Stato, Chiese
e pluralismo confessionale

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Identity, Technology, and Religion: Sources of a legal culture for the global age[1]

SUMMARY: 1. The Medieval Age - 2. Becoming Modern - 3. Anglophone and Civilian - 4. Empire and Nation - 5. Global and Postmodern.

1 - The Medieval Age

Every legal culture must include two dimensions the adjudicative and the educative. A legal regimen may impose itself temporarily by brute force, *in terrorem*. But to establish order with continuity and stability the public under its authority must come to understand it in terms of the benefit it confers, they must be instilled with the habit of compliance. Viewed from a Western historical perspective the educative method employed to maintain this balance has taken several forms. Each of those forms has been determined to an extent, by the level of technical development at the time. Yet, they each follow on a pattern established in the medieval tradition of Western religiosity. (Domingo 2010)(Feldman 2000)

During the medieval period, for example, communication depended on spoken voice or ink brush and vellum. Heralds and messengers travelled by foot or by horse, books were few while only people of clerical rank could read or write. Much of the educative atmosphere of that legal culture was experiential, taking the form of Christian imagery in fresco and stone, or events of ceremony and procession. These accoutrements portrayed in aesthetic form the majesty of an existence presided over by a beneficent deity who carried out his plan of salvation through priest and noble, Church and Empire, bishop and king, Church and Empire. Taken together these institutions comprised the *Two Swords* of nascent Christendom, a foundation set forth by Augustine of Hippo, the first Latin Father to combine jurisprudence and theology. The way of life he described combined elements of Byzantine hierarchy and Roman civics with the primeval rites of Germanic kingship. But the legal atmosphere of the time also included a wide variety of local custom in a realm that was still divided by unsettled

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differences of doctrine and practice within a population that included many tribes and dialects. Law was still generally personal rather than territorial in its reach. (Lesaffer 2009)

After the turning point of the *Gregorian Reform*, under Pope Gregory VII in the eleventh century, however, the Bishop of Rome was able to assert his authority over both Roman Church and Germanic Empire more directly and in a territorial way. Yet, the new legal architecture, influenced by Augustinian and Lombard sources, was primarily constitutional in nature and concerned with what might be called the *High Politics* of the time. The general population of manor and village was largely untouched by its procedures. Local questions continued to be resolved in manorial courts, or even, more generally, in accord with local custom that had often existed since time immemorial. Nonetheless, with Gregory VII, a more authoritatively defined Latin Christendom had come into existence, in both adjudicative and educative ways. Equally important, tribesmen were disarmed as the tribal networks lost their standing and their members were assimilated to a vast undifferentiated population of Christian commoners. Despite exceptions within this legal atmosphere--for example, Moslems and Jews, who continued to live by their recognized laws of personality--the pattern of uniformity seemed irreversible. (Bellomo 1995)

But ultimately, and equally important from the perspective of a distinctive Western legal culture, there were three other developments emerging from this same historical turning point. One was the founding of a University at Bologna in 1088, the first university of Europe, and established as a place for the study of law. By adapting provisions of the rediscovered *Justinian Code*, scholars there eventually produced a legal accommodation wherein a mode of law, the *jus commune*, included both *Ecclesiam et Imperium*. This was followed by a second development, the rise of a merchant class that would spread northward from Italy across Europe. It employed its own customary practice, the *lex mercatoria*, that was cosmopolitan in its outlook, reaching not only throughout the Latin Christian world, but to the distant shores of the Mediterranean as well. Each merchant town or free city was governed as an autonomous, self-existent island of finance and trade within an otherwise agrarian landscape. Over time there developed a broad legal atmosphere divided between urban and rural, where two very different ways of thinking began to emerge. (Radding 1998)

The third important legal development related to the *Gregorian Reform* was the Norman Conquest of England in 1066. In this brutal and destructive invasion William I imposed a unique form of *Norman Kingship* with strict control centered in London. From that time forward England was ruled as a servile kingdom, mostly by absentee monarchs, and mostly

as a source of revenue. Viewed from a legal perspective England fit generally within the province of the *jus commune*. But William also established three unique Royal Courts that operated under his personal direction. Originally, they were presided over by jurists trained at Bologna, but in 1166, his grandson, King Henry II expelled the jurists. He instead, granted a monopoly of trade in litigation to guildsmen who would operate the courts as a department of the monarchy and as a commercial trade in litigation. Although its members were initially confined to a subordinate role, this was the beginning of what eventually became known as English *Common Law.*

