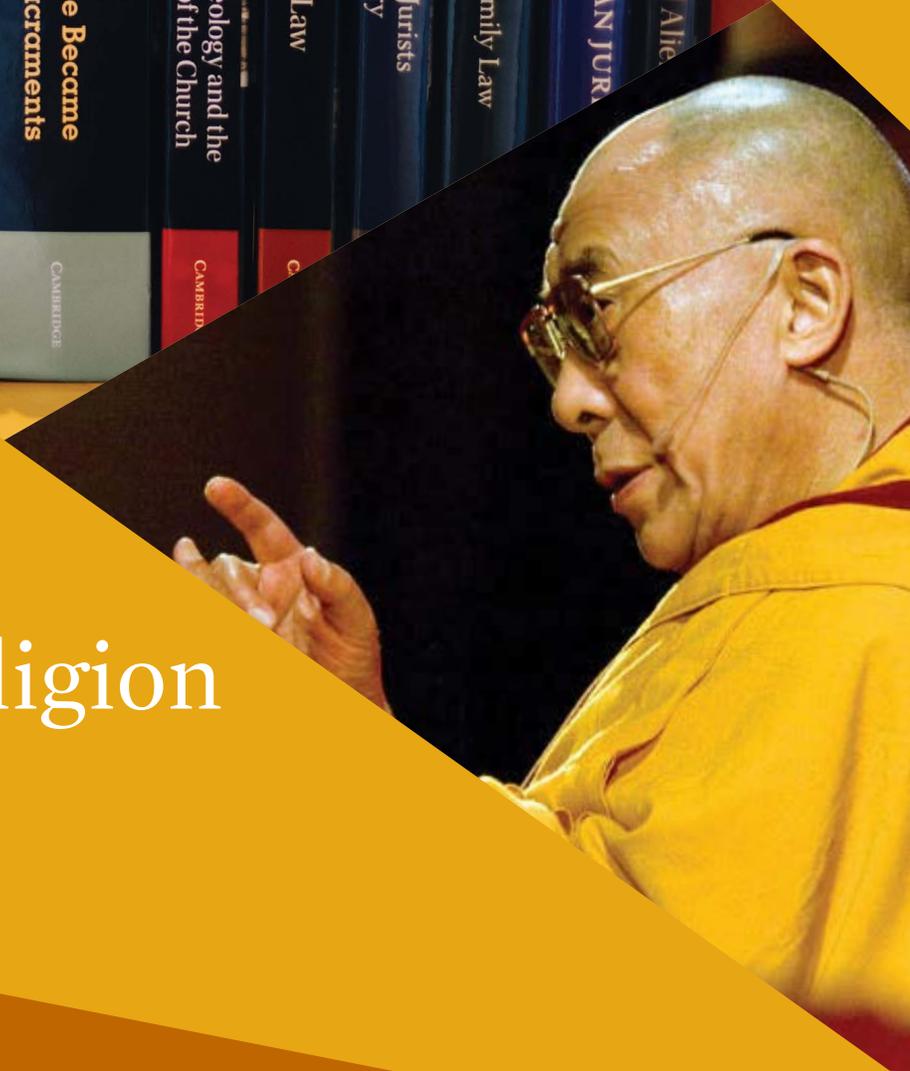




EMORY  
UNIVERSITY

Center for the  
Study of Law  
and Religion



FORTY YEARS OF

# Law and Religion at Emory



# A Message to Friends of CSLR

Dear Friends,

We are delighted to present to you Dr. Gary S. Hauk's splendid 40-year history of our Center for the Study of Law and Religion at Emory University.

What began in 1982 as a small joint degree program in law and religion has become a robust academic center with a global reputation for its engaging scholarship, exemplary teaching, and edifying public forums on law and religion. What was once a controversial interdisciplinary experiment by a few law school professors is now a steeple of academic excellence and innovation on the Emory campus, and a hub in a global network of law and religion scholars.

Throughout its history, the Center for the Study of Law and Religion (CSLR) has produced leading scholarship in the field. CSLR faculty have directed a score of major international projects on the fundamentals of faith, freedom, and family, viewed in Jewish, Christian, and Muslim perspectives. CSLR faculty and fellows have published nearly 400 books and thousands of articles, and now edit five book series in multiple languages. CSLR edits the flagship *Journal of Law and Religion* with nearly 8,000 subscriptions and several pathbreaking articles. And CSLR hosts *Canopy Forum*, a powerful digital platform and publication whose articles, reviews, and webinars reach thousands of readers each year in nearly every country of the world.

Throughout its history, CSLR has also remained true to its core teaching mission. Its faculty offer regular courses in Jewish, Islamic, and Christian law and legal theory, religious freedom, law and religion methods, and other topics. Students work with the *Journal of Law and Religion*, *Canopy Forum*, social media, faculty, and research projects. Law students have options to pursue a concentration in law and religion or enroll in joint degree programs with

Candler School of Theology or Laney Graduate School of Arts and Sciences. CSLR hosts post-doctoral fellows who take on research, teaching, and scholarly engagement in preparation for scholarly careers. And CSLR has long hosted roundtables and colloquia, public lectures, and international conferences to tackle timely topics in law and religion and engage in deep public education and discussion.

As we mark this 40th anniversary milestone in the 2022-23 academic year, we look forward with great new resolve and energy in this post-COVID era to deepen our interdisciplinary inquiries and to provide new resources and opportunities for people of all faiths and of no faith to engage the fundamental questions of law, politics, and society.

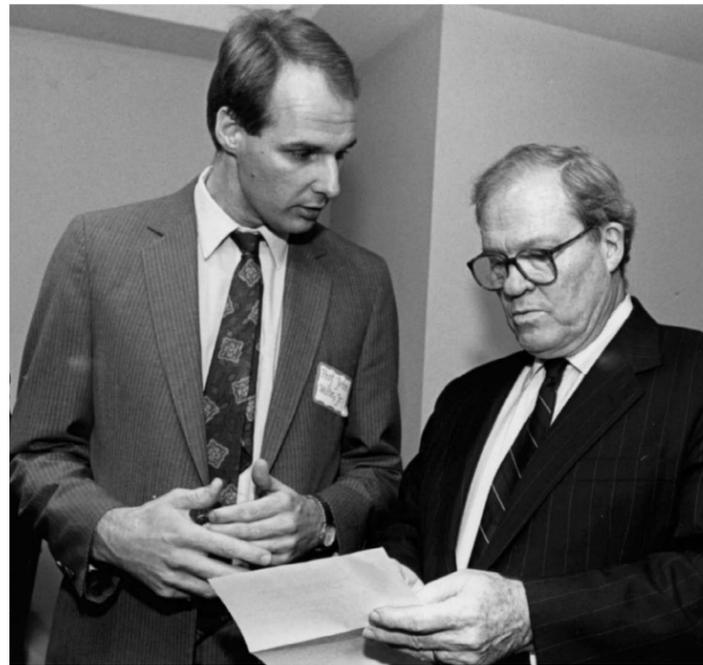
The Center owes its longevity and vitality in no small part to the financial support it has received from numerous individuals and foundations over the years, whose generosity we note with great gratitude. We especially would like to thank the Honorable Dorothy T. Beasley, Dr. Wendell Bird, Esq., and Professor Charlotte McDaniel for their gifts that made this 40th anniversary publication possible. And we give profound thanks to the perennial support of our colleagues in the Emory University Central Administration, Emory Law School, Candler School of Theology, Emory College, and the Laney Graduate School of Arts and Sciences. May it long continue.

We thank you for your interest, support, and participation in CSLR's work, and we look forward to partnering with you in the years to come. Here's to the next forty!

Warmly,

John Witte, Jr.  
Faculty Director

Whitney Barth  
Executive Director



# Forty Years of Law and Religion at Emory

One of the most revolutionary treatises in Western history stands on a shelf in the Pitts Theology Library at Emory University. Researchers come to the library from around the world to pore over tomes a millennium old, screeds by sectarian rabble-rousers, colonial hymnals, Bibles with six columns of text side by side, each in a different language. Among the treasures is a slender volume slightly larger than a Kindle. With ninety-four unnumbered pages bound in leather, the book has a far greater historical weight than its lightness in the hand suggests. Published in 1520, this is a first edition, first printing of Martin Luther's "Address to the Christian Nobility of the German Nation"—a pamphlet that turned the world upside down.

More than half a millennium after the work

appeared, the issues it raised in medieval Germany still occupy headlines in the United States—questions about state authority over religious matters, or the place of theology in the legal system, or the freedom of believers to act on conscience. Think of religious exemptions from vaccines during a pandemic, or a church-supported school refusing to cover contraceptives in its insurance plan, or a baker declining to decorate a cake for a gay couple's wedding, and the argument began some five hundred years ago—sometimes even farther back.

In a much shorter span of years—forty, to be exact, a mere hourglass worth of time in the scheme of things—such questions have fueled the growth of Emory University's Center for the Study of Law and Religion (CSLR). Emory's

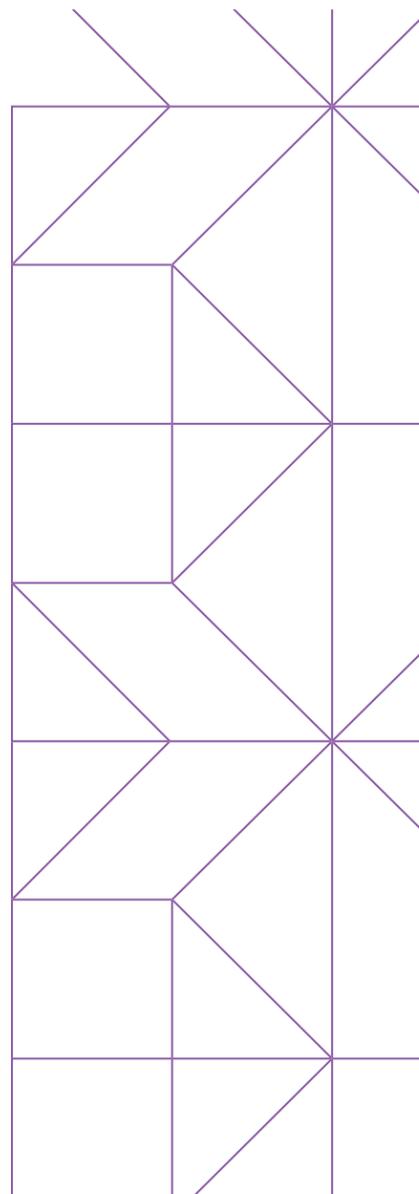
Emory's commitment to the study of law and religion began with the charge to help law students understand the religious dimensions of law "without diluting rigorous legal study," and to broaden the legal education of religious leaders "without propagating a particular faith or ideological agenda." Because law and religion have interacted for millennia—sometimes working hand in glove, sometimes in hand-to-hand combat—Emory proposed that both lawyers and religious professionals would be wiser for knowing more about the history and contemporary impact of this relationship.

