of Law and Religion

Volume XXII

Number 2

2006-07

Articles

On the Pope, Cartoons, and Apostates: Shari'a 2006

Anver M. Emon

Using Legislation to Protect Against Unethical Conversions in Sri Lanka

Alexandra Owens

Religious Culture & Natural Rights: Understanding the "Paradox" of Early America

Christopher S. Grenda

A Reply to Professor Johnson

Marci A. Hamilton

Robert E. Rodes, Jr. Tribute

Robert E. Rodes, Jr. Bibliography

Erastian and High Church Approaches to the Law: The Jurisprudential Categories of Robert E. Rodes, Jr.

M. Cathleen Kaveny

Engaging Robert Rodes

Richard P. Church

Traveling Light: *Pilgrim Law* and the Nexus between Law, Politics and Catholic Social Teaching

Amelia J. Uelmen

Pilgrim to Nowhere—

The Mysterious Journey of Robert Rodes

Emily Albrink Hartigan

Pilgrim Law: Overcoming False Consciousness through the Witness of London's Economic Migrants

Vincent D. Rougeau

Pluralism, Dialogue, and Freedom: Professor Robert Rodes and the Church-State Nexus

Richard W. Garnett

On Professors and Poor People— A Jurisprudential Memoir

Robert E. Rodes, Jr.

Review Essay

Separation Anxiety

Perry Dane

Sponsored by: Hamline University School of Law

Published by: Hamline University School of Law

ISSN: 0748-0814

THE JOURNAL OF LAW AND RELIGION

VOLUME XXII 2006-2007 NUMBER 2

EDITORIAL STAFF

Editor in Chief

MARIE A. FAILINGER, Hamline University School of Law

Associate Editors

PATRICK KEIFERT, Luther Theological Seminary HOWARD J. VOGEL, Hamline University School of Law

Book Review Editor

LESLIE GRIFFIN, University of Houston Law Center

Technical Editors

MARY L. DUNNEWOLD, Hamline University School of Law STEPHEN LIEBO, Hamline University School of Law

Production/Subscription Manager

LINDA BERGLIN, Hamline University School of Law

EDITORIAL ASSISTANTS

JENNIFER CHO CHRISTOPHER GANGL

Peter Navis

MARIT PETERSON JENNIFER ROLFSRUD

EDITORIAL BOARD

JOSÉ ROBERTO JUÁREZ, University of Denver, Sturm College of Law, Chair FRANK S. ALEXANDER, Emory University School of Law PAULA COOEY, Macalester College ANTHONY E. COOK, Georgetown University Law Center ANVER M. EMON, University of Toronto MARIE FAILINGER, Hamline University School of Law Ex Officio
JON M. GARON, Hamline University School of Law

JON M. GARON, Hamline University School of Law Ex Officio

LESLIE C. GRIFFIN, George Washington University Law School Ex Officio

EMILY ALBRINK HARTIGAN, Saint Mary's University of San Antonio School of Law AFRA JALABI, Islamic Scholar, Ile Perrot, Quebec PATRICK R. KEIFERT, Luther Theological Seminary HOWARD LESNICK, University of Pennsylvania Law School
ROBIN LOVIN, Perkins School of Theology, Southern Methodist University
ELIZABETH MENSCH, State University of New York at Buffalo, School of Law
NANCY MILLER-HERRON, Attorney at Law, Dresden, Tennessee, Secretary
RUSSELL PEARCE, Fordham University School of Law
MICHAEL PERRY, Emory University School of Law
THOMAS PORTER, JUSTPEACE Center for Mediation & Conflict Transformation
ASIFA QURAISHI, University of Wisconsin Law School
KATHLEEN SANDS, University of Massachusetts Boston
EARL SCHWARTZ, Hamline University
DARRYL TRIMIEW, Colgate Rochester Crozer Divinity School
AMELIA UELMEN, Fordham University School of Law
HOWARD J. VOGEL, Hamline University School of Law, Treasurer

