

<https://doi.org/10.25143/socr.24.2022.3.119-139>

Legal Doctrine of Max Weber's Sociology of Religion

Mg. iur. Kristaps Zariņš
ORCID: 0000-0003-0492-1336
Rīga Stradiņš University, Latvia
Kristaps.Zarins@rsu.lv

Abstract

Belatedly, this work is dedicated to prof. Max Weber's (hereinafter – Weber) commemoration day of the centenary and focuses on the sociological understanding of the state and canon law. In order to better examine Weber's views on the economic ethics of religion, human rights will also be examined in comparison – as a factor of interaction between opposites and sets of views – as they better identify Weber's asceticism about the spirit of norm Protestantism. On the other hand, in a conventional discourse and a review of the theory of social stratification, through the so-called theory of degrees and directions of rejection, the essence of Weber's idea will be best understood by examining how religion influenced formation of contemporary law and approach to contemporary law comparing it with the constitutional system of Latvia, among others. The article has been designed with a view that, by observing peculiarities of the era of Weber's lifetime, the work would have a more modern character.

Wherever in this study it is referred to purely legal dogmatic problems, the author has relied on the literature on the history of the church and law and to some extent on the past of the dogmas formed by it. Furthermore, the author mostly relies on materials obtained from Weber's law sociological argumentation and comparative perspective, which serves to clarify the typology of the sociology of religion. To the extent possible, the author also delves into the primary sources of the history of law; due to their linguistically specific style of expression and peculiarities, in accordance with the objective to study Weber's views on the socio-historical genesis of the state and canon law and their nature, which includes looking into canonical norms for the sociological understanding of law, textual identification of primary sources is not examined in more detail. However, the most important ideas expressed in Weber's works are compared with those of other prominent representatives of this field.

Therefore, in the part of normative analysis of law codification, the author focuses on analysis of the social environment of law and church law, instead of their general scope, and the work is mainly based on the ideas of the outstanding sociologist Weber and theses of the concepts created by him, preserving the style of thought expressed in Weber's main text and means of expression. For those who are familiar with the most important works of canon law, including church law, the part of the material analysis of the norms could be new precisely from the point of view of this work, and the specifics of the analysis included, namely, this legal discipline is examined through Weber's studies, works of other researchers and novelties about law as well as the place of sociology of religion found in these works.

Keywords: church, sociology of religion, canon law, sociology of law, religious law, legal norm, ideal norm, legal phenomenon, *iure divinum*, *lex nature*, conventional norms, commandment, Calvinism, Puritanism.

Introduction

As researchers of the field, such as Russell Sandberg, point out – to ignore and not be guided by the sophisticated analysis of theologians and their work over the centuries would be too “conceiting”; therefore, noteworthy is Weber's idea of tolerance, or tolerantly positive criticism, in regards of how he chooses to compare the three dimensions of relations – spiritual (religion), social (society) and legal environment. In particular, the study will focus, among other articles, on the following works of Weber: *Sociology of Religion* by somewhat dissonating it with his own work *The Protestant Ethic and the Spirit of Capitalism*; in comparison, attention must be paid to the relatively widely discussed antagonism in the Pierre Bourdieu's work *Practical Reason* whose adaptive nature begins the era of modern thinking.

Such a relatively new aspect as religious law and church law, similar to how it was once discovered and later used for social argumentation by Weber, helps to clarify some, mostly essential, questions of the canon law of European countries, which are considered from the angle of the history of law – naturally standing far from the topics discussed in theological works; due to the particularities of their origin and past, they clearly have a consistent legal nature and character. Moreover, depth of this field of law lies in the fact that it is a direct and still living heir of Latin law.

Study, as a sociological material of law, outlines the structure of the work and is the social understanding of the norms of canon law, which is reflected in the practical law, law that makes the different and common foundation and structure of the state law and canon law. Due to the limited space, not all studies of the field are mentioned, but only those works that are highlighted by Weber in his studies, specifically in the work *Sociology of Religion*, on which the directly quoted materials of the corresponding text are based, or where a literal transfer of thought was necessary, as well as those which serve as a support for precise analysis of the legal discipline and its transfer in accordance with a contemporary perspective of law.

1 Historical Discourse of Canon Law

Works of various well known canon law authors are examined to identify particularities of canons and their place and role in other legal disciplines. It appears that the author does not want to bring forward thesis that the religious peculiarity is the one that dictates law or creates law, instead he tries to reflect the legal ideology arising from it, as well as the collision of material and spiritual values and interests created by it. No matter how deeply economically and politically conditioned social influence of law on religious ethics may be in some cases, its core features and texts can always be found in religious sources, their messages, promises and writings. (Weber, 1949)

Due to the Judaic laconism of Roman law, it is necessary to provide explanation that *ius gentium* – spiritually and mentally similar laws of Roman peoples – is nothing more than a formal maintenance of traditions, where the traditions themselves have little to do with any religious principle of ethics. For example, as prof. Osipova describes in her work *Prehistory of the European Law. Laws of Ancient Egypt, Mesopotamia, Israel, Greece*: “(..) each society (tribe, nation) initially determined its laws casuistically, based on religion”, in addition to which the European identity and culture of European countries are formed by “(..) Roman law, Greek philosophy and Jewish morality. Jewish scriptures, which also contain legal norms, such as the Old Testament, are binding for Christians.” (Osipova, 2017)

Weber views the structure of religious law, or, as he puts it – the “entity”, as a systematic religious “typology”, and also places the burden of historical research on this discipline. Contrary to what Weber says about the importance of rank, class and economy in law, the author also talks about the social phenomenon of religious law as an object of canon law, by looking at it in conjunction with the idea of church law. However, when looking from the point of view of Weber’s “typology”, or as Weber says, since recognition and coexistence of religion and law is necessary, these main ideas expressed by Weber are typological, as far as it is considered that these different types of ethical law are historically and typically significantly related to social reality and the great contrasts between the scope of church and state law.

The author does not intend to provide a completely justified description of the canon law under examination, and in terms of the scope of the work, the objective is not to delve into the details of Roman law, which in spite of being a very good work itself, is too voluminous but the history of Europe, which is formed by the “continent of nations”, in the creation of a unified national space has repeatedly failed: “However, in terms of legal culture, unity exists because it is historically ensured by the Christian faith through canon law and Roman civil law.” (Osipova, 2017) Such a vision is quite close to Weber’s idea that one of the signs of maturity of law is precisely the aspect of recognition of religion (although he mentions church with its canon norms), because how else could the clearly simple, yet for centuries carried along as mandatory and simultaneously the constantly necessary thesis that the church is separated from the state, be understood. However,

Weber formed a thesis at this point that in fact such a constant reminder rather suggests that the state is separated from the moral paradigms that the era imposes on it, but otherwise the state is the same autonomous church.

