

EDITOR'S PREFACE

Rarely does one come across any law journal article, let alone one addressing so prosaic a topic as 19th-century state constitutional interpretation, in which the writer makes connections to “mystery,” to prayer, to Abraham Joshua Heschel, and Meister Eckhart and Brother Juniper. In our lead article, Emily Fowler Hartigan makes these connections and more. Like many others, Hartigan looks at law today and finds it arid, its practitioners dispirited. With her students—and with many readers of this journal—she longs for a law that “sings.” Hartigan hears the “voice of the spirit of the law of the land” in America’s state constitutions and their early interpreters; but her insights are really about listening for mystery and depth in all the law and its processes. Perhaps her work will encourage the rest of us to listen to law in new ways. He who has ears to hear, let him hear.

The other articles here offer a variety of delights. Paul Heald, a young law teacher at the University of Georgia, constructs a four-way conversation (quadrilogue?) among Richard Posner, Blaise Pascal, Oliver Wendell Holmes, and Mark Kelman, using the format of the old Steve Allen “Meeting of the Minds” television show. After the discussants have sparred for a while, Steve Allen poses a hypothetical involving an attorney’s bringing suit on a promissory note obtained from a client who finds himself in a desperate situation. The dispositions of the case that Heald places in the mouths of the four discussants are accurate and revealing.

William Quinn explores the potential for constitutional interpretation of Rudolf Bultmann’s New Testament hermeneutic. Alina Kofsky and Nayer Honarvar discuss aspects of women’s rights in Jewish and Islamic societies respectively. Todd Buchholz holds up certain biblical laws and institutions like the Jubilee year and discusses them from the point of view of economic development.

In briefer articles, Stephen Post offers a fresh perspective on the question of the use of data obtained as a result of Nazi experimentation, and Bernard Adeny ruminates on religious belief and life in San Quentin. Jay Vest explores some aspects of Native American religion and an issue in contemporary American law. In so doing, Professor Vest continues a tradition established by Robert Michaelson on similar themes. See Michaelson, “American Indian Religious Freedom Litigation: Promise and Perils” (3 *J. Law & Relig.* 47) and “Is the Miner’s Canary Silent? Implications of the Supreme Court’s Denial

of American Indian Free Exercise of Religion Claims” (6 *J. Law & Relig.* 97).

Finally, following book reviews by William W. Bassett, John Howard Yoder, and Cole Durham, this issue includes an author, title, and subject index for the first five volumes. The *Journal* intends to construct similar indices every five years.

This issue marks the resignation from active roles in the publication of the *Journal* of Douglas Sturm, a founder and our first editorial board chairman, and of Ed Gaffney, also a founder and our first book review editor. The contributions of these two to the *Journal*'s success, and to its very existence, are truly immeasurable. Each has provided articles, insights, counsel, and hard editorial work for the *Journal* since its inception in 1982. Those of us interested in thinking and writing on the transdisciplinary topics addressed here are most grateful for the work of Doug and Ed.

Tom Porter, a Boston lawyer and early member of the Council on Religion and Law at Harvard, who has been an editorial board member of the *Journal* since its inception, succeeds Doug Sturm as Editorial Board Chairman. Howard Vogel, professor of law at Hamline and a close follower of the literature on law and religion (*see* Vogel, “A Survey and Commentary on the New Literature in Law and Religion” (1 *J. Law & Relig.* 79)) succeeds Ed Gaffney as Book Review Editor. We welcome Tom and Howard to their new *Journal* roles.

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