The question of personal identity within the legal culture of all medieval Christendom might be viewed in five categories. The categories would include those of the nobility whose identity was tied to ancestral family, the vocation of arms, and the principle of honor. Along with them were persons of religious status who by oath or vow renounced all other attachments, to take up the life of an ecclesiastical order. Third was the large population of commoners who lived close to the earth, tied to family, village or manor, and locality. Fourth were the citizens, burgers, or bourgeoisie of the merchant towns. Although formally part of the large common population, cosmopolitan merchants began to wield an influence that eventually secured for them the status of a *Third Estate*. Finally, in addition to these must be added a fifth exceptional category, an emergent legal caste who administered these divisions, a stratum that grew phenomenally beginning in the twelfth and thirteenth centuries. (Brundage 2010)

Nonetheless, despite division and controversy within Christendom, there was a mentality true of all factions, including the non-Christian Moslems and Jews. That was the closeness of all peoples to nature, to the divine, and to the miraculous. The medieval age is sometimes described as a time of *enchantment* where magic and wisdom were closely related, palpable aspects of daily life. People thought in supernatural or ethereal terms, ways that modern scholars might call animistic or pantheistic. The Christian message, despite an undeniably sophisticated doctrine expounded at the universities, was understood by all strata of the population in the language of miracles. Only beginning in the fifteenth century did a major change begin to occur in this tradition of law and learning: a period often referred to as one of *Reception*, *Renaissance*, and *Reformation.* It was also a time of unprecedented technological advance. (Ong 2003) (Eisenstein 2012)

2 - Becoming Modern

The period of the *Italian Renaissance* is often described by historians as a turning point, one of artistic expression, philosophical wisdom, classical learning, and scientific discovery. Undeniably, it was all these things, but it also represented a collision of many powerful forces coming into conflict with one another. It was a time of military invasion, violence between factions, and especially of conflict between the ruling *Elite*, the *Praestante*, and the *popolo minuto*, the common people. It was a time of Michelangelo, Mirandola and Machiavelli, of Savonarola and judicial terror. However, aside from its artistic production, probably the most distinguishing contribution of what historians call *The Renaissance* was not a repudiation of medieval *enchantment* and the magical. Instead, it gave new expression to these tendencies in an even more sophisticated and systematic way, a way that was bolstered by classical sources. (Martines 1979)

Ultimately, from the perspective of law and learning, this was perhaps its most controverted impact. For some, these tendencies posed a threat that would provoke a counter reaction - and eventually an entirely new way of engaging the world. It could be said that *The Renaissance* of the fifteenth century was the symbolic opening to a modern world, not as its starting place, but as catalyst to a fierce reaction against its *Magia Naturalis* and *Prisca Theologica*. Yet, none of this effect would have occurred without the overriding impact of technical advance: what came to be called the *Three Great Inventions* - maritime compass, gunpowder weapons, and printing press. Just as those inventions initially served to disseminate *Renaissance* ideas, they also encouraged its counterpart, a *Praestante Reformacione*. Eventually they catapulted into power a newly privileged ruling class in Northern Europe. (Martines 1968) (Maclean 1992)

This Trans-Alpine *Elite* combined a wealthy merchant population in common purpose with an ambitious legal stratum that would halt the northward spread of *Renaissance* teachings. But they did so in the form of a challenge to the hierarchical structure of Christendom, Church and Empire. In the process they were able to harness the power of the *Three Great Inventions*: Improvements in navigation brought incredible mercantile wealth and new centers of power. The change in weaponry brought new kinds of war and a displacement of the old knightly warrior class. Finally, the printing press brought an ability to print books and widespread literacy, but also competition with the educative function of the Church. Even more importantly, the feature of movable type allowed the printing of Bibles, legal codes, and entire literatures in the various regional languages. The shift in power that began in Italy quickly moved north to the Germanic region and a rebellion led by Martin Luther. (Febvre 1997) (Misa 2011)