For better illustration, it is necessary to highlight those features of canon law, which are opposite or different from those of the law of the Roman peoples, by which modern civil legal process is understood, or which are different in a socio-atheistic state system, and, in addition, Weber pays great attention to their relationship with ethical norms mentioned in Christianity, such as sources of law, and their manifestations and influence in the culture of social jurisprudence. Weber says that a study of the sociology of religion, in which the main attention would not be devoted to these particularly important moments, perhaps by softening them, or by sometimes adding to them other, more categorical than possible aspects, would indicate that, of course, all the contradictions and realities of qualitative systematics can be perceived as purely quantitative differences in certain legal issues, but they cannot be softened by reflecting common and different features of law and religion, where a rule of law, an obedient servant of the law, speaks on behalf of both the state and the church. (Weber, 1949)

Reiterating this obviousness and duality of religion and law would not be fruitful. Therefore, in response to the call of the great sociologist, it is clearly necessary to mention the quintessence of the qualitative and quantitative analysis of legal research considering which of these prisms of legal values is more vital and which should be foremost highlighted more than the others and how to correctly compare them from a historical point of view with the insights expressed by social reality and values. The following conclusion deserves recognition and seems appropriate: *“Those legal historians whose studies of the history of European law are based on the development of canon law and its influence on secular law, start their research with ancient Jewish law and then continue by analysing the experience of the Ancient Greeks and Romans.”* (Osipova, 2017). Therefore, it can be concluded that the typology of religion and law discussed in Weber's works also carries with it a general doctrinal understanding of the genesis of the general principles law with those written (proclaimed) sources of law that are very close or similar to religious texts (messages) and also contain knowledge of the philosophers' golden age, which is firstly successfully contained in storages of morals and then in storages of beliefs and knowledge, but less successfully, with various defects and shortcomings that are hidden by interpretation, in laws.

2 Genesis of the Idea of Church, State and Human Rights

The state, as an institution of law, and the connection between religion and the Christian doctrine of precondemnation, by its very nature excludes the possibility that the state could support religion by showing intolerance, as it happens in various aspects of human rights, where there is wide pluralism and man is the absolute embodiment

of these rights. If the divine rights cultivated by the Christian faith, which in reality manifested as infallibility of the church, merge or completely disappear in front of man as a phenomenon of creation, and if it is presumed that man is absolute and unique, then his rights are also unquestionable and as absolute as the man himself. (Harold, 2010, 16)

However, the church denies this idea, because it recognises only divine authority in everything, including laws, because they have emerged from God, for example, such sources as the Old Testament, the books of Moses, etc. The spirit of canon law and its substance clearly speak of it. Therefore, the state, when analysed from the point of view of the doctrine of Christian texts, cannot be “doomed” because it is itself a form of perfection and true embodiment of the social environment of the society, but the Christian society, or even a smaller entity of the state – a citizen of the state, from a perspective of the Christian scriptures, which anyway constitute the main sources of customary law, such as the 10 Commandments, is eternally sinful and condemned and therefore seeks forgiveness of eternal sin, even more so – not in this life, which would be absurd from the point of view of legal principles, because it would mean that the guilt of a person is presumed from birth, and also the guilt can be redeemed (compensated) only in a specific, truly sacred way – through a religious institute intended for forgiveness of sins. This guilt characterises any member of society despite the fact that there is no such form of presumption of guilt in law, it would be an abstract and utopian idea even for the most fanatical advocates of legal absolutism.

Thus, attention should be paid to the role of religion in the most legally important document of the state – the constitution, similarly as for the role of the church – to the source of its religion, the Bible. The only difference is that while the clauses established in the constitution do not directly and individually affect matters of faith, morality and conscience, judgments contained in the texts of the holy scriptures and values, such as in the Bible (Old Testament and New Testament), are the source of law and morality (condition of what is good, what is happiness and what is the right action). For example, in the context of comparative international constitutional law, this religious aspect is well established in the constitutions of different countries, including Latvia (see, for example, “*God bless Latvia*” contained in the preamble to the Constitution of the Republic of Latvia, as well as Article 6 of the Constitution and the 1st Amendment of the Bill of Rights of the United States of America and 2nd amendment of Bill of Rights of the United Kingdom). Moreover, the social and legal aspect of religion can also be seen in other main documents of the state, the most important laws and customs, such as oath, national anthem, inauguration, which despite being symbolic are an essential condition for existence of the state.

The origin and phenomenon of law may have begun with the emergence of social consciousness of society and usurpation of the power of some authority over it, but later resulted in strengthening of the individual’s autonomous rights, in the absolute element and form of human rights. Nevertheless, as Weber points out, law perhaps has a dimension of Christian values which manifests itself in the form of divine verticality through

the fact that the basic moral legitimation of law can be found in religious texts and its first and main cause is God (*ius Divinum*) as its primary source and which proves that there is a successive *homo religiosus* in the light of *imago Dei* (man as the image of God). According to the sociologist of civilisation Weber, this would indicate that law, despite its general nature, must be legitimate and generally recognised; the element of recognition is common for both law and religion, and it is a prerequisite of their existence, because it is based on the idea of religion and on moral principles. On the other hand, the *lex* does not have such a “craving” for moral and religious precepts at all, because its task is not to “speak” and argue in the language of morality and religion (Weber, 1949).

Several other philosophers have already mentioned *homo religiosus* as a method of research phenomenology, such as Edmund Husserl, modern times’ Martin Heidegger and Jean-Paul Sartre, who mention as a contrast to *homo religiosus* the existence of *homo saecularis* who lives in the present without any remainder, the only difference between these two is that contrary to a sworn secularist, *homo religiosus* does not allow himself to be blinded by the fleeting brilliance of the present moment because he remains in the shadow of the *ulpa Dei Maxima* (God’s wrath), thus turning every moment of his life into a reflection of eternity, which is brilliantly paraphrased by Immanuel Kant in his work *The Metaphysics of Ethics*, thus creating the so-called highest moral criteria (Kant’s Moral Philosophy, 2022).

Similarly comparable would be social and religious norms, where the former are secular and practical to the extent possible, as opposed to the objective rational values expressed in religious texts as a source of law. For example, Romans, when coming to conclusion that ethical elements can be found in every legal system, defined law as the art of good and just (*ars boni et aequi*); therefore, law is associated with the art of morality and virtue. It is precisely the idea of Roman law which is expressed in the Institutions, part 3 of the codification *Corpus Iuris Civilis* of the Eastern Roman Emperor Justinian I, and which is based on the idea that all men are born free and, therefore, have the *lex nature* prerogative to be free that discredits through times biblical moral principles, not to mention the existence of a single national morality.

On the other hand, in the early Middle Ages, this fundamental idea, interpreted by theologian and scholastic Thomas Aquinas, transformed into a dimension of biblical values, creating ideal law in an ideal state that is under the authority of the church (similar to Plato’s utopian state), but with the rise of humanist ideas and their spread in Western Europe, the same law became more specific and evolved into subjective (natural) human rights, even providing for respect for human dignity.

