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Crime and Criminality, as Manifestation Forms of Sin

(Normative Aspect Analysis)

The present article is only the part of the research, which based on the normative analysis, describes crime and criminality as forms of sin.

According to the research, sin is violation of norm. Ontology of state and law indicates that sin is violation of norm of law too. Hence, sin meets criteria both of general concept of norm and norm of positive law, meaning that normative concept is common feature of crime, criminality and sin.

In conclusion part of the article, division of wide and narrow notions of sin are presented, according to which, wide notion implies violation of all types (informal and formal) of norms and narrow notion implies only violation of norms of positive law. Consequently, based on normative aspect, crime and criminality are forms of sin.

Key words: *sin, crime, criminality, norm, state and law.*

1. Introduction

Criminality compared with the last centuries has been quantitatively, as well as qualitatively represented in a different way. Its scopes are getting more and more, creating more danger to mankind that speaks of the fact that scientific theories are not able to explain thoroughly the matter point and phenomenon of criminality. This situation makes us think of the necessity of paying special attention to studying such a fundamental category, which would show a general ground for all the negative phenomena.

The above mentioned circumstances are dictating that the answer to the issue under investigation should be found in the Orthodox Christian doctrine, as a source of all the negative phenomena, immoral, antisocial or criminal conduct is considered to be as a sin.

The present article is only a part of the research, the purpose of which is to show a sin, as having the nature of crime and criminality, by analyzing a normative aspect of sin, which on its own is a precondition of comprehensive research of other criminological aspects.

2. The Normative Nature of the First Sin

Study of the normative nature of sin requires starting of research with analyzing the warning given to Adam by the LORD God, because if the warning of the LORD God had not been violated, there would not have been a sin. In the Bible, in the Book of Genesis we can read the following:

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“The LORD God commanded Adam saying: From any tree of the garden you may eat freely; but from the tree of the knowledge of good and evil you shall not eat, for in the day you eat from it, you will surely die” (Genesis, 2, 16-17).

First of all it should be noted that the word “norm” (in Latin *norma*) is interpreted as: 1. “an obligatory rule or standard; 2. conduct standards or ethical value: maxima; principle of right conduct; especially imperative declaration, which confirms or denies that something must be done or something has some value; 3. an ideal standard, which is obligatory for group members and serves to control or regulate the right and acceptable conduct behavior.”¹

The founder of normativism Hans Kelsen remarks that under the word “norm” we mean something, which must be or must happen, especially that man must conduct definitely², that “norm” is the contents of action, by which a certain conduct is commanded, defined or permitted.³ In other words norm implies an action, which does not exist yet, like norm conception “legal norm only if it denotes regulation of human behavior and if it regulates human behavior by taking forced measures, such as sanction”⁴.

Accordingly based upon the norm conception it is clear that by warning of Adam a norm was set by God, as the warning “*from the tree of the knowledge of good and evil you shall not eat*” expresses a concrete rule of behavior, setting a rule of behavior and the first sin expresses the infringement of this norm, behavior deviated from this norm.

Even at this stage of research, when we ascertain that a sin is the infringement of the norm and considering that both crime and criminality imply the infringement of the norm,⁵ we will be able to make the primary previous conclusion, that sin is a crime and criminality too. In other words normativeness is a common characteristic feature of sin, crime and criminality.

From the above mentioned it was cleared up that: 1. for studying the normative nature of the sin the most important is to define the rule of behavior, as a sign of the norm and 2. Normativeness is a common characteristic feature of sin, crime and criminality.

If course research should be continued, as it is still to be cleared up to what extent it is justified the identification of a sin with crime and criminality only by ascertaining the rule of behavior, because as it is known: 1. According to the typology of norms existed in science the first warning of the God belongs to the informal oral category of legal and not positive norms, which is established by the state and what is the most important – 2. According to Thomas Hobbs: “authorities and not

¹ Webster’s Third New International Dictionary of the English Language Unabridged, (Editor in Chief Philip Babcock Gove Ph.D and the Mariam Webster Editoria staff), Springfield, Massachusetts, USA, 1981, 1540; 2, < www.britannica.com/dictionary/norm> [01.06.2015].

