

## EDITORIAL PREFACE

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We are delighted to offer this first issue of the *Journal of Law and Religion* under the editorial direction of the Center for the Study of Law and Religion (CSLR) at Emory University and published in collaboration with Cambridge University Press. In 1982, our colleague, Frank Alexander, founded our law and religion program at Emory and, together with Harold Berman and John Witte, Jr., slowly built a distinguished international, interdisciplinary, and interreligious Center of teaching, research, publication, and public education. That same year, the Council on Religion and Law founded the *Journal of Law and Religion*, with Frank Alexander as an inaugural Board Member and Harold Berman authoring the lead article of volume 1, issue 1. From the start, CSLR and the *Journal* have been twin leaders in interrogating the vital questions at the intersection of law and religion. A keen sense of kinship and common enterprise thus animates our delight in becoming the *Journal's* new home.

We dedicate this inaugural issue to the many editors and staff members who shepherded the *Journal* through its first twenty-eight volumes, to the Council on Religion and Law for their years of leadership, and to Hamline University School of Law for its long-standing support. In particular, this issue is dedicated to Marie Failing, the longtime editor-in-chief of the *Journal*. We are truly grateful for the opportunity to take the helm of this flagship journal in the field of law and religion. Marie and her *Journal* colleagues have set a high standard for pathbreaking scholarship in the field, and, as stewards of the *Journal* in this new era, we are dedicated to continuing and building on that legacy.

Since the *Journal* was founded, the study of law and religion has become a truly global endeavor, involving thousands of scholars and students across all continents and all religious traditions. In 1982, the study of law and religion was a fraught academic exercise, involving only a few law professors, theologians, and scholars of Judaism, Christianity, and Islam. Today, the field of law and religion has expanded dramatically around the world with several hundred law professors hard at work, and growing numbers of ethicists, historians, theologians, political theorists, political scientists, and social scientists actively involved as well. Especially in this new millennium, the law and religion field has attracted important new scholarship in Buddhism, Confucianism, Hinduism, Sikhism, Taoism, and Indigenous Religions that has joined and sometimes challenged the ongoing Abrahamic conversation.

The field of law and religion now embraces a wide range of topics: religion, human rights, and religious freedom; the relationship of legal and religious authorities; the legal and religious dimensions of family, charity, education, and other classic institutions of mixed jurisdiction; religious legal systems and their relationships to each other and to secular law; the place of religion in public spaces, arguments, policies, and reasoning; theories of natural law, natural rights, and natural society; the place of law in religious canons, sacred texts, and religious traditions; the place of ritual and liturgy in the operation of state legal and political systems; comparative legal and religious hermeneutics, epistemology, forensics, and rhetoric; legal and religious ethics, professionalism, and guild formation; and the interaction of law and religion in the development of sundry legal traditions. All these topics and more are now part of the emerging global conversation.

It is in this spirit that we offer, in our inaugural issue, a symposium on “The Pursuit of Happiness in Interreligious Perspective.” Happiness has long been viewed as a measure of good

governance. In Plato's *Republic*, happiness was a touchstone for justice,<sup>1</sup> and when the American colonies declared their independence from Great Britain, they did so on the strength of their natural rights to "life, liberty, and the pursuit of happiness."<sup>2</sup> Today, the country of Bhutan has instituted a measure of gross national happiness, against which it judges the efficacy of its public policy.<sup>3</sup>

Happiness has also long been viewed as a measure of religious flourishing. The articles in this symposium help us to understand what it means to pursue happiness guided by the wisdom of four of the world's great religious traditions. Though the articles offer different interpretations of happiness and different paths to finding such, each in its own way calls into question the value of hedonic happiness. On this, at least, the authors seem to agree: if happiness is a goal and a measure of the good life, we must be in pursuit of something other than simply pleasure. Our authors tell us that happiness is always best pursued and attained in community, if not in communion, with others. As the Austrian psychiatrist Viktor Frankl often noted, paraphrasing the Danish philosopher Søren Kierkegaard, "the door to happiness opens outward."<sup>4</sup> It is through support of families and friends, through love of neighbors and strangers, through acts of mercy and kindness to others that we find a true and lasting happiness. If we use happiness as a yardstick to measure policy outcomes, we must be guided by these values, which make possible a perpetual, rather than a fleeting, happiness.

The symposium opens with wisdom from the Tibetan Buddhist tradition. His Holiness the 14th Dalai Lama draws on the rich Buddhist traditions of mindfulness and compassion to discuss how happiness is attained and suffering alleviated. The Venerable Matthieu Ricard picks up this discussion and brings in data from the emerging field of contemplative neuroscience to provide a new perspective on the benefits of mindfulness.

The second set of essays provides insights from the Jewish tradition. Emeritus Chief Rabbi of the United Hebrew Congregations of the Commonwealth, Lord Jonathan Sacks, interrogates several conceptualizations of happiness in the Jewish tradition, but he focuses his attention on the possibilities inherent in Moses's vision of societal beatitude as an alternative to acquisitivist individualism. Professor Michael Broyde explores the fascinating question of when happiness, and unhappiness, can be legally significant categories in the Jewish tradition, helping to determine the proper legal ruling in an individual case.

