

Rethinking Legal Belief Based on Religious Feelings

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ABSTRACT

In the history, religion and law, as two basic means to maintain social stability and development, seem to be irrelevant, but in fact they are inseparable. However, with the gradual enhancement of people's pursuit of rationality, religion also gradually declined with the development of social system. Starting with the relationship between religion and law, this essay hopes to learn from the construction methods and ways of legal belief based on people's religious feelings.

Keywords: *Religion, Believe in law, Emotion of universe religion*

1. INTRODUCTION

The relationship between law and religion plays an important role in the field of jurisprudence. As two systems to adjust social norms, people can always find the shadow of modern law from religion, such as similar values. The difference is that law tends to be more rational, and religion is always full of fierce and irrational emotions. It is precisely because people's rationality makes their feelings for religion weaker and weaker, and the law is no longer a sacred belief. The law without this pious belief will be difficult to promote the society, because people lack the motivation and passion of legal research. If we want to cultivate this passion, we also need to start from religion. Religion is regarded as an 'irrational' system, which is confirmed to continue to this day. The root cause is people's religious feelings. Therefore, only when this religious feeling is applied to the law can the legal belief be truly realized, so as to better promote the development of society.

2. RELIGION AND LAW

Human society is complex, so law and religion need to be adjusted together from different aspects. As two different norms, law is a normative system to adjust social relations, which is formulated, recognized and implemented by the state. Regulate society from the material aspect, where there are people, there are laws; Religion is people's personal belief in the meaning of life, which aims to believe in the supernatural and obtain

spiritual comfort. Where there is suffering, there is religion. Religion brings people more spiritual sustenance. In other words, people need a subjective cognitive model to look at the world and themselves, and religion is the most important one.

The formation and development of religion have a far-reaching impact on law. In early Greek theory, law and religion were largely mixed. In the medieval ages, Thomas Aquinas incorporated the concept of rationality into his Christian legal definition. He divided the law into four sectors: eternal law, natural law, human law and divine law. Among them, the eternal law is the fundamental law of the universe, the natural law is man's understanding of the eternal law by using reason, the human law is man-made law, and the divine law belongs to the church law. In this quadrant, eternal law and divine law carry the factors of Christian belief, while natural law and human law reflect the rational factors retained since ancient Greece. This concept did not waver until the early modern times, especially after the 16th century, the emergence of classical natural law completed and strengthened the separation of law and theology. However, in reviewing the development history of law and religion, the influence of religion on law is obvious. The brilliant British jurist Lord MacMillan had carefully studied the intersection of religion and law. The thoroughness of his research is indicated by the information which he advanced in support of his general thesis that the Bible is 'permeated with legal phraseology' and the the conception of the relationship between God and man is legal observed that even in

Psalms 'one of the least legal of the books of the Old Testament, I found the words 'judge and 'judgment' employed over eighty times, the words 'statute' twenty times, and the word 'law' some thirty times.' [1] From this, we could still see the influence of the law from the religion. So far, there seems to be no direct relationship between law and religion. However, when we study it carefully, we will find that some important religious spirit has imperceptibly penetrated into the law. For example, the religious spirit of Western society is equality, fraternity, freedom and order. All these spirits have penetrated into the value of law and become the goal of the rule of law. On the road of the separation of Theology and law in the west, as well as the development history of Western civilization towards modern democracy and the rule of law, religious spirits such as equality and freedom have gradually penetrated into people's thoughts. For example, in the 18th-19th century, Kant, the representative of German transcendental idealism law, advocated that law is the embodiment of practical rationality, and the public assumption of practical rationality is that man is free. On this basis, Hegel, another representative, pointed out that human beings gradually realized consciousness and realized real freedom through the evolution of history. For another example, in France, the country of origin of the civil law system, the Constitution stipulates that the community is based on the equality and unity of the people who form the community. It can be seen that this spirit has been integrated into the legal spirit, and the religious spirit has been recognized by legislators.