But the Lutheran movement was followed by a second and historically more important form of religious legalism espoused by John Calvin in French-speaking Geneva. Calvinism disdained government patterned on nobility and priest, just as it rejected the ancient Greek *polis* and Roman *civitas*. Instead, it chose to emulate the polity of Rabbinic Judaism, in the form of a *Respublica Hebraeorum*. Beyond that, by the ability to print in separate languages, the institutions of Latin Christendom could be broken up and overthrown. The formerly universal authority could be divided into territorial segments by a cosmopolitan alliance of the *Elect*. At the time, however, the legitimacy of each of these newly created polities depended on the separate promulgation of national Christianities. The segmenting and refashioning of a heretofore universal truth led to upheaval and violence. The period of what historians call *The Reformation*, a combination of legal and religious conflict, would convulse Europe for a century. (Strauss 1986) (Nelson 2010) (Schochet 2008) (Marius 1999)

In fact, the bitter divisiveness of sectarian strife, the failed attempts to assuage deeply held convictions led many, including Peter Ramus (Pierre de La Ramee 1515-1572), to conclude that another form of teaching, another *methodus*, might be constructed that could displace religion as the educative aspect of legal rule. With the ability to print identical publications in large quantity, Ramus sought a way to train the ruling caste in an alternative mode of thought, what would amount to an artificially constructed reality of ideas by which to wield authority. It would be based less on the reflective and more on the calculative, the mathematically measurable and quantifiable facts of human perception. Notably, his approach closely mirrored the objective, material techniques employed in finance and trade as well as abstract constructions employed in legal reasoning—it represented the antithesis of the *Renaissance* mind. But the system Ramus put forth was not successful and it was not until after his death that the search for a new *method* ended in two promising possibilities: The *Empiricism* of Francis Bacon and the *Rationalism* of Renee Descartes. (Feingold 2001) (Graves 2017) (Gilbert 2013) (Ong 1983)

As a mechanical construct of the mind, neither approach necessarily contradicted the doctrines of religion, nor did either one encroach upon its miraculous claims. But they both made it possible to displace religion as the single educative foundation of legal rule. The two systems of thought provided a basis for secularized mechanisms of governance and what came to be the high point of Continental legal development: the birth of the law-based, territorially defined, nation-state. Following the *Peace of Westphalia* in 1648, the new structure of the state was so successful that its various iterations would eventually cover nearly the entire habitable surface of the earth. *Westphalia* would also come to mark the effectual

beginning of a secularized law freed from its theological past. But that law was still, nonetheless, imbued with the assumption that it should reflect the prevailing norms of the public, its workings should be understandable by those subject to its authority, and it should be grounded in ultimate values. The fundamental premise of Civilian legal culture came to rest on a direct correlation between the adjudicative and the educative within a single framework, not of belief, but of reason, not of wisdom, but of knowledge, and a perspective not eternal, but temporal - or *Modern*. (Poovey 1998) (Lesaffer 2009) (Berthoud 2020)

3 - Anglophone and Civilian

Trends sweeping Continental Europe also had a profound impact on England and Scotland. But separated by a barrier of sea, developments followed somewhat later there and resolved themselves in a different way. For example, until the seventeenth century the basic structure of the English Monarchy was the *jus commune*, even though an entirely different type of legality prevailed within the three *Royal Courts of Justice*. In fact, their practices did not comprise a legal system in the modern sense. Instead, their methods can be better understood as the insular workings of a department or bureau within the Monarchy. But that began to change during the seventeenth century while, at the same time, a nascent commercial class began to emerge in London. Finally, and most importantly, Ramist-Calvinism teachings came to England in the form of Puritanism; with its harsh theological legalism. The Puritans sought to construct an *Elect* of ministers and magistrates *Chosen* by God to rule over a corrupt and despised multitude. (Babington 1995)(Selderhuis 200)

Very soon an alliance formed in London between the law court guildsmen and the growing merchant class. Then in 1649 the Monarchy was overthrown and replaced with a militarist theocracy, *The Commonwealth*. But without the stabilizing anchor of a hereditary crown and nobility, that polity fell into a decade of bitter chaos and was eventually abandoned. It was replaced by a *Parliamentary Monarchy* that through various upheavals reached permanent stability with the *Glorious Revolution* of 1688. In its new incarnation the Monarchy looked very much like its predecessor, a highly centralized type of *Norman Kingship*. But it now comprised several unique features, especially the central role of Parliament and that the *Common Law* had supplanted the *jus commune* as the judicial basis of governance.

