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**David Tsulaia\***

## **Nature of Sin in Crime and Criminality (Normative Analysis)**

*Present article explores nature of sin in crime and criminality from the normative perspective.*

*Normative aspect is common feature for sin, crime and criminality. After, the issue whether the Orthodox Christianity deems sin a violation of positive law becomes necessary to explore. Respectively, the concept of state and law becomes the subject of our investigation. Analysis of the Old Testament reveals that state and law has divine ontology, which means that violation of the positive legal norm is sin. Though, one circumstance remained self-contradictory, whether the violation of legal norm adopted by the state that acknowledges and serves to the false gods should be regarded as sin. Analysis of the Gospel showed the transcendental nature of the state and law more clearly, and the obedience and disobedience towards unjust norm was explored.*

*Finally, conclusion is made that, except of unjust norm, violation of legal (positive) norm, adopted by the state, is sin.*

*Deriving from the study of Orthodox Christianity, Christian should fight against unjust norm according to the teachings of the Gospel and should obey the external trials sent by God, and therefore, Christian should obey law of such state.*

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

### **1. Introduction**

Criminality, quantitatively and qualitatively, exposes itself in new ways every year, which proves the fact that the science of crime, criminology is still inept to solve the core of the problem. The given situation indicates the necessity that science should take into account transcendental knowledge, and in particular, teachings of Orthodox Christianity when dealing with criminological issues.

Christianity deems that the genesis of all negative phenomena (immoral, antisocial and criminal) is sin. For this reason, it is expedient that science should use teachings of the Orthodox Christianity when exploring the issues of criminology. Moreover, in general, the use of Orthodox Christianity knowledge in scientific research is deemed to have no alternative.

In the case of Criminology, to explore such phenomena as crime/criminality, to understand its existential nature, is impossible independently only within the framework of a single science, or with integrated scientific theories, and without of its (crime/criminality) transcendental nature.

The objective the present article is to display the nature of sin in crime and criminality through the analysis of normative aspect of sin.

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## 2. Normative Nature of Sin

In the Universal Declaration of Human Rights, factually in all international agreements of Human Rights, in all constitutions of all countries,<sup>1</sup> as well as in criminal and international criminal law, there is in force the principle of legality *nullum crimen sine lege*, “there is no crime without law”,<sup>2</sup> which has biblical ontology, “*sin is not counted where there is no law*” (Rom. 5, 13) and “*where there is no law there is no transgression*” (Rom. 13, 15).

Therefore, exploring the normative nature of sin, requires to begin research from the God’s warning given to Adam, because first sin was committed just by violation of said warning. But, before we start research, we have to clarify from the outset what does term “norm” means itself.

Webster’s International Dictionary defines “norm” as: 1. obligatory rule or standard; 2. standard of behavior or ethical value; principle of right behavior; especially imperative statement, which proves or denies that something should be done or that something has value; 3. ideal standard, which is obligatory for group of people and serves to control, or regulate right and acceptable behavior.<sup>3</sup>

According to the founder of normativism, *Hans Kelsen*, “by “norm” we mean that something *ought* to be or *ought* to happen, especially that a human being ought to behave in a specific way.”<sup>4</sup> “Norm” is a contents of the act by which a concrete behavior is ordered, defined or allowed.<sup>5</sup>

With regard to legal norm, *H. Kelsen* states that “it means regulation of human behavior and if it regulates human behavior by the coercive measure, as it is sanction”.<sup>6</sup>

If we derive from the concept of norm, it means that by the warning of Adam, God established a norm, because statement “*but you must not eat from the tree of the knowledge of good and evil*” (Gen. 2, 17), is an establishment the specific *ought* behavior and statement “*when you eat from it you will certainly die*” (Gen. 2, 17), is a sanction. Therefore, first sin is violation of norm. Apart from this, correlation of God’s warning and first sin, includes in itself the principle of legality - “there is no sin without norm”.

Even at this point of our research, when we clarify that sin is violation of norm, and if we take into consideration the fact that crime and criminality in itself is violation of norm and norms, we have possibility to make preliminary conclusion that crime and criminality are expressions of sin.

Based on abovementioned, we can conclude that:

1. For the exploration the normative nature of sin, it is prime to define a rule of behavior, as a feature of norm;

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<sup>1</sup> *Schabas W.*, Unimaginable Atrocities, Justice, Politics, and Rights at the War Crimes Tribunals, London, 2012, 27.

<sup>2</sup> *Kedia B.*, Nullum Crimen Sine Lege in International Criminal Law: Myth or Fact? see: International Journal of International Law, (Volume 1, Issue 2), 2015, 1-2; <[www.law.cornell.edu/wex/nullum\\_crimen\\_sine\\_lege](http://www.law.cornell.edu/wex/nullum_crimen_sine_lege)>, [01.01.2015].

<sup>3</sup> Webster’s Third New International Dictionary of the English Language Unabridged, *Philip Babcock Gove Pj.* (ed.), USA, 1981, 1540.

<sup>4</sup> *Kelsen H.*, Pure Theory of Law, *Knight M.* (trans.), 2<sup>nd</sup> ed., UK, LND, 1978, 4.

<sup>5</sup> *Ibid*, 5.

<sup>6</sup> *Kelsen H.*, General Theory of Law and State, *Wedberg A.* (trans.), 3<sup>rd</sup> print, USA, 2009, 123.

2. Normativity is common characteristic feature for sin, crime and criminality;

3. The principle of legality originates from the God's warning and first sin.

It is natural that research cannot end on this note, because we have to clarify, whether it is correct to level sin with crime and criminality only by the normative feature, since a) in science, according to the typology of norms, the God's warning belongs to divine, and not to state made positive, legal norms and what is more important, b) if we say by words of *Thomas Hobbes* "autocratis, non veritas facit legem" - "authority and not truth defines law".<sup>7</sup>

And law, - as *H. Kelsen* states, - is a normative order, system of norms,<sup>8</sup> state of which is expressed by personification of state.<sup>9</sup>

Based on abovementioned, in order to define the attitude of Orthodox Christianity towards state and violations of its legal norms, we have to analyze in Bible the concept of state and law in general.

### **3. Concept of State and Law in Old Testament**

#### **3.1. State and Law in First Human Society**

God creates first human beings in his image (Gen. 1, 27) and grants them right to rule a whole country (Gen. 1, 28-30). In *St. Ephrem the Syrian's* explanatory book of Genesis, we read that when human being got an authority over the land and everything, it means the image of God "who possesses heaven and earth."<sup>10</sup> *St. John the Golden Mouth*, explains that in the human beings under image of God is meant image of government that the Holy Letter implies in image, possessive and not contextual meaning.<sup>11</sup> In such situation, animals were scared of human being and they were trembling, as they were in front of the ruler. Authority of Adam was expressed also in fact that God "brought them to the man to see what he would name them" (Gen. 2, 19). Adam is calling names to all living creatures, which is a sign of authority,<sup>12</sup> as well as honor of royalty.<sup>13</sup>

The *St. Mark from Egypt* says about Adam: "the Lord established human being as a ruler over this visible country. Fire, water and even animals were unable to harm human".<sup>14</sup> It should be mentioned also that the word "right" is explained as "Governor", "Ruler", "Reign" and "Domination".<sup>15</sup>

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<sup>7</sup> Pluralism and Law: State, Nation, Community, Civil society, Vol. 2, *Soetemen A.* (ed.), Proceedings of the 20<sup>th</sup> World Congress, Amsterdam 2001, 10; 2. *Khubua G.*, The Theory of Law, Tbilisi, 2015, 65 (par. 160) (in Georgian).

<sup>8</sup> *Kelsen H.*, General Theory of Norms, *Hartney M.* (trans.), Oxford, 1991, 330.

<sup>9</sup> *Ibid*, 298.

<sup>10</sup> *Siant. Ephrem the Syrian* Explanation of Genesis, Tbilisi, 2014, 28 (in Georgian).

<sup>11</sup> *Saint John the Golden Mouth*, Homilies, II Vol., *Gogochashvili T.* (ed.), Tbilisi, 2015, 300, 303 (in Georgian).

<sup>12</sup> *Ibid*, 304.

<sup>13</sup> *Ibid*, 306.

<sup>14</sup> The Teaching Basis of the Orthodox Christian Church, *Shovnadze D.*, *Chachibaia N.* (comp.), Tbilisi, 2013, 40 (in Georgian).

According to the *Saint John of Damascus*, God created human being as „King of Earth, which is subordinated to God“.<sup>16</sup> According to Bible scholar, *Ben Dunson*: „Adam is to rule over the whole world as a subordinate king underneath God, the true king over all. In this sense, God reigns over His creation in and through Adam“.<sup>17</sup>

According to the terminology, state is entelechy of human being. State is within a human being, as teleological reason, as his internal aspiration, purpose, as a teleology, as a human’s driving force and ultimate aim.<sup>18</sup>

Apart from this, when God created human being in his image and granted the right to rule over the world, God also warned human being not to eat the fruit of the knowledge of good and evil (Gen. 2, 16-17) and imprinted in him a law recognizing ability - conscience (*Saint Cassian of Imola, Saint Abba Seren*),<sup>19</sup> which is divine internal law.<sup>20</sup>

Conscience, as *Monk Paisios of Mount Athos* says is “God’s first law, which was imprinted in the hearts of first human beings and which is transmitted to all of us from our parents, as a copy.”<sup>21</sup>

Thus, we see state and law are established not by human being, but by God and His will is that human being to occupy and rule a whole world.

Events described in Bible show that first human beings do not obey internal law, they violate God’s warning and commit sin (Gen. 3, 6). *B Dunson*, states that Adam, not only failed to dominate on the world, but the opposite, he rebelled against Sovereign, almighty God. Though, God, will not leave His intention to dominate on earthly world through human-king.<sup>22</sup> God defines for first human being, already new rules of conducts which is related to them and their generation (Gen. 3, 16-19, 21, 22-23). Again, the generation of Adam will not obey to divine internal law, which causes their total degradation (Gen. 6, 5, 11-12), except the family of Noe.

Since, the Noe was only person in which God found a grace (Gen. 6, 8), God made promise with Noe that He would flood the earth (Gen. 7, 6) and save his family (Gen. 6, 18). But before flooding, God establishes specific rules of conduct, how Noe should behave in order to rescue mankind and living creatures (Gen. 6, 13-22; 7, 1-4; 8, 15-17). After flood, God grants right to Noe increase, multiply and fill the earth, defines rules how to live, establishes prohibitions and punishments for their violations (Gen. 9, 1-7).