As Otfried Hoffe aptly points out in his work *Justice*, in the legislative giant *Corpus Iuris Civilis* (collection of civil, non-ecclesiastical law), which is the most important compilation of Western law, at the beginning of the prominent Digests all legal claims are formulated in form of three basic principles. For centuries they were associated with the Roman jurist Ulpian (*Domitius Ulpianus*). The aforementioned corresponds well with the legal tradition started by the Romans, namely, the great jurist Ulpian expresses

a seemingly eternal truth at the very beginning of the Digests in *Corpus Iuris Civilis*: “*Juris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere*” or “*The precepts of the law are these: to live honestly, to injure no one, and to give every man his due*” (Hoffe, 2006), which is completely incompatible with Christian values, the biblical view, especially the Old Testament, and the idea expressed by Weber about the *Protestant type and the spirit of capital* as a social dilemma, because it is denied both by the religious approach of the infinite and eternal humility and by capitalism’s equally eternal servitude to property or material values.

In comparison, while Cicero writes in his work *On the Republic* (*De re publica*) that the state or Republic must always and everywhere be placed in the first place – “*to place the good of the fatherland before all else*” (Cicerons, 2009, 73), capitalism requires the idea of property (*dominium*) to be placed above everything and to serve only for it (in the name of increasing capital), but one must keep in mind that, speaking in parables, as it is stated by the introductory part of the Digests in *Corpus Iuris Civilis*, the ruler (the state) shall humbly bow before God, that is, before the Pope, because the final settlement (..) will be made only on the day of reckoning. With such a motto, the collapse of the ancient world began, and also began the “quiet revolution”, where the state no longer holds its power and power is not its only goal any more, because the state begins to obey in every aspect its guardian – the church, which according to the canon of the church is capable of exempting from God’s punishment the sinful and therefore infinitely guilty citizen, nation or even a ruler. It creates also a division between the antiquity and renaissance, or such was the huge social convergence of the time, because the ancient Greeks have no religion, instead there are various cults, but the “sacred” (*hieros*) world is separated from the “profane” (*hosiosos*) world. In other words, God has his world, but man’s world is in his own hands, i.e., “political” life is completely “desacralized” (Weber, 1919; Vēbers, 1999).

In his views, Weber goes even further and considers that modern political technology is characterised by the fact that religion itself is also transformed and as a result the capitalistic “spirit” is formed, that is, through brutal dualism the main objective of the corpus of law is incorporated – to look at the *body, soul and spirit* (*corpus, animus, spiritus*), because it cannot be any other way when talking about the state affairs. Weber follows Foucault’s insight, where he proposes a cult of the ethical continuity (doom) of the church, an imperfect (therefore, immoral) person and equally imperfect and punishable actions resulting from the idea of sin, which follows the command: “*Go get slaughtered, and we promise you a long and pleasant life*” (the central motto of the church and the state during Middle Ages, fighting against decay of obedience), in contrast to the “rule of law”, a concept established by Albert Dickey of the Enlightenment: the basis of legality and justice is precisely the sinful person. Moreover, in search for a legal state concept (*Rechtsstaat*), religion was noticeably replaced with other paradigms (Weber, 1919; Vēbers, 1999).

For example, Viennese doctor Johann Peter Frank in his 1779 essay *A System of Complete Medical Police* no longer sees the presence of religion and God in the state

affairs, as he writes: *“The general object of police science is public order”*. Weber emphasises, referring to Shakespeare’s Hamlet, by calling such public order a “prison”. According to him, this ensures formation of individuals who *“become nervous and soft if this order is disturbed for a moment, and helpless if they are taken out of their complete adaptation to this order”*. On the other hand, national socialist Roland Freisler, considering Weber’s *“ruthless insight into the realities of life”*, after Weber’s death, in the 1930s, found a generally accepted definition and it reads as follows: *“A state governed by the rule of law is an organized form of national life that embraces all national life forces to ensure the right to life internally and externally”* (Weber, 1919; Vēbers, 1999).

It is clear that the church and religion are generally ignored and its quintessence is lost, but it took several hundred years before some of the most prominent critics of the unity of church and state from the early Renaissance and decadence, Thomas Hobbes with his brutal ethics, and John Locke, by seeing the essence of happiness in the state affairs (law), could arrive to such a remarkable “forgetfulness” of church and religion in the field of state and law.

However, returning to the systematic aspect of the church, when looking at the socio-legal issues of religion and views based on human rights where everyone can be an atheist or a believer in regard to their personal beliefs, but in the common public legal space they all certainly meet some sort of religious ceremony, it must be concluded that the influence of religion is felt in traditions, as well in law, which is based on the values derived from them. This is especially evident in the culture of the Western Europe and in the deeply rooted traditions these nations, and in general everywhere where the beliefs of the Christian faith prevail.

A culture based on religious values and a culture based on human rights form their belief system. In the background of the traditions of the Christian worldview, purely religious holidays are widely accepted and celebrated in the form of positive norms – official holidays celebrate several thousand-year-old events that are purely religious in nature and have no connection with the secular world at all (birth of the prophet, resurrection); an official anthem of religious content is sung, which even contains an indication of how it is an official prayer (in the case of the National Anthem of Latvia – the solemn prayer of the people, Law on the National Anthem of Latvia, Article 2). Thus solemn (symbolic) oaths are taken (e.g. on the Bible or on the constitution) and, finally, these religious texts and manifestos stemming from them are carefully enshrined at the constitutional level in an otherwise profane world, and as a result atheistic beliefs and traditions remain in the minority against such a background. Besides, the institution of the oath is a purely moral paradigm, an ethical standard for a certain action, it is not an ordinary material legal norm, since its origins are purely religious, symbolic and ceremonial.

The question arises what the sources of such a discipline of cultural law, a religious law are, seen as a form of expression of traditions, which cannot be measured the same as pure canon law, and how such wide recognition can be found, even among people completely unrelated to faith. Further question include what the basic source of

the moral expression of these values is – whether those are Greek and Roman century-long philosophical reflections, or widely known unwritten moral views of natural rights, or religious texts in the reflections of law (similarly, as a reflection of ideas in Plato's allegory of the cave) which form the legal opinion and consensus of the last millennia basic source codes.