Along with that the rank of nobility became less associated with landed wealth and more representative of monetary riches. The

transformation was made complete when Scotland joined England in the Act of Union in 1707. Yet, this new British Monarchy was markedly different from the Continental nation-state. Whereas the state was invariably founded on a written document, or charter, and operated by explicit means, the British polity, with its famously *unwritten constitution*, was organic in its makeup and opaque in its movements. While Civilian legal culture purported to be principle or philosophically based, predictable in its operation, English law was hereditary and collegial in its foundation and operated according to consensus among its members. (Coquillette 1999)

Moreover, the newly developing version of English law not only operated on a division of knowledge between practitioner and public. Its procedures had no necessary connection with public norms, natural harmony, the Christian Religion, or ultimate values. In fact, it would sometimes come to be called a *value-free* method of law in which judicial pronouncements were consciously disconnected from conventional standards of right and wrong. Nor was its work portrayed in terms of public benefit - at least, not directly. Instead, the sole benefit judicial authority claimed to confer was its method of legal rule and the justice it dispensed. In fact, to bridge the disconnection between collegial authority and public values, Anglophone legal culture once again relied on the parallel supplement of religiosity. By the accoutrements of an established religion, a composite of age-old ritual and ceremony surrounded English legal institutions. By this aura of sanctity the unknowable inner working of the law courts could be understood as an imponderable immanence, one of the mysteries of God. (Hostettler 2011)

Anglophone law was viewed as a *transcendent* force in the world, elevated and austere, and like the commands of Heaven, its purposes were not to be questioned. The Anglophone world came to rest on its legal foundation including the important role that religion played as the educative part of legal rule. At the same time, taken together, this entire judicial and educational method was possible because of the ability to print books. That technology could not only disseminate knowledge, but also separate knowledge into discrete categories, categories that could be directed to specific audiences or institutions. Thus, unlike the Continental approach based on a unity of knowledge between the public and practitioners of law - made possible by the technology of print - the English regimen, founded on a division of knowledge between practitioner and public, operated beyond public understanding and even beyond public awareness.

The difference between these two modes of legal governance, Continental and English, became apparent during the eighteenth-century

Age of Reason, what historians have come to call *The Enlightenment*. During that period on the Continent there was a return to certain inclinations of *The Renaissance*, especially an affirmative view of human possibility and a hopeful view of human progress, just as there was a widespread *Deistic* tendency to embrace a *God of Nature*. Ideas of government and its legal functioning were characterized by conformance to principles that were thought to be both *universal* and *egalitarian*. Unlike the Calvinist theocracy, the legitimacy of government would not be based on a predestined, or *Chosen, Elect,* but on a meritocracy based on earned entitlement. These attitudes were best expressed in the *Stoic* idea of *Sensus Communis*, *Common Sense*: that if the public were given adequate opportunity for cultivation and learning they could substantially govern themselves; the procedures of law would exist merely as a supplement. (Condorcet 2012)

The eventual result was a Continental citizen whose identity was shaped within a highly abstracted secular reality, but a reality tied to nature, that allowed for divine purpose, that gave expression to ultimate values and a hopeful view of the human future. This philosophic premise of Continental law was built on the faculty of *Reason.* By Contrast, the British method of legal rule still rested on an assumption of human malevolence and the necessity of punitive means to restrain the natural proclivities of humankind. To ensure obeisance by a population of legal subjects, however, it surround the workings of law with the pageantry and ceremony of religion. The entire edifice of English law was avowedly established for practitioner and public alike, on the principle of *Faith.* (Habermas 2008) (Whitman 1990)

4 - Empire and Nation

For purposes of law and governance, it could be said that the modern, or contemporary world actually began in the nineteenth century. A change occurred in the legal atmosphere after 1800, coincident with a new generation of technical advance, especially the steamship, railroad, and telegraph. Although these inventions did not have the profound effect that occurred in the fifteenth century, they were equally important in that they were used to extend Western methods of governance, of finance and trade to all the world. This could now be done, not only by conquest and subjugation, but also by colonizing and the constituting of new polities. The methods of Western legality, adjudicative and educative, including the nation-state, began to take root among native populations around the world. But this transformation took different forms in the two separate

imperial regimes, Civilian and Anglophone, and it developed in two different ways. (Benton 2016)

First, because the Civil law was principle based it could be translated into other languages. Thus, just as there were numerous versions of this law on the Continent of Europe there came to be many versions of this law around the world. Also, with its orientation toward *universal* values - that although not religious, did not necessarily conflict with any sacred tradition - the Civil law could more easily assimilate to local cultures, acting as an overlay to pre-existing custom and language. Finally, the Civil law, at least outwardly, represented *Enlightenment* values of humanity and progress. Persons were legally recognized within a social context, families and communities were able to retain local cohesion. Whatever their ethnicity, they could generally retain their local pattern of enculturation.

