

## INTRODUCTION

### PEOPLE OF THE BOOK: JUDAISM'S INFLUENCE ON AMERICAN LEGAL SCHOLARSHIP

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All artists, including authors and scholars, freely borrow from the cultural landscape in creating their works of art. When an author borrows from the cultural fabric in crafting her work, the unique combination of past efforts and the author's original contributions invests the author's work with its autonomous unique and inviolate stamp. As intellectual property scholar Fred Yen has observed: "Authorship is . . . the conscious and unconscious intake, digestion, and transformation of input gained from the author's experience within a broader society."<sup>1</sup>

The Jewish tradition is thousands of years old and now more than ever, people from many different backgrounds desire to know what it has to say, particularly in areas that impact society at large such as family law, biomedical ethics, and business practices. Significantly, within the recent past, Jewish law also has become a recognized discipline within the secular legal academy. Yet, the Jewish tradition and culture has played a crucial role in shaping the thinking of legal scholars who work in areas other than Jewish law as their primary academic fields. In order to unbundle the nature of this influence, DePaul's Center for Jewish Law and Judaic Studies (JLJS) sponsored a major academic conference in April 2014, entitled: People of the Book: Judaism and Constitutional Law. The goal of this conference was to feature several of the nation's leading constitutional law scholars addressing how their Jewish backgrounds influenced their perspectives on constitutional law and theory.

Many of the participants of this conference were interested in formalizing their remarks into an essay for publication. As one of the conference organizers, I decided to undertake crafting a

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<sup>1</sup> Alfred Yen, *The Interdisciplinary Future of Copyright Theory*, in *THE CONSTRUCTION OF AUTHORSHIP: TEXTUAL APPROPRIATION IN LAW AND LITERATURE* 159, 170-71 (Martha Woodmansee & Peter Jaszi eds., 1994).

written symposium based on the original conference. Still, I decided to tweak the original focus in two important ways. First, I expanded the focus to include scholars working in disciplines other than constitutional law in order to gain some additional diversity of perspective. Second, in light of the reality that life is a journey, I expanded the focus to include not only the participants' Jewish upbringing but also their post-childhood Jewish journeys as relevant inspiration for their current thinking about legal theory. Framed in this way, the project includes not only essays by authors with backgrounds that have been influential but also essays by contributors whose later years have proven influential in shaping their work.

The participants include a range of Jewish backgrounds—from those who admit to being barely Jewish to those raised with significant Jewish tradition. Their current practices also range from seemingly secular to strictly Orthodox. Despite these differences, all of the contributors are identified Jews who believe their Jewish background and experience have influenced their legal scholarship significantly. The purpose of this volume is to bring their experience to a wider audience. The essays also reflect a range of perspective, both substantively and stylistically. My vision was to give each author as much free rein as possible in this regard since this volume is such a unique work. Some essays are comparable to traditional law review articles in terms of length and documentation; others are more free form and autobiographical.

Finally, I would like to thank DePaul University College of Law and the Center for Jewish Law and Judaic Studies (JLJS) for its role in this symposium, especially my colleague, Steven Resnicoff. I am also grateful to Michael Alberico and the entire editorial staff at the Rutgers Journal of Law & Religion for agreeing to publish this written symposium and for all of their hard work during the editorial process.