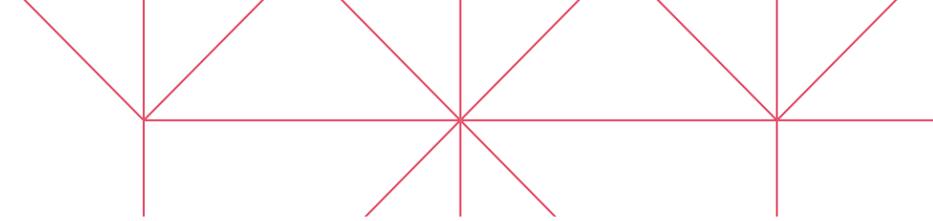
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The Center was the brainchild of then President **James T. Laney**, who in the 1980s sought to make Emory a beacon of higher purpose in academia. In his view, the university should instill and animate "the kind of moral vision that transcends parochial interests and nurtures the sympathy and understanding necessary for moral judgment." Universities, in his thinking, should be educating men and women to engage with heart as well as mind in building a more humane and enlightened civil society. His deep conviction, he said, was that "the university should be a scene of fertile intellectual conversation, where different disciplines fructify each other. The university also has a moral calling to work toward the larger common good." Impelled by that exalted image of the university, he encouraged interdisciplinary teaching and scholarship. Building bridges between the schools and departments across the campus, he thought, would foster mutual understanding and lead to new insights—and, most important, nurture deeper commitments to the common good.

In its forty years of work, the Center has lived up to Laney's inspiring vision. Dedicated to probing the religious dimensions of law, the legal dimensions of religion, and the interaction of legal and religious ideas and institutions, the Center now supports Emory Law School's offering of several advanced-degree programs, three of which are offered jointly with Candler School of Theology and the Laney Graduate School, as well as a concentration in religion and law within the doctor of law (JD) program at the Law School. Ongoing research feeds three book series, the flagship *Journal of Law and Religion*, and the Center's *Canopy Forum* digital platform. Affiliated faculty and fellows have filled small wings of academic libraries with the publication of nearly four hundred volumes, many of them translated into Chinese, German, Hebrew, Korean, Spanish, and ten other languages.

Founded in 1982 by Frank S. Alexander, now the Sam Nunn Professor of Law Emeritus, the Center has been directed since 1987 by John Witte, Jr., the Robert W. Woodruff Professor of Law and McDonald Distinguished Professor of Religion. In 2022, Witte became faculty director when CSLR welcomed its first executive director, Whitney Barth. Over the years, the Center has brought together scores of Emory faculty, hundreds of students and fellows, and thousands of conference participants. Luminaries such as President Jimmy Carter, Archbishop Desmond Tutu, Chief Rabbi Jonathan Sacks of the UK, and the Dalai Lama have graced the Center's lecterns. More than two dozen research projects have put the Center at the hub of a global network of some sixteen hundred scholars, and a steeple of excellence on the Emory campus.





# Putting Doors *in* *the Academic Silos*

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This vision of the potential for fruitful interdisciplinary study actually had inspired Emory leaders as far back as 1952, when the University established the Graduate Institute for the Liberal Arts (ILA). The Institute offered degree programs in areas that now have whole departments dedicated to them, such as women and gender studies and African American studies. Laney ambitiously expanded that activity beyond the liberal arts and into the professional schools. In short order, the University created joint-degree programs between the schools of law and business, law and theology, business and medicine, theology and nursing, and more. Supportive deans—no doubt seeing where the ship was headed as well as genuinely interested in the journey—quickly signed on as mates, and receptive faculty and students filled the rigging.

Among the first to join the voyage was a young attorney named **Frank Alexander**. He sported a JD degree from Harvard Law and a MTS degree from Harvard Divinity School and had returned to his native South in 1977 to practice law. True to his double degrees, Alexander thought of the law as a form of ministry, a means to serve others as well as a sure way to get to the bottom of words like “justice,” “freedom,” and “responsibility.” As Alexander remarked in the summer 2001 issue of *Emory Magazine*, “Depending on your perspective of church ministry and your perspective of law, to me they were very much subtle variations on the same theme, which is that they’re both forms of public service.”

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– FRANK ALEXANDER, *EMORY MAGAZINE* (2001)

Laney had met Alexander years earlier, when Alexander was an undergraduate at the University of North Carolina at Chapel Hill, and the two had reconnected when Laney was on sabbatical at Harvard while Alexander was a student there. In the spring of 1981, Alexander jumped at an invitation to teach at the Emory Law School and joined the faculty full-time the next year. Soon, Laney encouraged him to establish a program in law and religion, with joint-degree programs and cross-listed courses between the schools of law and theology.

The idea for a law and religion program was not entirely new. In 1976, while still at Harvard, Alexander had prepared a report to the deans of the law and divinity schools calling for the scholarly study of the theological and philosophical assumptions of law. With the support of his Harvard Law mentor, Professor Harold J. Berman, and the influential Christian ethicist and theologian James Luther Adams, in the Divinity School, Alexander began to gather a nucleus of similarly interested academics, ministers, and students to form the Council on Religion and Law—CORAL. Almost immediately, after hosting a couple of successful symposia at Harvard, CORAL in 1978 proposed the establishment—somewhere—of an ecumenical institute for the study of law and theology as well as the creation of a new interdisciplinary journal. Four years later, that institute took root at Emory, in 1982.

Alexander did not have to shoulder the weight of the new program alone for long. Having attracted the munificent gift of \$105 million from brothers Robert and George Woodruff in 1979—at the time the largest gift in American philanthropic history—Laney and the Emory board of trustees established the Robert W. Woodruff Professorships to lure the foremost scholars in the world to

Emory. Among the first to arrive was **Harold Berman**, Alexander’s old mentor at Harvard Law School. Berman had begun his scholarly career at Harvard in 1948 as an expert in the law of the Soviet Union, then had expanded his interest to comparative and international law and trade, but finally turned to the subject that would define his legacy. As the “father” of the modern study of law and religion, Berman in 1974 published *The Interaction of Law and Religion*, which set out the agenda for the field as it would develop over the next half century. He followed this pithy volume with a pathbreaking, two-volume work on *Law and Revolution* (Harvard, 1983 and 2003), which would go on to be published in fourteen languages. These volumes traced the formation of the Western legal tradition back to the reformation of the Catholic Church in the eleventh century, and to the revolutionary transformations of law by the Protestant Reformation and the English, American, French, and Russian revolutions of the seventeenth to twentieth centuries.

Nearing mandatory retirement from Harvard in the mid-1980s, Berman welcomed Laney’s offer to extend his eminent career at Emory as the first Woodruff Professor of Law. There he would continue his teaching and scholarship on Russian law and culture, international law and trade, legal history, and, above all, law and religion for twenty-two more years, until his death in 2007. During that time, he added eight books and sixty articles to the twenty books and four hundred some articles he had published while at Harvard. He also served as a fellow at the Carter Center, which had been established in affiliation with Emory by former President Carter, and as a fellow at CSLR, where he participated actively in Center projects and conferences. In his memory, CSLR named its main seminar room the Berman



L TO R: FRANK ALEXANDER, HAROLD BERMAN, HOWARD O. “WOODY” HUNTER, JOHN WITTE, JR.

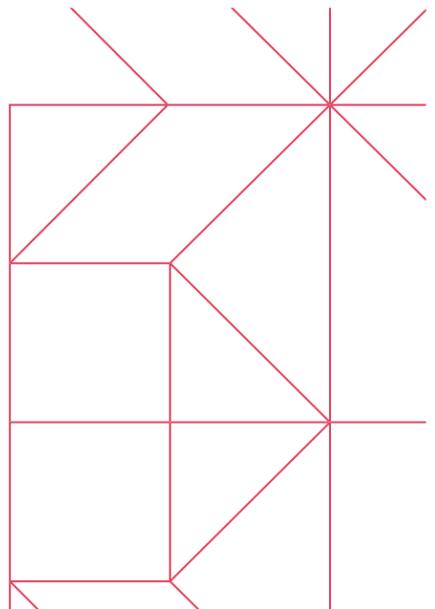
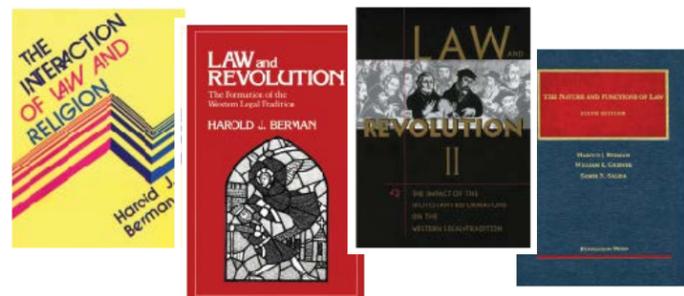
Library, where long shelves of his writings and awards are on display. Hanging on one wall as an icon of his legacy is his manual typewriter, on which he tapped out the six-hundred-page first volume of *Law and Revolution*.

Berman brought to Emory another young Harvard Law School protégé, **John Witte, Jr.**, who arrived in 1985 as “a stowaway in Hal Berman’s briefcase,” as Witte once put it. In time, Witte would succeed Berman as Woodruff Professor of Law and as a leader in the field of law and religion. Beginning life at Emory as a research fellow for Berman, Canada-born Witte stepped out of academia for nine months to practice law before receiving his own invitation from President Laney in 1987 to join the Emory Law School faculty and take over as director of the Center.

Under Witte’s direction for the past thirty-five years, the work of the Center has grown from a small joint-degree curriculum with a couple of courses into a full-fledged academic powerhouse sponsoring groundbreaking research, teaching hundreds of students each year, hosting international conferences and lectures, and issuing an ever-flowing river of publications, now including digital works. Like a globe-trotting missionary for the discipline of law and religion, Witte has hosted dozens of CSLR roundtable conferences around the world and delivered

some 350 public lectures on six continents, including named lectures at Yale, Heidelberg, Oxford, Berkeley, Rome, Melbourne, Hong Kong, Jerusalem, and Edinburgh, as well as the 2022 Gifford Lectures at Aberdeen. He has directed fifteen of the Center’s two dozen research projects and published 45 volumes, 300 articles, and 18 journal symposia of his own.

