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## Sacral basis of Law

*"Law is the eternal truth, its foundation is in God. There is God, therefore, there is Law as a universal and necessary definition of peace, which draws its life in God and flows from it. "*

*F. Harms*

*"Being created with free will, a person is truly free only when he lives and acts correctly, but not according to his will. Sudden, illegal wishes immerse man in slavery of sin and put him into the power of a hostile evil force, the law for which is lawlessness. Observing the law and following the path of the law, people do good and fair deeds; breaking it, disregarding the law, they are undergone to punishment in life on the Earth, and in the future. "*

*V.I. Ivanov*

### I.

What is Law? For many centuries this question has been on the agenda of jurists. It is clear what legislation is. This is a set of existing legal acts (laws, decrees, orders, instructions), adopted by the authorized bodies of the state, establishing rules of conduct, prohibitions on certain actions and sanctions for their non-compliance. But what the word "law" means is not clear, because until today the conventional wisdom has not been formed. And the mockery of the great Immanuel Kant: "Lawyers are still looking for the right definition of law" is still actual now.

Very often the law is equated with the rules of law adopted by the authorized bodies which have force for a certain period of time and in a particular place, collectively forming the legislation of that State. As a consequence, it is stated that there is no other "law" to exist. This viewpoint of positivists is rather well known and widely spread, although it is possible to argue with it. Quite often people enter into *legal relationship* without application of the existing legislation. However, they follow the rules of conduct, which have been for a long time in this society - we are talking about *legal custom* or "*custom law*."

Thus, article 5 of the Civil Code of the Russian Federation, in particular, recognizes the prevailing custom that is widely used in any area including business or any other activities which is not foreseen by the legislation regardless whether it is recorded in a document or not. It is necessary to agree, here are a few specifics. And even the next part of the same article does not improve the situation. It only indicates that the practices contrary to mandatory provisions of

the shareholders of the corresponding relations of legislation or agreement are not applied.

As a consequence, we can conclude that in reality and *without the sanction of* the state usual law creates legal relationship. As a result, we notice the presence of behavior rules, which are not recognized by the state, but they are also legitimate and they form the law. And if we are willing to recognize the right of *any* custom, even if it is not sanctioned by the authorities, but it is not directly prohibited, in this case under this high concept "thieves' law" should be understood, also acting in a particular environment and has all the outward signs of a legal norm. Hardly any legislator knows all the paragraphs of this particular "code" that he could recognize them methodically invalid. And, of course, the possibility to call "thieves 'law' as law itself can hardly be suitable for the state.

It was not an occasion that until the middle of the XIX century legal custom was not recognized as a source of law - it was considered that "only will has legal meaning, which was expressed in certain forms, and ordinary law was formed outside of any forms."

Let's pay our attention to the opposite end of the legal system, where there are so-called "dead" rules of law - acts adopted by the state bodies and which are formally valid, but *actually they* do not generate any relationship because they are not just demanded by the society or are not applicable due to objective reasons. An immediate example is an already forgotten "Agreement on public consent" dated April 28, 1994, which was signed by the head of the Russian Federation, heads of the subjects of the Russian Federation, Parliament, political parties, social and trade union organizations. However, there is a countless number of such examples.

On the whole, having summed up, it is clear that some rules of conduct, that are followed in the state, from scientific point of view, are not the law at all. But another rule, having all the signs of law, are not valid, and therefore they are not considered as law on the basis of the above mentioned definitions. Obviously, in this case, it is hardly possible to talk about the triumph of the positivist's approach.

But if a legal custom is not a law, what is it? Most likely, we should recognize that it is a *moral norm par excellence*, that is not based on the authority of the supreme power, but on the notions of good and evil, traditions of fathers and grandfathers, and finally on habit. It is a norm that creates legal consequences and changes legal status of a person. If the law is supported by the full might of the administrative machinery of the state and the threat of punishment, the legal practice of such support, as a rule, does not matter. In the best case, the state only *allows* its existence, but it does not oblige them to follow each and every. Refusal to perform custom does not entail any legal sanctions, but may cause a public reprimand, as an act contrary to the generally accepted rules of behavior. It turns out that customary law is a synthesis of law and morality, and indeed it is so.