² Kelsen H., Pure Theory of Law, 2nd edition, (M.Knight tr.), University of California Press, Berkeley, Los Angeles, London, 1978, 4.

³ Kelsen H., Pure Theory of Law, 2nd edition, (M.Knight tr.), University of California Press, Berkeley, Los Angeles, London, 1978, 5.

⁴ Kelsen H., General Theory of Law and State, 3rd Printing, (A. Wedberg tr.), Cambridge, Massachusetts, U.S.A, 2009, 123.

⁵ Crime as a legal institution implying contempt of criminal law, but criminality, as a legal phenomenon, means a non-normative act.

the truth defines law) (“*auctoritas, non veritas facit legem*”).⁶ But law is a collection of norms established by the state⁷ and consists only of norms.⁸

Accordingly in order to understand the main point of the issue we should clear up what the Orthodox Christian teaching thinks of the state and its law. It is reasonable to analyze the issue in chronological sequence by the Old and the New Testaments.

3. Legal Nature of the sin

3.1. State and Law by the Old Testament

In the Bible a talk about the state government form is even in the Book of Genesis, when the God revealed to Abraham he made a promise to him about the existence of kings among his descendents: “*I will give you a lot of descendants, and in the future they will become great nations. Some of them will even be kings*” (Genesis, 17, 6).⁹ The same “*Be fruitful and multiply; a nation and an assembly of nations will come from you and kings will emerge from your lions*” (Genesis, 35, 9-12).

It is the appearance by which the secret of patriarchal theocracy is explained.¹⁰ Besides Jacob on Prophetic blessing of Judah is also talking of kings, who will be originated from Judah’s tribes until Christ, “the hope of people”, comes (Genesis 49.10). Moses sees beforehand starting of king government in Israel and therefore gives people instructions connected with choosing a king. He also gives instructions to a future king connected with his life and behavior rules.¹¹

A real stage of formation of ruling of the state by a king is described in the book of “the first kings”, when the Israelites coming to Samuel expressed their desire to have a king, saying: “Put a king to us” (I King, 8, 5), because they believed that a strong hand of a sole king would be enough guarantee for restraining malefaction of many secondary governments.¹²

In the commentaries on the Bible it is explained that “The form of public government of that time had the theocracy character (i.e. the LORD reigning) with the full meaning of this word. God of heavens and of all the peoples (theocracy with broad meaning) for his chosen peoples was also an earthly king. He was stating laws, resolutions, orders not only of pure religious, but at the same time of public and political character. As a sovereign at the same time he was a main leader of the military force of his people. A divine tent, as a special dwelling place of the LORD, at the same time was a residence of the Israelites’ ruler; here during religious, political, public or family important

⁶ Pluralism and Law: State, Nation, Community, Civil Society, Vol.2, (ed. Soetemen A.), Proceedings of the 20th World Congress, Amsterdam 2001, 10; *Khubua G.*, Theory of Law, Tbilisi, 2004, 137 (in Georgian).

⁷ *Khubua G.*, Theory of Law, Tbilisi, 2004, 43 (in Georgian).

⁸ *Rohl K.*, Allgemeine Rechtslehre, 191, cited: *Khubua G.*, Theory of Law, Tbilisi, 2004, 50.

⁹ In connection with this detail St. Ephrem Asori declares that under these kings are meant kings of tribes of Judah, Ephrem and the Idumiels, Ephrem Asori, Explanatory on Genesis, Tbilisi, 2014, 102; Gvasalia G., Explanatory on Genesis, series “Exegetical Collection”, vol. I, Tbilisi, 2014, 271; *Lopukhin A.P.*, Explanatory on the Bible I, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 197

¹⁰ *Gvasalia G.*, Explanatory on Genesis, series “Exegetical Collection”, vol. I, Tbilisi, 2014, 582 (in Georgian).

¹¹ *Lopukhin A.P.*, Explanatory on the Bible III, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 54 (in Russian).

