The main challenge to law and religion studies at Emory in the next quarter-century, in my view, is to broaden their primary focus from the theistic religions and their respective cultures (Judaism, Christianity, Islam) to include the interaction of law and religion not only in the other great theological traditions (Buddhism, Taoism, Hinduism, Bahai, Confucianism and others) but also in powerful civil religions and ideologies, such as certain forms of nationalism and certain forms of political ideology which have religious characteristics. This, indeed, is a formidable challenge, but in the present stage of world history, when all the major cultures of the world have come into increasingly close contact with each other, and when the word law itself has come to be seen increasingly in intercultural and interdisciplinary terms, religion, too, must be given the meaning of any fundamental belief-system for which people are willing to give their hearts and souls and, indeed, their lives.

The first quarter-century of Emory’s Law and Religion Center has helped to show the way to such an expansion of its vision. We have, from the start, addressed in our teaching and research, the enduring legal contributions of Judaism, Christianity, and Islam. We have explored many of the legal and religious foundations and fundamentals of democracy and human rights, proselytism and religious freedom, constitutionalism and rule of law, marriage, children, and the family.

We have not neglected, during the past quarter-century, Jesus’ admonition to the Pharisees, “Woe unto you lawyers, for you tithe mint and dill and cumin and neglect the weightier matters of the law, which are justice and mercy and good faith” (Matthew 23:23). We have been concerned with the responsibility of lawyers to serve justice and mercy and good faith in their relationships not only to their clients and to the local communities in which they work and to nations of which they are a part.
We have not yet, however, devoted sufficient attention to the role and rule of law in the multicultural world society of which we and our local communities and our nation are a part—a world society that is gradually emerging in the twentieth and twenty-first century. We live in a world economy, supported by a growing body of transnational law of trade and finance and investment. Through new technology, we also have virtually instantaneous worldwide communications, also subject to an emerging body of transnational legal regulation. Transnational organizations and associations of all kinds are formed to advance a myriad of different causes. Many of them influence legal responses to world disorder and world injustices, to pollution and destruction of the world’s environment, to threats to universal human rights, to world diseases, worldwide terrorism, ethnic and religious conflict. People of the world have come together in calling for the development of worldwide legal protection against these global scourges through the development of official and unofficial legal institutions.

I do not doubt the providential character of this historical development, which is a culmination of more than five thousand years of human history. Gradually, century by century, the peoples of the world have been brought into contact with each other. Especially in the second millennium of the Christian era, Western Christendom, through its missionaries, its merchants, and its military, made a world around itself. Now as we enter the third millennium of that history, the West is no longer the center. All humanity is joined together in a common destiny. Despite two World Wars and their aftermath of terrible ethnic, territorial, and ideological conflicts, St. Paul’s extraordinary insight—that “every race of man” is “made of one blood to inhabit the whole earth’s surface” (Acts 17:24, 26)—has not only been proved scientifically but has also become a historical reality. We are all faced with the alternative of worldwide mutual support or worldwide mutual destruction.

I think I speak for others in our Center in saying that I believe that this is providential. Isn’t the interaction of all the peoples of the world with each other what was intended from the beginning? Isn’t that what world history has been all about—that the unity of the human race should become a possibility, a challenge? I think that the God of history has put it to us squarely: Either you now come together or you will destroy each other!

What has this to do with lawyers? Everything! As Benno Schmidt, former Dean of Columbia Law School and former President of Yale University, wrote several years ago, “The world has replaced the nation as the context within which the professions operate.” Most major American law firms have offices in one or more other parts of the world, and most of the smaller firms as well have clients involved in transnational transactions of one kind or another. A world economy—world trade, world finance, world investment—cannot operate without legal rules, legal procedures, legal concepts, legal values, and these cannot be formulated and maintained and developed without the participation of the world’s lawyers.

Even apart from multinational legal practice, it is the lawyer’s responsibility, and the lawyer’s opportunity, to help to construct a world order that is founded on justice, mercy, and good faith. Order is one part of it: rules, precedents, consistency, predictability, are one side of law; like cases should be decided alike; people should be able to calculate the legal consequences of their acts. The other part of it is justice: equality, fairness, trust, due process, both substantive and procedural—not just the rules but the larger purposes of the rules. I referred earlier to Jesus’
profound words: “Woe unto you lawyers, for you tithe mint and dill and cumin”—that is, you keep order and enforce the technicalities—“but you neglect the weightier matters of the law, which are justice, and mercy, and good faith—you should do that without neglecting the others!” This is, without neglecting the rules, without neglecting the technicalities. They are, to be sure, less “weighty,” but they are no less necessary. Jesus was not against the formality of legal rules and procedures.

