

Guest Editor's Note

Most of the articles in this issue of the *Journal of Law and Religion* originated in a three-year Project on Religion and American Public Life sponsored by the Institute for the Advanced Study of Religion of the Divinity School of the University of Chicago. The Project was initiated both to clarify the terms of the public debate on current issues in religion and politics and to focus scholarly attention to the deeper, lasting influences of religion on American political culture. Precisely because these influences pervasively shape American values and sensitivities, they are apt to be overlooked in controversies over what religious groups say about abortion, taxation, economics, defense, or other public questions. The studies in the first section of this issue, originally presented to the Project's faculty seminar or in public lectures, deal with topics that must be studied with a longer historical perspective and broader normative interests than have prevailed in the court cases and election-year arguments of recent months.

For that reason, the subject matter of this issue is somewhat different from most issues of the *Journal*, and the authors are less bound by the history and literature of the law. The aim of these essays is to describe a context in which a broad spectrum of American social decisions—including the decisions of the courts—can be understood, and to formulate some of the norms that must be observed if that historic context is to be maintained. Thus Richard Hoskins examines a Puritan understanding of church-state relations that still influences our constitutional system, and Franklin Gamwell draws on history, philosophy, and theology to define a set of norms for the public role of religion that allows us to include religious convictions in public discussions. John Coleman poses questions for the Roman Catholic human rights tradition in a way that shows us how a religious tradition with a long history and global applications interacts with the American public discussion. Coleman also suggests how that discussion may influence the further development of the tradition.

These detailed studies, along with Douglas Sturm's account of Martin Luther King's political vision, James Fowler's study of the values that shaped American public education, and my essay on covenant and equality, remind us that our ideas of justice, accountability, and appropriate institutional relationships are the product of long historical experience, experience which when examined may help us decide what is just, responsible, and appropriate in our present social

choices. Justice Holmes' dictum that the path of the law is life, rather than logic, can be read narrowly as a call for pragmatic choices that exclude rigorous applications of principles and ideals, but another interpretation suggests that ideals and principles are themselves products of life. Experience not only suggests workable resolutions to particular controversies; it sets the boundaries within which proposed resolutions must fall, if we are to see them as solutions to *our* problems, as choices we could make without losing touch with our personal and national identities.

It is at these boundaries, I suggest, that we are apt to find the most profound influence of religion on American public life. Ideas of human fulfillment and images of the good society exert a more steady influence pressure on policy than individual religious leaders or organized pressure groups. Religious communities alone do not dictate those ideals, but in American history they have always made a substantial contribution to them. An adequate understanding of what those values are and where they are likely to lead us requires systematic attention not only to the institutional relationships between church, state, and political groups, but to the religious ideas that shape American perceptions of a whole range of issues: education, human rights, equality, and political participation.

The essays presented here are representative of that way of thinking, but they hardly say all that could be said. The influence of women's religious movements, the attentiveness of Jewish groups to questions of civil rights and religious liberty, and the work of Roman Catholic writers and activists in issues of economic justice—to mention only a few possibilities—all provide further evidence that national aspirations can be shaped by particular communities of faith. The work of the Project on Religion and American Public Life has included many of these investigations, but like the essays in this issue, it stands as an invitation to others to picture American public life from their own perspectives, rather than as a final statement of what that life has been and must be.

One editorial goal of the *Journal of Law and Religion* is to present to its readers statements on important public issues by religious leaders and organizations. It seems appropriate in this issue to focus on the public role of the religious leaders themselves. DePaul University's Center for Church State Studies provided a carefully organized forum to explore that question at a meeting of the American Bar Association in August, 1984. With the assistance of the Center and its director, Fr. John Pollard, we are able to present that discussion be-

tween Joseph Cardinal Bernardin, Professor Martin Marty, and Judge Arlin Adams as our symposium feature in this issue.

Two regular articles and our review essays round out this issue. E. Clinton Gardner explores the problems for public ethics in the recent interest in the "ethics of virtue," and Donald Klinefelter explores two difficult cases that test our thinking about legal intervention in decisions to withhold or refuse medical care. James Turner Johnson reviews three recent books on international law and morality in warfare, and Theodore Hesburgh reviews the Roman Catholic Bishops' pastoral letter on war and peace.

Finally, as guest editor, I want to express my appreciation, not only to my colleagues in the Project on Religion and American Public Life and the other contributors to this issue, but to regular editors Wilson Yates and Michael Scherschligt, who found time despite their sabbaticals to attend to many details, to review editor Professor Edward Gaffney, and to Ms. Mary Jo Diedrich and the editorial staff at Hamline University School of Law, who, as always, successfully brought this project from a miscellany of manuscripts to the finished issue you hold in your hands.

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