

EDITORIAL

The study of law and religion is relatively new in modern research universities in the West. A century ago, it was only a tiny boutique area of scholarship, focused mostly on religious laws, church-state relations, and religious freedom. Most universities had, if any, only a specialist or two sprinkled among the faculties of history, divinity, law, politics, or anthropology. A half century ago, even these early scholarly lights seemed to be dimming as university campuses came under the thrall of the secularist hypothesis that the spread of reason and science would slowly eclipse the sense of the sacred and restore the sensibilities of the superstitious. Liberalism, Marxism, and various new critical philosophies were regnant on many university campuses. Even divinity schools and seminaries were arguing that “God is dead” and organized religion is dying.

No longer. Over the past quarter century, another great awakening of religion has broken—now global in its sweep, vast in its diversity, and frightening in its power. Even if the Global North now features more Nones, Neins, and Nyets on organized religion than ever before, the Global Middle and South have seen powerful new upsurges of old and new religions. Globalized media, migration, marketing, and mission work have brought these religions to the North and West, too. A whole alphabet of new law and religion challenges now occupy our global headlines—apostasy, blasphemy, conversion, defamation, evangelism, fundamentalism, genocide, hate crimes, immigration, jihad, klansmen, liberalism, migration, neo-paganism, ostracism, polygamy, queer rights, refugees, Shari’a, theocracy, universal rights, value-voters, warfare, xenophobia, Yazidis, and zealotry. These and other sundry new challenges sit alongside enduring hard questions at the intersection of law and religion.

Scholars of law, religion, politics, history, ethics, philosophy, and other social and humane sciences have taken serious note of these new movements and developments. More than 1,500 scholars worldwide are now part of a rapidly growing guild of law and religion study. Some 50 centers, institutes, and programs in law and religion have popped up on campuses around the globe—more than half in the United States, but with growing numbers in Europe, the Mediterranean basin, sub-Saharan Africa, Latin America, Australia, New Zealand, Southeast Asia, and the Pacific Rim. These groups are being further integrated by international and regional consortia of law and religion study and by dozens of periodicals and blogs on law and religion newly available. Several leading presses—Ashgate, Brill, Cambridge, Eerdmans, Oxford, and Routledge—have established new book series on law and religion, and the number of law and religion titles and articles in multiple world languages is growing steadily.

The five main articles and three book reviews in this issue illustrate nicely the global sweep of the scholarly field of law and religion today. These entries treat law and religion topics in China, Europe, Hong Kong, Israel, Russia, Sri Lanka, the United Kingdom, and the United States. They include Catholic, Protestant, and Orthodox Christian perspectives on legal issues alongside Jewish, Muslim, Buddhist, and Confucian teachings and practices. And they touch on various bodies of law—administrative law, arbitration law, associational law, constitutional law, environmental law, family law, immigration law, property law, and the religious legal systems of Shari’a, Halacha, and Canon Law.

A prominent theme in this issue concerns the influence of the state and its laws on religion—for better or worse, historically and today, for majoritarian and minority faiths alike. Michael Broyde presses the cultural and constitutional case that the modern liberal state should defer to religious arbitration, particularly for religious minorities, so long as clear procedural ground rules are met—not least the express consent of all participating parties and explicit bans on any use of physical coercion by religious authorities. Avishalom Westreich illustrates the tensions between Israeli civil laws and Jewish religious laws on family and marital property. He urges both sides to reform their laws in concordance with the other rather than force religious laws simply to accommodate or assimilate to prevailing state laws or vice versa. Jianlin Chen offers a critical assessment of Hong Kong’s “temple ordinance” against religious fraud as a case study in how modern governments still often discriminate in granting legal status to religious groups—particularly new, unpopular, or minority faiths, which often must contort or camouflage themselves to gain the basic legal right to exist. Matthew Erie exposes an equally troubling development in his empirical case study of China’s anti-Shari’a campaign, particularly in its regulation of halal food. The stated rationale for discriminatory treatment of Chinese Muslims, he shows, sounds in secular or neutral concerns about health, safety, and welfare, but in fact it betrays deep and dangerous nationalist establishment policies and skillful linguistic manipulations of popular taboos. Even so, John Burgess’s book reviewed herein documents the Russian Orthodox Church’s heartening resilience and resurgence of late, despite a century of brutal Soviet laws and policies against religion.

Another notable theme in this issue concerns the influence of religion on the state and its laws. Joel Harrison’s article engages deeply Pope Francis’s new teachings on religious liberty and market economics. Going beyond many Catholic interpreters who advocate state neutrality toward religion, Harrison argues that Francis requires more in his declarations against capitalist idolatry and for communal solidarity around just economics, environmental stewardship, healthy pluralism, and respect for conscience. The pope, Harrison argues, actually encourages modern states and religious communities to work together to pursue “true religion, that is, the love of God that is experienced as solidarity and fraternity.” Mark Amstutz’s timely book reviewed herein extends this same concern to questions of immigration, calling churches and states together to desist from the crass nativism and xenophobia of our day and to offer proper hospitality to the “sojourners in our midst.” But Benjamin Schonthal’s case study of Buddhism in Sri Lanka, reviewed herein, wisely warns religions against too heavy a reliance on the state to implement, let alone establish, their views, for religions inevitably will face unwelcome regulation, restriction, and even repression when state policies and parties change.

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