I take it to be a principal challenge to our Center to study various aspects of the dependence of the body of world law on the development of a common belief-system among the various cultures of the world, cultures which do not share the same theologies and the same concepts of law but which are increasingly challenged to share a commitment to build a world order founded on a universal sense of justice and mercy and good faith.

It is a huge topic: the world’s belief-systems and their relationship to the world’s legal systems. There are books on the world’s belief-systems and books on the world’s legal systems, but I have found none that address systematically the relations between the two. I hope that nevertheless I can make a few points that may be helpful to those who wish to take seriously the question of how common elements of justice, mercy and good faith among the world’s cultures can support the further development of world law.

Let me speak first about common features of the worlds religions, and then about common features of the world’s legal systems, and finally about the kind of faith that is needed to forge a relationship between the two.

The great religions of the world—including Judaism, Christianity, and Islam, as well as Buddhism, Hinduism, Taoism, Bahai, and others, and including also certain forms of humanism that share with the religions a strong belief in transcendent spiritual values—all these great traditional belief-systems, while they differ from each other in their theology and their metaphysics, share certain moral principles; they have a common ethic. All the great religions affirm the Golden Rule—that you should do unto others what you would want others to do unto you, that one should love one’s neighbor, that one should aid those who are in distress. All proclaim that the dignity of all persons should be respected, that every human being should be treated humanely, that persons should not lie but should speak truthfully, that one should not murder, that one should not steal, that one should not bear false witness against another. Indeed, anthropologists have shown that in all the cultures of the world, including the most primitive, there are moral rules corresponding to the last six of the Biblical Ten Commandments. Since 1993 thousands of religious leaders from around the world have met periodically in a Parliament of the World’s Religions, which has adopted a Declaration of a Global Ethic affirming a fundamental consensus among all the world’s religions on binding values and irrevocable moral standards.

There are, of course, within each of the denominations, extremists who would confine the Golden Rule and other related moral obligations to those who share their own narrower version of their denominational doctrine. There are among adherents of all religions advocates of intolerance against those who disagree with their interpretation of the true doctrine. Yet these
are perversions of authentic religion, which reduce its essential postulate of universality to parochial dogmas and parochial interests.

All the great religions are expressions of a fundamental need of sociability that is inherent in human nature, and it is that inclination that is a fundamental source of all law. Indeed, the great seventeenth-century founder of modern international law, Hugo Grotius, rested the validity of a universal international law, applicable not only among the Christian nations of the West but among all peoples of the world, on the principle of sociability—that “human nature itself,” in his words, “causes us to desire a mutual society.”

And yet—look at us! The peoples of the world share a global ethic, yet they are still consumed by ethnic and territorial passions, by ties of blood and soil. We have authentic universal religious and humanist creeds that support a global ethic, yet we are only beginning to develop a body of world law which embodies that ethic.

Which takes me to good faith, including both justice and mercy.

For present purposes allow me to distinguish faith from both religion and morality, though it is closely related to both. I would emphasize in “religion” the importance of doctrines, of teachings, concerning what is sacred, what is holy, what is transcendent, what gives ultimate meaning to life. This includes, of course, moral teachings, ethics, but looks beyond them to their source and inspiration. “Faith” adds both to doctrine and to morals a commitment, not only a belief that there is a God, or that there are spiritual values transcending material self-interest, but also a belief in those spiritual values, a commitment to them, an acceptance of responsibility to serve them. Faith involves feelings—feelings of dependence, gratitude, humility, obligation. It comes from the heart. It is our willingness to live out our beliefs, to sacrifice for them, even to die for them if necessary. Such faith may not be religious in the doctrinal sense; it may be faith in the nation, or faith in democracy. It has a social dimension. I follow H. Richard Niebuhr in emphasizing that faith brings human beings together in communities of trust and loyalty.

“Faith,” Niebuhr writes in his Radical Monotheism and Western Culture, “is embodied in social institutions as well as in private institutions, in corporate endeavors as well as in individual activities, in secular pursuits as well as sacred expressions.”

A common spiritual faith is needed to support the emerging law of the emerging world society, a spiritual faith grounded in history but adapted to a new millennium of global integration. Such a common spiritual faith must draw, I believe, on the resources not only of Christianity, Judaism, and Islam but also of various other religions as well as on various kinds of humanism that share with religions a belief in the priority of spiritual values over material values, the priority of sociability over material self-interest. I believe that we are already entering the new age, which may come to be called the age of the holy spirit.

