

ISSN 0748-0814

VOLUME 29

ISSUE 2

JUNE 2014

Journal of **LAW** *and*
RELIGION



Journal of LAW *and* RELIGION

The *Journal of Law and Religion* publishes cutting-edge research on religion, human rights, and religious freedom; religion-state relations; religious sources and dimensions of public, private, penal, and procedural law; religious legal systems and their place in secular law; theological jurisprudence; political theology; legal and religious ethics; and more. The *Journal* provides a distinguished forum for deep dialogue among Buddhist, Confucian, Christian, Hindu, Indigenous, Jewish, Muslim, and other traditions about fundamental questions of law, society, and politics.

Co-Editors

Silas W. Allard
Abdullahi A. An-Na'im
Michael J. Broyde
M. Christian Green
Michael J. Perry
John Witte, Jr.

Managing Editor

Silas W. Allard

Book Review Editor

M. Christian Green

Article Editors

Andrew C. Bolender
W. Michael Evans
Zachary C. Eyster
Christopher J. Manzer
Nicole L. Levidow
Benjamin D. Wadley

Advisory Board

Frank S. Alexander
Emory University School of Law
Deborah J. Cantrell
University of Colorado Law School
Stephen L. Carter
Yale University
Robert F. Cochran, Jr.
Pepperdine University School of Law
Paula M. Cooley
Macalester College
Perry Dane
Rutgers School of Law
Anver M. Emon
University of Toronto Faculty of Law
Edward McGlynn Gaffney, Jr.
Valparaiso University School of Law
Emily Albrink Hartigan
St. Mary's University School of Law
Richard H. Hiers
University of Florida
Cathleen Kaveny
Boston College
Patrick R. Keifert
Luther Seminary
Michael Kessler
Georgetown University
Urfan Khaliq
Cardiff Law School
Howard Lesnick
University of Pennsylvania

Samuel J. Levine
Touro Law Center
David Little
Berkley Center, Georgetown University
Robin W. Lovin
Center of Theological Inquiry
Nancy Miller-Herron
Tennessee Claims Commission
Louis E. Newman
Carleton College
Ebrahim Moosa
Department of Religion,
Duke University
Thomas W. Porter, Jr.
Boston University School of Theology
Asifa Quraishi-Landes
University of Wisconsin Law School
Daniel B. Sinclair
Striks Law School,
College of Management Academic Studies &
Fordham University Law School
Steven D. Smith
University of San Diego
Darryl M. Trimiew
Medgar Evers College,
City University of New York
Amelia J. Uelmen
Georgetown University Law Center
Michael Welker
University of Heidelberg

Journal of LAW *and* RELIGION

VOLUME 29 | ISSUE 2 | 2014

CONTENTS

223 Editorial
Silas W. Allard

ARTICLES

225 The Power of Mercy in Biblical Law
Michael Welker

236 Religion and the Law of Charity: A Liberal Perspective
Matthew Harding

259 Transforming Social Welfare Policy: The Sages' Reconstruction
of the Institution of the Second Tithe as a Model for Social Welfare Policy
Adi Libson

276 *In Re A*: Severing the Conjoined Twins in Jewish Law
Arnold N. Enker

301 National Movements and International Law: Rabbi Shlomo Goren's
Understanding of International Law
Ilan Fuchs and Aviad Yehiel Hollander

317 *Hudūd* Punishments in the Forefront: Application of Islamic Criminal Law by
Harakat al-Shabaab al-Mujahideen
Michael Skjelderup

ESSAY

330 Augustine's *Confessions* as Read by a Modern Law Teacher
James Boyd White

BOOK REVIEWS

336 Review of *The Power of Religion in the Public Sphere*
Drew Baker

340 Review of *The Logic of Law Making in Islam: Women and Prayer
in the Legal Tradition*
Omar Farahat

344 Review of *The Place of Religion in Family Law: A Comparative Search*
Joel A. Nichols

- 348 Review of *God in the Courtroom: Religion's Role at Trial*
Trevor G. Pinkerton
- 351 Review of *Law and the Bible: Justice, Mercy and Legal Institutions*
C. Scott Pryor