

“Introduction,” to Rafael Domingo and John Witte, Jr., eds. *Christianity and Global Law* (London: Routledge, 2020), 1-14 (with Rafael Domingo)

Introduction

Rafael Domingo and John Witte, Jr.

Abstract

This is a brief introduction to a book that explores both historical and contemporary Christian sources and dimensions of global law and includes critical perspectives from various religious and philosophical traditions. In this book, two dozen leading scholars discuss the constituent principles of this new global legal order historically, comparatively, and currently. The first part uses a historical-biographical approach to study a few of the major Christian architects of global law and transnational legal theory, from St. Paul to Jacques Maritain. The second part distills the deep Christian sources and dimensions of the main principles of global law, historically and today, separating out the distinct Catholic, Protestant, and Orthodox Christian contributions as appropriate. Finally, the authors address a number of pressing global issues and challenges, where a Christian-informed legal perspective can and should have deep purchase and influence. The work makes no claim that Christianity is the only historical shaper of global law, nor that it should monopolize the theory and practice of global law today. But the book does insist that Christianity, as one of the world’s great religions, has deep norms and practices, ideas and institutions, prophets and procedures that can be of benefit as the world struggles to find global legal resources to confront humanity’s greatest challenges.

Keywords: Christianity; global law; natural law; natural rights; international law; solidarity; sovereignty; Bible; global health; pandemic

This volume explores the interaction between Christianity and the challenges and principles of global law. By “global law,” we mean the emerging common law of humanity that transcends both the law of individual states and the international law between and among nations and regions. The challenges pressing for global law solutions today include massive human rights violations, international terrorism, genocide, war, arms trafficking, refugees and migrants, sex trafficking, global disease,

hunger, famine, poverty, global political and economic corruption, global climate and environmental challenges, and major (bio)technological issues—all of which are beyond the capacity or power of any nation or even of international law to address fully. Discussions of global law today build on ancient and foundational principles such as dignity, equality, solidarity, sovereignty, subsidiarity, pluralism, the common good, and the rule of law. They also build on the efforts of earlier great legal minds from classical times until today who have sought to translate these legal principles into effective and enduring precepts and practices to address the major challenges of their day, sometimes using such sweeping concepts as *ius naturale*, *ius gentium*, *ius commune*, and comparable appeals to “universals.”

The new field of global law study remains a work in progress, and it will require some time and experimentation before it is settled—particularly given the recent resurgence of nationalism and balkanization along religious, ethnic, linguistic, and racial lines. What Goethe said about the development of science also applies to the evolution of law: “With the expansion of knowledge, from time to time a rearrangement becomes necessary; it usually happens according to newer maxims, but always remains provisional.”¹ The growing interdependence of the world’s economies, cultures, and populations, and the rapid emergence of massive new global challenges to human civilization, now calls for this radical “rearrangement” of law and the creation of new legal “maxims,” however “provisional,” to guide the development of law in subsequent generations.

This volume is part and product of the rapidly emerging scholarship on global law.² It presents freshly commissioned chapters by two dozen leading jurists, theologians, philosophers, political scientists, historians, and social scientists from North America, Europe, South Africa, and Australia. The chapters reflect the provisional, experimental, and sometimes controversial discourse about global law today. Some contributors equate global law with international law; others see it as any law beyond the international law between and among sovereign states. For some, global law is only a worldwide growing legal consciousness to resolve planetary problems together; for others, it is a set of legal institutions organized on a global level to deal with public goods that affect humanity as a whole. For some, global law is the result of a process of constitutionalization of international law; for others, global law is a common law of humanity, a true world law. Our view as editors is that global law must remain complementary to national legal systems and focused only on specific global challenges facing global humanity. We do not envision a comprehensive and universal global legal system encompassing and preempting the national and international legal systems in the world. But we do believe that global law’s primary focus on the fundamental dignity

¹ Goethe, 424, 426. The translation is ours.

² See, among others, Twining; Madunic and Kirton; Teitel; Walker; Capaldo; Dybowski and García Pérez; and Kingsbury et al.

of the global person rather than on the community of sovereign nation-states will eventually bring profound changes to the foundations of international law.