In response, Weber concluded that in contrast to the Roman school of law, in no other culture in the world, except in the West, where pragmatism is rooted from the time of Thucydides and its prehistory is used, there is nothing that would indicate a rational legal theory. In other earlier civilisations, in prehistory, there are no strict legal systems and forms of legal thinking that characterise Roman law and Western law, which is based on the former. Such a phenomenon as canon law is also known only in the West. (Vēbers, 2004)

Thus, for example, Roman law was deeply rooted in the Catholic lands of Southern Europe and later also in entire Western Europe. Rationalisation of private law, if it is interpreted as simplification of legal concepts and division of legal material, reached its highest development in the Roman law of late antiquity and, on the contrary, was the least developed in the countries that reached the highest degree of rationalisation, including England, where the renaissance of Roman law failed. (Franklin, [1736] 1904; Weber, 2004)

Weber quite well captures the “*image of American culture*” created by Benjamin Franklin, leader of the American independence movement – “*from cattle you get fat, from people – money*”, or as Weber says it in his work: “*The merchant may conduct himself without sin but cannot be pleasing to God.*” (Franklin, [1736] 1904). This translates well in conjunction with the statute transferred to the canon law on “*Deo placere vix potest*”, which refers to actions of merchants and, the same as the evangelical text about usury and other “misfortunes” of law and morality, was considered real and therefore an important source of knowledge of socio-legal nature (Vēbers, 2004).

Calvinists, on the other hand, saw a form of ideal norm in the law, which is impossible to achieve but must be constantly striven for (Journal of Law and Religion, 2006). Regarding Calvinism, the views expressed by Thomas Aquinas in his work *Summa Theologica* must be also mentioned – cognitive theory and its religious character which aim at settlement and concreteness of the status of social law, but only by religion one may dictate the scepter of state power (The Western Australian Jurist, C. Y. Lee). However, in Luther's teachings, the opposite is found – liberation from following the written letter of the law as a divine privilege of believers (Vēbers, 2004).

Explaining the statements of the Bible as “*paragraphs of the book of laws*” is an old and relatively clear interpretation of the cultural tradition of Roman law, although not always casuistically accurate citation of the Bible, but more as a revelation of legitimate source of moral law in the primordial scope of its existence which leads to the same goal that gave rise to canon law. Notably, “*For the Reformers, the Commandment appears to be an ideal norm, while the Lutherans, on the other hand, find the Commandment oppressive as an unattainable norm.*” Lutherans condemned the reformers for “*slavish servitude*

to the law" (Muller, 1892). Therefore, the Decalogue, as a codification of natural moral laws, remains the norm of human behaviour. From the average point of view of canon law, morality free from laws and rational asceticism oriented to the Commandment were also excluded; the Commandment remained as the structure and the "ideal norm", but the law has only "discrete" character (Vēbers, 2004).

3 Phenomenon of Law and Religion

Observance of such a principle "*extra ecclesiam nulla salus*" (Adair-Toteff, 2015) cannot be ensured by the state in its social reality. In other words, inability of any state to ensure functioning of the norm (both law and religion), because the mentioned principle literally means: "(.) *there is no salvation outside the church*". The state was unable to save the believers with it, but the concern for God's glory forced the church, a "*believers' Church*" (Adair-Toteff, 2015), to look for basis in legal norms, which were created by heretics and unbelieving Romans or legal scholars until the early Middle Ages.

Over time, it became impossible for the state to intervene in various matters, such as appointment and transfer of clerical positions, which, on the contrary, was described in detail by the norms of canon law. Thus, the leader of the English revolution, Oliver Cromwell, together with John Brown, constituted the church as a socio-legal unit (Landow, 2005), or even a phenomenon. He was an advocate for universal religious freedom, but his concept of "holy parliament" – the separation of church and state where they (the people of faith) were pietists for positive religious motives and represented influence of that, similarly as Roger Williams, guided by the same considerations, advocated unconditional, unrestricted religious toleration and separation of church and state, where the state has no resemblance to the church, contrary to what, from the point of view of public law, had been accepted since the early decadence of Roman law (Vēbers, 2004). For example, in the resolution of the English Baptists of Amsterdam (in 1612 or 1613), the demand for freedom of conscience as a defense of one's positive rights appeared for the first time from the state (Schluchter, 2017). It reads: "*The magistrate is not to middle with religion or matters of conscience (.) because Christ is the King and lawgiver of the Church and conscience.*"

During the Hellenistic era, in the Roman Empire, also in Islamic lands, religious tolerance prevailed for a long time, limited only by considerations of public order, which were based on laws, even if they were not always compatible with the texts of canon law. As, for example, Philipp Jakob Spener points out, it is about the fundamental rights of Christians, which were guaranteed by the apostles when they formed the first Christian congregations. Also, the Puritan opinion developed about the place of individual people in the church and about the legal sphere of their activity, which derives from *jure divino* and is, therefore, an inalienable and unshakeable right. No matter how ahistorical the positivist (philistine) critique of the idea of "fundamental rights" may be, no matter how trivial it sounds, in the words of Spener, one must ultimately be grateful for everything,

even what the fiercest modern “reactionary” considers to be his individual freedoms and minimum rights (Spener, 2019).

The Arminian erastic position of the idea of extending state sovereignty to church affairs was represented by the monopoly of autonomously created state sovereignty, which corresponds with the political interests of the law of that time, which were pragmatically but tendentially rooted already in the church law culture of the Renaissance. In addition, an ardent follower of the idea of Arminianism, or prof. Jacob Arminius (*Arminius*, 1560–1609) of Leiden, was the great philosopher of law and lawyer, *Dr. iur.* Hugo Grotius (*Huig van Groot*, 1583–1645) who in his most remarkable work *De iure belli ac pacis* (1625) expresses, among other things, the idea that war is a crime if it is not a means of protecting law. It was Grotius who distinguished law from religion and emphasised the principles of natural law, which are immanent in the nature of man who is a social being (Latvian Dictionary of Conversation, 1927).

It is also known that Nietzsche's supporters, based on fundamentally similar reasons, have attributed a positive ethical meaning to the idea of eternal return, leaving the church in the background, compared to the formation of the state. Erasmus (1466–1536), a Dutch humanist who declared the dogmatic “*law of mind*”, which is based on characteristics of humanism and man as a sovereign being who is able to decide and determine his own rights, contrary to the church's divine law policy, points out that the collision is created exactly in this aspect of interaction between religion and law (Latvian Dictionary of Conversation, 1927). It must be noted that relationship between church and state in the first centuries was seen as ideal by the *Quakers*. This idea was strongly represented by Robert Barclay with his idea of “*Inward Light*”, because for them, as well as for many pietists, in terms of purity doubts were not created by the church as an institutional formation because it drew its sources from the works of dogmatists tested for hundreds of years (Graves, 1992).

However, within the framework of an unbelieving state or under the influence of “*under the cross*” of an institutional church, other defenders of Christian values and rights, such as Calvinists *faute de mieux* (from Latin – for lack of something better) were also forced to engage in separation of church and state, similarly as it was done by the Catholic Church in analogous cases (Hoffmann, 1902). Rules of the church do not affect the civil society and its relations, but initially in the first formations the congregations and later in the church, there was a living principle which resulted from the fact that a prohibition was established to enter into any, even business, relations with people excluded from the church. Puritan legal formalism leads to completely adequate consequences – complete trust in law, and the law not only as a norm but also as a social need, or: “*In civil actions it is good to be as the many, in religious, to be as the best.*” (Adams, 2011).

