In 1852, John Henry Cardinal Newman—the newly-appointed rector of the Catholic University in Dublin, Ireland—delivered a series of lectures on the goals and purposes of higher education. Later published as The Idea of a University, Cardinal Newman’s lectures rank among the modern age’s most eloquent defense of the intrinsic, and not merely instrumental, value of knowledge. “Knowledge is capable of being its own end,” he argued. “Such is the constitution of the human mind, that any kind of knowledge, if it be really such, is its own reward.”¹

For Cardinal Newman, higher education should not be a Gradgrindian inculcation of “Fact, fact, fact!”² Instead, the university is to be a place where scholars freely exchange their ideas, and, by challenging each other to transcend parochial viewpoints and specialized crafts, approach an understanding of the truth.

An assemblage of learned men, zealous for their own sciences, and rivals of each other, are brought, by familiar intercourse and for the sake of intellectual peace, to adjust together the claims and relations of their respective subjects of investigation. They learn to respect, to consult, to aid each other. Thus is created a pure and clear atmosphere of thought, which the student also breathes, though in his own case he only pursues a few sciences out of the multitude.³

Such generosity of scholarly spirit—focused, as it were, not on careerist opportunism, methodological dominance, or ideological one-upmanship, but on a common search for intellectual enlightenment—ultimately redounds to the benefit of the university’s primary beneficiaries, the student:

He apprehends the great outlines of knowledge, the principles on which it rests, the scale of its parts, its lights and its shades, its great points and its little, as he otherwise cannot apprehend them. Hence it is that his education is called “Liberal.” A habit of mind is formed which lasts through life, of which the attributes are, freedom, equitableness, calmness, moderation, and wisdom.⁴

² CHARLES DICKENS, HARD TIMES 11 (George Ford & Sylvere Monod eds., W. W. Norton & Co. 2d ed. 1990) (1854).
³ NEWMAN, supra note 1, at 77.
⁴ Id.
In many respects, today’s legal academy would disappoint Cardinal Newman. As professional training grounds, contemporary law schools too often focus on providing their students with practical skills to the exclusion of encouraging creative thought, reflection, and understanding. That is not to say, of course, that practical legal skills are not important; indeed, I think that they are of paramount importance in the mission of the law school. But legal craftsmanship involves so much more than rote recitation of blackletter law, mechanical application of “IRAC” or some other methodology, and the compilation, however comprehensive, of all arguments for or against a particular result. Rather, the judgment and discretion that define an exemplary lawyer and jurist are a product of the liberality of training, generosity of spirit, and dedication to knowledge so valued in Cardinal Newman’s university. “A cultivated intellect, because it is a good in itself, brings with it a power and a grace to every work and occupation which it undertakes, and enables us to be more useful, and to a greater number.”5 This emphasis on the intrinsic good rather than the instrumental value of knowledge, albeit subtle, makes all the difference. If one focuses on becoming a learned human being, one cannot help but be a good advocate; if a person strives to be a good advocate, it is doubtful that he would be a good lawyer or complete as a human being.

Intellectual cultivation and the discovery of knowledge depend on an environment where a wide variety of viewpoints is found, free expression fostered, and the pursuit of truth encouraged. Students must be taught to think independently, not simply regurgitate the viewpoints expounded by their professors. And the desire—nay, the obligation—to examine critically one’s beliefs does not end when one steps behind the lectern; professors as much as students benefit from exposure to the widest possible spectrum of ideas.

I have high hopes that the *Georgetown Journal of Law & Public Policy* will help to advance the vision of an intellectual, and an intellectually diverse law school. It is committed to the view that studying the law is an intrinsically worthwhile undertaking, and is dedicated to publishing articles that examine the law from a wide variety of perspectives, particularly those not well represented in other legal journals. The editorial judgment of the *Journal* is its most valuable asset, and one that I hope will be exercised with great care and based on the quality and content of scholarship, not on the viewpoints of the writers. Only through open and vigorous debate will the best ideas prevail in the marketplace, in fulfillment of Justice Holmes’ famous dictum: “[T]he best test of truth is the power of the thought to get itself accepted in the competition of the market.”6

I also have high hopes that the *Journal* will not just provide a forum in which professors, public officials, and other commentators can exchange their ideas. It is a conceit of the powerful, or those who would pretend to power, that only

5. *Id.* at 119.
they and their ideas matter. A true legal culture requires the commitment of all and respects the contribution of each member of the community. I hope that the Journal will foster a climate that enables students to explore their own ideas and challenges the staff to higher intellectual standards in the works that they edit and in their own personal development. While law schools rightly devote a great deal of time and energy to generating new scholarship, they must not forget that their primary task is to communicate ideas to their students. I thank Georgetown for providing the extracurricular outlets to foster its students’ intellectual curiosity.

The roles of a professor and a public official are quite different, but the duties of neither can be discharged adequately without an abiding belief in the importance of ideas. Since joining the Department of Justice, I have had the privilege to put ideas into practice. On a daily basis, we at the Department grapple with the weighty issues of our time: how to protect innocent lives in an age of global terrorism and safeguard the liberties that are the birthright of every American; the proper role of the Senate in confirming federal judges; how best to afford victims of violent crime meaningful participation in the criminal justice process; and how to combat the national scourges of drug abuse and school violence. I eagerly anticipate the Journal adding its voice to the chorus of commentators that debates these and other vital issues in public life.

If the past is any guide, the Georgetown Journal of Law & Public Policy will flourish. The Journal grows out of an independent publication begun by Georgetown students several years ago. Without official support or funding, students volunteered their time in an effort to publish the best possible scholarship. I am confident that the same commitment to excellence will be a trademark of the Journal. In addition, the Journal’s proximity to policymakers in Congress and the Administration, and to the Supreme Court, will enable it to follow developments in the law—and to influence the law—for years to come.

Having been there at the inception, I know that the Journal could not have been inaugurated without the support and efforts of many. Dean Judy Areen’s support and leadership was critical. Professor Neal Katyal served as the head of the law school’s Journals Committee that approved the Georgetown Journal of Law & Public Policy. Professor Don Wallace provided constant encouragement for the idea from the beginning. And Justice Stephen Markham, a predecessor of mine in the Office of Legal Policy and now a member of the Michigan Supreme Court, provided the inspiration for this first issue: current Eleventh Amendment jurisprudence, the role of federalism since United States v. Morrison,7 and whether the Rehnquist Court’s revitalization of the Takings Clause and protection of property rights constitutes judicial activism.

The Journal’s Board of Advisors, of course, attests to the quality of the Journal and its mission. The Board counts among its members some of the finest minds in the legal profession, who are drawn from all walks of life:

federal judges, public officials, widely published professors, and respected practitioners.

Ultimately, the *Georgetown Journal of Law & Public Policy* shares the same object as Cardinal Newman's university. Both seek the expansion of minds through the diffusion of knowledge and, indeed, understanding. Like the university itself, the *Journal* "aims at raising the intellectual tone of society, at cultivating the public mind, . . . at giving enlargement and sobriety to the ideas of the age, at facilitating the exercise of political power, and refining the intercourse of private life."8 It is my sincere privilege to be affiliated with such an important undertaking.

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