

CULTURAL LAW

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"To those going ahead of the built..."

E.D.MARCHENKO

Cultural law – the law of a new millenium

“Once in twenty six thousand years a change of time parameters happens. Once in two thousand years a change of space parameters occurs. The year of 2003 of the conventional calendar happened to be a milestone of one-moment change of both time and space parameters.”¹

The end of Armageddon, the entrance of the mankind into Satya-Yuga, the Golden Age, the Aquarius epoch has a completely clear and accurate scientific and astronomic explanation.

Based on rhythmical cycles of spatial development of the Earth within the Solar system of our galaxy – of Milky Way Galaxy and other stellar systems, once in two thousand years the Sun enters a new Zodiac sign in the ecliptic. Once in twenty six thousand years the angle of Earth axis incline changes.

On the turn of the centuries and millennia, in the rhythm of Eternity and Infinity all our knowledge and concepts about ourselves, life, law and culture, “memories of gray embodiment” kind of fade, fall back and dissolve at the background of Grandeur of the star sky.

At the background of this purity, transparency, initial beauty of spirituality and selectiveness of our Destiny in Space streams all the rest, even for a shortest moment, seems to be already petty, unimportant, vain and unworthy of a bit of attention.

The star moment, the star second, the star minute, the star hour – the one who lived them through will never forget about it and will strive to re-live them through again, re-enter a living Time.

Not only a thing, value, word and Human being can be alive but also a law, when it includes a living Time. In contrast to “unliving” law of appearing and disappearing Civilization this article presents to you a “Life law” of CULTURE.

Cultural values in their nature are always “living values”. That is why cultural law is a law of Life, a law of civilization is a law of death. Legislation on culture, in a conventional formal legal approach, turns into a law of unliving values of unliving bearers – a law of abstract, appearing and disappearing, transient, temporal civilization values alienated from the subject.

Exit to the Life cultural law lies in creation, establishment and development of cultural law system as a cultural law of living values of living bearers.

Entrance to the Life law is in realization of a living Time in law.

For basic origins let us imagine a series of events and notions: life and pseudo life, science and pseudoscience, culture and pseudo culture, law and pseudo law. If pseudo life is life on the other side of life or life after life, life before life or life on the verge of another life, pseudoscience is metaphysics or the science about the transcendent, pseudo culture is culture in the undeveloped, pre-culture of developed culture, pseudo law is law of culture. Living cultural law is an integral synthesis of cultural law and pseudo law of cult-Ura.

Spiritual aristocracy, refined access and universality of culture presupposes universal uniqueness of its juridical system – the system of cultural law. It is self-regulated, from the point of view of natural sciences and natural history sciences, and strictly socially determined, navigated with a definite plan, reason- and aim-driven by cultural subjects, from the point of view of sciences about human being, society and state.

Behind all formal and extremely formalized civilizational notions about law, existing in human community, ethnoses or nations of the mankind, in a heroic Earth Heart and a genius human Intellect have always lived concepts about Higher law and Higher court, about right for happiness, right for Joy, right for Love, Truth, Justice and Eternity.

Any point in law (each article, paragraph, provision and norm of traditional law on culture) within the framework of the paradigm of cultural law can become the point of reduction-expansion of cultural and legal values. Thus, from the single *lex cultura* we may proceed to the united comprehensive system of cultural law *jus cultura universitatis*.

Cultural law as a system of law of *cult-Ura* has always existed starting from the moment of the appearance of human being on the Earth. In the present, CULTURAL LAW as a natural juridical science and cultural legal world outlook in reality appeared in the year of 2003 of our era (A.D.), according to the Julian and Gregorian calendars, in the year of 1424, according to the Muslim calendar, in the year of 5763 of Judaic calendar, in the year of the sheep and water simultaneously, according to the Oriental calendar etc.

Cultural law. Basis definitions

Now and again, we shall reaffirm its basis: law in its deepest essence is a living stream of law consciousness, signal row of cultural values, deliberately created, formulated and set out in a normative matter and leading subject “from culture” to realization, reverence and conversion of Supreme rhythm (rhythm of Light and Ray). Now we shall let ourselves define its postulates in the form of scientific artistic formulas below:

Law is a cultural aim.
Law is a cultural process.
Law is a cultural result.

Law is a cultural law relation.
Law is a cultural norm.
Law is a cultural method.

Law is a cultural value.
Law is a cultural activity.
Law is a cultural system.

These are the basis pillars without understanding of which one cannot clearly and accurately be aware of the point of cultural law in essence.

Cultural value is an individually defined unique rhythm substance, manifested through informational energetic parameters and light constants, leading the subject from space into time.

Rhythm culture is a complete consciousness of the rhythm as an analytical synthesis of values of scientific, religious and artistic world outlook and world comprehension.

Cultural environment is an integral set of cultural values as a realization of the rhythm.

Cultural legal environment is a rhythm environment that consists of sets of integral rhythms and rhythmical streams in a normative matter.

And now, proceeding from the above-mentioned original premises, postulates and axioms, we can define that **cultural law** is a normative setting out in a legal matter of the rhythm culture values.

Cultural law is a system.
Cultural law is an activity.
Cultural law is a value.

Cultural law is a method.
Cultural law is a norm.
Cultural law is a legal relation.

Cultural law is a result.
Cultural law is a process.
Cultural law is an aim.

Cultural legal norms can equally be both a result of scientific foresight and a manifestation of the art of management, artistic insight or religious revelation of the law maker.

Examples from the history: Law of Manu, Tablets of Moses, Justice of Solomon, Commandments of Christ and Teachings of Buddha, Koran of Mohammed the Prophet, Russkaya Pravda and Sachsen Spiegel, Code of Napoleon, Pact of Roerich etc.

The subject of cultural law

As a known to my reader basis (for new readers: see article "One more time about culture and international law"), let us consider here the subject to be defined in the matrix of universal humanitarian historic and natural scientific rhythmocultural value dimensions, authorized by Mrs E. Marchenko, the founder of rhythmology as a science.

Dear reader, please, try to see the presented picture in its wholeness (Picture 1):

Knowledge	cultural legal ideal (idea)	Memory
Space	<i>subject(s) of cultural law</i>	Time
Energy	<i>object(s) of cultural law</i>	Information

Picture 1.

