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ORIGINAL PAPER

# The value of morality in the system of legal science and in the enhancement of social relations

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**Abstract**
The system of legal science is undoubtedly built on a system of values. It can therefore be considered that in the permanent evolution of society and the legal system, the idea of following the degree of interconnection of law with moral values is always welcome. Being subject to the rules of morality, human beings can prevent a conflict with the legal norms and this can have certain consequences in their social life. At the same time, one should approach the issue of whether, in the construction of the rules of conduct, law can receive the influence of morality and, consequently, whether we can attribute to morality the quality of a vague source of inspiration for law. Whether even at the present moment the relationship between law and morality is worthy of being valued or we can see morality as totally incompatible with law in today's society, whether there is a clear predilection of the human being towards morality or the concept of morality is easily neglected or we intentionally lose sight of the actual meaning of the term in assessing the balance of the relationships between us, all these are still as many perspectives that involve profound and conclusive discussions from which we can capture the status of this value in its relationship with the science of law.
In any case, it can be said that morality can help the understanding of the legal dimension in a superior way.

**Keywords**: *legal system, rule of conduct, moral value*

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## Introduction

We always live in times that are likely to become bright and in which we feel that we are forging our own path which helps us build or at least strive to draw a new world. However, creating a new, better world requires enormous, creative work, for the benefit of all, for the benefit of our families and, first of all, for our own benefit, in the sense that by improving one's own life, one can open up prospects for the future and create "peace" in the relationships one is in.

There is no doubt that our individual plans are diverse, that there may be chasms of thought between one's own views, values and, simultaneously, between common creative activities. Thus, as results from the legal literature "determining the role and place of values in relation to social development and the improvement of the human condition implies a concrete, real, historical approach". (Craiovan, 2009: 253)

In this unfolding of life, while taking into account individual differences, we discover the mastery of moral values, a strong foundation which can be the essence of changes for the better and which can contribute to the beauty and greatness of our individual achievements articulated at the social level.

Moreover, it is deemed that "the social, illuminated by morality, is thereby raised in its entirety to the level of universality and freedom of the moral being" (Dănișor, 2014: 120) and morality is "encountered in all areas of community and personal life; actions, feelings, attitudes, relationships are moral". (Mihai, 2002:109)

## Content

"Contemporary attempts to capture different value configurations and possible hierarchies reveal the meanings of philosophical, moral, scientific, political, legal, religious, economic, artistic values." (Craiovan, 2009: 252-253)

In the context of values, it is fair and opportune to note the essential common features of morality and law because both relate to people and guide them in the reality of life.

The strong expressions of morality for human beings are complemented by the superiority of the legal regime, determining several common characteristics, but also different aspects, since it is considered that "morality is not law, despite interferences with it." (Mihai, 2002: 110)

However, legal rules and moral norms, together, give a complex, special expression to life in common, the moral ones through their elasticity and the legal ones through their rigidity. Human beings thus become interested both in the features of law and in what is essential in life from a moral perspective, fitting into the reality of social relations from both angles.

It may result that "it is true that both moral and legal norms are externalized and materialized in facts, thus producing social consequences and, implicitly, socializing the human individual". (Mihai, 2003: 211)

Since from the point of view of legal doctrine, "the 'territory' of morality is broader and deeper than the sphere of legal regulations" (Craiovan, 2001: 141), it follows that the problem of knowing moral rules broadens the perspective of knowing law, legal reality and leads to a deeper knowledge of the law-morality relationship.

It is about the entire social structure which can experience inadequacies, inadequacies which law can also face by constantly relating to the needs resulting from society, to the needs deriving from more or less defective social relations. Within the framework of relations, by approaching the moral substance of one's own spirit, the

human being solves or avoids certain concrete social problems that would otherwise fall under the jurisdiction of law.

"True morality consists in the *awareness of our community* with the being", states professor Gheorghe Dănișor (Dănișor, 2014: 120). "The being flows into Morality, the latter giving it meaning, the harmonization due to the possession of meaning is communication and thus aspiration towards the calm unity of universality" (Dănișor, 2014: 120).

The lack of morality can be a great obstacle on the way to the development of social relations because morality largely contributes to the balance of our reactions in relationships. The lack of morality or a weak morality does not help one's own needs and the needs of society at all.

In the absence of morality, we cannot show impartiality, sufficient and serious responsibility, a constructive spirit of community and mutual aid, an experience of life and human harmony. In the literature, it is emphasized that "the idea of justice is linked to the idea of morality, which is what truly establishes relationships between people" (Dănișor, Dogaru, Dănișor, 2008: 67).

If the image of law and morality is not clear, our life cannot be open enough to embrace the good, to remove the obstacles that stand in the way of cordial relations.

