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John Witte Jr.

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John Witte Jr. : God's Joust, God's Justice: Law and Religion in the Western Tradition (Emory University Studies in Law and Religion) before purchasing it in order to gage whether or not it would be worth my time, and all praised God's Joust, God's Justice: Law and Religion in the Western Tradition (Emory University Studies in Law and Religion):

5 of 5 people found the following review helpful. Book Searches for God in History of Law and Religion By Center for the Study of Law and Religion at Emory University As a Christian believer and a legal historian, Emory Law Professor John Witte, Jr. believes that human history cannot be fully understood without reference to divine mystery, and that our lives are moving inevitably toward a "reconciliation with God, neighbor, and self -- if not in this life, then in the life to come, if not with a true God then with a false god, if not in the company of heaven then in the crowds of hell." The exploration of law and religion in his latest (and nineteenth) book, *God's Joust, God's Justice: Law and Religion in the Western Tradition* (Wm. B. Eerdmans, 2006), seeks to find some of the sources of revelation and wisdom within historical patterns and events--a timely topic for a world violently divided by seemingly irreconcilable differences reflected in ethnic and religious conflicts. Witte, the Jonas Robitscher Professor of Law and Director of the Center for the Study of Law and Religion (CSLR) at Emory University, studies history with the three "r's" in mind: retrieval of the religious dimensions of law, politics, and society; reconstruction of enduring teachings of various traditions; and reengagement of a historically informed religious viewpoint with other voices and views. With these tools, he explores the legal and theological underpinnings of authority and liberty, justice and mercy, crime and punishment, and rights and duties, applying these findings to "the hard issues that now confront church, state, and society." The title of the book is taken from the former German-monk-turned-church-reformer Martin Luther, who said, "History is God's theatre, . . . God's jousting place." For Witte, history is rich as "a source of revelation, a collection of wisdom. The archive is a treasure trove. Old books are windows on truth." There are three things people will die for, he says--their faith, their freedom, and their family. This volume studies all three and the intersections among them in the Western tradition as well as today. A long introduction puts the material in perspective. Reviewing major shifts in the Western religious tradition, from classical Rome through the Papal Revolution, the Protestant Reformation, and the Enlightenment, Witte finds that these watershed movements occurred during "radical shifts in the dominant metaphors . . . triggering massive changes in prevailing legal forms and norms--movements from canon law to civil law to common law; from the supremacy of the church to the supremacy of the state, to the supremacy of the individual and the collective." Roman law, for example, established the imperial cult: Rome was to be revered as the eternal city, ordained by the gods and celebrated in its altars. The emperor was to be worshiped as a god and Roman law was viewed as divine law. The first great shift, Witte says, came with the Christian conversion of the Roman emperor and empire in the fourth through sixth centuries. Beginning in 1075, the Roman Catholic Church became a legal and political corporation within Western Christendom. During this period, with the merging of Roman and Christian beliefs, the church came to claim a new jurisdiction: the power to "speak the law." "These jurisdictional claims rendered Church officials both the new legislators and new judges of the West," he writes. Medieval canon law was perceived as exhibiting Christian equity, and was viewed as "flexible, reasonable and fair." For instance, the disadvantaged--the poor, widow, orphans, the handicapped--were afforded special care, and a whole latticework of rights emerged for individuals and groups to press their claims before church courts. Separation of church and state started to emerge under the sixteenth-century Protestant reformers who taught that "salvation comes through faith in the Gospel, not by works of law." They saw the church as a "community of saints, not a corporation of politics," and believed law was primarily the province of "the state, not the Church; the magistrate, not the minister." The first part of the book traces the development of human rights in the West - with emphasis on the contributions that biblical, classical, Catholic, Protestant, Orthodox, and Enlightenment traditions alike made to our modern rights talk. The second part of the book concentrates on American understandings of law and religion, especially various religious and philosophical influences on America's essential rights to the liberties of religion--freedom of conscience, free exercise of religion, religious pluralism and equality, separation of church and state, and disestablishment of religion. It explores how these principles of religious liberty informed the First Amendment religion clauses forged in 1789. Tackling the many historical and political myths surrounding the separation of church and state, Witte argues that this hot-button issue has a long and complex history in the Western tradition, and should remain a vital principle of religious liberty so long as its application is buffered by other principles of religious liberty. He also makes a comparable case in the realm of criminal law and punishment, including theories of rehabilitation, which first emerged during the Enlightenment era. In the book's latter third, Witte examines how much of our modern conceptions and understandings of marriage and family life are the products of Catholic, Protestant, and Enlightenment theology and law. One enduring teaching is the view that marriage is a good institution for the couple, the children, and the broader community, a theme that recurs repeatedly in medieval Catholic, early modern Protestant, and modern philosophical sources, and has recently been documented in social science literature as well. "Christians share with Jews and Muslims the view that marriage is a covenant, at once private and public, contractual and spiritual, voluntary and natural, psychological and civilizational in origin, nature, and function," he said. The history of the church's view of marriage is illustrated through passages such as this: "The Second Vatican Council (1962-1965), after anguished and angry debate . . . declared that God himself is the author of matrimony, endowed as it is with various goods (bona) and ends (fines). All of these have a very decisive bearing on the continuation of the human race, on the personal development and eternal destiny of the individual members of a family, and on the dignity, stability, peace, and prosperity of the family itself and human society as a whole." There have been more troubling aspects of religious

