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# Can norms bridge boundaries? Systems theory's challenge to eco-theology and Earth system law

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The following article was written to honour Johan Buitendag's contribution to the discipline of eco-theology. Assuming an interdisciplinary stance, eco-theology in general and his work, in particular, is observed from the position of legal theory and sociology. As such, eco-theology is not assessed on theological grounds but is treated interdisciplinary through comparison with environmental law. More specifically, the project of eco-theology is shown to share certain characteristics with the nascent subdiscipline of Earth systems law within environmental law. It is argued that one of the most important of these is the use of norms as an ecological strategy. This is understandable as both the religious and legal systems rely on the norm form to a lesser or greater extent. However, in the legal sociology of systems theory, the shortcomings of norms have been eloquently argued. This article thus posits the limits of norms to eco-theology and Earth systems law as a challenge deserving attention. However, social systems theory has its shortcomings, and a preliminary line of flight away from this challenge is suggested in the shape of Agamben's description of the monastic form-of-life, where life and norm overlap so intensely that suggestions of a new worldview gain plausibility.

**Contribution:** This article argues for the similarity in theology and law's respective strategies for combatting climate change, most importantly, that both employ a normative form. It points out that norms have crucial shortcomings but suggests that they might be overcome through reinterpretations of normativity.

**Keywords:** eco-theology; environmental law; Earth systems law; norms; systems theory; autopoiesis; Niklas Luhmann; Giorgio Agamben.

## Introduction

In his typically brusque manner, Carl Schmitt opens his famous essay 'Political Theology' with the following sentence:

> All significant concepts of the modern theory of the state are secularised theological concepts not only because of their historical development – in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver – but also because of their systemic structure, the recognition of which is necessary for a sociological consideration of these concepts. (Schmitt 2005:36)

Worded confidently, the claim carries an inherent degree of appeal. Nevertheless, closer scrutiny leads to doubts (All significant concepts? In a unidirectional historical development?). The newest anthropological research suggests the opposite (Buitendag 2022:68). Furthermore, it also gives us a flash of Schmitt's recurring stubbornness in conflating politics and law and further insisting upon the omnipotence of the former. Despite such concerns, parts of this claim nevertheless intrigue: the relationship between God and the lawgiver, systemic structures, and their sociological considerations. Even if we reject the main thrust of Schmitt's claim, it serves as an entryway to ask ourselves other, hopefully more interesting, questions.

Schmitt's transformation of God into lawgiver raises one of the central objects that this article will investigate: the question of norms. It is a matter of course that the legal system deals primarily with norms and is a vital aspect of the religious system too. Giorgio Agamben, too, sees this connection between religion and law when he says that religion and law are both constituted by an 'ontology of command', spheres in which communications tend to take the form of the imperative (Agamben 2019:51). Thus, it seems that if one wants to bridge the gap

between law and religion, norms are one such bridge. Once law and theology meet on the crown of said bridge, it serves as a vantage point from where to observe one of the central themes of Buitendag's work, ecology or, more accurately, eco-theology. We know that the legal system too has devoted a great deal of attention to ecological concerns. The question then arises: what do eco-theological and environmental law (or more specifically, Earth systems law norms) have in common? How are they different? Moreover, in what the author hopes to be the contribution of this article, what are the common challenges that both disciplines share?

The itinerary for this investigation will proceed as follows: Firstly, a treatment of norms will serve as a crucial starting point before we can proceed. Thus, the next section will provide a working definition of norms by considering the influential writings of legal theorist Hans Kelsen. Naturally, legal theory has provided many interpretations of what norms are, but one canonical 20th century solution to the question will suffice for our purposes. Parallels are drawn to religious norms, especially to the events of the *Pericope Adultarae* contained in John 8, as a Biblical example of a norm with certain modern, Kelsenian characteristics. Both these examples are chosen only as representative or paradigmatic, fully aware that their selection ignores many other possible comparisons.