In the third set of essays, attention is turned to the Christian tradition. Presiding Bishop of the Episcopal Church, Katherine Jefferts Schori, reflects on the meaning of happiness in Christianity through the work of the medieval theologian Aelred of Rievaulx and finds, similarly to Rabbi Sacks, that happiness from a Christian perspective is grounded in the beloved community. Professor Luke Timothy Johnson offers a more personal reflection, engaging St. Augustine's *Confessions* to explore how personal happiness comes from finding rest in God.

1 See, for example, Plato, *Republic* 352d.

2 The Declaration of Independence para. 2 (U.S. 1776).

3 Andrew C. Revkin, "A New Measure of Well-Being from a Happy Little Kingdom," *New York Times*, October 4, 2005, F1, F6.

4 Viktor Emil Frankl, *On the Theory and Therapy of Mental Disorders: An Introduction to Logotherapy and Existential Analysis*, trans. James M. DuBois (New York: Brunner-Routledge, 2004), 126. Frankl is paraphrasing Kierkegaard's dictum, "Alas, fortune's door does not open inward so that one can push it open by rushing at it; but it opens outward, and therefore one can do nothing about it." Søren Kierkegaard, "Diapsalmata," in pt. 1 of *Either/Or*, trans. and eds. Howard V. Hong and Edna H. Hong (Princeton: Princeton University Press, 1987), 23.

In the final section of the symposium, the learning of the Islamic tradition is brought to bear on the subject. Professor Seyyed Hossein Nasr offers a thorough discussion of happiness as a concept in Islamic thought, emphasizing the remembering of our spiritual lives as a way of avoiding the binds of temporal pleasure. Professor Vincent Cornell explores happiness as a cross-cultural category, investigating the parallels and differences between conceptions of happiness in medieval Islam, with influences from ancient Greece, and those notions of happiness prevalent during the founding of the United States. Finally, Professor Khaled Abou El Fadl concludes the symposium by exploring, from an Islamic perspective, what happens when happiness fails, when a state of ignorance reigns and prevents people from achieving a state of Godliness.

This symposium was made possible by a generous grant from the John Templeton Foundation in support of a multiyear project titled “The Pursuit of Happiness: A Scientific, Theological, and Interdisciplinary Study.” Along with the articles featured in this issue, the Pursuit of Happiness project supported the production of seventeen books and more than one hundred scholarly articles in journals of law, religion, and social science, as well as op-eds and popular articles. We are deeply grateful to the two dozen senior fellows as well as the consulting scholars, public lecturers, and research assistants who made the Pursuit of Happiness project a success. We are especially grateful to the project leader, Philip Reynolds, for his sage direction of a large and complicated project, and to April Bogle, for her work on the articles collected herein.

Our inaugural issue also features new articles building on books published recently by Michael Perry and John Witte, Jr. and four book review essays. In the first article, Michael Perry provides a robust defense of the right to freedom of conscience drawn from his recent work articulating the new morality of human rights.<sup>5</sup> In the second article, we are visited by the spirit of our forefather, Harold Berman, as John Witte, Jr. and Christopher Manzer introduce us to Berman’s long-lost manuscript on law and language,<sup>6</sup> which adumbrates many of the central themes found in his famous later works, *Law and Revolution*<sup>7</sup> and *The Interaction of Law and Religion*.<sup>8</sup>

Finally, while the symposium explores the positive confluence of law and religion, the book review essays in this issue take on the vexing challenge of conflicts between law and religion. Sarah Eltantawi and SherAli Tareen both examine new books discussing Islamic law, with Eltantawi engaging Islamic law and gender and Tareen engaging Islamic law and democracy. Both reviewers raise important questions about the framework we use to interrogate the “compatibility” of Islam and modernity. Meanwhile, M. Christian Green offers an expansive review of several new works at the center of the blasphemy-versus-free-speech debate, which has important implications in an era when the line between violence and speech is increasingly difficult to parse. Finally, James McCarty III offers a review of two works that attempt to provide a new philosophical foundation for international justice and international peace, but he finds both works lacking in attention to the anthropology of human rights.

5 Michael J. Perry, *Human Rights in the Constitutional Law of the United States* (Cambridge: Cambridge University Press, 2013).

6 Harold J. Berman, *Law and Language: Effective Symbols of Community*, ed. John Witte, Jr. (Cambridge: Cambridge University Press, 2013).

7 Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983); Berman, *Law and Revolution II: The Impact of the Protestant Reformations on the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 2003).

8 Harold J. Berman, *The Interaction of Law and Religion* (Nashville, TN: Abingdon Press, 1974), partly reprinted and revised in Berman, *Faith and Order: The Reconciliation of Law and Religion* (Grand Rapids, MI: Wm. B. Eerdmans, 1993).

This issue of the *Journal of Law and Religion* highlights the breadth and depth of this field, as well as the many important questions that require continued scholarly attention. We are dedicated to making the *Journal of Law and Religion* a repository of the important voices on these issues, and we look forward to sharing these voices with you, our readers.

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