In 2022, Witte, who had carried the administrative ball so vigorously and ably for thirty-five years, became faculty director and chair of the Center’s advisory board that oversees strategic direction and sets policy, but leaves the daily operations and supervisory work of the Center to an executive director. Following a nationwide search in the spring of 2022, the Center found its new executive director in **Whitney Barth**. After completing her MDiv degree at Harvard Divinity School, Barth served for nearly five years as assistant director of the Pluralism Project at Harvard. After graduating with her JD from the University of Chicago, she worked for nearly three years as a litigator on behalf of plaintiffs, primarily in employment discrimination matters. Barth’s own research interests include the ministerial exception in U.S. employment law, the role of religious actors in developing human rights law, and the influence of religion in American legal history.





## Facing Skepticism: *The Challenge of Law and Religion*

Throughout its forty-year history, and especially at the beginning, the Center has generated skepticism and resistance in many quarters. When it came to the mission of examining the sources and interaction of modern law and religious thought, skeptics have long viewed the undertaking as antiquated and misguided. No matter that law and theology had often functioned almost indistinguishably in the medieval universities and later. No matter that, in Berman's analysis, law and religion shared the same parentage—at least in the West—of Jewish law and Roman law, and had been midwifed in the eleventh and twelfth centuries as twin progeny with different destinies. Under the modern sway of legal positivism, scholars and jurists now held that law is what the state says it is; law thus has no relation to morality (what

ought to be) and no source in some "natural law" inherent in the world, let alone in religion.

Others viewed the enterprise as a distraction from the aims of professional education—namely, preparing good lawyers to produce wills and contracts, prosecute crimes, defend the innocent, and, as judges, decide matters according to codes and precedents. If religion had any connection to the law, it was purely a historical curiosity; religion had nothing to do with what needed to happen in law school classrooms.

Of course, at the very moment when the program in law and religion was being established at Emory, religion had barged into American politics like a Temperance Union matron crashing through saloon doors—or like Ronald Reagan entering

the White House. Backed by the self-proclaimed Moral Majority, politicians on the conservative end of the political spectrum in the late 1970s and 1980s began calling on Americans to claim and return to what they perceived as the nation's Christian foundation. In some ways this was not significantly different than the work on the other end of the political spectrum. Martin Luther King Jr., in the 1950s and 1960s, quoted Amos in calling for justice to "roll down like a river," and President Jimmy Carter, in his inaugural address, quoted Micah while asking Americans "to do justly, to love

that contravened a "higher" law. The legal establishment of apartheid was evidence, if more was needed, that a self-contained system of law, duly enacted and enforced by the state—a textbook example of legal positivism—could violate the most fundamental understandings of humanity and justice.

Just as apartheid in South Africa was coming to its appropriate demise in the late 1980s and early 1990s, the communist grip on Eastern Europe and the Soviet Union was letting go as well, and

*"On matters as diverse as how to drive economic growth, rein in corruption, combat terrorism, mitigate conflict, advance women's rights and promote public health, religious beliefs shape the views of publics and change-makers near and far."* — Secretary of State John Kerry, *America Magazine* (2015)

mercy, and to walk humbly with thy God." Religion clearly had played a role in American public life for years, and the law could not help but respond to the influence religion was continuing to have.

Meanwhile, around the world old pillars of tyranny and colonialism were cracking and falling, as religious leaders called into question very unjust laws that countries sometimes justified with religion. The apartheid legal system in South Africa, for instance, had been established by whites who saw their possession of the country as God's ratification of a covenant with them. Now that system was beginning to strain under pressure from the international community, internal protests, and the eloquence of a local prophet named Desmond Tutu. His religious credentials, as an Anglican priest and archbishop of Cape Town, did not exclude him from the realm of law and politics, where he denounced the oppressive regime and its unjust laws—laws

several African and Latin American nations were emerging from colonial and sometimes totalitarian regimes. Here, too, religion figured prominently in helping to accelerate, if not initiate, transformation. Among the most influential figures in the fight against communism was Pope John Paul II, whose nine visits to his native Poland during his papacy gave hope to reforming believers and nonbelievers alike. In Russia, the Nobel laureate Aleksandr Solzhenitsyn shook the Kremlin with his literary and historical works as well as with his deeply held religious views, which were at odds with both Soviet Marxism and Western capitalism. In one of the more astonishing coincidences of history, the year 1991 recorded not only the repeal of South African apartheid laws but also the replacement of the Soviet flag, with its hammer and sickle, by the Russian tricolor.



ARCHBISHOP DESMOND TUTU AND ARCHBISHOP MARCOS MCGRATH AT EMORY IN 1991.

## Gaining Momentum: Religion, Democracy, *and* Human Rights

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With remarkable synchronicity, that landmark year also brought the first major international conference hosted by CSLR—a conference on Christianity and democracy. The culmination of a multiyear project, the conference welcomed some eight hundred participants from around the world to the Emory campus, where they were joined by another five hundred Emory students, alumni, and faculty and staff members. Bookended by the opening keynote address from **Jimmy Carter** and the closing address by **Desmond Tutu**, the conference put the discourse of law and religion on the map. Commenting on the end of the Cold War, Carter appealed to his audience to seize the historic opportunity to blend “the Christian characteristics of compassion, of sharing, and of peace with the democratic principles of freedom, equality, human rights, and the right of the people to rule.”

People paying attention to world developments wanted to know how the flourishing of new democracies owed perhaps their planting but certainly their fertilizing and flowering to religious inspiration and movements. Of even more interest was how religious communities could nurture a richer harvest of democracy in the future. What were the prospects of a greater ripening of democracy in formerly barren fields around the world, and what role, if any, would the churches play? The proceedings of the conference, edited by Witte and published as *Christianity and Democracy in Global Context* (Westview, 1993), opened the spigot for a flood of books, articles, and other publications in the decades to come.

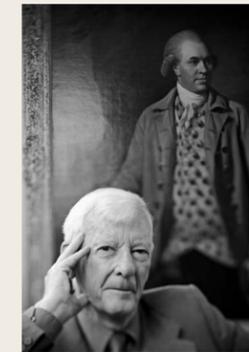


FORMER PRESIDENT JIMMY CARTER AND DR. MARTIN E. MARTY AT EMORY LAW SCHOOL ON OCTOBER 14, 2003

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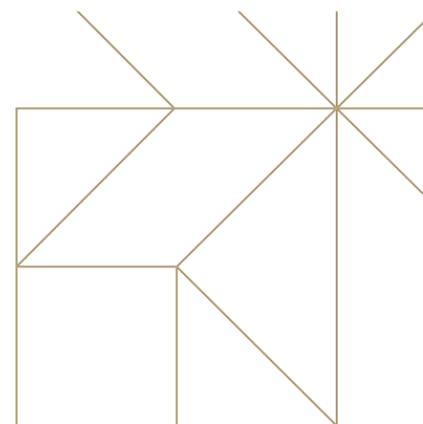
As if to underscore the importance of religion to the worldwide freedom movement, the Center launched a second major project on the status of religious human rights. Like the project and conference on Christianity and democracy, this project was funded by The Pew Charitable Trusts. The Center now broadened its focus to include not only Christian but also Jewish and Muslim contributions to the cultivation and protection—as well as abridgement—of religious freedom and human rights in Europe, Africa, and the Americas. Intense roundtables brought together scholars, church leaders, and statesmen from different parts of the world. A culminating international conference brought Archbishop Tutu back to campus, where he was joined by **Martin E. Marty**, the eminent University of Chicago church historian, and **John T. Noonan Jr.**, distinguished judge of the U.S. Ninth Circuit Court of Appeals and prolific author of wide-ranging books on legal and religious matters. Fifty other speakers and eight hundred conference attendees filled out the conversations. The result was a variety of publications, most notably a two-volume, fifteen-hundred-page anthology on *Religious Human Rights in Global Perspective* (Martinus Nijhoff, 1996), which would remain an anchor text in classrooms and NGO libraries for the next two decades, with abridged versions translated into a dozen languages.

The project on religious human rights also introduced the Emory community to a new international faculty star, who for the next three decades would add his own luster to the Center and the Emory law firmament. **Johan D. van der Vyver** had burnished his reputation on human rights as a professor in South Africa, first at Potchefstroom University and later at the University of Witwatersrand, where he was an outspoken opponent of apartheid. Coming to Emory in 1990–91 as a visiting distinguished professor, he was appointed to the I. T. Cohen Professorship of International Law and Human Rights in 1995. That same year, former U.S. President Jimmy Carter appointed him as a fellow in the Human Rights Program of the Carter Center.



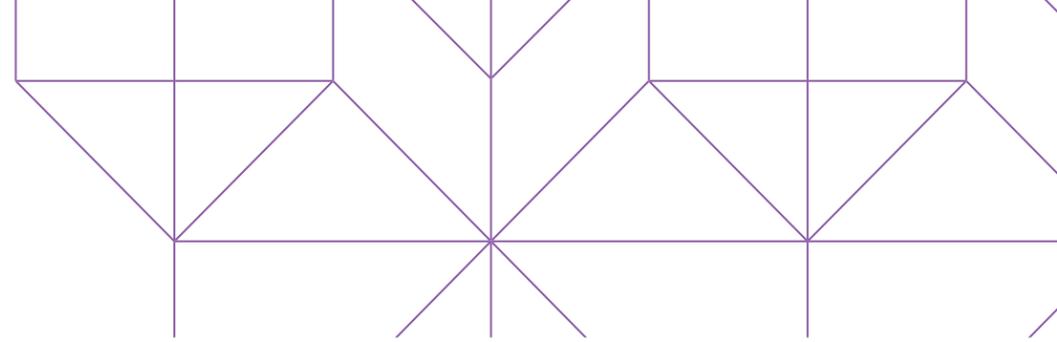
After coediting *Religious Human Rights in Global Perspective*, van der Vyver and Witte teamed up for the next fifteen years to steer several more seminal projects on religion and human rights. The three-year project on “The

Problem and Promise of Proselytism in the New World Order” facilitated conferences in Eastern Europe, Russia, the Middle East, Africa, and Latin America to address the clash between local religions and foreign missionaries. A dozen volumes in multiple languages resulted. A three-year project on “Religious Liberty in Russia” had Witte and van der Vyver teaming up with Harold Berman to address the growing retreat by the Russian state and the Russian Orthodox Church from the promising ideals of religious freedom and human rights born of glasnost and perestroika. Regrettably, high level conferences in Europe and Russia and another trio of books in English and Russian used by Western diplomats and Russian litigators and legislators alike did little to stop the decline of Russian freedom, a decline now more pronounced under Vladimir Putin. Yet another joint project and conference on “What’s Wrong with Children’s Rights?” brought Jimmy Carter and a dozen experts together to debate the religious opposition to children’s rights in certain American Christian circles—an opposition that has led to the irony of the United States remaining the only country in the world not to ratify the 1989 U.N. Convention on the Rights of the Child.





