



Religion And Law

Peter W. Edge



Religion And Law:

The Interaction of Law and Religion Harold Joseph Berman, 1974 Faith and Order Harold J. Berman, 2000 This book argues that despite the tensions existing in all societies between religious faith and legal order they inevitably interact In the course of his discussion Berman traces the history of Western law exposes the fallacies of law theories that fail to take religion into account examines key theological prophetic and educational themes and looks at the role of religion in the Soviet and post Soviet state *Religion, Law, USA* Isaac Weiner, Joshua Dubler, 2019-07-02 Offers insight into the complex relationship between religion and law in contemporary America Why religion Why law Why now In recent years the United States has witnessed a number of high profile court cases involving religion forcing Americans to grapple with questions regarding the relationship between religion and law This volume maps the contemporary interplay of religion and law within the study of American religions What rights are protected by the Constitution s free exercise clause What are the boundaries of religion and what is the constitutional basis for protecting some religious beliefs but not others What characterizes a religious studies approach to religion and law today What is gained by approaching law from the vantage point of religious studies and what does attention to the law offer back to scholars of religion Religion Law USA considers all these questions and more Each chapter considers a specific keyword in the study of religion and law such as conscience establishment secularity and personhood Contributors consider specific case studies related to each term and then expand their analyses to discuss broader implications for the practice and study of American religion Incorporating pieces from leading voices in the field this book is an indispensable addition to the scholarship on religion and law in America *Religion and Law in Classical and Christian Rome* Clifford Ando, 2006 Law is a particularly fruitful means by which to investigate the relationship between religion and state It is the mechanism by which the Roman state and its European successors have regulated religion in the twin actions of constraining religious institutions to particular social spaces and of releasing control over such spaces to those orders This volume analyses the relationship from the late Republic to the final codification of Roman law in Justinian s Constantinople **Religion and Law** Peter W. Edge, 2006 Discussion of the way in which law engages with religious difference often takes place within the context of a single jurisdiction Religion and Law An Introduction presents a comprehensive text for students drawing on examples from across key Anglophone jurisdictions the United Kingdom the United States Canada New Zealand Australia and South Africa as well as international law to explore a broad range of issues Aimed at a non legal readership this book introduces the use of legal sources and focuses on factual situations as much as legal doctrine Key issues arising from interaction of the religious individual and the State are discussed as well as the religious organisation or community and the State The interaction is explored through case studies of areas as diverse as the legal regulation of religious drug use sacred spaces and sacred places and claims of clergy misconduct **Law, Religion, and Freedom** W. Cole Durham, Jr., Javier Martínez-Torrón, Donlu D Thayer, 2021-02-22 This book examines major conceptual

challenges confronting freedom of religion or belief in contemporary settings The volume brings together chapters by leading experts from law religious studies and international relations who provide perspectives from both sides of the Atlantic At a time when the polarization of culture wars is aggravating tensions between secular and religious views about accommodating the conscientious claims of individuals and groups and when the right to freedom of religion itself is facing misunderstanding and erosion the work provides welcome clarity and depth Some chapters adopt a primarily conceptual and historical approach others analyze particular difficulties or conflicts that have emerged in European and American jurisdictions along with concrete applications and recommendations for the future The book will be a valuable resource for students academics and policy makers with an interest in law religion and human rights

Faith and Law Robert F. Cochran, 2008 The relationship between religion and the law is a hot button topic in America with the courts Congress journalists and others engaging in animated debates on what influence if any the former should have on the latter Many of these discussions are dominated by the legal perspective which views religion as a threat to the law it is rare to hear how various religions in America view American law even though most religions have distinct views on law In *Faith and Law* legal scholars from sixteen different religious traditions contend that religious discourse has an important function in the making practice and adjudication of American law not least because our laws rest upon a framework of religious values The book includes faiths that have traditionally had an impact on American law as well as new immigrant faiths that are likely to have a growing influence Each contributor describes how his or her tradition views law and addresses one legal issue from that perspective Topics include abortion gay rights euthanasia immigrant rights and blasphemy and free speech

Law and Religion, An Overview Silvio Ferrari, 2017-07-05 The focus of this volume is on the historical and geographical elements of law and religion The first part delineates and analyzes the relation between church and state from the Gregorian Revolution to the human rights era and gives a sense of the evolution of the church and state relationship whilst the second part explores law and religion issues around the world The volume redresses the tendency towards a western centric approach in the discipline by including essays from regional experts which present local approaches to law and religion in Asia Africa and South America The collection is unique in that it brings together wide ranging case studies and out of print papers and is an important resource for established and new scholars in the field