In a complete realization of culture legal and cultural ideals are united, integral and indivisible.

In a complete realization of rhythm culture the subject of law is threesome: it is a cultural legal ideal, and also the subject and object of law as an integrated essence. This is the philosophy of cultural legal methodology in jurisprudence.

In the focus of social sciences, within the system of humanitarian knowledge, in the memory of the subject of culture (be it a scientist, poet, painter, religious figure etc.) cultural ideal is an integral dual unity of cultural subject and object in the process of scientific cognition, aesthetic experience and/or religious faith.

In a classic natural science and natural history science there are no ideals as such and there cannot be. Inasmuch as in the Nature there is only a certain living diversity and each element of this diversity: be it any form of geological, biological, zoological or any other form of life on the Earth, including homo sapiens species, is valuable per se or, in other words, they are altogether and each separately – are an individual, if you like it, are "ideals" sui generis or "the aim in itself".

From a strictly scientific generally accepted point of view, ideals and values are not the subject of natural science. But, from a popular point of view, if they all are ideals, why talk about it?.. The need in this word is no more, therefore, within the system of sciences about Nature there is no notion of "ideal".

Meanwhile, at the beginning of the 21th century, taking note of the achievements of sciences at the junction of different scientific trends, we already know that a strict interrelation between various natural forms of life, there still exists an accurate and adjusted system of relations, "social organization" and clear hierarchy of values within them.

For example, a clear division of "social roles" and hierarchical nature of relations in communities of bees, ants and other higher insects letting them resolve very difficult "common social tasks" with the comparative simplicity of separate functions of specific units of the system.

A most vivid and successful progress in this trend experience researches, innovations and applied branches of application in technical sciences, particularly in robototechnics.

On the other hand, if it is so, at the beginning of the 21th century we are simply obliged to take note of the knowledge accumulated in the scientific world both for the development of the sciences about society, in particular, in jurisprudence, on a qualitatively different natural science basis.

In the light of natural science knowledge about the Nature and natural communities jurisprudence opens new ways of development and perspectives, yet unknown to the scientists of the past.

Thus, our fundamental concepts of law are to be rethought, new impulses for understanding classic concepts and theories of state and law, in our opinion, should be sought beyond the framework of traditional views on impassability of the border line between sciences about Nature, on the one hand, and sciences about human being and society, on the other hand. In particular, natural law, in the light of the above-mentioned, acquires a completely original focus for an interested and impartial scientist.

So, coming back in our minds to the subject problematics of cultural law, from the natural scientific point of view, within the paradigm of cultural law cultural legal ideal is an integral

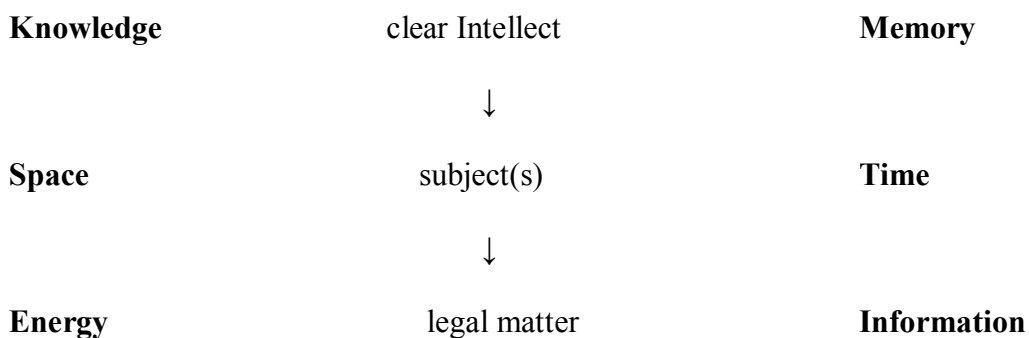
living essence, in other words, the rhythm cognited and/or remembered as a fact of consciousness.

However, the subject of cultural law in the broadest philosophical meaning is not only a cultural legal ideal as such but also the multitude of interactions of cultural legal ideas, objects and subjects of law.

In another view, the subject of cultural law comprises an interaction of law consciousness and law matter, their rhythmic pulse, keen research and conscious regulation of links between them.

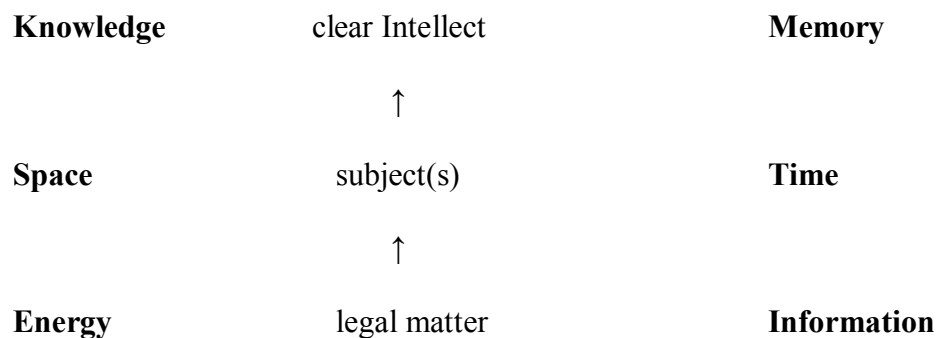
Directions of natural historic and cultural legal evolution-involution

Cultural legal ideal (idea) is a manifestation of clear Intellect. The object of cultural law or something that aims at law consciousness is a legal matter.