Having established the similarity and differences between the norm of the legal and religious systems, the question of to what extent the normative form has been raised in Buitendag's eco-theology and Earth systems law. It is argued that Buitendag's work and a sample of environmental law writings share a normative mode not dissimilar to Kelsen's figure of the *Grundnorm*.

Then, we turn to the writings of Niklas Luhmann, who raises serious challenges to the shared assumptions of these two disciplines. The challenges posed fall into two broad categories: society's ability to access the environment, and following this, to what extent one social subsystem can influence those around it. Or more simply, how can we know (or not know) what the climate crisis is, and what can we do (or not do) about it? Through raising these questions, the hope is to show the limits of normative communication and the challenge that provides.

Finally, we conclude with a short philosophical reflection on the possibilities for religion and law in the face the climate crisis. It is suggested that the radical shift in worldview demanded by Buitendag and others can find its place beyond the normative, in the 'form-of-life' that Agamben finds in monasticism.

## What is a norm?

One of the essential commonalities between religious and legal systems is norms. The legal system deals almost entirely with them, and while the religious system speaks to a lot more, norms are inarguably critical. If we are to discuss this

essential element they share, it would be worthwhile to reflect in more detail on what we understand under this concept. We are approaching the notion of the norm from the side of legal theory, and it should go without saying that the discipline has generated a vast literature on the topic. Taking all of it under consideration here would be impossible. For that reason, the work of Hans Kelsen will be taken as our working example (Kelsen 1967). There are several good reasons for this selection. The statement of Kelsen's theory from the 1930s onwards can serve as a token for the completion of the legal system's functional differentiation from other social systems. Although it sprang out of a lineage from Kant through Hume, Kelsen's legal positivism is a mature theory of law stated self-referentially, immanently or, to use his word, 'purely'. The pure theory of law is employed because, as we will see later when we discuss Earth systems law, Louis Kotzé and Rakhyun Kim argue for a planetary *Grundnorm*', a modification of a concept invented by Kelsen (Kotzé & Kim 2022).

In this brief treatment of Kelsen's theory, we will look at the following relevant concepts: the *Grundnorm* that provides for the unity of a normative system; the obligatory nature and *if … then …* form of a norm and finally, what distinguishes legal norms from other social norms, such as those of the religious system.

Kelsen regards the legal system as a body of norms that regulate human behaviour and gain their unity by sharing the same reason for validity – what he famously named the *Grundnorm* (Kelsen 1967:31). This enables us to cogently distinguish between different orders of norms: the legal, the religious, the moral and so on, for each order has a different unifying base. What unites the order of legal norms is that their final moment of validity lies in the fact that a centralised state can coercively enforce them (Kelsen, 1967:34). A religious normative order is founded upon the commandments of God. In law, any norm's validity that we question, should find its eventual justification owed to another norm. This could be because it precedes it temporally or reigns over it hierarchically. However, one could then question the validity of *that* norm: in the search for ultimate validity, we could ask for the 'norm behind the norm' infinitely. It is through the introduction of the *Grundnorm* that Kelsen breaks this chain: the norm that cannot be questioned. It is vital for our argument later to highlight that for Kelsen, this norm that makes all others valid cannot be factually found: it can never be 'posited' but only 'presupposed' (Kelsen 1967:194). The argument over the validity of a normative order always ends with 'because the father, the state, and God said so'.

Our second concern after the unity of norms is what form a norm takes. In the pure theory, valid norms take on a specific form. Kelsen states that legal norms essentially posit themselves as obligations. For example, if one has a right to dignity, it is more accurately understood as an obligation by

the state. More specifically, an obligation to punish those who infringe on my enjoyment of the right. The operative term for Kelsen is that of 'ought' (Kelsen 1967:117). This conception of norms takes on a form familiar to logicians and computer programmers: *if* such-and-such conditions are met, *then* the state *ought* to exercise sanctions on the offending party, with coercion if need be. Thus, the law cannot directly tell us how to act; it is through such an understanding that human freedom is to be found. The law cannot prescribe our actions but only prescribe potential consequences of our free acts. Potential because even the ought-to-punish that rests on the state remains something that can be followed or not.

