

Law, Culture and Society: Max Weber's Comparative Cultural Sociology of Law (Schriftenreihe Des Kate Hamburger Kollegs 'Recht ALS Kultur')

Werner Gephart, Johannes Nanz

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The historical-critical edition of Max Weber's writings on sociology of law (MWG I/22-3) revealed deep layers of Max Weber's legal texts that thus became readable for the first time. Weber breaks out from the legal centrism of the normative world and designs an Interpretation that follows the ""world history of law"" in a cultural-comparative sense, thereby making him appear particularly topical for today's debates on the relationship between globalization and legal analysis. With his text ""Die Wirtschaft und die Ordnungen"" (""Economics and the Orders""), Weber anticipated the idea of ""legal pluralism"" that emphasizes the diversity of normative orders. Further, the departure from the occidental development path of law towards the ""developmental conditions of law"" opens up the cognitive horizon for insights into other legal cultures, their interferences and hybridizations for which we still seem to lack the categories today. It is, then, all the more remarkable how Weber designed a great, all-encompassing meta-narrative on legal rationalism in the Occident based on a multitude of highly branched out legal histories - a narrative that can only be told through the perspective of universal history and with the world cultures of law in mind. This interpretation also captures the birth of sociology from the spirit of jurisprudence - so impressively detailed in Weber's work - that accords particular importance to law in the analysis of modernities.

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