

# Maryland Journal of International Law

---

Volume 29

Issue 1 Symposium: "*The International Law and Politics of External Intervention in Internal Conflicts*"  
and Special Issue: "*Politics of Religious Freedom*"

---

Article 1

## Table of Contents

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mjil>

---

### Recommended Citation

*Table of Contents*, 29 Md. J. Int'l L. (2014).

Available at: <http://digitalcommons.law.umaryland.edu/mjil/vol29/iss1/1>

This Front Matter is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Journal of International Law by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact [smccarty@law.umaryland.edu](mailto:smccarty@law.umaryland.edu).

**MARYLAND JOURNAL OF  
INTERNATIONAL LAW**

**Volume 29**

**2014**

# MARYLAND JOURNAL OF INTERNATIONAL LAW

---

---

Volume 29

2014

---

---

## SYMPOSIUM

### THE INTERNATIONAL LAW AND POLITICS OF EXTERNAL INTERVENTION IN INTERNAL CONFLICTS

#### INTRODUCTION

Intervention under International Law

*M.N.S. Sellers* ..... 1

#### KEYNOTE ADDRESS

Critical Perspectives on Intervention

*Henry J. Richardson III* ..... 12

Critical Perspectives on Intervention: Thoughts in Response to  
Professor Richardson's Keynote Lecture

*Maxwell O. Chibundu* ..... 50

#### ARTICLES AND ESSAYS

Balancing Self-Defense and Mission Accomplishment in International  
Intervention: Challenges in Drafting and Implementing Rules of  
Engagement

*Todd C. Huntley* ..... 83

The Limits of Legality: Assessing Recent International Interventions in Civil  
Conflicts in the Middle-East

*Feisal Amin Rasoul al-Istrabadi* ..... 119

Humanitarian Intervention: Evolving Norms, Fragmenting Consensus

*Rosa Brooks* ..... 161

#### NOTES AND COMMENTS

The Contribution of Brazil's 'Responsibility while Protecting' Proposal  
to the 'Responsibility to Protect' Doctrine

*Alyse Prawde* ..... 184

Russian Roulette: The Magnitsky Act's Implications for U.S.-Russian  
Relations in an Increasingly Precarious Legislative Game

*Hillary Evans* ..... 210

Coca Leaves and Colorado: International Law and the Shifting Landscape of Drug Reform <i>Cody T. Mason</i> .....	238
Closed Material Procedures and the Right to a Fair Trial <i>John Sullivan</i> .....	269

## SPECIAL ISSUE

### POLITICS OF RELIGIOUS FREEDOM

#### INTRODUCTION

Politics of Religious Freedom: Case Studies <i>Peter Danchin, Winnifred Fallers Sullivan, Saba Mahmood, and Elizabeth Shakman Hurd</i> .....	293
---	-----

#### ARTICLES

The “Ayodhya” Case: Hindu Majoritarianism and the Right to Religious Liberty <i>Ratna Kapur</i> .....	305
“Something has Gone Wrong”: The <i>JFS</i> Case and Defining Jewish Identity in the Courtroom <i>Heather Miller Rubens</i> .....	366
Unlawful Religion? Modern Secular Power and the Legal Reasoning in the <i>JFS</i> Case <i>Peter Danchin and Louis Blond</i> .....	419
The Politics of Religious Freedom in Malaysia <i>Tamir Moustafa</i> .....	481
Legislating Religious Freedom: An Example of Muslim Marriages in South Africa <i>Waheeda Amien and Annie Leatt (Dhammameghā)</i> .....	505

---

**MARYLAND JOURNAL OF INTERNATIONAL LAW (ISSN: 2151-2922)**

Published annually by the MARYLAND JOURNAL OF INTERNATIONAL LAW, University of Maryland Francis King Carey School of Law, 500 West Baltimore Street, Baltimore, Maryland 21201, Telephone: (410) 706-4105. Copyright 2013 by the University of Maryland Francis King Carey School of Law.

Published in cooperation with the University of Maryland Francis King Carey School of Law. The views expressed herein by the authors are not necessarily those of the JOURNAL or the University of Maryland Francis King Carey School of Law.

Subscription rate: \$35.00 per year. Subscribers are responsible for notifying the JOURNAL of address changes. Subscribers must report non-receipt of an issue within three months of publication of the next issue. Otherwise, the JOURNAL will not be able to provide a replacement issue.

Postage paid at Baltimore, Maryland and additional mailing offices. POSTMASTER: Send address changes to MARYLAND JOURNAL OF INTERNATIONAL LAW.

Issues of the JOURNAL may be accessed on HeinOnline, Lexis, and Westlaw.

Except as otherwise expressly provided, the author of each signed article in this issue has granted permission for copies of that article to be made and distributed for educational purposes by nonprofit institutions provided that the copies are distributed at or below cost and identify the author, and provided that the name of this JOURNAL, the volume, the number of the first page of the article within the volume, and the year of the volume are identified, and that proper notice of copyright is affixed to each copy.

