

ISSN 0748-0814

VOLUME 30

ISSUE 1

FEBRUARY 2015

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

Associate Book Review Editors

Justin J. Latterell
Hina Azam

Editing Staff

Assistant Managing Editor

Christopher J. Manzer

Senior Staff Members

William Michael Evans
Nicole L. Levidow

Staff Members

Natalie Cohen	Grace Van Dyke
Max T. Eichelberger	Dalton Windham
William McLaughlin	Nathan L. Wood
Amin N. Sadri	Adam J. Woodward
Claire A. Sherburne	Peter J. Wosnik

INTERNATIONAL ADVISORY BOARD

Frank S. Alexander
Emory University
Founding Director, Center for
the Study of Law and Religion

Paul Babie
University of Adelaide
Director, University of Adelaide
Research Unit for the Study of
Society, Law and Religion

Deborah J. Cantrell
University of Colorado

Stephen L. Carter
Yale University

Ana María Celis Brunet
*Pontificia Universidad Católica
de Chile*
Director, Center for Religious
Freedom

Joseph Chan
University of Hong Kong

Paula M. Cooy
Macalester College

Perry Dane
Rutgers University

Donald R. Davis, Jr.
University of Texas

Norman Doe
Cardiff University
Director, Centre for Law and
Religion

Thomas Duve
Director, Max Planck Institute
for European Legal History

Anver M. Emon
University of Toronto

Carolyn Evans
University of Melbourne

Rebecca R. French
State University of New York

Edward McGlynn Gaffney, Jr.
Valparaiso University

Richard W. Garnett
University of Notre Dame
Director, Program on Church,
State & Society

Emily Albrink Hartigan
St. Mary's University

R. H. Helmholz
University of Chicago

Nancy Miller-Herron
Tennessee Claims Commission

Cathleen Kaveny
Boston College

Olga Kazmina
Moscow State University

Michael Kessler
Georgetown University
Managing Director of the
Berkley Center for Religion,
Peace, and World Affairs

Mirjam Künkler
Princeton University

Howard Lesnick
University of Pennsylvania

Samuel J. Levine
Touro Law Center
Director of the Jewish Law
Institute

Tim Lindsey
University of Melbourne
Director, Centre for Indonesian
Law, Islam and Society

David Little
Harvard University

Adrian Loretan
University of Lucerne
Co-director, Center for
Comparative Constitutional Law
and Religion

Robin W. Lovin
Southern Methodist University
Director of Research, Center of
Theological Inquiry

John McGuckin
Union Theological Seminary
Columbia University

Werner Menski
SOAS University of London

Ebrahim Moosa
Notre Dame University

David Novak
University of Toronto

Michiaki Okuyama
Nanzan University
Director, Nanzan Institute for
Religion and Culture

Fernanda Pirie
University of Oxford

Jean Porter
University of Notre Dame

Thomas W. Porter, Jr.
Boston University
Executive Director,
JustPeace Center for
Mediation and Conflict
Transformation

Asifa Quraishi-Landes
University of Wisconsin

Gideon Sapir
Bar-Ilan University

Suwanna Satha-Anand
Chulalongkorn University

Prakash Shah
*Queen Mary University of
London*
Director, GLOCUL: The Centre
for Culture and Law

Steven D. Smith
University of San Diego
Co-Executive Director,
Institute for
Law & Religion

Suzanne Last Stone
Yeshiva University
Director, Center for Jewish
Law and Contemporary
Civilization

Kyriaki Topidi
University of Lucerne
Associate Director,
Center for Comparative
Constitutional Law and
Religion

Darryl M. Trimiew

Amelia J. Uelmen
Georgetown University

C. Leon van de Broeke
VU University
Chair, Centre for Religion and
Law

Michael Welker
University of Heidelberg
Director, Research
Center for International and
Interdisciplinary
Theology

Fenggang Yang
Purdue University
Director, Center on Religion and
Chinese Society

Journal of LAW *and* RELIGION

VOLUME 30 | ISSUE 1 | 2015

CONTENTS

- 1 Editorial
Michael J. Perry

ARTICLES

- 3 Justice Retold: The Seminal Narrations of the Trial of the Judean King
David C. Flatto
- 36 From Substantial Burden on Religion to Diminished Spiritual Fulfillment: The San Francisco Peaks Case and the Misunderstanding of Native American Religion
Michael D. McNally
- 65 Minority Religions in Israel
Gideon Sapir and Daniel Statman
- 80 Austria's Law against Defamation of Religion: A Case Study
Greg Taylor
- 107 Towards a Judicial Biography of Rabbi Shneur Zalman of Liady
Levi Cooper

BOOK REVIEW SYMPOSIUM: RONALD DWORKIN'S RELIGION WITHOUT GOD—A POSTSCRIPT ON DWORKIN'S LEGACY

- 136 Corporate Conscience and the Contraceptive Mandate: A Dworkinian Reading
Linda C. McClain

REVIEW ESSAY

- 161 Christian Practice as the Foundation for Modern Political Theology
Athanasios Giocas

BOOK REVIEW

- 170 Review of *The Government of Social Life in Colonial India: Liberalism, Religious Law, and Women's Rights*
Tazeen M. Ali