The dual nature of legal custom has already attracted attention. It is from the mixed nature of custom, as subtly noticed one author, follows its subsequent transformation that starts the moment when law and morality originate from each other and create their own cultural forms. External formalism of law is applicable

to custom just as inner essence of custom to morality. On the one hand, as well as law, custom is applied to the behavior of person, and it is supported by an external authority, but not by the government, and the society or a particular group of individuals. On the other hand, the custom is based on a personal sense of duty and ownership, i.e. domestic desire to follow it and to be guided by it.

It is remarkable that custom precedes state law but not vice versa. And if you ignore some of the misconceptions, we must recognize that legal custom is a concept of *moral ideal*, which is realized in every nation or community group, and generating (directly or indirectly) legal relationship. Sure it is so, according to the features, but on the basis of the eternal and unchanging moral law, to which science often denies to be called "law." We should agree that in front of us there is essence of the national justice, grown out of the moral ideal. "Legal practice differs from a simple habit that it is external and, moreover, it is a conscious expression of the existing rules in the national sense of justice" - N. M. Korkunov wrote, and of course, he is absolutely right.

It is quite right that since some period of time a part of customs becomes laws, and as a consequence, they become positive laws. Some of them retain their status, but they are equal to the law, it is especially typical for the church law. Society *always* forms new and new unwritten rules to replace the ones which have been transformed into the law, these legal customs have not been recognized yet by the state, but they already exist and generate relationship. Thus gaps and shortcomings of the existing law are restored and prerequisites for the creation of a new one (just and more complete) are made.

## II.

Certainly you can state that "law and morality exist *separately from* each other: the first one has an external order of cooperation, the second one means the inside world of a man in his personal and public life. The first one establishes general binding rules for their relationship, serves relationships basing on their common characteristics and, if necessary, applies coercion. The latter acts as a personal duty, serving individual relationships and eliminates any external force. "But on the example of customary law, we notice a picture of *the symbiotic relationship* of law and morality. Moreover, this relationship is not limited with one legal custom.

In the law itself as a positive law we can easily find a moral component. While creating the law, legislator *is always* guided by certain moral ideal; he adapts his creation to it. It is impossible to make an originally unjust law. "Morality and justice are not only included into the laws, as an assessment of human behavior, but they also define their being itself" - this statement is indisputable. No rule of law is impossible without morality as an organic segment of the rule of law, because it is based on the duty of a person to follow the law - this duty is, of course, a moral one. And the external authority of the legislator, on which the law is based, it also formed on a moral ideal, recognized by other people.

Not once the most reputable lawyers have requested not to mix legal ideal and positive law and not to substitute one with another. But where on earth it is necessary to put this "*moral law*", which appears in the law through its outer form? In what form is it necessary to make it? The answer is quite simple: the moral law we are interested in is a "*natural law*", which is the basis, an ideal and a standard of positive law. It is not just inherent to the current law and it is its organic part, but it is *above* it.

The logic of thinking in this case is rather simple: it is obvious that the norms of the existing law in the state are extremely different from each other depending on time periods, nations, forms of governing, political regimes, etc. Undoubtedly positive law largely depends on arbitrary and subjective circumstances of people, and hence it is often unfair. However, mind refuses to accept this state of affairs: because life experience shows that the nature around us is based on the permanent laws of the universe. Why on earth, man and society exist in a state of anarchy and injustice? It is absurd from the standpoint of sense!

Therefore, as it is considered, in addition to positive law, there is also a natural law, an eternal, unchanging and general one arising from human nature itself. It is as objective as other laws of the world, and it subdues all people. The secret of the political harmony is rather simple: to make the life of society and every individual happy, it is necessary to approximate positive law to its ideal.

