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Religion, Law and the Growth of Constitutional Thought ..

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To understand the growth of Western constitutional thought, we need to consider both ecclesiology and political theory, ideas about the State. In this book Professor Tierney traces the interplay between ecclesiastical and secular theories of government from the twelfth century to the seventeenth. He shows how ideas revived from the ancient past - Roman law, Aristotelian political philosophy, teachings of Church fathers - interacted with the realities of medieval society to produce distinctively new doctrines of consent; later sections consider fifteenthcentury conciliarism and aspects of seventeenth-century constitutional thought. Fresh approaches are suggested to the work of several figures of central importance in the history of Western political theory. Among the authors considered are Thomas Aquinas, Marsilius of Padua, Jean Gerson, Nicholas of Cues and Althusius, along with many lesser-known authors who contributed significantly to the growth of the Western constitutional tradition

The relationship between religion and human rights is both complex and inextricable. While most of the world's religions have supported violence, repression, and prejudice, each has also played a crucial role in the modern struggle for universal human rights. Most importantly, religions provide the essential sources and scales of dignity and responsibility, shame and respect, restraint and regret, restitution and reconciliation that a human rights regime needs to survive and flourish in any culture. This volume provides authoritative examinations of the concept and origins of "human rights," and offers insight into the major human rights issues that confront religious individuals and communities. These include analysis of the roles of religious ideas and institutions in the cultivation and abridgement of rights of women, children, and minorities, and rights to peace, orderly development, and protection of nature and the environment. With contributions of Judaism, Christianity, Islam, Hinduism, Confucianism, Buddhism, and Indigenous religionsto the development of the ideas and institutions of human rights. It also probes the major human rights issues that confront religious individuals and communities around the world today, and the main challenges that the world's religions will pose to the human rights regime in the future. Written by one of our most respected legal historians, this book analyzes the interaction of law and religion in ancient Roman law in the early republic and empire before Christianity was recognized and encouraged by Constantine. At the heart of the book is the apparent paradox that Roman

private law is remarkably secular even though, until the late second century B.C., the Romans were regarded (and regarded themselves) as the most religious people in the world. Adding to the paradox was the fact that the interpretation of private law, which dealt with relations between private citizens, lay in the hands of the College of Pontiffs, an advisory body of priests. Alan Watson traces the roots of the paradox--and the way in which Roman law ultimately developed--to the conflict between patricians prepared in response the Twelve Tables, a law code that included only matters considered appropriate for plebeians. Public law, which dealt with public officials and the governance of the state, was totally excluded form the code, thus preserve of patrician priests, was also excluded. As Watson notes, giving a monopoly of legal interpretation to the College of Pontiffs was a shrewd move to maintain patrician advantages; however, a fundamental consequence was that modes of legal reasoning, Watson contends, persists even in modern legal systems. After sketching the tenets of Roman religion and the content of the Twelve Tables, Watson proceeds to such matters as formalism in religion and law, religion and property, and state religion. In his concluding chapter, he compares the law that emerged after the adoption of the Twelve Tables with the law that reportedly existed under the early Roman kings.

What are the rights of religious institutions? Should those rights extend to for-profit corporations? Houses of worship have claimed they should be free from anti-discrimination laws in hiring and firing ministers and other employees. Faith-based institutions, including hospitals and universities, have sought exemptions from requirements to provide contraception. Now, in a surprising development, large for-profit corporations have succeeded in asserting rights to religious free exercise. The Rise of Corporate Religious free exercise this "corporate" turn in law and religious free exercise. The Rise of Corporate Religious free exercise this "corporate" turn in law and religion. Drawing on a broad range perspectives, this book examines the idea of "freedom of the church," the rights of for-profit corporations, and the implications of the Supreme Court's landmark decision in Burwell v. Hobby Lobby for debates on anti-discrimination law, same-sex marriage, health care, and religious freedom.

This is the first attempt to integrate research on the place of religion in adolescent development today and to consider the impact of it on law and social policy making.

The role of religion in the development of law and order, in the progress of the government institutions and ultimately the state of economy has long occupied the minds of political economists. The obvious difficulty of this topic stems from the inability to stage and execute the controlled experiments, and the complexities of discovering the counterfactual evidence that would not be confounded by latent variables. In this paper we explore the novel approach to this problem that uses structural learning algorithms capable of finding the best-fit distributions for factors linking religion to major traits of the governance and economy. We find that the importance of religion in the society is conditionally independent from the economy given state institutions (rule of law and business regulations). This means a society with strong institutions can possibly develop a strong economy with no regard to religious beliefs.

Drawing on epigraphic, legal, literary, and numismatic sources, this book reveals how, in the Roman Republic, law and religion interacted to serve the same purpose, the continued growth and consolidation of Rome's power.

Applying a legal pluralist framework, this study examines the complex interrelationships between religious functionaries). It contends that religion can function as an impediment to Ghana's secularity and also serve as an integral tool for realising the State's legal ideals and meeting international human rights standards. Using three case studies - legal tensions, child witchcraft accusations and same-sex partnerships - the study illustrates the ways that the entangled and complicated connections between religion and law compound Ghana's secular orientation. It suggests that legal pluralism is not a mere analytical framework for describing tensions, but ought to be seen as part of the solution. The study contributes to advancing knowledge in the area of the interrelationships between religion and law in contemporary African public domain. This book will be a valuable resource for those working in the areas of Law and Religion, Religious Studies, African Studies, Political Science, Legal Anthropology and Socio-legal Studies.

Neither the morality of human rights nor its relation to the law of human rights is well understood. In this book, Michael Perry addresses three large issues: o There is undeniably a religious ground - for the morality of human rights? o What is the relation between the morality of human rights and the law of human rights? In considering this question, special attention is paid to the Supreme Court and how it should rule on hot button issues such as capital punishment and abortion. Toward a Theory of Human Rights makes a significant contribution both to human rights studies and to constitutional theory.

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