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Rethinking secular law

Baldy Center conferences lead to a re-examination of the law-religion connection

A collaboration among two UB Law professors and a historian from the University of Memphis has given rise to a new collection of essays examining the assumption that the law is autonomous, universal and secular.

Professor Winnifred Fallers Sullivan and **Associate Professor Mateo Taussig-Rubbo**, along with historian Robert A. Yelle, served as editors for the project, recently published by Stanford University Press under the title *After Secular Law*. The three co-editors wrote the introduction to the book, which also includes essays by UB Law Professors David M. Engel and Stephanie L. Phillips.

“Historians, sociologists, anthropologists and political theorists are insisting in various ways on the persistent relevance of religion or of the ‘sacred,’” the editors write in their introduction. “If the boundaries between law and theology now appear less distinct, the blurriness of those edges has arguably enabled a range of new stories to be told about legal modernity, stories that reject the simplistic narrative of a separation between law and religion. One intention of this volume is to document, historically and ethnographically, the always mutually involved ways of law and religion.”

The book originated in conferences in 2008 and 2009 that Sullivan, Taussig and Yelle planned. Called “Redescribing the Sacred/Secular Divide: The Legal Story,” the conferences were sponsored by UB Law School’s Baldy Center for Law & Social Policy. The contributors’ academic disciplines include history, religious studies, law and anthropology.

“We hope that readers will understand that the differentiation and separation of religious and secular ideas and institutions is not an accomplished fact,



Professor Winnifred Fallers Sullivan and Associate Professor Mateo Taussig-Rubbo.

and that understanding the overlap between the two is important to understanding both the changes to society during the modern period – over the last 500 years – as well as contemporary societies,” Sullivan says. “This book is part of a broader contemporary conversation in which secularism and secularization are being reconsidered.”

She notes that the book is global in scope, including chapters on the relationship of religion and law in England, Thailand, Egypt, Turkey, Denmark, India and Sudan, as well as the United States.

“Looking at the legal systems of other countries is important in its own right, as a way of understanding how law and religion are differently arranged in other locations,” Taussig says. “It also helps, through comparison with the U.S., to help better understand our situation in this country.”

“We were interested in scholars who brought fresh insights into how law and religion interacted in the U.S. in the

present, and in different places and times as well.”

Taussig, who has a background in anthropology, also has an essay in *After Secular Law* that, he says, discusses “the ideas of the sacred that emerged in the aftermath of 9/11. I ask whether this was a religious, legal or some other kind of designation.”

Engel’s chapter discusses Buddhism, secular law and social change in Thailand; Phillips’ essay delves into a facet of American religious history, the “Unitarian Controversy” in early 19th century Massachusetts, in which Unitarian and Calvinist churches split over theological and property rights issues.

Among reviewers of the book, Joan W. Scott of the Institute for Advanced Study said: “This volume stages an extremely productive interdisciplinary conversation which questions the boundaries between law and religion that are often presumed by theorists of modernity. Arguing that law is not necessarily secular and that religion is often bound by law, the authors provide us with new stories about the complexities and interconnections of these supposedly separate realms.”

