic Social Thought* and has served as Chair of the Association of American Law Schools’ Section on Law and Religion. Her writings have been published in several law reviews. (Christian Jurisprudence Project II)

SIDNEY CALLAHAN (PhD, City University of New York), a writer based in New York, has lectured and led workshops at more than 300 colleges and institutions across the United States. Callahan has written many articles, books, and columns devoted to religious, psychological, and ethical questions. Her most recent volumes include *Created for Joy: A Christian View of Suffering* and *Women Who Hear Voices: The Challenge of Religious Experience*. (Pursuit of Happiness Project)

ELLEN T. CHARRY (PhD, Temple University) is the Margaret W. Harmon Associate Professor of Systematic and Historical Theology at Princeton Theological Seminary. She is the author of many essays and *By the Renewing of Your Minds: The Pastoral Function of Christian Doctrine*, and is editor of *Inquiring after God: Classic and Contemporary Readings*, among other volumes. She is an editor-at-large for *The Christian Century* and serves on the Theology Committee of the House of Bishops of the Episcopal Church. (Pursuit of Happiness Project)
W. Edward Craighead (PhD, University of Illinois) is J. Rex Fuqua Chair in Child Psychiatry and Director of the Child and Adolescent Mood Program at Emory University. He has published 10 books and more than 150 papers primarily regarding major depression and bipolar disorders. Craighead has served on editorial boards of numerous mental health journals and as president of several professional organizations. He has received awards for his professional and scientific work. (Pursuit of Happiness Project)

RICHARD W. GARNETT (JD, Yale University) is Professor of Law at Notre Dame Law School. His areas of research interest include Catholic social thought, church-state relations, and free speech. Garnett has served as chair of the Association of American Law Schools’ Section on Law and Religion and as the chair-elect of its Section on Constitutional Law. His commentary has appeared in publications such as USA Today, Commonweal, and The Weekly Standard. Garnett is a founding contributor to Mirror of Justice, a blog dedicated to the development of Catholic Legal Theory. (Christian Jurisprudence Project II)

ERIC S. GREGORY (PhD, Yale) is Assistant Professor of Religion at Princeton University. His teaching and research interests include Christian ethics, moral philosophy, historical and modern theology, bioethics, and political theory. He is the author of Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship. His current project examines secular and religious perspectives on global justice in light of the reception history of the parable of the Good Samaritan. (Pursuit of Happiness Project)

Vigen Guroian (PhD, Drew University) is Professor of Religious Studies in Orthodox Christianity at the University of Virginia. He has authored numerous books, among them Incarnate Love: Essay in Orthodox Ethics and Ethics After Christendom: Toward an Ecclesial Christian Ethic. Guroian has been active with the National Council of Churches and the World Council of Churches, as well as with the Society of Christian Ethics, the American Theological Society, and the Orthodox Theological Society in America. (Christian Jurisprudence Project II)

F. Russell Hittinger (PhD, St. Louis University) is Warren Chair of Catholic Studies at the University of Tulsa. His research focuses on the intersection of philosophy, religion, and law. Hittinger is on the governing council of the Pontifical Academy of St. Thomas Aquinas. He has published more than 100 articles and reviews in addition to several books, among them Thomas Aquinas and the Rule of Law and The First Grace: Rediscovering the Natural Law in a Post-Christian World. (Christian Jurisprudence Project II)

Carl R. Holladay (PhD, University of Cambridge) is Charles Howard Candler Professor of New Testament Studies at the Candler School of Theology of Emory University. Holladay’s current research focuses on Luke-Acts, Hellenistic Judaism, and Christology. He is the author or co-author of several books, among them A Critical Introduction to the New Testament: Interpreting the Message and Meaning of Jesus Christ and The First Letter of Paul to the Corinthians. (Pursuit of Happiness Project)
COREY L. M. KEYES (PhD, University of Wisconsin-Madison) is Associate Professor of Sociology at Emory University. He has written numerous articles and books, including *Risk and Resilience in Human Development* and *Women and Depression: A Handbook for the Social, Behavioral, and Biomedical Sciences* (with Sherryl H. Goodman). Keyes’ commentary has appeared in *The Chronicle of Higher Education* and *Atlanta Magazine*. (Pursuit of Happiness Project)