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<sup>15</sup> *Tsintsadze M*, „The Ladder“ of St. John Climacus, Translation and Language of Euthymius the Athonite, Batumi, 1965, 58 (in Georgian).

<sup>16</sup> *Saint John of Damascus*, An Exact Exposition of the Orthodox Faith, *Chelidze E.* (ed.), Tbilisi, 2012, 104.

<sup>17</sup> *Dr. Dunson B. C.*, *The Kingdom of God in the Old Testament: Kingship and Creation*, 2015, <[www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation](http://www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation)>, [01.02. 2015].

<sup>18</sup> *Zubov V. P.*, *The Aristotle*. Moscow, 1963, 77, see: *Gorgoshidze M.*, mentioned writing, 32 (in Georgian).

<sup>19</sup> See: <[www.martlmadidebloba.ge/ganmarteba20.html](http://www.martlmadidebloba.ge/ganmarteba20.html)>, [01.02. 2015].

<sup>20</sup> Explanation of Ten Commandments, chapter second “About Divine Law and Commandments”, see: <[www.martlmadidebloba.ge/ganmarteba4\\_sjuli-da-mcnebebi.html](http://www.martlmadidebloba.ge/ganmarteba4_sjuli-da-mcnebebi.html)>, [01.02. 2015] (in Georgian)

<sup>21</sup> *Monk Paisios of Mount Athos*, *Spiritual Counsels*, Desk Book of Orthodox Believer, Tbilisi, 2004, 11 (in Georgian).

<sup>22</sup> *Dr. Dunson B. C.*, *The Kingdom of God in the Old Testament: Kingship and Creation*, 2015, see: <[www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation](http://www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation)>, [01.02. 2015].

Thus, by creating a human being in the image of God, God granted to first human beings authority right to rule over earth and everything. This authority can be understood as an idea of establishing and managing an “informal state”, the law of which should be perceived the collection of those divine norms, which are related to possession and ruling the earth, first warning and internal law. It is natural that like Adam, Noe also is an informal ruler of state and its laws are also above-mentioned divine norms established by God.

From this standpoint, establishment of state and law on earth has divine ontology. It begins from Adam. In the first human society, God is a king, lawmaker and judge for everyone, He reigns through human-king. Adam, likewise Noe, is king of an informal state and its law is unwritten collection of divine norms, violation of which is a sin.

### **3.2. The Concept of State and Law in Israel**

#### **3.2.1. Ancient Israel**

In old Israel, before establishing kingdom, there was known only one true theocracy - system of judges. Judges used to be God’s distinguished prophets, who would reveal to people, a will of God and in case of necessity they were in charge of carrying judicial, political and military functions. Judge was only presenter of God’s will, and it was recognized that real governor of nation was God himself.<sup>23</sup>

According to the history of Old Testament, after the death of Adam, the family was ruled by elder of family, which was also called as Patriarch, meaning leader, and all members of family were subordinated to him; he would solve disputes, punish lawbreakers, protect righteous persons, convey knowledge on God, future Savior and etc. Thus, leader in family was a king, priest and teacher.<sup>24</sup>

In the text of Bible, terms like “judge”, “elder”, “patriarch”, “prophet”, “leader” and “king” are used interchangeably, for describing the leaders of Judea. For our research purposes, it is expedient to use term “king”, as it encompasses contents of all mentioned terms, it is relatively most frequently used in religious literature<sup>25</sup> and most precisely describes the status of state ruler.<sup>26</sup> Therefore, after Adam and Noe, Abraham and other leaders, elders and etc., of Judea are also considered as informal kings.

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<sup>23</sup> *Kshutashvili A.*, Church and Monarchy: Theological Analysis, published in Journal “Philosophical-Theological Reviewer”, Iv. Javakhishvili Tbilisi State University Publishing, Tbilisi, 2011, № 1, 125 (in Georgian).

<sup>24</sup> *Archpriest, Kubaneishvili N.*, History of Old Testament, Tbilisi, 1990, 11 (in Georgian).

<sup>25</sup> For example: *Dr. Dunson B.C.*, in mentioned e-article Adam is called as “human king” see: <[www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation](http://www.ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation)>, [01.02.2015]; *Archpriest, Kubaneishvili N.*, in History of Old Testament, recalls leaders of Jewish branch as a kings, and etc.

<sup>26</sup> By the judgement of Lord, all nations in the mankind history was arranged according to the principle of monarchy, and king was on top of state, see: *Burkadze V.*, Prospect of Monarch Ruling in Apostasic World, cited from “Orthodoxy and Modernity”, *Kutateladze Dz. (comp.)*, *Burkadze V. (ed.)*, Vol. 3, Tbilisi, 2012, 89 (in Georgian).

From the text of Old Testament it becomes clear that generation of Noe did not obey divine law and idolatry spreads in the world.<sup>27</sup> Therefore, God desires to separate one nation from others, in order that true religious be preserved in one nation before coming of the Savior (Ex. 2, 24-25). This distinguished nation is Jews, from the branch of Judea.<sup>28</sup> In appearance, God gives an oath with Abraham about coming of kings in his nation (Gen. 17, 6) and after, with his son, Isaac (Gen. 26, 3). The same oath is repeated in appearance with Jacob (Gen. 26, 3-4; 35, 9-12; Ex. 6, 8). This is the appearance, by which the secret of theocracy is explained.<sup>29</sup> Apart from this, the Jacob, during the prophetic blessing, also talks about kings, who will come from Judea before coming of the “Hope of Nations” (Gen. 49, 10).<sup>30</sup> God establishes commandments, statutes and laws (Gen. 26, 5). Moses predicts kingship in Israel, and therefore, he gives instructions, as a manual, to his nations on election of kings. Moses gives also instructions for future king, how to live and behave (Deut. 17).<sup>31</sup>

The episode describing the bringing up Israelites out of Egypt, also contains materials of normative nature. God sends Moses to pharaoh and defines number of norms (see chapters 4-12 of Exodus). When people of Israel left the Egypt, God issued rule and law (Ex. 15, 25) and different types of norms (Ex. 20-31; 33-40).

Interesting information is kept in the articles, which describe conversation between Moses and father in law, Jethro. Moses tells to his father in law: “*whenever they have a dispute, it is brought to me, and I decide between the parties and inform them of God's decrees and instructions*” (Gen. 18, 16). Jethro replies: “... *You must be the people's representative before God and bring their disputes to him. Teach them his decrees and instructions ...*” (Gen. 18, 19-20). From these articles it is obvious that in the Israelites, there is also “people’s law” along with divine law, meaning tradition and custom, which is also proved from other articles of Exodus.

For instance, God tells to Moses: “*I have seen this people, and behold, it is a stiff-necked people*” (Gen. 32, 9), “*you are an obstinate people*” (Ex. 33, 3). Plus, in Deuteronomy we read: “*So Moses brought their case before the LORD*” (Numbers 27, 6).

Most noteworthy is the chapter 20 of the Exodus in which unwritten norms the Ten Commandments are presented (Ex. 20, 1-17). After, these Commandments are altered slightly and presented already, already in written norms in chapters 24 and 34 of the Exodus.<sup>32</sup>

In chapter 24 of Exodus, we read, “*Moses then wrote down everything the LORD had said...; Then he took the Book of the Covenant and read it to the people*” (Ex. 24, 4, 7) which is related to the Ten Commandment (written in chapters 20-21 of the Exodus) and its rules. These rules are regulating

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<sup>27</sup> Gen. 11, 8-9; 13, 13; 14, 2; 1 Kings 8, 5, 19-20; Joshua 24, 2.

<sup>28</sup> Archpriest, Kubaneishvili N., History of Old Testament, Tbilisi, 1990, 15-16 (in Georgian).

<sup>29</sup> Gvasalia G., Explanation of Genesis, Vol. I, Tbilisi, 2014, 582 (in Georgian).

<sup>30</sup> Lopukhin A. P., Comments of Bible, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Vol. III, Tbilisi, 2000, 55 (in Georgian).

<sup>31</sup> Ibid.

<sup>32</sup> Though, the first record of written norm is given in chapter 17 of the Exodus, “*Then the LORD said to Moses, Write this on a scroll as something to be remembered ...*” (Ex. 17, 14).

different domains of social activities,<sup>33</sup> prohibiting all kinds of violence and defining punishments for their violation (Ex. 21, 12-36).<sup>34</sup>

In chapter 24 of the Exodus, it is described also, creation of written legal act. God says to Moses “...I will give you the tablets of stone with the law and commandments I have written for their instruction” (Ex. 24, 12). At the mount of Sinai, Moses listens number of rules (chapters 25-30 of Exodus). The chapters 31 and 32 are describing how God gave the Ten Commandments to Moses (Ex. 31, 18, 15-16; 34, 1), - “the words of the Covenant, ten words” (Ex. 34, 28), “Ten Commandments”, meaning “the Law”<sup>35</sup>

### 3.2.2. Kingdom of Priests

Just at that point, God makes promise with Moses about creation of Kingdom of Priests in the people of Israel. In the promise we read: “you will be for me a kingdom of priests and a holy nation” (Ex. 19, 6). In the comments of the Bible we read that Israelites will be not just a union or council of priests, but “kingdom”, because, according to the given right, they will get royal, dominant status among other nations (Deut. 26, 16-19). As a kingdom of priests, Israelites will become a “holy nation” cleaned from the sins of divine laws (Lev. 11, 44-45; Deut. 14, 2).<sup>36</sup>

*B. Dunson* states that Israel was saved in Exodus in order to become kingdom of priests and holy nation, “for the earth will be filled with the knowledge of the glory of the LORD...” (Habakkuk 2, 14). As Isaiah prophet says, Israel is “light for the nations” (Isaiah 42, 6; 60, 30) in a sense it is a lighthouse established on the mount of the Lord, to show nations - the path of salvation, way towards Zion “...,” (Mic. 4, 2).<sup>37</sup>

Information about kingdom of priests are given also in the New Testament, particularly in letters of Romans and Paul, as well as in revelation:

1. In letters we read: “But you are a chosen people, a royal priesthood...” (1 Peter 2, 9).

2. From Paul’s letters, Christ is high priest of all believers, He is future King and true basis of the kingdom of priests: “Your throne, O God, will last for ever and ever; a scepter of justice will be the scepter of your kingdom... .” (Hebrews 1, 8); “You are a priest forever, in the order of Melchizedek” (Hebrews 5, 6).

