

The Impact of Religious Belief Culture on Legislation: In Regions of EU and Fujian

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Abstract: The interplay between cultural beliefs and legislation is a critical area of study, particularly in regions where religion significantly influences societal norms and values. This paper explores the influence of religious beliefs on legislation by examining key theoretical perspectives and empirical case studies. It begins with an analysis of the ideas of prominent philosophers--Georg Wilhelm Friedrich Hegel, Karl Marx, and Max Weber--who provide distinct viewpoints on the role of religion in shaping law. This paper then delves into two different empirical studies: the influence of Christian animal welfare on European Union (EU) legislation and the Mazu Mediation Room in Fujian, China. Understanding how deeply the cultural religious principles shape legal frameworks provides foundations considering human rights and social justice, and how religious culture cooperates with the enforcement of law. By studying and comparing these contexts, this paper focuses on analyzing these religious influences on legislation, investigating their impacts, and suggesting the future development of laws in religious regions. Ultimately, the paper wants to contribute to a broader sense of the relationship between religion and legislation, discovering the need for a legislative approach that respects local religious culture while upholding universal human rights and social justice.

Keywords: Philosophy of law, Legislation, Religious beliefs, Mazu Mediation Room, Ethics.

1. Introduction

The relationship between religion and law has been a deep topic throughout history. From ancient civilization to modern society, religions, and cultures keep shaping the fundamental ethical values in people's hearts and following devotes to the establishment and improvement of law. This paper aims to explore the religious influence on legislation, examining how the beliefs and religious culture provide an understanding foundation for legislation.

This paper will first discuss on a conceptual level. The first section will be rooted in the ideas of famous thinkers such as Hegel, Karl Marx, and Max Weber. Each of those philosophers supply their distinct and profound viewpoints on the nature of religion and the issue of religious effects.

Then, this paper will focus on empirical research cases, and try to analyze them with the rich backdrop provided by philosophers. Two real historical cases from two distinct religious areas will be the analysis object in this paper. This paper seeks to find out the direction for legislation by drawing on theoretical insights and historical cases.

By analyzing key legal cases, legislative debates, and philosophical arguments, this paper aims to provide a comprehensive overview of how religion influences lawmaking and legal interpretation. Additionally, it wants to draw attention to the possibility of positive communication between secular and religious viewpoints, advancing a legislative framework that protects basic human rights and respects religious diversity.

2. Analysis of the Religious Effect on Legislation

2.1. Basic Concepts and Definitions

2.1.1. Religion

Religion can be broadly defined as a system of beliefs, practices, and moral values that relate to the divine. It typically involves a community of believers who share a common moral understanding, and teachings centered around a higher power or spiritual reality. In this paper, religion also has an influence on culture and society. When religion is discussed, it also means the culture behind it. Many religions offer an ethical framework that teaches how followers should behave, both personally and socially. And therefore, becoming part of the society's norms. It potentially restricts and directs people's moral understanding and voluntary choices. The authority is typically spiritual and moral, rather than legal.

2.1.2. Legislation

Legislation refers to the body of laws enacted by a governing authority to regulate behaviors within a society. It is the formal mechanism through which societal rules and standards are established, enforced, and modified. Unlike religious principles, legislation is enforced by legal institutions, such as courts and law enforcement agencies. Current legislation is trying to be universal and objective. Rather than voluntary principles, legislation is binding with authority that has the power to enforce mandatory compliance.

2.2. Theoretical Relationships between Religions and Legislation

This paper selects mainly three influential and distinctive philosophers to discuss this topic, which includes Hegel, Karl Marx, and Max Weber.

Starting with Hegel, Hegel holds a systematic belief in free will, law, and religion. His theory is rooted in the concept of ethical life, known as *Sittlichkeit*. In his theory, the state represents the highest form of ethical life, where individual freedom exists within the social and political structure. According to Hegel, free will is the will that is accomplished through rational self-consciousness. In other words, real freedom only exists when one obeys rational law, as arbitrary "free will" would lead to chaos. Hegel divides the development of spirit into three stages: The subjective spirit stage, which shows how individuals rationally understand themselves and the world; the objective spirit stage, which shows the rules and understanding as a group, where law and ethics are located; and in the highest stage, the absolute spirit, the spirit exceeds the limits of either individuals or groups and achieves a full understanding of the nature of spirit itself, where religion is located. As mentioned earlier, the state is the highest form of *Sittlichkeit*, which embodies the absolute spirit, and law is an essential part of maintaining the existence of the state. Therefore, even though law and religion are constituted by spirit, law is the realization of free will within the state's rational framework, while religion reflects a more symbolic or representational understanding of absolute spirit. However, they still have other connections and differences. According to Hegel, religion, as a higher stage of spirit, represents a higher ethical understanding. Law is the system that is built upon the understanding of

religion. In other words, law is the practical outwardness for particular issues, and religion is the inwardness that provides an ethical and moral foundation for people to make rules [1].

