

JLR SYMPOSIUM
Oct. 14-16, 2009
Hamline University
St. Paul, MN

***THE GLOBAL ECONOMIC CRISIS, LAW AND THE
RELIGIOUS TRADITIONS***

**Our sincere thanks to Fordham School of Law, Institute on Religion,
Law and Lawyer's Work for co-sponsorship of this event.**

(Food is available on campus at Sorin Dining Hall, or the Klas Center, main floor for early arrivees.)

THURSDAY, Oct. 15

6:00 PM Shuttle from hotel (Best Western Bandana Square) to
Sundin Music Hall

6:15 PM Registration
Reception Sundin Music Hall Lobby

7:00 PM WELCOME: - **Don Lewis, Dean**
Hamline University School of Law
- **Amelia Uelmen**, Director of the Institute on
Religion, Law and the Lawyer's Work, Fordham
University School of Law

Keynote Speaker: Luigino Bruni
Associate Professor of Economics at the University
of Milan-Bicocca

Toward an Economy of Communion

The current financial crisis has generated calls for a paradigm shift in how we think about economic life and structures. This presentation will explore the historical, economic and religious foundations for a new conception of "civil economy" which is ordered to the common good and allows creative space for market structures that harmonize interests.

Respondent: Tsvi Blanchard
Director of Organizational Development at
CLAL—The National Jewish Center for Learning
and Leadership

Shared Freedom: The Logic of Communion and Individual Liberty

In response to Luigino Bruni's paper and his extensive historical analysis of economic structures, this paper will consider the proposed framework in light of Jewish texts and traditions.

9:30 PM Shuttle from Sundin to hotel

FRIDAY, Oct. 16

7:45 AM Shuttle from hotel to Klas Center/Kay Fredericks Ballroom

8:00 AM Breakfast/Registration

8:30-9:45 AM (1.25 CLE)

- **The Contribution of the Religious Traditions to Framing Legal Responses to the Global Economic Crisis:** *Responses* to Luigino Bruni

Presenters: - **Amelia Uelmen**, Director of the Institute on Religion, Law and the Lawyer's Work, Fordham University School of Law
—*A Trinitarian Perspective on Economic Life and Legal Structures*

Building on Pope Benedict's recent call for a "deeper critical evaluation of the category of relation," and his description of the life of communion at the heart of the Trinity as a lens which can illuminate efforts to work for fundamental values of economic justice and peace (Caritas in Veritate 53-54), this paper considers the extent to which the Trinity as a social model might shed light on an approach to economic and legal structures that give priority to fostering human relationships.

- **Waleed El-Ansary**, Assistant Professor of Religious Studies, University of South Carolina
—*Islamic Economic Law and the Financial Crisis: Linking Ethics and Economics*

The presentation examines the current financial crisis from an Islamic legal perspective, showing how Islamic legal principles could have averted the crisis and can help inform current policy on moving out of it. The presentation accordingly argues that economics is not a "separate science" based on the Islamic doctrine that spiritual principles are necessary for socio-economic equilibrium.

- **Deborah Cantrell**, Associate Professor & Director of Clinical Programs, University of Colorado Law School
—*One Buddhist's Thoughts on "Mutual Assistance," the Market Place, and the Buddhist Concept of Interbeing*

Bruni and Sugden's conception of "mutual assistance" posits a sense of interconnectedness between two persons interacting in the marketplace. The Buddhist concept of "interbeing" accords with "mutual assistance," but also pushes further to forego self-interest as a market motivator.

Respondent: Thomas Berg, Associate Dean of Academic Affairs, University of St. Thomas School of Law, Mpls.

Moderator: Russell Pearce, Professor of Law, Fordham University School of Law

9:45-10:00 AM **Break**

10:00-11:30 AM (1.5 CLE)

• **Human Rights Traditions, Economic Need and the Common Good**

Presenters: - **Darryl Trimiew**, Chair, Dept. of Philosophy & Religion, Medgar Evers College
—*Ratification of the Covenant on Social, Cultural and Economic Rights: No Longer the Whimsical Desire of the West in an Age of Economic Meltdown*

The Covenant on Social, Cultural and Economic Rights has become a necessity in this age of economic crisis. This paper will explore the history of ratification, discuss the rights in the Covenant and their applicability to the current crisis, and argue for the need for the U.S. to ratify and enforce the covenant.

- **Richard Hughes**, M.B. Rich Professor of Religion, Lycoming College
—*Pro-Justice Ethics: Water Scarcity, Human Rights*

The worsening global water crisis requires that freshwater be preserved as a public trust and not exchanged as a profitable commodity on the world markets. Access to clean, affordable fresh water is a fundamental human right which should be codified in law and in a United Nations covenant.