While the chapters in this volume do not settle on a common definition or concept of global law, they do focus on the past, present, and potential contributions of global Christianity to global law. This topic is rather new to contemporary global law scholarship, even though Christianity with its 2.3 billion members³ is the largest faith in the world. The relationship of Christianity and global law is worthy of close examination, and this volume outlines some of the emerging resources, questions, and methods. We make no claim that Christianity has been the only historical shaper of global law, nor that it should monopolize the theory and practice of global law today or in the future. Our hypothesis is more modest but nonetheless insistent: that Christianity has deep norms and practices, ideas and institutions, prophets and procedures that can be of great benefit as the world struggles to find global legal resources to confront humanity's greatest challenges.

This volume is deliberately ecumenical in character and reflects a range of historical and contemporary Christian perspectives on global law, with contributors offering descriptive, normative, and critical insights. The book is also decidedly interreligious in orientation, seeking to present Christian teachings on global law in a way that we hope will resonate with readers of all religions, first philosophies, and legal traditions. And the book is interdisciplinary in perspective, designed to show that secular legal systems, including the budding global law systems, are based in part on fundamental religious beliefs, values, and ideas. In the history of the Western legal tradition, Christian teachings and practices provided many of the founding beliefs and values of public, private, penal, and procedural law and legal theory. We editors believe that these same Christian teachings and practices are valuable for the emerging systems of global law as well, alongside sundry other religious and philosophical systems.

Part I: Historical-Biographical Approach

The first part of our volume is biographical in nature. Behind many legal achievements, including the development of global law, one finds Christian values and ideals as they were interpreted at a given time. And behind those ideals, one often finds particular Christian legal thinkers who left an indelible mark on our legal culture. From among the hundreds of possible figures to study, we have selected eleven principal figures from the first century to the twentieth century who contributed key ideas and insights to the later development of global law or some aspects of it. We have included major jurists like Alberico Gentili (1552–1608), Johannes Althusius (1563–1638), and Hugo Grotius (1583–1645). We have also included the Apostle Paul (c. 5–c. 64–67 CE); theologians like Augustine of Hippo (354–430), Thomas Aquinas (1225–1274),

³ See www.pewresearch.org/fact-tank/2017/04/05/christians-remain-worlds-largest-religious-group-but-they-are-declining-in-europe/ (accessed September 23, 2019).

Francisco de Vitoria (1483–1546), and Francisco Suárez (1548–1617); philosophers like Immanuel Kant (1724–1804) and Jacques Maritain (1882–1973); and the politician Robert Schuman (1886–1963)—all of whom influenced the law more profoundly than many jurists.⁴

To be sure, without globalization there is no properly global law, and talking about global law prior to the Second World War is thus somewhat anachronistic. But it is also true that the idea of the existence of some legal principles of universal validity based on a common human nature and comparable experience is at the heart of Western civilization, as is the idea that law is the result of a long process of legal evolution, political maturation, and social development. Each chapter zeroes in on the specific key insight or legal contribution of that historical writer who later proved critical to the formation of global law.

In Chapter 1, C. Kavin Rowe argues that it is far from obvious that St. Paul was a defender of a universal moral law, or even a natural law. According to Rowe, in St. Paul's writings law most frequently means the Torah, that is, the law of God revealed to Moses and recorded in the Pentateuch; Torah was not equivalent to a universal moral law. Instead, Rowe defends the idea that Christian freedom and Christian wisdom are the real tools offered for St. Paul for living in the world in accordance with the will of God.

This first chapter poses a perennial dialectic that will occupy several other chapters in this volume, namely, that some theologians have a complex and critical view about natural law, even while most Christians take it for granted. The critical view can be seen in natural law skeptics such as Karl Barth or, currently, Michael Welker. On the other hand, according to a natural law doctrine very much supported by Thomas Aquinas and the Catholic Church, and by Althusius and the Calvinist tradition, the Torah itself contains many truths accessible to natural reason, which are immutable and permanent throughout human history. Whether such a traditional doctrine actually comports with St. Paul's reasoning is the central question posed by Rowe's exegesis in the first chapter.

In Chapter 2, on Augustine, Josef Lössl argues that classical (Greco-Roman) political thought knew the concept of the common good as an ideal in civic life which was as unquestioned as it was unattainable. In his monumental volume on *The City of God*, St. Augustine of Hippo mercilessly deconstructed the myth of ancient civic virtue and, taking Rome as example, laid bare the crisis and failure of the ancient civic project. He replaced it with a broader and, at the same time, deeper vision. His scope was the whole of humanity, the law of nature, and the law of nations. He explored in principle the human condition and analyzed basic concepts such as the private vs. the public, the common vs. the particular, institutions such as marriage and family, and socioeconomic

⁴ On the idea of Christian jurists, see the introduction in Domingo and Martínez-Torrón, eds., 1–29, esp. at 1–3.

phenomena such as labor and leisure, poverty and wealth. This chapter discusses these and other aspects of Augustine's teaching on the common good and outlines briefly its continuing relevance.

