Contents

Notes on Contributors		page x
	word	
Sena	ntor Orrin G. Hatch, President Pro tempore, United States Senate	e xxi
Ackr	nowledgements	xxiv
	Introduction Robin Fretwell Wilson	1
	PART I THE FOUNDATIONS AND BOUNDARIES	
	OF RELIGIOUS LIBERTY	15
1	The Risky Business of RFRAs After Hobby Lobby Elizabeth Sepper	17
2	Religion and the Family in the Wake of <i>Hobby Lobby</i> Michael A. Helfand	40
	PART II RELIGIOUS CLAIMS AT BIRTH	59
3	Religious Exceptionalism and Religiously Motivated Harm Michele Goodwin	61
4	Contraceptive Access and Religious Liberty: Can We Afford to Protect Both? Mark L. Rienzi	88
		00
5	The Contraceptive Coverage Cases and the Problem of Politicized Free Exercise Lawsuits Gregory M. Lipper	110
6	The Substantial Burden Question: Secular Tools for Secular Courts Michael A. Helfand	138

viii Contents

7	in Religious Families in Europe and the United States Eric Rassbach	171
	PART III RELIGIOUS CLAIMS IN CHILDREARING	191
8	The Easiest Accommodation: Abandoning Other People's Children to Their Parents' Religious Views James G. Dwyer	193
9	Marriage Agreements and Religious Family Life Brian H. Bix	218
10	Religious Parents Who Divorce Margaret F. Brinig	234
11	Regulating the Relationship Between Parents: Moving Beyond Marriage and Custody Law Merle H. Weiner	258
12	Bad Faith: When Religious Beliefs Imperil Children Paul A. Offit	285
13	By Faith Alone: When Religious Beliefs and Child Welfare Collide Robin Fretwell Wilson and Shaakirrah R. Sanders	308
	PART IV RETHINKING MARRIAGE AFTER OBERGEFELL	347
14	After Obergefell: Locating the Contemporary State Interest in Marriage Kari E. Hong	349
15	Transformational Marriage: The Religious Case for Supporting Same-Sex Marriage Robin Bradley Kar	375
16	Divorcing Marriage and the State Post-Obergefell Robin Fretwell Wilson	413
17	Why No Polygamy John Witte, Jr.	446
18	Scrutinizing Polygamy Under Religious Freedom Restoration Acts Maura Irene Strassberg	467
	iviadia iiclic Duassucig	40/

Contents ix

	PART V RELIGIOUS CLAIMS AT THE END OF LIFE	499
19	Religion and Advance Medical Directives: Formulation and Enforcement Implications Richard L. Kaplan	501
20	Personal Religious Identity at the End of Life Naomi Cahn and Amy Ziettlow	515
	PART VI SHAPING THE LEGAL CULTURE OF THE FAMILY	537
21	Taking Colliding Trains Off a Collision Path: Lessons from the Utah Compromise for Civil Society J. Stuart Adams	539
22	Family Law and Civil Rights Movements: Examining the Influence of Courts and Legislatures on Racial and Sexual Orientation Equality Anthony Michael Kreis	563
23	Latter-Day Constitutionalism: Sexuality, Gender, and Mormons William N. Eskridge, Jr.	585
	PART VII INTERNATIONAL PERSPECTIVES	615
2 4	The Future of Marriage in Secular Societies Patrick N. Parkinson	617
25	A Tale of Fragmentation and Intertwinement: The Sacred and the Secular Systems for Forming and Dissolving Marriages in Israel Arianne Renan Barzilay and Karin Carmit Yefet	641
26	Religious Modesty for Women and Girls: A Comparative Analysis of Legal Protections in France and the United States Asma T. Uddin	662
Арре	ndices	689
Statu	Statute Index	
Case	Case Index	
Subje	Subject Index	