Of course, consistent implementation of principle “*Natural reason knows nothing about God*” in reality was impossible, because of “*Moral and perpetual statutes acknowledged by all Christians*” (Barclay a.a. O.p.). It was the ethnicity of cultures or peoples that preserved religious traditions in all its vastness, thus trying to close the gap that simple

state power or domination dictated by the state apparatus could not provide. Law, without doubt, also contains ethical provisions, through which, if one can say so, the Christian ethical-legal maxim and the embodiment of the moral spirit permeates the principle: “*Do unto others only as you would have them do to you*” (Kant’s Moral Philosophy, 2022), which is also a moral law for any atheist (Vēbers, 2004).

Thus, the place that Protestant teaching intended to give to the “*lex nature*” (natural law) is shifting. Existence of “general rules” and a moral code became fundamentally unavailable because everyone has an individual right to a God-given conscience. The formalism of Puritan ethics is a clear consequence of trust in the law, since legal order is reduced to formal legality, in the same way that “truthfulness” (*Redlichkeit*) or “righteousness” (*Uprightnes*) for nations with a Puritan past does not mean the German “honesty” (*Ehrlichkeit*) but something specific and completely different – formally and reflectively transformed consolidation of rights in the form of laws, as was carefully practised by the pioneers of Roman law from the times of Ulpian (Vēbers, 2004).

However, the Puritan understanding of “legality” as a test of “*choseness*” without doubt created more important motives for positive action than the Jewish understanding of legality as keeping the commandments, because of internal and external ethical considerations and the relationship to tradition in observing social norms and determining legality was more like unscriptural law, a principle regarding the laws that are not based on the precepts of Judaism, and that everywhere else can be “*permitted what is forbidden*” and the only positive and true law is the one that derives from the Old Testament for these two components of internal and external ethics.

4 Rule of Law and Legitimate Violence (Sermon on the Mount)

Christianity, which was originally the teaching of wandering artisans, in contrast to Judaism, in the early Middle Ages, and later under the influence of Puritanism, paid much attention to the fact that ethical norms should be replaced by Christian norms and that these in turn should be carefully collected (codified) and declared through written laws, such as laws of the church or even laws of the state. This approach with such interpretation of law often encountered a problem that a happy person in the sense of law is rarely satisfied with this fact of obtaining happiness itself. He also wants to be happy in the sense of law, and, moreover, by referring to the thesis that the law must ensure “happiness”, he wants to be sure that he deserves it – first of all, in comparison with others, he wants to believe that the less fortunate received it by merit and that happiness itself is “legitimate” and he aspires to be “legitimate” together with it (Vēbers, 2004).

The rational need for elements of the theodicy of suffering and death, such as death penalty as a legally enforceable form of punishment, was clearly expressed in law. In regard to this, any hierocratic church fights it with virtuosic religiosity and ethical dogmas, i.e., it, in the form of an institution, organises a community of “grace” of moral

forgiveness, which has nothing to do with state laws. Theodicy (from Greek – *Dikaios*) – a righteous ruler, organiser and seeker of truth and justice who acts with philosophical and religious considerations which, according to the doctrine of “*The Justification of God*”, belong to those views that see and explain the foresight of the norms given by God, which cannot be solved by law but only by religion (Latvian Dictionary of Conversation, 1940). Hierocratic power, in this context, is understood as the power of the church, which, according to the Greek *hieros kratein* (sacred ruling), tried to gain supremacy over the secular state power.

Weber says that the church, as a legitimate institution, seeks to replace the acts of state power with its own monopolised but supposedly democratic means of salvation. However, provided that it is a universal institution of “grace”, the Christian values preach is as recognised, and obedience to its authority is based on its religious texts and law derived from them and which has a direct connection with articles of faith included in religious texts. However, in the field of ideas of general law, the church remains solely and exclusively faithful to the legal order established by the state.

Weber states that from the sociological point of view of law, one can see a complete parallel with the struggle of bureaucracy against order, the political rights of the aristocracy, and the forms of state and church rule of law in the political sphere of law. “Rational”, as a belief in some important “canon”, was the highest artistic ideal of the Renaissance; rational, as a rejection of all traditional ties and belief in the power of *naturalis ratio* (natural reason), was also a vision of the world of the legal order of this period, despite the features of Platonic mysticism and the preachers of the Christian faith supported by the church (Weber, 1949).

The nature of church disciplines and canon law through the religious nature of worldly asceticism, as Weber called it, linking it also to various elements, such as professional ethics and professional jurisprudence, brings along a problem that has been little studied until now, one of the reasons being because the effect of church discipline is not always spread uniformly. Therefore, the police control of the lives of the faithful in a way that borders along the lines of inquisition is realised in the domain of the state church. In a hierocratic union – in the church, the shepherds (pastors) of its congregations represent a certain “competence”, which is determined by the regulations. Church leadership or pontificate is, in its true sense, the same as the service established since the pontificate of Innocent III, where the separation of the position of *ex cathedra* (rank) from the circle of private law is the same as any other bureaucratic technique that is not “revolutionary” connected with the jurisprudence of all existing earlier forms of Roman law, because it is guided by the dual character of the principle: “*it is written – but I tell you* (..)”, or it represents the highest threshold of the competence of infallibility – to interpret anything that can be interpreted at all (Weber, 2004). This idea is based on the following considerations, which, among other things, are based on Weber’s widely described concepts of dominion or ruling and their types.

Namely, Weber compares a clergyman and its “competence” with an official, who is also a representative of power, yet only secular. Neither exercises this power as their own rights but always on behalf of an impersonal “institution”, in the interests of people’s coexistence subject to some normatively formulated regulations, regardless of whether they are determined or not, but ascertained according to criteria corresponding to the regulations. A clergyman, who is subordinate to the hierarchy of “superiors” in clarifying and identifying legal issues, turns to the church administration “by instances”. Thus, religious communities (including church) belong to a union of dominion, an hierocratic association, i.e., whose power is based on giving or refusing grace. It answers the question: “*What legitimate justifications does the power claim?*” This means that “power” is like a “command”, which is not a personal authority but a consequence of an impersonal norm, and the very act of the command is following a norm (Vēbers, 2004). In other words, as Weber puts it: “(..) *regarding power, the legitimacy of commands is based on rationally formalised, agreed upon or authorized (authorise – impose by force; to unilaterally determine or issue, for example, a constitution authorised by a monarch means that he has unilaterally issued and declared it (Latvian Dictionary of Conversation, 1927)) regulations, but the legitimacy of the formulation of these regulations, in turn, depends on a rationally formulated or interpreted ‘constitution’*” (Weber, 1949).