Even ancient Sophists stated that besides the current legislation there was an "obligatory law" i.e. perfect, immutable, just and unwritten law. Roman lawyers also clearly separated the law that existed in the state, from the ideal one that was given to us by the Creator. For them it was very important to know that not only the world round us was based on the immutable laws of existence, but also human society. According to the Romans, the earth law was the result of expediency and pragmatism, and the natural law was deprived of the mentioned ideal. Positive law is created to ensure the use, benefits and interests of all or the most part of the individuals; in contrast, natural law is a fair and morally correct one. Later, in the legislation of *St. Emperor Justinian the Great (527-565)* natural law was called a reflection of God's justice, the rules established by the Divine Providence itself.

Not only in ancient Rome and Byzantium, but in Europe as well it was taken for granted that justice was the goal and the ultimate criteria for any judgment, every law and custom. But, strictly speaking, the *Justitia itself* was not a law, although it was present in every law, and it had existed long before the first law was published.

This belief has not disappeared over the centuries. And much later, in the XIX century there were those who stated, having understood that a positive law was inferior, «a person felt ability, talent to predict, believe, recognize the *infinite and unconditional things*, as well as to guide and determine the will according to its idea of spiritual and infinite. This desire to go beyond conditional and final limits can not be explained basing on the nature of human beings as a final creature, but it exposes presence and action of something unconditional and infinite, i.e. *God* and the *Divine* in the human spirit". Moreover, it was assumed

that the moral obligation of state power was to eliminate the potential conflict between the law and a positive moral ideal.

Can we still call this moral ideal "law"? Taking into consideration everything that was mentioned above, sure we can. And it is not occasionally it is called a *legal* ideal – that is another synonym for "the natural law."

### III.

Discovery of natural law removes some problems for the jurisprudence, but in return, it creates some new ones. It is easy to say that in the basis of positive law there is a natural law ideal. But what is it? What specific formulas does it consist of? After all, we're talking about *law*, even a moral one. Consequently, there must be specific rules, which are required for any law. It is obvious that it is absolutely impossible just to state that there is a legal ideal, but we do not know it.

In some cases, the entire moral ideal of freedom was reduced to a "pure" idea, which should be in the basis of any positive law. Utopianism of this construction was softened with the promise that with the development of human society there would be freedom to express themselves and discover a previously unknown quality to mankind. But what moral criteria are in the basis of the legislation *now*? Moreover, any lawyer understands that it is impossible to build a law on the idea of absolute freedom - our whole life, striving for peace and harmony, is based on an unknown *failure* of each of the individuals from their freedom for the sake of another person or in the name of the "common welfare." The very concept of freedom is so different among the representatives of different schools that there is no single, universally accepted, point of view on this point. What a really universally recognized ideal can be discussed in this situation?

Then legal ideal interpreted according to the famous formula: "Liberty, Equality, Brotherhood" – that was an unlucky discovery of the French Revolution. But it should be recognized that it is extremely amorphous in its content. What kind of equality should we talk about? How much freedom of action (and we are talking about such understanding of freedom) is allowed by the society, and to what extent? The notion of "brotherhood" is difficult to apply to any legal formula except to the provisions of the family law.

Subsequently it was believed that man, as a creature gifted with freedom and ability to think," was empowered by nature to show his personality in the external world and to achieve his goals in life." Scientists tried to persuade that in this regard the sense of a primitive law of a person was." Registry of "natural rights" has been extended in comparison with the old times and now it includes "the right for personal existence," "the right for external recognition of human dignity," "the right for free external activities within the law," "the right to acquire things", "the right for business relations and truthfulness, honesty in these relations," "the right of self-defense."

Of course, there is a more specific approach to settle the issue, which, however, has one significant drawback: it is easy to verify that the registry of

"rights" can be expanded or reduced depending on the subjective preferences of the researcher. We shall find no objective selection criteria here. As it is known, today this list has been increased enormously and it includes what has been previously not only a natural right, but it has hardly been possible to name it a moral act.

Then the legal ideal transformed into "right for a dignified existence," which was ardently supported by V.S. Soloviev, P. I. Novgorodtsev and I.A. Pokrovskiy. In principle, the modern ideology of "a social state" largely originated from precisely this branch of the legal thought. But if you ignore the high pathos, it should be recognized that this option is of no help to reveal the content of the moral ideal. "The right to a dignified existence" - is not a natural right, but it only *the area of its application*. Instead of political rights of an individual which have previously been related to the area of legal ideal, now the state is obliged to deal with its social status. But what are these rights and to what extent should they be provided, to whom and when? – everything is looking forward to be settled in the future century.

