

## **EDITORIAL: THE JURISPRUDENCE OF TORTS**

The relationship between jurisprudence and religion is an interesting and challenging area of inquiry. I am pleased to present this sixth issue of *Jurisprudence* on such a topic of contemporary relevance.

Admittedly, I would not have thought of the intersection between these two fields before my editorship of this journal. The law is largely secular and often, begrudgingly, devoid of any moral questions. Religion antithetically is the root of many conceptions of morality, and, to the lay observer, few intersections emerge.

However, as I began editing *Jurisprudence*, I noticed how many submission we would receive from religious-affiliated institutions. To my great surprise, much of the contemporary inquiry into the philosophy of law is from scholars with theological backgrounds.

However, when one dissects this trend further, a clear justification emerges. Canon law is central, in the history of law, to the development of contemporary legal systems. Moral questions, which can be said to be the root of political debates, are often catalysed by one's religious inclinations. These are but two reasons why contemporary jurisprudential scholarship intersects so evidently with the leading edge of theological scholarship.

In this issue, we welcome back two eminent scholars and introduce two more. Associate Professor Adam J. MacLeod of Faulkner University and Associate Professor Nehaluddin Ahmad of the Sultan Sharif Ali Islamic University return to contribute important articles. Assistant Professor Kevin Govern of Ave Maria and Mr Pablo S. Hurtado of the Ruhl Law Group makes their debut in *Jurisprudence* with a jointly authored piece.

Professor MacLeod, who wrote for us on the topic of "The Law as Bard" in the inaugural edition of *Jurisprudence*, elucidates the relationship between autonomy and basic goods. He interrogates important issues such as same-sex marriage and assisted suicide, whilst aspiring to contextualise these debates within a large discussion on choice. It is our pleasure to publish "The (Contingent) Value of Autonomy and the Reflexivity of (Some) Basic Goods."

Religious liberty is a concept taken for granted in the western world. However, in Islamic society this is an area of debate; a debate often misconceived by the outside world. Professor Nehaluddin, who wrote for us in *Jurisprudence* 3 on

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Islamic sovereignty, gives our readers insight into this important jurisprudential debate. He is a welcome contributor to these pages for his insight into non-western, non-Christian viewpoints is informative and valuable to understanding the global nature of law and jurisprudence. Additionally, we would like to congratulate Professor Nehaluddin on his recent appointment to Sultan Sharif Ali Islamic University in Brunei Darussalam. I can be certain that he will be an important asset the development of legal theory within Brunei and the larger Islamic community.

Finally, in a collaboration in the traditional aspiration of this journal, between theory and practice, the academy and the city, Professor Govern and Mr Hurtado introduce an integrated theory of diversity, law and theology. Drawing from the work of Professor Berman, Govern and Hurtado draw a connection between two trinities – that of law (i.e., natural, positive and historical) with the holy trinity found in the Christian tradition. Their article makes important contributions to the study of law as whole; which is how I described the fundamental aim of jurisprudence in my inaugural editorial. I have no doubt that this article will be much studied in future years.

Finally, I am pleased to acknowledge our continued partnership with the Elias Clark Group, our publishers, and, importantly, Cengage Learning. Cengage is one of the largest producers of specialized educational material in the world, as a result of this relationship *Jurisprudence* is now available in the Lexis catalogue. This builds on our existing partnership with HeinOnline, and we look forward to introducing our unique publication to an ever expanding readership.

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19 January 2010