However, Karl Marx offers a serious critique of Hegel's ideas and presents his own beliefs. According to Marx's historical materialism, the economic base determines the superstructure. Concepts like philosophy, religion, and the arts can only exist when the economic foundation is strong enough to support them [2]. Unlike Hegel, Marx does not see the superstructure as a unity of spirit but as a structure shaped by the economic base, which serves to uphold the interests of the ruling class. Therefore, Marx also views the state and religion as instruments of control that serve the interests of the ruling class, rather than expressions of a unified spirit. While Marx acknowledges that religion is often used to provide an ethical and moral foundation for legislation, he critiques this function as a means of legitimizing the interests of the ruling class rather than promoting commonly acceptable justice. Religion makes laws appear to be the result of commonly accepted justice. However, Marx argues that the bourgeoisie control religion and law for their own benefit. In Marx's theory, the bourgeoisie exploit the value of labor power, accumulate the means of production, and alienate the production process to maintain their dominant position. To prevent class struggle with the proletariat, they manipulated religion to serve their interests and intertwined it with the legal system. The divine authority of religion blinds the proletariat, stabilizing bourgeois power and making workers forget to fight for their own interests, instead focusing on a non-existent reward in the afterlife. Therefore, Marx argues that religion, like other ideological tools of the ruling class, cannot serve as a legitimate foundation for legislation. Law, according to Marx, should be a means for society to refine itself, not a tool for the ruling class to protect their property and power [2,3].

Max Weber, unlike Hegel and Marx, emphasizes that legislation is becoming increasingly rationalized as society develops. He advocates for a clear separation between religion and legislation, arguing that modern laws should be based on rational thinking and legal principles rather than religious ethics. While religious values still influence social norms and shape how people behave, their effect on legislation is indirect. Weber points out that religion fundamentally affects individual behavior and thought, and thus, legislation should acknowledge that and be more secular. Weber then introduces the concept of legal-rational authority to describe modern legislation, which is built based on logic, reason, and universally accepted principles. This is different from traditional authority, which is often controlled by religious beliefs. He also introduces the term "iron cage" to express his concern about the consequences of this rationalization. He argues worriedly that as society becomes more rational and calculative, leaving less room for religious principles and beliefs on moral values, individuals will be trapped in a new form of rational control. Speaking on the rationalization of law, this "iron cage" refers to the legal systems becoming too procedural and dispart from moral or ethical considerations based on a shared regional belief. Modern legislation, driven by bureaucratic needs, focuses on rules and regulations that must be applied uniformly, even with less consideration of individual circumstances or human compassion. With the consideration of the necessity of rationality to manage the complexities of modern society, Weber describes this rationalization as a double-edged sword [4].

This paper is enlightened by these great philosophical ideas. While the foundation of legislation should be built upon universally accepted moral principles, it should not be directly derived from religion. Religion which is a product of generations' thoughts, contains inherent flaws and limitations. This paper argues for taking religious values as cultural ethical principles that should be revised and refined through rational thinking. Moreover, with the existing influence of religious authority among the citizens, policymakers can use this influence appropriately and positively to enhance productivity. By using the foundation offered by religious traditions added on rational-legal principles, laws can become more acceptable and better serve the needs of the people.

3. Empirical Research and Comparison

3.1. Analysis of Christian Animal Ethics Affecting EU Legislation

In 2017, Alma Massaro her moral concerns on contemporary European Union (EU) laws in her work, "Respect for Integrity: How Christian Animal Ethics Could Inform EU Legislation on Farm Animals." In this study, Massaro analyzes the intersection of Christian ethics and EU legislation, giving suggestions on how Christian principles related to animal welfare should influence the legal framework governing the treatment of farm animals [5]. According to Christian belief, human beings are entrusted with both ownership and responsibility for the welfare of their animals: "A righteous man cares for the needs of his animal" [6]. European cultures, roughly speaking, are highly affected by Christianity, even people living in that culture who may not convert to any religion are influenced by its undermined values. Therefore, in a religious area, the moral values concerning animal welfare are rooted in people's minds and social understanding.