Yet, between law and morality "the contrasts are not always clear, the law–morality 'value confrontation' not being free from ambiguities" (Craiovan, 2001: 141).

Morality is of great importance and sheds light on the legal process, including ideas that we need to know in order to be able to perceive what is actually essential for common behaviour. Moreover, legal doctrine emphasizes that "legal consciousness is enhanced by morality" (Mihai, 2002: 109).

Another valuable aspect of morality lies in the discovery and highlighting of the human character that can generically evoke a social atmosphere of certain generations, because moral precepts can also represent a legacy which, in order to carry it forward, we must have the great responsibility to preserve in our conscience and to respect at its true value. At the same time, we can capture how new generations understand the human spirit and to what extent they penetrate the reality of life which, even if faced with a much greater variety of situations and new problems of a certain gravity, must avoid disorder at all costs, a factor that destabilizes social relations. It is said that "the disordered relational expression of needs and interests endangers collaborative co-existence and therefore people themselves have created legal norms to impose models of conduct in their relationships with each other and to repress their violation" (Mihai, 2003: 211).

We obviously accept that we are witnessing completely new situations in society that illustrate the emergence of other conceptions of life, when we can ask ourselves whether these somehow come into opposition to morality or are more closely intertwined with it.

The unprecedented situations that we know should not determine a sudden change in human attitudes, but should increase the area of analysis of new realities and the needs they require without giving up the fundamental principles of the existence of morality in the social system.

By clearly understanding the image of moral principles, we realize that they continue to serve the conceptions that come in waves, perfectly naturally, as the human being and, consequently, society itself, evolve.

It follows that we must focus on the way in which we perceive the depth of morality which continuously demonstrates the necessity of its existence regardless of the

fact that the world is changing. We consider that the manners deriving mainly from education and having a moral character, must not be wasted, that they must remain valid at all times in the enhancement of social relations. We believe that the determination of attitudinal perspectives of great value necessarily involves education, a complex process that highlights in a broad framework our interest in socialization. In this context, it is assumed that "man cannot be a moral and legal subject outside a minimum of culture". (Mihai, 2003: 217) Culture, according to Professor Gheorghe Mihai, is "a product of the collaboration of generations, a social good that can be valued individually, it is the storage and transfer of values, ideals, moral and legal norms" (Mihai, 2003: 217).

Morality depends on people's mentality and its principles are largely derived from the spirit of society, reflecting people's desire to have a life with an elite content, having the role of showing how people "grow" under the auspices of an ideal social life, devoid of vices and how they learn to love pure, fair and sincere manifestations in their relationships. This is the direction that morality follows, a direction in which, not by coincidence, it encounters the dynamics and force of law. "It is useless to legislate if the legislative system does not find its establishment on a well-determined package of moral values: justice, sincerity, honesty" is argued in the General Theory of Law (Dănișor, Dogaru, Dănișor, 2008:12).

We thus allow ourselves to realistically illustrate how both categories of norms can actually be capitalized and their organized action can lead to the realization of life within the best parameters.

Although the similarity between the two terms - law and moral - is sensitive, we should not deeply divide the two phenomena because both contain aspects regarding social relations in the sense of improving them, in the sense of creating people with a positive and correct attitude.

However, the substantial difference occurs from the language used in the construction of these categories of norms and not only. Also, the source of morality "results from the individual and collective conscience, while that of positive law from the will of a legislative authority" (Mihai, 2002: 110). Therefore, the individual character of moral norms, unlike the generality of legal norms developed by authorized state bodies, is obvious in their disjunction.

According to Professor Gheorghe Mihai, "the content of morality is duty, and its objective is the enhancement of the spirit, while the content of law is the imperative and permission, whereas the objective is the societal order" (Mihai, 2002: 110).

The scope of moral concerns involves issues of conscience, the scope of legal concerns also involves rigorous elements of compliance with a certain conduct imposed precisely by law on people, without any form of emotional involvement.

Also, "unlike law, moral norms in a society are not necessarily unitary. Law, on the other hand, by its nature is and must be unitary, ensuring a unique legal order in society, in a given country" (Craiovan, 2001: 141).

The disjunction can also be determined by the fact that moral norms emphasize human character, while legal norms emphasize human conduct, but both elements are relevant and conducive to good social relations, and converge towards the idea of knowing the truth and respecting the just.

Although it is clear that these positive traits belong to both morality and law and persist vigorously in the lives of individuals and in their conscience, when you move from one dimension to another, the individual character enters into the global, and while "moral sanction is the blame that the individual gives himself, realizing that the violation of a

moral obligation resulted in the infringement of a moral value" (Mihai, 2002: 110) in law, conflicts are settled if necessary even through the coercive power of the state, therefore, situations are resolved through active intervention from the outside, in the name and under the power of the law. "This external attitude of law in relation to conscience separates the legal norm from the moral norm" (Dănișor, Dogaru, Dănișor, 2008: 32).