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<sup>33</sup> Rights and duties of the landlord and servant (Ex. 21, 2-6); Punishments for crimes against person (Ex. 21, 12-17).

<sup>34</sup> 1. Killing (Ex. 21, 12-14); 2. Kidnapping (Ex. 21, 16); 3. Injury (Ex. 21, 18-19); 4. correction of slave (Ex. 21, 20-21); 5. Infliction of injury to pregnant woman (Ex. 21, 22-23); law of revenge (Ex. 21, 24-25); injuring of servant (21, 26-27); injury inflicted to human being by bull (Ex. 21, 28-32); injury of animals (Ex. 21, 33-34); fight between animals (Ex. 21, 35-36).

<sup>35</sup> *Lopukhin A. P.*, Comments of Bible, Vol. II, *Arch. Dzindzibadze Z.* (ed.), *Metreveli T.* (trans.), Tbilisi, 2000, 103 (in Georgian).

<sup>36</sup> *Ibid*, 100.

<sup>37</sup> *Dr. Dunson B. C.*, The Kingdom of God in the Old Testament: From Abraham to Israel, 2015, see: <<https://ligonier.org/blog/kingdom-god-old-testament-abraham-israel/>>, [01.02.2015].

3. In revelation we read: “and has made us to be a kingdom and priests to serve his God and Father...” (Rev. 1, 6). John saw many creatures in heaven at the throne of God. They sang a “new song” for the Lamb: “...You have made them to be a kingdom and priests to serve our God, and they will reign on the earth” (Rev. 5 8-10). Later in revelation John says: “... they will be priests of God and of Christ and will reign with him for a thousand years” (Rev. 20, 6). Together with Christ, they create kingdom of priests, which brings usefulness to whole mankind.

### 3.2.3. Israel

Formal phase of King’s State Governance of Israelites is described in the book of “1 Samuel”. People of Israel wished to have formal king (1 Samuel 8, 5), because sons of Samuel, appointed as judges were not following the way of their father and violated laws (1 Samuel 8, 1-4) and they believed that new king would be sufficient guarantee to eliminate vices of many, secondary rulers.<sup>38</sup> Events of king’s appointment are described in the book of “1 Samuel”. Israelites rejected God as their king (1 Samuel 8, 7-8) when they requested God to appoint a king. Despite the wrong motives, when they requested appointment of king (1 Samuel 8), God granted them their first king to execute the covenant made with Moses (Deut. 17).<sup>39</sup> God chooses Saul as a king, from the Benjamin tribe and from that point, formal governance of kingship in the people of Israel begins.

According to the words of *Episcopo Nokodim Milas*: “When the Lord consecrated first king of Israel in the face of Saul, He consecrated all kinds of state authority, irrespective the forms of governance.”<sup>40</sup>

The Saul does not rule the Israel according to the laws of God (1 Sam. 13, 8-15) and finally he was removed from the throne of king (1 Sam. 15). Just at this point, the David is appointed as king of Israel (1 Sam. 16). During his reign, the kingship shows up himself in its perfection (2 Sam. 2) and ends up by the fact that God, through the mouth of prophet Nathan, made oath with David (2 Samuel 7; also see: Psalms 89, 35) that God would preserve the royal line in future from the king David (2 Samuel) and from his line Christ would appears in the world (Matt. 1, 6-17).

In the comments of Bible we read “at that time the form of governance of society had theocratic nature (meaning of divine nature) in fullest meaning of this word. God of heaven and all nations (theocracy in broad term) was also deemed as earthly ruler for his chosen nation.”<sup>41</sup>

The promise made with David, that God “will establish the throne of his kingdom forever” (2 Samuel 7:13) becomes especially significant when we get to the prophets. History of Israel is primar-

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<sup>38</sup> Lopukhin A. P., Comments of Bible, Vol. IV, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Tbilisi, 2000, 159.

<sup>39</sup> Dr. Dunson B. C., The Kingdom of God in the Old Testament: From Abraham to Israel, 2015, see: <<https://ligonier.org/blog/kingdom-god-old-testament-kingship-and-creation>>, [01.02.2015].

<sup>40</sup> Tsyplin V. (Archpriest), Church Law, see: Theological Scientific Almanac “Peristsvaleba”, printing house “Anthimos Iverieli”, № 1, Tbilisi, 2010, 123 (in Georgian).

<sup>41</sup> Lopukhin A. P., Comments of Bible, Vol. IV, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Tbilisi, 2000, 159-160 (in Georgian).

ily a history of a failure of their kings to rule according to God's requirements as laid out in Deuteronomy 17. Israel's kings fail to rule over Israel in righteousness. They certainly fail to make Israel a "holy nation and kingdom of priests" and "a light to the nations." God's promise that Israel would be a blessing to the nations (Gen 12:1-3) does not materialize in the Old Testament. The kingdom of God seems precariously close to disappearing as Israel (4 Kings 17, 6-23; 24, 15, 18-20, 2 Chronicles 36, 10-14), however, God is not finished with Israel, nor with Israel's kings. Here is where the prophets come in.<sup>42</sup>

Prophets make it clear that despite of splitting the kingdom of Israel and exile of kings,<sup>43</sup> God would not, and did not, abandon His intention to rule over His people and His world through a Davidic king. Many important prophetic passages reveal that the only hope for the establishment of an enduring and faithful kingdom in Israel lies in a future work of God's redemption. The human heart is too corrupt for God's purposes for the world to be accomplished through Israel's fallen and sinful kings. Periodic revivals and times of faithfulness (such as Josiah's reforms [2 Kings 23]) are not enough to usher in God's worldwide dominion. Despite Israel's earthly failure God still does not abandon His plan to reign over the whole world through His appointed human king.<sup>44</sup>

*B. Dunson* puts questions forward: How will this reign manifest itself? What is necessary for God to reverse the failure of Israel to be a light to the nations and extend the kingdom across the earth? First, God will begin about a new exodus. This exodus, however, will not be a mere deliverance from Israel's earthly enemies. Instead, God will come in power to deliver His people as He ushers in the new creation itself and renews His reign over His people (Isa 35, 1-4, 8-10) - answers the *B. Dunson*.<sup>45</sup>

The prophets speak of God's deliverance of His people in this way as the reestablishment of God's kingdom: "... Behold, the Lord GOD comes with might, and his arm rules for him;..." (Isa. 40, 9-11).<sup>46</sup>

### 3.2.4. Law of Israel

Law in the narrowest sense was the basis for the administration of justice which was done by local elders at the city gate, though difficult cases were referred to the Temple authorities at Jerusalem. Although, the king exercised judicial functions and his judgement created precedents which, with his entourage of prophets, led to the consolidation of the several codes in the Pentateuch. The historical narratives record events which contributed to this process: there was Samuel placing a book of royal

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<sup>42</sup> *Dr. Dunson B. C.*, *The Kingdom of God in the Old Testament: From Abraham to Israel*, 2015, see: <<https://lignonier.org/blog/kingdom-god-old-testament-abraham-israel/>>, [01.02.2015].

<sup>43</sup> For details see: <[www.patheos.com/blogs/christiancrier/2015/10/10/a-list-of-kings-from-the-bible/](http://www.patheos.com/blogs/christiancrier/2015/10/10/a-list-of-kings-from-the-bible/)>, [01.02.2015].

<sup>44</sup> *Dr. Dunson B.C.*, *The Kingdom of God in the Old Testament: The Prophetic Hope*, 2015, see: <<https://lignonier.org/blog/kingdom-god-old-testament-prophetic-hope/>>, [01.02.2015].

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

privileges in the sanctuary (1 Sam. 8), followed by Jeremiah (Jer. 36), and the discovery of the book of the covenant in the reign of Josiah (2 Kgs. 23), and Ezra's proclamation (Ezra 7: 10).<sup>47</sup>

Two types of law are noted in the Hebrew law codes: (1) casuistic, or case, law, which contains a conditional statement and a type of punishment to be meted out; and (2) apodictic law, *i.e.*, regulations in the form of divine commands (*e.g.*, the Ten Commandments).<sup>48</sup>

The apodictically formulated laws relate to the religious as well as to the secular realm of life. Theologian Albrecht, saw them as uniquely Israelite in origin, in contrast with the - casuistic or case law which was part of a common heritage shared with the Canaanites and other Near Eastern peoples.<sup>49</sup> And, the Ten Commandments articulate general ethical principles, while the case law applies those principles to specific cases.<sup>50</sup>

Old Testament establishes the following three codes: (1) Book of Covenant, *i.e.* Covenant Code; 2 The Deuteronomic Code; 3. The Priestly Code.

The Book of the Covenant, one of the oldest collections of law in the Old Testament, is found in Exodus 20:22–23:33. The Covenant Code is divided into the following sections: (1) a prologue; (2) laws on the worship of Yahweh; (3) laws dealing with persons; (4) property laws; (5) laws concerned with the continuance of the Covenant; and (6) an epilogue, with warnings and promises. In the Covenant Code, the *lex talionis* and the substitution of financial compensation or a fine for the literal punishment, however, was allowed.<sup>51</sup>

The Deuteronomic Code is divided into the following sections: (1) statutes and ordinances, especially related to dealings with the Canaanites and worship in the Temple in Jerusalem alone, to the exclusion of the high places; (2) laws (known as sabbatical laws) concerned with the year of release from obligations, especially financial; (3) regulations for leaders; (4) various civil, cultic, and ethical laws; and (5) an epilogue of blessings and curses.<sup>52</sup> The Deuteronomic Code (Deut. 12–26) is widely identified with the book found in the Temple in the time of Jeremiah. It takes the form of a speech by Moses to the people of Israel before their entry into the Promised Land.<sup>53</sup>

The Priestly Code, containing a major section known as the Code of Holiness (in Leviticus, chapters 17–26), is found in various parts of Exodus, all of Leviticus, and most of Numbers. Emphasizing ceremonial, institutional, and ritualistic practices, the Priestly Code comes from the post-Exilic

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<sup>47</sup> Oxford Dictionary of the Bible, (by *Browning W. R. F.*) Oxford University Press, 2003, 1156.

