Doing Justice without Doing Harm

MARCH 11 – 12, 2016
PEPPERDINE UNIVERSITY SCHOOL OF LAW
MALIBU, CALIFORNIA
Wonderful friends of Pepperdine, Herb and Elinor Nootbaar generously endowed the Institute on Law, Religion, and Ethics in 2007. Residents of Laguna Beach, California, they have had fascinating life stories of hard work, perseverance, continuing success in the feed and grain industry, strong religious faith, and devotion to the community.

Herb and Elinor’s extraordinary gift enables law students to work with human rights and religious freedom organizations around the world, as well as to study the relationship between law, religion, and ethics. In March of 2011, we mourned the death of our beloved Elinor; in November of 2015, we celebrated Herb’s 107th birthday.

JOIN US FOR A TOUR OF THE MUSEUM OF TOLERANCE!
Thursday, March 10th, at 2:00PM

Conference attendees are invited to take part in a private tour of the Museum of Tolerance. This museum “is a human rights laboratory and educational center dedicated to challenging visitors to understand the holocaust in both historic and contemporary contexts and confront all forms of prejudice and discrimination in our world today.” For more information, and to sign up for the tour, please contact nootbaar.institute@pepperdine.edu.

MINIMUM CONTINUING LEGAL EDUCATION

This symposium has been approved for Minimum Continuing Legal Education (MCLE) credit by the State Bar of California for 12 credit hours. Pepperdine University School of Law certifies that this activity conforms to the standard for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.
Justice is a central theme in most secular and religious moral traditions, though there are significant disagreements about its content. As Alasdair McIntyre asked, “Whose Justice?” During some periods of history there has been great optimism that the world was moving in a more just direction, generally followed by periods of great injustice and great disillusionment.

Our conference themes have ancient roots—“do justice” (Micah 6:8) and “do no harm” (Hippocrates). The first theme is a call to do justice and to serve a hurting world. What do our traditions say about justice to the 21st century? What are the great injustices and causes of suffering in our world? How might they be addressed by individuals, religious congregations, NGOs, and governments?

A second theme (raised powerfully in Steve Corbett and Brian Fikkert’s book When Helping Hurts) will be how individuals, groups, and laws might avoid doing harm as we attempt to do good. Attempts to help can generate dependence or harm bystanders. The work of governments and NGOs can undercut local institutions like religious congregations and businesses that might address local problems. Laws can have unintended consequences that do greater harm than good. Protections afforded some groups, may harm other groups. We need to make a difference, but to do so wisely.

Please join us for the conversation.

All our best,

ROBERT E. COCHRAN, JR.
Louis D. Brandeis Professor of Law
Director, Herbert and Elinor Noethaar Institute on Law, Religion, and Ethics
Pepperdine University School of Law

MICHAEL HELFAND
Associate Professor of Law
Pepperdine School of Law
Associate Director, Diane and Guilford Glazer Institute for Jewish Studies
Pepperdine University
8 AM  Registration and Light Breakfast

8:30 – 8:45 AM  Welcome and Conference Introduction
Robert Cochran

8:45 AM  SESSION 1 – Doing Justice
Rabbi Elliot Dorff, American Jewish University
A Jewish Perspective on Social Justice
Gary Haugen, International Justice Mission
Ending Impunity: The Indispensable (and Most Intimidating) Challenge Facing the Global Poor Today

10 – 10:15 AM  Snack Bar and Refreshments

10:15 AM  SESSION 2 – Responses to Poverty
Michael J. Broyde, Emory University School of Law
The Giving of Charity in Jewish Law: For What Purpose and Towards What Goal?
Ahmed Taha, Pepperdine University School of Law
Islamic Approaches to Poverty
Latonia Haney Keith, Concordia University School of Law
Poverty, the Great Unequalizer: Improving Access to Justice for the Poor

11:45 AM  SESSION 3 – Self Harm
Peter Greer, President and CEO, HOPE International
The Spiritual Danger of Doing Good

12:15 – 1:30 PM  Lunch (Atrium)

1:30 PM  SESSION 4 – Avoiding Harm
Brian Fikkert, Covenant College, Tennessee, and the Chalmers Center
When Helping Hurts
**SESSION 5A – Doing Justice and Avoiding Harm on the Front Lines**

Non-Governmental Organization Presentations by Various Representatives

**Saving Innocence**
Kim Biddle, Founder and Executive Director
Saving Innocence is at the front lines of the fight against child sex trafficking domestically.