IRA C. LUPU (JD, Harvard University) is F. Elwood and Eleanor Davis Professor of Law at George Washington University. He is co-director of the Legal Tracking Project of the Roundtable on Religion and Social Welfare. Lupu is author or co-author of many works on religion and the Constitution, including a multi-year series of reports on the law relating to faith-based initiatives. (Christian Jurisprudence Project II)

MICHAEL E. MCCULLOUGH (PhD, Virginia Commonwealth University) is Director of the Laboratory for Social and Clinical Psychology and Professor in the Department of Psychology at the University of Miami. McCullough conducts research on the psychology and evolution of religion and the moral sentiments, including the desire for revenge, forgiveness, and gratitude. He has written or edited six books, most recently *Beyond Revenge: The Evolution of the Forgiveness Instinct*. (Pursuit of Happiness Project)

JOHN A. MCGUCKIN (PhD, Durham University) is Ane Marie and Bent Emil Nielsen Professor in Late Antique and Byzantine Christian History at Union Theological Seminary and Professor of Byzantine Christian Studies at Columbia University. He is the author of 20 books of historical theology and is an editorial advisory board member for a 30-volume series on core topics in theology. He is currently working on a feature film about monastic prayer life titled *Sophia Secret Wisdom*. (Christian Jurisprudence Project II)

CAROL A. NEWSOM (PhD, Harvard University) is Charles Howard Candler Professor of Old Testament/Hebrew Bible at the Candler School of Theology and the Graduate Division of Religion at Emory University. A member of the team responsible for the edition and translation of the Dead Sea Scrolls, she has published a major collection of liturgical texts as well as several other Qumran texts. Other publications include a monograph on self-formation in sectarian community, and a commentary and a monograph on the book of Job. (Pursuit of Happiness Project)

M.H. OGILVIE (DPhil, Oxford University) is Chancellor’s Professor and Professor of Law at Carleton University. Her research interests include contract law, banking law, and law and theology. She is the author of 12 books, including *Historical Introduction to Legal Studies, Religious Institutions and the Law in Canada*, and *Bank and Customer Law in Canada*. Ogilvie received the Order of Ontario in 2008 for her outstanding contribution to society in Ontario. (Christian Jurisprudence Project II)
ARISTOTLE PAPANIKOLAOU  
(PhD, University of Chicago) is  
Associate Professor of Theology  
and the Co-Director of the  
Orthodox Christian Studies  
Program at Fordham University.  
He has published numerous  
articles and is the author of *Being  
with God: Trinity, Apophaticism,  
and Divine-Human Communion*  
and co-editor of *Thinking through Faith: New Perspectives  
from Orthodox Christian Scholars* and *Orthodox Readings  
of Augustine*. He is currently working on a book on the  
political implications of confession and truth-telling.  
(Christian Jurisprudence Project II)

STEPHEN J. POPE  
(PhD, University of Chicago) is  
Professor of Theology at Boston  
College, where he teaches courses  
on social and theological ethics.  
Pope is the editor and author of  
several works including *Human  
Evolution and Christian Ethics*.  
(Pursuit of Happiness Project)

JEAN PORTER  
(PhD, Yale University) is the John  
A. O’Brien Professor of Theology  
at the University of Notre Dame.  
Her research interests lie in the areas of foundational  
moral theology and the history of Christian moral thought.  
Her most recent book is *Nature as Reason: A Thomistic Theory of the  
Natural Law*. Porter is the author of three other books and  
numerous articles. (Christian Jurisprudence Project II)

