

EDITORS' PREFACE

With this issue — volume I, number 1 — a new publication is born: *The Journal of Law and Religion*.

In undertaking this venture, we seek to provide a forum, a place to hear and be heard, for all those interested in exploring how law and religion are related. That there is such an interest, and that it is growing among practitioners and scholars in both fields of endeavor, can scarcely be doubted. During the past decade we have seen five major symposia, an extensive bibliography of literature scattered in a host of publications, a range of new courses in seminaries, religious study programs and law schools, and various seminars and conferences for lawyers and clergy — all on the subject of law and religion. Persons whose primary vocation is in religion or ethics have been turning in increasing numbers to questions regarding the relationship of justice, morality and the law. Those in law who for years may have thought of law as sharply distinct from religion and morality have begun again to ask whether law is not related in essential ways to religious and moral values and commitments.

The renewed interest is not surprising. In most societies, the institutions of law and religion share a great deal. Both lay claim to authority, both rely heavily on tradition, both surround their processes with solemn ritual, and both involve their practitioners in the explication of authoritative texts usually couched in specialized language. Most important, both are viewed by the societies in which they exist as central to the creation and sustenance of a just, peaceful and orderly community.

In a time of cultural crisis, the institutions of law and religion often collide as they seek to discover what they are in relationship to that crisis and to each other. Both are challenged to reexamine their fundamental assumptions. It is in light of this challenge that scholars and practitioners in both fields have begun to turn to each other in the hope that a better understanding of how they are related and how they interact will contribute to the resolution of that crisis and the greater realization of the common good. Through this journal, we hope to advance that understanding. In doing so, we will advocate no particular theological or jurisprudential point of view. But we will challenge both those theories of jurisprudence which deny any suggestion that law may be rooted in religious and moral views

of existence and those theologies which view law in negative terms as little more than a means of controlling human sinfulness.

We will publish works that cover a diverse range of issues and subjects regarding the relationship of law and religion, including historical studies, articles that deal with theoretical questions of jurisprudence and theology, essays on the meaning of such concepts as justice and rights, power and authority, works focused on the interaction of clergy and lawyers, and studies regarding the interplay of law and religion in the social arena. While the *Journal of Law and Religion* is the product of the cooperation of a number of institutions and individuals, some deserve special recognition. Stephen B. Young, Dean of Hamline University School of Law, has provided institutional support and organization leadership. Thomas Porter and the Council on Religion and Law have worked toward such a journal for several years. Joseph Allen and the Society of Christian Ethics have provided support and encouragement. Douglas Sturm and the Journal's Editorial Board have given continuing assistance in shaping the Journal's development. Edward Gaffney, a member of the Editorial Board, has assumed responsibility for editing the Journal's Book Review Section. George Kadinger has served as an assistant to the editors and Mary Diedrich, Gail Schroer, and Louise Dammann have been patient and faithful in preparing manuscripts for printing.

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Editors