**Pepperdine Legal Aid Clinic**
Brittany Stringfellow Otey, Director
Pepperdine’s Legal Aid Clinic at Union Rescue Mission provides practical training for law students and direct legal assistance to those experiencing homelessness on Los Angeles’ skid row.

**Sole2Soul Homeless Outreach, Saddleback Church**
Jim Black, Cofounder
Sole2Soul reaches out to homeless men and women and shares with them that God loves them unconditionally.

**Pepperdine Global Justice Program**
Jim Gash, Director
Global Justice on the Ground in Real Time

**SESSION 5B – Religious Freedom and Third-Party Harms**

Douglas NeJaime, UCLA School of Law
Conscience and the Culture Wars: Complicity, Third-Party Harm, and Limits on Religious Accommodation

Richard W. Garnett, Notre Dame Law School
Harms, Dignity, and Religious Accommodations

Chad W. Flanders, Saint Louis University
Whose Complicity? Which Accommodation? When Conscience Cuts Both Ways

**3:45 – 4 PM Coffee and Tea**

Fred Gedicks, Brigham Young University
Substantial Burdens: How Courts May (and Why They Must) Judge Burdens on Religion

Mark S. Scarberry
Strategic Targeting of Sincere Religious Complicity Claims: You Don’t Know What Your Religion Requires

Nathan S. Chapman, University of Georgia
What We Talk About When We Talk About Religious Accommodations

Michael D. Peabody, Partner, Bradford and Barthel, LLP
Seeking Peaceful Solutions When Accommodating You Doesn’t Accommodate Me

**5:30 PM Hors d’oeuvres Reception**

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<th>Session</th>
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<td>8:45 AM</td>
<td>SESSION 6</td>
<td>Love and Justice</td>
<td>Nicholas Wolterstorff, Yale University</td>
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<td>The Just Limits of Love</td>
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<td>SESSION 7</td>
<td>Criminal Law</td>
<td>Barbara E. Armacost, University of Virginia School of Law</td>
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<td>Restorative Justice</td>
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<td>Rethinking the Relationship Between Justice and Mercy: Toward</td>
<td>Timothy W. Floyd, Mercer University School of Law</td>
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<td>Repairing America’s Excessively Punitive Criminal Justice System</td>
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<td>Sara M. R. Cravens, University of Akron School of Law</td>
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<td>10:45– 11 AM</td>
<td>Snack Bar and Refreshments</td>
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<td>SESSION 8</td>
<td>Race</td>
<td>Richard H. Sander, UCLA School of Law</td>
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<td>Functional and Dysfunctional Strategies on Race</td>
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<td>Immigration Law and Policy Through the Lens of the Gospel and Grace</td>
<td>Jennifer Lee Koh, Western State College School of Law</td>
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<td>Symmetry and the Design of Antidiscrimination Law</td>
<td>Brad Areheart, Tennessee</td>
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1:45 – 3 PM  SESSIONS 9A AND 9B (choose one)

SESSION 9A Rethinking Justice and Substantive Law: Torts, Tax, and Intellectual Property
Mildred Wigfall Robinson, University of Virginia, School of Law
Is it Possible to Reconcile Economic Expansion, Altruism, and Effective Participatory Public Education Through Tax Systems?
David W. Opderbeck
Seton Hall University, School of Law
A Critique of Positivist Intellectual Property
Paul J. Zwier
Emory University School of Law
Tort Law in a Postmodern Age: A Christian Perspective
Amy J. Uelmen
Georgetown Law School
The Legal and Moral Obligations of Bystanders to a Victim in Need of Emergency Assistance: Theorizing the Harm

