

ISSN 0748-0814

VOLUME 33

ISSUE 3

DECEMBER 2018

*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  
Michael J. Broyde  
M. Christian Green  
Michael J. Perry  
John Witte, Jr.

## **Managing Editor**

Silas W. Allard

## **Special Content Editor**

M. Christian Green

## **Book Review Editors**

Hina Azam  
Justin J. Latterell

## **Editing Staff**

### **Chief of Staff**

SaiSantoshKumar Kolluru

### **Assistant Managing Editors**

Tiffany Quynh-Nhi Do  
Larry Kim  
Allen Kowalczyk

Joseph Quattlebaum  
Amanda Singh  
Linh Vu

### **Staff Members**

Min Gee Cho  
Dexter Downs  
Catherine Grady  
Asha Kuttikattu  
Nathaniel Lancaster  
Raul Medina

Alejandra Mejia  
Daniel P. Miller  
Mary Joyce Newton  
Kyle Svendsen  
William S. Weston  
Aaron Walayat

Special thanks to our supportive colleagues at Cambridge University Press: Hannah Patrick, Commissioning Editor; Brian Mazeski, Production Editor; and Ellen Wert, Copyeditor; and to Namratha Minupuri, Editorial Assistant to the Managing Editor.

# 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  
*University of Notre Dame*

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 33 | ISSUE 3 | 2018

## CONTENTS

327 Editorial  
*John Witte, Jr.*

### ESSAY

329 Making the Case for Religious Freedom in Secular Societies  
*Mary Ann Glendon*

### ARTICLES

340 Faith-Based Arbitration Evaluated: The Policy Arguments for and against  
Religious Arbitration in America  
*Michael J. Broyde*

390 Shari'a as Taboo of Modern Law: Halal Food, Islamophobia, and China  
*Matthew S. Erie*

421 Hong Kong's Chinese Temples Ordinance: A Cautionary Case Study of  
Discriminatory and Misguided Regulation of Religious Fraud  
*Jianlin Chen*

447 Pope Francis, True Religion, and Religious Liberty  
*Joel Harrison*

481 Accommodating Religious Law with a Civil Legal System: Lessons from the Jewish  
Law Experience in Financial Family Matters  
*Avishalom Westreich*

### BOOK REVIEWS

504 Review of *Just Immigration: American Policy in Christian Perspective*  
*William A. Barbieri Jr.*

508 Review of *Women's Rights and Religious Law: Domestic and International  
Perspectives*  
*Rabea N. Benhalim*

512 Review of *Holy Rus': The Rebirth of Orthodoxy in the New Russia*  
*Nadieszda Kizenko*

- 515 Review of *Buddhism, Politics and the Limits of Law: The Pyrrhic Constitutionalism of Sri Lanka*  
*Bart Klem*
- 519 Review of *Race and Secularism in America*  
*Audra L. Savage*