

Marquette Law Review

Volume 81
Issue 2 *Winter 1998: Symposium: Religion and
the Judicial Process: Legal, Ethical, and
Empirical Dimensions*

Article 2

1998

Foreword

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Repository Citation

Kurt D. Dykstra, *Foreword*, 81 Marq. L. Rev. i (1998).

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FOREWORD

In the second century, the Christian theologian Tertullian is supposed to have given his famous maxim: What hath Jerusalem to do with Athens? The meaning was, and is, obvious: The sacred and the secular occupy radically different and separate spheres. Arguably, late twentieth century law and religion jurisprudence has taken the theologian to heart, albeit based on an opposite concern. Tertullian's concern centered on the corruption of the sacred whereas our jurisprudence appears more concerned with corruption of the secular. Regardless of the concern, in late twentieth century America, the "wall of separation" exists more or less, for better or worse.

For the average citizen, the separation may have little effect on everyday life—or it may have great effect. That general question is not the focus of what follows in these pages. Rather, the issue of this Symposium is more direct: What role, if any, should religious persuasions have in a secular court? The issue rears its head more often than one might at first think, and when it does appear it usually concerns matters of no little importance. It is our hope that these pages might identify for the reader some contexts in which religion and the court intersect and potentially conflict. Moreover, it is our hope that these pages might be a useful aide to those caught between the Scylla and Charybdis commonly known as religion and the secular court.

The articles and responses which follow were written for a conference entitled *Religion and Judicial Process: Legal, Ethical, and Empirical Dimensions*, which was held at Marquette University on April 4-5, 1997. Special thanks go out to the Lilly Endowment which, along with the Marquette University Law School, provided the resources necessary to fund the conference. Also, the Editorial Board wishes to publicly thank Professor Scott C. Idleman for his work in organizing this conference and allowing the *Marquette Law Review* to publish its proceedings. Finally, the Editorial Board wishes to thank *Nexus: A Journal of Opinion* for providing a compilation of law and religion scholars for the purpose of distributing the proceedings of this conference.

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