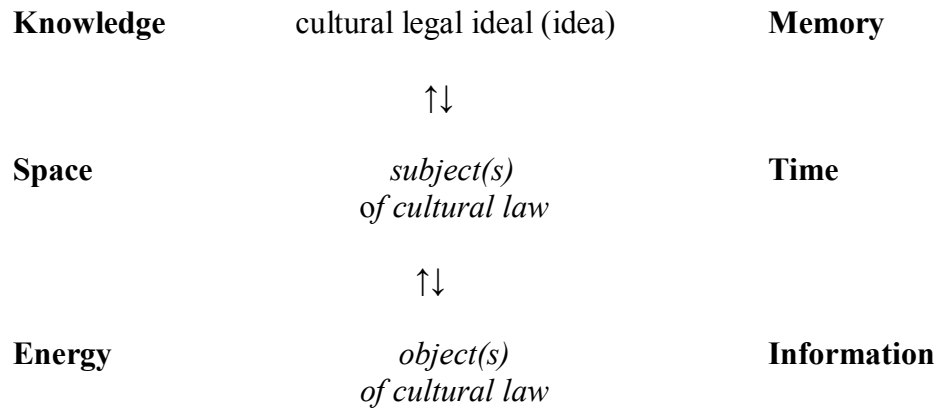
Picture 2.

Interaction of intellect and matter can be two-fold: direct from Intellect to matter (see Picture 2, above) or reverse – from matter to Intellect (see Picture 3, below):



Picture 3.

In the centre (epicenter) of interaction is the subject(s). In other words, cultural legal interaction is always mediated through the subject(s) and cannot exist without it (them). So, let us depict a complete matrix of cultural legal interactions or cultural law relations. As is shown on Picture 4, in cultural law we, first of all, are interested in "vertical law relations": from the idea (ideal) to the object and from the object to the ideal (idea), and also traditional "horizontal law relations" regulating informational energetic and spatial-temporal links and interactions between the subjects and objects of cultural law.



Picture 4.

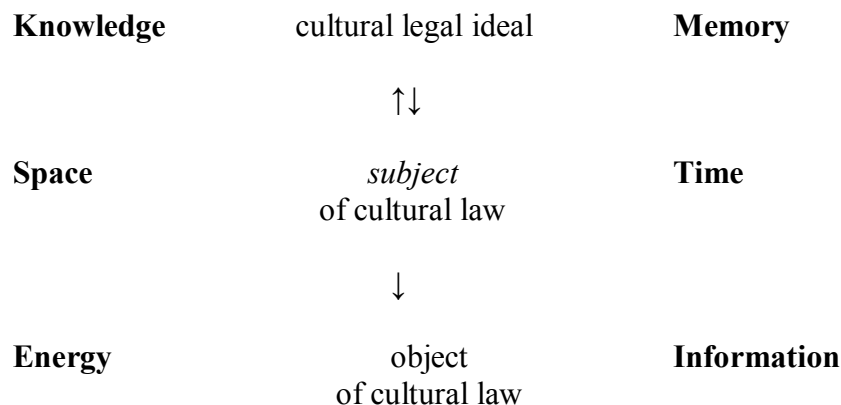
The horizontal line of values on two horizontal levels, subjective and objective, has a certain shift to the right "posolon" (as a hypothesis, it corresponds with the "red shift" in physics and cosmology) and presupposes an intensified "right-side expansion" of subjective law consciousness reflected in the normative legal matter.

From the psychological point of view, the subject of cultural law as a subject of law consciousness from the two appropriate to his level value orientations (space-time), in general and on the whole, will choose the temporal one. The object of cultural law as a regulation of a specific particular and/or general law relation, in general and on the whole, also has a direction to the right: from energy to information. Thus, having descended to a most usual initial objective level, we ascertain that cultural legal norms, in general and on the whole, have an "informational direction".

Subjective paradigmatics of cultural law

From the very beginning, let us note that cultural law in a "clear form" stands out and differs from other systems of legal regulation through an initial multitude, polyphony, even limitlessness of subjects.

Directions of natural cultural evolution-involution



Picture 5.

Arrows show the natural cultural development of a subject in the vertical plane (Picture 5).

Sinking of a subject into the matter = objectivation = **subject** → **thing**
subject → **value**

Sinking of the ideal into the subject = embodiment = **ideal** → **subject**

Elevation of the subject to the ideal = sublimation = **subject** → **ideal**

Subjective objectivation + sublimation = Cognition

Cultural consciousness initially presupposes a three-fold analytical process of synthesis of artistic, religious and scientific cognition. In other words, the process of sublimation and/or objectivation of the subject of cultural law initially needs to be studied in three cultural environments: science, religion and artistic creation.

One can define the subject of cultural law also only in a three-fold nature of the processes of artistic, religious and scientific cultural activity.

Definition of the subject of cultural law

Due to existence of numerous and various established and yet not generally accepted definitions of content and description part of the subjects in culturology and law, we shall enumerate here only views, focuses, levels of legal subjects without their notional expansion. So, the subjects of cultural law are:

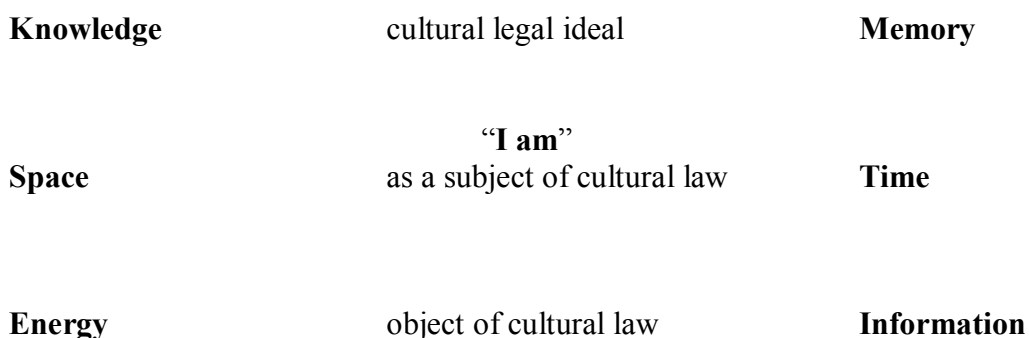
- a subject of cultural rights
- a subject as a cultural value
- a subject of cultural activity
- a subject of cultural environment (element)
- a subject of culture = a living bearer of culture

and special species: a subject of cultural heritage (patrimony).

All of them on the whole and each one separately needs to be considered and analyzed in a single set of interrelations and law relations.

