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***HYBRIDITY OF THE WORLDVIEW
BASIS OF THE INTERNATIONAL
LAW AND ORDER***

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Abstract

The internal contradiction of the ideological basis, on which the international law and order is based, and which is formed on a random and mostly intuitive combination of the elements of the new (Kantian) and old (Cartesian) philosophical systems of Modern Age in the social and individual consciousness is studied in the work as a significant reason for the modern activation of manifestations of hybridity. Both systems have their origins in the depths of history, and their elements are embodied, above all, in two alternative models of interpersonal relations, embedded in the constants of human nature: the ‘intersubjective’ Kantian model is based on the relations of equal subjects, ‘subject-object’ the Cartesian model recognizes the subjectivity of only one party.

The purpose of the research is to substantiate the hypothesis that the prerequisite of the hybridity phenomena is the internal contradiction of the worldview basis of modern international law and order, which is formed by a random combination of the elements of the Kantian and Cartesian systems of philosophy in the individual and social consciousness, and the intensification of their manifestations at the turn of the XX-XXI centuries is a component of the general revision of worldview orientations and established standards of interpersonal relations and the organization of law and order, which, at least during Modern Age, tends to become more active at the turn of the centuries, acting cumulatively as a ‘self-fulfilling prophecies’.

Keywords: international law and order, Kantian model, Cartesian model, hybridity, practical philosophy of morality, worldview

INTRODUCTION

Scientific, practical problems.

The conceptualization of the phenomena of the ‘hybrid war’ became a significant event on the turn of the XX-XXI centuries, especially in connection with the fact that one of the largest nuclear states, whose activities can have unpredictable effects – USSR’s legal successor, a permanent member of the Security Council, has turned to wars ‘not according to the rules’, systematically, with the aim of destroying the existing international law and order.¹ However, warfare that violates not only the purposes and principles of the UN Charter but also the humanitarian law governing the rules of war is not the only example of hybridity. Some authors point out the hybridity of some modern political regimes in which declared democratic forms of government do not correspond to the realities of their authoritarian embodiment.² Obvious signs of hybridity, that is, the discrepancy between the other party’s actual behavior and the expected one, can be observed in corporate relations with customers when the stated intentions of the first ones – to improve the welfare of the latter – do not meet the real purpose of expanding sales and maximizing enrichment.

¹ Horbulin, V.P. (2017), *Hybrid World War: Ukrainian Front*. Kyiv: NISD, p. 9.

² Shulman, E., (2015), *Hybrid Modes* [online]. 24 September 2015. Available from: <https://www.youtube.com/watch?v=BQSXotyDDuU> (viewed 23 December, 2019).

Assuming that hybridity is the embodiment of the larger trends in history, it is necessary to pay attention to the idea of J. Habermas about the internal contradiction of Modern Age, which, in his opinion, was systematically justified in the early XIX century by Hegel for the first time, revealing the dialectic opposition of ‘new’ and ‘even newer’ elements in each institution of this period.¹ A series of scholarly discoveries of Modern Age, presenting new and even newer worldviews to the Western Christian society, periodically shocked its established system of views, filled it with contradictions and deprived of a sense of stability and expectation of habitual patterns of behavior,² that is, represented a variety of hybridity forms.

The internal contradiction of the ideological basis, on which the international law and order is based, and which is formed on a random and mostly intuitive combination of the elements of the new (Kantian) and old (Cartesian) philosophical systems of Modern Age in the social and individual consciousness is studied in the work as a significant reason for the modern activation of manifestations of hybridity. Both systems have their origins in the depths of history, and their elements are embodied, above all, in two alternative models of interpersonal relations, embedded in the constants of human nature: the ‘intersubjective’ Kantian model is based on the relations of equal subjects, ‘subject-object’ the Cartesian model recognizes the subjectivity of only one party.

¹ Khabermas, Yu. (2003), *Philosophical Discourse of Modernity*. Moscow: Whole World, pp. 4-5.

² Khabermas, Yu. (2003), *Philosophical Discourse of Modernity*. Moscow: Whole World, p.19.

