

## EDITOR'S PREFACE

In every dream we dream there lurks illusion. Democracy is no exception. Within the dream of democracy as it has been offered to the world by modern Western nations lies the illusion that democratic majorities and their elected leaders will govern wisely and on behalf of the dignity of all persons, that order and freedom can be easily harmonized, the rule of law and human rights will be lived as well as confessed in our common life. Within the dream of faith lies the illusion that we can understand the heart and the mind of the Holy, and live faithfully to that understanding. However, the delicate choreography of truth and illusion in the dream is easily mis-danced, even by seasoned and skilled dancers, even by those who ardently desire a perfect execution.

In this issue, our authors seek to exercise the first responsibility of those who would dance the delicate dreams of democracy and of faith: to exercise our role as witnesses to what we know, as theologian Walter Brueggemann would have it, telling the truth as best we can. This journal finds its place in the English-speaking world where governments and law, and religious communities and individuals, come into conflict. For us, that has meant giving voice to those who, because of their religious identity, have been targeted by their governments; in this particular case, American Muslims who have been singled out by their government to bear the weight of public fear about terrorists in America. Some of their stories are told in these pages, in our symposium on American Muslims and Civil Rights.

Those who have worked with American Muslims, Sikhs, and others who have been the subject of social suspicion since September 11, including Eric Treene from the Justice Department and Elisa Massimino and Joseph Onk, from two organizations that have responded to stories about civil rights abuses, describe what is happening on a wider scale. Professor Azizah al-Hibri, guest editor for this symposium, provides an opening context and call to action on behalf of those who have suffered. Finally, John Douglass and Jonathan Stubbs have provided us with a legal perspective on the government's actions toward American Muslims and others through this period, and reflect upon how such civil rights violations compare with others experienced by other minorities over our history. We hope that this

weaving together of testimony and reflection will move our readers both to their own serious thought about these issues and to responsible democratic action.

Greg Taylor's work on the German government's approach to the Church of Scientology provides a second look into the relationship between democracy and religious minorities. Beginning with the important principle of the German Basic Law, which reads, "Freedom of belief and of conscience and the freedom to express one's religious or *Weltanschauung*-based creed are inviolable," Taylor sets out to determine whether Scientologists' rights to freedom of religion are being protected by the German courts, pointing out the difficulties with comparing German to American views on religious freedom, and suggesting that the first step in an appropriate regime of protection would be to obtain a declaration that Scientology does indeed constitute a protected religious or *Weltanschauung*-based creed.

The relationship between church law and the dignity of the human person similarly dances the dance between truth and illusion, order and freedom. As Rev. John Coughlin puts it, "Theology without law leaves the ecclesiastical community bereft of an ordered life. Law without theological meaning surrenders its moral persuasiveness and deteriorates into rigid legalism." In describing the theological anthropology that underlies the *1983 Code of Canon Law*, Coughlin asks us to ponder the differences between secular anthropology that reflects a conception of the person as freely willing and autonomous, and a theological understanding of humanity that embodies notions such as original sin and the need for self-sacrifice on behalf of the other. He would ask us to consider how the relationship between rights and responsibilities reflected in these two visions shapes the relationship between the individual and the community, and our understanding of the purpose of the law.

David Gregory's review essay on Joseph Vascarelli's book, *Bright Promise, Failed Community: Catholics and the American Order*, further explores this tension in American political life between a secular and a Christian conception of the good. He adopts Vascarelli's view that maintains that "the United States will be transformed by the Catholic Church only when the Church in the United States returns to the best principles of its timeless social teachings, emphasizing the sacredness of life, the integrity of the person, and the common good in the spirit of the Truth of Christ," while expressing some pessimism for the prospects of a Catholic-led transformation of social life in the near future.

Finally, we give you Gershon Hepner's *Memory of Absences*.

Marie A. Failing, Editor