

EDITOR'S PREFACE

At the behest of the Editorial Board, during the past two years the *Journal of Law and Religion* has embarked on a more deliberate process of looking forward and outward—forward to ponder what the future will hold for our world, and outward to understand what cries for justice and love resound in the global community. To offer the “constructive response to the major issues of our times” contemplated by the Statement of Perspective (which we begin to print with this issue), we are seeking out critical questions that require attention from those working in the intersection of law, religion, ethics and politics. Thus, in future issues, you will see collections devoted to religion and political justice, assisted suicide, and the lawyer’s vocation; and we invite your suggestions for other issues of equal moment.

In this issue, we take up the first of these topics: the construction of gender in religious traditions and the impact of theological understandings of gender on law. Gender is a category of which all religions must make sense, whether they are defined primarily by doctrine, by ritual, or in other ways. Religious assumptions about the attributes of gender and implications for the construction of social life are not always explicit and often unreflected. Yet, these understandings profoundly shape the way in which law regulates relationships, granting rights and benefits, imposing responsibilities and sanctions. In a global community, religious differences in the understanding of gender are already creating conflicts in attempts to define a regime of universal human rights that can bind the world community. The 1995 United Nations conference on women in Beijing, where women themselves clashed on defining universal women’s rights on issues such as reproduction, family roles, and workplace equity, is evidence of the need for a clear understanding of these conflicts and their sources.

Lydia Johnson-Hill brings us face to face with Sister Lewis, sewing dresses for the garment factory; we see what is at stake in the question of human rights for women. Perhaps a most unquestioned human right, the right against torture, is not so easily defined in the case of women, Christina Kayales reminds, as a Western woman hearing the story of a Filipina who is a political prisoner.

Many thoughtful scholars are struggling to find ways which reject the either-or of religious tradition or secularism. Ze'ev Falk plumbs Jewish theology for an understanding of gender difference which respects the human rights and unique gifts of women, as distinct from both traditional Judaism and modern Jewish feminism. Similarly, Amina Wadud proffers a Qur'anic hermeneutic that rejects the marginalization of women while faithfully interpreting Islam's sacred text.

Aminah McCloud, Michele Brandt and Jeffrey Kaplan take up the circumstances of faithful Muslim women in the modern world from the direction of international human rights. The rights violations which Islamic girls experience from American society are documented by Aminah McCloud. Michele Brandt and Jeffrey Kaplan approach women's rights from within a United Nations framework, describing conflicts between CEDAW, the convention on discrimination against women, and the domestic laws of several nation-states where Islam has exercised a significant legal impact.

Christine Venter provides us with other examples of the conflict over gender, evaluating two communal-oriented religious communities —African traditional societies and the Roman Catholic Church—from a feminist human rights perspective. Finally, within this symposium, David Smolin takes up the difficult question that the U.N. debates have been unable to resolve: using Orthodox and Hasidic Judaism as his example, he asks how we can respect the self-determination rights of religiously formed cultural minorities while defining an appropriate set of human rights for the women within those communities.

It is no accident that we precede our symposium with a tribute to James Luther Adams, one of the critical figures in the law and religion movement, beloved by many colleagues and students who were inspired to continue asking these questions into their now middle age. Adams' work reflects an impassioned commitment to the cause of human rights, both at home and abroad; and we believe he might well have had something to say about gender, human rights, and religion were he with us. As Stephen C. Mott says in his tribute, this passion was guided by a simple principle: "Christian life must be carried out in the midst of the institutions of society." Max Stackhouse joins Mott in reminiscing about Adams the man, his loves, his accomplishments, his virtues. And Milton Konvitz continues his conversations with Adams with one on civil disobedience, questioning him yet out of constitutional and biblical

sources. (See also Tom Porter's response to Adams' work, "One-in-the Many: Doing Justice to our Unity and Diversity," 9 *J Law & Relig* 429.)

We are also pleased to present several quite diverse articles on topics from medieval to modern. Starting with the medieval, John Witte, Jr., gives us rich, detailed historical insight on the impact of Reformation theology on the creation of public education in Germany. Yale Rosenberg's book review essay gives us interesting insights into the many efforts at codification of Jewish law in the Middle Ages. Broyde and Hecht's "The Return of Lost Property According to Jewish and Common Law" illustrates the ways in which religious understandings of human responsibility can impact even routine questions of law.

In a more modern vein, Felipe Núñez and Eric Sidman introduce us to an issue which is increasingly the source of constitutional litigation: clashes between local landmarking laws and the religious freedom rights of churches. Finally, Mark Greenlee offers a virtual compendium of cases in which the Christian love command is embedded in judicial arguments in U.S. law.

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