

Law

by Sophia



WHAT'S COVERED

In this lesson, you're going to learn about religion and law. You will gain an understanding that law, ethics, morality, and religion are all very much interwoven. You will see that in some cultures religion is the terra firma, the ground, of law and the legal structure. You will also see that, in cultures and societies that seek to separate religion and the secular realm of civil life, such as politics, one still finds the presence and the influence of religion. This lesson will examine the relationship between religion and law. Specifically, this lesson will cover:

1. [Origin of Law](#)
2. [Etymology](#)
3. [Religion's Role in Codification](#)
4. [Religion as Law](#)

1. Origin of Law

What comes to mind when you think of law? Is it authority? Is it a sense of morality, justice, and truth? Is it a sense of right and wrong? Maybe it relates to ethical conduct in the world, how to behave, and punishment. It also could relate to rewards for good behavior as well.

Where does law come from? How do you learn this? The short answer is that you learned it from your parents, and it will be transmitted to your children. There's an element of handed-down wisdom in a person's sense of justice and morality. When you think of this, maybe you think of the **Ten Commandments**, prescriptions and prohibitions against certain things.

To really understand the etiology, or the origin, cause, and evolution, of these norms, codes, and laws and how religion fits into it all, you might look at primitive societies. In early society back in the Stone Age, there was no term or concept for law as it's understood today.



DID YOU KNOW

Law was not written down until the Bronze Age and the emergence of Sumerian society around 3000 BCE.

Some of the earliest forms of writing, known as cuneiform, indicate the relationship between humans in these societies and the supernatural. It also documented domestic relationships involving geographical boundaries and relationships between individuals. Essentially, this was documenting ethical conduct in society.

The first written codes were an evolving code of conduct for societies that were beginning to shift into relationships that involved mixed clans as opposed to a single clan. They outlined king-based rules, behavior, guidelines, and obligations.



TERM TO KNOW

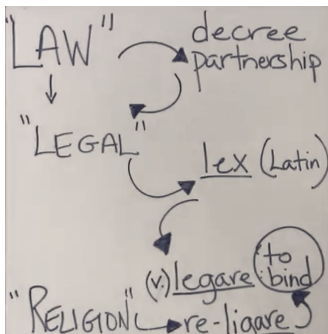
Ten Commandments

The principal divine ordinances given to Moses by God.

2. Etymology

The English word “law” comes from “decree” and “partnership.” The word legal comes from the Latin “lex,” which is taken from the Latin verb “legare”: “to bind” or “to bring together.”

Religion comes from the Latin “re-ligare,” which also means “to bind.” There’s a shared etymological root between “law,” “legal,” and “religion.”



The Greek word for morality is “ethicos,” which refers to behavior in society.

3. Religion’s Role in Codification

You don’t begin to see the intertwining of formal law, ethics, and social behavior until writing and language starts to be more directly associated with the supernatural as a direct other that communicates personally with mankind. This is known as the revealed word of God revealed to Moses, Christian prophets, and Muhammad. It becomes the basis for formal law and the Mosaic law. The Ten Commandments and Torah given to Moses by God and the Qur’an given to Muhammad by Allah became the bedrock of society, laws, ethics, and norms for Jews, Christians, and Muslims.

You can continue following this transition from what anthropologists have called “primitive law” to formal codification. Humanity has had a changing relationship with ideas about what is right and wrong. This

investigation could take you into the realms of enforcement, Roman law, private property, business relations, et cetera. However, what is important to understand here is the theory and history behind some of our common sense understandings about right behavior, morality, and laws.



BIG IDEA

There's a founding of religious culture that sought to bind together family and non-family alike to fulfill the contract that a people made with God. It's a metaphorical kinship, which is inscribed and written down in the sacred texts of many of their religious traditions. The higher law now had a conduit or connection to life in society.

4. Religion as Law

In front of many US courthouses, you can find a representation of the Ten Commandments. It may lead you to wonder what exactly is the role of religion in life today.

In some cultures today, that law given from the divine is still directly referred to as a basis for civil law. These states are known as **theocracies**. "Theo" is the Greek word for "God." It refers to a society beholden to divine law.

In many Muslim majority nations, religious law forms the basis for all other laws. In Islam, this is called sharia. Religious scholars are very involved in the process of assessing the relationship between divine doctrine and state law.

Some reformers of history thought that these codes of conduct were so common sense that God could just be written out of the law. They felt that issues pertaining to God should rest in the realm of religion, and the jurisdiction over human behavior should rest in human hands. This is the idea of **separation of church and state**. This exists in places such as the US, France, India, and many other nations.



TERMS TO KNOW

Theocracy

Government led by religious leaders who are considered to be divinely guided.

Separation of Church and State

The creation of separate religious and governmental spheres in a society.



SUMMARY

The origin of law has its roots in religion. There was no formal law as it is known today, but order was derived from religious practices at the time. It formed the basis for the relationship between rulers and their tribes. The **etymology** of law shows this unification as its Latin root means "to bind or bring together." **Religion's role in codification** comes as written language developed. The rules prescribed by the divine were set down more permanently and passed on. In the modern world, there are still places

that treat **religion as law**. These systems are called theocracies. Separation of church and state has developed as a way to keep the jurisdiction of human behavior in human hands.

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