

## EDITOR'S PREFACE

Justice, like Truth and Beauty, continues to attract reflection and comment by scholars engaged in a variety of disciplines. The ten articles in this issue of the *Journal* are no exception to this persistent phenomenon. Each of these articles, however, is different from many contemporary discussions in an important way. Each article takes the intersection and interaction of law and religion seriously and thus provides novel explorations of justice. Samuel Calhoun's lead article makes a novel contribution to the continuing contemporary American conversation about the role of religious convictions in making political choices. He sympathetically engages Kent Greenawalt in conversation by taking up his task from a point of view grounded in a particular religious commitment. Thus, instead of being primarily concerned with Greenawalt's question: When would a "good member of our liberal democracy" rely on religious convictions in making political choices?, Calhoun poses a different question that gets at the same core problem: When may an "obedient Christian" rely on religious convictions in making political decisions? In exploring this question, especially as it relates to public policy on abortion, he reaches a most surprising conclusion that will be unsettling to many Christians who share Professor Calhoun's religious commitments while at the same time it will likely confound those who don't share these commitments. His argument is an important contribution to the ongoing debate on whether there is a place for religious convictions in public discourse.

Professor Calhoun's article is followed by four articles that display the continuing significance of modern liberal theory as a conversation partner for legal and religious thought. Edmund Santurri critiques David Richards' use of John Rawls in developing a theoretical approach to the religion clauses of the United States Constitution. He asks whether contemporary legal theory grounded on liberal theory that claims to protect religious liberty doesn't instead defeat that liberty when it comes to establishing criteria for interpretations of the religious liberty clauses of the United States Constitution. Clinton Gardner explores the recent recovery of the religious and moral underpinnings of John Locke's work on justice and the social compact. He calls into question the image that some have of Locke as a "champion of unfettered individualism, political rationalism, and liberal bourgeois economics." William Kingston explores the development of the classic view of property rights in the liberal tradition against the background of the cultural influence of Christianity. In the process he argues that property rights bear a key relation to altruistic forces influenced by the religious dimension of the culture in which these rights developed. This calls into question a view of property rights that explains their emergence solely in relation to forces of self-interest. Susan Wolfson rounds out this quartet of historically

informed theoretical perspectives by looking at the intersection of liberal rights theory and duties and obligations that play a central role in Jewish law. Her exploration of the Jewish tradition provides a helpful examination of whether there are any “functional equivalents” within that tradition to the rights theory that emerged in the dominant tradition of Europe.

The quest for justice in the concrete world of everyday experience is the central theme of Tom Porter’s mediation on answering our yearnings for unity in the midst of a world of great diversity. His reflections provide insights on the significance of Biblical faith for understanding justice and the work of the lawyer. Joyce Ann Mercer also locates her study in the concrete realm of contemporary experience by examining the meaning of justice as a legal and theological category in the context of the terrible problem of abused adolescent girls. She does this with a keen understanding of the importance of one’s perspective in approaching the task of developing responses to this problem in an effort to serve the demands of justice. Kenneth Lasson takes up the recent experience of American military personnel in the Persian Gulf War. By focussing on American preparations leading to the war, he explores the way in which religious liberty in the military can become one of the casualties of foreign and military policy. His careful study adds a troubling chapter to the still unfolding story of Operation Desert Storm.

The issue is rounded out with two articles that challenge readers to think anew about old subjects. Earl Schwartz takes up the trial of Jesus by comparing the circumstances of the trial and the response of Jesus to those circumstances encountered by Paul and Paul’s response to his own trial. His comparison offers a provocative insight on the differing worlds and world views of these two figures that serve as an invitation to further conversation between Christians and Jews about the origins of Christianity and Rabbinic Judaism in the second century. Peter Riga’s exploration of Canon law on marriage opens up fascinating insights on the view of marriage embraced by canon law in light of recent changes in that law. He does this by focusing on the significance of the category of “marital capacity” in contemporary canon law understanding. His study will surprise those who stereotypically view canon law as an impenetrable thicket of rules far removed from everyday human experience.

With this collection of novel explorations of the justice, we hope this issue will invite our readers to explore old problems with new imagination as well as to reflect on new problems with the imaginative resources of the past.

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