OPPOSITE PAGE: (TOP) PROF. ABDULLAHI AHMED AN-NAIM, PROF. MONA SIDDIQUI; (BOTTOM, L) PROF. DEBORAH LIPSTADT, LORD RABBI JONATHAN SACKS, PROF. DAVID BLUMENTHAL; (BOTTOM, R) HIS HOLINESS THE DALAI LAMA

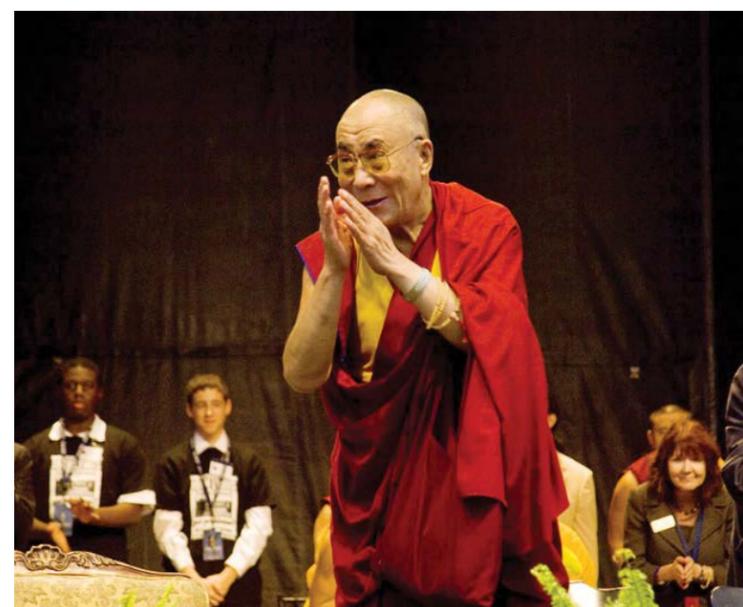


## Expanding beyond the Christian Paradigm

If the little publication by Martin Luther printed in 1520 and housed in the Pitts Theology Library suggests the lingering imperative for lawyers and religionists in our secular-leaning society to talk to each other, another work in the Pitts Library underscores the way law and religion in some traditions have always been inseparable. Not far away from the Luther tract is a 1580 printing of the *Shulchan Aruch*. Written in 1563 by Rabbi Joseph Caro, this work is considered the most important codification of Jewish law, a compilation and sorting of the many diverse rules governing Jewish life. The edition in Pitts was printed in 1580 and bound with a 1571 printing of Alexander Suslin's *Aggudah*, another significant commentary on the Talmud.



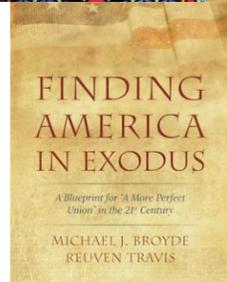
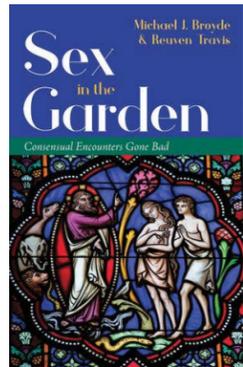
**David Blumenthal**, now retired as the Jay and Leslie Cohen Professor of Judaic Studies, remarks that “law as a religious category” is crucial in Judaism; that is, law and religion are two sides of the same coin of daily life. Given this view of law, it was natural for him to say yes when invited to join the nascent Emory conversations on law and religion in the early 1980s. Having joined the Emory faculty in 1976, Blumenthal was an early advocate of cross-disciplinary work and a stalwart participant in the work on law and religion, undertaking several research projects and mentoring generations of students and postdocs.



“Law as a religious category” is crucial in Judaism; that is, law and religion are two sides of the same coin of daily life.” - PROF. DAVID BLUMENTHAL

Blumenthal also was instrumental in bringing to Emory two prolific contributors to the Center’s efforts. The first of those was **Michael J. Broyde**. Like Frank Alexander, Broyde blended the vocations of law and ministry. He was a rabbi with degrees from Yeshiva University and a lawyer educated at the New York University School of Law. Recruited to the Department of Religion of Emory College in 1991, Broyde also taught as an adjunct in the law school, where he moved three years later. Finding a welcome mat laid out at the door of the Center for the Study of Law and Religion, Broyde established the Law and Judaism Program in 1996.

Broyde is nothing if not profuse at the keyboard: ten books authored on various aspects of Jewish law, three more edited, more than three dozen book chapters, some 120 scholarly articles, and a bountiful harvest of op-eds, short articles, and blog posts, altogether numbering in the hundreds. Along the way, he helped found Atlanta’s first Modern Orthodox congregation (not far from the Emory campus) and served pro bono as its rabbi for fourteen years, stepping down in 2008. He also served for a decade as a judge on the Beth Din in New York, a Jewish law court that arbitrates marital, financial, and testamentary disputes among Jewish litigants. Broyde teaches popular cross-listed courses in Jewish law, family law, and religious arbitration, and has brought a series of leading Jewish scholars to the cam-

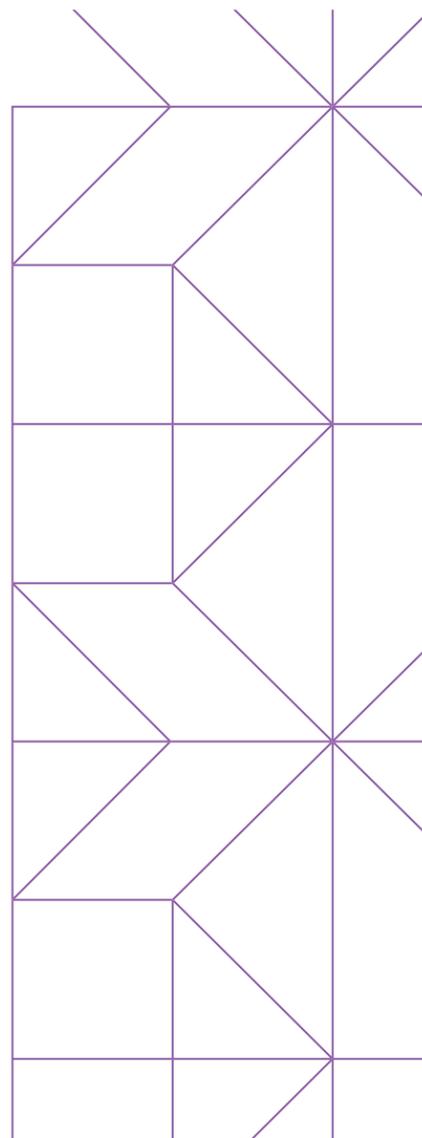


pus—Israeli Supreme Court Justice **Menachem Elon**, Canadian Minister of Justice **Irwin Cotler**, Yeshiva University President **Norman Lamm**, England’s Chief Rabbi Lord **Jonathan Sacks**, and many others. Broyde also spearheaded an important project with Deborah Lipstadt, Doro Professor of Judaic Studies at Emory (now the U.S. Special Envoy to Combat and Monitor Antisemitism), who had just prevailed in a sensational defamation case in England on Holocaust denial. While publishing and lecturing on many technical aspects of Jewish law, including a critical English translation of the *Arukh HaShulhan*, by Rabbi Yechiel Mikhel Epstein, Broyde has continued work as a scholar and activist to combat antisemitism and religiously based hate crimes. He has also mentored a number of younger colleagues in law and religion who have embarked on distinguished careers within and beyond the Center, including **Lee Ann Bambach**, **Mark Goldfeder**, **Shlomo Pill**, and **Ira Bedzow**.

About the same time that Blumenthal was encouraging Broyde to come to Emory and the Center, he was introducing John Witte to a powerful Muslim human-rights advocate from the Sudan. **Abdullahi Ahmed An-Naim** was an exile. In his homeland, he had become involved in the push for freedom, equality, and human rights against the regime then in power. His mentor, the religious thinker and Sufi leader Mahmoud Mohammed Taha, had formed the Republican Brotherhood in Sudan after World War II and had guided this small movement in



(L) PROF. MICHAEL BROYDE; (R) PROFS. RAFAEL DOMINGO, ABDULLAHI AHMED AN-NAIM, AND FRANK ALEXANDER



seeking to establish a democratic republic in that huge country, which was half Muslim and half non-Muslim.

An-Naim became enthralled with Taha’s vision while earning a law degree from the University of Khartoum. He later earned a second law degree at Cambridge and then added a PhD in law from the University of Edinburgh before returning to Sudan to teach. In 1984, after calling for an end to the state enforcement of sharia law in Sudan, Taha and hundreds of others, including An-Naim, were arrested. Taha was executed for apostasy in 1985, but An-Naim was released and went into exile. After teaching at UCLA, Saskatchewan, Uppsala, and Columbia University, he made his way to Washington, DC, as executive director of Human Rights Watch/Africa for two years before his appointment at Emory in 1995.

An-Naim advanced and built upon the methodology of Islamic reform developed by Taha in his first major book, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse, 1990). That early title set the course of his work for the next three decades, including major titles like *Islam and the Secular State* (Harvard, 2008), *What Is an American Muslim? Embracing Faith and Citizenship* (Oxford, 2010), and *Decolonizing Human Rights* (Cambridge, 2021), a manifesto that

called for modern human rights to be separated from a predominantly Western liberal paradigm and to be manifested in ways particular to each community around the world, allowing for local accents and applications.