ADVISORY COMMITTEE

RICHARD HIERS. University of Florida. Chair TAHA JABER AL-ALWANI, Graduate School of Social and Islamic Sciences AZIZAH AL-HIBRI, T.C. Williams School of Law, University of Richmond ABDULLAHI AN-NA'IM, Emory University School of Law ZAFAR ISHAQ ANSARI, Islamic Research Institute, International Islamic University, Pakistan MILNER BALL, University of Georgia School of Law HAROLD BERMAN, Emory University School of Law GERARD BRADLEY, Notre Dame University Law School MICHAEL J. BROYDE, Emory University School of Law LYNN BUZZARD, Campbell University School of Law FRED CARNEY, Professor Emeritus, Perkins School of Theology, Southern Methodist University STEPHEN L. CARTER, Yale Law School ROBERT F. COCHRAN, JR., Pepperdine University School of Law MOHAMED S. EL-AWA, Islamic Scholar, Egypt CARL ESBECK, University of Missouri-Columbia School of Law EDWARD McGLYNN GAFFNEY, JR., Valparaiso University School of Law CATHLEEN KAVENY, Notre Dame University Law School DAMIEN KEOWN, University of London, Goldsmiths SANFORD LEVINSON, University of Texas School of Law DAVID LITTLE, Harvard University Divinity School EBRAHIM MOOSA, Duke University SEYYED HOSSEIN NASR, George Washington University LOUIS NEWMAN, Carleton College KAY PRANIS, Saint Paul, Minnesota JAWDAT SAID, Muslim Scholar and Activist, Syria ELISABETH SCHÜSSLER FIORENZA, Harvard University Divinity School THOMAS L. SHAFFER, Notre Dame University Law School DONALD W. SHRIVER, Union Theological Seminary in New York DANIEL SINCLAIR, Tel Aviv Law School STEVEN D. SMITH, University of San Diego School of Law DOUGLAS STURM, Professor Emeritus, Bucknell University PETER N. THOMPSON, Hamline University School of Law CHARLES VILLA-VICENCIO, Institute for Justice and Reconciliation, South Africa MICHAEL WELKER, University of Heidelberg, Germany JOHN WITTE, Jr., Emory University School of Law WILSON YATES, United Theological Seminary of the Twin Cities STEPHEN B. YOUNG, Attorney at Law, Saint Paul, Minnesota

The *Journal of Law and Religion* is sponsored by the Hamline University School of Law and is a interdisciplinary, interfaith academic and professional publication devoted to investigating the interaction of religion and law.

Subscriptions to the *Journal of Law and Religion*, which is published twice annually, are \$25.00 per two-issue volume for individuals, \$35.00 for institutions, and \$12.00 for students. Add an additional \$10.00 for foreign postage. Subscription requests, manuscripts, and general correspondence should be addressed to:

Journal of Law and Religion 1536 Hewitt Avenue Saint Paul, Minnesota 55104 lberglin@hamline.edu

Book reviews and books to be reviewed should be addressed to: lgriffin@uh.edu

Citations generally conform to the Association of Legal Writing Directors' ALWD Citation Manual. Citations to Jewish/Christian Biblical sources conform to the SBL Handbook of Style and the Jewish Law Annual. Unsolicited manuscripts will be returned only upon request.

Individual and back issues and complete sets of the *Journal of Law and Religion* may be ordered directly from William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209.

The views and opinions expressed in the *Journal of Law and Religion* are those of the authors and do not necessarily reflect the views of the editorial staff, the editorial board, the advisory board, or the sponsors of the *Journal of Law and Religion*.

Articles are indexed in the *Index to Legal Periodicals* published by the H.W. Wilson Co. (Bronx, New York), and in the *Legal Resource Index* available on-line on a variety of computer database services.

This periodical is also indexed in the ATLA Religion Database®, published by the American Theological Library Association, 300 S. Wacker Dr., Suite 2100, Chicago, IL 60606, E-mail: atla@atla.com, WWW: http://www.atla.com/.