¹² *Lopukhin A.P.*, Explanatory on the Bible IV, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 159 (in Russian).

events people were announced their celestial and terrestrial ruler's will. Prophets, bishops, leaders, judges only obey the celestial ruler's orders".¹³

In the book of "The I Kings" there are described phenomena, which concern a request of giving a king to lead them. The LORD is saying to Samuel:

"Listen to all that the people are saying to you; it is not you they have rejected, but they have rejected me as their king. As they have done from the day I brought them up out of Egypt until this day, forsaking me and serving other gods, so they are doing to you. "(The I Kings, 8, 7-8)

Later we can see that Samuel thought that fulfillment of this wish did not contradict the form of the LORD's reigning established in the Israelites, as the terrestrial king of the theocratic state of the Israelites is not and must not be more than a performer of the celestial king's laws among the people under his reigning (Deuteronomy, 17, 14-20).¹⁴ The LORD told Samuel:

"Now listen to them; but warn them solemnly and let them know what the king who will reign over them will claim as his rights. Samuel told all the words of the LORD to the people who were asking him for a king" (The I Kings, 8, 9-10).

Samuel outlined not the ascendancy of the Israelites' kings (The I Kings, 8, 11-18),¹⁵ but described the behavior of eastern kings of that time, the strict hues of which somehow were warning the Israelites to be precautious with the measure thought by them.¹⁶ But the people refused to listen to Samuel.

"No! We want a king over us. Then we will be like all the other nations, with a king to lead us and to go out before us and fight our battles". (The I Kings, 8, 9-10).

The LORD chooses Saul from the tribe of Benjamin, who was anointed by Samuel as a king: *"The LORD has appointed you to be the ruler over his special possession" (The First Kings, 10, 1).* Samuel announced the Israelites that they by demanding king had been rejecting the God, who had saved them in hard times from the Egyptians and all the realms, which were oppressing them and that the LORD chose Saul as a king, after that *"Samuel announced the rights of reign before the nation, wrote them down in the book and put it before the LORD" (The I Kings, 10, 25).*

"The rights of reign" – written down and put before the ark of the LORD must be differentiated from those, which Samuel produces to people, as the behavior of the eastern kings of that time (The First Kings, 10, 11-18). On the opposite of the above mentioned according to Deuteronomy, Chapter 17, Articles 14-20, Samuel (as it is seen) expressed an ideal, from the point of view of theocracy (The First Kings, 8, 6 commentary) of desirable king, which would be to be taken after by the Israelites' king, though the contents of this document has not reached us.¹⁷

¹³ Lopukhin A.P., Explanatory on the Bible IV, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 159-160 (in Russian).

¹⁴ <www.orthodoxy.ge/tserili/biblia/2rjuli/2rjuli-17.htm>, [01.08.2015].

¹⁵ <www.orthodoxy.ge/tserili/biblia/2rjuli/2rjuli-17.htm> [01.08.2015].

¹⁶ Lopukhin A., Explanatory on the Bible III, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 161 (in Russian).

¹⁷ Lopukhin A.P., Explanatory on the Bible III, (published under the editorship of Z. Dzindzibadze, translated by T. Metreveli) 2000, 173, (in Russian).

In the other books of the Old Testament there are many other examples of the information, which confirm the existence of king government and its laws.¹⁸ Among them should be noted the book “Solomon’s Proverbs”, where we read: “*Kings are reigning by me and rulers are setting laws by me. By me are reigning rulers and dignities – all the judges of the country*” (Proverbs 8, 15-16).

3.2. State and Law by the New Testament

In the New Testament the talk about state and law is mainly in the Gospel of Matthew and John, Catholic Epistles, – the First Epistles of Peter and Paul – referred to the Romans, Colossians and I Timothy.

Gospel of Matthew describes the obedience to the rules set by the state. In answer to the examining question of the Pharisees – was it possible to pay a tribute to Caesar – Jesus answers: “*Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's*” (Gospel of Matthew, 22: 21). In connection with this episode in the commentary on Mathew’s Gospel it is also remarked that by this answer the LORD showed the connection between two concepts, namely the duty before Caesar and the God, imperfection of the first one without the second one. It is not difficult to see that the second half of the phrase “*render unto God the things that are God's*” is wider, as *God's authority is superior compared to the authority of Caesar's kings*.¹⁹

According to V. Tsipin Jesus Christ accepted rules of the world. The LORD in Jerusalem told Rome procurator crucifying him: “*You would have no power over me if it were not given to you from above*” (John, 19, 11). By these words the Lord meant celestial source of all kinds of terrestrial power.