The ideological premise, of *egalitarian* rationality purported to be applicable to all persons in all regions of the earth, rich or poor, regardless of class, status, or race. Within the nation-state the fundamental identity was that of citizen defined by secular authority, made understandable by an explicit ideology. The apex of this advance in the educative realm was the founding of the University of Berlin in 1810. It was the first university established exclusively on the modern basis of secular and scientific learning. For the first time there existed the model for a Western university that could fulfill the universal educative role once occupied by the medieval Church. This institution, and the universities that followed, also confirmed the reputation of Civil law nations across the world for cultivation and learning, intellectual acumen in all its dimensions. (Bell 2007)

Meanwhile, Anglophone law, because it was based in a fellowship, could not be translated into any language other than English, and could only be established in colonial settlements by a fraternity of inducted practitioners. As a colonial implant, however, it had two ironic advantages: because it was a *transcendent* law administered from an elevated perspective it could be equally indifferent to forms of culture, or lack of culture. Also, unlike the Civilian method it was unimpeded by rigid logic, fixed doctrine, or legislative review, and was better able to adapt to changing circumstance. Its great strength was its independence of accountability, its malleability as a legal regimen, and its methods for the aggregation of wealth.

By late in the nineteenth century British Imperial rule was also advantaged by its singular innovation, and counterpart to the nation-state: the multi-national corporation. Employing that *transcendent* vehicle, the affairs of persons and things could be ordered without regard to territorial

boundary, geographic distance, or topographic barrier. Because Anglophone juridic practice individuated each person under its authority, families and communities became atomized and less legally relevant. Nonetheless, the English method was most adept at combining productive labor with natural resources for the purpose of creating monetary wealth. (Maloney 2005) (Rumble 1985) (Maitland 2003)

However, if the nineteenth century was the age of imperialism and the *Pax Britannica*, the twentieth century quickly became the century of internationalism, a change again precipitated by technological advance. There was now the airplane, automobile, electricity, and growing industrial production, as well as high explosives and chemical weapons. These new instruments of power transformed governments around the world, as they similarly made possible the specter of worldwide war. But the first such event, World War I, was soon followed by preparations for more conflict. The threats posed by concentrations of power were exacerbated by another wave of invention: radio, cinema, and mechanical publication that brought mass consciousness, and eventually, a new kind of mentality. (Foucault 2005)

Most important was the ability of national leaders to shape the public mind for production and war. Devotion to the country, the fatherland, became something bordering on religious fervor as personal identity came widely to be centered in nationality. One result of this strengthening of national consciousness was a second catastrophic worldwide war in mid-century. Probably never in human history were entire populations of large belligerent nations more completely united in opposition to one another. Such unanimity of nationalistic passion would have been impossible without technical methods for shaping a standardized awareness and belief. But the end came in a technological tragedy, including the unimaginable destructive power of nuclear weapons. (Borgwardt 2005)

5 - Global and Postmodern

Following two worldwide wars, and living under a nuclear threat, a concerted effort was made to construct a legal framework able to mediate disputes between sovereign states. Organizations were established where the interests of every nation might be represented. Great energy was expended to encourage meetings, deliberations between nations, and create means by which something resembling world accountability could be enforced. But in the meantime, the mechanisms of diplomacy inherited from *Westphalia* and the institutions based on the premise of the nation-

state began to be overtaken by new realities. In the aftermath of war, the English-speaking peoples had emerged incomparably stronger in relation to the rest of the world. Their industrial and military infrastructures, virtually unscathed, were operating at peak performance. Their commercial methods - especially the multi-national corporation - provided the skeletal basis of a legal stratum that would eventually be of greater importance than the fraught and often divided *Family of Nations*. Seemingly, the only alternative to this economic phenomenon was the grim, anti-God, and regimented world of Communism. (Byers 2003) (Schake 2017)