Now the Charles Howard Candler Professor of Law, Emeritus, at Emory Law School, An-Naim has directed three major explorations of various dimensions of human rights in Islamic context, among other projects. With support from the Ford Foundation, he delved into cultural transformations underway in Africa, giving special attention to the cultural and religious obstacles to the rights of women to have access to land. The Ford Foundation also funded a second project, studying the application of Islamic family law around the world. More far-reaching still was his third project, a comprehensive examination of how concepts of human rights and citizenship are consistent with Islamic principles. This project also brought together at Emory a score of young Islamic human rights scholars and activists, drawn from various parts of the Islamic world, to absorb his teachings. The Carnegie Corporation of New York celebrated An-Naim by including him in its 2020 lists of “Great Immigrants, Great Americans.” Perhaps summing up the significance of CSLR, he remarks, “If academic theory has no resonance in people’s lives, there is no point in pursuing it.”



(L), BACK ROW: PROFS. MICHAEL BROYDE, JOHN WITTE, JR., ABDULLAHI AHMED AN-NAIM, AND FRANK ALEXANDER. (L), FRONT ROW: ANITA MANN, MELANIE STILL, ELIZA ELLISON, JANICE WIGGINS, LINDA KING, APRIL BOGLE, AND AMY WHEELER IN 2005. (R): PROVOST DR. REBECCA CHOPP

# Achieving New Heights

The gathering of this constellation of productive and pathbreaking academics in law and religion during its first two decades laid the foundation for the long-term fulfillment of President Laney’s vision of a more structured program. But change was in the works. Beginning as a two-person administrative operation—Witte and a part-time assistant—in a faculty office on the fifth floor of the law school building, with friendly allies Frank Alexander and Harold Berman a few offices away, the program has grown into a major academic center, with a suite of offices, several residential faculty and several dozen senior fellows on the Emory campus and around the world who help drive the Center’s projects and publications. In any given year, several postdocs are in residence, receiving financial support and teaching opportunities in return for their immense leavening of the intellectual community as they prepare for academic careers.

If Witte was the captain of this smooth-sailing ship, he had an able first mate on board for the first quarter century of the Center’s work. In the 1980s, **Eliza Ellison** was working as an administrator of student services in the Candler School of Theology when the Center got its start, and Witte met her while sorting out enrollment questions of theology students cross-registered in the law school. Recognizing someone superbly competent at juggling a multitude of tasks, he hired her away from the theology school in 1989 to be the assistant, and later associate, director of the Center.

Ellison’s thick files on the Center’s first 1991 conference on Christianity and democracy and dozens of conferences and projects to follow suggest both the frenetic pace of the work in the Center and the apparent ease with which she dispatched it. Ellison would remain as associate director until stepping

The Pew grant came in part as recognition of how deeply and widely religion as a subject suffused the work of scholars throughout Emory University, not only in the humanities and professions but also in the social sciences and natural sciences. Indeed, a university strategic plan five years later, in 2005, would make “religions and the human spirit” a key theme for scholarly and curricular development.

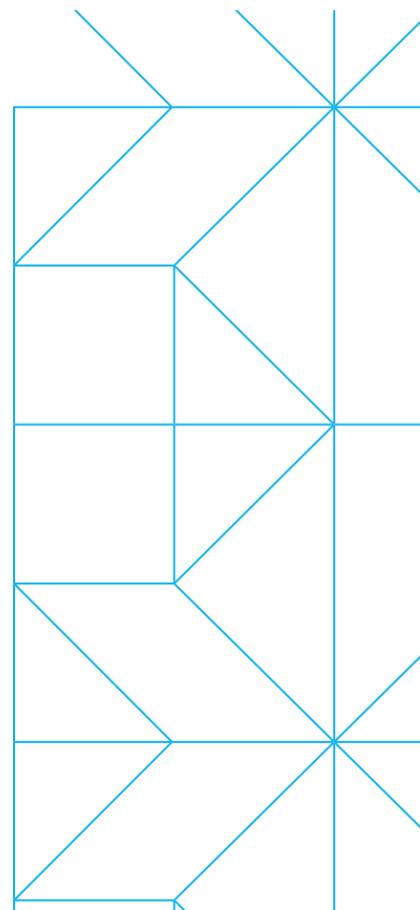
away in 2010 to pursue her own interests in theology, mediation, and writing. A whole company of able professional staff members eventually assumed and subdivided her roles in the Center, including, notably, **Silas Allard, John Bernau, April Bogle, Mark Goldfeder, Linda King, Justin Latterell, Anita Mann, Shlomo Pill, Melanie Still, Sara Toering, Amy Wheeler,** and **Janice Wiggins.**

The Center’s growth over the past four decades has been fueled largely by external funding chased down by Witte and some of his colleagues, especially An-Naim and Broyde. Most significant was a grant of \$3.2 million in 2000 from The Pew Charitable Trusts that Witte landed with the strong support of **Rebecca S. Chopp**, Emory’s provost at the time (she would go on to become dean of the Yale Divinity School and then president, successively, at Colgate University, Swarthmore College, and the University of Denver before retiring in 2019). Pew had already bestowed \$1.25 million to support the center’s earlier projects on democracy, proselytism, human rights, and religious freedom, and the foundation’s leadership liked the strong academic return they got on these investments. Pew thus picked the Emory Law and Religion Program, as the Center was called at the time, to become one of the nation’s “centers of excellence” in interdisciplinary religious study, along with centers at Princeton, the University of Southern California, and Yale. A five-year grant committed Emory to an in-kind match of \$1.6 million during the grant period and, afterward, the establishment of a \$10 million permanent

endowment, which to this day generates the Center’s operating funds.

As part of the transaction, the Law and Religion Program eventually took on its current name, the Center for the Study of Law and Religion. The Pew grant came in part as recognition of how deeply and widely religion as a subject suffused the work of scholars throughout Emory University, not only in the humanities and professions but also in the social sciences and natural sciences. Indeed, a university strategic plan five years later, in 2005, would make “religions and the human spirit” a key theme for scholarly and curricular development.

More funding would follow over the next two decades—some \$25 million in grants and gifts all told. The largesse included generous and generative support from the Lilly Endowment, the Ford Foundation, the MacArthur Foundation, the Henry Luce Foundation, the John Templeton Foundation, the Rockefeller Foundation, the Harry Frank Guggenheim Foundation, the Consciousness Development Foundation, the Judy and Michael Steinhardt Foundation, the Fieldstead Institute, the FUNVICA Foundation, and the Social Science Research Network, among others. Several individual benefactors have proved munificent as well, not least the Emory Law School alumnus Brent Savage, oil magnate Carey M. Maguire, retired Judge Dorothy Toth Beasley, leading Spanish businessman Gonzalo Rodriguez-Fraile, and retired Emory ethics professor and president of an ethics consulting company Charlotte McDaniel.



# God and Mammon, Law and Gospel

One of the most consistent and personally engaged benefactors of the center was **Alonzo L. McDonald**, a 1948 Emory College alumnus and later member of the Emory Board of Trustees. This former McKinsey CEO had also served as an ambassador and White House chief of staff under President Carter, among many other distinguished achievements. A devout Christian who converted to Roman Catholicism late in life, McDonald had long taken an interest in scholarship that promised to deepen (Christian) faith—a kind of putting into practice of Augustine’s “credo ut intelligam” (I believe so that I may understand). Through his McDonald Agape Foundation, he underwrote programs and scholars not only at Emory but also at Oxford, Cambridge, Heidelberg, Harvard, Yale, Chicago, Georgetown, Duke, and Hong Kong. His sole criterion for academic philanthropy seemed to be scholarly excellence—and productivity! “Perfection is tolerated,” was one of his favorite lines. Impact was critical. Gifts of the McDonald

Agape Foundation to CSLR—more than \$3.5 million to date, with another \$1.5 million pledged—have made possible a two-decade series of research, publications, and public programming on law and Christianity under Witte’s direction.

These initiatives have included back-to-back, multiyear research projects on Catholic, Protestant, and Orthodox Christian legal teachings. Thirty prominent jurists, philosophers, theologians, ethicists, and historians have crafted at least one monograph each, informed by their deep conversations with each other. The McDonald funds also supported two dozen distinguished residential and nonresidential research fellowships, a long series of public lectures and conferences at Emory and Christ Church, Oxford, and a memorable conference at Emory in 2017 on the five hundredth anniversary of the Protestant Reformation.



McDonald Distinguished Fellows



SUZIE AND AL MCDONALD

All told, McDonald-funded work has culminated in more than eighty volumes on law and Christianity, with more on the way. This outpouring of scholarship has brought forth a series of introductions to Christianity and law commissioned and coedited by Witte: volumes on Christianity and human rights, freedom, natural law, justice, agape, family law, private law, church law, international law, and the laws of conscience, market regulation, migration, and taxation, with a dozen more titles planned. Another series, on “Great Christian Jurists in World History,” is an ambitious effort to create fresh case studies on law and religion through the lives of one thousand of the greatest Christian legal minds of the past two millennia. Commissioned volumes published in this series so far cover the first millennium and great Christian jurists in the history of England, Italy, Spain, Germany, France, the Netherlands, Poland, Scandinavia, Russia, the United States, Latin America, and Australia. Cambridge University Press has published thirty-two of these introductions and volumes on great Christian jurists in its Cambridge Studies in Law and Christianity series, established and edited by Witte with the support of the McDonald Agape Foundation and several other benefactors, and supported by a twenty-person international editorial board. The Cambridge series is the preeminent channel through which groundbreaking works by Catholic, Protestant, and Orthodox Christian scholars contribute to worldwide conversations about law and legal theory.



L TO R: AMY WHEELER, ABDULLAHI AN-NAIM, RAHIMJON ABDUGAFUROV, AND MATTHEW CAVEDON



## New Growth and Alumni Flourishing

After stepping down as director of the center in 1987, Frank Alexander worked closely with Witte in guiding the work on law and Christianity. The two of them ran two or three roundtable conferences each year and published volumes together: *Modern Christian Teachings on Law, Politics, and Human Nature* (3 vols., Columbia, 2006); *Christianity and Law: An Introduction* (Cambridge, 2008); and *Christianity and Human Rights* (Cambridge, 2010). Still drawn by his first vocation of blending law and ministry, Alexander began shifting his work to issues of housing and community development. Witte's good fortune was in finding a new collaborator in a brilliant and creative Spanish legal scholar, **Rafael Domingo**, who joined the center in 2012 after a fellowship at the Strauss Institute at New York University School of Law.