The JOURNAL invites the submission of unsolicited manuscripts. Please confine the author's name and biographical information to a removable title page. Footnotes should conform to *The Bluebook: A Uniform System of Citation* (19th ed.). Send all manuscripts to MARYLAND JOURNAL OF INTERNATIONAL LAW, University of Maryland Francis King Carey School of Law, Attention: Managing Editor, 500 West Baltimore Street, Baltimore, Maryland 21201.

---



# MARYLAND JOURNAL OF INTERNATIONAL LAW

---

---

Volume 29

2014

---

---

## **EDITORIAL BOARD**

Timothy McCormick  
EDITOR IN CHIEF

Laurie Holmes  
MANAGING EDITOR

Alyse Prawde  
EXECUTIVE ARTICLES  
EDITOR

Hilary Evans  
EXECUTIVE NOTES  
EDITOR

Eric Lucas  
EXECUTIVE EDITOR

## **SENIOR EDITORS**

Juan Arreaza  
Thomas Blonkowski  
Nathaniel Marsh  
Nathan W. McCurdy  
Victoria Ortega  
Jessica Shcherbatyuk

## **STAFF EDITORS**

Michael Brown  
Ryan Bounds  
Jillian Chavis  
Catherine Chen  
Andrew DiMiceli  
Cameron Jordan  
Cody Mason  
Matthew Mickler  
Jordan Reth  
John Sullivan

## **FACULTY ADVISOR**

David Gray

**UNIVERSITY OF MARYLAND**  
**FRANCIS KING CAREY SCHOOL OF LAW**

OFFICERS OF ADMINISTRATION

WILLIAM E. KIRWAN, B.S., M.S., PH.D., *Chancellor & Chief Executive Officer, University System of Maryland*  
JAY A. PERMAN, M.D., *President*  
DONALD B. TOBIN, B.A., J.D., *Dean and Professor of Law*  
JOSÉ BAHAMONDE-GONZÁLEZ, B.S., J.D., *Associate Dean for Professional Education*  
TRISHANA BOWDEN, B.S., *Associate Dean for Development and Alumni Relations*  
BARBARA GONTRUM, B.A., M.S. J.D., *Associate Dean for Academic and Administrative Affairs and Professor of Law*  
SUSAN L. KRINSKY, B.A., M.A.H., J.D., *Associate Dean for Students and Student Services*  
DANA MORRIS, B.A., J.D., *Assistant Dean for Career Development*  
MAXWELL STEARNS, B.A., J.D., *Associate Dean for Research and Faculty Development and Marbury Research Professor of Law*

FACULTY OF THE FRANCIS KING CAREY SCHOOL OF LAW

E. CLINTON BAMBERGER, JR., B.S., J.D., *Professor Emeritus of Law*  
TAUNYA BANKS, B.A., J.D., *Jacob A. France Professor of Equality Jurisprudence*  
JANE F. BARRETT, B.A., J.D., *Law School Professor and Director, Environmental Law Clinic*  
BARBARA BEZDEK, B.A., J.D., LL.M., *Professor of Law*  
ANDREW BLAIR-STANEK, A.B., J.D., *Assistant Professor of Law*  
BRENDA BRATTON BLOM, B.A., M.P.S., J.D., Ph.D., *Law School Professor Emeritus*  
DAVID BOGEN, B.A., LL.B., LL.M., *T. Carroll Brown Scholar & Professor Emeritus of Law*  
RICHARD BOLDT, A.B., J.D., *Professor of Law*  
CHRISTOPHER BROWN, B.A., M.A., J.D., *Professor Emeritus of Law*  
ALICE BRUMBAUGH, B.A., J.D., *Robert Stanton Distinguished Service Professor Emeritus of Law*  
PATRICIA CAMPBELL, B.A., M.A., J.D., LL.M., *Law School Associate Professor and Director, Maryland Intellectual Property Law Resource Center*  
PAMELA CHANEY, B.S., J.D., *Clinical Instructor*  
MAXWELL CHIBUNDU, B.A., M.A., J.D., *Professor of Law*  
DANIELE CITRON, B.A., J.D., *Lois K. Macht Research Professor of Law*  
DOUGLAS COLBERT, A.B., J.D., *Professor of Law*  
ROBERT CONDLIN, B.A., J.D., LL.M., *Professor of Law*  
KAREN CZAPANSKIY, B.A., J.D., *Francis & Harriet Iglehart Research Professor of Law*  
PETER G. DANCHIN, B.A., LL.B., LL.M., J.S.D., *Professor of Law*  
JEROME DEISE, B.A., J.D., *Law School Professor Emeritus*  
DEBORAH EISENBERG, B.A., J.D., *Assistant Professor of Law and Director, Center for Dispute Resolution*  
MARTHA ERTMAN, B.A., J.D., *Professor of Law*  
LARRY GIBSON, B.A., LL.B., *Professor of Law*  
DONALD G. GIFFORD, B.A., J.D., *Edward M. Robertson Research Professor of Law*  
SARA GOLD, A.B., J.D., *Visiting Law School Assistant Professor*  
DANIEL GOLDBERG, A.B., J.D., *Professor of Law*  
LEIGH GOODMARK, B.A., J.D., *Professor of Law*  
MARK GRABER, A.B., M.A., PH.D., J.D., *Professor of Law and Government*  
DAVID GRAY, B.A., M.A., J.D., PH.D., *Associate Professor of Law*  
OSCAR S. GRAY, B.A., J.D., *Jacob A. France Professor Emeritus of Torts*  
I. MICHAEL GREENBERGER, A.B., J.D., *Law School Professor and Director, Center for Health & Homeland Security*  
JAMES GRIMMELMANN, A.B., J.D., *Professor of Law*  
SUSAN HANKIN, B.A., J.D., M.P.H., *Law School Associate Professor*  
MICHELLE HARNER, B.A., J.D., *Professor of Law and Director, Business Law Program*  
LESLIE MELTZER HENRY, B.A., M.Sc., J.D., *Associate Professor of Law*  
DIANE HOFFMANN, A.B., M.S., J.D., *Professor of Law and Director, Law and Health Care Program*  
KATHLEEN HOKE, B.S., J.D., *Law School Professor, Director, Legal Resource Center for Tobacco Regulation, Litigation & Advocacy and Director, Regional Public Health Law Network*  
ALAN HORNSTEIN, B.A., M.A., J.D., *Professor Emeritus of Law*  
RENÉE M. HUTCHINS, B.A., J.D., *Professor of Law and Co-Director, Clinical Law Program*