SESSION 9B International Justice
Morse Tan, Northern Illinois University College of Law
The Most Unjust Country on Earth: North Korea as a State of Rightlessness
Robert L. Ballard, Pepperdine University Seaver College
Intercountry Adoption: Always the Best Choice for the Child?
Stacy A. Scaldo, Florida Coastal School of Law
In the Name of Dignity: Misguided Justice and Disregarded Harm in Modern Abortion Theory—A Comparative Perspective
Geetanjali Shahi and Apurva Sharma, Hidayatullah National Law University, Chhattisgarh, India
The Relationship Between Justice and Love and the Law of India

3:00 – 3:15 PM  Coffee and Tea

3:15 – 4:30 PM  SESSIONS 10A AND 10B (choose one)

SESSION 10A Religion and Law
Kif Augustine – Adams, Brigham Young University School of Law
Religious Exemptions to Title IX
Bryan T. McGraw, Wheaton College
In Defense of Smith-RFRA: Religious Liberty, Political Toleration, and Moral Judgment
Barbara Massie Moulty, Liberty University School of Law
Effects of Recognition of Sharia Law in United States Courts
Shoudong Zhang, China University of Political Science and Law
Justice Kennedy, Confucius, and Gay Marriage

SESSION 10B Western Concepts of Law and Justice
Eric G. Enlow, Handong University School of Law
The Three Justinian Precepts of Jus (Live Honorably, Harm No One, Give to Each His Own)
Randy Beck, University of Georgia School of Law
God’s Justice Is Better Than Ours
Zachary R. Calo
Catholic Social Thought and the Limits of Justice
David VanDrunen, Westminster Seminary California
The Relationship of Natural Law and Human Law

4:30 PM – 5:30 PM  SESSION 11 Teaching Law Students to Love Justice
Larry O. Gantt II and Lynn Marie Kohm, Regent University School of Law
Timothy W. Floyd, Mercer University School of Law
Barbara E. Armacost, University of Virginia School of Law
SPEAKER BIOGRAPHIES

Brad Areheart is an associate professor of law at the University of Tennessee Knoxville College of Law. He is the chair-elect for the AALS Employment Discrimination section. He writes in the areas of disability rights and antidiscrimination theory. His recent articles in this area have been published in the University of Chicago Law Review (2014), University of Michigan Law Review (2015), and George Washington Law Review (2015).

Barbara E. Armacost is a professor of law at the University of Virginia School of Law, where she earned her JD. Prior to law school she served as a nurse and earned a master’s degree in theological studies from Regent College at the University of British Columbia. After law school she clerked for Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit and served as attorney adviser in the Office of Legal Counsel at the U.S. Department of Justice.

Kif Augustine-Adams is the Charles E. Jones Professor and R. Wayne Hansen Teaching and Learning Faculty Fellow at the J. Reuben Clark Law School, Brigham Young University where she served as associate dean for research and academic affairs from 2008 to 2013. During the 2013-2014 academic year, she was named the Fulbright Distinguished Lecturer at Renmin University Law School in Beijing, China.

Robert L. “Bert” Ballard is an associate professor at Pepperdine University, researches identify and family issues related to intercountry adoption. He is coeditor of The Intercountry Adoption Debate: Dialogues Across Disciplines (Cambridge Scholars Press, 2015) (with Goodno, Cochran, and Milbrandt).

Randy Beck is the Justice Thomas O. Marshall Chair of Constitutional Law at the University of Georgia School of Law. He clerked for Judge Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit and for Justice Anthony M. Kennedy of the U.S. Supreme Court. He has written numerous law review articles and essays and is the coauthor with David VanDrunen of “Genesis and the Civil Law” in Law and the Bible (Cochran and VanDrunen, eds., IVP, 2014).

Kim Biddle is the founder and executive director of Saving Innocence, a 501c(3) nonprofit that provides rescue and rehabilitation to child victims of sex trafficking in the United States. She received her BS in education and master of social work degrees from USC. She has received multiple awards for her abolitionist work and has been featured as a subject matter expert on NPR, ABC, CBS and KTLA News. This past year, she was honored as one of L.A. Weekly’s 2015 People of the Year, naming her “The Human Shield.”

Jim Black is a volunteer homeless outreach leader at Saddleback Church in Lake Forest, California, and a physical medicine and a rehabilitation professional of 27 years. His personal story is one of incredible transformation starting from a broken home at the age of 9. In 2005 he was baptized, immersed his life into serving, and in 2012 asked God to take his life and use it for God’s will. Sole2Soul Homeless Outreach desires to reach the homeless men and women in their community and share with them the love of God.