<sup>48</sup> Hebraic Law, Encyclopædia Britannica, Encyclopædia Britannica, inc, July 20, 1998, <<https://www.britannica.com/topic/Hebraic-law>>, [10.09.2019].

<sup>49</sup> The Anchor Bible Dictionary, *Freedman D. N.* (ed.), published by Doubleday, New York, USA, 1992, 5197.

<sup>50</sup> Law and the Bible, *Jr. Cochran R. F., Drunen D. V.* (eds.), InterVarsity Press, Dorner Groove, Illinois, USA, 2013, 82.

<sup>51</sup> Hebraic Law, Encyclopædia Britannica, Encyclopædia Britannica, inc, July 20, 1998, <<https://www.britannica.com/topic/Hebraic-law>>, [10.09.2019].

<sup>52</sup> Hebraic Law, Encyclopædia Britannica, Encyclopædia Britannica, inc, July 20, 1998, <<https://www.britannica.com/topic/Hebraic-law>>, [10.09.2019].

<sup>53</sup> Oxford Dictionary of the Bible, (by *Browning W. R. F.*), Oxford University Press, 2003, 1156.

period (*i.e.*, after 538 BC). Though most of the laws of the Code of Holiness probably come from the pre-Exilic period (pre-6th century BC), the laws reflect a reinterpretation encouraged by the Exile experiences in Babylon. Purity of worship of Yahweh is emphasized.<sup>54</sup>

After the Exile the law was increasingly restated, elaborated, and brought up to date by various groups in Judaism, as Deut. itself had anticipated (Deut. 18: 15–22). The oral law of the Pharisees which eventually was collected into the Mishnah, about 200 CE, was only one form of supplement. The community at Qumran elaborated a code of purity in separation from Jerusalem and the Temple, which was interpreted by Philo Law by means of allegory. It is mentioned that Jesus did not ‘come to destroy the law’ but in the Sermon on the Mount gave it a radical reinterpretation. Paul did not so much oppose the Jewish Law as such but did reject the view that its observance was the means of salvation for Christians (Gal. 5: 4).<sup>55</sup>

### **3.3. Melchizedek - Sovereign of the World**

When analyzing the issue of state, in commentaries of Bible and generally in religious literature, special attention is paid to the personality of Melchizedek.<sup>56</sup>

The specialty of Melchizedek, who is a king of Salem and priest of God Most High, resides in fact that He is so superior over an informal king Abraham that Melchizedek blesses Abraham, and the latter gives tenth of his goods (Gen. 14, 18-20). It is toneworthy that in the eyes of God Abraham is one of the distinguished kings, which is proved by two facts, namely:

1. From the beginning Abraham was called Abram, and his wife was called Sarai. Later, God called Abraham to Abram, which means “father of many nations” and as for Sarai, He called Sarah, which means “noble woman” (Gen. 17, 5, 15);

2. Because Abraham was so close to God, he became worth to be called - friend of God (Isaiah 41, 8; Jacob 2, 23) and such a reward cannot be found with other leaders. Despite such a high royal status, the Apostle Paul describes mightiness of Melchizedek in comparison with Abraham in the following way: “*Just think how great he was: Even the patriarch Abraham gave him a tenth of the plunder!*” (Hebrew 7, 4).

In the blessing of Melchizedek the contents of blessing (divine grace, which was granted to Abraham and for this reason praise made to the God, Gen. 14, 18-29) is important. In particular, the blessing of the Melchizedek, is proof of materialization of divine will and law on the Abraham’s con-

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<sup>54</sup> Hebraic Law, Encyclopædia Britannica, Encyclopædia Britannica, inc, July 20, 1998, <<https://www.britannica.com/topic/Hebraic-law>>, [10.09.2019].

<sup>55</sup> Oxford Dictionary of the Bible, (by *Browning W. R. F.*) Oxford University Press, 2003, 1156.

<sup>56</sup> For example: 1. *Christian S.*, Types and Shadows: Prophetic Pictures to Wholeness in Christ, USA, 2006; 2. *Jones M. K.*, Toward a Christology of Christ the High Priest, Italy, 2006; 3. *Horton F. L.*, The Melchizedek Tradition: A Critical Examination of the Sources to the fifth Century A.D. and in the Epistle to the Hebrews, UK, 1976; 4. *Nattan S. V.*, Kings of The Bible: What They Teach Us, Chapter - Other Heathen Kings, Blessed Quietness Journal, see: <[www.blessedquietness.com/journal/housechu/kings.htm](http://www.blessedquietness.com/journal/housechu/kings.htm)>, [20.05.2016].

duct (destruction of kings, the captivity of the nephew and the seizure of the captured plunder). This point is supported by the note made in comments of Bible, when Abraham with small army wins against Kedorlaomer who held enormous army (Gen. 14, 9-17), clearly proves the fact that God power is beside Abraham (Psalms 32, 16-18).<sup>57</sup>

Undisclosed service of Melchizedek, His special status and priesthood filled with royal greatness is described by the Apostle Paul (Hebrew 7) to fullest extent and clearly, in parallels made between the Melchizedek and the Christ.<sup>58</sup>

Parallels between the Melchizedek and Christ are mainly based on the following proofs:

1. Their kingship and priesthood are caused by the God's call;  
2. They are from the non-priestly tribe, they did not have similar predecessor bishop and beginning and end.<sup>59</sup>

3. Bringing of bread and wine by the Melchizedek implies the secret of Eucharist.<sup>60</sup>

4. Etymological research of terms proves that "identity of Salem and Jerusalem is undisputed fact". Jerusalem is mentioned as "Jeru-Salem" meaning - "City of Salem".<sup>61</sup> King of Salem means king of peace. Word "shalom" in Hebrew means - peace. As for the word "Salem", is based on "shalom", which means integrity and righteousness towards peace.<sup>62</sup> According to the Apostle Paul, name of Melchizedek is explained as "King of Righteousness" (Hebrew 7, 2). Thus, Salem and Israel are identical and describe the same city, whose king in Old Testament is Melchizedek and in New Testament is Christ.

5. According to teachings of the holy fathers, Melchizedek foreboded Christ. The word Melchizedek means "King of Righteousness", Jesus Christ is also the King of Truth (Psalms 9, 9); the honor of Melchizedek of Salem, that is the King of peace foreboded Christ - Chief of Peace (Isaiah 9, 6). In Genesis nothing is mentioned about parents of Melchizedek, as well as His birth and death; according to the explanation of the Apostle Paul, this is because Christ is presented in the face of Melchizedek, who does not belong to any nation due to His divine nature; apart from this, by merging honors of kingship and priesthood in face of Melchizedek foreboded the Jesus Christ - eternal King, whose reign has no end, and also eternal high priest, who sacrificed Himself (Hebrew 7, 27) and is everlasting mediator for us before God.<sup>63</sup>

According to the commentaries of Bible, the king of Salem, Melchizedek is completely exceptional person. The fact that Moses does not provide any information about Him, and the author of

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<sup>57</sup> Lopukhin A. P., Comments of Bible, Vol. I, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Tbilisi, 2000, 173 (in Georgian).

<sup>58</sup> Ibid, 174-175.

<sup>59</sup> Psalms 109 (110), 4; Hebrew 5, 10; 6, 20; 7, 3; 14-17.

<sup>60</sup> Lopukhin A., P., Comments of Bible, Vol. I, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Tbilisi, 2000, 176 (in Georgian).

<sup>61</sup> 1. Christian S., see mentioned work, 84-85; 2. Lopukhin A. P., Comments of Bible, Vol. I, Arch. Dzindzibadze Z. (ed.), Metreveli T. (trans.), Tbilisi, 2000, 175-176 (in Georgian).

<sup>62</sup> Christian S., see mentioned work, 84.

<sup>63</sup> Manual for Learning Old and New Testament, Lopukhin A. P. (comp.), Kutaisi, 1909, 50-51 (in Georgian).

Psalms and Apostle Paul indicate His secret connection to the Jesus Christ (Psalms 76, 2, 4; Hebrew. 6, 20; 7, 1-3, 11, 19), arose different opinion about personality of Melchizedek and His service.<sup>64</sup> Regardless of contradictory arguments, opinion that Melchizedek is first face of Christ in Old Testament is considered credible, who unites personality of “King and Priest”.<sup>65</sup>

Just because of this circumstance, we analyzed personality of Melchizedek as separate topic, while analyzing the issue of state and law, since Melchizedek is superior not only over first informal king, Adam, after Noe and other kings of first human beings, but he is considered to be a Christ in Old Testament, as first image of Christ, meaning the King of heaven and earth (Psalms 76, 2, 4; Hebrew. 6, 20; 7, 1-3, 11, 19).

### **3.4. The Concept of State and Law in the Pagan Society**

The history of Old Testament, provides information on pagan kings and kingdoms from the period of building the Tower of Babel, when the families of the Noe’s son, will scatter according to their genealogies, by their nations in different lands of the world (Gen. 10, 32), forget true God, religion and false religion will be spread among them.<sup>66</sup>

First Biblical information about the beginning of political and state life is encountered in Genesis, which is connected to the kingdom of Nimrod (Gen. 10, 10). In the opinion of majority of authoritative scholars, Bible speaks about “first confederation of Chaldea”, i.e. union of cities of Chaldea, united under the authority of famous Kush Nimrod, which in old-Chaldean inscriptions is recalled as “Arba-Lizuni” title, i.e. a king of four languages.<sup>67</sup>

According to famous English orientalist *Georg Smith*, the Akkad was king of Sargon’s capital and was located on the coast of Euphrates, near the Sifvart, on the north from Babylon. With these four cities, first union was created, i.e. ancient Chaldean-Babylonian kingdom.<sup>68</sup>

From the explanations of the articles 11 and 12 of tenth chapter of Genesis, it is clear that the Semites, who were dissatisfied with despotic ruling of Nimrod and Kushite, chose to abandon and move to north and create their kingdom. It is mentioned that Ashuri builds his kingdom, new center in north - city Nineveh, which later became strongest Assyrian capital city (Jonah 3,3; 4, 11).<sup>69</sup>

In Bible, we encounters many passages about pagan kings. For instance, in chapter 14 of Genesis, we read about kings of Shinar, Ellaser, Elam, Goim, Sodom, Admah, Zeboiim, Bela (Gen. 14, 1-3).

