

The role of religion amid the development of civil laws: A brief history

Throughout human history, policies initiated and dictated by religion constituted the main foundation of civil laws and regulations. In the utmost majority of societies, priests were the main law makers of the land. We will find while touring different civilizations, and religions that those were at few exceptions, tightly coupled and intertwined.

The modern time had witnessed a maturity in the observance of civil laws where taxes, penalties, and summons are the means for law enforcement. In earlier times where other means of law enforcement were less abundant and applicable, religion was effective as an internal stimulant in inciting citizens to respect the law. Religious authorities and teachings had played the role of a catalyst in infusing civil laws while striving to achieve the ultimate goal of promoting social justice. The aforementioned teachings, after specifying the “Dos”, and “DO NOTs”, revolve around the importance of virtue and morality in ensuring impartiality when applying laws and regulations

The space-Time dimension of the topic

In all the following societies pertaining to different geographic locations, civil laws had originated in the name of religion where religious elites were law makers and observers.

- Mesopotamia

We will start a historical timeline with the Sumerian realm around the year 3500 BC when priests start ruling Sumer. The kingdoms of Sumer were organized into city-states and the Kings ruled each city-state for the gods. They were assisted by priests, scribes, and nobles (Sumerian: Government)

In Babylon, king Hammurabi had put his famous code (An Eye for an Eye) in the year 1754 BC at the pursuit of justice. The later was one of the first legal code with criminal and civil matters.

In his preface to the law, Hammurabi states, "Anu and Bel(master of the sky) called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the black-headed people like Shamash(the solar deity), and enlighten the land, to further the well-being of mankind

- China

During the Zhou dynasty (1046-256 BC), people began to believe that the rulers of the Chinese states were 'sons of heaven', meaning that they were chosen by the gods. This idea continued to gain credibility. Once China was unified, the emperors used this belief to their advantage to help them retain power. Many laws in ancient China concerned the emperor and his protection. Laws and punishments

were in place, for example, for those that entered the palace without authority and used the main road that was reserved for the emperor. Anyone that aimed to hurt the emperor would be allowed no support and would be tortured and executed immediately. Confucianism, Taoism, Buddhism, and the early folk religion combined to form the basis of Chinese culture.

- Greece

Ancient Greece had initiated the idea of separation of state and religion later known as secularism. Although Greeks had tried different ruling systems such as oligarchy, democracy, and dictatorship, the most noteworthy and relevant to our core subject was the Platonic ideal city. For Plato, the ideal city was one which mirrored the cosmos, on the one hand, and the individual on the other. As he had described in *The Republic*, the ideal city, or polis, was one based on justice and human virtue. It was a form of social and political organization that allowed individuals to maximize their potentialities, serve their fellow citizens, and live in accordance with universal laws and truths (role of religion).

- The Roman dominion

There was no principle analogous to the separation of church and state in ancient Rome. During the Roman Republic (509–27 BC), the same men who were elected public officials might also serve as augurs and pontiffs. Priests married, raised families, and led politically active lives. Julius Caesar became “pontifex maximus” (the highest priest) before he was elected consul.

The spiritual dimension of the topic

Whereas priests and clergy played the role of counselors and 'law enforcement' facilitators in the above mentioned, they form some specific regulations peculiar to the religious communitarian life.

- The Sanhedrin

(Hebrew: סֵנְהֶדְרִין *sanhedrîn*, Greek: Συνέδριον, *synedrion*, "sitting together," hence "assembly" or "council"). Before the rule of kings started with Saul, David, and Salomon, the Sanhedrin was an assembly of twenty-three to seventy-one men appointed in every city in the Land of Israel. In the Hebrew Bible, Moses and the Israelites were commanded by God to establish courts of judges who were given full authority over the people of Israel, who were commanded to obey the instructions of the judges and the laws they established.

- The government of Madinah/Medina

An Islamic government was established by Prophet Muhammad in Medina in the Arab Peninsula in the beginning of the sixth century AC. For that, prophet Muhammad (Peace be upon him and his progeny of ahlul-bayt) had developed a constitution based on the Qur'anic teachings. At a later time, the successive proclaimed Caliphs extended the geographical boundaries of the Caliphate ruling to include

vast areas in Asia, Europe, and Africa.

- The church-- Canon law

The canon law is a set of ordinances and regulations made by the highest clergy authorities. It is the internal ecclesiastical law, or operational policy, governing the Roman Catholic Church (both the Latin Church and the Eastern Catholic Churches), the Eastern Orthodox and Oriental Orthodox churches, and the individual national churches within the Anglican Communion. Canon law wasn't just a body of rules and regulations governing members of the church, but rather an elaborate code of ethics shaping family life and marriage.

- Ecumenical---Rome

In order to apply the canon law on a universal basis, the Catholic clergy had established an ecclesiastical or sacerdotal-monarchical state ruled by the Bishop of Rome – the Pope. The purpose of existence of this state is to instigate the ecumenical application of the catholic teaching through a model state ruled by the clergy elites.

The scriptures

We will be concluding with passages/excerpts from the monotheistic religions' holy books that emphasize the centrality of religion in spreading justice among people.

Bible- Psalm 37:28-29

For the LORD loves the just and will not forsake his faithful ones. Wrongdoers will be completely destroyed; the offspring of the wicked will perish.

The righteous will inherit the land and dwell in it forever.

We can see the same equivalent meaning in the Qur'an which proves that the source for those holy books is one, no one but the creator.

Qur'an-Prophets105

And we have written in Zabur (Psalms) after the advice/reminder that the land will be inherited by my righteous servants.

In those verses, both bible and Qur'an talk about the inheritance of the land and the prevalence of justice. The creator addressing his creatures in the last book of revelations he sent (Qura'an), is referring them to one of his previous books, namely the psalms.

Another reference to justice, is in the verse where the Qur'an is revealing a historical occurrence of the rule of a just, king David who was also a prophet; hence another instance of the duality of piety and impartiality (and do not follow desire), and justice.

“O David! Surely We have made you a ruler in the land; so judge between men with justice and do not follow desire, lest it should lead you astray from the path of God” (Quran 38:26)

Bible-- Micah 6:8 (Micah is the last prophet of the Old Testament)

He has shown you, O mortal, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.

Qura'an-Alnisa'a 105

We have indeed sent down unto you (O Prophet) the book in truth that you may judge between people by what God shows you.

Bible-Isaiah 1:17

Learn to do right; seek justice. Defend the oppressed. Take up the cause of the fatherless; plead the case of the widow.

Bible-Leviticus 19:15

Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly.

Qura'an-al-Hadid 25

Certainly we sent Our Messengers with clear proofs and we sent down with them the Scripture and the Balance that may establish the people justice

Qura'an-Bakara 213

God sent Prophets with glad news and warnings. He sent the Book with them for a genuine purpose to provide the people with the ruling about disputed matters among them

References:

Sumerian: Government

<http://www.fathis.com/wendy-ann-blog/sumerian-government>

The Code of Hammurabi: Ancient Civilizations

<http://www.ushistory.org/civ/4c.asp>

Religion in Ancient China (Article) - Ancient History Encyclopedia

Ancient China: Laws and Religion

<https://ursulafrayne.libguides.com/year7/humanities/ancientchina/lawsandreligion>

Ancient Greece

<http://www.ancientgreece.co.uk>

Christian Forums: Was Solomon a prophet?

<http://christianforums.net/Fellowship/index.php?threads/was-solomon-a-prophet.44274/>