Expanding Christ’s doctrine about the right attitude to the state government V. Tsipin applies to the letters of Peter and Paul Apostles:

“Submit yourselves for the Lord’s sake to every human authority: whether to the emperor, as the supreme authority, or to governors, who are sent by him to punish those who do wrong and to commend those who do right. For it is God’s will that by doing good you should silence the ignorant talk of foolish people” (Epistle 1. Peter, 2, 13-16).²⁰

“Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, whoever rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves, for rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and you will be commended. For the one in authority is God’s servant for your good. But if you do

¹⁸ For example: Giving a king to the Israelites by the God in anger (OS. 13, 11); the right of the God to choose a king (Justice, 17, 14-15. 1. King 9.16-17; 16, 12; 1 rel. 28, 4-6); rule of becoming a king (1 Kings. 12,13. 13,13-14. 15,28-29; 16,12; 2 Kings. 12,7); the issue of non-heritability of kingship (Justice, 17, 20. 1 Kings 13, 13-14; 15, 28-29); becoming a king by hereditary after king David (2 Kings. 7, 12-16. Psalms, 88, 36-38) and others.

¹⁹ <www.orthodoxy.ge/tserili/zosime/22_15-22.htm>, [01.08.2015].

²⁰ <www.orthodoxy.ge/tserili/akhali_agtqma/1petre-2.htm>, [01.08.2015].

wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also as a matter of conscience. This is also why you pay taxes, for the authorities are God's servants, who give their full time to governing. Give to everyone what you owe them: If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect; if honor, then honor". (Epistle to Romans 13, 1-7)²¹

By it the Apostles were teaching Christians to be subjected to the governing authorities in spite of the kind of attitude of authorities themselves to church. The analogous commentary is made by A. Lapukhin, the researcher of the Holy Letter, according to which in civil life a Christian must show respect to the governing authorities established by God.²²

In order to understand the issue better V. Tsipin differentiates church from state. He remarks that church is established by Jesus Christ, but the LORD's ordinance of governing authorities is done by means of the historic process, which is performed by the will of the creator God that the objective of church is eternal saving of human, but the objective of state is terrestrial wellbeing.²³ Discussing the issue of interrelation of church and state V. Tsipin notes that Orthodox church eternally thinks that all the governing authorities must be in service to Christianity, as "*For in him all things were created: things in heaven and on earth, visible and invisible, whether thrones or powers or rulers or authorities; all things have been created through him and for him*" (Epistle to the Colossians, 1, 16).

Besides according to V. Tsipin church is not only instructing its sons to be subjected to the state government – regardless the opinions and religious belief of their representatives, – but is also praying for them so that "*to live quietly and peacefully with piety and clearness*" (Epistle to Timothy 1, 2, 2)²⁴.

3.3. Analysis of State and Law Issues by the Old and New Testaments

In the Old Testament the following aspects might be distinguished:

1. King institution existed informally in the Israelites, before asking for a king by them;
2. King institution existed formally in other peoples, before asking for a king by the Israelites;
3. King institution and its law existed formally in the Israelites.
4. Before asking for a king by the Israelites there were existed both unwritten and written norm.

²¹ <www.orthodoxy.ge/tserili/biblia_sruli/akhali/romaelta/romaelta-13.htm#sthash.NZye1zGY.dpuf>, [01.08.2015].

²² Лопухина А. П., Толковая Библия или комментарий на все книги Священного Писания Ветхого и Нового Заветов, [10.06.2013], <www.bible.in.ua/underl/Lop/>, <www.bible.in.ua/underl/Lop/index.htm>, [17.11.2014].

²³ For additional information see V. Tsipin (archpriest), Church Law, Scientific Anthology of Theology "Transfiguration", Publishing house "Antimoz Iverieli" №1, Tbilisi, 2010, 123-131 (in Russian).

²⁴ Tsipin V. (Archpriest), Church Law, Scientific Anthology of Theology "Transfiguration", Publishing house "Antimoz Iverieli" №1, Tbilisi, 2010 (in Russian). 124; see also. <www.orthodoxy.ge/tserili/akhali_agtqma/1timote-2.htm#sthash.Kx7g3adX.dpuf>, [01.07.2015].

