



SCHOOL  
OF LAW



# Laïcité in Comparative Perspective

Friday, June 11, 2010



Center for Law  
and Religion

Paris Campus

# Laïcité in Comparative Perspective

Friday, June 11, 2010



9 – 9:30 a.m.

## **Breakfast**

9:30 – 9:45 a.m.

## **Welcome**

Dean Michael A. Simons  
*St. John's University School of Law*

Mark L. Movsesian  
*St. John's University School of Law*

9:45 – 10:30 a.m.

## **Conference Introduction: American Religious Liberty, French Laïcité, and the Veil**

Douglas Laycock  
*The University of Michigan Law School*  
*The University of Texas Law School (Emeritus)*

10:30 – 10:45 a.m.

## **Coffee Break**

10:45 a.m. – 12:15 p.m.

## **Panel 1: Laïcité in France – Contemporary Issues**

Nathalie Caron  
*Université Paris-Est Créteil*

Blandine Chelini-Pont  
*Université Paul Cézanne Aix-Marseille III*

Rosemary C. Salomone  
*St. John's University School of Law*

Emmanuel Tawil  
*Université Panthéon-Assas (Paris II)*

Moderator:  
Mark L. Movsesian  
*St. John's University School of Law*

12:15 – 1:30 p.m.

## **Lunch**

# Laïcité in Comparative Perspective

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1:30 – 3:15 p.m.

## Panel 2: Laïcité in Comparative Perspective

**Nina J. Crimm**

*St. John's University School of Law*

**Alessandro Ferrari**

*Università dell'Insubria*

**Javier Martínez-Torrón**

*Universidad Complutense*

**Winnifred Fallers Sullivan**

*University at Buffalo Law School,  
The State University of New York*

**Elisabeth Zoller**

*Université Panthéon-Assas (Paris II)*

Moderator:

**Marc O. DeGirolami**

*St. John's University School of Law*

3:15 – 4:15 p.m.

## Reception

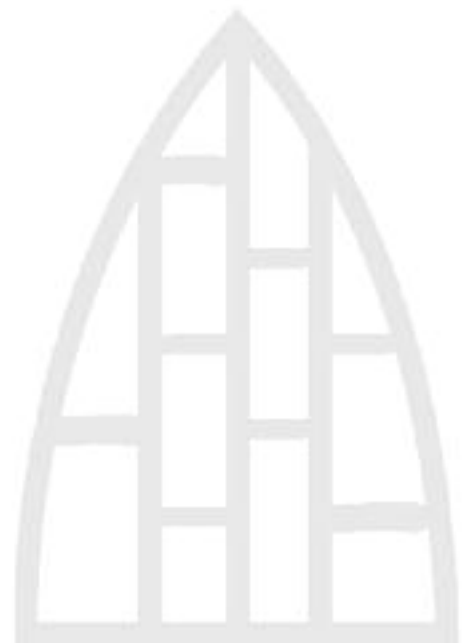
# Speaker Biographies





**Nathalie Caron**

Nathalie Caron is the Co-Editor of the *Revue Française d'Etudes Américaines* and professor of American studies at the Université de Paris-Est Créteil. She has published essays on Thomas Paine, the American Enlightenment, the new atheism movement in the U.S., as well as religion and its treatment in the media. She is the author of *Thomas Paine Contre l'Imposture des Prêtres* (1999) and more recently, with Naomi Wulf, of "*Les Lumières Américaines : Continuités et Renouveau*" ("*The American Enlightenment: Continuity and Change*,") *Transatlantica* [En ligne], 2 | 2009, <http://transatlantica.revues.org/4566>. Her essay, "Laïcité and Secular Attitudes in France," based on a paper she gave in 2006 at a ISSSC conference on "Who is Secular?," was published in Barry A. Kosmin and Ariela Keysar, eds. *Secularism and Secularity: Contemporary International Perspectives*, 113-24 (2007).





