

EDITOR'S PREFACE

“Sez who?” was Arthur Leff’s demand upon a world that insists upon right and wrong, but cannot agree on how such judgments can be grounded. The problem of the authoritative sets the disputes at the core of legal and religious traditions apart from much of the daily, where taste or preference governs everything from where we will live to what we will sing. The price human communities have paid for certain and clear human answers to this question is the price of blood, and yet we are driven to continually ask for certain and clear answers.

In this issue of the Journal, all of the works in some sense ask “sez who” questions, call us to answer what grounds meaning in the lives of us all. We begin with a call from African-American pulpits and end with a call from La Morenita, Our Lady of Guadalupe. First, Anthony Cook, narrating three types of post 9-11 pulpit rhetoric about the role of Christians in the ideological battle against terrorism, essentially asks about the center of allegiance for a Christian who is also a citizen. Cook concludes that pastoral choices of rhetoric have a profound and disturbing theological impact on our social construction of “we” and “Other.”

Sam Calhoun explores Leff’s famous question, concluding that Leff’s deconstruction of the stock answers to that question has not yet been successfully met, even considering more recent work by scholars like Richard Posner, Edward Wilson, and Steven Pinker, who ask whether there is any basis for establishing an indisputable foundation for moral authority. Calhoun essays that the only solid, if complex and not always specific, source of authority for moral judgments lies in the communication of God’s moral truths in the Bible.

Hunter Baker, looking at the effect of post-modern critical assumptions on the jurisprudence of church and state, finds some room for comfort as well as worry to those who champion a distinctive role for religion in a democratic state. While post-modernism begins with a respect for plurality of traditions, Baker argues that its failure to identify any authoritative base means that religious orthodoxies compete with, and are treated the same as, other orthodoxies in the public square. Public treatment of “[f]aith commitments [as] . . . one of the many narratives upon which one may interpret the world,” has significant implications for both Free Exercise and Establishment Clause

jurisprudence.

Ahmed Souaiaia also considers the problem of the authority of the holy text of Islam, the Qur'an. Refuting claims that parts of the holy text are fabrications, he deconstructs the modern Western understanding of "text" as written words on a page. Using narrative and examples from Islamic law, he demonstrates how central the oral recitation of the Qur'an, handed down through the generations, has been to its true expression in the Islamic tradition, and how critical this form of oral "text" is to finding the actual "letter" of the Islamic law.

The authority of the state's ideology as it conflicts with the authority of individual conscience and communal religious expression is at the core of most religious freedom cases throughout the world. Kyriakos Kyriazopoulos describes the ways in which Greek Orthodoxy and nationalism have framed Greek legal limitations on religious freedom for Jehovah's Witnesses and other proselytizing religions. Cataloguing the cases on religious freedom before both national and international human rights courts, Kyriazopoulos concludes that a broader conception of religious tolerance is critical for Greek society, both for its own healthy self-understanding and to preserve the human rights of religious minorities who feel compelled to share their faith.

Richard Hughes also takes on the struggle between the state, religious communities, and the individual in the history of lesser-known American Christian sects who practice faith healing in lieu of medical science. Hughes explores tragic death and suffering experienced by children when these religious communities have employed First Amendment claims to shield their healing practices from state regulation.

Jon Gunnemann's review of Oliver O'Donnell's *The Just War Revisited* also embraces these themes. O'Donnell argues for a re-thinking of Christian just war theory as an evangelical "counter practice" and proposal "for the radical correction of the praxis of war."

Finally, an authoritative call is heard "from below," as Ana Novoa poignantly describes the anguish of those who are torn between committed lives lived in two cultures. She lives the conflict between the Anglo fraternity of lawyers whom she, as a law professor, has a hand in teaching and her call from La Morenita, Our Lady of Guadalupe, who speaks the word of justice for the oppressed. Exploring the unnoticed twist about who speaks and why in this story, Novoa challenges those of us who work in or with legal institutions: "We are [] in the position of either embracing the eternal call of service to the subordinated or of allowing it to happen in spite of us. There is no doubt that the call

reverberates throughout creation. The question is whether those of us who live in legal institutions will join in the divine dance or sit by and warily watch.”

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