

EDITOR'S PREFACE

The tumultuous world events of the past year, which have underscored that, in some respects, all persons are created equal with respect to their vulnerability to violence and an insecure world, have also set off much soul-searching about questions that law and religion scholars have long debated, such as the relationship of religious traditions to political/ideological movements, and the proper balance between peace and justice, state security and human rights for religious minorities. This issue offers perspectives on these issues, as well as a host of other concerns at the heart of law and religion.

The variety of disciplines and geographies this issue represents is emblematic of our vision of law and religion as interdisciplinary, international and interfaith. Authors from the Netherlands, United Kingdom, Belgium, New Zealand and the Cayman Islands join those from around the United States to provide insights from within disciplines ranging from philosophy, history and sociology to Biblical law, theology and jurisprudence. These offerings range from pre-Biblical to postmodern periods, hermeneutical to meta-theoretical studies.

As a demonstration of how ancient and modern interpretive methodologies can both be brought to bear on texts, noted English Biblical scholar Bernard Jackson reflects the best instincts of interdisciplinary scholarship in *Models in Legal History: The Case of Biblical Law*. Jackson attempts to “to refine our concepts of legal development,” as applied to the ancient law of the talion, using recent developments in the “understanding of the nature of language in the transition from orality to literacy and the insights of cognitive developmental psychology,” while questioning “the anachronistic reading back of modern concepts of law into the ancient sources.” Law professor Timothy Lytton’s article, “*Shall not the Judge of the Earth Deal Justly?*” employs rabbinic sources to search the Genesis story of the judgment against Sodom and Gomorrah for a personal portrayal of God as engaged and responsive, compassionate and accountable, “an attractive model for [modern] human judicial authority” who embodies “preeminent judicial virtues.”

The relationship between religion, state power, and human rights is the subject of several works in this issue. Drawing on his own Presbyterian roots, in *Religion and Human Rights: A Personal*

Testament, theologian David Little describes the Reformed understanding of rights of conscience against the state that envisions distinct roles for moral and religious conviction. He suggests that the liberal strand of this tradition provides “a particularly strong historical and theological foundation for a belief in human rights.” In “*Truth as Force*”: *Michael Foucault on Religion, State Power and Law*, philosopher Nancy Holland unpacks Foucault’s lesser known Howison Lectures, which articulate the close link “between political power and ‘pastorship through the institutions of the law and the necessity of true confession.’” And jurisprudence professor Patrick Brennan tries to define just what we mean when we “seek and affirm our human equality” in *Arguing for Human Equality*, finally arguing that “only some religious traditions “can actually deliver” on the rhetoric of equality.

Drawing on historical sources, legal historian Peter Judson Richards recovers *Lex, Rex*, a work of political theory by 17th century puritan pastor and political theologian Samuel Rutherford, whom some have called John Locke’s theological forefather. Digging into the natural law tradition detailed in *Lex, Rex*, in his article, “*The Law Written in their Hearts*”? *Rutherford and Locke on Nature, Government and Resistance*, Richards shows how Locke reshapes the Reformed tradition articulated by Rutherford in important ways in *Two Treatises*.

Analyses of more contemporary church and state problems are represented in Dirk Jacobs’ *Female Ordination: A sociological analysis of a debate on rights and religion in Flanders (Belgium) in the mid nineties*, and Derek O’Brien and Vaughan Carter’s *Chant Down Babylon: Freedom of Religion and the Rastafarian Challenge to Majoritarianism*. O’Brien and Carter describe the distinctive theological ethos of the Rastafarian movement and explain why it is such a threat to the traditional church-state settlement of the West. Jacobs utilizes social discourse analysis found in the “commonwealth model” of French sociologists of religion Luc Boltanski and Laurent Thévenot to study the popular and religious debate in mid-1990s Flanders over the ordination of women in the Catholic Church. He argues that this debate is “closely related to the struggle within the Roman Catholic Church about religious authority” and proposes that the work of Pierre Bourdieu, which better accounts for power relationships and the historical context of social discourse, is an important corrective to this model.

Noel Cox takes note of a seemingly unimportant vestige of history, the Lambeth Degrees, which have been given since 1533 under the Ecclesiastical Licences Act, to delve into the relationship between the

Church and medieval universities, and explain the continuation of this aspect of papal authority to grant dispensations. And Richard Singelenberg retraces of the experience of Jehovah's Witnesses under the Hitler regime through his review and critique of *Persecution and Resistance of Jehovah's Witnesses During the Nazi-Regime*, edited by Hans Hesse. In his review, Singelenberg causes us to think about whether there is an "objective" history or only the re-telling of different histories by groups who were victimized.

These articles remind us that the struggle to understand sacred and secular texts, and delineate a theologically warranted understanding of the relationship between what Luther called the right-hand and left-hand governances of God is no easier today than it was in ancient times. We hope each of these works will help you come to a more complex understanding of these questions.

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