**Blandine Chelini-Pont**

Senior lecturer in contemporary history and PhD in Law at The University Paul Cézanne, Aix-en-Provence, France. She is head of the Law and Religion interdisciplinary research team on law in the media and in social change at the Université Paul Cézanne. Work 1: historical and contemporary relationships between law(s), politics and religion particularly in France and the United States (constitutional organization, legislation, jurisprudence, politics and public policy). Work 2: the implications of these issues in international relations (religious freedom, defamation, freedom of expression, proselytizing). Her current research focuses on the influence of American Catholic conservatism. Her next publication, *Rome and Washington from the Independence of the United States to the Cold War*, will be available soon at Picard bookstores.

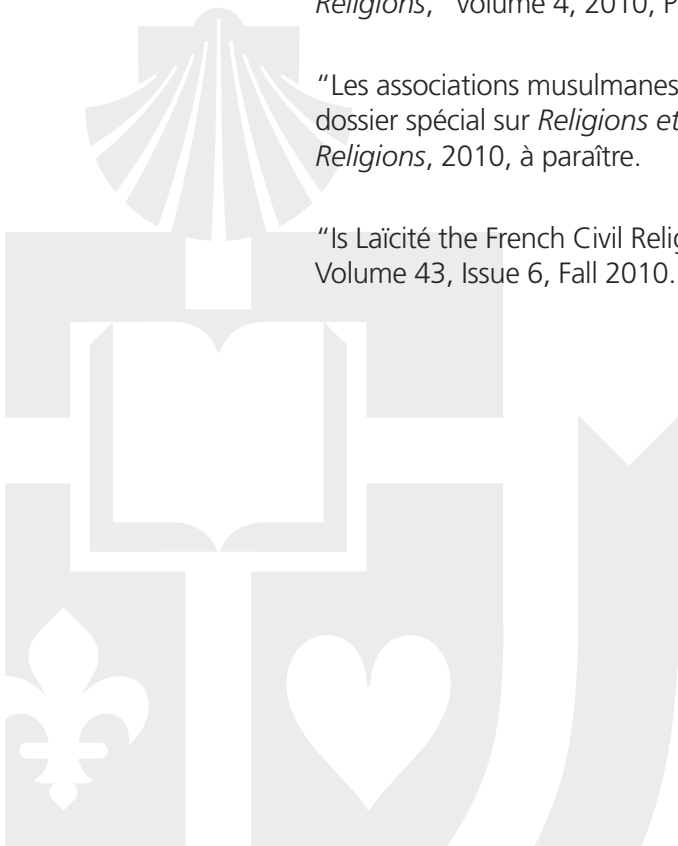
#### Publications 2010

"L'émergence normative du pluralisme religieux et ses conséquences sur la laïcité française," in *Pluralisme et Idéologie*, Actes du colloque LID2MS 2009, PUAM, 2010, à paraître.

"La mobilisation de l'Organisation de la Conférence Islamique mondiale contre la diffamation de l'Islam (1999-2009) et ses conséquences en Europe," *Annuaire Droit et Religions*," volume 4, 2010, PUAM, pp. 525-553.

"Les associations musulmanes de militance citoyenne aux Etats-Unis," contribution au dossier spécial sur *Religions et militance citoyenne*, *Archives des Sciences Sociales des Religions*, 2010, à paraître.

"Is Laïcité the French Civil Religion?," *The George Washington International Law Review*, Volume 43, Issue 6, Fall 2010.