Cultural historic and natural scientific model of law consciousness of the West

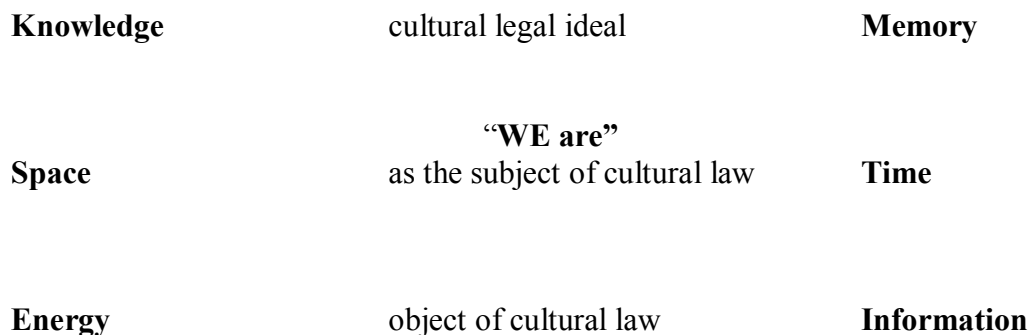
If we travel mentally to the West (imagine yourselves as bearers of western model of values and law consciousness), in the centre there will be your "I am" as a personality, as a bearer of the Rhythm culture and the subject of cultural law (see Picture 6).



Picture 6.

Natural scientific and cultural historic model of law consciousness of the East

In the East we shall meet a completely diametral model the centre of which will be occupied by our "WE are" as a social unity, community (a family, clan, group, cast, ethnos, superethnos etc.) as a bearer of Rhythm culture and the subject of cultural law (Picture 7).



Picture 7.

And after all, we can understand that the two exposed above models are nothing else but the Matrix of stereotypes², expressed in a literary form, or described in scientific sociological literature "institutional matrixes³".

Universal matrix (model) of law consciousness

One should not forget that the division of the integrated and single world into the West and the East, their opposition, is conditional.

One should only recall that in real life the western "I-centred", perfectly expressed in concepts of personalism and individualism, is always balanced by the system of democratic "checks and balances" and also by legal mechanisms of protection of any kind of minorities.

On the other hand, with all the "WE-centred" of traditional customs of the East, it is in the East that we meet the most impressive examples of rulers and philosophers whose individualities by historic power and grandeur can be compared with the fates of the whole ethnic and religious communities.

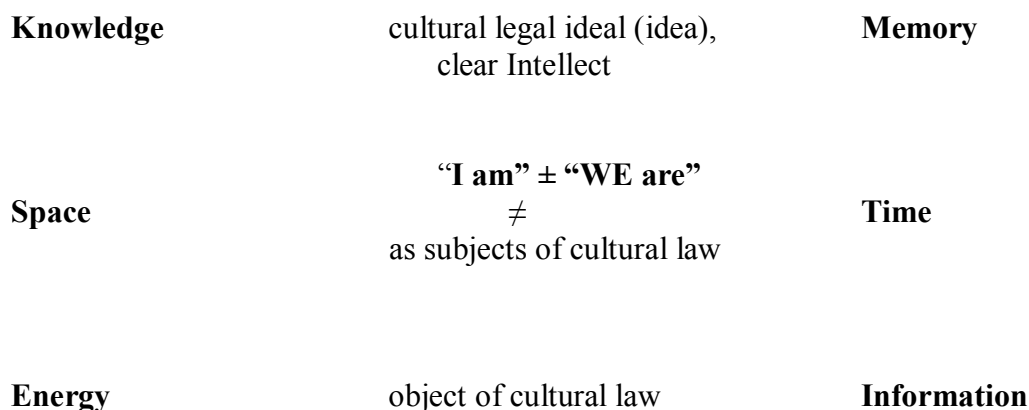
Let us recall the names of Krishna and Tutankhamen, Tamerlane, Genghis Khan and Akbar, Buddha and Confucius, Nehru and Mahatma Gandhi. The state-law model of "oriental despotism" itself was always built on ruler's individuality.

Together with it, in ethic and cultural individual consciousness, this discreetness still has a place to be and is fixed in peoples' wisdom of the western world in the form of truisms, for example, in a poetic formula by R. Kipling: "East is East and West is West and never the twain shall meet⁴".

To reject this cultural psychological differentiation as well as to absolutize it would be an abstract speculation and a violation of an integral cultural law consciousness as an integrated rhythm stream of cultural values.

Peoples' wisdom of truisms says: "East or West – home is best⁵", however, if you are an Earthling, a creature from the Solar system and the Milky Way Galaxy and your home is the whole planet, whole solar system, our galaxy and all manifested Universe?.. "Grass is always greener on the other side" runs a Russian saying as if arguing with you in a dialogue.

Cultural rhythm stream presupposes correct experience, practical knowledge and ability of living bearers to work in rays, space and time, as the light constituents, and also in a usual world with energy and information, as consciousness of rhythm culture.



Picture 8.

In other words, the subjects of cultural law as subjects of rhythm consciousness of CULTURA can completely deliberately appear on each of the three levels, in 100% form in a single cultural historic or natural scientific dimension or in several at once, in certain proportions.

In a state of Ray, the subject of cultural legal rhythm consciousness, as a clear Intellect, can be in all hypostases on the three levels at once and/or instantaneously shift from level to level.

One-moment synthetic differentiation of consciousness of rhythm subject of cultural law occurs in a process of analytical synthesis or integral differentiation **I am ± WE are** as integral subjects of cultural law consciousness and whole units of cultural law and depends upon a multitude of conditions and factors characterizing the above-mentioned natural scientific and cultural historic levels (see Picture 8).

Objective paradigmatics of cultural law

Objective symptomatics of legal regime of cultural values

At the end of 20th century, in the existing contemporary international law and in intrastate systems of law regulation, the analysis of legal regime of cultural values is, as a rule, of an objective character.

In other words, if you pay attention to the character of the research, focus and plane of consideration of issues of legal situation of cultural values in review and scientific practical doctrine works, papers, monographs and textbooks of lawyers, then you will see, with rare exceptions, that cultural values are considered in the works as an unliving object for external law regulation. This does not take into account the "inner sense", "spiritual subbasis", manifested and not manifested essence of cultural values.