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<sup>64</sup> *Lopukhin A. P.*, Comments of Bible, Vol. I, *Arch. Dzindzibadze Z.* (ed.), *Metreveli T.* (trans.), Tbilisi, 2000, 174-175 (in Georgian).

<sup>65</sup> *Ibid*, 177 (in Georgian).

<sup>66</sup> 1. *Archpriest, Kubaneishvili N.*, History of Old Testament, Tbilisi, 1990, 40 (in Georgian); 2. About Pagan religions see: *Adeishvili G.*, God: Mind of Universe, Tbilisi, 2008, 15-19 (in Georgian); 3. *Gogebashvili I.*, History of Religion, Tbilisi, 2016, 19-20 (in Georgian).

<sup>67</sup> *Lopukhin A. P.*, Comments of Bible, Vol. I, *Arch. Dzindzibadze Z.* (ed.), *Metreveli T.* (trans.), Tbilisi, 2000, 139 (in Georgian).

<sup>68</sup> *Ibid*, 140.

<sup>69</sup> *Ibid*, 141.

In chapter 36 of Genesis, there are kings who reign on the land of Edom before any king reigned over the sons of Israel (Gen. 36, 31-43). In Genesis and Exodus we read about pharaohs. There are 14 pharaohs in total in Old Testament, out of which only three encompasses enough information for their analysis. In particular, information related to relations between Abraham, Joseph and Moses with pharaohs.<sup>70</sup>

In addition, there are many passages in Old Testament about such pagan kingdoms and empires such as Babylon,<sup>71</sup> Egypt,<sup>72</sup> Syria,<sup>73</sup> Persia-Media,<sup>74</sup> Greece<sup>75</sup> and Rome.<sup>76</sup> Analysis of the sources reveal that 59 pagan countries<sup>77</sup> and more than 35 kings are mentioned in the Old Testament.<sup>78</sup>

With respect to law of abovementioned pagan countries, it should be mentioned that at that time both unwritten and written law was in practice.

For example, from Bible we learn that king Abimelech of Philistines issues decree not to touch Isaac and his wife (Gen. 26, 11). The king of Egypt, issues decree, to kill new born babies (Exodus 1, 16). In the book of Daniel (Dan. 6, 8-9) there is information about injunction, decree and law.

Interesting information is preserved in the request of Israelites when they demanding to appoint formal king: "... *Now appoint a king for us to judge us like all nations. We also may be like all the nations, that our king may judge us ...*" (1 Sam. 8, 5, 19-20).

Straightforward statement about written legal acts are given in Esther, for instance:

"... *let it be written in the laws of Persian and Media, ...*" (Esth. 1, 19); "... *being written in the name of King Ahasuerus and sealed with the king's signet ring*" (Esth. 3, 12); "... *text of edict...*" (Esth. 4, 8); "*A copy of the edict to be issued as law ...*," (Esth. 8, 13); "*the Jews established and made a custom for themselves, ...according to their regulation*" (Esth. 9, 27).

But, far more interesting facts are provided in scientific materials, connected to laws of those pagan state, which are described in the Old Testament.

Most interesting is the research, which is related to the law of the Babylonian Empire. Namely, law code engraved on stone stele and belonging to Hammurabi, the king of Babylon. It is evident that the king Hammurabi was king Amraphel mentioned in Old Testament (Gen. 14, 1).<sup>79</sup>

It is true that most important legal act is law code of Hammurabi, but it is not the most ancient one. In 1947 there came to light a law code promulgated by King Lipit-Ishtar,<sup>80</sup> who preceded Ham-

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<sup>70</sup> In detail see: *Nattan S. V.*, Kings of The Bible: What They Teach Us, Chapter - Other Heathen Kings, Blessed Quietness Journal, <[www.blessedquietness.com/journal/housechu/kings.htm](http://www.blessedquietness.com/journal/housechu/kings.htm)>, [20.05.2016].

<sup>71</sup> Ex.: Gen. 10, 8-10; 11, 8, 9; Acts 7, 2.

<sup>72</sup> Ex.: Gen. 10, 6, 13-14; 12, 14-15; 40, 1-2; 41, 1-3.

<sup>73</sup> Ex.: Gen. 10, 8-10; Is. 7, 20.

<sup>74</sup> Ex.: Gen. 10, 22; Esth. 1, 1, 3.

<sup>75</sup> Dan., chapters 2, 8, 10-11.

<sup>76</sup> Dan. 2, 33, 40-43; 7, 7-8, 19-25.

<sup>77</sup> See: <[www.bible-history.com/old-testament/nations.html](http://www.bible-history.com/old-testament/nations.html)>, [01.04.2016].

<sup>78</sup> See: <[www.idahobaptist.com/biblical-kings-and-queens-i-timothy-117/](http://www.idahobaptist.com/biblical-kings-and-queens-i-timothy-117/)>, [01.04.2016].

<sup>79</sup> The International Standard Bible Encyclopedia, *James Orr., M. A., D. D.* (ed.), Vol. 1, USA, 1915, 126.

<sup>80</sup> *Kramer S. N.*, The Sumerians: Their History Culture, and Character, USA, 1963, 336-340.

murabi by more than one hundred and fifty years. The Lipit-Ishtar code, as it is now generally called, is inscribed not on a stele but on a sun-baked clay tablet. It is written in the cuneiform script, but in the non-Semitic Sumerian language and contains a prologue, epilogue, and an unknown number of laws, of which thirty-seven are preserved wholly or in part. But Lipit-Ishtar's claim to fame as the world's first lawgiver was short-lived. In 1948, the researcher Taha Baqir discovered two tablets inscribed with an older law code. Like the Hammurabi code, these tablets were written in the Semitic Babylonian language and contains the brief prologue that precedes the laws (there is no epilogue), a king by the name of Bilalama is mentioned. He may have lived some seventy years before LipitIshtar.<sup>81</sup>

And in 1952, law code of Sumerian king named UrNammu was discovered.<sup>82</sup> This ruler, who founded the now well-known Third Dynasty of Ur,<sup>83</sup> began his reign, even according to lowest chronological estimates, about 2050 B.C., some three hundred years before the Babylonian King Hammurabi. The UrNammu tablet is one of the hundreds of Sumerian literary tablets in the collection of the Museum of the Ancient Orient in Istanbul.<sup>84</sup>

But the first written Law was formulated in 2420 B.C. and is related to Urukagina of Lagash. Private documents of law - contracts, deeds, wills, promissory notes, receipts - are recovered by archeologists. The supervision of the courts was in the hands of the city governor (*ensi*) or his representative (*mashkim*). Cases were heard by a panel of three or four judges (*di-kud*) who weighed evidence in the form of statements from witnesses and written documents. Conflicts in testimony were resolved by oath-taking. The decision of the judges was legally binding, but appeals could be made on the basis of new evidence.<sup>85</sup>

Referring to these scientific researches, prove only one fact that in pagan states of Old Testament, laws, both unwritten and written, were widely applied in practice.

### 3.5. Resume

In the first society, state and law has transcendental nature to everyone. There is, sort of informal state with unwritten divine laws, set of norms. But in reality, God is lawmaker, executor and judge for all. From the time of the Tower of Babel, the common transcendental nature of state and law is

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<sup>81</sup> *Kramer S. N.*, History Begins at Sumer, USA, 1956, 51-52.

<sup>82</sup> Many scholars indicate that Sumer is meant in Shinar (Gen. 10, 10; 11, 2), see: 1. Bible Questions Answered, Who were the Sumerians?, <[www.gotquestions.org/Sumerians.html](http://www.gotquestions.org/Sumerians.html)>; 2. <[www.biblegateway.com/resources/encyclopedia-of-the-bible/Sumer](http://www.biblegateway.com/resources/encyclopedia-of-the-bible/Sumer)>, [01.04.2016].

<sup>83</sup> Ur was the land of Haran's nativity, (Gen. 11, 28) the place from which Terah and Abraham started "to go into the land of Canaan." (Gen. 11, 31) It is called in Genesis "Ur of the Chaldeans," while in the Acts St. Stephen places it, by implication, in Mesopotamia. (Acts 7, 2-4), see: <[www.biblehub.com/topical/u/ur.htm](http://www.biblehub.com/topical/u/ur.htm)>, [01.04.2016].

<sup>84</sup> *Kramer S. N.*, History Begins at Sumer, USA, 1956, 53.

<sup>85</sup> Encyclopedia of The Bible - Sumer, 4, c. Law, <[www.biblegateway.com/resources/encyclopedia-of-the-bible/Sumer](http://www.biblegateway.com/resources/encyclopedia-of-the-bible/Sumer)>, [01.04.2016].

changing. From the emergence of idolatry, ruling of formal state starts shaping, which acknowledges and serves to false Gods.

Therefore, we cannot share the opinion that “state is result of progress of society”<sup>86</sup>. Just the opposite, “difficulty of social ties led to creation of state” (*V. Tsy-pin*) and the regression, which is called a spiritual falling and idol worship. In the words of *St. John the Golden Mouth* “establishment of state is a result of perversion.”<sup>87</sup>

Thus, state and law, still remain on theocratic basis, but the difference is that Israelites acknowledge and serve only one, true God, whereas pagan people acknowledge and serve to false Gods.

The concept of state and law, conditionally can be characterized from informal and formal viewpoint.

1. Informal state implies:

a. A human being, created in image of God, i.e. first informal king, who was given right to rule over the world;

b. Informal kings (judges, leaders and etc.) who are called to execute the will, covenant and commandments of true God;

c. Kingdom of priest in Israelites, who are tasked to get kingship status among other nations, and to become “holy nation”, cleaned from divine sins in order to fill whole world with divine knowledge;

d. The Melchizedek, who is considered to be in Old Testament, image of Christ, King of heaven and earth.

2. Formal state implies:

a. Pagan nations, - which starts from the building the Tower of Babel and is related to kingdoms and empires of Chaldea-Babylon, Syria, Egypt, Greece, Persia-Media and Rome.

b. State of Israel, - begins from consecration of King Saul, when God makes a promise that Christ will come from the line of David, the King of Israel.