This is an adventuresome but convincing reading of Augustine's wide-ranging thought and of how his worldview and imperial context provide interesting insights even for global law discussions in our day. Augustine's understanding of the *city* and its conceptual connections to the city of Rome and the Roman Empire, and to the kingdom of God and the new city of Jerusalem coming down in the Book of Revelation, is crucial to capturing Augustine's political thought. The reader will probably enjoy the parallel attention to the common good as both an intellectual and a spiritual reality, and the particular expressions of and challenges to these goods in Augustine's discussions of legal cases, private property disputes, work in monastic communities, and love within nuclear families of ancient Rome. The chapter also analyzes the Augustinian understanding of natural law, which, grounded in creation, is more authoritative and capable of delivering justice than the traditional law of nations based on human *consensus*.

In Chapter 3, Charles J. Reid, Jr. analyzes some of Thomas Aquinas's central juridical and legal ideas that shaped Western legal culture for many centuries in Catholic, Protestant, and Enlightenment liberal thought alike. Key to understanding Aquinas's realistic approach to law is the thought that law is both divine and human reason (*ratio*), with no conflicts between them. Divine reason is perfect, and it provides coherence to the whole law. Divine reason fixes the plan for the universe and is the ultimate archetype for rationally based human law. Human reason aspires to pursue the good by discovering the divine plan for communal creatures. Although there are immutable principles, the law is not static but flexible, since if human needs change, so must the law. A major point of the chapter is that straightforward translations of Aquinas's Latin writings often do a disservice to his thought. That happens especially with the Latin words *lex* and *ius*, which do not have an easy translation into English as they have into French, Italian, Spanish, and even German.

In Chapter 4, examining the foundations of a "global commonwealth," Andreas Wagner explores the understanding of the law of nations by Francisco de Vitoria, the founder of the so-called School of Salamanca. A pioneer in the development of the idea of public international law and the global human community, Francisco de Vitoria inaugurated the discourse and debate on global law in expounding his general conception of a global political commonwealth, organized according to republican motives. According to Vitoria, while this global commonwealth comprises both nations and individual persons, it is constituted primarily by the latter. All human beings are citizens both of their home nations and of the global commonwealth. In their capacity as global citizens, individuals can claim their legal rights against other foreign persons and communities and even against the otherwise sovereign particular political community of which they are a member. The chapter points out some ambivalences resulting from the political use that imperial colonists made of Vitoria's arguments and from the formal way in which he presented them. However, critics targeting these ambivalences seem to

disagree about whether global law should then be more or less interventionist than Vitoria had suggested. Interestingly, both types of criticism can be discerned in today's reception of Vitoria as well as in some of his contemporaries' reactions.

In Chapter 5, Henrik Lagerlund introduces Francisco Suárez's thinking on the law of nations and just war. Suárez was also a member of the School of Salamanca and was strongly inspired by the medieval Thomistic tradition. He made essential contributions to natural theology, the philosophy of mind and action, metaphysics, ethics, political philosophy, and law. Suárez developed a modern account of the law of nations as a form of positive human law, not a mere extension of natural reason as it was seen by his predecessors. Included within the law of nations was the law of war, whose rules were drawn from custom but then cast in written positive law forms. Suárez argued that war as such is not intrinsically evil, and, therefore, that a just war is possible under some conditions. According to Suárez, defensive war is not only allowed but sometimes even commanded. His thinking influenced the jurisprudence of Grotius, Pufendorf, Leibniz, and Descartes, opening the doors to new modern legal developments.

In Chapter 6, Rafael Domingo and Giovanni Minnucci analyze the secularization of the law of nations led by Alberico Gentili. An early modern Italian legal theorist and legal practitioner, Alberico Gentili was a transitional figure, able to combine the standards of the old Italian school of civilians (the Bartolists) and the new categories of the legal humanists. He designed an autonomous and practical framework for the law of nations based on three pillars: the Greco-Roman natural law, the Justinian compilation of Roman law texts, and the Bodinian notion of sovereignty as supreme, perpetual, and indivisible power. By doing this, Gentili freed the law of nations from excessive scholastic influences and theological importations, and he contributed to the establishment of the theoretical pillars of the European modern state and to the building up of a society of sovereign nations.