The rhythm of legal life, rhythmology of legal development, culturology of legal principles and norms are left beyond the scientific analysis of a researcher. We just state this fact as given through diagnostic definition "objective symptomatics" of a contemporary legal civilization.

Definition of the object of cultural law

Due to a great number in contemporary culturology, law and philosophy of not firmly established definitions of objects of culture to analyze which is not among the aims of this work, we shall give here only cuts, focuses and types of cultural objects without defining them.

So, the object of cultural law, in the narrow sense of the word, is cultural object:

cultural value
 cultural activity
 cultural environment (integrated elements + integrated multitude)

cultural subject or the subject of culture as a living bearer of legal relations (natural and legal persons as bearers of the three above-mentioned objective characteristics)
 cultural subject as the object of cultural rights

and a special species: object of cultural heritage (patrimony).

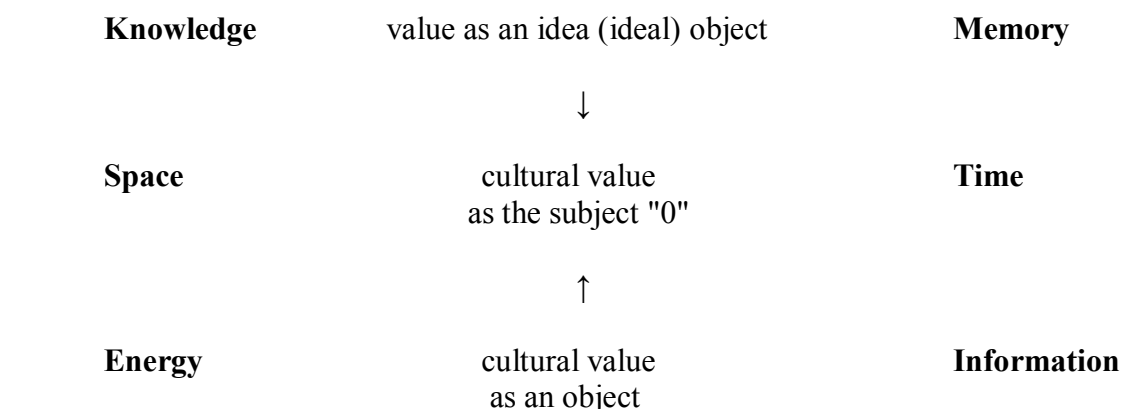
In a broad sense, the object of cultural law is the whole system of the above-mentioned cultural objects in integrity and multitude of interrelations and law relations.

Definition of the legal position of cultural values

The aim of defining the legal situation of cultural values in cultural law is to establish a universal totality of interrelations and multitude of relations between its objects and subjects not only within the framework of "law" itself as a system of social relations regulation but also a light, space and time, information and energy exchange in the focus of natural and accurate sciences: physics, chemistry, anthropology, mathematical methods of calculation, light and spectrum analysis etc.

Legal synthetic analysis of legal situation of cultural values or to be more exact – legal status of subjects and legal regime of objects of culture should begin with defining of a certain initial point of balance – the "0" point or "zero" cultural regime.

For this we shall need a key basis word – the term "cultural value" for in space-time and information-energy dimension it is absolutely neutral.



Picture 9.

The arrows show natural cultural "vertical" move of the object (see Picture 9, above):

1. Sinking of an unliving object into the subject = subjectivation = **object** → **subject**

2. Sinking of the subjective ("living") object into the subjective value "0" = nullification = **subject** → **object**

3. Elevation of an object to the subject = sublimation = **object** → **subject**

Objective subjectivation (1) + sublimation (3) + nullification (2) = Transformation

Combination of objective regime and subjective status occurs by all means through zero point. Meanwhile, this objective regime includes rhythm, living rhythm as a subjective object. The integrity of all three processes results in Transformation.

In other words, in space-time dimension the subject and the object simultaneously exchange places or there occurs their cultural mutual penetration.

Hierarchy of values and temporal legal regimes

In traditional "civilization" law when defining legal regime of cultural values, at best, space-energy or "left-sided" value characteristics and parameters predominate, meanwhile the emphasis in law regulation is given to the fixing the same energy-space value relations between the subjects and the objects of legal systems, particularly in such subject domains as new information technologies (IT)⁶, electronic culture, electronic government etc.

Thus, we can record a certain "left-sided" value shift or "white" shift (the shift towards the violet part of the spectrum) in traditional legal systems of contemporary civilization from the viewpoint of cultural law⁷.

Cultural law presupposes and establishes the basic value focus of law regulation and basic focus of light influence – in Time as a living life creating substance. Thus, our due attention should be drawn to the identification of temporary legal regimes.

Proceeding from the above-mentioned, in the synthesis of culturological and natural scientific approach we shall depict the following natural cultural historical scheme of value correlation of the basic and system forming notions of cultural law (see Picture 10).

Knowledge	cultural patrimony	Memory
Space	cultural heritage	Time
Energy	cultural values	Information

Picture 10.

Since time is a living substance not only in a physical sense⁸ but also in cultural historical focus, then the subject of culture, entering Time and turning into a living bearer of light radiation, enlivens all the space around becoming a living "cultural heritage" (see the Picture above).

Memory activated by the light energy turns into the memory of Eternity.
Knowledge activated by the light information turns into the knowledge of Infinity.
The memory of Eternity and the knowledge of Infinity make up the cultural patrimony.

"But not everyone gets admission to them". Only he who underwent the transmutation of body and /or the transformation of intellect, who experienced the Transformation of culture and rhythm.

Considered in an objective focus, the entire totality of space-time interrelations and multitude of relations between the objects and the subjects of cultural law makes up law of cultural heritage.

Presented in idea-law focus, the totality of ray interactions and the entire multitude of light cultural legal relations between its subjects and ideals make up law of cultural patrimony from the viewpoint of general natural humanitarian theory of law (see Picture 11).

Knowledge	law of cultural patrimony	Memory
Space	law of cultural heritage	Time
Energy	cultural values	Information

Picture 11.

Therefore, "strict" manifested legal regimes of civilization with the time and in Time are substituted by statuses of legal freedoms of culture and rhythm culture.