Religious Freedom and the Law Brett G. Scharffs, Asher Maoz, Ashley Isaacson Woolley, 2018-08-06 This volume presents a timely analysis of some of the current controversies relating to freedom for religion and freedom from religion that have dominated headlines worldwide The collection trains the lens closely on select issues and contexts to provide detailed snapshots of the ways in which freedom for and from religion are conceptualized protected neglected and negotiated in diverse situations and locations A broad range of issues including migration education the public space prisons and healthcare are discussed drawing examples from Europe the US Asia Africa and South America Including contributions from leading experts in the field the book will be essential reading for

researchers and policy makers interested in Law and Religion *Religion, Law and Tradition* Andrew Huxley, 2012-10-12
This book brings together two scholarly traditions experts in Roman Jewish and Islamic law an area where scholars tend to be familiar with work in each area and experts in the legal traditions of South and East Asia which have tended to be less interdisciplinary The resulting mix produces new ways of looking at comparative law and legal history from a global perspective and these essays contribute both to our understanding of comparative religion as well as comparative law

Religion and International Law Mark W. Janis, Carolyn Evans, 2004 One of the great tasks perhaps the greatest weighing on modern international lawyers is to craft a universal law and legal process capable of ordering relations among diverse people with differing religions histories cultures laws and languages In so doing we need to take the world's peoples as we find them and not pretend out of existence their wide variety This volume includes studies of the interface between international law and ancient religions Confucianism Hinduism Judaism Christianity and Islam as well as essays addressing the impact of religious thought on the literature and sources of international law international courts and human rights law

Law and Religion Peter Radan, Denise Meyerson, Rosalind F. Atherton, 2004-08-02 This book compiles recent research into the intersection between law and religion within the common law tradition Working across jurisdictions it will be of interest to religious studies and law students and researchers *Religion, Law, and Freedom* Yahya Kamalipour, Joel

Thierstein, 2000-09-30 *Religion Law and Freedom* A Global Perspective introduces readers to diverse perspectives on the interplay of religion law and communications freedom in different cultures around the world Through discussion and analysis of the religious mores and cultural values that a nation adheres to a greater understanding of that nation its laws and its freedoms can be cultivated Rather than suggesting that harmony can be achieved without conflict the essays in this volume seek to present the reader with a variety of perspectives from which to view and understand the relationships among religion law and freedom in various cultures This multifaceted analysis therefore helps readers draw their own conclusions as to the best way to resolve cultural conflict brought about by the growing global community The book consists of fifteen chapters authored or coauthored by 17 international scholars representing China Germany Israel Iran Japan Latvia Nigeria Singapore the United Kingdom and the United States The chapters are organized into four parts Perspectives on Eastern and Western Religions Press Freedom in Religious and Secular Societies Journalism Advertising and Ethical Issues and Religion Politics Media and Human Rights This important contribution will especially appeal to researchers and students in such fields as mass communications legal studies cultural studies political science religion intercultural communications international communications and journalism **Religion and the Law** Philip B. Kurland, 2009-01-01 There are few issues as

controversial as where to draw the line between church and state The framers of the Constitution's Bill of Rights began their blueprint for freedom by drawing exactly such a line The first clauses of the First Amendment provide Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof The justices of the Supreme Court

have not been wanting for advice from self appointed guardians The difficulty with such advice is that the contestants are more convincing when they criticize their opponents interpretations than when they seek to establish the validity of their own Religion and the Law examines the actions and words of the Supreme Court in applying constitutional language to the controversies that have come before it Lest such an effort be reduced to recitation these cases are measured against a neutral principle that will give the most appropriate scope to the religion clauses in such a manner as to provide guidance for legislatures and courts This neutral principle has been framed in reliance on the Aristotelian axiom that it is the mark of an educated man to seek precision in each class of things just so far as the nature of the subject admits One of the fundamental difficulties with the contemporary discussion of the hot button issue has been the failure to distinguish two separable problems the constitutional issue in the narrow sense of the meaning to be given to the language of the First Amendment by the Supreme Court and the broader question of the ideal relationship that should exist between church and state This is a classic study by one of the great theorists of American constitutional law *Current Issues in Law and Religion* Silvio Ferrari, 2017-07-05 This volume focuses on issues that have only recently come to the forefront of the discipline such as freedom from religion ordination of homosexuals apostasy security and fundamentalism issues that are linked to the common themes of secularism and globalization Although these subjects are not new to the academic debate they have become prominent in law and religion circles as a result of recent and rapid changes in society The essays in this volume present multiple points of view facilitate scholars in understanding this evolving discipline and act as a stimulus for further research This collection gives the reader a sense of the key topics and current debates in law and religion and is of interest to law politics human rights and religion scholars Religion, Law and Tradition Andrew Huxley, 2012-10-12 This book brings together two scholarly traditions experts in Roman Jewish and Islamic law an area where scholars tend to be familiar with work in each area and experts in the legal traditions of South and East Asia which have tended to be less interdisciplinary The resulting mix produces new ways of looking at comparative law and legal history from a global perspective and these essays contribute both to our understanding of comparative religion as well as comparative law Law as Religion, Religion as Law David C. Flatto, Benjamin Porat, 2022-08-25 The conventional approach to law and religion assumes that these are competing domains which raises questions about the freedom of and from religion alternate commitments of religion and human rights and respective jurisdictions of civil and religious courts This volume moves beyond this competitive paradigm to consider law and religion as overlapping and interrelated frameworks that structure the social order arguing that law and religion share similar properties and have a symbiotic relationship Moreover many legal systems exhibit religious characteristics informing their notions of authority precedent rituals and canonical texts and most religions invoke legal concepts or terminology The contributors address this blurring of law and religion in the contexts of political theology secularism church state conflicts and the foundational idea of divine law This title is also available as Open Access on