All in all, to resolve this circle of contradictions it was decided that generally "natural law did not involve any data, constant legal norms: it was not a code of eternal commandments, but a set of moral and at the same time legal requirements different for every nation and time period. "

But isn't it obvious that «there can not be any natural right if there are no permanent principles of justice"? And if there are no solid moral rules, then what is in the basis of the legal ideal? Is it an empty notion of "individual freedom" which we tried to get rid of? However, in this case we shall have to automatically recognize the *conditional* nature of the moral ideal; afterwards it immediately falls down from its pedestal. Because the very value of natural law is that it is in contrast to the current law has *an absolute character*. But if it is not so, why is conditional, transient morality, which has not created a single specific rule, better than an imperfect positive law? No wonder, that natural law was rejected precisely because *many* immutable principles of right and good were thought to exist that were in conflict with each other.

Thus, fighting for a moral ideal, the opposite result was achieved. If morality is a product of its era, consequently the right in whole is nothing more than an instrument to settle human conflicts, *a method of differentiation of interests*. Natural law was found and proved, but in this form and with such content it discredited moral idea as well as the current law. It was not occasionally when even great minds of jurisprudence considered that any "legislator was a product of his time, his ideas, his aspirations and his needs. Legislator creates law basing not on absolute sense but on the relative conditions of his activities. It is necessary to make the law relevant to the historical conditions of existence of the society to let it be included in the life and not to face with tensions that can counteract to its application. Unity of laws can only be achieved through the convergence of conditions for the existence of different peoples. "

However, it is incredible to imagine that moral ideal can be formed *itself* by mechanical convergence of several understandings of morality and improvement of human life. As one author noticed correctly, "consent of all mankind is not a

necessary condition for the existence of natural law." Moral, legal ideal either exists constantly and it is very concrete, or there is no ideal at all. And if natural law can not meet these criteria in the minds of certain lawyers, it is only because they are based on theoretical constructs with a significant methodological error.

Its essence lies in the persistent desire *to make* law and morality non-sacral, to "humanize" natural law in the worst sense of this word. It is necessary to mention that this is a relatively new scientific tendency: only relatively recently, not earlier than in the XVIIIth century, delusions of ancient jurists were regarded in what became the highest dignity of their thoughts – conviction in *inviolability of* moral and legal ideals and refusal to recognize conditional and variable specific requirements of natural justice.

Consequently, one mistake caused another. And instead of forming the theory of law and morality based on a real experience of the previous generations, the researchers started absolutely *speculative* constructions, which completely ignored the history of the society. Law in general and lawyer in particular should be guided with not only general theoretical philosophical arguments about *what* law and morality are, but, primarily, with experimental facts. "World is not just an idea - one scientist noticed correctly – but it is an empirical fact." Perhaps, this fact is often forgotten, even by supporters of legal positivism that it is absolutely absurd.

As a consequence, the struggle for the "rights of a person", on which the whole natural law was focused, led not to harmony, but to chaos of relations. Having stated about "personal rights", person sent focused his interests against state, society, government and law, which he contrasted his own "I". In this regard, it becomes clear why the Elder Paisios of the Mount Athos once said: "To have the right is a worldly logic. The more worldly man has, the more "rights" he has. The more spiritual he has, less "rights" he has . "

Meanwhile, scientists should not have been so much afraid of reproaches about "theology", "non-scientific work" and end up with religious basis of our consciousness, striving to direct to only rational aspects, where neither God nor faith has place. However, real science has no place there as well, we should add. Once S. N. Bulgakov said that all the problems with the natural law were only due to the fact that legal scholars associated it with the fact of consciousness. At that time, their duties are to find metaphysical nature and content of this fact. In its turn, he added, any serious metaphysical system obligatory led to a particular religious doctrine. Consequently, "the problem of natural law is not just recognition of obligations, as a fact of consciousness, and establishing a living relationship between the absolute dictates of religion and their implementation, as it is possible in law. Religion gives a true norm of law, real natural law; in particular, from the point of view of the Christian religion this norm is a divine commandment of love. "

