

THE INTERACTION OF LAW AND RELIGION

Harold J.
Berman

The Interaction Of Law And Religion

Russell Sandberg



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field Law, Religion and the Family in Africa Dr M Christian Green, Dr Faith Kabata ,2021-12-31 The family is a crucial site for the interaction of law and religion the world over including Africa In many African societies the family is governed by a range of sources of law including civil constitutional customary and religious law International law and human rights principles have been domesticated into African legal systems particularly to protect the rights of women and children Religious rites and rituals govern sexuality marriage divorce child rearing inheritance intergenerational relations and more in Christianity Islam and indigenous African custom This book examines the African family with attention to tradition and change comparative law the relation of parents and children to the state indigenous religion and customary law child marriage and child labour and migration diaspora and displacement **Law, Religion, Health and Healing in Africa** M. Christian Green, Faith Kabata, Fortune Sibanda, 2022-12-31 The Covid 19 pandemic was global in its spread and reach as well as in its medical social and economic effects In many respects the global effort to flatten the curve produced a flattening of experience around the world and a striking coincidence of similar experiences in countries the world over The identity simultaneity and uniformity of experience were also manifest in common concerns at the intersection of law and religion in many nations around the world including Africa The lockdowns and closure of religious worship centres churches mosques and religious organisations of all sorts raised questions of freedom of religion and the related concern for freedom of assembly along with concerns about the relation of religion to science and public health religious channels of communication and religious provision of social services After all health communications and social services are all areas in which African religious organisations play key roles Potential tensions around these issues raised further considerations about the nature of religion state relations the status of religious authority and whether religious and state actors would work together or at odds in addressing the Covid 19 pandemic *Rethinking Law and Religion* Russell Sandberg, 2024-06-05 This incisive book delineates the development of Law and Religion as a sub discipline critically reflecting on the author s own role in constructing the field It develops a subversive social systems theory in order to take both law and religion seriously and to challenge them equally **Making Religion and Human Rights at the United Nations** Helge Årsheim, 2018-07-23 This volume examines the different and sometimes contradictory approaches of four UN human rights committees to the concept of religion Drawing on critical perspectives from religious studies the book combines a genealogical assessment of the role of religion in international law with a detailed textual study of the reporting practice of the committees monitoring racial discrimination civil and political rights women s rights and children s rights Årsheim argues that the role of religion within the rights traditions monitored by the committees varies to the extent that their recommendations risk contradicting one another thereby undermining their credibility and potential to bring about real change on the ground Where some committees view religion singularly as a core individual right others see religion partly as an inherent threat to the realization of other rights but also as a potent social force to be reckoned with In order to remedy this situation Årsheim proposes the publication of a

joint general comment by all the committees spelling out their approach to the role of religion in the implementation of human rights

Religion in the Public Space Rinaldo Cristofori, Silvio Ferrari, 2016-12-05 Religion in the public sphere is one of the most debated issues in the field of law and religion This volume brings together articles which address some of the more prominent recent cases relating to religion and education religion and the workplace family law and religious symbols The essays discuss the meaning of secularism today and the difficult issue of religion in the public sphere and reflect a wide variety of viewpoints This volume maps the key elements of this multi faceted problem offers essential material and provides an important starting point for an understanding of the issues in this century old debate

The Interaction of Law and Religion in the Middle Ages Charles Donahue, 1980

Faith in Law, Law in Faith, 2024-04-02 Across four decades John Witte Jr has advanced the study of law and religion by retrieving religious sources of law renewing timeless teachings of religion for today and reengaging with the difficult issues confronting society Interdisciplinary international and interfaith in scope Witte s work has generated an enormous body of scholarship This collection of essays by leading scholars examines his impact and maps new directions for future exploration

Tax Law, Religion, and Justice Allen Calhoun, 2021-03-08 This book asks why tax policy is both attracted to and repelled by the idea of justice Accepting the invitation of economist Henry Simons to acknowledge that tax justice is a theological concept the work explores theological doctrines of taxation to answer the presenting question The overall message of the book is that taxation is an instrument of justice but only when taxes take into account multiple goods in society the requirements of the government the property rights of society s members and the material needs of the poor It is argued that this answer to the presenting question is a theological and ethical answer in that it derives from the insistence of Christian thinkers that tax policy take into account material human need necessitas Without the necessitas component of the tax balance tax systems end up honoring only one of the three components of the tax equation and cease to reflect a coherent idea of justice The book will be of interest to academics and researchers working in the areas of tax law economics theology and history

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 Garc a 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

Leading Works in Law and Religion Russell Sandberg,2018-12-07 *Leading Works in Law and Religion* brings together leading and emerging scholars in the field from the United Kingdom and Ireland Each contributor has been invited to select and analyse a leading work which has for them shed light on the way that Law and Religion are intertwined The chapters are both autobiographical reflecting upon the works that have proved significant to contributors and also critical analyses of the current state of the field exploring in particular the interdisciplinary potential of the study of Law and Religion The book also includes a specially written introduction and conclusion which critically comment upon the development of Law and Religion over the last 25 years and likely future developments in light of the reflections by contributors on their chosen leading works