3. In all forms of informal states and in state of Israel, divine law is applied, the source of which is true God. In the states of pagan nations, sources of divine laws are false Gods. In addition, in both forms of state, unwritten “peoples” law is also in applied.

We have to note that, in jurisprudence, among theories of origins of state and law, theological theory is oldest one, which arose from religious-mythological viewpoints and since God created the world, from this standpoint, state and law is of divine origin.<sup>88</sup> In this formula, it is expedient to draw attention on the fact that birth of state and law is connected to the true God and not to false Gods, because:

1. God is a sovereign of heaven and earthly nations, since He created heaven and earth (Gen. 1, 1), He possesses whole world (Ex. 19, 5), His throne is forever and ever (Ps. 44 (45), 6), He is Great

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<sup>86</sup> Law, *Metreveli V.* (ed.), Tbilisi, 2003, 25 (in Georgian).

<sup>87</sup> *Saint John the Golden Mouth*, Homilies, II Vol., *Gogochashvili T.* (ed.), Tbilisi, 2015, 309 (in Georgian).

<sup>88</sup> Basis of Georgian Law, *Shengelia R.* (ed.), *Tsulaia Z.* (rev.), Tbilisi, 2000, 23 (in Georgian).

God, and great king above all gods (Ps. 94 (95), 3), kings reign, rulers decree justice, princes rule and nobles and judges made justice by Him (Prov. 8, 15-16), Wisdom and power belongs to Him, and it is He who changes the times and the epochs, He removes kings and establishes kings (Dan. 2, 20-21).

2. When God establishes formal kingdom in Israelites, God blesses all types of state authority, regardless of forms of state (*N. Milas*).

Finally, based on the divine ontology of state and law, we have possibility to answer our questions that violation of legal norm established by state, is sin.

Though, such formulation looks self-contradictory. Violation of legal norm established by state of Israel and pagan states, meaning nations who acknowledge and serve to true God and false Gods, are sins.

Since the New Testament clarifies better the attitude of the teachings of Orthodox Christianity on the nature of sin with regard to violation of legal norms adopted by states of pagan nations, we will examine the issue in details in the following paragraph.

## **4. Concept of State and Law in New Testament**

### **4.1. Roman Empire and Orthodox Christian Attitude towards Violations of Roman Law**

All the actions of the New Testament take place in the lands of Roman Empire. The birth of King of heaven and earth, Jesus Christ, his merits, crucifixion, the resurrection, as well as, spread of Christianity in world is happening in the boundaries of Roman Empire.

An absolute ruler of that times Roman Empire was the emperor. Kings were the highest local rulers of territories in the Roman Empire, elected by senate and subject to the central authority of the emperor at Rome.<sup>89</sup> Governors (procurators) were rulers of designated territories, appointed by the emperor and directly responsible to him. Apart from work of finances, such as taxes, they also had right to judge a person, as it had fifth pagan procurator Pilates of Judea Province, part of Roman Empire. The Procurator who ruled over Judea and Samaria had an official judicial residence in Caesarea. Members of the Sanhedrin accused Jesus of claiming to be King. If true, this would have made Jesus a potential threat to the emperor's authority.<sup>90</sup>

Just in given setting, the Gospels of Mathew and John, letters of the Apostle Paul give best answer to our question. Let's examine each of them:

According to *V. Tsybin*, Jesus Christ, the Ruler of heaven and earth, subjected himself to earthly order, He obeyed to officials of the state. He replied to the Pilate "*You would have no power over me if*

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<sup>89</sup> 1. *Jensen I. L.*, *Jensen's Survey of New Testament*, USA, 1981, 56-59; 2. *Political Setting of The New Testament*, Lecture 3, N. Washington Dallas, Texas, see: <[www.ministryserver.com/dsmttext/nttext03.htm](http://www.ministryserver.com/dsmttext/nttext03.htm)>, [01.08.2014].

<sup>90</sup> *Ibid*, 59.

it were not given to you from above” (John 19, 11). By this, *V. Tsypin* underlined that by these words God noted that all kinds of state has divine source.<sup>91</sup>

When asked by Pharisees to the test question on the payment for Caesar, Jesus answers: “render to Caesar the things that are Caesar’s; and to God the things that are God’s” (Matt. 22, 21).<sup>92</sup> According to the comments of Mathew: 1. Christ teaches that they should obey king in daily relations and external activities, but in internal and spiritual matters they should obey God; 2. Since we are composed of flesh and spirit, therefore, we have to provide food and clothes to flesh similarly like to Caesar, but to spirit, which is divine part and is inside us, we have to provides - respective share to it.<sup>93</sup>

When *V. Tsypin*, expands Christ’s teachings on attitude to state authority, he recalls letters of Apostles of Peter and Paul. From the letters it is clear that God established all kinds of state authority (Rom. 13, 1) and for this reason, man must obey all human authority for God’s sake, “... for such is a will of God” (1 Pet. 2, 13-15).<sup>94</sup>

Apostles would teach Christians to obey authority despite what kind of attitude they had towards the Church.<sup>95</sup>

When the Apostle Paul wrote a letter to Romans, at that time the emperor of Rome was Nero, probably most vicious among Roman emperors. Regardless of this, the Paul acknowledged obedience towards the laws of Roman government.<sup>96</sup>

Based on the letter (Rom. 13, 16) sent to Romans, *St. Justin* explains that “hierarchy of values and hierarchy of order is Godly, therefore, we have to obey government as earthly God-given regulator and guardian”.<sup>97</sup>

Based on abovementioned, God does not exempt us from the obligation to obey to earthly authority. The example for this is the behavior of Christ himself, who obediently subjected himself to state law.<sup>98</sup>

But, such attitude, does not *a priori* mean that state law always reflects the will of God and that we have to obey such laws blindly.

*St. Justin* explains that “when authority becomes persecutor of divine virtue, an absolute kindness - Jesus Christ and His Church, then neither obedience nor listening of such authority is allowed. Christian should fight against such authority, - by Holy, Gospel’s teachings.”<sup>99</sup>

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<sup>91</sup> *Tsypin V. (Archpriest)*, Church Law, see: Theological Scientific Almanac “Peristsvaleba”, printing house “Anthimos Iverieli”, № 1, Tbilisi, 2010, 123-124 (in Georgian).

<sup>92</sup> Ibid, 124.

<sup>93</sup> *Saint Theophylact Bulgarian*, Explanation of Mathew’s Gospel, Tbilisi, 2012, 295 (in Georgian).

<sup>94</sup> *Archpriest Vladislav Tsypin*, Church Law, see: Theological Scientific Almanac “Peristsvaleba”, printing house “Anthimos Iverieli”, № 1, Tbilisi, 2010, 124 (in Georgian).

<sup>95</sup> Ibid, 124.

<sup>96</sup> See: Do Christians have to obey the laws of the land? Second Paragraph, <[www.gotquestions.org/laws-land.html](http://www.gotquestions.org/laws-land.html)>, [01.06.2014].

<sup>97</sup> *Saint Justin (Popovich)*, Collection of Works, *Sidorov A. I.* (ed.), *Fonov S.* (trans.), Vol. 1, Moscow, 2004, 68 (in Russian).

<sup>98</sup> Articles of New Testament: Mathew 22, 21; John 19, 11; 1. Peter 2, 13-16; Romans 13, 1-7; Colossians 1, 16; 1 Timothy 2, 2.

Expert in legal and religious matters, *Harold Berman* notes that laws that conflict with Christian faith are not binding in conscience.<sup>100</sup> This had had its counterpart in Jewish history as well - for example, in resistance to the worship of Baal, the story of Daniel's disobedience to King Darius, and refusals to replace statues of the Roman emperors in the synagogues.<sup>101</sup>

According to the Church teachings, when the Church and its members are encountering laws conflicting with the will of God, where religious and moral laws are violated, where spirit is in danger, in such situations, all are required to obey God: "*we must obey God rather than man*" (Acts 5, 29).<sup>102</sup>

Despite of it, in Council the reply of Apostle Peter "*we must obey God rather than man*" unambiguously truly means that, if state's law is not conflicting divine law, Christians are obliged to obey law of land and *vice-versa*, if state's law is conflicting divine laws, Christian is not obeying laws of land, but even in this case, Christian, to some extent, is still "obeying" authority. This is proved by the fact that *St. Peter* and *St. John* not only objected their flogging, but the opposite, they rejoiced this as obedience of God (Acts 5, 40-42).<sup>103</sup>

From the life of *Saint Basil the Great* we learn that Emperor Valen would persecute and sending into exile Orthodox Bishops and spread Arian heresy. For the same reason, he went to Cappadocia and sent his the prefect Modestus to Saint Basil, who began to threaten the saint with the confiscation of his property, banishment, beatings, and even death.

But Saint Basil replied:

"... *Death would be a kindness to me, for it will bring me all the sooner to God, for Whom I live and labor, and to Whom I hasten. In all else we are meek, the most humble of all. But when it concerns God, and people rise up against Him, then we, counting everything else as naught, look to Him alone. Then fire, sword, wild beasts and iron rods that rend the body, serve to fill us with joy, rather than fear.*"<sup>104</sup>

In general, persecution has always been a natural condition for Christian. As *Apostle Paul* says:

"... *That is why, for Christ's sake, I delight in weaknesses, in insults, in hardships, in persecutions, in difficulties. For when I am weak, then I am strong*" (2 Cor. 12, 10).<sup>105</sup>

*St. Gregory the Theologian* notes that often righteous men are given in hands to evil persons not to glorify them, but that righteous men are tested.<sup>106</sup>

According to the teachings of *St. John the Golden Mouth* "a human should strive with rejoice to be tested, which makes him in becoming a citizen of heaven. And this test is attest from outward,

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<sup>99</sup> *Saint Justin (Popovich)*, Collection of Works, *Sidorov A. I.* (ed.), *Fonov S.* (trans.), Vol. 1, Moscow, 2004, 68-69 (in Russian).

<sup>100</sup> *Berman H. J.*, *The Interaction of Law and Religion*, New York, 1974, 52.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Jincharadze K. (Archpriest)*, *True Freedom*, Tbilisi, 2014, 103 (in Georgian).

<sup>103</sup> „Do Christians have to obey the laws of the land?“, <[www.gotquestions.org/laws-land.html](http://www.gotquestions.org/laws-land.html)>, [01.06.2014].