Hence, we have a short overview of some of the essential aspects of what gives legal norms their particular character. It allows us to guess how legal normative orders differ from other normative orders, such as those found in religions, morality or social customs. In a modern state, moral or religious norms cannot be violently enforced. That similarities between religious and legal norms can be found (*thou shalt not kill* and the prohibition of murder in a criminal code) are examples of parallel norms rather than direct overlap. In a secular state, societies or churches cannot employ coercion when their norms are violated. The sanction for such norms is the redistribution of social esteem, leading at most to the shunning or ex-communication of the perpetrator. In short, we can agree with Kelsen that the difference between legal and religious norms is not in their content but in their form (Kelsen 1967:65).

Turning to religion, we see that Kelsen's form is largely absent. What we generally tend to find is the command form. The Decalogue takes this form and prescribes no punishment for their violation. Jesus' addition in Matthew 19 to love thy neighbour as thyself does not deviate from the form. Nevertheless, there is at least one Biblical example of a Kelsenian norm. This can be found in the *Pericope Adultarae* or the adulterous woman of John 8. While it seems that it is a later addition to the text of John, it nevertheless proves as a fascinating example. It tells the story of a mob of scribes and Pharisees bringing an adulterous woman to Jesus, raising the commandment against adultery and the obligation to stone her. As they laid their charge and argued their case, Jesus wrote in the sand at his feet. After this, he said, 'Let anyone among you who is without sin be the first to throw a stone at her'. Seemingly without retort, the mob dispersed, and Jesus wiped away what he wrote in the sand.

This short tale strikes one for displaying at least two characteristics of the modern norm, but one central element remains absent. The first element analogous to Kelsen's theory is what and why Jesus wrote in the sand before and after he spoke, and that he wiped it away afterwards. The argument has been made that Jesus did this in mimicry of the sentencing procedure of Roman law of the day (ed. Van Zyl 1989:126). However, can't we say, even more than that, that it represents the presupposed nature of the *Grundnorm*? It is something that, at least theoretically or logically, must exist and must be assumed, but we will never know. The second

point is in that of form. There are at least two ways in which we can interpret this. The first instance is the *if … then …* form: if someone here is without sin, then let them cast the first stone. On the other hand, could remind ourselves of the *ought* of sanctions, namely, that even the state cannot ultimately be forced to enforce their sanctions. This can be taken as the message of Jesus' norm, as the breaking away and rejection of the entire framework of the state and the law, replaced by an entirely different frame of validity.

Thus, we see that in the New Testament, even when religious norms take on some elements of a positivist legal norm (the *Grundnorm* and the *ought* form), it rejects the final enactment of coercion or punishment but trades in social esteem (those with or without sin) (Luhmann 2012:239). It serves as a parable for the functional differentiation that law and religion would achieve in modernity, and the difference in effect between the norms posited by these two systems. Agamben describes the difference by classifying religious norms as *ad culpam* while the legal takes the form of *ad poenam* (Agamben 2013:37). In John 8, Jesus's words seem to reflect this distinction: only those without fault are allowed to punish. Despite this, Jesus himself also does not punish the woman, stating that he does not even condemn her. In this, we see a complete rejection of the punitive programme.

Nevertheless, today, both religious and legal systems rely on norms to address the climate crisis. How they do this will be the focus of the following section.

## Crossing over in law and religion

The severity of the climate crisis has been observed acutely in both the legal and theological disciplines in the last five decades. With the realisation of the threat came the imperative to act. Both systems have done this through the means most readily available to them: the field of law created new norms in what is collectively referred to as environmental law so that legal subjects can be coerced into more 'sustainable' practices; theology admonished earlier religious interpretations of mastery over creation and called for its replacement with an ethic of care. While these approaches have their differences, they also share a normative character.