Leah Boyd joined ALARM (African Leadership and Reconciliation Ministries) in 2012 as director of justice initiatives to oversee and coordinate ALARM’s justice programs. She received her law degree from Washington and Lee University School of Law in Virginia, where she was a member of the law review. She received her BA in political science, summa cum laude, from Azusa Pacific University in California. She is admitted to practice in Texas, Kansas, and several federal courts.

Michael J. Broyde is a professor of law at Emory Law and a Senior Fellow at the Center for the Study of Law Religion at Emory University. He clerked for Judge Leonard I. Garth of the U.S. Court of Appeals for the Third Circuit. Professor Broyde is ordained (yoreh yoreh ve-yadin yadin) as a rabbi by Yeshiva University and was a member (dayan) of the Beth Din of America, the largest Jewish law court in America.

Zachary R. Calo is a research scholar in law and religion at the Valparaiso University School of Law. He holds a JD from the University of Virginia, a BA and MA from Johns Hopkins University, and a PhD in history from the University of Pennsylvania. He has published over 40 articles on law and religion.

Nathan S. Chapman is an assistant professor at the University of Georgia School of Law. He previously served as the executive director of the Stanford Constitutional Law Center at Stanford Law School. He earned his bachelor’s degree from Belmont University, his master’s degree from Duke Divinity School, and his law degree from Duke School of Law.

Robert F. Cochran, Jr. is the Louis D. Brandeis Professor of Law at Pepperdine University and the director of the Nootbaar Institute on Law, Religion, and Ethics. His books include Christian Perspectives on Legal Thought (Yale University Press) (with Michael McConnell and Angela Carmella); Faith and Law (NYU Press); Law and the Bible: Justice, Mercy, and Legal Institutions (IVP) (with David VanDrunen).
Sara M. R. Cravens is an associate professor, assistant dean for global engagement, and director of faculty research and development at the University of Akron School of Law. She received her AB, magna cum laude, from Princeton University, her MPhil from Cambridge University, and her JD, magna cum laude, from Washington and Lee University. Her areas of interest include the judicial role, legal ethics, and theology and law.

Shannon Sedgwick Davis is CEO of the Bridgeway Foundation, the charitable giving arm of Bridgeway Capital Management, Inc. An attorney, Shannon is a passionate advocate for social justice and International human rights. She is a well-known strategist engaged in promoting peace and ending human atrocities across our globe. She previously served as vice president of Geneva Global and director of public affairs at International Justice Mission.

Rabbi Elliot Dorff is American Jewish University’s rector and the Sol and Anne Dorff Distinguished Service Professor in Philosophy. For more than 30 years, he has taught a course on Jewish law at UCLA School of Law. He was awarded the Journal of Law and Religion’s Lifetime Achievement Award and holds three honorary doctoral degrees. He served on the editorial committee of Etz Hayim, the new Torah commentary for the Conservative Movement.

Eric Enlow is the dean and a professor of law of Handong International Law School (HILS), a Christian Law School in South Korea, which focuses on U.S. and international law. He received his BA from Yale University and his JD, Order of the Coif, from Washington University School of Law. He then clerked for the Hon. Richard S. Arnold at the U.S. Court of Appeals for the Eighth Circuit. He subsequently practiced international intellectual property and appellate law until joining HILS in 2004.

Brian Fikkert is a professor of economics and community development and the founder and president of the Chalmers Center for Economic Development at Covenant College. He is coauthor of the best-selling book When Helping Hurts: How to Alleviate Poverty Without Hurting the Poor ... and Yourself. He earned a PhD in economics from Yale University, specializing in international economics and economic development.

Chad W. Flanders has been an associate professor at Saint Louis University School of Law faculty since 2009. He received his doctorate in philosophy from the University of Chicago in 2004 and his law degree from Yale Law School in 2007. After law school, he served as a law clerk to the Hon. Warren Matthews on the Alaska Supreme Court and the Hon. Michael McConnell on the U.S. Court of Appeals for the Tenth Circuit.