In connection with the first issue from the Book of the “I Kings” it is clear that the Israelites’ king is the LORD, their God. The LORD tells Samuel: “*They have rejected me that I should not reign over them*”. (I Kings, 8, 7-8) and “...*your king is the LORD, your God*” (I Kings, 12-12). Except this the divine history of the Old Testament says that after the death of Adam the family was governed by the eldest member of the posterity, which was called patriarch or father-governor. All the members of the family were subjected to him. He was settling disputable matters, was punishing offenders, protecting innocents. He was teaching the family members about God, the future Savior, sacrificed to the God. So father-governor was their king, priest and teacher at the same time.²⁵ The leader of the Israelites coming out from Egypt, or a king is Moses, which by the God’s will defines the Ten Commandments, norms or laws to the Israelites.

In connection with the second issue in the Old Testament the existence of the formal institute of king has been fixed since the period of building the tower of Babel, when people scattered in different parts of the earth, forgot the true God, belief and among them false belief was spread. Disbelieving people paid attention to natural phenomena and objects, such as the sun, the moon, stars, sea, rivers, and thunder-storms and so on. They will think that they are Gods. Instead of one true and invisible God they will have a lot of false gods; they will make their icons from stone, wood and metal and begin to worship and sacrificing them.²⁶ So heathenism is arisen. Heathen kings of that time were issuing the proper norms.²⁷ In the Bible there is lots of information about idolater kings. For example, there is described how king of Elam and his allied kings conquered Sodom-Gomorrah, Sogori and their neighboring places. After that people of Sodom and Gomorrah and their neighbors had been subjecting to king of Elam for 12 years²⁸. Besides the existence of heathen kings is confirmed by the Book of “The I Kings”, according to which the Israelites were asking for king like other idolater people (The I Kings, 8, 5, 19-20). When idolatry became stronger and spread among peoples, the God desired to separate one people from the other peoples and the true belief to be followed in one people and the people chosen by the LORD were the Israelites.²⁹

In relation to the third issue, it should be mentioned that history of formal king’s authority and law begins from the king Saul. Samuel anoints Saul as king “*The LORD has appointed you to be the ruler over his special possession*” (The First Kings, 10, 1) and announces to nation the rights of the king “*wrote them down in the book and put it before the LORD*” (The I Kings, 10, 25), that is different from the from the rules of the eastern kings of that time (The First Kings, 10, 11-18).

With regard to the forth issue it should be noted that the Old Testament differentiates inner divine laws from outer divine laws by means of Commandments. Inner laws are oral norms, but outer laws include written and oral norms. To the outer oral norms belong all the Commandments stated

²⁵ See *Kubaneishvili N.*, The Divine History of the Old Testament, Tbilisi, 1990, 11 (in Georgian).

²⁶ For example, the Egyptians were worshiping a river, ox, cat and etc. See *N. Kubaneishvili*, The Divine History of the Old Testament, Tbilisi, 1990, 40 (in Georgian).

²⁷ For example, decree issued by the king of Egypt, according to which the Israelites had to throw their newborn sons into water. This trouble reminded them God and they asked him fervently to save them from this trouble and then God sent Moses them as a savoir (Mark 1, 16,22; 2, 1-25; 3, 1-22).

²⁸ For example, the King of Egypt, (Genesis 40, 1-23; Mark 1, 8); the king of Babylon Sec. Add., 36. 5); the king of Qamoni (1 Kings 12, 12) and others.

²⁹ *Kubaneishvili N.*, The divine History of the Old Testament, Tbilisi, 1990, 15-16 (in Georgian).

by God for the Israelites until God gave Moses the Ten Commandments at Mount Sinai, and authority rights, which the LORD states for “*Samuel announced the rights of reign before the nation, wrote them down in the book and put it before the LORD*” (The First Kings, 10, 25). Apart from it in the Old Testament there are notes about existing written and oral norms among heathen people.

In conclusion of the above mentioned it should be noted that the Old Testament describes state and law on theocratic basis, according to which a king or a monarch is a performer of the God’s will on the earth. Here it is very important that at first God chooses (Deut, 17, 15. 1 Chron. 28, 4-6) and appoints kings (Rom. 13, 1), but after king David appointing of kings became hereditary (2 Kings, 7, 12-16, Psalm 88, 36-38).