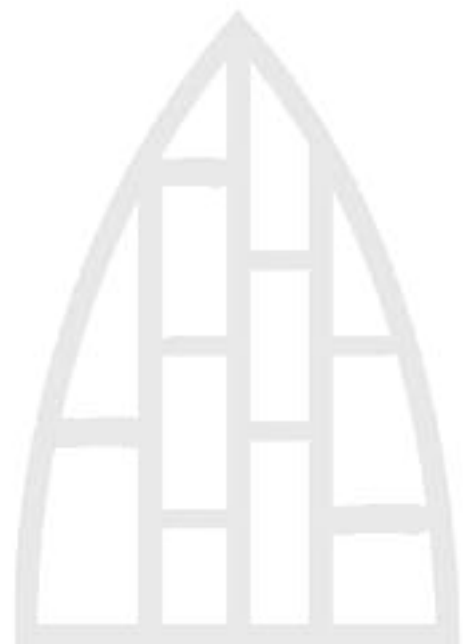


**Nina J. Crimm**

Professor Crimm began her legal career in Washington, D.C., as law clerk for Judge Irene F. Scott, United States Tax Court; practiced in a Washington, D.C. law firm; and worked as Attorney-Advisor/Senior Attorney in the Office of the Chief Judge of the United States Tax Court. Since 1987, she has been a professor at St. John's School of Law, and she was a Visiting Professor of Law and Visiting Scholar in Residence at Arizona State University School of Law for several semesters in 2003 through 2005. Professor Crimm was the ATAX Research Fellow at the University of New South Wales in Sydney, Australia in 2001, and she was a recipient of a 2002-2003 research grant from the prestigious Washington D.C. nonpartisan nonprofit organization, the American Tax Policy Institute.

Professor Crimm teaches a variety of tax courses in addition to a class on Nonprofit Organizations and a course on Global Philanthropy and U.S. Assistance: Legal, Policy, Political and Cultural Issues.

Professor Crimm is co-author of a book entitled *Politics, Taxes and the Pulpit: Provocative First Amendment Conflicts*, which is to be published by Oxford University Press in early fall this year. She is the author of *Tax Issues of Religious Organizations*, the newest edition of which was published in 2009 by the Bureau of National Affairs. Beginning this spring, Professor Crimm writes a quarterly column, "The Quarterly Commentator," for *The Exempt Organization Tax Review*. In addition, she has written numerous articles and has made many presentations about domestic and foreign policies and laws particularly relevant to cutting edge nonprofit organization issues.





**Marc O. DeGirolami**

Marc O. DeGirolami joined the St. John's School of Law faculty in 2009. He teaches Criminal Law, Professional Responsibility, and Law & Religion.

Professor DeGirolami graduated *cum laude* from Duke University and received his J.D. *cum laude* from Boston University School of Law. He holds a masters degree from Harvard University as well as an LL.M. and a J.S.D. from Columbia Law School. At Columbia, he was a James Kent Scholar and a Bretzfelder Fellow in Constitutional Law, and he won the Walter Gellhorn Prize awarded for the highest grade-point average in the class. Following law school, he clerked for Judge William E. Smith of the U.S. District Court for the District of Rhode Island and Judge Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit. His professional experience includes service as an Assistant District Attorney in Cambridge, Massachusetts. Prior to joining the St. John's faculty, he taught legal research and writing as an Associate-in-Law at Columbia Law School, and then served as a Visiting Assistant Professor and Scholar in Residence at Catholic University's Columbus School of Law.

Professor DeGirolami's scholarship focuses on Law and Religion and Criminal Law. His papers have appeared or will be published in various law journals including *Legal Theory*, *Ohio State Journal of Criminal Law*, *Boston College Law Review*, *Alabama Law Review*, and *St. John's Law Review*, among others.





## Alessandro Ferrari

### Qualifications and Awards

- PhD at the University of Milan (1999) and at the University of Paris XI (2003)
- Scholarship of the Faculty of Law of the State University of Milan (1999-2000)
- Jemolo Prize for the best paper of a young researcher in Canon and Ecclesiastical Law (1995)
- Scholarship Gratianus for a semester at the “Faculté de Droit Canonique dell’Institut Catholique” of Paris (1994-1995)
- Degree in Law (1993), University of Modena.

