EDITOR'S PREFACE

With an American presidential race upon us, the various news channels, from Fox News to MSNBC to al-Jazeera, have exposed significant fault lines in the American public's imagination about our lived reality and the values that should guide it. While there have always been tensions in our political imagination—whether, for example, the "authentic" American is the Marlboro man or Jane Addams at her Chicago settlement house—these tensions are particularly acerbic in the current political climate.

In this issue of the JOURNAL, René Reyes contextualizes the debate over the freedom of conscience according to similar fault lines described by religious liberty theorists, such as Noah Feldman's distinction between "values evangelicals" and "legal secularists," or Steve Smith's between "providential" and "secular order" visions for America. Arguing that both secular and religious claims of conscience should be protected, he probes Thomas Aquinas' understanding of conscience and the history of early state constitutions as a basis for awarding more robust protection to secularly-informed conscience claims.

The Affordable Care Act case has also resurrected public discussion about the role of the United States Supreme Court and judges generally, including speculation about why judges like Justice John Roberts sometimes vote against popular expectations. Zachary Shemtob takes a look at the current Supreme Court, describing the political thinking and decisions that in 2010 created the first Court with no Protestant members. Going back to the pre-Civil War appointments, Shemtob considers whether there was a token "Catholic seat" or "Jewish seat" on the Court until recently. He then tests whether geography, professional background, political appeal, or simply chance has led to the composition of the current Court.

Why judges make the judgments they do is also the focus of two articles from the Jewish tradition. Haim Shapira considers how various streams of Jewish law, from Biblical times through modern literature, have understood the relationship between God and human judges. He considers a spectrum of possible relationships, from an understanding that God is imminent and fully engaged in the process of human judgment to the possibility that human justice is fully delegated to human judges. He argues that one's understanding of this relationship is

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not simply theologically important; it also "has implications for the nature of the judicial process, the perception of the judges' authority, the laws of evidence, the degree of judicial discretion" and other aspects of judging. John Welch's book review of recent books on the perception and role of God in shaping Biblical law nicely complements this discussion.

Taking a sociological approach, Avishalom Westreich employs Pierre Bourdieu's theory to consider whether the resistance to using Jewish marriage annulment law to resolve the problem of the *agunah*, the woman whose husband will not give her a divorce, can best be explained by a "gatekeeper theory." In this theory, juridical authorities compete with others to divide the social capital that lawmaking creates, while protecting the existing authoritative field from being overrun by prospective authorities who are unwilling to adopt the rules of the existing legal system. Westreich traces the historical debate over the limits of annulment in Jewish law to consider this explanation.

We also offer articles on two of the most tragic church-state issues in contemporary Western life. Sana Loue's article takes up the difficult question of how a state committed to religious pluralism should respond when a religious parent ignores standard medical advice in favor of what is sometimes called "faith healing" for his or her minor children. After surveying various religious healing approaches and government responses to those decisions, Loue proposes to utilize therapeutic jurisprudence to construct alternatives that will better respect the variety of interests at stake in these controversies. She argues for multidisciplinary, collaborative community partnerships that respect what has been learned in other settings about effective family interventions.

John Wirenius sheds light on the reactions of the Roman Catholic church to demands for disclosure of sexual abuse allegations against its clergy by returning to the story of Thomas Becket, the "two perfect sovereignties" view of the relationship between church and secular authority, and the development of the clergy privilege to be free of secular law. He calls on the church to renounce "the regal power" in favor of the Catholic ideals of faith and humility in collaboration with secular authority on clergy abuse cases.

Finally, Michael Skerker's review of Richard B. Miller's *Terror, Religion, and Liberal Thought* raises important questions about the extent to which liberal views of human dignity can tolerate religiously extreme views, such as al-Qaeda's that pose threats of violence to liberal societies.

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Together, these offerings showcase the ways in which disciplines such as theology, sociology, history, as well as other disciplines, can shed light on some of our most contentious law-and-religion issues. Such informed and complex perspectives can help us move beyond demonization and "either-or" thinking about our most pressing public issues toward understanding and even finding creative alternatives to the choices often posed in these controversies.

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