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HONORARY FOREWORD

A Tribute to Marie Failing

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It has been about thirty-five years since Marie Failing welcomed me into the community that was then the *Journal of Law & Religion* (with an ampersand). The journal was a constant blessing to me as it was to the field of law and religion; perhaps even more of a gift outright, has been Marie.

Marie Failing was, at several levels, the journal, for twenty-five years.

Her ingrained Lutheran servant heart beat for the community of law and religion with incomparable fidelity, wit, and grace. Her deft intellect and clear spirit modulated the passions inevitably involved, as her article calling on Justice Scalia to write with Christian respect demonstrates.¹ Marie was redoubtably responsible. While bringing up her two adopted daughters (and then her grandsons) as a solo mother, she edited the journal from 1998 to 2013, and orchestrated its spiritual and intellectual depth and reliability. As long as Hamline Law School (which has since merged into Mitchell Hamline School of Law) could survive, Marie shepherded the journal. She was an institution at what became a more fragile institution, taking on interim dean duties while both the law school and thus the journal struggled.

With her talents for working with all stripes of professors, students, staff, and the public, she quietly undergirded the law and religion conversation in the United States and beyond for decades. Whether it was conversations with fiery Muslim feminists or improbable male feminist Israeli rabbis, Marie brought spirit and compassion that inspired. She brought Ze'ev Falk to the journal, welcomed Amina Wadud and Azizah al-Hibri, rejoiced in Doug Sturm's labor songs, and kept the peace as the journal grew in age and grace. Somehow, the journal that the Council on Religion and Law (CORAL) initiated, had grown into a major international scholarly voice.

When the journal accepted my article on the inward hermeneutic of interpreting law, *Law and Mystery: Calling the Letter to Life through the Spirit of the Law of State Constitutions*,² Marie, Howard Vogel, and Michael Scherschligt welcomed me into the journal circle in 1988. Michael told me that my article, focused on Abraham Joshua Heschel's *kavannah* and others' spiritual hermeneutics and suggesting that one "pray" a statute to touch its true meaning, was the reason they worked on the journal. Thus, Michael, Howard, and Marie maintained the journal as an enterprise even more fundamentally spiritual than it was intellectual and legal. This was the undertaking that flourished in a small law school in "secular" times primarily because Marie Failing embodied that sequence of values. The journal was started through the Council on Religion and Law, but it was sustained (in the Christian Trinity, the Sustainer is the Holy Spirit) by Marie. Initially, she had superb cooperation from the board, including original council members Frank Alexander and Tom Porter

¹ Marie A. Failing, "Not Mere Rhetoric: On Wasting or Claiming Your Legacy, Justice Scalia," *University of Toledo Law Review* 34, no. 3 (2003): 425–508.

² Emily Fowler Hartigan, "Law and Mystery: Calling the Letter to Life through the Spirit of the Law of State Constitutions," *Journal of Law and Religion* 6, no. 2 (1988): 225–77.

and Roy Herron's redoubtable partner Nancy Miller-Herron, and Marie's Hamline colleagues Howard Vogel and Michael Scherschligt, her fellow in deep responsibility Beto Juárez,² but the core constant was Marie. In her years, the board embraced radical diversity, and flourished. We even brought on an avowed nonbeliever, Howard Lesnick, of blessed memory and distinctive spiritual heritage (he was a Jewish Quaker with an affinity for Catholicism), and we began to embrace a panoply of difference, which grew because of the soil of faithful unknowing nourished by Marie. (To the end, Howard and I jostled over whether he really was a nonbeliever, a conversation last visited at the celebration of Howard's work hosted by the journal.)

Marie encouraged an explicit claim to spiritual community. Under her tutelage, the yearly board meetings began with a rich recounting of each of our journeys since our last annual meeting. The annual symposia the journal hosted simultaneously with the board meetings gathered a loyal national and local clientele and fostered remarkable scholarship. Marie also maintained connections with international scholars, overseeing an iconic issue of the journal on Islam,³ bringing scholars and attendees from as far as Syria and Israel and as near as Coon Rapids, MN, to join us for the three or so days each fall, and drawing in Indigenous speakers. Learning from Jawdat Said about Muslim pacificism, listening to Chief Justice Yazzie of the Navajo Nation describe the origins of restorative justice in his people's traditions, trying to help Muslim feminist Amina Wadud as she navigated Harvard thickets, and counting on hearing the wisdom of speakers like Okrainer Christian Dark were only some of the remarkable privileges of being on the journal board.

From her resolute and sophisticated Lutheranism, Marie taught me about guilt that did not erode the soul but ignited the responsibility that came from being fully human. But even more profound than her sense of duty and creative guilt was the Love that Marie lived—and still does. That complex presence pervaded law and religion. At the annual meetings of the Association of American Law Schools, Marie knew nearly everyone in the field (because she had read manuscripts from almost all of them); even when I was co-chair of the Law and Religion section a couple of times, she would always know more people than I did at the section meetings. And she managed to sustain love for each (which of course was at times a stretch I could make only in theory). Her idea of Lutheran guilt somehow led to universal salvation, gentle humor, and compassion.

I have now made the mistake of reading Marie's résumé, and it is ruining my retirement. The twenty-two pages defy human limitation. I am not going to recite the many, many accomplishments; there is neither room nor time. But her church, her local community, her university, her state, the national academy, the international academy, women in the law, law and religion—all these and more benefited from her nearly superhuman energy, brilliance, and integrity. And her enduring love.

There is no really adequate way to give tribute to Marie Failingner. But we can give back love, respect, gratitude—and blessings for her journey.

³ *Journal of Law and Religion* 15, nos. 1–2 (2000–2001).