The above said is an absolute truth, which is worth following. How could it disappear from the conscious of lawyers that in the period of the greatest prosperity of Christian civilization legislation system in Europe was based not only on Roman law, as the current law, but on the Holy Scriptures as well? In it, natural law was

searched for, but not in abstract categories of mind (and it was right!), this natural law was understood as a set of *specific* and eternal moral truths. Why was it forgotten that for centuries the law, the source of which was an eternal ideal, was perceived by the contemporaries as a way of moral elevation of personality, and not just as a way to distinct interests? Not knowing how to live without God, our predecessors were convinced that with law person joined Christ, that it was a kind of *sacrament of earthly existence*, transforming from "an old man" into the Christian. This conclusion is logical, as man, in the highest extent, is full of *religion* uniting with *God*. In religion, person is internally like his entire personality with God as a Prototype, i.e. he is internally connected with his original source of consciousness, with an absolute infinite being, who not only created the universe, but who is a wise providence, governs the world and human life. "

Even ancient Romans considered lawyers to be priests as those were engaged in the divine creation - law. To continue their way of thoughts medieval glossators wrote: "Priests serve to sacred and create it; the same we do, because laws are the most sacred. And just as a priest, making penance pays everyone what he deserves, and we do the same when we judge. Every lawyer is a priest of Justice if he serves it. As to serve Justice is the same as to sacrifice in the temple. "

In the Middle Ages, the emperor, as a legislator, was regarded as an *intermediary* between the Divine moral ideal and the earthly law. His sacred mission was to be the executor of Divine Providence. Pope *John VIII* (872-882) wrote: "With lips of devout Roman emperors, inspired by God, venerable Roman laws were declared." John of Paris supported him, who wrote about the emperor as "live justice", keeper of justice in 1300. The emperor is above the law, but he is subordinated to it, otherwise, he subverts his own nature and ignores his duty. Exactly in this context the Emperor *Frederick II* (1220-1250) talked about himself as "a father and a son Justice, its master and its servant."

Many people agree that monarch status is sacral according to its nature, but why is it so? Yes, it is exactly so because the emperor is a *legislator*, and this is his first and direct responsibility which can not be delegated by him to anyone else. Sicilian king *Roger II* (1130-1154) called his law donation of charity and justice to the Lord in the Code "Assisi" published by him in 1140. And with this donation, he added, "the Crown acquires a certain privilege of the priesthood, so some wise people and lawyers call interpreters of laws as "priests of Justice. " " But if ordinary lawyers are priests, how should emperor or king be named, who are at the head of the hierarchy? And often referring to St. Irenaeus of Leon, it was stated that "every just king had a status of a priest."

The analogy here is quite obvious. The Lord Almighty created not only the world but also the laws of physics, on which it was founded, he gave the first law to man. "And the Lord God ordered the man, saying, from every tree from the garden you may eat: but from the tree of good and evil, you should not eat: otherwise on the day you eat from it you will surely die" (Genesis 2. 16, 17). The said is a pure norm of the law from a legal point of view. Later the Lord gave commandments carved on the stone tablets by Moses (Ex. 20-24). In this regard, the emperor who makes laws for the benefit of man, *creates* socio-political reality,

he performs a prototype of Savior, the earthly incarnation of the law. There are a lot of evidences that this idea was generally accepted in the minds of his contemporaries. For example, Lactacius wrote: "The Lord sent his messenger to teach mortal humanity the prescriptions of his Justice. As there was no justice on the Earth, he sent a teacher, as if he was a living law. " And in 1238 John from Viterbsk stated: "Emperors received permission from God to make laws. God made laws suitable for the emperor and he sent the emperor as a live law."

Over the time, this title began to be spread for the bishop of Rome as well. It happened only because by the time he had assumed the imperial insignia.