I speak of a common spiritual faith rather than of a common ethic or a common religion, and I speak of the kind of spiritual faith that is needed to support a legal order that crosses all ethnic, territorial, cultural, and religious boundaries.
Let me give a simple example of a significant body of world law that now exists, and has existed for centuries, that is supported by the good faith of those who create it and are governed by it, namely, the so-called law merchant. I refer to the body of law that governs transnational commercial transactions—export-import contracts, contracts of carriage of goods by sea and rail and truck and air, marine insurance, payment by letters of credit issued by banks. By the way, the body of law governing these matters, which is more or less uniform throughout the world, is often applicable not only to international transactions but also to domestic transactions. If, for example, goods are shipped from California to New York by vessel via the Panama Canal, the ocean bill of lading will normally have the same legal character as an ocean bill of lading used in an export-import transaction between enterprises in any two different countries of the world: it will constitute a receipt for the goods, it will contain the terms of the contract of carriage, and it will be a document of title, whose transfer to another constitute to transfer of ownership of goods. Likewise a domestic letter-of-credit transaction will normally be subject to the same rules that govern letter-of-credit transactions between citizens of different countries. The exporters and importers of the world, the bankers of the world, the marine insurance underwriters of the world, the long-distance carriers of the world, and others associated with them, including their lawyers, form a world community that over the centuries has made, and continues to make, through their contractual relations with each other, the law by which their various types of transactions are governed. Formally, the law applicable to such commercial transactions may be the law of a particular nation-state, but the court of the nation-state will enforce the contract terms and the body of transnational customary mercantile law that underlies them.

Two centuries ago this body of law was considered to be part of what was called the law of nations, the *ius gentium*, the law of peoples, which until the nineteenth century was considered to include those branches of law that are common to all the peoples of the world.

What is the belief-system, what is the ethic, what is the faith that underlies and supports a universal body of mercantile law—as it is coming to underlie a growing body of world financial law, world law of investment, and other branches of the law of the world economy? The answer usually given is that it is in the “*material self-interest*” of merchants and banks to have a body of law governing the sale of goods. And that, of course, is true. But self-interest hardly explains it. There is also a shared ethic, a shared belief that contracts should be binding, that promises should be kept. Most important, there is also a shared faith in the community of merchants and bankers who make the trade terms and credit terms and who come together periodically in the International Chamber of Commerce in Paris to revise them, a shared trust that the people who constitute the market will not degenerate into a body of scoundrels and thieves, a shared belief *in* the law by which the mercantile and banking and shipping and underwriting communities are governed. I might note that the International Chamber of Commerce is a global federation of national committees of business enterprises from about sixty-five different countries plus individual members from approximately one hundred ten countries. Over fifty thousand enterprises are represented in it.

Another striking example is the law of sport, including especially the law governing the Olympic Games. Here a special tribunal, the International Court of Arbitration of Sport in Lausanne, Switzerland, decides cases and lays down rules governing what has become not only a multi-million dollar world business but also remains a passionate manifestation of world community.
In addition to transnational communities of enterprises engaged in economic activities, there are many other types of transnational communities that are engaged in influencing the growth of other branches of world law. A transnational civil society is in the making, which has historical roots in transnational religions; indeed, it was partly in response to the creation of the modern canon law of the Roman Catholic Church in Western Europe in the twelfth and thirteenth centuries that the transnational law merchant first developed. And it is in the transnational associations that have come to flourish in the twentieth and now the twenty-first century that new bodies of world law are in the making: transnational associations of natural scientists and of social scientists, transnational associations of doctors and of lawyers, transnational educational associations, transnational labor associations, transnational social organizations, including so-called International Nongovernmental Organizations (“INGOs”), of which more than 6000 are registered with the United Nations. Such multinational organizations as Amnesty International, which intervenes on behalf of victims of violation of human rights, and Greenpeace, with some six million members, which conducts programs to protect the world environment, have a direct effect on the enforcement—and in some instances the creation—of world law. One could go on a very long time with this list, and one could recount the changes in world humanitarian law, world environmental law, world health law, and other branches of world law that such associations have fostered.

I conclude by reiterating that in the historical context of an emerging and still fragile global order, a transnational, cross-cultural, inter-religious commitment to spiritual values is needed, if ethnic and territorial and other diverse cultural forces of disintegration are not to frustrate the formation of world law, a world society and eventually a world community. I have called the new age into which mankind is entering the age of the Holy Spirit; this is an ecumenical age which not only corresponds to Christian tradition but is also congenial to adherents of other religions as well as to those humanists who disclaim religious affiliation but nevertheless hold spiritual values to be sacred. I believe that only a shared faith in the common destiny of mankind gradually to form a world community will provide the vision and the support necessary to the continued creation of a world order governed by law, and that a belief in world law is necessary to provide the vision and the support necessary to the establishment of a world religion.