With this consideration, Massaro critiques that current EU laws often prioritize economic efficiency over these traditional ethical principles, causing a conflict with Christian principles of compassion and respect for life [4]. This conflict reveals an important issue which is that the religious moral framework, which once served as a foundation for ethical decision-making, is now been largely neglected in current EU legislation. Despite this, religion still plays a main role in shaping societal values, and policymakers must seriously consider these ethical principles to create legislation that is both effective and morally acceptable.

On the other hand, this situation also raises other concerns. If we view society as a temple, then religion can be seen as one of its fundamental pillars. The influence of religious ethics is so deeply ingrained that it inevitably interacts with secular needs. The EU's focus on increasing economic efficiency to meet current demands often clashes with these traditional ethical concerns. If policies become too secularized and efficiency-driven, there is a risk of moral discomfort and a potential for a landslide effect, that the diminishing regard for traditional values like compassion, respect, and integrity could lead to broader erosions in human rights. Therefore, it is essential for legislation to find a balance between religion and secular ensuring that economic rises do not override the ethical principles that sustain a just, civilized, and humane society.

3.2. Analysis of Mazu Mediation Room

In the south coastal region of China, especially in Fujian province, Mazu, also known as the goddess of sea, is deeply integrated with the culture. The Mazu belief system is centered around the worship of Mazu, a deified young woman named Lin Mo-who, according to legend, who lived during the Song Dynasty. She is believed to have possessed extraordinary spiritual powers, particularly in protecting fishermen and sailors from the perils of the sea. After her death, she was venerated as a goddess and protector of seafarers. Mazu culture is not only religious but also highly important in Fujianese life and society. It plays a role in community cohesion, social governance, and moral education [7].

In Putian, Fujian province, local governors established the Mazu Mediation Room in many local police stations [8]. This mediation room is unique to this region and serves an important role in resolving civil disputes. What distinguishes this mediation room from others is its integration of the local religious beliefs of Mazu. In every mediation session, the mediator begins by leading all participants in paying homage to the Mazu figure prominently displayed on the wall. This ritual involves a respectful salute, acknowledging Mazu's presence and invoking her guidance. Interestingly, the practice of Mazu Mediation Room has proven to be highly effective. Many people believe that, under the watchful eyes of Mazu, participants--most of whom are faithful believers--tend to be more

honest, respectful, and cooperative during the mediation process. The presence of Mazu applies a sense of moral responsibility, potentially encouraging participants to resolve disputes kindly and with integrity.

This paper wants to emphasize the purpose of this practice. Fujian Province, known for its rich religious culture, has effectively integrated beliefs into its legal framework as a tool to enhance the enforcement of laws. By incorporating religious elements, such as the Mazu, the legal system in this region captures the positive moral values inherent in the local culture and uses them to support legal processes.

In other words, the legislation system in Fujian strategically absorbs the benefits of religious ethics, using them in practical law enforcement. During mediation sessions, virtues like respect, honesty, and integrity are naturally upheld by participants—rather than through external compulsion, it is through an internal sense of moral duty provided by their religious beliefs. This practice helps individuals follow the law and resolve disputes with others in a way that follows their inner moral compass.

On a broader scale, the integration of religious values into the legal system also helps to maintain lower crime rates by using the divine aspect given by the use of religion. It also fosters a positive and cooperative relationship between law enforcement authorities and the community. The Mazu Mediation Room serves as a great example of how a balance can be achieved between religious traditions and modern secular needs, demonstrating that religion and law can work together to create a harmonious and just society.

4. Conclusion

Studying on both theoretical insights and empirical evidence, this paper concludes with a comprehensive understanding of how legislation can effectively integrate with religious beliefs, advocating for thoughtful future practices. The paper suggests that legal systems should pay more attention to religious beliefs as a means to make deeper connections with the people they serve. In a broader context, policymakers and those in positions of authority should immerse themselves more fully in the lives and cultures of the citizens they govern. A disconnect between the legal system and the people can undermine the effectiveness of law enforcement.

To bridge this gap, it is important for the legal system to resonate with the way people think and feel. Mutual understanding must be built from the root. Religious culture offers a rich resource for it, as it gathers the collective values and moral frameworks of communities in a positive and unifying manner. By incorporating these cultural and religious elements, legislation can become more localized, thus making it more relevant and acceptable to the population it governs.

However, this paper wants to raise a potential concern. Since both religion and the legal system rely on concepts of authority and justice in the minds of the people. The use of religion in legal practices might, to some extent, influence or even challenge the authority of the legal system. In countries that do not share, or build upon a common religious belief, this integration could potentially undermine the authority and position of the legal system, leading to unexpected consequences.

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