In Chapter 7 on Johannes Althusius, John Witte analyzes the life and thought of this early seventeenth-century Calvinist German jurist and political philosopher, especially his account of the ultimate rule of natural laws and rights. This account would appeal not only to Christians but to all individuals seriously concerned about faith, justice, order, equality, and liberty. Althusius opposed the Bodinian vision of the unitary state-monarchy as the best guarantor of order and peace. He laid the foundations of the law in human nature, natural rights, symbiotic association (such as family and kinship, guilds and estates, cities and provinces), social contract, divine covenant, written constitutionalism, and political federalism, among others. Many of Althusius's legal foundations, especially his early developments of the theories of federation and subsidiarity, are now considered by scholars as true pillars of the emerging idea of global law.

In Chapter 8, Jon Miller examines Hugo Grotius's argument for the making of modern natural law theory. An uncommon thinker living an uncommon life under uncommon social circumstances, Grotius is considered to be the father of modern

international law and a pivotal figure in his time. While his originality is still under question, his work certainly had a massive influence on international legal theory and politics, including the laws of war and peace, the law of the sea and trade, and the development of natural rights. Miller offers a theistic explanation about the meaning of Grotius's (in)famous phrase *etiam si Deus non daretur*—that is, that the natural law would exist “even if God did not exist”—which is often misunderstood by scholars. According to Miller, the argument that natural law is self-evident to rational human nature presupposes the existence of God and the creation of rational humans made in the image of God. At the end of his chapter, Miller offers a suggestive comparison between German Protestant Reformer Martin Luther and Dutch Protestant Hugo Grotius.

After Chapter 8, we move from the Reformation era to the Enlightenment, to the post-Westphalian modern international system. The series of treaties that came together in the so-called Peace of Westphalia (1648) ended a century of European wars of religions that killed more than eight million people, even with the primitive weaponry of the day. In Chapter 9, Lawrence Pasternack delves into Immanuel Kant's ideas set out in his 1795 master work on *Religion and Perpetual* [or “Everlasting”—*ewig*] *Peace*, one of the best expressions of rational Enlightenment thought on war and peace. Pasternack shows how some of Kant's affirmative religious positions influenced his approach to international relations, and specifically how his 1795 work was shaped by some of the key topics of a previous writing that had deeper theological insights. Arguing that the German adjective *ewig* in Kant's famous work is better translated as *everlasting* or *eternal* rather than *perpetual*, Pasternack argues that Kant advocated not merely the interruption of all hostilities in the international realm but the true conversion of international relations into a scenario of *everlasting* peace.

The last two chapters of the first historical-biographical part explore the lives and thinking of two twentieth-century French titans, Jacques Maritain and Robert Schuman. In Chapter 10, William Sweet examines the decisive influence of Jacques Maritain, the great Catholic philosopher, theologian, and diplomat, on the justification, proposal, and development of the Universal Declaration of Human Rights (1948). The author demonstrates powerfully Maritain's contributions to natural, positive, and international rights discussions before, during, and after the UN Declaration. Readers will be surprised by how much Maritain had already developed his thinking before the Second World War and how he shifted his logic and argumentation as he watched and listened in the formulation of the international documents.

In Chapter 11, Rafael Domingo introduces Robert Schuman, one of the architects of European reconciliation and integration. Having been raised in the controversial border state of Alsace-Lorraine, he strongly desired a free and unified Europe and joined in cooperation and friendship across state lines. Although Schuman never talked specifically about global law, some of his decisive ideas, principles, and values that inspired European integration are critical for the development of global law and human community, Domingo argues. These include the idea of the centrality of the person, the need to eliminate wars through peaceful legal tools, the importance of limiting state

sovereignty without dissolving sovereign nations, and the principles of solidarity and subsidiarity.

Part II: Structural Principles of Global Governance

The second part of the book deals with several structural principles of global law: dignity, equality, solidarity, sovereignty, subsidiarity, pluralism, the common good, and the rule of law. Although the chapters in this part are more normative and theoretical, the authors continue to draw on historical examples and exemplars. The structural principles selected for analysis are not exclusive to global law, but they have proved critical to its development and are even at the heart of it.