Even more, it is the process of traditionalism and long-term domination or ruling based on a charismatic leader and an organisation followed by the community, its disciples and followers who would firstly become officials and only then priests (Weber, 1949). The church, as a unique institution, which is just as relevant to its local regulations of social life and their subordination to internal canon norms, as opposed to a bureaucratic apparatus of state power, which does not consist in any part of canon norms, is a proof that the modern Western “state”, with the triumph of formalistic legal rationalism in it, as well as the emergence of the Western Church, was in large part work of lawyers, the main, though not the only, form of which was *bureaucratic* rule.

Among the representatives of this domination structure are state officials, its pastors and laymen. In addition, submission takes place for legitimacy of one’s rights, an impersonal *duty of service*, which, similarly as the right to power, as Weber points out, is a “competence” that is determined by rationally adopted norms (laws, basic texts, regulations) in such a way that legitimacy of domination manifests itself in the legality of general, purposefully thought-out, correctly formulated and announced regulations. (Vēbers, 2004)

In legislation of Western countries, when viewed in the context of the church, the end result tends to the ratio of coercive force with which legal ruling or domination can be exercised through legislation, and it is not based on ethical “rights”, even if their objective criteria could be clarified, but on the “state”, which has a monopoly on “legitimate violence”. For example, in the Sermon on the Mount: “(..) *do not resist an evil person*” (Matthew 5, 39) its opposite will be: “*You must promote the execution of law, even by force, and you will be responsible for illegal actions*” (Vēbers, 2004).

Because the entire process of the internal political functions of the state apparatus in the field of law and administration is ultimately regulated pragmatically, based on objective state considerations, with an absolute end in itself, that is, law serves the existence of the state which is a completely meaningless position in religion because canon norms do not require preserving or transforming the internal or external division of power but determine only traditions established from religious sources in the law.

5 *Sine ira et studio homo politicus*

Sine ira et studio homo politicus and the bureaucratic apparatus of the state, just like the clerics, carry out their tasks in a purely businesslike manner without hatred and impose punishment for violations of the law, following the violently established ideal of rational norms of the state, as a functionally impersonal institution, but in the canon law traditions established in the administration of the church are implemented as submission to the hierarchal clerical administration which referred to the administrative order established by the prophets (Goldman, 1992).

According to Weber, this sinful empirical system can be contrasted with absolutely divine “*natural law*” where obedience to God is more important than obedience to man, which is implemented according to the apostolic law and becomes the religious duty of the state. This obligation, throughout the centuries, especially in the process of formation of medieval legal thought and order, has always been the subject of disagreements about which has more ethical considerations for the formation of legally established values: the postulates of religion or the state’s social need for legally established public safety and order. Puritan statements about separation of state and church, or laws and canons, are especially close to these views.

Law, which is in general related to existence of a coercive group (legal coercion) that influences the regulations of a system so that they are implemented in society, may be relevant because coercive means themselves are relevant. Virtue has a voluntary character, where no one demands its observance, in contrast to law, where there is a certain sanctioned, legitimate and significant all-encompassing character. As Weber points out, between “*virtue*” and “*law*” there are many higher acts of religiosity that are incomprehensible to those for whom they do not exist as values, just as incomprehensible, for example, the teaching of human rights is to those who reject this teaching altogether. (Edward, 1949)

To understand social action (*soziales Handeln*), behaviour (*Verbalten*) and the sense (*Sin*) associated with it has always been the right, true and significant element and intellectual task both in terms of virtue, law and religion to the extent that they are internally justified, successive, in society, state and church, which form a single emotional bond, a single identity and a substance of values (Spencer, 1979). That is why Christian values, traditionally shaped natural rights and quintessence of the Renaissance and Reformation perfection – human rights – stand out as highly important.

On the one hand, canon law could be labelled as *Leges imperfectae* (from Latin – imperfect laws) if it was characterised as the heir of Latin law, which tries to resolve the relationship between law, convention and ethics, because it explains the norm of clerical action as a specific evaluative rational *faith*, which in moral and religious terms uses the “good” predicate. Moreover, it is religion that guarantees observance of norms. (Henderson, Persons, 1964)

However, as Weber points out, not all legally guaranteed systems, including conventional norms, claim ethical character, and legal norms, which in some cases are purely goal-oriented in nature, claim it even less than religious and conventional norms. Moreover, the church exercises moral coercion to guarantee the moral norms of religious ethics. (Weber, 2004)

Therefore, law can be hierocratic and guaranteed by the authority – the head of the church, while the statutes of the community association, i.e. canonic norms, are subject to both value-rational traditions and religious texts, which at the same time serve as a source of law for them, just as they serve as a regulation of secular administration. Canon norms, among other norms, are not more significant from the point of view of respect for traditions, nor are they more universal than other norms, perhaps due to their religious nature which are based on prophetically sanctioned and sacred customs.

As Weber writes: “*Fear of magical evil reinforces the psychic barrier against any lasting change in habits of conduct, which, oriented toward obedience to an established order, work to maintain it.*” Therefore, traditions of canon norms *ultima ratio* serve the church in a hierocratic way to legitimately create monopoly of pressure where the power of the church aspires; due to its concept and mission, according to the usual and purposeful use of language, it is characterised by the nature of institutions (state administrations, Weber also uses the term “*enterprise*”) and claims to monopolistic dominion manifested in the form of church administration and order (Mommson, 1984).

The question of how the church acquires these monopoly claims, if they can be called as such at all in the domain of domination or ruling, is unclear because the church, as an institution to which, as Weber points out, membership is acquired “by birth”, while the circumstance of “institution” separates it from other associations of power, according to its position and status, there is a hierocratic domination of the domain and it has a paroxysmal territorial division, so that a specific hologram of introverted power would be more than understandable and legally correct in its many angles of application of canon law norms. (Weber, 2004)

It is precisely the observance of canon law which means that it is law founded on distinction or custom, for example, also on stricter forms of regulation, as well as observance of religious customs (Hiršs, 2008), and the assumption of autocephaly established within it suggests a certain legal succession which is referred to in spiritual texts and, above all, in the holy writings, or the Bible, similar to how it is summarised in the collection of dogmatic, religious, ethical and legal principles of Judaism, or the Talmud

(Georg, 1889). The autocephalous aspect of the habits and customs of this principle (from ancient Greek *autos* – self and *kephale* – head) is the relatively high autonomy and organisational independence in all aspects of law such as the promulgation of norms, laws, in a certain order and in a certain, strictly sanctioned, way of expressing power. However, the main aspect of heterocephaly (from ancient Greek *heteros* – other, different; *kephale* – head) is in the organisational dependence of the church association, namely, in the fact that its leadership is appointed from the outside, which is not related to the state, but more to the prescriptions determined by religious texts by some providence party or God.