In his research Archpriest V. Tsipin notes that by teaching a Holy Letter the state is an institute established by God and presents the words of Bishop Nikodim (Milas):

“In order to direct human laws to the aim, set by the Lord’s Providence, God granted state authority, as well as the head of the family, with power to run humans in the name of God for doing kind actions” and in the same place he adds, that *“from the Old Testament three supreme services are known: bishop, prophet and royal services. By saying this He consecrated all kinds of state authorities, regardless of a governing form”*.³⁰

The New Testament more clearly shows the nature of the state set by the Lord and the obedience obligation to the justice norms created by the state, which is described in Articles of Matthew’s and John’s gospels and Catholic epistles.

Although it is true that Christ differentiated political and theological systems, *“My Kingdom is not of this world”* (John 18, 36), but celestial ruler does not exempt us from obligations to the ruler of this world, as he recognizes them himself and obligates us to perform them, which is confirmed by the following Articles: (Matthew 22, 21), (John 19, 11), (Epistle 1 of Peter, 2, 13-16), (Epistle to the Romans 13, 1-7), (Epistle to Colossians, 1, 16), (Epistle to 1 Timothy, 2, 2), The New Testament, Rom. 13, 1).³¹ These Articles indicate that the Orthodox Christianity is not against non-theocratic reigning and can be coexisted with the other religions.

And finally it should be noted that in juridical science among the theories about the origin of state and justice the earliest is a theological theory, which appeared from the first religious-mythological imaginations. As the world was created by God, both state and law are of divine origin.³²

4. God’s First Warning from the Point of View of the Legal Norm

As it became clear that a sin is violation of law, for the better illustration of the normative nature of the sin it is reasonable to characterize the first warning of God from the viewpoint of legal norm.

³⁰ Tsipin V. (Archpriest), Church Law, Scientific Anthology of Theology “Transfiguration”, Publishing house “Antimoz Iverieli” №1, Tbilisi, 2010, 123 (in Georgian).

³¹ See also the Old Testament, Proverbs 8, 15

³² Fundamentals of Georgian Law, (authors’ group, edited by R. Shengelia), Tbilisi, 2000, 23 (in Georgian).

In the first warning of the God it is possible to separate such elements characteristic for the **legal norm structure**, as disposition and sanction..

Disposition should be the following: *“From any tree of the garden you may eat freely; but from the tree of the knowledge of good and evil you shall not eat”*, as it implies a behavior rule defining the norm contents.

Sanction or killing as a punishment, because it shows what kind of result will be expected in case of non-fulfillment of the norm, violation of the demand remarked in his disposition.

Considering that the given sanction precisely defines the extent of the influence, which would have been used in case of the violation of the norm, it can be said that there is the **absolutely defined sanction**.

From Articles 16-17 of Chapter three of the book of Genesis it becomes clear that together with killing, sufferings will be also considered to be as a punishment, as because of the first sin God first says to the woman: *“I will make your pains in childbearing very severe; with painful labor you will give birth to children. Your desire will be for your husband, and he will rule over you”*. (Genesis 3, 16), and then He says: *“Because you listened to your wife and ate fruit from the tree about which I commanded you, ‘You must not eat from it,’ and cursed is the ground because of you; through painful toil you will eat food from it all the days of your life”*. (Genesis 3, 17).

In the first warning of God the demand: *“but from the tree of the knowledge of good and evil you shall not eat”*, is given precisely and concretely, according to which Adam did not have the right to change or expend it in his own way. So the first warning set by God can be thought as a **norm of imperative** character.

The demand in the first warning of God implicitly, as well as explicitly confirms that the disposition of the norm is of prohibiting character, as the demand is formulated in kind of direct prohibition *“don’t eat”*. The prohibiting character is also confirmed in the following Articles of the Book of Genesis, when God himself tells Adam about the prohibition: *“Have you eaten from the tree that I commanded you not to eat from?”* (Genesis 3, 11), and *“... have eaten from the tree of which I commanded you, saying, ‘You shall not eat of it’”* (Genesis. 3, 17).

