LAW, RELIGION, AND CULTURE: THE FUNCTION OF SYSTEM IN NIKLAS LUHMANN AND KATHRYN TANNER

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ABSTRACT

This article juxtaposes the work of sociologist Niklas Luhmann and theologian Kathryn Tanner to explore the extent to which system provides a fruitful model for engaging law and religion. My methodology contends that conversations between law and religion cannot be reduced to a lowest common denominator, that is, a diminished articulation of law or religion that simply accords with generic or universal understandings of either discipline. The development of system in Tanner and Luhmann allows for synoptic comparison because both thinkers articulate the content, function, and structure of system; explain the processes by which systems change; and discuss the relationship between the “internal” and “external” vis-à-vis the system. Though cognizant of the dangers of reductionism, I hold that analysis of structure needs to be appropriated within discussions of law and religion.