For more than two centuries, the philosophy of I. Kant has been overcoming the inertia of the subject-object approach to human relations with social and natural environment, embodied both in the Cartesian methodology itself, and in the style and means of ideological influence and command and administrative regulation of social relations, and the latter are held in a particular society the stronger, the longer and more aggressive they have been in the past.

Aim of the study.

The *aim of the research* is to substantiate the hypothesis that the prerequisite of the hybridity phenomena is the internal contradiction of the worldview basis of modern international law and order, which is formed by a random combination of the elements of the Kantian and Cartesian systems of philosophy in the individual and social consciousness, and the intensification of their manifestations at the turn of the XX-XXI centuries is a component of the general revision of worldview orientations and established standards of interpersonal relations and the organization of law and order, which, at least during Modern Age, tends to become more active at the turn of the centuries, acting cumulatively as a ‘self-fulfilling prophecies’.

Methods and Sources of the Research.

Statistical data, sociological studies, comparative and historical, and hermeneutical methods are used to analyze modern hybrid wars. A considerable amount of literature, both foreign^{1,2,1,2,3} and domestic,^{4,5,6,7}

¹ Davis, J.R. (2013), “Defending Future Hybrid Threats”, *Military Review* 5: 21-29.

² Herrmann, B., Thöni, Ch. and Gächter S. (2008), “Antisocial Punishment Across Societies”, *Science* 319: 1362-1367.

gives a broad idea about the actual side of the phenomena of the hybrid war and, partly, its sociological explanation. A good example of the subjective conditionality of perception and interpretation of facts is demonstrated by the works of Russian authors.^{8,9} But all these studies do not pay attention to the long-term origins of the current crisis state of the international community, which are, firstly, the psychological constants of human nature that underlie any social phenomena, and secondly, the tendencies of social and cultural dynamics. The appeal to the psychological foundations of international law was largely aided by

¹ Hoffman, F.G. (2009), "Hybrid Warfare and Challenges", *JFQ* 52. National Defense University Press.

² Barbara, Stark (ed.) (2015), *International Law and Its Discontents*, Cambridge: Cambridge University Press.

³ Renz, B. and Smith, H. (2016), Russia and Hybrid Warfare – Going Beyond the Label. Project «Russia and Hybrid Warfare: Definitions, Capabilities, Scope and Possible Responses». pp. 2–4, (internet) available at: <http://www.helsinki.fi/aleksanteri/english/> (viewed 23 December, 2019).

⁴ Vyshynskiy, S. (2015), "Autonomy of Space, Ukrainisn Revolution", *Philisophy* 2(6): 31-36.

⁵ Vlasiuk, V.V. and Karman, Ya.V. (2015), "Some Main Concepts "Hybrid War in International Law", *Law and civil society* 1: 226-234, (internet) available at: <http://lclaw.knu.ua/index.php/item/207-deyaki> (viewed 23 December, 2019).

⁶ Magda, E.V. (2015), *Hybrid War: Survive and Win*. Kharkiv: Vivat.

⁷ Horbulin, V.P. (2017), *Hybrid World War: Ukrainian Front*. Kyiv: NISD.

⁸ Kariakin, V.V. (2010), *Modern Geopolitical Dynamics of the Near and the Middle East*. Moscow: IG Granitsa.

⁹ Neklessa, A. I. (2015), "Hybrid war. The Appearance and Palette of Armed Conflicts in the XXI Century", *Economic strategies* 17(8): 78-87.

the work of O. Merezhko,¹ as well as a number of works on the analysis of the psychological nature of law^{2,3,4} and social psychology,^{5,6,7,8} the classic work of P. Sorokin,⁹ as well as the works of A. Toynbee,¹⁰ Yu. Khabermas,¹¹ K. Popper¹² became the basis of social and cultural dynamics studies, the ideas of general trends in the dynamics of the development of philosophical thought were formed on the basis of the

¹ Merezhko, O. O. (2012), *Psychological Theory of International Law (public and private)*. Odesa: Phenix.

² Radzivill, O. and Pyvovar, Y. (2019), Philosophical and Legal Concepts in the Context of Regulating National and International Public Order. In: I. Sopilko, ed. *Jurisprudence in the modern information space*. Hamilton: Accent Graphics Communications & Publishing. pp. 40-54.