Nevertheless, we try to present and continue to recognize the subtle power of morality in the system of human relations which, at the same time, are the subject of legal concerns, and to succeed, once again, in forming an overview of morality and law, and consequently to emphasize, in the most concrete way possible, the connection between the two entities.

Depending on our individual views and our particular actions, it is easier or more difficult for us to see and establish this connection, to demonstrate attachment to moral values or to receive them in a nuanced way, often in the face of the rigours of the legal rules which, in a general and officially permitted way, bring into our lives certain and mandatory elements which must be observed and which imply responsibility and accountability, thus expressing a complex and profound representation of society. The multiple aspects provided for by legal norms reveal the rhythm of the unfolding of facts, the rapid and eternal succession of events falling under the incidence of state-sanctioned norms, waiting to be resolved.

At the same time, morality also presents its topicality within our lives, shaping our conscience and managing to preserve important links that remain at our discretion to animate them through our inner, individual strength and to evoke them in essential moments of our existence. Nevertheless, the opinions expressed in the legal literature are that "not all legal norms are likely to have a moral significance" (Craiovan, 2001: 141), that "law is not amoral, its norms contain a minimum of morality, but this should not lead to confusing law with morality" (Cristea, 2014: 4).

The existence of the law-moral relationship is appreciated from many points of view, which confirms a real concern for the two broad spheres of human conduct.

Morality expresses the most humane sides of human conduct, a picture of one or another era and of the present that shows, enriches and emphasizes different characters.

Both dimensions, morality and law, are built on facts taken from life, seeking to prove what is just, each of them having a main merit, that of shaping conduct in the spirit of a gracious coexistence.

We remain optimistic about preserving moral convictions, but also deeply realistic, that although the fruition of moral precepts supports the law, we cannot limit to them in the improvement of social relations. This is the moment from which we can look at morality from a secondary perspective.

We can conclude, however, that moral rules do not hinder the creation of law but can be absorbed into this process, and through a general, but complex approach, morality can also be recognized for its practical contribution to the development of social relations.

Professor Gheorghe Mihai rightly says that "we can reveal the entry of moral values into the horizon of law: honesty is a moral value, but it is given a legal dimension" (Mihai, 2003:216) since law, in his opinion, "consecrates it indirectly" (Mihai, 2003: 216).

The thorough presentation of some moral precepts and their assimilation open an optimistic perspective of respecting legal norms, both categories of norms, as we have already emphasized, having a fair character and being generated for their own benefit and, indirectly, for the purpose of improving social relations. Therefore, the value of morality

in its relationship with other categories of norms, including legal ones, should not be underestimated.

In the absence of morality, whose main characteristic does not relate to obligation, we may not be sufficiently vigilant in observing the usefulness of legal norms and in appreciating the significance of these rules in society.

Moral norms are also a creation of human consciousness promoted by the will of man for man to build and maintain relationships in a community in the most positive way and to perpetuate the spirit of coexistence under balanced auspices.

The features of law and morality are presented and affirmed by relating to people and in the light of an objective conception of the entire society.

The question should not be raised whether moral norms are in some respects superior or inferior to legal norms given that both have a content which reflects an ongoing human life. "The hierarchy of values, therefore their placement on a certain scale depending on the importance given by society and the individual, should not be understood as a mechanical subordination of one value to another, which would cancel the specificity of each value, its original and irreducible function", according to Professor Ion Craiovan (Craiovan, 2009: 253).

The relationship of law to morality reflects the fact that both dimensions within the process of creating rules concern social reality and offer us, according to this reality, certain models of behaviour capable of improving life in common which, we certainly observe, does not come by itself, but through efforts to comply with the rules.

It depends on us whether we fit, through our actions, into the lines of these value dimensions containing the elements that guide us towards the ideal of social life. The establishment of rules is derived from concrete life circumstances and our attitudes and manifestations highlight the role and importance of law and morality which, in different proportions, form an overall picture worthy of consideration in the formation of optimal relationships.

Good knowledge of moral precepts and their correct understanding actively and consistently help the individual in the process of becoming aware of the need to respect legal rules in society. Moreover, the point of view according to which "morality can only be social, because only in society does it appear as moral' is stated in the literature (Dănișor, Dogaru, Dănișor, 2008: 8).

We are not talking about a mechanization of social relations, but about their framing in a broad, complex and significant official dimension of law in order to ensure relational harmony by establishing representative landmarks, with sufficient social substratum to be able to supervise the conformity of attitudes with the rules.

The typicality of legal norms largely imposes the typicality of certain behaviours in the formation of social relations in the sense of their perfectibility, but morality, through the justice of its precepts, appears as a complement in the understanding and explanation of law. It is considered that moral precepts "can coexist with a legal order, in many situations the two orders being complementary" (Dănișor, Dogaru, Dănișor, 2008: 8).