STEPHEN G. POST  
(PhD, University of Chicago) is  
President of the Institute  
for Research on Unlimited  
Love – Altruism, Compassion,  
Service, and is Director of the  
Center for Medical Humanities,  
Compassionate Care, and  
Bioethics at Stony Brook  
University (SUNY). Post works  
at the interface of science, religious thought, and the nature  
of unselfish love focused on a shared humanity. Post has  
published widely over the years, including seven scholarly  
books on love. (Pursuit of Happiness Project)

ELIZABETH H. PRODROMOU  
(PhD, MIT) is Assistant Professor  
of International Relations at  
Boston University, where she is  
also a research associate of the  
Institute on Culture, Religion,  
and World Affairs. Prodromou  
specializes in comparative  
politics, religious transformation,  
and public religion. She has published articles in several  
languages and is co-editor of *Thinking Through Faith: New Perspectives from Orthodox Christian Scholars*. She serves  
as vice chair of the U.S. Commission on International Religious Freedom. (Christian Jurisprudence Project II)

CHARLES J. REID, JR.,  
(PhD, Cornell University) is  
Professor of Law at the University  
of St. Thomas. Reid is the  
author of *Power over the Body,  
Equality in the Family: Rights and  
Domestic Relations in Medieval  
Canon Law* and has published  
articles on the history of western  
rights thought. His current work  
focuses on the history of marriage, including the history of  
American marriage law and medieval marriage. (Christian  
Jurisprudence Project II)
RUSSELL E. RICHEY
(PhD, Princeton University) is Professor of Church History and former Dean of Candler School of Theology at Emory University. His research and teaching interests have focused on American Methodism, comparative study of religious institutions (denominations), and American civil religion. Among his books are Marks of Methodism: Practices of Ecclesiology and Extension Ministers: Mr. Wesley’s True Heirs (forthcoming). (Christian Jurisprudence Project II)

JEFFREY P. SCHLOSS
(PhD, Washington University) is Professor of Biology and Director of the Center for Faith, Ethics, and Life Sciences at Westmont College. He has authored a number of articles and is editor of The Believing Primate: Evolutionary, Philosophical, and Theological Perspectives on the Origin of Religion (with Michael Murray); Evolution and Ethics: Human Morality in Biological and Religious Perspective (with Philip Clayton); Altruism & Altruistic Love: Science, Philosophy & Religion in Dialogue (with Stephen Post et al). (Pursuit of Happiness Project)

ROBERT W. TUTTLE
(PhD, University of Virginia) is Professor of Law and David R. and Sherry Kirschner Berz Research Professor of Law and Religion at George Washington University Law School. He is co-director of legal analysis for the Roundtable on Religion and Social Welfare Policy. Tuttle writes widely on the relationship between church and state, and serves as legal counselor to the Evangelical Lutheran Church in America Synod of Metropolitan Washington, D.C. (Christian Jurisprudence Project II)

PAUL VALLIERE
(PhD, Columbia University) is Professor of Religion and McGregor Professor of the Humanities at Butler University. His specialties are Russian Orthodoxy, the history of Christianity, and modern religious thought. He is the author of several books, most recently Modern Russian Theology: Bukharev, Soloviev, Bulgakov: Orthodox Theology in a New Key and Change and Tradition in Russian Civilization. (Christian Jurisprudence Project II)

CHARLOTTE VANROYEN WITVLIET (PhD, Purdue University) is Associate Professor of Psychology at Hope College, where she teaches abnormal psychology, clinical psychology, advanced research, and positive psychology. Witvliet directs a psychophysiology laboratory and conducts research on emotion, justice, forgiveness, and gratitude. Her research reports have appeared in a number of peer-reviewed journals. (Pursuit of Happiness Project)