It is undeniable that as long as there are social organizations, there will be corresponding laws "The country has the national law, the family has the family rules" is an old Chinese saying. It can be seen that whether it is a country or a family, there will be corresponding legal rules to maintain development. The development of religion is not only related to faith, but also has a huge form of social organization. For example, Catholicism has the Holy See and a huge religious power system. Religion not only affects the development of law in terms of ideology and spirit, but also absorbs the institutional norms of religion to a great extent in some areas. Religion gradually tends to be legalized. For example, in the development history of ancient Rome, the content of early Roman law was not distinguished from religion. In "The Institutes of Justinian", public law itself has the sacred attribute, including many sacred affairs, such as sacrificial ceremony and so on. Therefore, religion played a very important role in the development of Roman law. For another example, the legal content of many Islamic countries comes from the Koran and so on. The Koran is a combination of religious rules and laws, and its norms can be divided into two categories: one is to adjust the relationship between Muslims and Allah, mainly for Muslims; The other is about the norms of dealing with human relations, mainly reflected in

marriage and family, inheritance, religion, criminal law and so on. It can be said that the Koran is the foundation of Islamic law legislation and the constitution of Islamic law. It mainly establishes the theories of Allah's sovereignty, Prophet's authority, parliamentary system, Allah's empowerment of civil rights and obligations, equality before Allah and fair and free order. It is the first legal source to be considered in legislation [2] In addition, in modern law, many legal systems, principles and concepts originated from church law, especially civil trial system, litigation system, agency system in civil law and so on. The basic starting point of criminal law in modern western countries comes from the punishment theory of the Bible, which is embodied in the theory of original sin, atonement and doomsday judgment. Therefore, it is not so much the embodiment of religion in the law as the legal norm finally formed after integration and induction. [3]

In a word, the influence of religion on law is obvious, although most of them are not direct, but indirect. However, it is undeniable that some basic concepts contained in religious doctrines, such as freedom and equality, have been deeply engraved in the legal system.

3. BELIEVE IN LAW

Expressed in a passionate and rational tone, legal belief is a sacred experience spontaneously generated by the social subject on the basis of waking up to the legal principle. It is a sincere sense of identity and belonging to the law. It is a theme based on rationality. It is a rationalized passion and passionate rationality of the law. As we all know, the popularity of the proposition of legal belief can be mainly attributed to a well-known view put forward by the American jurist Harold J. Berman in *Law and Religion*. People often associate the word faith with religion, and Mr. Berman's conclusion that "law must be believed in" is established under the specific circumstances of the mutual accommodation of western law and religion. As Berman said, "although... There are religious factors in law and legal factors in religion, and they cannot exist independently of each other, we do not deny the importance of maintaining these tensions between law and religion". Berman advocates that law and religion are two distinct and interrelated aspects, which are two dimensions of social experience. He regarded law as a living procedure for distributing rights and obligations, solving disputes and creating cooperative relations, and religion as the sustenance of people's spiritual field and the intuitive knowledge and contribution of the ultimate significance of society and the purpose of life. However, one premise must be mentioned. Law and religion is Mr. Berman's lecture collection at Boston University in 1971. It is at a time when the United States has experienced a radical movement and temporarily returned to chaos. Berman believed that the popular concepts of law and religion in

the United States had become too narrow, the society fell into chaos, and the law lost its original sanctity; However, religion is regarded as pure hypocrisy, and the traditional link between the two is broken. Therefore, Berman's conclusion discusses the relationship between the social governance function contained in the law and the social governance function played by religious beliefs in history.[4]

So what is legal belief? Berman believes that law is not just a set of rules. The actual operation of law includes legal system and litigation procedure, legal value, legal concept and way of thinking and legal norms. Legal activity is a life process of distributing rights and obligations, resolving conflicts and creating channels of cooperation. Law contains not only man's reason and will, but also his feelings, his intuition and dedication, and his beliefs. It can be seen that Berman's so-called belief in law is essentially his belief in the deep social structure and the orderly process of human life, rather than his belief in the actual legal rules. [5]

However, since the 21st century, our respect for law and religious belief have been gradually eroded. The fundamental lies in the separation of the two. From the perspective of ordinary people, law represents the supreme authority, while religion is the supreme belief. The two seem to be contradictory and inconsistent. However, it is not because the law is influenced by religious belief, the people will be unified in their hearts, and the law will be truly effective, rather than relying entirely on the coercive force of national justice. Law itself is a sacred belief, which leads to an inner obedience. Laws that lack the belief of the masses can easily become daunting dogmas. Therefore, only when people believe in the law with a devout heart of faith can the law really work.