In this section, the eco-theological writing of Buitendag will be discussed, and much like we used Kelsen's theory as a working definition of a norm, it will be regarded as a paradigmatic representative of eco-theology. Following that, the law's response will come under scrutiny. In that case, a particular and new development in environmental law, namely Earth systems law, will be considered. This will show that while they are distinct, both bodies of work share a set of presuppositions of the nature of the environmental crisis, of society, and how to intervene most effectively.

While Buitendag has taken part in the eco-theological discourse since the 1980s (Buitendag 1985), only recent work will be considered here. Throughout, we see his insistence on the importance that religion must play in environmental

matters (Buitendag & Puglisi 2022). The core argument is that society must shift its outlook on creation fundamentally. The older theological interpretation of humanity's mastery over nature, and the linear progress narratives that it implies are to be rejected. In part, scientific data has made this need obvious (Buitendag 2019). However, Buitendag recognises that such a total about-face cannot be achieved through studying data alone but calls for a change in the foundation of individual thinking. Among other things, it means that humanity has to recognise the importance of its external environment, or habitat, in its constitution (or, more accurately, co-constitution) (Buitendag 2012).

This approach recognises the systemic nature of life on Earth and that scientific data and projections alone will never be enough to address this catastrophe (Buitendag 2019:384). Today, it is abundantly clear that science or expert opinion alone cannot win the 'hearts and minds' of men and women. Technocratic, surgical interventions in critical areas of human activity will also fall short. Religion is thus called upon to join science in co-constructing a worldview, an epistemology and ontology that embraces sustainable values with empirical understanding. It implies a theology that has 'come back to earth' and shed its transcendentalism for immanence (Buitendag 2012:6).

Such calls for reimagining society have grown louder within legal scholarship too. Much as older theological interpretations have come under fire, the shortcomings of traditional environmental law are increasingly recognised (Du Toit & Kotzé 2022). This is an understandable consequence when scientific modelling shows that despite past and existing efforts, the climate crisis shows no sign of abating. This has led to calls for an 'updated' Earth system law approach to environmental issues, which highlights several shortcomings of traditional environmental law. For example, that its focus is too regional, too anthropo- and state-centric, that it relies on an epistemology of natural mastery that Buitendag also criticises, and that it is, importantly, normatively unambitious (Du Toit & Kotzé 2022:4). Existing environmental law's essential flaw is in its worldview: that it is 'aimed at promoting human interests, health and well-being […] which effectively shuts out alternative ways of seeing, knowing, being and caring for the entire vulnerable living order' (Du Toit & Kotzé 2022:3).

In line with scientific and eco-theological thinking, Earth system law recognises the systemic and inter-systemic character of life on our planet. It seems that the systems under consideration here include (and only include) 'physical, chemical, and biological processes', with social systems not being explicitly included, but perhaps only implicitly so through law and politics (Kotzé & Kim 2022:88). With the movement within the science system from the Holocene to the Anthropocene, other social systems, such as law, cannot maintain their current worldview, echoing Buitendag. It is hoped that a new body of norms can be created that align more closely to the planet's needs than humankind's motives (such as profit and development). In a

recent piece, Kotze criticises existing environmental law for its lack of an ecological *Grundnorm* (Kotzé & Kim 2022). He defines this as a 'fundamental norm underlying all other norms' and suggests 'planetary integrity' as a possible candidate. This is important because environmental law, in its deluge of normative sub-regimes, experiences too much normative conflict. It is hoped that through establishing such a 'guiding *Grundnorm*', conflicts can be hierarchically fixed in the interest of a greener, earth-first value.

