

Introduction

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This book offers a multidisciplinary and international dialogue on concepts of “law” between scientists and theologians, jurists and philosophers. Only in its *fourth and last part* does it directly address the functional loss of “natural law” in religion, law and morality and the moral skepticism connected with it. Strong voices in the philosophy of the contemporary West argue that neither natural nor moral laws exist at all. Human beings have to find their ways to live through the ups and downs of their experiences. The Chinese concept of *Li*, represented in this book as a contrasting example, still stands for natural law as the “crystallization of shared experiences,” passed on from generation to generation, integrating law and morality.

Most contributions in this book move between these two extremes. They offer encouraging steps on the way toward a replacement of natural law traditions by new concepts of law that will have to be shaped by a multidisciplinary dialogue and international experience. In his famous dialogue with Jürgen Habermas in 2004, Joseph Cardinal Ratzinger emphasized: Natural law has remained the basic figure of argument (*Argumentationsfigur*) that has helped the Roman Catholic Church for a very long time in conversations with secular society and the academic world and with other communities of faith to appeal to a common reason and to seek common ground. He bemoaned, however, “that this instrument has become blunt.” Most contributions in this volume agree with his observation.

In the *third part*, this book offers the results of a dialogue between German and American scholars of law and history of the law, both jurists and theologians. It shows how despite some detours, especially after the disasters of the Third Reich and the Second World War, legal thinking clearly distanced itself from natural law traditions. John Witte illuminates the history from emerging scientific movements in law to a dominance of the positivist theory of law, to interdisciplinary legal study and to arguments for an autonomous complex of legal dynamics and operations. While the whole book highlights scientific and theological shaping powers in legal thinking and discourse in general, many contributions in the third part ad-

dress the specific contributions of Protestant traditions for modern legal developments.

Today, many jurists seek cooperation partners in “truth and justice seeking communities” that can respect and engage the rationalities of pluralistic democratic societies and their academic institutions of research and learning. On the other hand, they seek interdisciplinary academic cooperation to which theology and philosophy contribute insights regarding the realism and rationality of “the law” on the basis of a thorough engagement with historical developments, ethical classics and normative sacred texts.

Although this realism- and rationality-seeking exploration of laws and “the law” goes together with skeptical approaches toward trust in grand metaphysical ontology, most participants in the dialogue insisted: Legal, theological and philosophical talk about law does not refer to contingent inventions, guided by mere moral claims and interests of political control systems. The binding powers and rationalities of the law are complex and easily distorted in many ways. But truth- and justice-seeking communities have to develop and can develop criteria for their disclosure.

This conviction was confirmed by the simultaneous dialogue with and among natural scientists. The *first part* of this book documents the exchange between colleagues from physics, biology and chemistry and experts in the philosophy of nature. They show that the concept “law of nature” has been used in the natural sciences especially by Descartes and Newton and their followers. As a rule, the use of this concept was correlated at that time with a divine lawgiver. This might have led to dropping the term “law” in the scientific terminology of the twentieth century and using the term “theory” (theory of relativity, quantum theory) instead. However, as John Polkinghorne clearly points out, the term “theory” does not stand for an uncertain speculative hypothesis, but for a high degree of recognizability made possible by the process of nature.

The terms theory and law are used equally in physics today: “To warrant the honorific title of ‘law,’ with the ontological implication of the revelation of a deep underlying structural order, a principle of regularity must offer much more than impressive phenomenological adequacy. It must afford a degree of economic formulation and satisfying intelligibility that is persuasive that it represents the discovery of an explanatory principle of fundamental significance to the understanding of nature.”

In biology the situation is more difficult because the processes of evolution do not show equivalents to the “constants” of physics, although “certain empirical scaling laws relating size and metabolic rates do seem to be universal.” Observations of co-evolutions and evolutionary parallels on different levels of organisms, the widespread directedness of all types of organisms toward contact with external reality and complex processes of cooperation on the level of higher forms of life, indispensable for higher

flourishing, point us to much more than contingent and fleeting regularities. At these boundaries of insight, bright natural scientists become open for impulses of teleological and theological discoveries and thinking. The search for commonalities and differences in the individual disciplinary understanding of law and laws offers helpful bridges in the search for understanding.

The *second part* of the book explores the complexity of the Christian theological understanding of law with respect to the biblical traditions. Many of the problems discovered in moral, legal and scientific disciplines, which wrestle with concepts and theories of law, can already be identified in ancient religious texts. According to biblical traditions, the authority of the law seems to replace royal legislative authority. Political strategies and structures of achieving loyalty and moral orientation become incorporated in the religious law texts and traditions. The strong concern about teaching and learning, a strong concern about participatory activities of broader communities in shaping common moral, legal and religious life, drives these developments.

A complex mutual challenging and strengthening of legal, merciful-moral and religious regulations can be observed at the core of many biblical law traditions and texts. These dynamics allow for different calibrations and can put different weights on one of the dimensions of the law or the other. This leads to different types of religiosity and morality, but it can also go hand in hand with religious and normative distortions. It even opens our eyes to the fact that the seemingly “good law” can become corrupted and can lead a community to all sorts of tyranny or chaos.

The biblical traditions seem to steer against these tendencies by either strengthening the divine authority “behind the law” or by clarifying the life-supporting inner dynamics of the complex normative powers interacting in the religious, moral and legal processes integrated by the appeal to the law. The first tendency has always led – directly and indirectly – to a severe critique of the law. And this critique could come from inside or outside religion. The second tendency might lead to discoveries that will allow us to replace the “blunt instrument” of traditional natural law. It has to be seen whether it will reveal some commonalities or severe differences between what was called “laws of nature” and what was named “natural law.”