Timothy W. Floyd is Tommy Malone Distinguished Chair in Trial Advocacy and director of experiential education at Mercer University School of Law. He has published two books and is the author of numerous articles in the area of legal ethics, law and religion, and criminal law and the death penalty. He is the coeditor of the book Can a Good Christian Be a Good Lawyer?

Larry O. “Natt” Gantt II is professor, director of academic success and advising, and director of the Center for Ethical Formation and Legal Education Reform at Regent University School of Law. He received his AB in psychology and political science, magna cum laude, from Duke University; his JD, cum laude, from Harvard Law School; and his MDiv, summa cum laude, from Gordon-Conwell Theological Seminary.

Richard W. Garnett is the Paul J. Schierl/Fort Howard Corporation Professor and concurrent professor of political science at the University of Notre Dame School of Law. His book, Two There Are: Understanding the Separation of Church and State, will be published by Cambridge University Press. He clerked for the late Chief Justice William H. Rehnquist of the U.S. Supreme Court.

James A. Gash is the director of the Global Justice Program and professor of law at Pepperdine University School of Law. He served as a law clerk to the Honorable Edith H. Jones, U.S. Court of Appeals for the Fifth Circuit. Since January of 2012, he has served as specialist advisor to the Ugandan High Court.


Naomi Harlin Goodno is codirector of Byrne Judicial Clerkship Institute and associate professor of law at Pepperdine University School of Law. She is a graduate of Princeton University and UC Berkeley School of Law and clerked for the Honorable Arthur L. Alarcon of the U.S. Court of Appeals for the Ninth Circuit. She is actively working with international human rights organizations.

Peter Greer joined HOPE International in 2004, following extensive education and experience in the field of microfinance. He received a BS in international business from Messiah College, and an MPP from Harvard’s Kennedy School. He has written seven books among which are: The Poor Will Be Glad (2009) (with Phil Smith), The Spiritual Danger of Doing Good (2013) (with Anna Haggard), and Mission Drift (2014) (with Chris Hors; selected as a 2015 Book Award Winner from Christianity Today).
Gary Haugen is founder and president of International Justice Mission. His work to protect the poor from violence has been featured by Foreign Affairs, the New York Times, The New Yorker, Forbes, U.S. News & World Report, the Guardian. His books include Good News About Injustice (IVP) and The Locust Effect: Why the End of Poverty Requires the End of Violence (Oxford University Press).

Latonia Haney Keith joined the faculty of Concordia University School of Law as the director of clinical education in 2015. She directs Concordia Law’s clinical education program, teaching law students the practice of law through the representation of the disadvantaged and underserved. She graduated cum laude from Harvard Law School, where she was a research assistant to Professor Laurence H. Tribe and Professor Charles Ogletree. She was also an editor of and symposium co-chair for the Harvard Law Review.

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 Lynne Marie Kohm is professor, associate dean for faculty development and external affairs, and the John Brown McCarty Professor of Family Law at Regent University School of Law. She has coauthored a family law casebook with Lynn D. Wardle and Mark S. Strasser, Family Law from Multiple Perspectives (West 2014). She received her BA from University at Albany, SUNY and her JD from Syracuse University School of Law.

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Barbara Massie Mouly is an associate professor of law at Liberty University School of Law in Lynchburg, Virginia. She earned a BA from the College of William and Mary, a master of music from the University of Maryland, and a JD from George Mason University. After graduating from law school, she clerked for the U.S. Court of Appeals for the Fourth Circuit. Her current research compares sharia law to the common law.

Justin Narducci is the fifth President/CEO of Lifewater International, the oldest evangelical water ministry in North America. Prior to leading Lifewater, he served as a vice president of an Africa-based ministry that worked with local churches to meet physical and spiritual needs of street children and slum dwellers. He has an MBA in international management from Thunderbird School of Global Management.

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Justin Narducci is the fifth President/CEO of Lifewater International, the oldest evangelical water ministry in North America. Prior to leading Lifewater, he served as a vice president of an Africa-based ministry that worked with local churches to meet physical and spiritual needs of street children and slum dwellers. He has an MBA in international management from Thunderbird School of Global Management.

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