### Research Interests

- Church and State issues in Italy and West Europe; French laïcité; Secularism and Civil religion; Democracy and Religion; Islam in Italy and in Europe; Comparative law (European and U.S. models of Church-State relationship); History of Canon Law; Comparative Law of Religions.

### Membership

- ICLARS, from 2008
- CNRS Research Group on “Sociologie des Religions et de la laïcité” (Cnrs-EPHE Veme section, Paris) since 13 January 2005
- Centre for Law and Religion, Cardiff Law School
- Network Imiscoe (International Migration Integration Social Cohesion): cluster B-6, Migration and Cultural, Religious and Linguistic Diversity in Europe
- Editorial board of “Daimon: Annuario di diritto comparato delle religioni”, “Quaderni di diritto e politica ecclesiastica” (both of them published by Il Mulino, Bologna) and International Advisory Board of the “British Journal of Religious Education” (Routledge).

### Teaching Experience and Appointments

- UQAM, Montréal, visiting professorship, February 2008.
- Ecclesiastical Law, State University of Insubria (Como), since 2005.
- Islam and Italian Law, State University of Insubria (Como), since 2005
- Comparative Religious laws, State University of Insubria (Como), since 2005
- Canon Law, State University of Insubria (Como), since 2005
- Islam in Europe, Master for the Services for Immigration, University of Turin (2006)
- Catholic Church and Secularism, Faculty of Theology of Bologna (2005)
- Evangelical Churches Law, Faculty of Theology of Lugano (2005)
- Religious Laws and Human Rights, State University of Milan (2003/2004).
- Marriage in Catholic Canon Law, State University of Milan, (2002/2003).
- The Canon Law Legacy in the Contemporary juridical systems, State University of Milan (2001/2002).
- Islamic Law, State University of Trento, (1995-1996; 1996-1997; 1999-2000; 2000-2001).





**Douglas Laycock**

Douglas Laycock is the Yale Kamisar Collegiate Professor of Law at The University of Michigan. He is also the Alice McKean Young Regents Chair in Law Emeritus at The University of Texas at Austin, where he served for twenty-five years. He has published many articles on religious liberty and other issues of constitutional law, and articles and two books on the law of remedies. He is a co-editor of *Same-Sex Marriage and Religious Liberty* (2008). His many writings on religious liberty are forthcoming in a four-volume collection from Eerdmans Publishing; Volume I, *Overviews and History* (2010), has just appeared.

He has been actively involved in religious liberty issues in the courts and legislatures, as well as in the law reviews. He is an experienced appellate litigator, including in the Supreme Court of the United States, and he has played a key role, in public and behind the scenes, in developing state and federal religious liberty legislation. He has represented clients across the religious and political spectrum: the Roman Catholic Archbishop of San Antonio and the National Association of Evangelicals, Hindus and Santerians, the American Civil Liberties Union and parents objecting to school-sponsored prayers at football games. He received the 2009 National First Freedom Award from the Council on America's First Freedom.

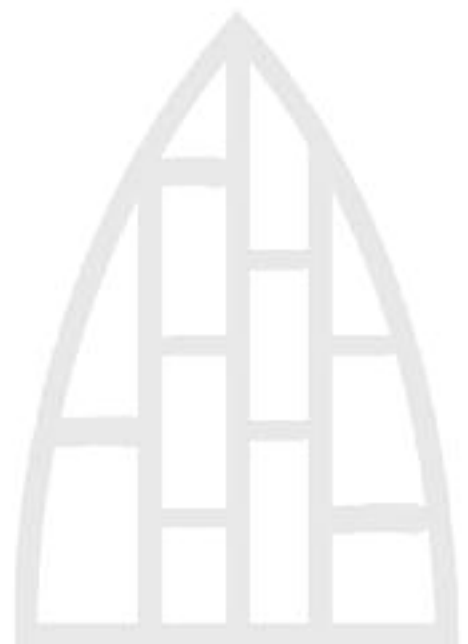
He is a graduate of Michigan State University and of The University of Chicago Law School, a Fellow of the American Academy of Arts and Sciences, and a Vice President of the American Law Institute.