<sup>104</sup> *Machitadze Z. (Archbishop)*, *Saints' Life*, Book One, Tbilisi, 2003, 10-11 (in Georgian).

<sup>105</sup> *Jincharadze K. (Archpriest)*, *True Freedom*, Tbilisi, 2014, 115 (in Georgian).

<sup>106</sup> *Spiritual Meadow*, *Tarashvili N., Rakviashvili Kh., Asatiani T.* (comp.), *Gogochashvili T.* (ed.), Tbilisi, 2014, 660 (in Georgian).

about which the Apostle Jacob states: “Consider it pure joy, my brothers and sisters, whenever you face trials of many kinds” (James 1, 2), since test is cleaner of spirit. Cleaning of spirit is continuing endlessly in life Cristian; therefore a human should endure test not once, but throughout a life course, because the Apostle states “whoever endure, one will be saved”.<sup>107</sup>

As for obedience towards state authority, *St. John the Golden Mouth* explains that first sin gave a birth to three types of slavery, out of which the most difficult is obedience towards Rulers and Authorities. When God saw our negligence, He handed over our nature to rulers as teachers and leaders, in order them to correct our negligence, which means that establishment of Authority is a result of our perversion. We need leaders like medicine for ill persons, as punishment for crime. But such a leader is not need to them who are embraced with virtues and points to the words of the *Apostle Paul*: “Do you want to be free from fear of the one in authority? Then do what is right and you will be commended.” Law is above rulers, but who lives righteously, they do not need law because “the law is made not for the righteous” (1 Tim. 1, 9) and adds that “if law cannot obstruct him, moreover neither - ruler”.<sup>108</sup>

## 4.2. Christ - Ruler of Heaven and Earth

Sulkhan-Saba Orbeliani, describes Georgian term “meuphe” based on the Gospel of Mathew in the following way: “Meuphe - great king, superior over all kings...”. And, according to the Georgian Otkhtavi Symphony Dictionary the term “meuphe” is described as king, and mainly it means the Savior.<sup>109</sup>

Creator and King of heaven and earth - son of God, is an eternal king by divinity and is king by Godman nature too. Christ was considered as king before His coming (Matt. 2, 2), He was a King when was on earth, before crucifixion (Matt. 27, 11, 37, 42) and remained after resurrection (Matt. 28, 18).<sup>110</sup>

Prophets would call Christ a king. In Isaiah we read: “For to us a child is born, to us a son is given, and the government will be on his shoulders. And he will be called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace. Of the greatness of his government and peace there will be no end. He will reign on David's throne and over his kingdom, establishing and upholding it with justice and righteousness from that time on and forever...” (Is. 9, 6-7).<sup>111</sup>

In Psalms we read “I have installed my king on Zion, my holy mountain” (Ps. 2, 6). In the mount Zion, the whole Judea is implied. I.e. Christ says that He is established on the mount Zion, meaning in Jerusalem, as King in order to inform commandments of Gospel to people. But the article ten says

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<sup>107</sup> *Nazarashvili T.*, Trial, Public Religious Internet Journal “Amboni”, 2012, see: <[www.amboni.ge/gansacdeli](http://www.amboni.ge/gansacdeli)>, [17.05.2015] (in Georgian),

<sup>108</sup> *Saint John the Golden Mouth*, Homilies, *Gogochashvili T.* (ed.), Vol. II, Tbilisi, 2015, 309-310 (in Georgian).

<sup>109</sup> *Gabuldani N.*, Some General Trends of Christian Terms in Georgian and Other Kartvelian Languages, Tbilisi, 2002, 30 (in Georgian).

<sup>110</sup> *Pomazansky M. (Protopresbyter)*, Dogmatic Theology, 3<sup>rd</sup> Revised and Completed ed., Tbilisi, 2012, 143 (in Georgian).

<sup>111</sup> Ibid.

“Now then, you kings, act wisely! Be warned, you rulers of the earth!” (Ps. 2, 10). The “now” includes meaning of conclusive part. As if it is said: let it be, kings of Romans and of other nations, and you, judges of earth, what a misfortune they came across who foolishly rejecter Christ, and because God had chosen you as heritage. All of you will be taught and be separated from initial foolishness, you will be educated in virtues, as you will be guided by experiencing the Holy Letter.<sup>112</sup>

In the John’s Gospel we read that by the words “*My kingdom is not of this world*” (John 18, 36): 1. God calls Himself a King;<sup>113</sup> 2. Earthly kingdom is weak and His power is expressed in service, and heavenly kingdom is strong in itself and needs nobody’s assistance.<sup>114</sup> The same is proved by the Matthew’s Gospel: “*The kingdom of heaven is like a king ...*” (Matt. 22, 2); 3. God is absolutely governs kingdom of heaven and earth, which is proved by the pray “Our Father” (Matt. 6, 9-18), in which Christ tells his disciples to refer in order that kingdom of heaven be lodged on earth, as it is in heaven. Apart from this, Christ indicated to Pilate, when He says that His kingdom is not of this world (John 18, 36).<sup>115</sup>

After resurrection, Christ came to His disciples with glory and said: “*All authority in heaven and on earth has been given to me*” (Matt. 28, 18). Metropolitan Philaret explains that Christ’s “... kingdom is not limited only with heaven, but it covers whole world too, especially in order to take believers from earthly, imperfect, mortal life into heavenly life, in perfect, immortal, bliss of heaven. Like God, Christ has eternal, unlimited right on everything, which is created by Him; and now, by His revival, He got this right with his human nature too, as Savior of this world.”<sup>116</sup>

According to *Saint Theophilact*, Christ, as God and creator, every time and on everything has always authority, but He has not had obedience voluntarily from the part of human beings. And after resurrection, Christ gets voluntary obedience too and everyone will obey, as He by crossing had overcome already existed power of death.<sup>117</sup>

Service of the Savior as King was revealed: a) in miracles executed by Him and governing the nature; b) in the domination over evil’s forces; c) in domination over death. But after resurrection, Christ is Chief of heaven, earth and residents of hell. Christ’s complete power of King was revealed,

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<sup>112</sup> *Galdava M. (Priest)*, Second Psalm, Psalm of David, see: <[www.orthodoxy.ge/tserili/fsalm/fsalm2.htm](http://www.orthodoxy.ge/tserili/fsalm/fsalm2.htm)>, [17.05.2015].

<sup>113</sup> *Pomazansky M. (Protopresbyter)*, Dogmatic Theology, 3<sup>rd</sup> Revised and Completed ed., Tbilisi, 2012, 144 (in Georgian).

<sup>114</sup> *Holy Theophilact Bulgarian*, Expolanation of Gospel of John, Tbilisi, 2012, 357 (in Georgian).

<sup>115</sup> See: „How many kingdoms are there in the Bible?“, <[www.neverthirsty.org/bible-qa/qa-archives/question/how-many-kingdoms-are-there-in-the-bible](http://www.neverthirsty.org/bible-qa/qa-archives/question/how-many-kingdoms-are-there-in-the-bible)>, [20.05.2016].

<sup>116</sup> Appearance of God on Galilea Mount (Matt. 28, 16-20), (in Georgian), see: Explanation of Gospel of Matthew according to the teachings of Saint Fathers (Tsilkani, Bishop Zosime (Shioshvili) – compilor of materials and translator), <[www.orthodoxy.ge/tserili/zosime/28\\_16-20.htm](http://www.orthodoxy.ge/tserili/zosime/28_16-20.htm)>, [21.05.2016].

<sup>117</sup> *Holy Theophilact Bulgarian*, Expolanation of Gospel of John, Tbilisi, 2012, 394-395 (in Georgian).

when he went down to hell, destroyed its chains, revived from death and won over death, and finally ascended and opened Kingdom of heaven for everybody, who believes in Him.<sup>118</sup>

In revelation, Christ coming with the clouds is called as ruler of earthly kings (Rev. 1, 5), Lord of lords and King of kings (Rev. 17, 14), His glory and the domination is forever and ever, who is and who was and who is to come, Almighty (Rev. 1, 6-8).

To better understand our topic, it is also expedient to analyze aspect of relationship between the Church and State.

*V. Burkadze* notes:

“Merger of divine and human nature defines righteous norm of interaction of priesthood and state. State is a fruit of human’s rational and purposeful activity and there is not sphere of life, in which a human being is free from God.”<sup>119</sup>

*V. Burkadze* adds that:

“Kingdom of God - Kingdom of Heaven - should be an objective, and human kingship, kingdom – should be a mean: they should be merged as spirit and flesh is merged in human. The law of Orthodox Christianity expresses interaction of the Church and State in such way: priesthood and kingship are virtues granted by Gospel for human beings; the first one is in charge to carrying divine activities and the second, leads human activities, but both, deriving from one source, are making human beings perfect. In order to execute both services, hierarchy of the Church and Kingdom are established, and both are - arranged like hierarchy of heaven”.<sup>120</sup>

*V. Tsypin*, separates the Church from state and explains that:

“The Church is established by God, Jesus Christ, and establishment of state authority is a result of historical process, which is executed by the will of creator and ruler of God; the objective of the Church is to save human being eternally and the objective of state is expressed in earthly well-being”.<sup>121</sup>

In the opinion of *V. Tsypin*, Orthodox Church remains unchanged on the promise, according to which each government should be in service of Christianity, because: “*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*” (Col. 1, 16).<sup>122</sup>

According to *V. Tsypin*, the Church not only defines to his sons obedience to state authority, regardless of the opinion of their representatives and faith, but the Church is praying also for them, “*for*

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<sup>118</sup> *Pomazansky M. (Protopresbyter)*, Dogmatic Theology, 3<sup>rd</sup> Revised and Completed ed., Tbilisi, 2012, 144 (in Georgian).

<sup>119</sup> *Burkadze V.*, Prospect of Monarch Ruling in Apostasic World, cited from “Orthodoxy and Modernity”, *Kutateladze Dz. (comp.)*, *Burkadze V. (ed.)*, Vol. III, Tbilisi, 2012, 86 (in Georgian).

<sup>120</sup> *Ibid*, 87.

<sup>121</sup> *Archpriest Vladislav Tsypin*, Church Law, see: Theological Scientific Almanac “Peristsvaleba”, printing house “Anthimos Iverieli”, № 1, Tbilisi, 2010, 123-131 (in Georgian).

