

# The Role of Religion amid the Development of Civil Laws: A Brief History

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## Abstract

This comprehensive historical exploration investigates the intricate relationship between religion and the evolution of civil laws. Throughout human history, the interplay between religious beliefs and legal systems has profoundly shaped societies and governance structures. From ancient civilizations to the modern era, religious authorities and teachings have acted as catalysts in shaping civil laws, often with the goal of promoting social justice. This article embarks on a journey through time, unraveling the multifaceted connections between religion and the development of legal frameworks. In numerous societies, religious doctrines formed the cornerstone of civil laws and regulations. The majority of civilizations witnessed priests assuming pivotal roles as lawmakers, effectively coupling civil laws and religious practices. By examining various historical civilizations, this study illustrates how religious norms and practices were intertwined with legal codes, revealing instances where religious teachings played a crucial role in promoting adherence to laws. The transition to modern times witnessed the emergence of alternative means for law enforcement, yet religion's role persisted as an internal driving force for fostering law-abiding behavior. Drawing from examples such as the Code of Hammurabi, Islamic legal traditions, and the Roman Twelve Tables, this article showcases historical instances where religious values contributed to legal principles centered around equity, justice, and morality. Additionally, the study explores how religion's influence shifted over time, from early religious leaders acting as legislators to the establishment of more secular legal systems.

## Keywords

Religion and Civil Laws, Social Justice, Moral Foundation of Laws, Role of Religious Leaders, Code of Hammurabi, Roman Twelve Tablets, Islam, Catholicism

## 1. Introduction

The decision to explore the intricate relationship between religion and the development of civil laws stems from its profound impact on human societies throughout history. This topic was chosen due to its relevance in understanding the foundational principles that have shaped legal systems across different cultures and epochs. Religion, as a driving force behind the formation of laws and governance, has left an indelible mark on the evolution of societies and their ethical codes.

By delving into the coalescence of religion and civil laws, this research seeks to unveil the dynamic interplay between spiritual beliefs and the establishment of legal frameworks. Understanding how religious tenets influenced the origins, structures, and enforcement of laws provides valuable insights into the historical evolution of human societies. Additionally, it sheds light on the complex interaction between the metaphysical realm and the practical aspects of societal governance.

Moreover, this topic offers the opportunity to explore the transition from a time when religious authorities were the primary legislators to the modern era of more secular legal systems. Investigating the extent to which religious teachings have continued to influence the moral underpinnings of civil laws in the present day adds a contemporary relevance to this historical exploration.

By comprehensively examining the historical context in which religious and legal systems converged, this research aims to contribute to a deeper understanding of the cultural and philosophical foundations that continue to influence the world's legal structures. The insights gained from this study have the potential to inform discussions on the balance between tradition and progress, as well as the ongoing dialogue between religious values and the evolution of societies' legal norms.

## 2. Coalescence of Religion and Civil Laws

This article is a comprehensive historical exploration of the theme of the coalescence of religion and civil laws. Throughout human history, the complex interplay between religion and civil laws has left an indelible mark on societies, governance, and the evolution of legal systems. From the earliest civilizations to the modern world, religious beliefs have often acted as a cornerstone upon which civil laws were constructed. This article embarks on a comprehensive journey through time, delving into the multifaceted relationship between religion and the development of civil laws.

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 civil laws and religious practices were at a 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 following historical examples underscore how religious authorities and teachings have played a significant role in shaping civil laws with the intention of promoting social justice, equity, and ethical conduct:

### **2.1. Code of Hammurabi (Mesopotamia)**

The Code of Hammurabi (*Hammurabi, 1754 BC*), established around 1754 BC in ancient Mesopotamia, is a prime example of religious authorities influencing civil laws. The code was attributed to King Hammurabi but was claimed to be divinely inspired by Shamash, the solar deity. The code contained not only secular laws but also religious precepts, and it emphasized principles of equity and justice. Religious beliefs in divine guidance were used to establish a legal framework that aimed at maintaining social order and fairness.

### **2.2. Islamic Jurisprudence Law**

Islamic societies throughout history have drawn heavily from religious teachings to shape their legal systems. Sharia law, derived from the Quran and the Hadith (sayings and actions of Prophet Muhammad), has played a significant role in shaping the laws of many Muslim-majority countries. The emphasis on social justice, charity, and equality within Islamic teachings has influenced laws related to inheritance, marriage, contracts, and ethical behavior.

### **2.3. The Magna Carta (England)**

While not directly tied to religion, the *Magna Carta (1215)* in England illustrates the role of societal values influenced by religious thought. It laid the groundwork for the principle of rule of law by limiting the powers of the monarchy and establishing certain rights for individuals. The document reflected ideas of justice and fairness that were often intertwined with religious values of the time.

### **2.4. Roman Twelve Tables**

In ancient Rome, the Twelve Tables, a set of laws compiled around 450 BC, provided the foundation for Roman law. While not directly religious, Roman law was influenced by both cultural and religious norms. Roman officials often held dual roles as public servants and priests, showing the integration of religious and legal authority. Some legal principles, such as the right to defend oneself in court and the idea that all citizens were equal before the law, were informed by notions of fairness and justice present in Roman religion.

