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papal authority and the canon law of marriage It juxtaposes the assumptions of canon law about church state relations with those of the modern liberal state as exemplified by U S first amendment jurisprudence No scholarly work has yet addressed this question of how the principles and substance of canon law both past and present relate to current issues in legal theory such as the foundation of human rights and in particular the right of religious freedom for individuals and communities

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European Union and the European Community but also with the European Convention for the Protection of Human Rights and Fundamental Freedoms which too is becoming more and more important In addition regard is had to the Charter of Fundamental Rights of the Union which forms part of the Treaty establishing a Constitution for Europe Although the Charter is not yet legally binding since the Constitution has not been ratified by all EU Member States the Community Courts already make reference to it as a concentrate of the constitutional traditions common to the Member States It therefore does not seem entirely unlikely that the Charter might be included into the existing Treaties irrespective of the future constitutional developments on the EU level On a similar anticipatory basis the book also takes into account those Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms that have not yet entered into force

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