

## By Way of Introduction

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We are all pragmatists now. That is, the consequences of law and policy for people's lives are simply too vital to be subjugated to ideology. This review begins from the premise that we live in an era in which many of our leaders govern by ideology, not reason. For our generation, it often appears that the battles of the 1960s and 70s are reborn in other guises in high-profile struggles over culture, foreign policy, and judicial philosophy. The end results are budgets inattentive to arithmetic, environmental policies blind to established science, and education reforms adrift from classroom needs. The invasion and occupation of Iraq is the most tragic example of this approach—the belief that fervor and power alone can resolve intractable problems. The fault does not lie solely with the Bush Administration; the left and right alike have minted polemic as the chief currency of our discourse.

If the late twentieth century proved to be, as Irving Kristol maintained, an age of ideology, we hope the *Harvard Law & Policy Review* helps augur

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an era of principled pragmatism. With *HLPR*, we propose an arena for frank debate. Participants in the conversation that unfolds in these pages need not subscribe to any single dogma or doctrine. Contributors to *HLPR* will differ in opinion yet share progressive principles founded upon the universal respect for human dignity and rights, a commitment to equal access to justice

and opportunity, and the proposition that where an individual starts in life must not determine where she finishes.

We reject programmatic approaches to law and policy as incapable of keeping pace with a twenty-first-century America of instantaneous communication and commerce. An approach to constitutional interpretation dependent upon a textual séance with the Founders threatens to, in the words of Chief Justice Marshall, “cripple the government and render it unequal to the object for which it is declared to be instituted.” The rush to globalize markets threatens traditional conceptions of national sovereignty and con-

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strains domestic politics. The specter of perpetual war menaces our bedrock principle of separation of powers. Abroad, the use of power (hard and soft) must be premeditated and alert to possible repercussions. At home, an influx of immigrants from Latin America, Asia, and the Middle East tests the flexibility of the Religion Clauses and leads us to reconsider the meaning of citizenship itself. Demographic changes necessitate reevaluation of how to keep entitlement programs afloat. And still, even when the new wine must be poured into old bottles, the solutions to twenty-first-century challenges must be our own.

Although the review's ethos sounds in the values of progressivism, these common values will not produce uniformity of thought. We expect *HLPR* to inspire, to challenge, and occasionally, to infuriate our readership. *HLPR* will revisit progressive assumptions about the relationship of culture and religion to law, the place of the individual in a capitalist society, and the normative value of markets. Stated another way, we invoke Lionel Trilling to express our hope that *HLPR* helps "recall liberalism to its first essential imagination of variousness and possibility." We welcome the debate to come.