Energy-informational legal regimes

Now let us descend into a conventional energy-information eventful world and have a look at cultural values in a contemporary law focus. Cultural values in their customary law sense are material things – *res* "as if" become alive, undergo personification – they are given "personal" names, titles, toponyms, they are surrounded by a special public attention, recognition and protection, they are protected in different ways, they are treated as living humans – protected subjects of law.

In other words, thing or *res* as a cultural value is subjectivized. This process can be described by a simple scheme:

thing → subject
value → subject

Thus, a usual stone diamond becomes "Black Prince" with a totally unique painted history, and a piece of home-made linen – Turinskaya plaschanitsa, the remains and left-overs become saint relics and serve as objects of cult worship for many centuries.

Imagine, for example, "Mona Lisa" by Leonardo Da Vinci in Louvre: public excitement, guards around it, alarm systems, measures of unprecedented security during forced transfers, insurances etc.

This is not a fetishism, worship of the idol, not a mere effect of high monetary value (note: the cost of the genuine cultural value that has become a patrimony or is becoming a cultural heritage in absolute figures in relative time experiences a constant and steady growth), though such an attitude can be and happens to be in our life.

As a consequence, the relations with regard to "private things" move into the category of public legal and respectively public legal regimes are applied to them or, in other words, the totality of law relations is considered as a certain public legal status.

For example, the immunity (untouchability) of cultural values⁹ (or things – *res culturae*) in international cultural law (ICL) is like a diplomatic immunity. Particularly, the obligations of hosting state to return the museum exhibits imported for exhibition purposes back to the giving state including the guarantee of freedom from whatever court pursuit or property burdens.

Meanwhile, *res culturae* in the conventional traditional law are the subject, as a rule, of private, property law and their legal position is regulated within the framework of various property private-legal regimes in various legal systems of modern times.

The legal position of subjects of culture and cultural activity – *persona culturae* in the traditional law is the subject, as a rule, of public mandatory law and their legal position is regulated within the framework of various public legal statuses of legal and natural persons.

On the other hand, non-material cultural values (ideals, ideas and principles) become substantivized, materialized and are expressed in a manifested world through completely definite living bearers – subjects of culture, a cultural heritage and a cultural activity and in the manifested world, finally, they become things and a product.

The process of materialization of a cultural value into a thing or the objectivation of a cultural value can be very simply schemed the following way:

value → property
subject → object

As a result, cultural values as individual unique elements and expression of cultural self-consciousness of the nation turn into products of cinema, audio, video, TV and other music industries which are circulated in millions of copies, loved and purchased by millions of people.

Thus, a "seemingly" usual food, basic amenities and everyday life goods become "bestsellers", a "world superbrand" with loud names, and are awarded prizes, medals etc., conquer the entire continents as a unique manifestation of cultural environment diversity.

Publicly accepted in the intrastate and/or international law through a reference of nationally important ideas, ideals and principles to cultural values of heritage or patrimony, they are put into circulation by the industry in series as a stream.

From an often unrealized attribute of mass consciousness through conventional specific consumer and life goods they "conquer" particular consciousness of people and, from the legal point of view, are subject to broadly existing different private-legal, most of all, property legal regimes including categories of law of estate and mandatory law.

For example, compare: French cognac and champagne, Italian pasta (spaghetti), English Beatles and Swedish ABBA, Russian vodka, matryoshkas, samovars etc.

Specific cultural legal regimes and objective cultural statuses

If we summarize everything all mentioned above, we can make a conclusion that with regard to cultural values the classical "stationary" legal regimes and statuses of traditional legal systems and branches of law regulation in international law and in intrastate legislations are mutually crossed, combined, integrated and interfered. In other words, from the point of view of cultural universal approach their interpolation occurs.

To combine the established cultural legal historic tradition with new cultural scientific approaches and innovations of cultural law we shall give the following definitions:

The totality of legal regimes of cultural objects makes up *objective law*.

The multitude of legal statuses of cultural subjects makes up the subject of *subjective law*.

One of the branches of objective cultural law dealing with research and norm regulation with regard to cultural values as *res cultura* within the framework of objective cultural statuses is cultural law of estate (see Picture 12 below). It corresponds to the energy-information level.

The basic category of subjective cultural law dealing with norm regulation and research of cultural values as *persona cultura* within the framework of subjective legal regimes is a mandatory cultural law. Basic parameters of mandatory cultural law correspond to the space-time level (see Picture 12).

Knowledge	ideal law	Memory
Space	mandatory cultural law	Time
Energy	cultural law of estate	Information

Picture 12.

You know that notions about an ideal law, as well as notions about an ideal human and an ideal society, historically kept on changing from epoch to epoch, from one school and authors to another, often denying each other.

As for the presented theory of cultural law, we shall note that the main focus of cultural legal interaction in the ideal light horizontal plane and time vertical plane is aimed at an accurate survey, realization and implementation of light interactions of subjects, objects and ideas as a manifestation of rhythms in the entire essence of light and ray rhythm environment.

Persona cult-URA is an always waited for, desired and wished for guest for the people of culture and very often, regretfully, *persona non grata* for "plane" consciousness of the people of the civilization.

Definition of cultural law

Cultural system and cultural law

After we have defined, in most general terms, the subjective and objective paradigmatics of cultural law it is logical to move over to the notion of the system of cultural law or cultural law as a system on the whole.

General scientific methods and specific methodological approaches to the definition of the system of cultural law can be completely different and diverse. However, firstly, we shall have to define the material legal basis or the material basis of cultural legislation.

To be clear and accurate with the definition we shall put them in a schematic logical formula:

Cultural system is a system of subjects of culture \pm multitude of objects of culture
as an object as a subject

Therefore, the unity and diversity of the objective system of cultural subjects and subjective multitude of objects of culture make up the cultural system. Now, we can consequently state that material legal basis or material legal source (basis) of cultural law in the focus of the general theory of law is built by the cultural system.

Objectively existing in the noosphere, in space and time, reflected in the energy and information through a human being, society and world community, the cultural system predefines the rhythm, dynamics and development cycles of cultural relations that are directly or indirectly recorded by the law consciousness and reflected in the normative legal matter.

