

# How ProNoLa relates to the Uses of the Past theme of HERA?

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(3 min presentation at the launch of the Uses of the Past-theme, HERA, Prague 16th September 2016)

## **Protestant Legacies in Nordic Law: Uses of the Past in the Construction of the Secularity of Law**

1.

Yesterday at lunch I stood at a czech table, people however being nice enough not to speak their native languages (that includes my own native Danish...).

There I learned about intellectual links between the great Czech philosopher, Comenius (who lived here during the religion wars and into the time of absolutism) and the Moravian Brethren, an actually quite influential *religious minority group* in 18<sup>th</sup> century Denmark, now Unesco world heritage site.

Comenius was also influential to the *Frankesche Stiftung* in Halle, which influenced majority theology and thereby also to the *majority intellectual heritage* in the Nordic countries. The Court of Copenhagen thus celebrated 200 years of reformation in 1736 by introducing *Confirmation* as (at that time) compulsory – and still running with more than 60% of the young people getting confirmed – in our countries, but also introducing *Danish legal exam* at the university, thus legal scholars were from then on not only trained in roman law (less and less) and protestant natural law (also less and less) but in a legal thinking based on common protestantism in our countries.

2.

Exactly here lies the research question in ProNoLa, namely the question about whether there might be possible *normative links* between the development of majority Protestantism as well as minority other types of Christianity in our countries AND the development of a certain sort of secularity in legal thinking in the same countries.

I am a legal scholar, teaching European Union law and stuff, with a research focus on Law & Religion. Our five teams contain of young and experienced, men and women, church historians, legal historians, theologians and legal scholars, from *East & West*

*Norden & from Germany* (as a mirror), who share a common interest in links between then and now, that is: Uses of the past in framing the future in our countries.

3.

We will analyse such possible links over a time frame of 500 years – that is: since the north European reformation – focusing on historical turning points. Our material will be the intellectual heritage such as how civil servants, legal scholars and theologians from the Norden, that had all been trained in Halle before 1736, used their intellectual understanding of theology and law in the introduction of Danish legal exam and of Confirmation and how that differed from how Pufendorf introduced natural law in the Swedish-Finnish area, being trained in another of the Protestant sites in Germany.

Other such turning points are of course 1536 (reformation); but also the 19<sup>th</sup> century constitutionalism and the post-wwII-implementation of human rights ending up asking about how these theological roots are used and possibly misused in dealing with 21 century religious and maybe also legal pluralism in North European (Member) states.

4.

The aim is to possibly develop a new grand history concerning links between Protestantism and the idea of law in Europe.

That is of relevance throughout Europe. Another funded project concerns *Shari'a* – that is: the legitimacy of law and common norms in the future. There might be links to make – that might be our first possible contribution to Uses of the Past.

Another might be our focus on how *religious roots* are still playing an, possible subtle role in Europe. And a third contribution might be our focus on *rethinking this historical identity*. Our non academic partners are not only big majority churches and minority religious groups, but also government entities who face these questions on a daily basis today.

5.

However, as you understand from my presentation here, HERA has already been useful for us: I will ask at home, whether there is a link to be made to the Czech history of Comenius and see to whether there might be invitations to be exchanged in

a common interest of analyzing *traveling of norms*: how do we do it, which norms are of interest etc.