In addition, in God’s warning the fulfillment of the demand is obligatory for Adam without any preconditions. It means that the first warning of God can be considered to be an **unconditional norm**.

Since the God’s warning is directed to the concretely defined person, *“the Lord God commanded Adam.”*. (Genesis 2, 16) the God’s command can be considered as setting an individual norm, though in the next Article of the chapter of Genesis we read that the warning concerned Eve too. The serpent said to the woman, *“Did God really say, ‘You must not eat from any tree in the garden?’”* The woman said to the serpent, *“We may eat fruit from the trees in the garden, but God did say, ‘You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it, or you will die.’”* (Genesis 3, 1-3). The punishment is extended not only to Adam and Eve, but to their descendants too.

“I will make your pains in childbearing very severe; with painful labor you will give birth to children. Your desire will be for your husband, and he will rule over you”. (Genesis 3, 16), and then He says: *“Because you listened to your wife and ate fruit from the tree about which I commanded*

you, 'You must not eat from it,' and cursed is the ground because of you; through painful toil you will eat food from it all the days of your life"(Genesis 3, 17).

Taking into account the above mentioned facts, the first warning of God must be discussed as setting of an **individual**, as well as **general norm**.

God by His first and single command, "*from the tree of the knowledge of good and evil you shall not eat*", demands from Adam not to execute or use a norm, but to observe it. From the viewpoint of execution of law norm, the observance of the norm is thought to be the easiest form and the most minimal demand, as the observance of the norm means to refrain from violation of the prohibition set by the norm, "*don't eat*", but execution and usage means active action.

As it is seen this characteristics covered such aspects as: 1. norm structure (disposition and sanction); 2. norm typology – imperative, prohibiting, unconditional, individual and general and 3. norm relation.

Despite lots of definition of the norm of Law in juridical literature³³ it is cleared up that the norm of law: 1. must be set by the state; 2. must express human behavior for regulation of social living together; 3. must have general, obligatory and developing nature and 4. the violation of it must be followed by penal measures.

According to Christian doctrine state and law are the institutes set by the LORD and for the issue of violation of the norm by a sin it does not matter which category of violation is, formal or informal. For this reason the demand of the norm of law connected with setting the norm by the state loses its actuality. The first warning of God obliged Adam, Eve and the whole mankind to observe the norm. By this fact it is clear that the God's warning expresses humans' behavior for regulating their social living together and the God's first warning has general, obligatory and developing nature. And finally the violation of the God's first warning foresees punishment, killing and suffering.

5. Conclusion

By the research it is proved that the normative nature of the sin foresees demands of generally the norm concept, as well as of the norm of law. The remarked evidence is based on our research. Particularly it was cleared up that the God's warning generally answers positively to the norm concept, as the warning expresses stating the rule of behavior. In other words, the first warning of God is stating the norm, but the first sin is the violation of the norm. Accordingly on the basis of the norm concept it is possible to judge on the normative nature of the sin.

On the next stage of the research it is stated that the state and law have divine ontology and the violation of the norm of law is a sin. It means that for the research of the normative nature of the

³³ See *Kelsen H.*, General Theory of Law and State, third printing, (*A. Wedberg tr.*), Cambridge, Massachusetts, U.S.A, 2009, 123; *Fundamentals of Georgian Law*, (authors' group, edited by *R. Shengelia*), Tbilisi, 2000, 46; *G. Khubua*, Law Theory, Tbilisi, 2004, 50-51 (in Georgian).

sin it does not matter which category of violation is, formal or informal and by which it is set “state or truth”, as the violation of the norm is always considered as a sin.

Generally identification of the divine origin of the norm provides wide and narrow comprehension of the sin, namely:

1. **Wide comprehension of the sin** includes violation of all kinds of norm, formal or informal (positive).

2. **Narrow comprehension of the sin** includes violation of the norm of Law only set by the state, including the violation of the norm of criminal law.

From the above mentioned it can be concluded that in the nature of the sin identification of the norm concept generally including the aspect of the norm of law and differentiation of the wide and narrow comprehensions of the sin is the basis of the conclusion according to which a sin is crime and criminality, because the three concepts express the violation of the norm.