Even in these two brief treatments, we can see the similarities between eco-theology and Earth system law. Both represent new developments in millennia-old disciplines (and in the case of Earth systems law, a recent development on a recent development) that take the position of internal, self-reflexive critiques of their respective mainstreams. Earth system law criticises environmental law for, while perhaps being good-intentioned, being stuck in problematic and anachronistic paradigms. Eco-theology possibly goes even further in this regard, directly acknowledging older theology's complicity in exploiting the environment. In this, both call for a decisive break from the past within their own discursive traditions. Not minor technical corrections, but nothing less than an entirely new worldview is asked for in the exercising of their systemic functions. One hears the normative demand that is made: eco-theology as an approach to creation in the religious mode, albeit with an immanent rather than transcendental grounding. Earth system law does the same, even calling for greater 'normative ambition' in the traditional legal mode. The consequence of ignoring such a normative imperative is clear: *if* humanity ignores these calls, it will *then* have to suffer the consequences of a less habitable planet.

## The systems theory challenge

We have seen that, at least in the works of some selected scholars, theology and law have some shared characteristics in their diagnosis of and prescription for the climate crisis. Both are scientifically informed and aware of the interconnectivity of a cornucopia of biological systems. Both ask for a dramatic shift from a particular set of values toward a new, more sustainable one. If humanity could unite in embracing a new worldview, we might have a chance. Because of this future orientation of both, their prescriptions are presented within the normative form, as described by Kelsen.

While the author is sure that none of the authors would regard this as a simple matter, there are a few identifiable hurdles that would have to be overcome should we hope for success. These challenges are taken from the autopoietic systems theory of the late Niklas Luhmann. Peter Sloterdijk has described him as the *advocatus diaboli par excellence* (Sloterdijk 2016), and his arguments serve as an important counter-argument that eco-theology and Earth system law would have to rebut. Luhmann made a name for his systems thinking within the social sciences and wrote voluminously on law, some work on religion and at least one monograph

on ecology. As such, he acts as a perfect foil in an interdisciplinary discussion on environmental concerns.

What are these challenges? From the points of view treated above, it seems that the ecology or the Earth has systems that need to be respected and that the solution to the crisis can be found in adjustments made in human society. This disregards that society, too, consists of systems that also have laws and limits on what is possible. For this discussion's sake, there are problems at two levels: that of society and the environment, and the inaccessibility of systems to take anything from the Earth or God. In other words, for society to draw directly from anything outside of itself is no simple matter. The second level of our problem is society's internal lack of unity, meaning the limits of a single system to influence broader society. Thus, even the circulation of communication within society, from one subsystem to another, is riddled with contingencies (Buitendag & Van Marle, 2014). In what follows, we shall treat these two problems.

The first challenge stems from the claim that the climate crisis can only be communicated as a *social* crisis for society (Luhmann 1989). As soon as we start to think about the climate crisis, it has stopped being an environmental crisis and has become a social one. The crisis becomes social because, seperate from the alarming facts that the science system has identified, and no matter their material, empirical and causal likelihood, their communication (and thinking about) happens only in society. Not only have the religious and legal systems taken cognisance of the crisis through social communication, but their responses to it can also only be social. As we have seen, both systems have adopted a normative form as their solution. Additionally, both attempt to lend persuasive power to their norms by appealing to extra-social values. Given the extra-social nature of the crisis, this move is understandable. However, the challenge of only being able to address it inter-socially remains.

The religious system performs the role in society of distinguishing between immanence and/or transcendence (Luhmann 2013:53). For long, nature was regarded as falling on the transcendent side of the distinction; one possible description of modern science (or even modernity as such) is that it shifted nature to the side of immanence. This becomes a problem for the religious system in social communication, in that transcendental claims of validity have become unconvincing for many. Nevertheless, in my reading, the shift found in science is also detectable in Buitendag's eco-theology: an environmental, religious worldview that immanently grounds its validity (Buitendag 2013).