**Javier Martínez-Torrón**

Professor of Law and Head of the Department of Law and Religion, Complutense University (Madrid, Spain). Doctor utroque iure (of Law and of Canon Law). Vice-President of the Section of Canon Law and Church-State Relations of the Spanish Royal Academy of Jurisprudence and Legislation. Member of the OSCE/ODIHR Advisory Council for Freedom of Religion or Belief. Member of the Spanish Advisory Commission for Religious Freedom. His writings, published in eighteen countries and in ten languages, include fifteen books as author, co-author or editor, and more than eighty essays in legal periodicals or collective volumes. His research on law and religion issues is characterized by a predominant interest in international and comparative law.





**Mark L. Movsesian**

Professor Movsesian joined the St. John's School of Law faculty in 2007 as the Frederick A. Whitney Professor of Contract Law. He writes in contracts and international law, and his articles have appeared in the *Harvard*, *North Carolina*, and *Washington & Lee Law Reviews*, the *American Journal of International Law*, the *Harvard International Law Journal*, the *Virginia Journal of International Law*, and many others. He has been a visiting professor at Notre Dame and Cardozo Law Schools and has delivered papers at numerous workshops in the United States and Europe. In addition to Contracts, he teaches Comparative Law & Religion and International Commercial Arbitration.

Professor Movsesian graduated *summa cum laude* from Harvard College and *magna cum laude* from Harvard Law School. In law school, he was an editor of the *Harvard Law Review* and a recipient of the Sears Prize, awarded to the two highest-ranking students in the second-year class. He clerked for Justice David H. Souter of the Supreme Court of the United States and served as an attorney-advisor in the Office of Legal Counsel at the United States Department of the Justice. Before starting at St. John's, he was the Max Schmertz Distinguished Professor of Law at Hofstra University.

In 2010, Professor Movsesian became Director of the Center for Law and Religion at St. John's Law School.





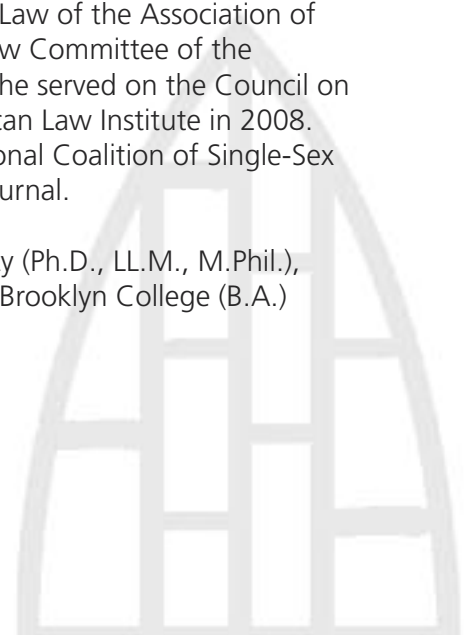
**Rosemary C. Salomone**

Rosemary Salomone, the Kenneth Wang Professor of Law at St. John's School of Law, teaches constitutional law, administrative law, and a seminar on children and the law and has served in past years as Associate Academic Dean and Director of the Center for Law and Public Policy.

She has lectured internationally and published extensively on education law and policy and children's rights. In addition to her most recent book, *True American: Language, Identity, and the Education of Immigrant Children* (Harvard University Press, 2010), she also is the author of *Same, Different, Equal: Rethinking Single-Sex Schooling* (Yale University Press) (selected as an "Outstanding Academic Title for 2005" by *Choice Magazine*), *Visions of Schooling: Conscience, Community, and Common Education* (Yale University Press), and *Equal Education Under Law: Legal Rights and Federal Policy in the Post "Brown" Era* (St. Martin's Press). She has been a recipient of numerous research and academic awards including St. John's University's highest honor, the St. Vincent de Paul Teacher-Scholar Award; the University Outstanding Faculty Achievement Award; and grants from the National Science Foundation, the U.S. Department of Education, the Spencer Foundation, and Harvard University. She has held fellowships at Columbia University School of Law and at the Soros Foundation's Open Society Institute. Her present research examines citizenship and schooling within the context of immigrant integration in the United States and Western Europe, particularly France.