If there is a universal common good for all humanity, that good itself creates a global community, whose existence and protection should be subject to a global *rule of law*. This global human community is not a mere federation of sovereign nation-states but a universal community of all human persons without exclusion. All persons are by their nature compulsory members of this global humanity, and no one can freely abandon it. Such a unique community of individuals should be based on the *imago Dei* principle of dignity, which provides equal legal status to all persons without exception. Moreover, if humanity is indivisible, the governance of this global human community must be inspired by the further principle of solidarity. Membership in a global community, however, sits alongside voluntary and involuntary membership in other communities as well: families, neighborhoods, local states, and various social, economic, recreational, and other voluntary associations. The principles of limited sovereignty and subsidiarity thus allow the integration and coordination of different instrumental communities with the global human community.⁵

In Chapter 12, Neil Walker offers a general introduction to the second part of the volume by focusing on the contested concept of a global rule of law. He explains the pros and cons of the two prevalent narratives on the topic: the secular narrative and the religious narrative. The former tries to regularize globalization detached from religion; the latter sees in the Christian tradition a foundation for a globally expansive rule of law. Walker defends an integrative third way, supported in part by the work of German philosopher Jürgen Habermas, and argues that religiously inspired actors and institutions can themselves be active agents of a process of “secularization” in which the religious sources are harmoniously mixed with other secular sources.

In Chapter 13, Martin Schlag delves into the Christian origins of human dignity in the Roman Catholic tradition. Although human dignity is not properly a biblical term, the Bible paves the path for Christian theology to frame a dignity-based legal anthropology. According to Schlag, while it is true that other religious traditions and philosophical schools developed concepts similar to dignity, the Christian tradition has played a

⁵ See Domingo, “The New Global Human Community,” 563–87; Domingo, “A Global Law for a Global Community,” 1–22.

decisive role in the consolidation of the idea worldwide. Schlag appreciates all attempts to establish a universal and secular concept of human dignity in order to promote good pillars in democratic societies, but he argues that Christian values, and specifically dignity, without following Christ are ultimately rootless.

In Chapter 14, Julian Rivers focuses on some key elements for a challenging conversation about equality in modern law as he deeply engages with biblical and historical sources and arguments together with the latest national and international documents. He puts together and compares the words of the fourth-century Christian apologist Lactantius and suggests that Christianity has something relevant to say about equality and the Universal Declaration of Human Rights (1948). According to Rivers, what Christianity offers to the idea of equality is a solid metaphysical foundation; a long tradition of narratives and images that overcome legal abstractions and technicalities; a serious commitment to individual equality under law and the subsequent support for a set of antidiscriminatory laws; and a good balance between individual and collective identities and political structures.

In Chapter 15, on the principle of the common good, George Duke contrasts the teachings of Augustine and Aquinas with contemporary theories of Jürgen Habermas, John Rawls, and Adrian Vermeule, and especially with the natural law theorists John Finnis and Mark Murphy. The main difference between medieval and contemporary theories of the common good, Duke argues, is the medieval interpretation of virtue as constitutive for the common good of any political community. According to Duke, all political communities necessarily aim at the common good. However, their understanding of the concrete ethical meaning and normative relevance of that idea is intrinsically related to the interpretation of citizen virtue. The reason is that the common good is finally dependent upon a conception of the ultimate purpose of a good human life. The chapter ends with some reflections on the status of the common good as a normative principle.

In Chapter 16, Nicholas Aroney distills an immense body of jurisprudence on the modern meaning of political sovereignty, particularly as attached to the nation-state and its territory. In order to avoid any possibility of a world *imperium*, Aroney is cautious about the proposal of a global law that succeeds or supplants international law. On a global scale, the author defends a principle of *limited* sovereignty—based not on Jean Bodin's idea of absolute and indivisible sovereignty but rather on Johannes Althusius's federal principle. Instrumental and intermediary communities between the global human community and the individual—such as nations, regions, and various nonstate associations—help to satisfy most of the needs of human beings on an intermediate scale, Aroney argues, and they are crucial for developing human freedom and a healthy political, social, and economic life.

In Chapter 17, Ana Marta González analyzes the Christian roots of the principle of solidarity. She shows how the principle of solidarity emerged in response to the *social question* that pressed for answers in the aftermath of the French Revolution and the industrial revolution. While both socialism and solidarism came to frame solidarity

mostly in political and sociological terms, Christianity has mainly approached it from a theological and practical perspective. Many scholars opposed solidarity to Christian charity and argued that solidarity is just an aspirational principle or a natural fact for assuring social cohesion. González argues, however, that solidarity is not merely the result of structural decisions in political communities but also an ethical response to ethical social issues. Solidarity has an ontological dimension, prior to any social interaction and social form.