Tenured as a young man at the University of Navarra, in Spain, where he served as dean of the law

school for a time, Domingo is a prolific author, writing five books and editing five others, with more in the pipeline. Now the Spruill Family Professor of Law and Religion in the Center, Domingo has added special expertise in Roman law and European legal history to his portfolio, along with a relentless work ethic. He is also charting new territory in examining the emerging "global law" that differs in significant respects from international law or even international institutions like the United Nations. Perhaps most creatively, he has also been exploring the role of God and religion in modern legal systems, the connections between spirituality and the professions, and the spirit of the law beyond its letter.

Alumni of the Center, and of Emory more broadly, have long played a part in the Center's ongoing scholarship and teaching.

## ALUMNI IN CENTER LEADERSHIP



### Silas W. Allard

Silas W. Allard earned his JD and MTS degrees from Emory in 2011. After a judicial clerkship, Allard returned to the Center first as managing director and now as managing editor of the *Journal of Law and Religion*. His area of most intense interest, now the subject of his PhD dissertation, is legal, theological, philosophical, and sociological perspectives on migration, which has become an increasingly prevalent, worldwide phenomenon. Noting that “there are more people on the move today than at any point in human history,” Allard underscores the “profound implications” that this phenomenon has for both legal systems and people whose faith calls them to show hospitality.



### Ira Bedzow

Ira Bedzow, an Emory PhD and senior scholar at the Aspen Institute, joined the Center in 2021 and brings expertise both in ethical implications of biotechnology and healthcare policy and in how organizations can create an ethical culture through values-driven leadership.



### John A. Bernau

John Bernau earned his PhD from Emory in 2019 and is now the Director of Digital Scholarship at the CSLR. His research focuses on the use and evolution of language – especially in religious contexts – and has appeared in the *Journal for the Scientific Study of Religion*, *Poetics*, *Sociological Perspectives*, *The Sociological Quarterly*, and *Socius*. His work at the CSLR includes collaboration with our student team and directing *Canopy Forum*, our digital publication on law and religion.



### Bernice King

Bernice King earned her MDiv and JD degrees in 1990, and is the daughter of the Rev. Dr. Martin Luther King Jr. She is the CEO of the King Center in Atlanta, which carries on King’s work to create “the Beloved Community.” She has returned to lecture at CSLR to record crowds.



### Joel A. Nichols

Joel A. Nichols has coauthored with Witte and Richard Garnett the preeminent textbook on U.S. constitutional law on religion, *Religion and the American Constitutional Experiment* (5th ed. Oxford, 2022). After earning his JD and MDiv degrees from Emory in 2000, Nichols practiced civil litigation in Washington, DC, before joining the faculty at Pepperdine Law School. He is now dean and the Mengler Chair in Law at the University of St. Thomas School of Law in St. Paul, Minnesota. He is author of some two dozen publications, including *Marriage and Divorce in a Multicultural Context* (Cambridge, 2011).



### Sara Toering

Sara Toering, who earned MDiv and JD degrees from Emory in 2006, was awarded the prestigious Robert W. Woodruff Fellowship in both the theology school and the law school. She currently serves as general counsel for the Center for Community Progress, in Atlanta, following in the footsteps of her mentor Frank Alexander in turning “vacant spaces into vibrant places.”



### Matthew Cavedon

Matthew Cavedon, a joint Emory JD/MTS graduate from 2015, joined the Center in 2022 as Robert Pool Fellow in Law and Religion and senior lecturer in law with academic interests in Catholic social teaching, natural law, criminal law, and legal issues in family violence. Prior to his appointment, Cavedon completed two clerkships and worked as a trial, appellate, and juvenile attorney as an assistant public defender.



### M. Christian (Christy) Green

M. Christian (Christy) Green graduated from Emory with a joint JD/MTS in 1995 and went on to earn a PhD from the University of Chicago. As Senior Fellow in Law and Religion, she publishes widely on religion and human rights, religion and the environment, religious developments in Africa, and religion and the family. She serves as special content editor of the *Journal of Law and Religion* and is a member of the journal’s international editorial board.



### Justin Latterell

Justin Latterell arrived at Emory in 2012 to pursue a PhD in religion, and he wrote his dissertation under the direction of Witte and CSLR Senior Fellow Steven M. Tipton, with a focus on secularization and the intersection of religion, ethics, and law. After completing his degree, Latterell became a McDonald Fellow and, eventually, director of academic programs at the Center and book-review editor for the *Journal of Law and Religion*. He is currently managing editor of *Canopy Forum* and has a book in progress on constitutional secularism.



### Caroline E. Magee

Caroline E. Magee (JD/MDiv, 2007) serves as both assistant rector of St. Bede’s Episcopal Church in Atlanta and an attorney specializing in corporate law, finance, and investments for King & Spalding in Atlanta. A graduate of the U.S. Naval Academy and St. John’s College, Magee served as a surface warfare officer in the U.S. Navy before her student days at Emory. At St. Bede’s, Magee focuses on building community among the parish’s English- and Spanish-speaking worshipers, immigration issues, care for creation, and nurturing of daily habits of faith. At King & Spalding, she specializes in alternative debt finance and legal process management.



### Matthew J. Tuininga

Matthew J. Tuininga earned his PhD in religion at Emory in 2014 working with CSLR faculty, and taught at Emory, Oglethorpe University, and the University of the South (Sewanee) before joining the faculty of Calvin Theological Seminary in 2016. His first book, *Calvin’s Political Theology and the Public Engagement of the Church: Christ’s Two Kingdoms*, was published by Cambridge University Press in 2017.



### Audra Savage

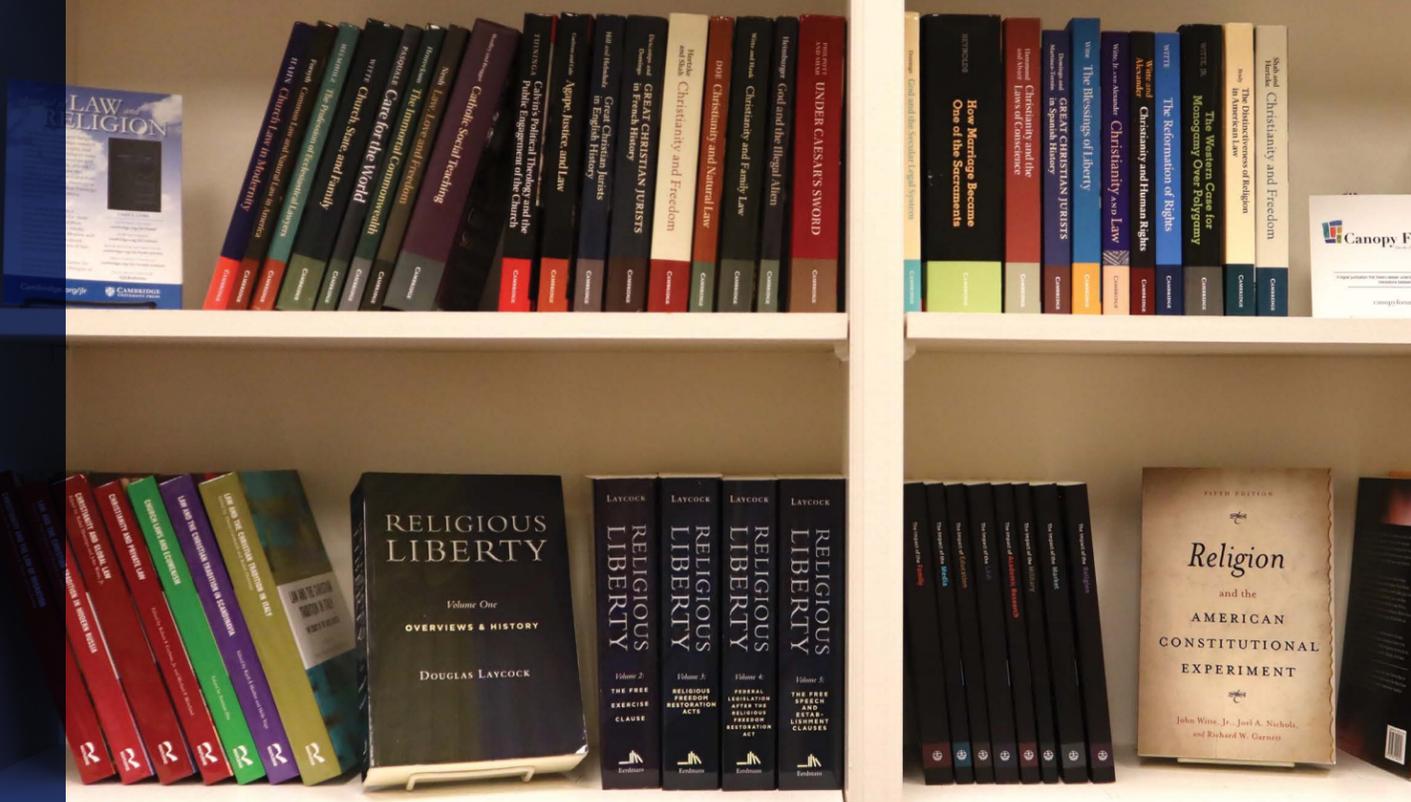
Audra Savage, JD (Columbia), completed her LLM (2014) and SJD (2018) degrees at Emory and held a CSLR postdoctoral fellowship in religion and human rights before her appointment in 2021 as assistant professor of law at Wake Forest Law School. She is also a McDonald Distinguished Fellow in Law and Religion.



### Terri Montague

Terri Montague earned her JD and MTS degrees from Emory in 2014 after serving as the first president and CEO of Atlanta’s \$3 billion BeltLine Project, from 2006 to 2009. While a student at Emory, she was deeply involved in examining the roles of church and state in establishing social justice. After finishing a term as legal counsel in the U.S. Department of Housing and Urban Development, Montague returned to CSLR in 2021 as a McDonald Senior Fellow and senior lecturer in law. She has led and managed people and processes in a diversified, global company; a national nonprofit with local offices and business affiliates; a local, quasi-public startup with recognized national significance; and a federal, grant-making regulatory agency.