teachings on family, Witte adds, such as the Catholic emphasis on mandatory clerical celibacy, both historically and today, and the "sorry history of illegitimacy doctrine" in the Western legal tradition. He argues that a fundamental misreading of the story of Ishmael and other biblical texts has led canon law, civil law, and common law alike to discriminate against "bastards," and he urges instead better theories and law of adoption and personal responsibility. A final chapter in this section reviews the historical duties of love that parents and children owe to each other at different stages of a child's formation -- a subject treated at length in household manuals that have survived from the 14th to the 19th centuries, the "spiritual Dr. Spocks" of the late medieval and early modern worlds. In the concluding chapter, Witte calls for a more robust Christian Jurisprudence that enlists Christian believers and churches alike to engage contemporary questions of law, politics, and society with "doctrinal rigor, biblical authenticity, and moral cogency in a pluralistic world." Too often of late, he writes, "Christians have marched to the culture wars without ammunition - substituting nostalgia for engagement, acerbity for prophecy, platitudes for principled argument." Individual Christians and the church as a whole needs "to reengage responsibly the great legal, social, and political issues of our age and to participate in the public square in a manner that is neither dogmatically shrill nor naively nostalgic but fully equipped with the revitalized resources of the Bible and the Christian tradition." Because of Witte's conviction and habit of returning to the sources to illuminate the continuous and never-ending interaction of law and religion, as the disciplines apply to society and the individual, this volume is both useful and informative, entertaining and enlightening. ***The Center for the Study of Law and Religion is home to world class scholars and forums on the religious foundations of law, politics, and society. It offers first-rank expertise on how the teachings and practices of Christianity, Judaism and Islam have shaped and can continue to transform the fundamental ideas and institutions of our public and private lives. The scholarship of CSLR faculty provides the latest perspectives, while its conferences and public forums foster reasoned and robust public debate.

There are three things that people will die for -- their faith, their freedom, and their family. This volume focuses on all three, including the interactions among them, in the Western tradition and today. Retrieving and reconstructing a wealth of material from the earliest Hebrew and Greek texts of the West to the latest machinations of the Supreme Court, John Witte explores the legal and theological foundations of authority and liberty, equality and dignity, rights and duties, marriage and family, crime and punishment, and similar topics. *God's Joust, God's Justice* is a lucid scholarly introduction to the burgeoning field of law and religion and a learned historical inquiry into the weightier matters of the law.

"John Witte has written a book that is profoundly in touch with the intractable issues in U.S. public life and in that of the West generally. Though this study of rights is a historical analysis, it breathes with contemporary passion. Among other things, it is a summons to the churches and other religious communities to care about the great public dimensions of order and value. He urges them to dispense with myopic and sectarian preoccupations and to address the big issues. . . The future of our society depends on religious communities that can supply the narrative that will ground the work of human rights. Witte's welcome book is an important wake-up call." --Walter Brueggemann, Professor Emeritus of Old Testament at Columbia Theological Seminary, *Christian Century*, January 2007 "This formidable collection of essays encompasses and, to an extent, distills a decade of John Witte's scholarly investigations into the 'dialectical interaction' of 'law' and 'religion' in the western tradition. . . The importance and timeliness of Witte's studies for both theological and legal disciplines lies precisely in his persistent determination to interpret western legal traditions as Christian traditions, flowing from biblical, apostolic and ecclesial sources, and not only from classical philosophical and legal source." --Joan Lockwood O'Donovan, Honorary Fellow, School of Divinity, University of Edinburgh, *Studies in Christian Ethics*, April 2008 "John Witte's latest volume is a fine contribution to the contentious contemporary academic debates about religion, law, and politics. Witte's book. . . is impressive in many ways, not least in its ambitions to force a significant reevaluation of what our history tells us about the rise of modern paradigms of law and politics and the role that religion has played. It is an ambitious and generous volume that will, I believe, prove an excellent resource as we continue to wrestle with the complexities of the modern experiment with religious freedom." --Brett T. Wilmot, Professor and Associate Director, Ethics Program, Villanova University, "In summary, this readable book provides a useful historical review of the relation between law and religion in Western culture...I cannot imagine that any serious student of the issue, whether neophyte or expert, could read this book without satisfaction and profit." --Charles E. Rice, Professor Emeritus University of Notre Dame Law School, *The of Politics*, February 2008 "In *God's Joust, God's Justice: Law and Religion in the Western Tradition*, John Witte, Jr. applies the lens of Christian history to the legal topics as varied as human rights, proselytism, crime, marriage, clerical celibacy, illegitimacy, and jurisprudence. For many authors, such a diverse lineup, particularly in a field as expansive and amorphous as law and religion, would tend to produce a compilation of work that seems more contrived than coherent. But Witte admirably succeeds in his project by portraying the mutual reliance of law and religion through normative comparison and historical narrative...Witte calls "peoples of all faiths and no faiths to take their place in the marketplace" (261). Coming from a scholar of Witte's caliber and temperament, it is a welcome invitation." --Robert

Vischer, Professor and Associate Dean, University of St. Thomas Law School, *Journal of Religion*, January 2008

From the Back Cover There are three things that people will die for -- their faith, their freedom, and their family. This volume focuses on all three, including the interactions among them, in the Western tradition and today. Retrieving and reconstructing a wealth of material from the earliest Hebrew and Greek texts of the West to the latest machinations of the Supreme Court, John Witte explores the legal and theological foundations of authority and liberty, equality and dignity, rights and duties, marriage and family, crime and punishment, and similar topics. "Gods Joust, Gods Justice" is a lucid scholarly introduction to the burgeoning field of law and religion and a learned historical inquiry into the weightier matters of the law.

About the Author John Witte Jr is Jonas Robitscher Professor of Law and Ethics and director of the Centre for the Study of Law and Religion at Emory University. A specialist in legal history, marriage and religious liberty, he has authored numerous books including *Sex Marriage and Family Life in John Calvin's Geneva*.