In Chapter 18, Thomas C. Kohler analyzes the political, economic, ethical, and social dimensions of the principle of subsidiarity. The subsidiarity principle promotes the centrality of the human person in the decision-making process of any political community and urges that immediate and local associations are often best positioned to develop the personal capacities and individual responsibilities of each person, even while that person remains an involuntary member of national, international, and global legal communities. Kohler explains why the principle of subsidiarity, so relevant in Europe, has gained little attention in the United States. The Consolidated Version of the Treaty on European Union enshrines the solidarity principle in its Article 5, providing in part that “the use of Union competencies is governed by the principle of subsidiarity” and that “national parliaments ensure compliance with the principle of subsidiarity.”

Part III: Global Issues and Public Global Goods

The third part of the volume deals with illustrative global issues, deeply influenced by Christianity, that come under the domain of global law. Our starting assumption is that global law is not the only legal system of the global legal community, but it complements the work of existing local, national, and international laws in dealing with pressing global legal issues that transcend the capacity of any nation or region to deal with them comprehensively. Global law, several contributors in this part emphasize, is not a monopolistic world law, and the existence of a global legal community does not presuppose the need for a global state that subsumes and preempts all other lesser sovereigns. Such a move would mark the end of social freedom and political life. Humanity as such is universal and total, but the legal-political structures and institutions that govern it should not be. Global law should satisfy only certain specific human needs, namely, those that affect humanity as such and can be resolved adequately only on the global scale. Some contributors to this section object to this perspective, but it sounds through the structure of the book itself.

This third part begins with a provocative Chapter 19 by leading historian Samuel Moyn. Moyn argues that most accounts of Christianity and human rights have proved apologetic and fictitious. While other historians, including several authors in this volume, have argued that human rights are the product of millennia-long cultural and religious traditions and are based on deep theological, philosophical, political, and legal reflections, Moyn emphasizes how *contingently* and *recently* Christianity engaged human rights, and how tenuous the human rights revolution has been in concretely addressing real-world problems. Moyn inspects critically the claim that American Protestants placed religious freedom at the foundation of the US Constitution and Bill of

Rights, arguing that this is revisionist history. He also debunks claims of a long Catholic tradition of human rights, arguing that it was only after the Second World War that the church came to embrace human rights, reversing its aversion to liberalism, democracy, and human rights after the French Revolution.

In Chapter 20, on the global economic order, Daniel A. Crane suggests that, although it is difficult for Christians to agree about the principles and content of an economic worldview, there is a specific economic message in the Bible. In his parables, Jesus talked about financial and management concerns, about money and its distribution, and about taxes and economic activity. According to Crane, the Christian tradition in economics arises not only from Christians' desire to interact with their cultures but also out of the great abundance of biblical sources and the need to reflect the faith in economic decisions. In our day, however, the engagement between formal Christian institutions and global economic and political institutions such as the World Trade Organization, the International Monetary Fund, and the World Bank is almost nonexistent, and most large corporations prefer not to be involved in religious issues to avoid inadvertent offense. According to Crane, the specific role of Christian institutions in the global economic sphere remains a difficult challenge for the twenty-first century.

In Chapter 21, Silas W. Allard describes the emerging global law of migration and the tension between person-centric and state-centric approaches, the latter of which come at massive costs to the fundamentals of human dignity. The chapter provides a good balance of crisp description and normative advocacy. Allard argues for the need to place the particular political community in service of those who move in search of opportunities to live and flourish. The boundary-crossing responsibility to protect the inherent dignity of any person calls for a prioritizing of individual and family interests and rights over the exclusive interests of nation-states through global practices of solidarity and cooperation.

In Chapter 22, on environmental protection and animal law, Mark Somos and Anne Peters validate the centrality of this topic of true and urgent global import in a volume on Christianity and global law. They take the Christian side of the story seriously, albeit critically and comparatively with other faiths and classical teachings. They introduce adroitly the range of interesting literature on point in a range of fields, not least law and legal history on both sides of the Atlantic. They frame issues of environmental care, stewardship, and, more particularly, animal law and rights, for Christians and other people of faith.