NICHOLAS P. WOLTERSTORFF
(PhD, Harvard University) is Noah Porter Professor Emeritus of Philosophical Theology at Yale University, and Senior Fellow in the Institute for Advanced Studies at the University of Virginia. An expert in Christian philosophy, aesthetics, and Christian education, he recently has concentrated his work in political philosophy. In addition to a number of essays in this field, he has published Until Justice and Peace Embrace and Justice: Rights and Wrongs. Currently he is working on a book on Love and Justice. (Christian Jurisprudence Project II)
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Norwegian Centre for Human Rights, University of Oslo, Norway

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Dean, Bayero University Law School, Nigeria

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People | Staff

John Witte, Jr.
Director
Jonas Robitscher Professor of Law
404-727-6980
jwitte@law.emory.edu

Frank S. Alexander
Founding Director
Professor of Law
404-727-6982
falexander@law.emory.edu

April L. Bogle
Director of Public Relations and Information
404-712-8713
abogle@law.emory.edu

Eliza Ellison
Director of Fellowships and Senior Editor
404-727-0699
eelliso@law.emory.edu

Linda B. King
Director of Events and Project Administration
404-727-6504
lking@law.emory.edu

Anita W. Mann
Director of Business and Finance
404-727-6819
lawam@law.emory.edu

Amy Wheeler
Associate Editor and Director’s Associate
404-727-5588
awheeler@law.emory.edu

Center for the Study of Law and Religion

Emory University
1301 Clifton Road, Suite 310
Atlanta, Georgia 30322-2770
404-712-8710
www.law.emory.edu/cslr
Teaching was Berman’s Calling

Harold J. Berman (1918-2007) was one of the great polymaths of American legal education. During his 60 years of law teaching, he molded an enviable array of legal disciplines – legal history, Russian law, international trade, legal philosophy, and law and religion. His 25 books and 400 articles set an enviable scholarly benchmark. Their translation into 16 foreign languages ensures his global influence. His 8,000 plus students will never forget him.

Born in 1918 in Hartford, Connecticut, and educated at Dartmouth College, London School of Economics, and Yale University, Professor Berman began his teaching career at Stanford Law School in 1947. From 1948 to 1985, he taught at Harvard Law School, first as Story Professor of Law, then as James Barr Ames Professor of Law. He also served as Director of Harvard Law School’s Liberal Arts Fellowship in Law, Fellow of the Russian Research Center of Harvard University, and Member of the Legal Committee of the U.S.-U.S.S.R. Trade and Economic Council. He came to Emory Law School in 1985 as the first Robert W. Woodruff Professor of Law. He also served as Senior Fellow in The Carter Center, Founding Director of the American Law Center in Moscow, Founding Director of the World Law Institute, and Senior Fellow of the Center for the Study of Law and Religion.

Professor Berman’s initial scholarly energies were focused on the Soviet legal system and the law of international trade. His early monographs, *Russians in Focus* (1953) and *Justice in the U.S.S.R.* (1950; rev. ed. 1963), will long endure as classics, as will several of his writings on the Lex Mercatoria. In his first decades of teaching, Professor Berman also sought to bring legal education into the college, reflected in his two signature titles: *On the Teaching of Law in the Liberal Arts Curriculum* (1956) and *The Nature and Functions of Law* (1958; 6th ed., 2004). In the last three decades of his career, Professor Berman expanded his legal scholarship to include legal philosophy, legal history, and law and religion. He produced a series of path-breaking volumes, most notably *The Interaction of Law and Religion* (1974), *Faith and Order* (1993), and his award-winning series on *Law and Revolution* (1983-2003).

Professor Berman was a member of both the American Academy of Arts and Sciences and the Russian Academy of Sciences. He received more than a hundred prizes and awards for his scholarly achievements, including honorary doctorates from the Catholic University of America, the Virginia Theological Seminary, and Ghent University.

*The Emory Law Journal* (Spring Issue, 2008) is dedicated to his memory, with tributes and articles from a number of his colleagues and former students.