<sup>122</sup> *Ibid*, 124.

*kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness” (1 Tim. 2, 2).*<sup>123</sup>

Now let’s examine the rules, commandments, i.e. the issue of law of Christ.

It is true that Christ established commandments,<sup>124</sup> but He came for mankind not to abolish the old Law, but to fulfil them (Matt. 5, 17), meaning to assist, in order that this law to be utilized in life fully (Matt. 5, 21-48) and by doing so, He made the Law perfect. How is it expressed? In order to make it clear, let’s recall most well-known commandments of Moses - you shall not murder, steal, commit adultery. Moses establishes capital punishment for murder, stealing or adultery. According to the commandments of Christ, murder, stealing and adultery is considered not only deprivation of life of other person, misappropriation property of other person and perverted intercourse of man or woman, but murder is hatred buried in heart towards other person, stealing is also to hide your own property, in order to avoid payment of taxes, and finally, adultery is when a person even thinks in heart perverted thoughts and will glance at other with lust.<sup>125</sup>

According to the *St. John the Golden Mouth* the commandments of Christ do not abolish the old Law, but they advance and fulfil it. For instance, the commandment *you shall not murder* is not abolished by the commandment *you shall not get angry*, just the opposite, the latter fulfils and strengthens the first one and the same can be said to all other commandments too.<sup>126</sup>

In the Gospel of John we read: *“the law was given through Moses; grace and truth came through Jesus Christ”* (John 1, 17). In Old Testament, when God gave the Ten Commandments to Moses, God was invisible, only His voice could have been heard. But in New Testament we are given a commandment of “grace” at the mount of Galilea, God was visible, as a man - Godman, as only teacher and legislator. Christ-Savior gave perfect commandments of Gospel, which are known as “Sermon on the Mount”. This preaching is called as code of Christian commandments. By this preaching, the Law of Moses was fulfilled and faultless laws of Gospel was revealed.<sup>127</sup>

Thus, in the Old Testament, human beings were established in faith by force by the Law of Moses, through observing- executing God’s commandments. And, in the New Testament, establishing in God’s faith is voluntary act by the Laws of Christ. Just because of this, the *Apostle Paul* says that:

*“... a person is not justified by the works of the law, but by faith in Jesus Christ. So we, too, have put our faith in Christ Jesus that we may be justified by faith in Christ and not by the works of the law, because by the works of the law no one will be justified”* (Gal. 2, 16).<sup>128</sup>

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<sup>123</sup> Ibid.

<sup>124</sup> Examples: Matthew. 5, 22-24, 27-48; 6, 1-4, 6-8, 16-25; 31-34; 7, 1-24; 16, 24; 18, 8-10, 15-17, 21-22; 19, 16-19; 20, 25-28; 22, 34-40; 22, 25.

<sup>125</sup> *Burkadze V.*, Crime and Punishment according to Chriatian Teaching, see: Sanugesho, *Tevdorashvili G.* (ed.), Tbilisi, 2016, 68 (in Georgian).

<sup>126</sup> *Saint John the Golden Mouth*, Homilies, *Gogochashvili T.* (ed.), Vol. V, Tbilisi, 2016, 193 (in Georgian).

<sup>127</sup> *Berdzenishvili L.*, Way of Christ, Liturgy and Catechism, Book 4, Tbilisi, 2011, 224 (in Georgian).

<sup>128</sup> *Burkadze V.*, Crime and Punishment according to Chriatian Teaching, see: Sanugesho, *Tevdorashvili G.* (ed.), Tbilisi, 2016, 69 (in Georgian).

Finally, “Christ is the culmination of the law so that there may be righteousness for everyone who believes” (Rom. 10, 4), and the Gospel of Christ is designated to all nations and whole world (Matt. 28, 18-20; Mark 16, 15-16). Christ was striving to establish the Kingdom of God on earth and its passing is necessary in order to enter in Kingdom of Heaven. The Kingdom of God is a society of people and its internal world is managed by the will of God, as eternal and unalterable law. This is a last objective, towards which a mankind should strive.<sup>129</sup>

## 5. Conclusion

By taking into account that everyone should be subject to the governing authorities, for there is no authority except that which God has established (Rom. 13, 1), because thrones or powers or rulers or authorities were created in Him (Col 1, 16), that everything comes from God (1 Cor. 11, 12) and that Heavenly King does not exempt us from obligation towards earthly king, even when such authority issues unjust norms, because He himself recognizes them and He himself obliges us to execute them,<sup>130</sup> we can conclude that:

**According to the Orthodox Christian teachings, except of unjust norm, violation of State’s (positive) legal norm is sin and conceptually it is irrelevant, which category the norm belongs to, whether it is divine or not, unwritten or written and who defines it, human, society or authority.**

With respect to unjust norm, “disobedience” is required from Christian and “obedience” towards the law of such state, which is based on the following:

1. Christian, should fight against unjust norm of state according to the teachings of Gospel (*St. Justin*), which is derived from divine commandment. Consequently, disobedience to unjust law cannot be counted as sin and obedience, in contrary, will be counted as sin.

2. Christian should obey the law of such state, as an “external trial” sent by God (*St. John the Golden Mouth*), because often righteous man are handed over in hands to evil persons not to glorify them, but that righteous man are tested (*St. Gregory the Theologian*). And disobedience to the external trial is a sin, which is proved by the words of Christ to Pilate: “*You would have no power over me if it were not given to you from above*” (John 19, 11).

We have to note also that theory and practice of positive law, to some extent shares the position of Orthodox Christian teachings, when we have into consideration:

a. Legal maxim *Lex iniusta non est lex* that “unjust law is not a law at all”;

b. Teaching of legal philosophy, according to which, „there *can* be laws that are so unjust and so socially harmful that validity, indeed legal character itself, must be denied them. There are principles of law, therefore, that are weightier than any legal enactment, so that a law in conflict with them is

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<sup>129</sup> Explanation of Gospel, Gladkov B. E. (comp.), *Keburia R., Keburia I., Janiashvili K.* (trans.), Book II, Tbilisi, 2016, 23 (in Georgian).

<sup>130</sup> Matthew 22, 21; John 19, 11; 1 Peter 2, 13-16; Romans 13, 1-7; Colossians 1, 16; 1 Timothy 2, 2.

devoid of validity. These principles are known as natural law or the law of reason“ (*Gustav Radbrukh*).<sup>131</sup>

c. Declaration of Independence of the US, which is based on natural law, stipulates that people are entitled to alter or abolish any form of Government, which violates rights of people endowed by their Creator.<sup>132</sup>

d. Number of scientific researches and court practices, by which the supremacy of natural law over positive law is proved. For instance, with regard to “*The Grudge Informer Case*”, the founder of positive law *Herbert Hart* acknowledges that the reasoning was followed in many cases, and these were “hailed as a triumph of the doctrines of natural law and as signaling the overthrow of legal positivism”.<sup>133</sup>

e. According to the Georgian legislation, unconstitutional norm can be appealed and annulled in constitutional court<sup>134</sup> and etc.

Here we will say also that the system of law in general is just, but not in all cases.<sup>135</sup> Norm adopted by state, through the all formal procedures, can be unjust. History knows many “legally unjust” cases.<sup>136</sup>

To illustrate this, apart from abovementioned cases, we will recall one fact, which happened in recent past of Georgia.

*Holy Father St. Gabriel, the Confessor and Fool for Christ*, filled with love towards the God and neighbor (Matt. 22, 37-39), like Christ, in order to save humanity, decided to sacrifice himself, when during the Communist Party parade, on 1 of May 1965, set fire to a banner of depicting Vladimir Lenin, by which he executed with absolute precision the commandment of Gospel:

“*To this you were called, because Christ suffered for you, leaving you an example that you should follow in his steps*” (1 Pet. 2, 21).

In order to assess this fact, we refer to the conclusion, made by well-known criminologist *Emile Durkheim* on the judgment of Socrates:

“*According to Athenian law, Socrates was a criminal and his condemnation was entirely just. However, his crime - his independence of thought - was useful not only for humanity but for his country. It served to prepare a way for a new morality and a new faith, ...*”<sup>137</sup>

It is true that merits of Socrates and *St. Father Gabriel* are different, but conceptually are similar. Since “sinner human being cannot be ideal to his/her like and moreover anti-Christ - for Chris-

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<sup>131</sup> *Radbruch G.*, Five Minutes of Legal Philosophy, *Paulson B. L., Paulson S. L.* (trans.), Oxford Journal of Legal Studies, Vol. 26, No. 1, 2006, 14.

<sup>132</sup> See: the preamble of the Declaration of Independence of the US, 1, <[www.americainclass.org/sources/-makingrevolution/rebellion/text8/decindep.pdf](http://www.americainclass.org/sources/-makingrevolution/rebellion/text8/decindep.pdf)>, [01.02.2015].

<sup>133</sup> *Dyzenhaus D.*, The Grudge Informer Revisited, 83 N.Y.U. L. REV. 1000, 2008, 1003-04.

<sup>134</sup> Legal grounds to appeal an unconstitutional norm are: article 31 and 60 of the Constitution of Georgia; article 19, 31 and 39 of the Organic Law on Constitutional Court of Georgia.

<sup>135</sup> *Khubua G.*, The Theory of Law, Tbilisi, 2015, 83, (par. 211) (in Georgian).

<sup>136</sup> *Ibid*, 66, (par. 181).

<sup>137</sup> *Durkheim E.*, The Rules of Sociological Method, *Halls W. D.* (trans.), UK, LDN, 1982, 102.

tian”<sup>138</sup> illegal behavior of the Saint would lead to reappearance of God’s faith in people and by doing so, would lead to saving spirits of peoples, which was beneficial not only for one country, but in general, for the whole world.<sup>139</sup>

It is paradox, but it is fact, - from the axiological viewpoint, most virtue behavior (saving human beings), by law created by sinful humans is qualified as crime, which indicates about the existence of lacuna in positive law and indicates that it should be corrected.

Consequently, in order not to repeat, qualifying acts as a crime, which are beneficial for the whole humankind, even if they outwardly are ignoring all norms (e.g. acts of Fool for Christ) of social relations and not to repeat punishing saint people, it is necessary: 1. to examine scientifically the facts of persecution of holy people throughout the humankind’s history and holes of positive law, and 2. improve the values of law and criminal policy.

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