

THE
JOURNAL
OF
LAW
AND
RELIGION

Volume I
Number 1

Summer
1983

THE JOURNAL OF LAW AND RELIGION

VOLUME I

SUMMER 1983

NUMBER 1

EDITORIAL STAFF

<i>General Editors</i>	MICHAEL SCHERSCHLIGT Hamline University School of Law
	WILSON YATES United Theological Seminary of the Twin Cities
<i>Book Editor</i>	EDWARD GAFFNEY Loyola University School of Law
<i>Editorial Assistant</i>	GEORGE M. KADINGER

EDITORIAL BOARD

DOUGLAS STURM, Chair, Bucknell University
HAROLD BERMAN, Harvard University School of Law
EDWARD GAFFNEY, Loyola University School of Law
ROBIN LOVIN, University of Chicago Divinity School
THOMAS PORTER, Attorney at Law, Boston
MICHAEL SCHERSCHLIGT, Hamline University School of Law
WILSON YATES, United Theological Seminary of the Twin Cities

ADVISORY COMMITTEE

JAMES LUTHER ADAMS, Professor Emeritus, Harvard University
FRANK ALEXANDER, Attorney at Law, Atlanta
RICHARD BAEPLER, Valparaiso University
JAMES BRESNAHAN, Northwestern University Medical School
LYNN BUZZARD, Christian Legal Society, Chicago
LISA CAHILL, Boston College
FRED CARNEY, Perkins School of Theology
ROGER CRAMTON, Cornell University School of Law
LEIGH LERNER, Rabbi, St. Paul
DAVID LITTLE, University of Virginia
MARTIN MARTY, University of Chicago Divinity School
NOOR MOHAMMAD, University of Baltimore School of Law
LESLIE ROTHENBERG, Attorney at Law, Los Angeles
ELIZABETH SCHUESSLER-FIORENZA, Notre Dame University
THOMAS SHAFFER, Washington & Lee University School of Law

The *Journal of Law and Religion* is sponsored by the Hamline University School of Law and the Council on Religion and Law, and is a nonprofit, non-partisan publication devoted to investigating the interaction of religion and law.

Subscriptions to *The Journal of Law and Religion*, which is published twice annually, are \$12 per year or \$24 for two years. Subscription requests, manuscripts and general correspondence should be addressed to:

The Journal of Law and Religion
1536 Hewitt Avenue
St. Paul, MN 55104

Book review manuscripts and books to be reviewed should be sent to:

Edward Gaffney
Book Review Editor
Loyola Law School
Loyola Marymount University
1441 W. Olympic Blvd.
Los Angeles, CA 90015

Citations in *The Journal of Law and Religion* conform to *A Uniform System of Citation* (13th ed. 1981), copyright by the *Columbia Law Review*, the *Harvard Law Review Association*, the *University of Pennsylvania Law Review* and the *Yale Law Journal*. Unsolicited manuscripts will be returned only upon request.

Individual back issues and complete sets of *The Journal of Law and Religion* may be ordered directly from William S. Hein & Co., 1285 Main St., Buffalo, NY 14209.

The views and opinions expressed in *The Journal of Law and Religion* are those of the authors and do not necessarily reflect the views of the editorial staff, the editorial board, the advisory board or the sponsors of *The Journal of Law and Religion*.

All copyrights are reserved.

THE JOURNAL OF LAW AND RELIGION

VOLUME I
SUMMER

NUMBER 1
1983

TABLE OF CONTENTS

Articles

- | | | |
|--------------------|---|----|
| Harold J. Berman | Religious Foundations of Law in the West: An Historical Perspective | 3 |
| Christopher Mooney | Public Morality and Law | 45 |
| James Smurl | Allocating Public Burdens: The Social Ethics Implicit in Brandeis of Boston | 59 |

Bibliographical Essay

- | | | |
|-----------------|---|----|
| Howard J. Vogel | A Survey and Commentary on the New Literature in Law and Religion | 79 |
|-----------------|---|----|

Selected Speeches from the Harvard Symposium on Religion, Law, and the Political Process

- | | | |
|-----------------------------|--|-----|
| Edward McGlynn Gaffney, Jr. | Biblical Religion and American Politics: Some Historical and Theological Reflections | 171 |
| Lynn Buzzard | The Rediscovery of Law and Politics | 187 |
| Max Stackhouse | Ecumenical Perspectives on Neo-evangelical Politics | 203 |
| David Saperstein | Jewish Perspectives on the Role of Religion in the Political Process | 215 |
| Joseph Boyle | A Catholic Perspective on Morality and Law | 227 |

Book Review Essay

- William L. McLennan, Jr.
Thomas W. Porter, Jr. *On Being A Christian and a Lawyer* by Thomas Shaffer 241

Book Reviews

- Errol G. Rohr *The Constitution, the Courts, and Human Rights* by Michael J. Perry 249
- Lisa Sowle Cahill *Rachael Weeping: And Other Essays on Abortion* by James Tunstead Burtchaell, C.S.C. 251
- Paul J. Weber *Toward Benevolent Neutrality: Church, State, and the Supreme Court* by Robert T. Miller and Ronald B. Flowers 254
- Paul J. Weber *The New Subversives: Anti-Americanism of the Religious Right* by Daniel C. McGuire 256
- John T. Pawlikowski, O.S.M. *An American Strategy Theology* by John A. Coleman, S.J. 258
- Garey B. Spradley *Jewish Law and Decision making: A Study Through Time* by Aaron M. Schreiber 260