

Why a “Blog” for Law, Ethics & Public Policy?

Declan M. Hurley* & Jack Manning**

Applying Judeo-Christian principles to contemporary legal issues has been the bread and butter of the *Notre Dame Journal of Law, Ethics & Public Policy* (*JLEPP*) since our very first issue in 1985. Now, with our new online publication, *In Limine*, we will bring these time-tested insights to bear at a faster pace.

In his foreword to our first issue, Professor Douglas Kmiec reflected on the mission of Notre Dame and the need for a journal that views law through the lens of religion. Kmiec wrote that *JLEPP*'s aim is “to draw upon religious teaching and philosophy within the broad spectrum of Judeo-Christian values in order to make practical application of those insights to timely issues of public concern,” elaborating thus:

Notre Dame is a religious institution . . . Faculty members . . . challenge students to search for the ethical justification, if any, for legal outcomes. Since much modern-day legal scholarship either pretends to be ‘value-free’ or ignores moral questions altogether, the curricular inquiry encouraged by the faculty is often difficult. In part, the *Journal of Law, Ethics & Public Policy* is designed to mitigate that difficulty by rigorously and consistently examining legal propositions through an ethical lens. In this way, its efforts differ both from the traditional law review as well as those journals which regularly discuss legislation or public law.¹

Kmiec’s words still guide us today. They remind us that, from the start, *JLEPP* has advanced a unique vision that other law journals do not—and cannot—offer. And our vision has always been bold. As Kmiec put it, the impact of our religious view of law would be akin to that

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¹ Douglas W. Kmiec, *Why a Journal of Law, Ethics & Public Policy*, 1 NOTRE DAME J.L., ETHICS & PUB. POL’Y 1, 1–2 (1985) (emphasis added).

of the law and economics proponents who “scrutinize[] both private law and public law by asking how well each maximizes the value of resources.”²

While our vision has always been part aspirational, *JLEPP* has made outstanding progress toward fulfilling it. In our more than forty years of publication, we have published top voices and top scholarship of all kinds. Our pages have featured such notables as Presidents Ronald Reagan³ and George W. Bush,⁴ Attorney General John Ashcroft,⁵ House Speakers Newt Gingrich⁶ and Paul Ryan,⁷ FBI Director Robert S. Mueller III,⁸ Senator Richard G. Lugar, and White House Counsel Fred F. Fielding,⁹ to name a few.

We have also published top jurists and theorists, not least Justice William J. Brennan Jr.;¹⁰ Professor John M. Finnis;¹¹ and Judges Richard A. Posner,¹² William H. Pryor Jr.,¹³ Diarmuid F. O’Scannlain,¹⁴ and John T. Noonan Jr.¹⁵ And we never shy away from publishing explicitly religious voices, such as Joseph Cardinal Bernardin¹⁶ and Francis Cardinal George.¹⁷

Furthermore, nearly 100 judicial opinions from state and federal courts across the United States have cited our articles.¹⁸ And beyond that *JLEPP* has some of the finest student editors and

² *Id.* at 2

³ Ronald Reagan, *Politics and Morality are Inseparable*, 1 NOTRE DAME J.L. ETHICS & PUB. POL’Y 7 (1985).

⁴ George W. Bush, *Faith, Compassion, and the War on Poverty*, 16 NOTRE DAME J.L. ETHICS & PUB. POL’Y 329 (2002).

⁵ John Ashcroft, *The Recent and Unusual Evolution of an Expanding FCPA*, 26 NOTRE DAME J.L. ETHICS & PUB. POL’Y 25 (2012).

⁶ Newt Gingrich & Vincent L. Frakes, *Incomplete Reform: How the Patient Protection and Affordable Care Act Fails to Achieve Trust Health Transformation*, 25 NOTRE DAME J.L. ETHICS & PUB. POL’Y 329 (2012).

⁷ Paul Ryan, *Health Care Reform: The Way Forward*, 25 NOTRE DAME J.L. ETHICS & PUB. POL’Y 337 (2012).