Cultural system is open-closed, individual-public, national-international, public-private system, at the same time, it is also, to the highest degree, flexible, perceptive and overdynamic.

Based on the above-mentioned, we can define that *cultural law* is a single integrated poly-branch system of legal principles and norms that regulate the multitude of cultural interactions and the totality of law relations among its subjects and objects as elements of the cultural system.

At the contemporary stage of science development in the beginning of the 21st century the integrated totality of light interactions and the entire multitude of law relations among the rhythm subjects and objects of culture within the culture system is already subject to syncretic, rough and imperfect, to a great extent, mechanistic and electronic technological and natural scientific and accurate parameters based on the methods and technologies of technical and energy-information sciences.

The system of cultural law

Approaches and focuses to the definitions of the system of cultural law may be completely different and quite numerous. We consider reasonable in our definitions to keep to a definite "golden middle" of classic jurisprudence and cultural innovational technologies. To be easily understood, as a zero point we shall define that under the *system of cultural law* we understand objectively existing totality of interrelated integrated elements of the legal system of culture: aims, principles and norms, branches and institutions that regulate legal interrelations and cause and effect light processes among the subjects, objects and ideals of culture.

The notion of cultural legal norm

Initially, one should establish that *cultural and legal norm* is an integral whole. Now for the definition of cultural legal norm it is reasonable to widen close border lines of traditional jurisprudence and try to widen our conventional comprehension of fundamental notions about the norm as such. What is a norm in science, ethic norms, moral and morality, norm in religion, arts and law? What is a norm and a Law?

We know: language norm and code of behaviour, artistic example and metric standard, metrological standard and religious canon, scientific postulate and mathematical axiom, finally, law of nature and laws of intellect.

If the world is single and integrated in its diversity, then among all these notional terms, mental notions and word definitions as well as among the phenomena, processes and cause and effect relations that they mark, with all their difference and diversity there exists a close live interrelation and reasonable mutual dependency.

Let us recall that in a traditional juridical law consciousness, the norm in its classic section is a legally obligatory rule of behaviour (law relation) of objects of law and/or legal subjects authorized by a state (community of states) for the violation of which, as a rule, a certain sanction (punishment) is set.

Now, keeping in mind an old wisdom: "you learn by comparing" to define the unknown quantity let us make the following cultural alogical syllogism:

Law of civilization = minimum of culture
Law of culture = cultural norm

Cultural legal norm is a norm of culture.

For a conventional traditional "clear" logics of civilization the logics of culture is alogical. However, in this alogicality of Culture "the sixth sense" feels a true Life, the life of culture – the Highest logics of cult-URA.

If law is a totality of rights and obligations, then we can also foretell a major question of the development of cultural normative problematic in jurisprudence, clearly and accurately define the trends of cultural evolution-involution in law:

from a normative obligation – *to law of culture* and
from legislation of civilization – *to cultural law* and vice versa,

from cultural law – to normative obligation and
from obligations of civilization – to the rights of culture.

And now, to have a successful and lucky landing on the accustomed normative field of legal matter, on the level of cultural information environment, we shall define that **cultural legal norm is a rule of behaviour (law relation) obligatory for all subjects and objects of cultural system due to cultural law.**

Several words about violation of cultural legal norms

During the violation of cultural legal norm "live (law)relation" between subjects and objects turns into a scientific dogma, religious superstition or artistic plagiarism.

Very often legal liability (criminal, administrative, financial, civil or international) in a common sense of the term does not follow.

When a cultural law relation is violated, norms of conventional traditional "civilization" law may even be not violated, due to its absence or formal observation in a particular accuracy to "the letter of law", however, each person of culture will feel or understand that Truth, Justice, Right, Law in this case are violated, "the spirit of Law" is violated.

In the focus of rhythmology, the violation of cultural legal norm occurs in case of violation of rhythms or due to non-observation of laws of rhythm culture. As a consequence, firstly, at the space-time level in the consciousness of a law subject and then in the normative matter at the objective level a certain "arrhythmic pulse" of interaction and law relation occurs.

However, the reason for this arrhythmic pulse in essence is a violation of initial integrity and singleness of the subject, object and cultural ideal as a single light Essence, a loss of cust of mind.

In other words, law arrhythmic pulse, or violation of rhythms of culture, as a cultural legal diagnosis, is an entrance or introduction of the objective subject or subjective object into the cycle during the repetition of sign situation more than three times.

Customary systems of law regulation and cultural law

Customary traditional systems of law regulation differ in a certain statics, discreetness, certain conformity and firm conservatism. Meanwhile, in our opinion, the stability of legal system is not the only main obligatory and aim-setting condition of its formation and function. This, with all the clarity and evidence, becomes clear during the entrance into culture as a universal sphere of spiritual and material being.

Law and state (community of states) are inseparably connected with each other. The history of state and law are considered, as a rule, together within the framework of the legal discipline with the same name "the history of state and law". The majority of general historic periodization and schools, as a rule, are also based on state, state-study principle.

If we are to do a medium section of law consciousness of specialists and summarize our customary notions about law, we shall get the following: law is a totality of normative relations of the subjects authorized by the state = intrastate legal system (internal law) + authorized by international community (states) = international law.

In customary traditional law understanding such an element of public social authority (national or international recognition) always exists, the law itself is viewed as an instrument of Power, in this case of state and interstate power.

On the other hand, interrelation of the trio – culture, law and state are seen not so unclouded, having only one meaning, arithmetically congruent and symmetrical.

In a traditionally set "residual attitude" of civilization towards culture it is not surprising that civilization law as a reflection, only "in remainder" takes care of culture, its interests, needs and priorities.

Every creatively thinking person of culture will not oppose culture and state, meanwhile, he will not hide principal differences between civilization and culture¹⁰.

For a person of culture a high source of Power naturally lies much "higher" than mere state dimensions and notions about power – in a spiritual, High, Great, in God, etc. Everyone will give his own definition of High and Great.

As a consequence, the main question will be whether the state and law serve, to which degree and whether it is effective enough – the aims, interests and priorities of High and Great, true strategic interests of cultural creation and of culture of Eternity and Infinity?

