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The Interaction of Law and Morality in the History of Philosophical and Legal Thoughts

The article considers with the main approaches to the analysis of the interaction of law and morality in the history of philosophical and legal thought. Within the natural law approach, the necessity of compliance of the moral right of the human nature is grounded. Really, according to this approach is a form of freedom and equality. the source and criterion of justice. This theoretical position directly connects the right legal and moral, as provides that the law is based on the moral value criteria. Considering the views of representatives of German classical philosophy (I. Kahn and G. F Hegel), the author that Kant was behind the philosophical complementarily of law and morality, and in the system of Hegel and the moral right to exist in the sphere of morality and can not be apart from each other to influence social relations. The second approach, the most consistently reflected in the theory of legal positivism, opposes the law and morality. Followers of this theory tend to release the right from moral content right should not contain any idealized notions. This idea was called etatization law. This article argues that the pursuit of the positivists and neo-positivists «cleanse» the right of morality has negative consequences: laws can provide inhumane character and the concept of «positive law» and «tyranny» to become synonymous. Analysis of existing scientific approaches allows us to conclude that, despite some differences and different ways of development, law and morality exist and operate in close cooperation. The interdependence of law and morality does not have a causal relationship, but rather a logical character when one concept is an integral part of the other.

Keywords: law; morality; natural law approach; legal positivism; the categorical imperative; absolute morality; golden rule of morality; etatization of law.