3. EMOTION OF UNIVERSE RELIGION

For tens of thousands of years, people have created countless gods in the physical world, but all these are the products of people's spiritual world. People put the gods in the highest position and believe in different religions according to their different values. Therefore, in other words, people's beliefs stem from their exploration of their own values. In the existing human wisdom, people cannot make a perfect definition of their thoughts, so they choose to believe in a person or theory representing "perfection" to repose their emotions and pursuit, and this attitude towards the pursuit of absolute truth is also an embodiment of feelings.

What is religious feelings? We often define it as an unconditional and pious belief in a theory, power or personality. Einstein once mentioned in his "Mein Weltbild" that "among the profound scientists, it is difficult for you to find a person without religious feelings". However, this religious feeling is different

from that of ordinary people. For ordinary people, on the one hand, people hope to get God's love, on the other hand, they are afraid of being punished by him; This feeling is similar to the sublimation of a child's feelings for his father. For God, people have established a personal relationship with him to some extent, no matter how much awe there is. [6] In fact, Einstein was a complete atheist. What he said about "religious feelings" did not mean believing in God, but an almost religious fascination with science. He called it "Emotion of Universe religion".

To understand this unique "Emotion of Universe religion", we must first abandon the secular religious view, no longer believe in the God in the Bible or the Shakyamuni in Buddhism, but infatuate with a new 'God' with pure religious feelings. This God is not a specific human image. Einstein has repeatedly stressed on various occasions that "I don't believe in a personalized God, I believe in Spinoza's God." Spinoza is a modern western philosopher. He believes that God is nothing else, that is, nature, the whole universe. In fact, he seeks the law that generally exists in the universe. [7] This is the core of Einstein's emotion of universe religion. In addition to Einstein, many scientists or social scientists tend to believe in "Spinoza God", such as Montesquieu, Rousseau and other French Enlightenment thinkers in the 18th century. It can be seen that everyone who explores the truth of science or human nature will increasingly believe in another spirit embodied in the laws of the universe, a spirit far beyond the human soul. Therefore, the exploration of rationality will eventually lead to a special religious emotion, that is, the "Emotion of Universe religion" discussed in this essay.

4. CONCEIVE LEGAL BELIF WITH THE HELP OF RELIGIOUS FEELINGS

In essence, law is the representative of human limited rationality. Since ancient times, the development and evolution of law have been inseparable from the pursuit of supreme rationality by jurists. As the sustenance of a spiritual force, religion can most urge people to jump out of the drive of their own selfish desire and devote themselves to the pursuit and ambition with super personal value, such as the pursuit of a perfect legal system. Therefore, only religious emotion can produce the most powerful and noble motivation for legal research. A little religious, people are willing to surrender. Submission is not a bad thing. As a tool to regulate society, law needs people's submission, otherwise the law will exist in name only.

In short, what should people's legal beliefs be built on? Of course, it is essential to use the law and code to drive, but we must also add the drive of mental stimulation. The realization of the desire for legal research can not come from the law itself, because the law itself can not directly meet people's desire for rational pursuit, so cultivating

religious feelings is the easiest way to form legal belief. Religious feeling itself is a special religious emotion, which has jumped out of the definition of ordinary religion. It can be the belief in a certain God or the pursuit of other values. This religious feeling is compatible with the law, and almost everything. Therefore, we believe in the law, not necessarily the law itself. We can believe in the glory of rationality in the law, we can believe in justice and compassion in the law, we can believe in everything in the law, and we think it can be regarded as a pursuit. Perhaps this conclusion will make many people who pursue certainty dissatisfied, but the world is a world full of uncertainty. In a country ruled by law, legal belief is essential. Although it is not necessary for every citizen to maintain faith in the law, only pure legal belief can further improve the existing legal system, and the realization of this pure belief needs to be conceived with the help of religious feelings. Only religious and pious beliefs can lead us to a bright road.

5. CONCLUSION

"Law must be believed in, otherwise it will be useless" Mr. Berman's statement is widely circulated in the legal community is not for no reason. People are constantly rethinking the proposition of legal belief. Because the word "faith" is too religious, people always try to think about legal belief from a more rational direction. This paper holds that the real significance of legal belief is to find a balance between law and religion

and rethink the problem of legal belief in this direction. Through Einstein's theory of "Emotion of universe religion", the legal belief can be more liberalized and rational, so that it can be better applied to everyone and society.

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