#### IV.

If secular scientific aspects, which replaced the theological ones, were not successful, then why should we abandon the attempt to return natural law into the native field which is sacred for it? In this case, everything is in its place; all contradictions are reconciled with each other. The essence of God is love, and his emanations are the demonstration of this love. This is *a moral ideal*, which is on the basis of the existence and every particular person and the whole human society. This ideal is eternal, everlasting, for all times and peoples. The main principle that is formed by it, is rather simple, accessible and exalted. "Love is patient, love is not jealous, love does not parade itself, it does not behave rudely, does not seek its own, and it is not easily provoked, it does not think about evil; it does not rejoice in lie, but it rejoices in the truth; it always protects, always trusts, always hopes, always perseveres "(1 Cor. 13. 4-7).

As a consequence, there is non - humane "I", by mistake, it is considered as freedom, it wants to ensure its own rights and interests, and a *reverse motive* is on the basis of the moral ideal. "Divine Justice is when you do something that gives peace to thy neighbour. If you need to share something with your neighbour, give him not half of what you have, but as much as he wants. "

Let's pay our attention to specific rules arising from this ideal, which although have moral character, but they certainly are legal:

"You heard what was said by ancient people: do not kill, the one who kills will be subjected to judgment. But I tell you, that whoever is angry with his brother shall be liable to judgment. You have heard what it was said by ancient people –do not commit adultery. But I tell you that whoever looks at a woman lustfully has already committed adultery with her in his heart. It was also said, 'Anyone who divorces with his wife, let him give her a written document of divorce. But I tell you that anyone who divorces with his wife, he has not only made adultery, but he makes her commit adultery; and whoever marries a divorced woman commits adultery. You have heard that it was said, 'An eye for an eye and a tooth for a tooth. But I tell you - do not resist an evil person. But whoever will beat you on your right cheek, turn to him with the other one also; If anyone wants to sue you and take your tunic, let him have your overcoat as well; and whoever will compel you to go with him one mile, go with him two. The one who asks you, give it to him, and do not turn from that man who wants to borrow you something. You have

heard that it was said - love your neighbor, and hate your enemy. But I tell you: Love your enemies, bless those who curse you, do good to those who hate you, and pray for those who mistreat you and persecute you "(Matthew 5.21-48).

Now here is what concerns the *personal morality* of each person: "Blessed are the poor in spirit, for them is the kingdom of heaven; Blessed are those who mourn, for they shall be comforted; Blessed are the meek, for they shall inherit the earth; Blessed are those who are hungry and thirsty for righteousness, for they shall be filled; Blessed are the merciful, for they shall obtain mercy; Blessed are the pure in heart, for they shall see God; Blessed are the peacemakers, for they shall be called sons of God; Blessed are those who are persecuted for righteousness' sake, for theirs is the kingdom of heaven (Matthew 5, 1-10).

Of course, here are not all the rules which are contained in the legal ideal given to us by God, it is enough to examine another chapters and verses of Scripture, and to be sure that it is so.

The universal situation of this moral ideal is not only because it has *absolute* and *eternal character*. Besides another benefits, this natural law concerns individual conscience of every person as well as the whole society. There's no violence against person, because the very nature of man as a spiritual being, is composed in such way that the moral ideal is *natural for him*. St. John Chrysostom once said that human nature *already* had the law of conscience since the very birth. "We are not taught - he continued - that fornication is a dirty action and abstinence is a clean notion. Having given the law "Don't kill!", Moses did not add: "Murder is evil," but he only forbade the sin – his conscience had told him that the murder was a crime. "

As it should be expected from the moral rules, these requirements are not obligatory and they do not have legal sanctions for the one who breaks them in this earthly life. But if they are made in the form of a state law, legal sanction certainly will be applied. Is it possible? - Of course. Being aware of an absolute nature of these commandments, knowing how imperfect a fallen man is, the legislator should (and he can do it) encourage ethical behavior with the help of soft but insistent and consistent rules, called law. Whether we notice it or not, but a lot of what sounded from the mouth of the Savior, have already come into the flesh and blood of Christian civilization law, though it has been interpreted.