⁸ Robert S. Mueller III, *The New FBI: Protecting Americans Against Terrorism*, 19 NOTRE DAME J.L. ETHICS & PUB. POL’Y 327 (2005).

⁹ Fred F. Fielding, *Foreword*, 19 NOTRE DAME J.L. ETHICS & PUB. POL’Y 1 (2005).

¹⁰ William J. Brennan Jr., *Foreword: Neither Victims Nor Executioners*, 8 NOTRE DAME J.L. ETHICS & PUB. POL’Y 1 (1994).

¹¹ John M. Finnis, *Law, Morality, and Sexual Orientation*, 9 NOTRE DAME J.L. ETHICS & PUB. POL’Y 11 (1995).

¹² Richard A. Posner, *Wealth Maximization Revisited*, 2 NOTRE DAME J.L. ETHICS & PUB. POL’Y 85 (1985).

¹³ William H. Pryor Jr., *The Murder of Father James Coyle, the Prosecution of Edwin Stephenson, and the True Calling of Lawyers*, 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 401 (2006).

¹⁴ Diarmuid F. O’Scannlain, *Dissecting the Guantanamo Trilogy*, 19 NOTRE DAME J.L. ETHICS & PUB. POL’Y 317 (2005).

¹⁵ John T. Noonan Jr., *Bribery*, 2 NOTRE DAME J.L. ETHICS & PUB. POL’Y 741 (1987).

¹⁶ Joseph C. Bernardin, *The Pastoral Constitution on the Church in the Modern World: Its Impact on the Social Teaching of the U.S. Bishops*, 2 NOTRE DAME J.L. ETHICS & PUB. POL’Y 5 (1985).

¹⁷ Francis C. George, *Civil Liberties vs. National Security: The Enduring Tension*, 19 NOTRE DAME J.L. ETHICS & PUB. POL’Y 219 (2005).

¹⁸ *See, e.g., United States v. Nwoye*, 824 F.3d 1129, 1137 (D.C. Cir. 2016) (Kavanaugh, J.).

authors that one of the United States' finest law schools has to offer. In fact, two student notes are among *JLEPP*'s most popular pieces ever.¹⁹

Despite—or perhaps because of—our success, *JLEPP* remains bold and ambitious. We began as a print publication and will always remain that way. In 2019, we began publishing our *Online Supplement* to bolster our print publication and expand access to our scholarship through digital means. Now, it is our pleasure to announce a third publication—*Notre Dame Journal of Law, Ethics & Public Policy: In Limine*.

In Limine (Latin for “at the threshold”) will be *JLEPP*'s space for shorter, more regular articles, especially in the 2,000–5,000 word range. We picked the name because the shorter works we will publish here will be at the threshold, so to speak, of the longer works that we publish in our *Online Supplement* and the less scholarly commentary found on many blogs.

We decided to launch *In Limine* because some issues simply move faster than full-length publication permits. While existing digital publications can ameliorate that to some degree, many lack the cited, well-researched, scholarly character that important legal issues deserve. And how many law firm explainers examine the moral dimensions of legal developments, or delve into the theory and morality of legal practice?

Our first set of *In Limine* publications includes insightful articles from *JLEPP* students, esteemed professors, and a federal judge. It is our hope that, with your support, these pieces will be merely the start of a tenure for this blog as long and illustrious as that of our publication.

Yours,

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¹⁹ Seth Atisha, *Generative A.I., Virtual Child Pornography, and the First Amendment: Time to Reconsider Ashcroft v. Free Speech Coalition?*, 39 NOTRE DAME J.L. ETHICS & PUB. POL'Y 331 (2025); Rachel Lubberda, *The Fourth Branch of the Government: Evaluating the Media's Role in Overseeing the Independent Judiciary*, 22 NOTRE DAME J.L. ETHICS & PUB. POL'Y 507 (2008).