Therefore, this characteristic is the governing circumstance of the church's autonomy, organisational and office independence (for example, regarding bishops), and they are not subject to any higher church official, since they form the sanctioned law *Themis (ius forma abstracta)* excluded from the order of outside world legality. (Hiršs, 2008) The external declaration of norms and independence from other, otherwise pragmatic, considerations illustrate Weber's proposal of creating and managing modern life, which can be described as "vocational equivalent of war". Thus, Weber presupposes this autocephalous nature of the church which he contrasts with the conjuncture of the state's political law, which according to him is violent. Namely, Weber says that: "*All political formations are violent formations*", and he agrees to a certain extent with the expression of Thomas Hobbes cited in "*Leviathan*" (1651) – *homo homini lupus est* (a man is a wolf to another man). It is rooted in the ancient and distant belief that in Christianity man is endowed with a deplorable set of rights because it, in its original form, is formed as a culture of beaten, a culture of lamentation and mourning, man is the one who cries (*is qui luget*); only later was established the idea that man is something more and the source of law is God himself, that man is treated as God's image (Vēbers, 1999).

To escape from the state of domination and come to true "humility", which will eliminate this turmoil, the way of thinking itself and approach to it must be transformed, which is said to be done by creating a special kind of domination, types of power, namely pastoral power. Pastoral power means training in the execution of the orders of superiors, while submission and humility must become a human virtue

Weber devotes his reflections as much to views based on ancient culture, as well as to contrasts between law and religion, and searches for the causes of their conflict and forms of radical manifestations, as only this can identify and clarify the influence of typical and consistent religious norms of the church in the domain of law. Therefore, in Weber's works, certain parallels can be drawn with the collapse of the golden age of philosophy, the invasion of barbarians and the spread of Christianity, and thus, church dogmatics. He draws great attention to culture, spirit of capitalism, social environment and their typology, as well as tries to form an opinion on the seemingly incompatible or, on the contrary, model of inseparable church-state relations. Weber highlights an idea that the slave of the ancient world and the thinking of the modern social proletarian can

understand each other as little as a European can understand a Chinese. Nevertheless, Weber admits that these capitalist relations cannot be viewed separately from other social vicissitudes and must be seen in the context of cultural phenomena, in this case together with the rules of church law, in their sense of canon law.

Conclusions

Weber links the church doctrine of canon law with the state, and politics with church. Law is viewed as an “objective force” driven by the spirit of the age, church dogmas, as religious pathos, are seen in acts sanctioned by state power, in their legitimacy. Following this, it can be found that there is no alternative to legal thinking in sociological sense. Whether we think as clerics, laymen or lawyers, it does not matter how but the legal regulation of the specified content is either significant or not, from which the legal relationship either exists or does not exist. Likewise, Roman (code) and Greek (philosophy) way of thinking is close to the lexicon of Christianity, only the form of their expression and understanding is different.

It is understood to be common for this religious-legal consciousness because it is the prophetic component of God's recognition that also forces us to recognise the ethically rational side of action, that is, domination from both the state and the church. Therefore, this highly important component of legal legitimacy can be guaranteed only internally – religiously with the hope of blessing and salvation of faith to preserve the legal order in question. In contrast, the religious component which is purely and practically maintained by the church, guarantees both internal and external order. Weber concludes that this order is quite close to law because it internally guarantees the pressure (moral or physical) exerted by a special state, unlike the church, as an apparatus whose direct functions include safeguarding of order and prevention of violations by force, but they always are and remain as *leges imperfectae* (imperfect laws).

Simultaneously, in the *Sermon on the Mount*, Weber sees the source of the legitimate violence of the state, which consequently creates the problem to submit oneself to God (as an absolute and universal concept) or to man (the state), or, in other words, Weber draws parallels as what comes first – faith in religion or law. In his works, Weber concludes regarding social teachings of the Christian church and groups where he reveals the profile of two ideal types – the capitalist spirit and the Protestant ethic, with special emphasis on Calvinism. He considers this in connection with the already quoted cosmopolitan statement of Benjamin Franklin, but it could be fruitful to illustrate it again together with another highlight used by Weber which reads something like this: “*Remember, time is money (..) remember, credit is money!*”, which is used as the opposite to the church's otherwise internal religious asceticism against temporal benefit. Only then, by discarding this component of benefit, we have come to the essence of law. (Vēbers, 1999)

Weber's sociology of religion interweaves with sociology of domination, which is confirmed through the idea expressed by Weber and often mentioned by those who

study Weber's works on the conjuncture of the power economy and are interested in the religious and legal foundations of world asceticism as "political theology": "Whoever wants to engage in world politics must be free from illusions about all things and must recognize a fundamental fact – the inevitable struggle of one man with another man in the world, as it in reality happens". (Weber, 1919) Therefore, Weber recognises the patterns of interaction between asceticism and capital: *sovereign and subordinated or elite and mass*. Nevertheless, Weber does not base his reflections only on secularised concepts of theology and is not an adherent of the ideology of *Monitor and punish*, although, as already indicated, he values the worldly benefits quite similarly, as Kant describes it in his treatise of *Perpetual Peace*, in contrast to his predecessor Karl von Clausewitz who stated that: "War is not a simple political act, but a real political instrument, a political continuation of traffic, its implementation by other means (...)". Therefore, many institutions derive from the economic ethics of world religions but with more focus on the fact that law arises as a result of war, or more precisely "(...) from a life and death struggle." (Vēbers, 1999)

When analysing the institutional church, Weber describes the structure of canon law as a "shading" of sociology of religion. According to this approach, modern state is something like the papal curia which can better prevent various conflicts with the help of priestly lordships or domination. This means that the church is an administration that is characterised by the following features which, in addition, coincide with the features of the state:

- 1) differentiated administration rank, as an institutional and legal structure;
- 2) rationalisation of cult and dogma, as a form of application of the norm;
- 3) claim and universal domination, as claims of atheists about general law;
- 4) creation of a rational system and successive rule, as a set of human rights elements;
- 5) relationship of loyalty between those who serve and those who rule, as a sovereign who serves the social consensus of power and religion.

Acknowledgement

This publication has been developed with financing from the European Social Fund and Latvian state budget within the project no. 8.2.2.0/20/I/004 "Support for involving doctoral students in scientific research and studies" at Rīga Stradiņš University.