## 2.5. Islamic Golden Age and Legal Scholars

During the Islamic Golden Age (8<sup>th</sup> to 13<sup>th</sup> centuries), Muslim scholars such as Al-Farabi, Avicenna, and Al-Ghazali explored the intersections of philosophy, religion, and law. Their works on ethics, governance, and justice had a profound influence on Islamic jurisprudence and the development of legal theories that aimed to promote social justice.

## 2.6. Canon Law in Medieval Europe

Canon law within the Catholic Church demonstrates the connection between religion and governance. Canon law, a complex system of ecclesiastical rules, governed matters such as marriage, inheritance, and religious practices. It was heavily influenced by religious doctrine and contributed to shaping social norms and legal practices within medieval European societies.

## 3. Religion's Pervasive Role in Early Legal Systems (The Space-Time Dimension of the Topic)

In ancient societies, religion was intricately woven into the fabric of governance. Often, religious leaders, such as priests, held dual roles as both spiritual guides and legislators. These spiritual arbiters served as the intermediaries between the divine and the earthly realms, wielding significant influence in the formulation of laws. From Sumeria to Babylon, priests were entrusted with crafting and enforcing laws that resonated with religious principles.

### 3.1. Mesopotamia

In Mesopotamia, priests were revered as intermediaries between gods and humans. The Code of Hammurabi, established by King Hammurabi in 1754 BC, is a testament to the amalgamation of religion and civil governance. This legal code, etched in stone, contained not only secular laws but also religious precepts, illustrating the inseparability of religious and legal matters. The Code of Hammurabi was one of the first legal codes 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."

### 3.2. China

Ancient China experienced the fusion of religious beliefs and legal norms. 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. The concept of rulers as "sons of heaven" conferred divine legitimacy upon their rule. Once China was unified, the emperors used this concept as a 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. Adoption of Confucianism, Taoism, and Buddhism contributed to shaping a societal framework where religious and legal principles coexisted.

### **3.3. The Roman Dominion**

Ancient Rome exemplified the lack of a distinct separation between religious and political authorities. Roman officials often held dual roles as public servants and priests. During the Roman Republic (509-27 BC), the same men who were elected public officials might also serve as augurs and pontiffs. The rise of Julius Caesar to the position of “pontifex maximus,” the highest priest, showcases the entwining of religious and political power.

### **3.4. Greece**

In contrast, ancient Greece introduced the idea of separating state affairs from religious dogma. Philosophers like Plato envisioned an ideal city governed by justice and virtue, irrespective of divine decree. 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). This philosophical departure marked a crucial step toward secular governance.

Transition to Modern Governance and Legal Systems:

As societies evolved and matured, the methods of law enforcement shifted toward more secular means, often underpinned by taxation, penalties, and impartial legal proceedings. However, the religious foundation upon which earlier legal systems were built continued to influence the moral compass of civil laws.

## **4. The Spiritual Dimension**

In various societies, specific religious institutions contributed to the formulation of communal laws. For instance, the Sanhedrin in ancient Israel was responsible for adjudicating legal matters based on religious doctrines. Similarly, the Islamic government established by Prophet Muhammad in Medina introduced a constitution grounded in Qur’anic teachings.

Canon Law and Ecclesiastical Governance:

Canon law within the Catholic Church exemplifies the enduring connection between religion and governance. This intricate set of ordinances and regulations guides the internal operations of the Church, reflecting a rich history of religious influence on civil matters.

### The Moral Ethos and Justice in Religious Texts:

Monotheistic holy scriptures emphasize the importance of justice as a central virtue, thereby reinforcing the interdependence of religion and civil laws.

#### 4.1. Bible

Passages such as Psalm 37:28-29 underscore divine favor for the just and the eradication of wrongdoers. Micah 6:8 and Isaiah 1:17 advocates acting justly, defending the oppressed, and upholding mercy: “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[a] with your God. Bible-Psalms 37:28-29 reinforces the previous meaning, and gives good tidings: “The righteous will inherit the land and dwell in it forever.”

#### 4.2. Qur'an

In the Qur'an, verses like Al-Nisa'a 105 and Al-Hadid 25 emphasize the establishment of justice as a divine mandate. The story of King David in Surah Sad (38:26) highlights the intersection of piety and impartiality in governance: “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”. The Qur'an refers as well to psalms in highlighting the prevail of justice advocates of the world: “Before this we wrote in the Psalms, after the Message (given to Moses): My righteous servants the shall inherit the earth.” (Qur'an-Prophets 105)

### 5. Conclusion

The trajectory of the relationship between religion and civil laws traverses epochs, civilizations, and belief systems. From Mesopotamia's priestly legislators to Greece's conceptualization of secular governance, and from the intertwined roles of Roman officials to the ethical ethos of monotheistic scriptures, the influence of religion on legal systems remains profound. While modern governance often emphasizes secular law enforcement, the moral foundation set by religious teachings continues to resonate within the structure of civil laws, reminding us of the intricate tapestry woven between faith and the evolution of societies.

### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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