Prior to St. John's, she was an Associate Professor at the Harvard Graduate School of Education where she taught education law, school finance, and language policy and was a lecturer in Harvard's Institute for Educational Management. From 1985 to 1995, she was a member of the Board of Trustees of the State University of New York. She is a former chair of the Section on Education Law of the Association of American Law Schools and of the Education and the Law Committee of the Association of the Bar of the City of New York, where she served on the Council on Children. She was elected to membership in the American Law Institute in 2008. She currently serves on the Advisory Boards of the National Coalition of Single-Sex Public Schools and of the Education Law Abstracting Journal.

Professor Salomone is a graduate of Columbia University (Ph.D., LL.M., M.Phil.), Brooklyn Law School (J.D.), Hunter College (M.A.), and Brooklyn College (B.A.)





**Michael A. Simons**

Michael A. Simons was appointed Dean of the St. John's School of Law on July 1, 2009.

Dean Simons graduated *magna cum laude* from the College of the Holy Cross in 1986 and *magna cum laude* from the Harvard Law School in 1989, where he was an editor of the *Harvard Law Review*.

Dean Simons joined the St. John's faculty in 1998, and was selected by the students as "Professor of the Year" in 2000. From 2005 through 2008, he served as Associate Dean for Faculty Scholarship. His own scholarship has focused on sentencing, prosecutorial decision-making, and punishment theory. His articles have appeared in the *New York University Law Review*, the *Vanderbilt Law Review*, the *George Mason Law Review*, the *Villanova Law Review*, the *St. John's Law Review*, *The Catholic Lawyer*, and the *Journal of Catholic Legal Studies*. He teaches in the areas of criminal law and evidence, and he has been a frequent lecturer to the bench and bar on both topics.

Since 2001, he has been a Fellow with the Vincentian Center for Church and Society. During 2005 and 2006, he was a member of the New York City Mayor's Advisory Committee on the Judiciary. He has also been involved with St. John's efforts to increase the diversity of the legal profession, including by organizing and hosting the annual Catholic Middle Schools Mock Trial Program, by teaching in the Ronald H. Brown Center's Summer Prep Program, and by lecturing for Legal Outreach.

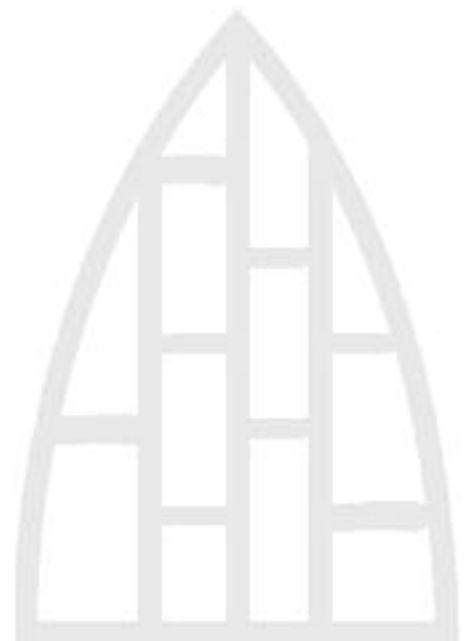
After graduating law school, Dean Simons clerked for the Honorable Louis F. Oberdorfer of the United States District Court for the District of Columbia (1989-90). He later served as a staff attorney for The Washington Post (1990-91), as an associate at Stillman, Friedman & Shaw (1991-95), and as an Assistant United States Attorney in the Southern District of New York (1995-98).