The legal system encounters the same difficulty when it attempts to validate or unify itself through anything resembling a *Grundnorm*. So far in this article, we have already come across two different conceptions of the nature of the *Grundnorm*. The first is Kelsen, who, despite his many express rejections of any transcendental validations of the legal system, *presupposes* a *Grundnorm* that halts infinite hierarchical loops for the sake of the unity of the system. If we want to remain in the spirit of Kelsen's positivist immanence, the best answer for the legal system's symbolic unity is to uncomfortably embrace the infinite loop as the autopoiesis of the system. Consequently, this leads us to the problems of another (also valid) interpretation of *Grundnorm*, found in Earth system law: as a set of ultimate values (such as planetary integrity) that guides subsequent legal decision-making. Were true planetary integrity to exist outside of society, we would only be able to access it through the social system of science, and the legal system would have to observe this scientific idea and re-create it within its own structure *as legal norms*. That is, a *Grundnorm* at least twice-removed from its extra-social origin. Definite numerical values, thresholds or planetary boundaries not to be surpassed are not determined by the planet directly but by scientists and, by the time we come to environmental law, the legal system itself (Luhmann 1989:68). It seems that the old problem of basing law on transcendental values such as God or justice (Whose God? Whose justice?) also rear their head when we attempt to find universal basic principles in nature.

This already leads to the second form of our problem, when we decide to stay firmly within social communication, namely, to what extent the religious or legal systems can communicate with other subsystems and have a steering effect on society (Buitendag 2014). In espousing a shift in worldview, as we saw in the previous section, religion and law encounter the problem of the fundamental difference, not unity, that underlies a modern functionally differentiated society (Harste 2021). Another way to put this would be to describe society as poly-contextual (Luhmann 2008:21), and what is a norm in one context is but a social fact in another, that more or less regarded or ignored. This means, in short, that each social system has its unique functional area and that one cannot take the place of the other. The economic system cannot buy salvation, make illegal acts legal, or turn what is scientifically false into truth. The legal system cannot legislate that only one person holds all political power, the results of scientific studies or the cost of every item regardless of the market. Past attempts at doing this seem anachronistic or even disastrous.

The legal system's shortcomings, including Earth system law's, become apparent. The law might very well observe the impending crisis but can only respond to it with norms or, in other words, more law. We must also be sceptical of the ability of law to steer behaviour. As we saw in the preceding section, the law cannot legislate away unwanted actions, but only stipulate what happens when they occur (Luhmann 1989:66). In this way, norms are little more than a structuring of disappointment: if my expectations of the future are not met (my debtor does not pay me, my neighbour assaults me), I know that the legal system offers me recourse to be reinstated into the position I was hoping for (or when that is impossible, redress in the form of compensation or revenge) (Luhmann 2004:94).

The same applies to the capabilities of the religious system. While a sermon might impress an individual on the importance of living an ecologically sound life, it offers no guarantee over what happens when he goes upon his business the following week. If he works for a petrochemical company, his economic rationality will lead him to decide in favour of profit; a politician would choose whatever offers him the best chance of being re-elected; even if he is an environmental lawyer, he would be bound to apply the laws only as they are written. A society based on difference means we struggle to find even a coherently unified individual – not to mention a unified society. Both religion and law have shown a concern for the Anthropocene, which is correct, on the condition that we level our critique not at individuals but at the whole of human society and its subsystems. From the macro-social down to the individual, a society founded on difference cannot offer us the possibility of a worldview but only innumerable worldviews.

# Conclusion

In the above, we saw that Luhmann poses a set of important challenges to any project that hopes (for good reason) to address the climate crisis. Of course, these challenges are, in turn, open to challenge. Luhmann passed away in 1998, and most of his ecological work was written in the late 1980s and early 1990s. It means that Luhmann's ecology was framed during the times of the German Green Party, Chernobyl, acid rain and the ozone hole. It is not one oriented directly to our current understanding of our crisis, and one presumes that his emphasis would have looked different today in the face of our more precise and more grave understanding of anthropogenic global warming.

A second question that might be raised could be to what extent eco-theology and Earth system law are part of the actual religious and legal systems. In both cases, we are dealing with theoretical academic discourses and might instead be situated within the science system for now. Nevertheless, the points raised here: a) apply to the science system too (even the findings of climate scientists have not been able to sway society sufficiently) and b) these are theoretical discourses that one assumes to have the ambitions to form part of the social systems they concern themselves with. In other words, the essential challenge does not change.

