



Essays on Law, Religion, and Morality

By Gerard V. Bradley

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The most controversial foundational issue today in both legal philosophy and constitutional law is the relationship between objective moral norms and the positive law. Is it possible for the state to be morally neutral about such matters as marriage, the family, religion, religious liberty, and as the Supreme Court once famously phrased it the meaning of life? If such neutrality is possible, is it desirable? In this volume of essays one of our countrys leading constitutional lawyers answers no to both questions. In the first three chapters, Gerard Bradley investigates the central moral justification of punishment, the morality of plea bargaining, and how the criminal justice system should treat the family. These essays reflect both Bradleys decades as a teacher of criminal law as well as his earlier experience as a trial prosecutor in the Manhattan District Attorneys Office. The second triptych of papers has to do with the raging controversy over same-sex marriage, and the broader movement toward a socially sanctioned orthodoxy about sexual orientation of which the marriage movement is one part. These papers reflect the authors years of philosophical work on the...



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