In America there existed a kind of euphoria, as its material and spiritual values converged in a Judeo-Christian tradition, and on a popular level, in what was sometimes called a *religion of success*. The American Dream spread around the world through popular music and Hollywood film, an influence that only increased with the advent of television and computer. For the multi-national corporation these devices opened entirely new possibilities for advertising and for efficient management worldwide. The identity of individual persons around the world became increasingly defined by economic circumstance and the drive for material consumption. But equally important, English was becoming the language of international commerce as it began to be spoken by the rising generation in all parts of the world. In fact, this Anglicizing of world affairs and Americanization of world values was only a prelude to a transformation that could never have been foreseen - -what came to be called the *Age of Technology*. (Sutton 2017) (Dewey 1922)

As the great schism of the twentieth century, the Cold War, ended, the Anglophone nations came to unparalleled predominance, with America as the unchallenged global hegemon, changes accelerated by a period of stunning technological advance. Computer networks, communication satellites, and mobile telephones transformed the daily life of persons around the world, immersing entire populations in the continuous ephemera of a virtual reality. Human identity could be both determined and measured by *Big Data*, with the ability to recognize and isolate each person according to appetites and interests - -while conversely shaping those appetites and determining those interests. Television broadcast and computer networks raised the cycle of production and consumption to an entirely new level that reached not just North America, Europe, and Asia, but even the most remote and undeveloped regions of the earth. The corporation, expansive and efficient, was on the ascent, while the nation-state, appearing obsolete, was in decline. As the instrument of choice for the ordering of persons and things, the corporation, was becoming, in many ways, the real source of global

governance. Most importantly for purposes of an Anglophone legal rule, was the ability to construct a homogenous and immersive atmosphere of electronically transmitted sound and image across an entire global public - as English had become the global language. (Slobodian 2018)

In principle, a legal culture for the global age was being fashioned from a convergence of the two historical Western legal traditions, Civilian and Anglophone. It was thought to combine the logical predictability of one with the malleable adaptability of the other. However, given the linguistic unity and reach of the English tradition and given its agility in adapting to rapid developments of technology, the new global regimen of law was soon becoming Anglicized. Even though, historically, the Continental tradition had been the source of legal innovation, of ideas and concepts, the English tradition also had the historic advantage of being highly effective for the accumulation of wealth. Questions arose, however, as the global regimen of law became more developed in its method, and as it came to include every people and locality on the earth. Those questions concerned how a global public of diverse custom and origin could be made to understand legal rule in terms of the benefit it conferred, and how they could be taught the habit of compliance--especially if the law worked by methods beyond public understanding, beyond public awareness, or even in contravention of human values. (Cutler 2003) (Hurrell 2009) (Giddens 1991)

These concerns also touched upon the *Postmodern* question of human identity. The premise of continuous change made the former educative approach of a fixed construct of knowledge obsolete, whether it was religious or secular in nature. Instead of printed *Bibles* in churches, or books in schools, education of the public could be done more efficiently by a ubiquitous electronic media. That is, the continuous flow of *information,* of miscellaneous fact and fantasy, as human identity became more susceptible to the influence of a *transcendent* source of conditioning. The educative basis of legal rule had evolved from theology, to ideology, and now to technology. But although, in a *Postmodern* world, constantly evolving cognitive structures correlated with governance based on continuous change, there were questions of the impact of this environment on the mental health and well-being of a global public. Symptoms of alienation may have been observable in the rise of drug addiction, urban violence, terrorism, political discord, even the rise of populism and authoritarianism. (Falk 2012) (Moffit 2017)

Most of all, there is reason to doubt whether the Anglophone method of legal rule based on a division of knowledge, disconnected from conventional standards of value, could be sustained without the educative correlate of an established religion. That is, a source of meaning, a

functional basis of personal identity, beyond the cycle of labor, consumption, and entertainment. The difficulty is not merely to provide a cloak of sanctity to the authority of law. It is also to provide a way of understanding those who administer law within a context of meaning, and as serving a higher good. Despite its many virtues and advantages as a method of rule, the Anglophone fellowship of law has historically been dependent on the supplement of religion to maintain a stable and continuing legal culture. The adjudicative aspect of an Anglicized law, despite elements of *modernity* and *postmodernity*, is still deeply rooted in the medieval past. The question could become whether a global stratum of practitioners would be able to apply the Judeo-Christian premise of religious faith to a global public of the most diverse ethnicity and origin - and if not, what the consequences for a global public might be. (Moyne 2019) (Kennedy 2016)

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