## SELECT NOTABLE ALUMNI



## Major Initiatives

With fresh investments and infusions of strong scholars, CSLR in the 2000s and 2010s embarked on a series of projects focused particularly on faith, freedom, and family viewed from the perspective of Judaism, Christianity, and Islam. While these projects continued to yield major public events and conferences as in years past, they were ever more intended to foster deep investigation into fundamental dimensions of human life, and they produced another wave of publications. The five-year project on “Sex, Marriage, and Family and the Religions of the Book” (2001–2006) offered a comprehensive study of the roles that Christianity, Judaism, and Islam have played and could play further in shaping laws governing sex, marriage, and family life. Coming amid the bitter culture wars over gender and sexuality, gay marriage, and abortion, this project provided highly valuable resources for religious leaders to navigate their own traditions and for legal and political leaders to contextualize federal constitutional cases and state battles over family law. Codirected by Witte and Don S. Browning, a visiting Woodruff Professor from the University of Chicago and

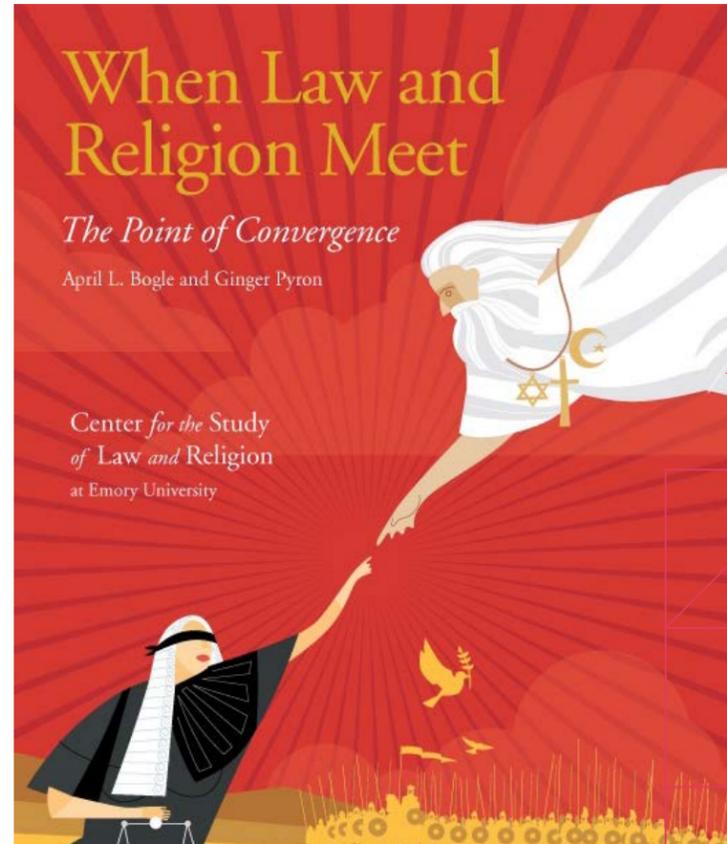
renowned scholar of interdisciplinary family studies, the project drew together a score of distinguished Emory faculty from different departments—not only An-Naim, Blumenthal, and Brojde but also chaired professors from different colleges and schools at Emory who would become leading senior fellows in the center over the next two decades, including: **Luke Timothy Johnson**, Woodruff Professor of New Testament and Christian Origins; **Frances Smith Foster**, Candler Professor of Literature and Women’s Studies; **Mark D. Jordan**, then Candler Professor of Religion before his appointment as Niebuhr Professor of Divinity at Harvard Divinity School; **Anita Bernstein**, Sam Nunn Professor of Law; **Timothy P. Jackson**, Stokes Professor of Theology and Christian Ethics; **Carol M. Hogue**, Terry Professor of Public Health; and **Philip L. Reynolds**, Aquinas Professor of Historical Theology. These distinguished faculty members gathered every Wednesday afternoon for a semester to map this vast field of inquiry and chart their individual and collective work. They met subsequently for one long weekend every semester for three years to moot drafts of new books. Thirty-seven volumes

resulted, and hundreds of scholars participated in the nineteen public forums and two international conferences sponsored by the project.

As the “Sex, Marriage, and Family” project was moving into publication phase, CSLR embarked on a six-year project under the rubric “The Child in Law, Religion, and Society” (2004–2010). This interdisciplinary exploration brought into sharp relief issues of childrearing, children’s rights, education, child abuse, poverty, homelessness, juvenile delinquency, violence, and public policy responses. Directed by Witte and Martin E. Marty, renowned theologian and church historian from the University of Chicago, this project also drew on some of the same Emory scholars, along with Frank Alexander and Johan van der Vyver, as well as **Martha Fineman**, Woodruff Professor of Law; **Brooks Holifield**, Candler Professor of American Church History; and **Robyn Fivush**, Candler Professor of Psychology. Similarly productive, this project yielded thirteen public forums and twenty-four volumes.

The third major project in this series was on “Faith-Based Family Laws in Pluralistic and Democratic States” (2008–2013), led by An-Naim, Brojde, and Green. Funded by both the Ford Foundation and the Social Science Research Network, this project offered a rich comparative study of the use of religious family laws in various parts of Africa and in Western democratic nations with new African émigrés. A comprehensive new website, a score of public forums in African lands, and a journal symposium resulted. An-Naim inaugurated companion projects on “Women and Land in Africa,” “Interreligious Marriage in Muslim Societies,” and “Family Law and African Constitutionalism,” producing a new anthology for each project. This project also laid the groundwork for Brojde’s later major study, *Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West* (Oxford, 2017).

While guiding these projects and directing the Center, Witte continued his own prodigious pace of publication, with forty-five books, three hundred articles, and nineteen journal symposia to his name and counting, on topics ranging from human rights to marriage, from family law to constitutional law, and from the Protestant Reformation to the transmission of values in late modern pluralistic societies. His best-known monographs, most available in multiple languages, include *Law and Protestantism* (Cambridge, 2002); *The Reformation of Rights* (Cambridge, 2007); *The Sins of the Fathers* (Cambridge, 2009); *From Sacrament to Contract* (Westminster, John Knox, 2nd ed., 2012); *The Western Case for Monogamy over Polygamy* (Cambridge, 2015); *Church, State, and Family* (Cambridge, 2019); *The Blessings of Liberty* (Cambridge, 2021); *Faith, Freedom, and Family* (Mohr Siebeck, 2021); and *Religion and the American Constitutional Experiment* (Oxford, 5th ed., 2022). He and Rafael Domingo have just completed a capstone sixty-chapter *Oxford Handbook on Christianity and Law*. In a celebration of Witte’s career, Domingo has teamed up with Gary Hauk and Timothy Jackson to commission a thirty-three-chapter Festschrift titled *Faith in Law, Law in Faith: Reflecting on the Work of John Witte, Jr.* (Brill).



“Of all the things I am proud of at Emory, none stands higher than the Law and Religion Center and its splendid programs under your aegis. Thanks for adding such luster to the institution we both love.”

— Letter from Jim Laney to John Witte, Jr., September 24, 2009

## From Silver to Gold

Always the Center had sought not only to survey the historical relationships of law and religion but also to scan the horizon for questions, challenges, and controversies that would occupy future generations of people of faith under the law.

By the time CSLR was ready to celebrate its twenty-fifth anniversary, in 2007, the global landscape had changed so dramatically that new law and religion questions called for answers. The modern welfare state, significantly shaped by religious impulses of the nineteenth and twentieth centuries, was eroding: how should a secular, pluralist society address the continuing needs of the underprivileged? The shock of 9/11 generated anti-sharia and anti-Muslim movements: how should religious leaders, jurists, and policy makers respond? The Catholic Church was rocked by revelations about sexual abuse by clergy and its subsequent cover-up: what recompense and reforms should result from this crisis? New (bio)technologies were blurring the lines between humans and other higher animals and new machines: what did religious ethics have to say about this?

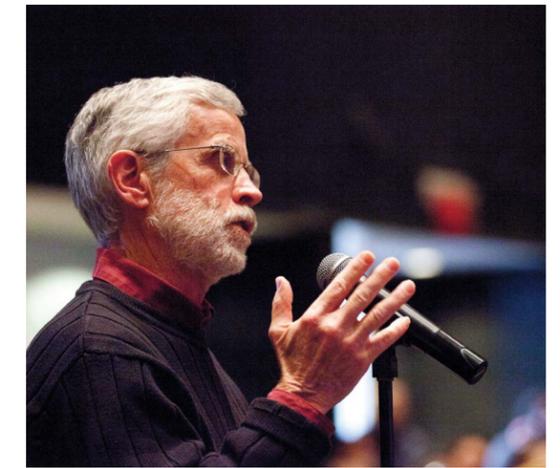
Always the Center had sought not only to survey the historical relationships of law and religion but also to scan the horizon for questions, challenges, and controversies that would occupy future generations of people of faith under the law. What should the Center tackle next? How would it maintain its leadership in a field now crowded by a growing number of similar centers around the world?

The Center used its silver anniversary, in 2007, to organize another international conference on the theme, “From Silver to Gold: The Future of Law and Religion.” Speakers included a veritable who’s who in the field of law and religion at the time—**Robert Bellah**, the great sociologist of religion at UC Berkeley; **Kent Greenawalt**, the leading Christian legal theorist at Columbia; Jean Bethke Elshtain, the eminent feminist political theorist at the University of Chicago; **Douglas Laycock**, the nation’s leading scholar and advocate of religious liberty; and **David Novak**, a renowned Jewish philosopher from Toronto. Together, these and other luminaries helped celebrate what the study of law and religion had become at Emory and beyond, and also helped illuminate a path forward for the next twenty-five years. Part of their collective recommendation was for the Center to stay its course in studying faith, freedom, and family in Jewish, Christian, and Islamic perspectives.

Those were perennial staples of study: “rather like portraits, landscapes, and triptychs,” as Martin Marty put it; “your ‘studio’ of law and religion has to have these, even if you turn another leaf in your Center’s work.”



PROF. MICHAEL J. PERRY



# The Pursuit of Happiness and Spirituality

One suggested new “turning of the leaf” that arose from the conference was to begin exploring the relationship of law and religion beyond the Abrahamic “religions of the Book.” Beginning in 1996, Emory had developed a special relationship with Tenzin Gyatso, the 14th Dalai Lama. That relationship had led to unique collaborations between Emory and Tibetan institutions, including a study-abroad program for Emory undergraduates in Dharamsala, India, and interdisciplinary research and teaching among various departments at Emory. Capitalizing on the presence of faculty resources, and anticipating a visit of His Holiness to the campus as Presidential Distinguished Professor in the fall of 2010, the center launched a four-year project to explore the meaning of that marvelous phrase in the

Declaration of Independence, “life liberty, and the pursuit of happiness.” Just what did “the pursuit of happiness” entail? What did it require and make possible? What were the legal, religious, and philosophical dimensions of the term? Even the Dalai Lama was interested in the question, as the title of his 1998 book indicated: *The Art of Happiness: A Handbook for Living*.