A graduate of Chaminade High School in Mineola, New York, Dean Simons resides on Long Island with his wife Karen and their five children.



**Winnifred Fallers Sullivan**

Winnifred Fallers Sullivan, Associate Professor of Law and Director of the Law, Religion, and Culture Program at the University at Buffalo, The State University of New York, studies the intersection of religion and law in the modern period, particularly the phenomenology of modern religion as it is shaped in its encounter with law. She is the author of *Paying the Words Extra: Religious Discourse in the Supreme Court of the United States* (Cambridge: Harvard University Center for the Study of World Religions, 1994); *The Impossibility of Religious Freedom* (Princeton, 2005) and *Prison Religion: Faith-based Reform and the Constitution* (Princeton, 2009). During the 2010-2011 academic year, she will be a member of the School of Social Science at the Institute for Advanced Study in Princeton, with additional support from the Guggenheim Foundation and the American Council of Learned Societies.





**Emmanuel Tawil**

Maître de Conférences (ie Associate Professor) in Public Law at Université Panthéon-Assas (Paris II).

#### Qualification

##### Public Universities' Diplomas

- Diplôme post-doctoral en Sciences Religieuses (ie Post-doctoral Diploma in Religious Studies) of Ecole Pratique des Hautes Etudes (Sorbonne).  
Post-doctoral Dissertation: Du Gallicanisme administratif à la liberté religieuse.  
March 2005.  
Supervised by Pr. Laurent Mayali, UC-Berkeley.
- Doctorat en Droit public (ie JCD, in Public Law), Université Paul Cézanne (Aix-Marseille III).  
Dissertation: L'Evolution du droit des cultes en France. 2006  
Supervised by Dean Marc Péna.
- Doctorat en Droit canonique (ie PhD), Université Marc Bloch (Strasbourg II), 2003.  
Thèse : L'ordre juridique français et le droit interne des religions.
- DEA (ie Master) in European Religious Comparative Law, Université Robert Schuman (Strasbourg III) and Université Marc Bloch (Strasbourg II), June 2001.  
Thesis: Le Contentieux du droit interne des religions, supervised by Dr. Francis Messner and Pr. Joseph Pini.
- DEA (ie Master) in Public Law, Université Paul Cézanne (Aix-Marseille III), September 2000.  
Thesis: Le Statut du juge constitutionnel en droit comparé, supervised by Prof. Guy Scoffoni.
- Maîtrise in Public Law, June 1999, Université d'Avignon et des Pays de Vaucluse.
- Licence (ie Bachelor) in Law, May 1998, Université d'Avignon et des Pays de Vaucluse

##### Ecclesiastical Diplomas

- Juris Canonici Doctoratus (JCD). Strasbourg, 2004.
- Licentia Juris canonici. Strasbourg, 2001.

##### Previous Positions

- Attorney at the diocesan tribunal of Arras-Cambrai (2003-2007).
- Defensor of the Bond at the diocesan tribunal of Strasbourg (2001-2003)
- Attaché temporaire d'enseignement et de recherche (ie Assistant), Université Rennes II (2004-2005).
- Stip. lecturer, Université Strasbourg II (2001-2004), Université d'Avignon et des Pays de Vaucluse (2000-2003), Université Robert Schuman de Strasbourg (2001-2002), Université Paul Cézanne d'Aix-Marseille (2003-2007).



#### Research Activities

- Member of the Management Committee of EURESIS Network. Since 2006.
- Member of the Redaction Board of the review *Annuaire Droit et Religions*. Since 2005.
- Member of the Advisory Board of HILOS (Hoger Instituut voor Levensbeschouwing, Overheid en Samenleving). Gent (Belgium) Since 2008.
- Scientific Correspondent of the Chair of Religious Law of Université Catholique de Louvain (Belgium). Since 2008

#### Teaching Activities

##### Lectures

- International Relations. Undergraduate. Université Paris II (Since 2007).
- Introduction to European Law. Undergraduate. Université Paris II (Since 2007).
- Religious Freedom. Postgraduate. Université Paul Cézanne (2003-2006).
- Introduction to Canon Law, Université Paul Cézanne (2005-2006).

