

EDITOR'S PREFACE

This issue of the *Journal* brings you an intellectual feast. A first course concentrates on jurisprudence and political theory as they relate to theological concerns. Ze'ev Falk, Rector and professor, Seminary of Judaic Studies, Jerusalem, professor emeritus at Hebrew University's law school and a new JLR Board member, engages the living currents of modern and post-modern Jewish legal philosophy, set within the context of European political philosophy, to describe the themes to which Jewish thought is bound. He also offers his critique of a comprehensive new volume of Jewish law and legal philosophy by Menachem Elon. Richard Rorty's construction of living political community is critiqued by Yong Huang, in his effort to make Rorty's thought more consistently Rortian.

William Wagner juxtaposes Oliver Wendell Holmes' metaphor of the "bad man," Plato's own "bad man," the possessor of the Ring of Gyges, and St. John's adulteress in his attempt to identify the Christian theological principles and values which inform Christian views about the restriction of free market exchanges of such things as body parts, votes, or the environment. Rick Fairbanks takes up the battle on the religious-philosophical influences on the Jeffersonian Declaration of Independence, and the tension between naturalistic and theological commitments in that document. And Theodore Blumoff asks how we should remember those who endured Nazi human experimentation efforts in our jurisprudence on biomedical experiments.

As a second course on judicial interpretation, Ori Lev's article on "Personal Morality and Judicial Decision-Making" takes up the difficult task of posing options for a jurist whose personal views on the death penalty contrast with federal case law on the imposition of death sentences. Barbara Metzger explores the historical tensions between Islamic values of text, experience and human reasoning in Islamic judicial interpretation. Rabbi Joshua Guttoff tells us a story on a similar theme, of Rabbi Eliezer, who, caught in his judgments between the evidence of the physical world and the demands of halacha, was excommunicated for the sake of this dilemma.

We are delighted to bring you, as a third course, work that has come from, or gone out to, what some call the "real world."

Daniel Heimbach offers his speech to a Romanian audience considering how to form their constitutional and legal principles on freedom of religion, a new typology on how American thinkers have understood religious liberty. In a more personal essay, Nancy Miller-Herron reflects on her lives as lawyer, as pastor, and as spouse and mother; and how the spiritual has permeated and made holy each of her vocations.

The fourth course comes to you through an unusual manuscript we received from Alastair McIntosh, which turned out to be a surprising, practical gift on law and theology: testimonies from witnesses at a public hearing on whether to permit a superquarry to start operations on the Isle of Harris. A rare instance in the West in which theological views were openly accepted and considered as part of the government's environmental rule-making, these testimonies have sparked a major controversy in Scotland that has led to the closure of the university center which mounted this effort.

Alesia Maltz's Commentary on the Harris Superquarry Inquiry offers insight on how study of that case might expand the debate on the relationship of democracy and religion now going on in the United States.

For dessert, Ken Grasso provides a book review of Keith Pavlischek's provocative assessment of John Courtney Murray's work on the problem of religious freedom.

We hope you will be intellectually well-nourished and energized by these superb articles.

Marie A. Failing, Editor