Morality, however, is a reflection of a characteristic state of each person, in the first instance, later related or not to legal science. Only the implementation of moral precepts demonstrates and shows us, through the experience acquired over time, the purpose of their existence.

Therefore, although different, law and morality have an essential coordinate - a stability of the ties in society - an object that unites them. Morality establishes principles, being in close connection with the individual and thus creating the perspective of

improving social relations - law establishes principles, being in close connection with the very social relations that constitute the object of its concerns. "The presence of morality in law is evident in its very principles: the principle of equity, justice, freedom, and that of responsibility" (Mihai, 2002: 110).

Morality opens horizons and maintains its vigour through the power of example. We thus think about the important role it plays in the unfolding of events in general, in this wide expanse of human relations. It is also appreciated that "the social problem is a problem that concerns the interiority of the individual and only in its essentialization can it find its solution" (Dănișor, 2014: 119). In the opinion of Professor Gheorghe Dănișor "this solution is philosophical, moral, not economic or of another nature" (Dănișor, 2014: 119).

Proceeding to the comparative analysis of the two dimensions, we see human psychology in both. "As a moral subject, each person is more or less moral, has degrees, ways of being moral, depending on how faithful they are to moral values and norms, at what level the consciousness of the assumed obligation is located" (Mihai, 2002: 109).

Under the rule of knowledge of norms generated by morality and law, which insist on the fairness of human actions and in the sense of observing these norms, human relationships can reflect a state of well-being.

There are subjective points in examining the two entities, but it is always necessary for the interpretation of rules, even if different, to be correct, and, in expressing individually filtered realities, it is ideal to take into account the objective conditions because, in the light of the interpretations that we naturally limit to ours, we risk deviating from their substance. This can be achieved through education developed in the correct sense because through a rational behaviour based on education we can create optimal relationships. The entire attitude of man must take into account education, a worthy source, a general basis of pertinent criteria that is implicitly and fundamentally included in the externalization of man in the universe of society.

I conclude with the expressions of the renowned professor Gheorghe Dănișor: "Today, the social appears to individuals as something else of their own" (Dănișor, 2014: 119). In his opinion, "it must be understood that the social, being something other than the individual, is identical to the latter, which means that as many essential characters as individuality has, society also has them, and as many essential characters as society has, individuality also has them" (Dănișor, 2014: 119).

## Conclusions

The cooperation of the two dimensions can lead to an overall harmony of the connections between people that aims to achieve a balance between them. Reflections of morality in social life are useful in enhancing social relations since social relations are the object of the concerns of law. On the one hand, law demonstrates objectivity - morality demonstrates subjectivity, but both are the result of practical experiences.

Under the rule of knowledge of norms generated by morality and law, which insist on the fairness of human actions, in the sense of complying with these norms, human relationships reflect a state of well-being.

For law, the fundamental rule is the creation and preservation of harmony in society by establishing instructive attitudinal models that the better we observe, the better we will realize the need to assimilate them. "These models are transindividual and appear to individuals as coming from social exteriority" (Mihai, 2003: 211).

For morality, if there are rules, it is proof that their promotion is not useless, but that they constitute means contributing to the framing of human actions in a mechanism worthy of consideration for individual and social balance. But these rules can be interpreted from different perspectives, and consequently, their usefulness can be perceived differently and the variety of social relations obviously determines multiple differences and similarities that cannot all be followed.

In both dimensions, the will of man is essential and education positively influences the perception of many individuals, through their simple and natural quality as human beings. Morality "reunites in its components the reason, the will and the affectivity of man, which he externalizes in moral acts" (Mihai, 2002: 109).

Some of our actions coordinate themselves and unite, but in most cases a model is needed to create a type of relationship intended to be ideal. We address these models most often in the course of our actions and fix them in relationships between peers precisely in order to assimilate them into our own lives, and these models can gain consistency within the entire society.

Taking into account the relationship between law and morality, we take into account, in the case of morality, the rational behaviour of man by finding out the general features of his true character, morality reckoning with the human interiority from a more subtle, even philosophical perspective, while law guides us in finding out the truth from the point of view of a true system, in all its details, trying not to neglect any detail.

Law and morality "think" deeply about the human relationship, look at it closely and direct it towards the idea of perfection. In relation to law and morality, points of view can be expressed subjectively, but also with a great power of objectivity, because otherwise we would make confused, even erroneous assessments.

Their substrate appears to be the creation of ideal relationships. In this process, while morality is subtle, law in its rigour is abrupt. We can follow the effects that morality can have in society and see whether they are directly or indirectly related to the complexity of law. Whether morality is a strictly distinct form of law or often interferes with the legal entity remains subject to debate.

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