Launched in 2007 with support from the John Templeton Foundation, and directed by Philip L. Reynolds, a senior fellow in the center and leading scholar of patristic and medieval theology and law, the “happiness project” produced many weekends of conferences, many days’ worth of lectures, another shelf of two dozen books, and a raft of new interdisciplinary courses on the Emory campus. The climax was an international

conference with the **Dalai Lama** as the keynote speaker. The conference also brought him into conversation with prominent leaders from other faith traditions: Lord Jonathan Sacks, chief rabbi of the United Kingdom; Bishop Katharine Jefferts Schori, presiding bishop of the Episcopal Church; and Professor Seyyed Hossein Nasr of George Washington University, a renowned scholar of Islam. Other interlocutors included internationally prominent Buddhist

arrival, he published *One Nation Under God?* (Cambridge, 2003), the first of a half dozen Cambridge University Press titles that followed in the next two decades. As part of the happiness conference, Perry offered a memorable dialogue with the venerable Buddhist monk Matthieu Ricard, comparing the meaning of happiness in Christian and Buddhist perspectives. Perry has since made valuable contributions to the Center’s

More than 400 scholars have lectured in our center over the years, including luminaries like President Jimmy Carter, Archbishop Desmond Tutu, His Holiness the XIV Dalai Lama, Chief Rabbi Lord Jonathan Sacks, Bishop Gene Robinson, the Honorable John T. Noonan Jr., Ambassador Mary Ann Glendon, and others.

teachers, psychologists, sociologists, historians, and legal scholars, all exploring the sources and fruits of happiness. Several of the conference presentations were turned into a *Journal of Law and Religion* symposium.

The happiness project also provided a forum to highlight the recent appointment of a brilliant new senior fellow in law and religion, **Michael J. Perry**, Woodruff Professor of Law. Fresh from chaired professorships at Northwestern and Wake Forest and visiting appointments at Yale Law School and several other schools in the United States and Canada, Perry brought to Emory vaunted expertise in religion and constitutional law, law and morality, and the jurisprudence of human rights. On his

scholarship and teaching on Christian jurisprudence, religious freedom, and human rights. Happily—so to speak—his work has been celebrated in a special *Festschrift* issued by the *Emory Law Journal*.

The Center continues to explore ways of bringing different traditions into the conversation. **Douglas Waters** (SJD 2021) joined CSLR during the 2021–2022 academic year as senior fellow in residence focusing on Native American law and religion. *Canopy Forum* and the *Journal of Law and Religion* regularly feature scholars who engage diverse religious traditions, historical contexts, and legal perspectives.

# New Frontiers, New Forums

As the end of the second decade of the twenty-first century began to loom, Witte and others in the Center began to see the need for putting a more deliberate plan in place to guide the next phase of work. Early advocates and partners of the Center were retiring, including Frank Alexander, Abduh An-Naim, David Blumenthal, and Michael Perry. A younger generation of scholars, advocates, and practitioners also was maturing and looking for opportunity. The time was right for rethinking the organization and strategic directions of the Center.

Aware of the rising cost of traditional publication as well as the limited reach of books and articles in print, the Center leadership decided to press more deeply into the frontier of digital publication. The Center had long had a formidable website loaded with information about people, publications, programs, and public lectures. But it needed new platforms for reaching a nonacademic audience around the world with a “middle range” of publications—something between an academic journal article and a newspaper op-ed. In a search for someone to lead the charge, the Center in 2019 recruited John Bernau, a newly minted PhD in sociology from Emory, who had extensive experience in the Emory Center for Digital Scholarship. Hired as a postdoc fellow, he soon rose to become CSLR’s first full-time director of digital scholarship.

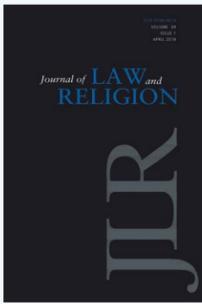
In October 2019 the Center launched *Canopy Forum*, a digital publication whose inaugural editorial

proclaimed “a new direction in law and religion.” Initially edited by Shlomo Pill, and now under the managing editorship of Justin Latterell along with John Bernau and a student team charged with editing, content development, and marketing, the online journal aims to enhance public discourse about the critical issues dividing contemporary societies, from war to poverty, climate change, migration, sectarian tension, and resource scarcity.

One example of its wading into controversies of the moment was the extended series of essays by scholars of various stripes regarding the intersection of religion, law, and public health during the Covid-19 pandemic. How valid were religious exemptions from Covid protocols? Could courts legitimately restrict public worship? What theological assumptions about human nature and community were underlying the responses of federal and state officials to the pandemic? Does a particular faith require one to get vaccinated for the good of one’s neighbor, or does it elevate individual conscience above community? In some ways, the creation of *Canopy Forum* a few months before the beginning of the pandemic prepared the Center for adapting to what was to come—a much greater dependence on digital tools, remote learning, and virtual forums. It marked a turn to new ways of expanding the audience for the work of the Center—without the cost, logistical complexity, and long preparation for traditional conferences and symposia.

DRS. JUSTIN LATTERELL,  
SHLOMO PILL, AND JOHN BERNAU





With nearly 8,000 subscribers and over 59,000 article views per year, the *Journal of Law and Religion* continues to work with Cambridge University Press to become fully open access in the future.



Just as the Center began to move intentionally toward promoting digital scholarship, so too did it shift to offering more online programming, moving away from hosting the kind of conferences, lectures, and other public events that had filled the calendar in its early years. This shift offered new potential to build a stronger virtual community of scholars from around the world.

Since 2018, when the Center published a strategic plan two years in the making, CSLR has renewed its commitment to strengthening its signature programs by, for instance, studying the intersection of law, religion, and human rights, exploring the place of religious legal systems, and focusing separately and comparatively on law and Judaism, Christianity, and Islam. The Center simultaneously has renewed its commitment to embracing innovation by “trying to anticipate and analyze issues before they become politically and culturally hot.”

A cluster of recent projects on law, religion, and jurisprudence have tapped into a long-standing interest of scholars in the Center. In 2015, Rafael Domingo launched a project to explore the interconnections between law and spirituality. That same year, **Michael Welker**, a leading theologian at Heidelberg and a CSLR senior fellow, teamed up with Witte to study the shifting and competing

roles of institutions in late modern pluralistic societies in shaping morality, character, and virtue. In 2023, a new project on Christian jurisprudence will explore Catholic, Protestant, and Orthodox legal teachings around the world.

In 2015, the Center also launched a project on religious freedom that in many ways returned the Center to its roots of bringing scholarship into action. The early days of the Center had offered students practicums in law clinics and other legal settings throughout the metropolitan Atlanta area, as well as workshops for practicing lawyers and religious leaders. The four-year “Restoring Religious Freedom Project,” under the direction of Mark Goldfeder, an SJD graduate of the Center, offered hands-on experience to students who wanted to practice in this increasingly prominent area of the law. An anonymous one-million-dollar gift supported student internships and externships as well as opportunities to craft amicus briefs and work on cases concerning religious freedom.

In 2020, with a three-hundred-and-fifty-thousand-dollar grant from the Lilly Endowment, the Center launched an intensive project on law and ministry, directed by Shlomo Pill, Justin Latterell, and John Bernau. Recognizing that few religious leaders received much training to handle the

many legal issues that confronted their religious communities—property disputes, taxation, financial complexities, nonprofit regulations, and more—the project aims to develop resources to help leaders of every kind of religious organization deepen their understanding of the law.

Organizationally, too, the Center was transitioning. Having moved intentionally to more online programming and publications, the Center was no longer hosting and staffing the kind of conferences, lectures, and other public events that had filled the calendar in its early years. Having lost many of its senior faculty to retirement, the center was turning to new scholars on campus and new residential fellows to teach courses and offer online programming while also building a stronger virtual community of law and religion scholars from around the world. The appointment of Whitney Barth in 2022 as Executive Director of the Center and the creation of a new advisory council under Witte as Faculty Director sets the stage for the next phase of Center work. Announcing Barth’s appointment Witte said, “Whitney brings to the job a brilliant mind, rich academic experience, a learned pen, a generous heart, superb organizational strengths, and the refined legal skills needed to navigate bureaucratic complexities.”

When The Pew Charitable Trusts picked the Center to become one of the nation’s “centers of excellence” in interdisciplinary religious study, the designation came in part as recognition of how deeply and widely religion as a subject suffused the work of scholars throughout Emory University, not only in the humanities and professions but also in the social sciences and natural sciences. Indeed, “religions and the human spirit” was a key theme in the university’s strategic plan for the past decade. Today, the Center aims to join broader University conversations probing the impact of technology on our shared and individual lives, values, and ethics, and taking up questions of meaning and purpose for leaders and professionals, including lawyers.



Since its launch, *Canopy Forum* has published more than 500 articles from a global network of several hundred contributors and attracted tens of thousands of readers from nearly every country in the world. A selection of recent thematic series include:

- Kennedy, Carson, and Dobbs: Law and Religion in Pressing Supreme Court Cases
- Russia/Ukraine: Law and Religion Perspectives
- Law, Religion, and Constitutionalism
- Render unto Caesar: Intersections of Religion and Tax Law
- Conviction: On Criminal Law and Religion

Preparing for its fifth decade, the Center for the Study of Law and Religion appears well positioned to carry on the legacy of those early pioneers in the field, who envisioned a way to help religious practitioners and legal professionals better understand each other’s contributions to civil society. Two great solvents of human experience—as Witte likes to call them—both law and religion show no signs of diminishing in importance. In the United States, religious disputes continue to percolate through state and federal courts, while elsewhere in the world a resurgence in fundamentalisms augurs further questions about the role of religion in creating and challenging the laws of society. Indeed, the mutual influence of law and religion seems as inextricable today as it was when Luther wrote that pamphlet way back in 1520.

# Mission

The mission of the Center for the Study of Law and Religion is to produce and promote path-breaking scholarship, teaching, and public programs on the interaction of law and religion around the world.

# Vision

The Center for the Study of Law and Religion is a thought leader dedicated to producing innovative scholarship, facilitating challenging conversations, convening the best minds, and training the next generation of academics, lawyers, and religious leaders to advance the global conversation on law and religion.



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