

## EDITOR'S PREFACE

In this issue of the *Journal of Law and Religion*, Harold Berman writes,

All humanity is joined together in a common destiny. Despite two World Wars and their aftermath of terrible ethnic, territorial, and ideological conflicts, St. Paul's extraordinary insight that 'every race of man' is 'made of one blood to inhabit the whole earth's surface' . . . has not only been proved scientifically but has also become a historical reality.

For Berman, as for those who took stock of the emerging nuclear age after World War II, this reality is one of life and death, of mutual understanding or mutual destruction. However, in the past half-century, one might argue that much of human history is an exercise in denial of the prospect that we are sealing the temporal fate of the whole world when our communities, religious and secular alike, decide how we will co-exist. If we can deny such a tragic prospect, how much greater our denial of how we live each day with each individual other.

Berman argues that our mutual dependence is an act of providence, that "the God of history has put it to us squarely: Either you now come together or you will destroy each other!" Despite a common ethic he sees binding the world's religions and the common project engaging lawyers, that of building a trustworthy edifice for human conflict, he resorts, finally to faith, to "bring human beings together in communities of trust and loyalty."

Berman's address, in memory of James Luther Adams, an intellectual companion in his journey of re-thinking the relationship of law and religion for the modern age, poses both the dilemma and the promise that animates the work of the *Journal of Law and Religion*. This issue of the *Journal* illustrates in very different ways the problem of our living together, and how we can make sense of rich yet dangerous experiences and relationships that emerge, day by day, from the practices of co-existing. Michael Cohen explores the difficulties of accepting the complex and threatening realities of "the boundary between medicine and religion, science and faith, intellect and uncertainty" where forms of spiritual healing, both ancient and modern, tarry. He looks at traditional forms regulating the practice of Western medicine, from licensure to malpractice, and considers how difficult it is

to apply these protections against charlatans without suppressing the complexity of human experience that modern spiritual healing practices have tried to recover against their suppression by Western rationalist medical technique.

In conversation with Tom Shaffer, Howard Lesnick similarly asks lawyers to take the risk of considering seriously what it might mean to be “called out of” their own religious or spiritual traditions into their work and, indeed, into conversation with each other about the meaning of their work. He asks what it might mean for lawyers’ attempts at moral discernment if they thought of what they did as “religiously important,” not only those grounded in a particular religious tradition or community, but also those responsible to other communities that give meaning to their struggle for justice.

Robert Tuttle tackles a difficult question in Protestant, and particularly Lutheran, ethics: what does it mean to say that Christians are both sinners and saved, that Christians are free to live according to the Gospel and yet fully human at the same time? He wants to re-visit what he calls the dilemma of Protestant anti-legalism to find a role for “the law” in the ethical life of Christian persons.

Very little has been published in English to date on the relationship of law and religion in the Bahā’ī faith. Perhaps the foremost scholar on this topic in the world, Udo Schaefer introduces the basic doctrinal foundations, guiding principles and legal structures that organize the relationship between Bahā’ī and law, both within the religious community on matters of faith and on matters of common life such as family law and inheritance.

Finally, Tim Hall reviews Philip Hamburger’s recent acclaimed historical work, *Separation of Church and State*, which debunks that notion as an artifact of late 19<sup>th</sup> century and early 20<sup>th</sup> century Catholicism and anti-religious feeling in the U.S. Hall concludes by suggesting that we should view the Framers’ principles on church and state as somewhat hobbled, and in the process of unfolding in subsequent generations.

Marie A. Failing, Editor