- **Zachary Calo**, Assistant Professor of Law, Valparaiso University School of Law
—*The Moral Ends of Economic Personhood: Catholicism, Liberalism, and Human Rights*

This paper examines the current economic situation as a human rights crisis and, in particular, a crisis in understanding about the nature and ends of human personhood. It argues that the limitations of the liberal tradition of human rights create space for religious communities to advance theologically-informed accounts of economic justice. Particular attention is given to the tradition of Catholic social thought.

- **Abed Awad**, Adjunct Professor of Law, Rutgers Law School & Pace Law School; Attorney at Law
—*Muslim Perspectives on Economic Rights*

Moderator: Emily Hartigan, Professor of Law, St. Mary's University School of Law

11:40 AM-1:00 PM

LIFETIME ACHIEVEMENT AWARD LUNCHEON—Azizah al-Hibri

1:15-2:30 PM (1.25 CLE)

• **Regulating Markets Through Law and the Religious Traditions**

Presenters: - **Elizabeth Schiltz**, Associate Professor, University of St. Thomas School of Law, Mpls.
—*Subsidiarity, Solidarity, and the Financial Crisis*

Two principles of Catholic social thought, subsidiarity and solidarity usefully inform the regulation of the uniquely local financial products of consumer lending (particularly mortgage lending, which is necessarily tied to a piece of land) that become part of a national and international financial market.

- **Perry Dane**, Professor of Law, Rutgers University
—*Prophets in the Public Square*

Radical religious critiques of the economic system and its underlying assumptions can be distinctively powerful, resonating even across otherwise profound divisions of faith and politics. The question is how this can be, and what lessons it might have for the larger debate about the place of religious argument in the public square.

- **Mohammad Fadel**, Assistant Professor of Law, University of Toronto
—*Islam and the Regulation of Markets*

Most people, if they have any familiarity with Islam and finance, associate Islam with an absolute prohibition on interest, whether as a lender or as a borrower. At best, this is a gross oversimplification of Islamic law's approach to the regulation of commercial transactions. An equally important doctrine in Islamic financial law is the doctrine of "uncertainty (*gharar*)," i.e. the requirement that all the material terms of a contract be specified with reasonable certainty. The basic rationale of the *gharar* doctrine is to prevent traders from exploiting information asymmetries to earn a profit. The problem of informational asymmetries, i.e. "risk," is, in a sense, at the heart of the current financial crisis. Islamic law suggests that regulators should have taken a much more skeptical stance toward financial institutions' ability to manage risk than they did.

Moderator: Nancy Miller-Herron, Attorney at Law, Dresden, Tennessee

2:30-2:40 PM

Break

2:40-4:15 PM (1.5 CLE)

- **Religion, Culture and Law: How Local Communities Respond to Economic Need and Opportunity, A World View**

Presenters:- William Duncan, Director, Marriage Law Foundation, Lehi, Utah
—*Private Welfare in the Church of Jesus Christ of Latter-day Saints*

This presentation will describe and analyze the welfare program of The Church of Jesus Christ of Latter-day Saints as an example of a dynamic and viable private welfare system, based on religious teaching and administered through ecclesiastical channels. It will also discuss the relevance of the program in light of the current economic crisis.

- **Shailly Barnes**, Attorney & consultant, Ruiz-Restrepo & Associates, New York, New York
—*Religion, Social Capital and Development in the Sahel: The Niass Tijaniyya in Niger*

In Niger, a country that consistently ranks at the very bottom of any development indicator, the religious leadership of the Niass Tijaniyya, one of the predominant Sufi brotherhoods in Niger, is engaged in a variety of anti-poverty measures, empowerment and literacy programs that touch the lives of the poorest Nigerians. Their progress in women's human, economic and reproductive rights is especially remarkable considering the education and poverty levels of the adult population in Niger.

- **Rebecca Hiers**, Sunrise Mediation, Pendleton, Oregon
—*Leadership from the Heart: One Tribe's Example*

The act of sharing can reawaken the beauty—and the power—of the human spirit. In the arid West, water rights disputes are notoriously bitter; yet in this unlikely setting, the normally antagonistic parties of the Umatilla Basin *chose instead to work on behalf of one another*, and were able to achieve the “impossible” by successfully restoring extirpated salmon runs to this key Columbia River tributary, while at the same time maintaining the economic stability of the watershed's irrigation community.

Moderator: Valerie J. Munson, Assistant Director, Terrence J. Murphy Institute for Catholic Thought, Law, and Public Policy, University of St. Thomas School of Law

4:30 PM Shuttle from Klas to hotel

DINNER ON OWN