Internet access to information about the *Journal of Law and Religion*, including an index to past issues, is available at http://www.hamline.edu/law/jlr

All copyrights are reserved.

Cite as: 22 J.L. & RELIGION (2006-07)

JOURNAL OF LAW AND RELIGION

STATEMENT OF PERSPECTIVE

The Journal of Law and Religion was initiated in 1982 as a collaborative effort of the Council on Religion and Law and the Hamline University School of Law. It was born of a sense of historical malaise. The modern age with its strong propensity toward the secularization of all areas of life, while not without merit in its liberating effects, nonetheless has its dark side.

We live, some say, in a time of profound historical crisis. Domestically and globally, we confront massive issues which force us to reconsider, in fundamental ways, the shape and quality of our common life. Yet many of the disciplines of thought and practice that should be a rich resource in such a time are found wanting—among them, law and religion. Law, a discipline presumably devoted to the ways of justice, has all too often become a set of complex, technical tools without concern for higher purpose. Religion, presumably given to the all-embracing promises and prescriptions implied in the sense of the sacred, has all too often become privatized and neglectful of our public life.

The Journal of Law and Religion is dedicated to a fundamental reappraisal of the disciplines of law and religion as they impinge on each other, might instruct each other, and taken in their conjunction, might offer a constructive response to the major issues of our times. As such its concerns are sixfold.

- Historical The Journal intends to encourage the examination of historical developments, movements, thinkers, and issues to enrich our understanding of how law and religion have, in various ways, been mutually influential.
- Theoretical The Journal intends to promote constructive work in religious and legal thought about fundamental theological and jurisprudential questions pertaining to professional practice and the structures of our public life.
 - Ethical The Journal intends to support explorations into the foundations of ethical judgment and normative critiques of our social life, particularly as they draw upon resources from the life of law and religion.
 - Global The Journal intends to be encompassing in its reach, seeking out voices from all the religious and legal traditions throughout the world and bringing them into conversations with each other.
- Professional The Journal intends to stimulate collaboration between jurists and religious leaders given their respective commitments, as professionals, to the common good of all peoples.
 - Spiritual The Journal recognizes that human existence is grounded in the spiritual, which is represented in many forms and expressions.

The *Journal* is thus a forum within which the disciplines of law and religion might together consider with utmost seriousness their joint responsibility for the creation of a civilization of genuine peace and justice. Within the compass of that purpose, the *Journal* intends to be open-minded and non-prejudicial; it is receptive to submissions from all persuasions and perspectives.



A subscription to the

JOURNAL OF LAW AND RELIGION

Cost per volume (two issues):

\$25.00 individual (U.S.) \$35.00 individual (foreign) \$35.00 institution (U.S.) \$45.00 institution (foreign) \$12.00 student

Print and send to:

Circulation Manager Journal of Law and Religion Hamline University School of Law 1536 Hewitt Avenue St. Paul, MN 55104 U.S.

Please Enclose Payment made out to: Journal of Law and Religion

Name:			
Address:			····
City:	State:	Zip:	
Country:			
Phone:	Fax:	E-Mail:	

Check out our website!

Journal of Law & Religion

http://www.hamline.edu/law/jlr

Books of Interest

Contemporary Conversations

Indexes

How to become a Subscriber

Lifetime Achievement Awards

Table of U.S. Supreme Court Decisions Relating to Religious Liberty

Soon to be added: 25th Anniversary Celebration information

ANNOUNCEMENT

We have acquired the entire back stock, reprint and microform rights to the

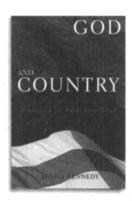
JOURNAL OF LAW AND RELIGION

Complete sets to date are now available. We can also furnish single volumes and issues.