Cambridge Core *Law, Religion, Constitution* Dr Cristiana Cianitto, Ms Donlu Thayer, Professor Silvio Ferrari, Professor W Cole Durham Jr., 2013-09-28 What is the place assigned to religion in the constitutions of contemporary States What role is religion expected to perform in the fields that are the object of constitutional regulation Is separation of religion and politics a necessary precondition for democracy and the rule of law These questions are addressed in this book through an analysis of the constitutional texts that are in force in different parts of the world Constitutions are at the centre of almost all contemporary legal systems and provide the principles and values that inspire the action of the national law makers After a discussion of some topics that are central to the constitutional regulation of religion the book considers a number of national systems covering countries with a variety of religious and cultural backgrounds The final section of the book is devoted to the discussion of the constitutional regulation of some particularly controversial issues such as religious education the relation between freedom of speech and freedom of religion abortion and freedom of conscience

Routledge Handbook of Law and Religion Silvio Ferrari, 2015-03-05 The field of law and religion studies has undergone a profound transformation over the last thirty years looking beyond traditional relationships between State and religious communities to include rights of religious liberty and the role of religion in the public space This handbook features new specially commissioned papers by a range of eminent scholars that offer a comprehensive overview of the field of law and religion The book takes on an interdisciplinary approach drawing from anthropology sociology theology and political science in order to explore how laws and court decisions concerning religion contribute to the shape of the public space Key themes within the book include Religions symbols in the public space Religion and security Freedom of religion and cultural rights Defamation and hate speech Gender religion and law This advanced level reference work is essential reading for students researchers and scholars of law and religion as well as policy makers in the field

Religion, Law and the Constitution Javier García Oliva, Helen Hall, 2017-08-10 This book examines the existing constitutional and legal system in England Wales and Scotland through the prism of its treatment of religion and belief The study encompasses questions of Church state relations but pushes far beyond these It asks whether the approach to religion which has spread out from establishment to permeate the whole legal framework is a cause of concern or celebration in relation to individual and collective freedoms The primary focus of the work is the synergy between the religious dimension of the juridical system and the fundamental pillars of the Constitution parliamentary sovereignty the rule of law separation of powers and human rights Javier García Oliva and Helen Hall challenge the view that separation between public and religious authorities is the most conducive means of nurturing a free and democratic society in modern Britain The authors explore whether counter intuitively for some the religious dynamic to the legal system actually operates to safeguard liberties and has a role in generating an inclusive and adaptable backdrop for our collective life They suggest that the present paradigm brings benefits for citizens of all shades of religious belief and opinion including Atheist and Humanist perspectives as well as secondary advantages for those with profound

beliefs on non religious matters such as pacifism and veganism In support of their contentions Garc a Oliva and Hall examine how the religious dimension of the legal framework operates to further essential constitutional principles in diverse settings ranging from criminal to family law In a groundbreaking move the authors also set the legal discussion alongside its social and cultural context They consider how the theological perspectives of the larger faith traditions might influence members ideas around the key constitutional precepts and they include extracts from interviews which give the personal perspective of more than 100 individuals on contemporary issues of law and religious freedom These voices are drawn from a range of fields and positions on faith While the authors are at pains to stress that these sections do not support or advance their legal or theological conclusions they do provide readers with a human backdrop to the discussion and demonstrate its crucial importance in twenty first century Britain

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