SHERRILYN IFILL, B.A., J.D., *Professor of Law*  
SHERRI LEE KEENE, B.A., J.D., *Law School Assistant Professor and Director, Legal Writing Program*  
ROBERT KELLER, B.S., LL.B., *Professor Emeritus of Law*  
ANDREW KING, B.A., LL.B., PH.D., *Professor Emeritus of Law*  
LEE KOVARSKY, B.A., J.D., *Assistant Professor of Law*  
SUSAN LEVITON, B.S., J.D., *Law School Professor Emeritus*  
ANDREW LUND, B.S., J.D., *Visiting Law School Professor*  
RUSSELL MCCLAIN, B.A., J.D., *Law School Assistant Professor and Director, Academic Achievement Program*  
MICHAEL MILLEMANN, B.A., J.D., *Jacob A. France Professor of Public Interest Law*  
PAULA MONOPOLI, BA., J.D., *Professor of Law and Founding Director, Women, Leadership, and Equality Program*  
MICHAEL PAPPAS, B.A., M.A., J.D., *Assistant Professor of Law*  
FRANK PASQUALE, B.A., M.PHIL., J.D., *Professor of Law*  
ROBERT PERCIVAL, B.A., M.A., J.D., *Robert F. Stanton Professor of Law and Director, Environmental Law Program*  
MICHAEL PINARD, B.A., J.D., *Professor of Law and Co-Director, Clinical Law Program*  
GARRETT POWER, B.A., LL.B., LL.M., *Professor Emeritus of Law*  
AMANDA C. PUSTILNIK, B.A., J.D., *Associate Professor of Law*  
PETER QUINT, A.B., LL.B., *Jacob A. France Professor of Constitutional Law*  
SHRUTI RANA, B.A., M.B.A., J.D., *Associate Professor of Law*  
SHARON REECE, B.A., M.A., J.D., LL.M., *Visiting Association Law School Professor*  
WILLIAM REYNOLDS, A.B., J.D., *Jacob A. France Professor of Judicial Process*  
KAREN ROTHENBERG, B.A., M.P.A., J.D., *Marjorie Cook Professor of Law*  
JANA SINGER, A.B., J.D., *Professor of Law*  
RENA STEINZOR, B.A., J.D., *Professor of Law*  
ROBERT SUGGS, B.A., J.D., *Professor of Law*  
MAUREEN SWEENEY, B.A., J.D., *Law School Associate Professor*  
EDWARD TOMLINSON, A.B., M.A., J.D., *Professor Emeritus of Law*  
MICHAEL P. VAN ALSTINE, B.A., J.D., M.JUR.COMP., DR.JUR., *Professor of Law and Acting Director, International and Comparative Law Program*  
ELLEN M. WEBER, B.A., J.D., *Professor of Law*  
DEBORAH WEIMER, B.A., J.D., LL.M., *Carole and Hanan Sibel Research Law School Professor*  
MARLEY WEISS, B.A., J.D., *Professor of Law*  
BEVERLY WINSTEAD, B.A., J.D., *Clinical Law Instructor*  
ROGER WOLF, B.A., J.D., *Law School Professor Emeritus*  
GORDON YOUNG, B.A., J.D., LL.M., *Professor of Law*