WILLIAM S. HEIN & COMPANY, INC. 1285 Main Street Buffalo, New York 14209-1987

Orders may also be placed by calling Hein at 800.828.7571; via fax 716.883.8100; or found in electronic format for all your research needs on HeinOnline http://heinonline.org/

BAYLOR UNIVERSITY PRESS



God and Country

America in Red and Blue

Sheila Kennedy

This book provides both a fascinating and fair-minded exploration of what divides us in America coupled with principled and practical suggestions for helping us bridge those divides.

- Melissa Rogers, Wake Forest University

\$29.95 | 6 x 9, 224 pages | Paper | ISBN 978-1-932792-99-7



baylorpress.com

1.800.537.5487



... on the path of faith and understanding

THE JOURNAL OF LAW AND RELIGION

VOLUME XXII	2006-2007	Number 2
	TABLE OF CONTENTS	
Editor's Preface		xv
	ocoming article abstracts, visit namline.edu/law/jlr/index_of_i	
	ARTICLES	
Anver M. Emon	On the Pope, Cartoons, and A Shari'a 2006	
Alexandra Owens	Using Legislation to Protect A Unethical Conversions in Sri I	
Christopher S. Grenda	Religious Culture & Natural R Understanding the "Paradox" Early America	of .
Marci A. Hamilton	A Reply to Professor Johnson.	39°

ROE	BERT E. RODES, JR. TRIBU	ГЕ
	Robert E. Rodes, Jr. Bibliogra	phy 40

JOURNAL OF LAW & RELIGION

M. Cathleen Kaveny	Erastian and High Church Approaches to the Law: The Jurisprudential Categories of Robert E. Rodes, Jr4)5
Richard P. Church	Engaging Robert Rodes43	33
Amelia J. Uelmen	Traveling Light: Pilgrim Law and the Nexus between Law, Politics and Catholic Social Teaching	15
Emily Albrink Hartigan	Pilgrim to Nowhere— The Mysterious Journey of Robert Rodes 48	31
Vincent D. Rougeau	Pilgrim Law: Overcoming False Consciousness through the Witness of London's Economic Migrants48	39
Richard W. Garnett	Pluralism, Dialogue, and Freedom: Professor Robert Rodes and the Church-State Nexus50)3
Robert E. Rodes, Jr.	On Professors and Poor People— A Jurisprudential Memoir	27
	* * * * * *	
	upcoming book reviews, visit our website at ine.edu/law/jlr/upcoming_reviews_essays.html	
	REVIEW ESSAY	
Perry Dane	Separation Anxiety54	15
	BOOK REVIEWS	
Gloria H. Albrecht	Sex, Marriage, and Family in World Religions, edited by Don Browning, M. Christian Green and John Witte, Jr	79

JOURNAL OF LAW & RELIGION

Barry W. Bussey	Hope for a Global Ethic,	
	by Brian D. Lepard	585
Barry W. Bussey	The Pilgrimage of Stephen Harper, by Lloyd Mackey	590
	by Lloyd Mackey	209
June Carbone	Family Transformed: Religion, Values and Society in American Life,	
	edited by Steven M. Tipton and John Witte, Jr	591
	· · · · · · · · · · · · · · · · · · ·	
Steven Goldberg	The Evolution-Creation Struggle,	
	by Michael Ruse	597
Mark W. Janis	World Religions and Democracy,	
	edited by Larry Diamond, Marc F. Plattner	
	and Philip J. Costopoulos	601
Clark Lombardi	Intent in Islamic Law: Motive and Meaning	
	in Medieval Sunni Fiqh,	
	by Paul R. Powers	607
Timothy D. Lytton	Sex, Priests, and Secret Codes: The	
•	Catholic Church's 2,000-Year Paper	
	Trail of Sexual Abuse,	
	by Thomas P. Doyle, A.W. Richard Sipe	
	and Patrick J. Wall	615
Adam Miyashiro	Allegoresis: Reading Canonical Literature	
	East and West,	
	by Zhang Longxi	619
Asifa Quraishi	The Role of Islam in the Legal System	
_	of Pakistan,	
	by Martin Lau	625