NATIONAL
DEVELOPMENT
PLAN 2020



EUROPEAN UNION
European Social
Fund

INVESTING IN YOUR FUTURE

Bibliography

1. Adair-Totef, C. (2015). *Fundamental Concepts in Max Weber's Sociology of Religion*. Palgrave Macmillan.
2. Adams, T. ([1923], 2011). *The Works of Thomas Adams: Being The Sum of His Sermons, Meditations, and Other Divine and Moral Discourses*.
3. Geni. (n.d.). *Robert Barclay, Scottish Quaker, The Apologist*. Available from: <https://www.geni.com/people/Robert-Barclay-Scottish-Quaker-The-Apologist/368239284210011279> [rev. 11.07.2022].
4. Oxford Dictionary of National Biography. (2004). *Barclay, Robert, of Ury*. Available from: <https://doi.org/10.1093/ref:odnb/1347> [rev. 18.08.2022].
5. Barclay. p.487 and Barclay, a.a. O.p. 102.
6. Chauncey, D. E. (1955). *Radical German Pietism (c. L675–c. L760)*, Boston University School of Theology, 1955.
7. Christian, L. (2004). A Sociology of Law on Religion – Towards a New Discipline: Legal Responses to Religious Pluralism in Europe. *Law & Just. Rev.* 68.
8. Cicerons, M. T. (2009). Par valsti. Zvaigzne ABC.
9. Clive, W. B. (1898). *The Tutorial Latin Dictionary*. London: University correspondence college press.
10. Cons. theol., III, 6, 1. Dist.2, No. 64.
11. Ensign, C. D. (1955). *Radical German Pietism (1675–1760)*. Boston University. Available from: <https://hdl.handle.net/2144/8771> [rev. 18.08.2022].
12. *Ethics: Articles on Morality and the Law of God*. (n.d.). Reformed.org. <https://reformed.org/ethics/> [rev. 17.06.2022].
13. Franklin, B. (1904). *The Works of Benjamin Franklin, Vol. II Letters and Misc. Writings 1735–1753*. Available from: <https://oll.libertyfund.org/titles/franklin-the-works-of-benjamin-franklin-vol-ii-letters-and-misc-writings-1735-1753> [rev. 17.06.2022].
14. Freiberga, E. (2004). Jēdzienu un izteikumu skaidrojums. In Pjērs Burdjē, *Praktiskā jēga*. Pp. 393–397.
15. Friedrich Max Müller. (n.d.). In: *The Gifford Lectures: Over 100 years of Lectures on Natural Theology*. Available from: <https://www.giffordlectures.org/lecturers/friedrich-max-m%C3%BCller> [rev. 18.08.2022].
16. Goldman, H. (1992). *Politics, Death, and the Devil: Self and Power in Max Weber and Thomas Mann*. Oxford: University of California Press, Berkeley, Los Angeles. p. 177. ANSI Z39.48–1984.
17. Graves, M. P. (1992). Robert Barclay and the Rhetoric of the Inward Light, *Quaker Religious Thoughts*, Vol. 80, Art. 3. <https://digitalcommons.georgefox.edu/qrt/vol80/iss1/3/>
18. Harold, G. (2010). Koenig, Spirituality and mental health. *International Journal of Applied Psychoanalytic Studies*, 2010.
19. Hefe, O. (2009). *Taisnīgums: filosofisks ievads*. Zvaigzne ABC.
20. Henderson, A. M., Persons, T. (1964). *Max Weber: The Theory of Social and Economic Organization*. New York: A Division of Simon & Schuster Inc. p. 84. ISBN 0-684-83640-8.
21. Hiršs, I., Hirša, S. (2008). *Reliģisko terminu vārdnīca*. Rīga: Kristīgās vadības koledža, ISBN 978-9984-395-71-5.

22. Hoffe, O. (2006). *Gerechtigkeit, Eine philosophische Einfuhrung*. Munchen: Verlag C. H. Beck oHG, Munchen.
23. Hoffmann, W. (1902). *Kirchenverfassungsrecht der niederl.* Leipzig: Reformierten.
24. Kant's Moral Philosophy. (2022). *Stanford Encyclopedia of Philosophy*.
25. *Latīņu-latviešu vārdnīca*. (1955). Rīga: Latvijas valsts izdevniecība.
26. *Latviešu Konversācijas vārdnīca*, 1.–21. sēj. Rīga: A. Gulbja apgāds, 1927–1940; papildināts faksimilizdevums 1–22.
27. Mateja evaņģēlijs 5, 39. (2012). In *Bībele ar deiterokanoniskajām grāmatām*. Latvijas Bībeles biedrība. L.E.G.O. S.p.A. ISBN 978-9984-834-35-1.
28. Mommsen, W. J. (1984). *Max Weber and German Politics 1890–1920*. The University of Chicago Press. P. 102. ISBN 0-226-53397-2.
29. Osipova, S. (2017). *Eiropas tiesību priekšvēsture. Senās Ēģiptes, Divupes, Izraēlas, Grieķijas tiesības*. Rīga: Tiesu nama aģentūra. ISBN 978-9934-508-53-0.
30. Pierucci, A. F. (2001). *Secularization in Max Weber. On Current Usefulness of Re-Accessing that Old Meaning*. ISSN 1806-9053. http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0102-69092000000500009 [rev. 13.09.2022.].
31. Sandberg, R. (2008). Church-State Relations in Europe: From Legal Models to an Interdisciplinary Approach. *Journal of Religion in Europe*, 1(3), 329–352. Available from: <https://orca.cf.ac.uk/19054/1/Church-State%20Relations%20in%20Europe%20%28post-print%29.pdf> [rev. 13.06.2022.].
32. Schluchter, W. (2017). Max Weber's Sociology of Religion. In T. Ertman (Ed.), *Max Weber's Economic Ethic of the World Religions*. Cambridge: Cambridge University Press. P. 66 [doi:10.1017/9781316460092.002](https://doi.org/10.1017/9781316460092.002)
33. Sereno, D. (1997). *Whether the Norm Expressed in Canon 1103 is of Natural Law or of Positive Church Law*. Roma. ISBN 88-7652-751-6. p. 10–11.
34. Shils, E. A., Finch, H. A. (1949). *Max Weber on the Methodology of the Social Sciences*. Illinois: The Free Press of Glencoe. p. 73.
35. Spencer, M. E. (1979). *The Social Psychology of Max Weber*. *Sociology of Religion*, 40 (3), 12. [doi:10.2307/3710241](https://doi.org/10.2307/3710241).
36. Spener, P. J. (2019). *Theologische Bedenken*. Bd. 2, S. 81 f.
37. Stevens, G. B. (1889). Weber on the Soteriology of the Talmud. *The Old and New Testament Student* (The University of Chicago Press). Vol. 9, No. 1 (Jul., 1889), p. 15. <https://www.jstor.org/stable/3157806> [rev. 13.09.2022.].
38. Stirk, P. M. R. (2002). Hugo Preuss, German political thought and the Weimar constitution. *History of Political Thought*, 2(3): 497–516.
39. Vēbers, M. (1999). *Politika kā profesija un aicinājums*. Zvaigzne ABC.
40. Vēbers, M. (2004). *Reliģijas socioloģija*. LU Filozofijas un socioloģijas institūts. ISBN 9984-624-24-2.
41. Weber, M. (b.g.). *Gesammelte Aufsätze zur Religionssoziologie I. Wirtschaft und Gesellschaft*.
42. Weber, M. (1949). *The Methodology of the Social Sciences*. Illinois: The Free Press.
43. Weber, M. (2002). *The Protestant Ethic and the Spirit of Capitalism*. Los Angeles: Roxbury Publishing Company. P. 33.
44. Webster, M. *Dictionary*. Available from: <https://www.merriam-webster.com/dictionary/ex%20cathedra#hl> [rev. 29.07.2022.].