##### Seminar

- Constitutional Law. Undergraduate. Université Paris II (Since 2007).
- Administrative Law. Undergraduate. Université Paris II (Since 2007).
- Methodology of Canon Law, Licence. Strasbourg (2001-2004).

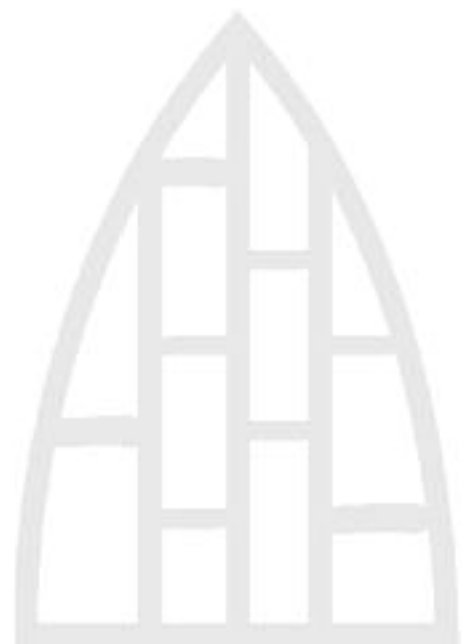
#### Teaching and Research abroad

##### Invited Fellowship

- Universiteit Antwerpen (Anvers - Belgique). Invited Professor at Centrum voor Migratie en Interculturele Studies - Program 'Levensbeschouwing, overheid en samenleving.' 2007-2009.
- Université catholique de Louvain. Conférencier invité à la Faculté de Théologie. March 2008.
- University of California-Berkeley. Invited Senior Fellow à la Robbins Collection. Juin-Septembre 2008.

##### Missions de recherche

- Rome (Italy), August-September 2003
- Rome (Italy), March-April 2005
- Rome (Italy), September 2008-January 2009





**Elisabeth Zoller**

Elisabeth Zoller is Professor of Public Law in the Law School at the University of Paris II (Panthéon-Assas), where she is Director of the Center for American Law and Director of the Comparative Public Law Doctorate Program. She joined the Law School of Paris II in 1995 where she teaches constitutional law and comparative public law. In France, she taught international law and constitutional law at the Universities of Angers and Nantes (1979-1983) and Strasbourg (1989-1994).

In the United States, Zoller was a visiting professor at Cornell University (1984), Rutgers University (1987-1988), and Tulane University (1994). Since 1996, she regularly visits Indiana Law, where she teaches and researches in comparative constitutional law. She is also a Senior Fellow in the Law School of the University of Melbourne where she teaches comparative constitutional law.

Zoller served as Counsel and Advocate for the Government of the United States of America before the International Court of Justice in the case concerning questions of interpretation and application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie (1998) and in the case concerning Avena and other Mexican nationals (2004).

#### Selected Works

- Peacetime Unilateral Remedies: An Analysis of Countermeasures, New York, Transnational Publishers, 1984, 214 pp.
- Enforcing International Law Through United States Legislation, New York, Transnational Publishers, 1985, 198 pp.
- De Nixon à Clinton, Malentendus juridiques transatlantiques, Coll. Béhémoth, Paris, Presses Universitaires de France, 1999, 107 pp. [Prix Charles Lyon-Caen 1999, Académie des sciences morales et politiques (Institut de France)]
- Grands arrêts de la Cour suprême des Etats-Unis, Coll. Droit Fondamental, Paris, Presses Universitaires de France, 2000, 1328 pp. [Prix Maurice Travers 2001, Académie des sciences morales et politiques (Institut de France)]
- Introduction to Public Law, A Comparative Study, Martinus Nijhoff, 2008, 290 pp.