So what is law? Law is a way of objectification of eternal moral ideal, given to us in specific rules and principles by God. Forms of law may be a law and (applicable legislation) a custom, and the rules of morality, acting directly in the community. Each form has its own purpose. Disagreeing in the process of self-realization, sometimes conflicting, nevertheless, they complement one another and find serenity in the highest source of spiritual and earthly life, in God and His love.

In its turn, law "is an emanating rule from God, church, state or an authorized subject, establishing facts on the basis of legal rights and obligations of subordinated entities" - a brilliant, classical definition, which you are not ashamed to repeat.

Is law despised being on the "second place"? No, the right place is just determined correctly for it in the hierarchy of values. Once in conversation Archimandrite George (Shestun) noticed that a man had to live according to the divine law, becoming like God in everything. But if this supreme *principle of law* seems too difficult for him, then the law of state comes into action, which does not allow such person to descend to the level of an animal. If you can not be like Christ, to love all and first of all his enemies, then at least, do not be like cattle, and even like a heathen and a pagan, "Do not steal, do not kill, do not covet neighbor's wife, respect your father and mother" (Matthew 5. 46-48). Or, in other words, "human justice is to serve as a brake, obstacle for people's egoism of this world." Because "a perfect man is just not by the laws of human justice, but because of divine truth."

Positive law tries to ensure justice for everyone, it aims to preserve peace in the society, to eliminate the most negative manifestations of our fallen nature. It is fair from the worldly point of view, eliminating injustice, but is not able to elevate person morally. The most law-abiding person can be an exceptional hypocrite full of internal passions and following the law only because of fear of being punished. Then it is easy to understand why the apostle Paul stated that the law itself does not allow a person to become a perfect moral being. After all, he is a result of human imperfection; and his weakness is in it. Law only identifies a criminal and condemns him, but it does not give forces to change the situation for the crimes he has committed (Rome 8.3, 9.32). And Elder Paisios of the Holy Mount said that it was necessary to be careful behaving as "just a good man." "We should think that you are an image of God and you should be like the Creator. We should live *beyond nature* . "

On the contrary legal ideal which should be in the basis of real moral behavior is born from that long patience and love of God. "this world" often prevails, natural law is full of justice of God, which in the eyes of man seems crazy, insane, etc. It is "crazy" because it is the highest expression of love - to give "life for your friends" (John 15.13.). But for "normal" person love is not the most important thing, it is a *self-preservation instinct*, his "I" strives to present itself as the center of the world, to make you fight for your "rights". Fair justice for us is to give everyone for what he has deserved. On the contrary, legal ideal that should be the basis of this moral behavior comes from the fact of God's love and patience. "Human justice says:" You have committed a crime and should be punished, "and divine justice says:" Do you admit your mistake and do you repent? You receive forgiveness. ""

Let's briefly summarize what has been said. That the right can be understood as an organic synthesis of law and moral ideal, which has specific nature of legal principles (norms), it was known long ago. We only add that this formula takes objective features only if the rules that are given to us directly by the Creator of the world are recognized to be a moral ideal. Only in this case, natural and harmonious relationship between law and morality are created, which can be transformable into law.

"Our Lord legislates for the whole world without any exception. There is no place on the earth where his laws, commandments and ordinances would not act - once wrote a wonderful Russian lawmaker V.I. Ivanov. - When the law is in the conscience of a man and understood by him when actions of a man to follow the law is his own will to reject from his own will, when he acts reasonably within what is allowed by the law, a person is in the realm of law, justice and freedom. "

A person, endowed with freedom, is willing to accept or to reject the gift that God created for him – i.e. law. But any talent can be used to do bad to a person and to the others. The same refers to the law. Although the moral ideal is embodied in the soul of every man, it is impossible to deny the impact on its mind and conscience of the evil forces that darken and obscure the natural law. The degree of moral degradation of man is significantly different that does not refer to the nature of law as a divine phenomenon. In this case, invoking that there is a moral ideal, but the law of the earth has not become better because of it - it's like to confirm their own unwillingness to learn it and put eternal truths in life. This is not a fault of God ...