In Chapter 23, Mary Ellen O'Connell offers a brief history of the Christian contribution to the tradition of pacifism, the doctrine of just war, the doctrine's limits on war, and the tensions between natural law and positive law theories in relation to the use of force. According to O'Connell, the more relevant Christian contribution to the law governing the use of force is its rejection of violence, as well as the conception that the resort to war is immoral. O'Connell argues for the revival of the idea of natural law to liberate jurisprudence from the consequences of positivistic consensualism. However,

she notes that any revitalization of natural law doctrines should take into consideration the diversity of the global community.

Finally, in Chapter 24 on international criminal law, Johan D. van der Vyver focuses on the contributions of Christianity to criminal law on a global scale and, particularly, the role of the Holy See in drafting the statute for a permanent international criminal court. The Catholic Church's contribution rested upon the moral commitment to help the international community, not upon any political, economic, or diplomatic interest, as was common in many government delegations. Van der Vyver explains how the Holy See tried to assure that a deliberately ambiguous terminology could serve to contradict moral doctrines. For instance, the refined nuances in distinguishing between forced and enforced action was one of the Holy See's contributions to the statute.

Conclusion

The Christian tradition has, for centuries, offered theological, philosophical, moral, and legal ideas and tools that have contributed to the development of law, legal systems, and legal procedures. These Christian teachings and doctrines have inspired the laws of local communities, of nation-states, and of the modern international law system. They hold power and potential for the process of globalization of law as well. To be sure, the emerging idea of global law is not a Christian creation, just as the ideas of the common good, human dignity, natural law, and human rights are not Christian creations. But many Christian principles and prophets have helped shape these emerging ideas, building on and alongside other religious and philosophical traditions.

The modern process of secularization of law is a help, not a hindrance, to the ongoing collaboration between Christianity and law, because secularization itself is an idea that is also inspired and illuminated by Christian teachings. "Render unto Caesar the things that are Caesar's, and unto God the things that are God's."⁶ These were revolutionary words pronounced by Jesus in addressing the global imperial Roman law of his day, and these words have enduring insight for our day. Just because the realm of Caesar involves principles, rules, and propositions derived from legal sources does not mean that metalegal sources (moral, religious, and spiritual) cannot provide legal inspiration, too. Otherwise, it would be easy to fall into a legal reductionism which damages the essential unity of the human person. Christianity teaches that human persons, while subjects of the realm of Caesar, are also subjects within the realm of God, and they of necessity bring the values of this transcendent realm into the temporal realm. Jesus did so in his day, often formulating his message in maxims, parables, and hypotheticals that Jews and Greeks, Romans and Samaritans could understand, appreciate, and apply. Christians can and should do so in our day, using the best methods of public reasoning to offer instructions to a pluralistic legal world.

⁶ Matthew 22:21.

As a universal religion, Christianity is concerned about humanity as such and not only about a particular ethnicity, culture, or group. According to Christianity, humanity is the family of the children of God and comprises creatures made in the image of God. This Christian truth enlightens from a spiritual dimension not only all global human affairs but also the whole process of globalization as such. This metalegal truth grants legitimacy to the global human community. That is one of the reasons why early ecumenical Christian bodies like the World Council of Churches weighed in decisively on global questions. It also explains why the modern Roman Catholic Church, starting with Pope John XIII,⁷ began to advocate global governance or world authority to deal with global questions. As Pope Benedict XVI summarized: “Such an authority would need to be regulated by law, to observe consistently the principles of subsidiarity and solidarity, to seek to establish the common good, and to make a commitment to securing authentic integral human development inspired by the values of charity in truth.”⁸

We started with a Goethe aphorism, and we end with another one: “When two masters of the same art differ from one another in their way of expounding things, probably the insoluble problem lies in the middle between the two of them.”⁹ This volume was not a matter of two experts but of twenty-five international scholars, and all of them differ from one another. Probably the reader will find the solution of global law in the middle of all the explanations.

Recommended Reading

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Domingo, Rafael. “A Global Law for a Global Community.” In Dybowski and García Pérez, *Globalization of Law*, 1–22.

⁷ Pope John XXIII, Encyclical Letter *Pacem in Terris* (April 11, 1963), § 140 and § 141.

⁸ See Benedict XVI (Joseph Ratzinger), Encyclical Letter *Caritas in veritate* (June 29, 2009), § 67. See also the echo in Pope Francis, Encyclical Letter *Laudato si'* (May 24, 2015), § 175.

⁹ Goethe, vol. 12, 422, no. 418.

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