Offered to your attention, a paradigm of cultural law gives an affirmative answer to all these questions. We shall not conceal that conventional criteria of legal research, description, identification, demarcation and regulation (private-public, state-international, material-legal etc.) in principle can be also applied to cultural law, but here in the law of culture, in the law of CULTURA they are less effective since they do not reflect its inner essence, do not pursue rhythmic entirety, integrity and expediency of legal substance of culture in space and time, do not see the rhythmology of ways, aims, and trajectories of development of its subjects, lead to a certain cycle of objects of cultural legal development at the lowest energy-information level.

Knowledge	cultural legal ideal	Memory
Space	subject of cultural law	Time
Energy	object of cultural law	Information
law relation as an object of customary traditional law		

Picture 13.

We need to unambiguously define that modern conventional traditional, established by the end of 20th century, systems of law regulation of civilization at best initially aim at an "objective level" (please recall when the words "energy-information" appeared in our dictionary, see Picture 13).

Even if some of them are not up to the "subjective level" in particular cases, then all the same the cultural legal and historic valuable parameters represented in the table are differentiated in them, fragmented to the point of being unrecognizable, lowered to the level of unsystematic, incompatible in principle, "splinters", this gives an ontological dissonance of civilization jurisprudence which forgot its initial star origins, aims, ways and senses in Culture.

The consequences of the described civilization symptoms in the manifested world are familiar to all and everybody, particularly, to lawyers.

Examples "a contrario": idiosyncrasy to law as a social institution, non-acceptance of court (court trial) as an acultural form of conflict resolution – in the Orient, an excessive enthusiasm with law, "legal over-regulation", "legal snobbism" of civilization and arrogance of

lawyer cast – in the West, international legal "mayhem" of international politics and actual feebleness of the UN on the international scene etc.

Cultural law as a method allows to lead all this "about-law" mess, absurdity and confusion in existing systems of law regulation and also in the heads and hearts of the lawless or "fixated on law" citizens of the world, firstly, to the zero level (to see, perceive and recognize) and then lead all this to single entire space-time rhythmic form and totality, re-establishing initial harmony (dynamic balance) of law consciousness as "out-of-time" normative stream of cultural values.

The place of cultural law within the system of sciences and art of management

If we are to define scientology, science about science as a science studying its own logics, rhythms, laws and cycles of cognition, systemology of the process of scientific knowledge and self-learning, in the focus of science about science, as a system of sciences, cultural law in many ways owes much for its birth to rhythmology, systemology, sinergetics and semiotics, philosophy, culturology, psychology and exoterics.

Cultural law occupies a place on the border line of the humanitarian and natural sciences, on the border line of knowledge about nature and human being, in the focus of sciences of information-energy and space-time cycles.

According to its aims and tasks, according to its scientific calling, cultural law was meant to resurrect law as a rhythm of cultural law consciousness, unique unrepeatable rhythm stream of cultural values in space and time, to give new impulse to the Renaissance of law through cult-URA, to give a chroral impetus to the development of cultural legal regulation within traditional systems of the modern world.

According to its targeted methodology, cultural law is a means of brining out law subjects from re-occurring cycles of civilization development to realization of self as a unique and unrepeatable consciousness of rhythm culture in eternity and infinity, to acquiring of self as a rhythm of cultural heritage, living rhythm of cultural patrimony. In this sense cultural law is the law of culture of rhythm or law of rhythm culture.

In the essence of the offered method, cultural law balances the extreme manifestations of technocratic civilization and elite exceptionality of "pure humanitarians" allowing itself to prove out and confirm "over-time" ways and aims of development of human being and society, of the whole earth population in the light of eternity and infinity.

Cultural law, on the whole, takes into consideration, reveals and confirms in the legal matter perspectives and values of 3rd millennium.

On the other hand, cultural law seems to us as the "golden middle" "golden section", "silver thread" of multicentury legal development and legal history of the Earth giving a new impulse to renaissance of law through culture.

Cultural law can also be considered and used as a universal humanitarian and natural scientific anti-crisis means of strategic development of human being, ethnical communities and humanity itself, of all subjects of cultural creation that responds to the challenges and corresponds to the levels of culture of 21th century.

Cultural law does not claim to be above other traditional administration and management systems, "does not interfere with their jurisdiction", including traditional civilizational law as such, as an instrument of management.

Meanwhile, its main aim and task is not management/ managerial decision of multitude of specific thematic problematic in a manifested eventful world, be it alleviating the pain of the current day, putting out fire of "hot spots", unwinding of old knots, scientific practical resolution of "actual problems", etc.

The main and central focus of cultural law as a means of management is aimed at construction a global natural cultural strategy, definition and correlation of essential value landmarks and priorities, "over-time" ways and aims, keen cultural influence, fine regulation and self-regulation of energy-information exchange, micro- and macro-correction, first of all, of space-time interactions of subjects and objects at the light level.

Therefore, in such a way can be achieved a reasonable removal of the reasons themselves of social natural diseases, a reasonable escape of extreme, first of all, anthropology, humanitarian disasters, accidents and cataclysms, eradication of deep grounds of appearance of acultural problems of civilization.

15 April 2004

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Translation into English:
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¹ MARCHENKO E.D. *Stradasteya of the Entrance. St.Peterburg: AC "Radats", 2002, p.36*

² See E.D. MARCHENKO *Live Book. St. Petersburg: AC"Radats", 2003, pp.189-196.*

³ See S.G. Kirdina *Institutional Matrixes and Development of Russia. Moscow: Theis, 2000.*

⁴ See R. KIPLING *"East is East and West is West and never the twain shall meet"*

⁵ *"East or West – home is bes"*

⁶ *IT – information technologies*

⁷ *Note that children at school are taught to write with a "right" incline, thus subconsciously setting an information-time priority in education (note of the author)*

⁸ *For details see the works of an astronomer Nikolai KOZIREV*

⁹ *See in particular Erik Jayme "Das Freie Geleit fuer Kunstwerke", Ludwig Boltzman Institut fuer Europarecht, Heft 11, Wien 2001.*

¹⁰ *See classical humanitarian and humanistic concepts of Nikolai BERDYAEV, Nikolai ROERICH and Dmitri LIKHACHEV.*

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