Treading on Sacred Grounds Noel Villaroman,2015-02-11 In *Treading on Sacred Grounds* Places of Worship Local Planning and Religious Freedom in Australia Noel Villaroman analyses the engagement of religious groups with local councils in Australia in their applications to build places of worship Such applications often encounter opposition from local residents who are reluctant to share their neighbourhood or street with the newly arrived and less known other The local councils being the planning authority that grants or refuses such applications are caught in the middle of these disputes Using the lens of international human rights law the book probes the local councils actions and their repercussions to religious freedom The book has concrete legal and social implications that it is bound to impact not only legal scholarship but also crucially policy makers

The Christian Religion and Biotechnology George P. Smith,2005-03-21 Religion is a dominant force in the lives of many Americans It animates challenges directs and shapes as well the legal political and scientific agendas of the new Age of Biotechnology In a very real way religion biomedical technology and law are epistemologically different Yet they are equal vectors of force in defining reality and approaching an understanding of it Indeed all three share a synergetic relationship for they seek to understand and improve the human condition This book strikes a rich balance between thorough analysis in the body anchored in sound

references to religion law and medical scientific analysis and a strong scholarly direction in the end notes It presents new insights into the decision making processes of the new Age of Biotechnology and shows how religion law and medical science interact in shaping directing and informing the political processes This volume will be of interest to both scholars and practitioners in the fields of religion and theology philosophy ethics family law science medicine political science and public policy and gender studies It will serve as a reference source and can be used in graduate and undergraduate courses in law medicine and religion

Law, Religion and Love Paul Babie, Vanja-Ivan Savić, 2017-09-01 Increasingly the modern neo liberal world marginalises any notion of religion or spirituality leaving little or no room for the sacred in the public sphere While this process advances the conservative and harmful behaviours associated with some religions and their adherents exacerbate this marginalisation by driving out those who remain religious or spiritual And all of this is seen through the lens of social science which seems to agree that religion remains important if not in spiritual sense at least as a source of folklore and a means of identification religions remain rooted in the societies from which they emerged and the legal systems of many of those societies emerged from religious sources even if those societies remain unwilling to admit that fact In the modern materialistic world of conformity religion is less a source of guidance than a label of identification The world therefore faces two issues First the decreasing level of spirituality in the West widens the gap between worshippers and those who have left their faith eg agnostics and atheists or those who look at religion as a matter of picking and choosing from a range of options And second the strong connections to religion which remain in many nations but which are often misused in the secular public sphere both in the West and internationally In such divided worlds both religious and secular forces tend to lock themselves into closed groupings of pure truth and in so doing increase the level of disagreement in turn producing radicalism In short the modern world is divided in two ways between religious and non religious although some have argued that the non religious secular is itself a form of civil religion and between those subscribing to divergent understandings of the same religious tradition While hyperbolic and histrionic the term culture wars nonetheless best captures what we see happening in the public sphere today The question emerges then how best to accommodate the democratic principle which posits that the majority should feel that it lives in a society of its own with the human rights principle holding that is necessary to ensure the full protection of the minority's rights How to balance these seemingly opposed principles We are very familiar with the differences that appear between secular and sacred in the modern world yet what of the similarities amongst scriptures and laws which seek to encourage mutual understanding cooperation and even cohabitation Because religion itself is a source of law a set of exhortations or commands as much as a set of rights every major religion offers an approach to encountering the Other in a positive constructive affirming way and it is here that religions reveal much that they have in common This book draws together the work of scholars engaged in exploring the possibilities for a utopian world in the sense fostered by St Thomas More The essays explore those dimensions of religious and civil law where love

however that is defined by relevant texts fosters and encourages acceptance of the Other and will offer perspectives on the ways in which religious or civil state law command one to act in the spirit of love Religion Matters Paul Babie, Rick Sarre, 2020-03-02 This book draws together leaders in science the health sciences the humanities and the social sciences to investigate the role of religion its meaning and relevance for their area of specialization It provides a much needed fresh perspective on the way in which religion operates within the modern neo liberal world The book approaches the topic by way of a critical engagement between religion broadly defined and the individual disciplines in which each of the contributors is expert Rather than simply taking the dogmatic position that religion offers something to every possible discipline each of the chapters in this collection addresses the question is there something that religion can offer to the discipline in question That is the value of the book it takes a truly critical stance on the place of religion in contemporary society *The Integrative Jurisprudence Of Harold J. Berman* Howard O Hunter, 2019-07-11 The essays in this volume appeared in slightly different versions in the Emory Law Journal volume 42 number 2 pages 433 560 The edited and revised versions of those essays are published with the consent of the editors of the Emory Law Journal to whom grateful acknowledgment is given

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