So what is to be done for eco-theology and Earth system law? Both offer us ideas for combatting the catastrophe that is speeding towards us. Deleuze tells us, in his beautiful lecture 'What is a Creative Act?', that an idea is always born out of necessity. In the picture that systems theory paints for us, these ideas present themselves as communication. Deleuze surpasses Agamben's ontology of command, claiming instead that all communication are in the form of the command or, to use our terminology, the norm. All transfer of information implies an *ought* for the action of the other. However, there is one exception: counter-information, the communication that expects of us to resist the status quo. Read in this sense, could one not say that the norms of eco-theology and Earth systems law are asking us to resist the death that our prevailing communications and worldviews bring? Is it possible that the norm form has radical potential and if so, how?

Agamben sees potential in the form-of-life found in early monastic orders, without ignoring the fact that despite their attempts to escape profanity, also eventually became co-opted by the world (Agamben 2013). He resists the temptation of regarding the monastic life as one replete with rules, instead seeing in the regularity (*regulae*) of their life a dialectic fusion of life and norm. Monastics, historically and today, had to fundamentally reject the society they were raised in and make a shift to a new mode-of-life. Agamben quotes Bartolus approvingly: 'so great was their *novitas vitae* [novelty of life] that the *corpus iuris* [code of law] could not find any application to them' (Agamben 2019:30). He holds it as a form of living so much within norms that it becomes inaccessible to social appropriation. An example of this is the Franciscan rejection of property relations such as ownership (*dominium*), with only use (*usus*) remaining. The monk lived outside of law, especially regarding property, and could only take possession of an object in an emergency. Agamben points to the interesting reversal at work here, that the state of exception (the suspension of law during emergency) can operate differently, that we can imagine a form-of-life where the law is invoked *only* during emergency (Agamben 2013:115). The world of communicated norms were turned on its head, information becoming counter-information. It is also not impossible to think of this in terms of systems theory. Renowned systems thinker Fritjof Capra has also identified private property and state sovereignty as the two legal doctrines that have had the most devastating effect on the environment and calls for an 'ecology of law' where legal complexity would emerge as the embodiment of communities' self-organisation (Capra & Mattei 2015).

Despite all caveats, these challenges are posed to religion, law and their respective scientific disciplines in a spirit of a shared alarm at the rate of climate change, the consequences that hold, and the conviction that conscientious theoreticians and practitioners have to engage with the problem. Scholarly efforts to re-imagine our very subjectivity are needed more than ever. I do not know if norms represent the limit of what we can do, or if we follow through radically, whether it offers the line of flight we are searching for. Whether society moves in the direction of creative autopoiesis or mechanisms of empty repetition remain to be seen (Guattari 2000). But if the former is to prevail over the latter, voices of counter-information will be essential.

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## *In honorem* Johan Buitendag

First World War, a lecture that later came to be published under the title of 'Science as a Vocation' (Weber 2004). In this, Weber spoke of the passion, even 'this strange intoxication', under which an individual is willing to dedicate his life to pursuing knowledge. Around a century later, the project tasked with archiving the voluminous writings of Niklas Luhmann, an intellectual descendant of Weber and one of the crucial figures in the essay to follow, was named 'Theorie als Passion'.

The following considerations would have been impossible without the life and work of Johan Buitendag. Firstly, his career-spanning contributions have contributed to the diverse matrix of scholarly communication that makes this particular communication possible. Secondly, he is also my father. I thus owe my passion for knowledge to him, both in my biological nature and through his nurturing.

While theology has always been part of my environment, I was driven to focus academically on legal theory. Thus, I must modestly refrain from attempts at engaging with my father in his home discipline. Instead, I hope to honour him and the spirit of a Festschrift by meeting his academic concerns halfway between my own intellectual tradition. Such honouring means also engaging critically with his oeuvre and providing alternative observations of the objects he has made a career of observing. The ultimate hope is that this will give reason for pause, reflection and development, surely of a modest degree compared to what he has given me.

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