³ Pyvovar, Yu., Radzivill, O. and Rozum, I. (2017), "The Role and Significance of the Regional European Organizations in the Process of Humanization of National Public Policy: Legal Analysis", *Internauka. Series: «Juridical sciences»*, 5(5): 22-29.

⁴ Khuk, Mark Van (2012), *Law as Communication*. St.-Petersburg: St.-Petersburg State University, LLC "University Publishing Consortium".

⁵ Karlson, J. E. (2004), Self-fulfilling Prophecy. In: S. Larsen ed.; transl. *Theory and Methods in Social Sciences*. Moscow: MGIMO; ROSSPEN. pp. 102-114.

⁶ Kroche, B. (1920), *Aesthetics as the science of expression and as general linguistics*. Moscow: Publishing House M. and S. Sabashnikovy, (internet) available at: <http://vispir.narod.ru/croce/croce.htm> (viewed 23 December, 2019).

⁷ Markuse, H. (1994), *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society*. Moscow: Progress.

⁸ Teilhard de Chardin, P. (1989), *Phenomenon of Man*. Moscow: Nauka.

⁹ Sorokin, P.A. (2006), *Social and Cultural Dynamics*. Moscow: Astrel.

¹⁰ Toynbee, A.J. (2004), *A Study of History*. Moscow: Aires-Press.

¹¹ Khabermas, Yu. (2003), *Philosophical Discourse of Modernity*. Moscow: Whole World.

¹² Popper, K. (1994), *Open Society and its Enemies, 1, 2*, Kyiv: Osnovy.

works by G. Reale and D. Antiseri.^{1,2} In the end, the need to investigate the origins and fluctuations of contemporary philosophical ideas more thoroughly made it necessary to turn to the works of I. Kant,^{3,4,5} which proved to be the source of most philosophical theories of the next two centuries, regardless of whether they were intended to criticize or further develop the ideas of the philosopher, they acted on their basis.

THE FIRST TOPIC

HYBRIDITY AND CHARACTERISTIC OF PHASE TRANSITION AND BIFURCATION

As it is stated in the monograph edited by V.P. Horbulin, the term ‘hybrid warfare’ started to be used in the late 1990s by US military men.⁶ This term has become widely used in connection with the 2006 Second Lebanon War, where ‘Hezbollah’ used irregular armed formations and their ideological training against Israel.⁷ The extension of the term ‘hybrid war’ is associated with the beginning of Russian

¹ Reale, G. and Antiseri, D. (1996), *Western Philosophy from the Beginnings to the Present Day*. In: *Modern Age*. St.-Petersburg: Petropolis.

² Reale, G. and Antiseri, D. (1997), *Western Philosophy from the Beginnings to the Present Day*. In: *From Romanticism to Present Day*. St.-Petersburg: Petropolis.

³ Kant, I. (1965), *Critique of Practical Reason*. In: *Immanuel Kant Work*, Moscow: Mysl, 4(1). pp. 311-501.

⁴ Kant, I. (1966), *Critique of Judgment*. In: *Immanuel Kant Work*, Moscow: Mysl, 5. pp. 161-529.

⁵ Kant, I. (1994), *Critique of Pure Reason*, Moscow: Mysl.

⁶ Horbulin, V.P. (2017), *Hybrid World War: Ukrainian Front*. Kyiv: NISD, pp.29-31.

⁷ Davis, J.R. (2013), “Defending Future Hybrid Threats”, *Military Review* 5: 21-29.

aggression against Ukraine in the spring of 2014, which included subversive activities of professional Russian military men, armament, training and financing of the separatists in Ukraine, the official denial by Moscow of its illegal actions and all subsequent actions of the aggressor state which only diversified hybrid means of warfare.¹ Its current stage is characterized by intense pressure on the international community to weaken its support for Ukraine, which uses the activities of the Moscow's secret service abroad, constant dissemination of false information in official media and the Internet, as well as such material arguments as gas supplies to Europe and constant threat of a nuclear attack.

There is no doubt that hybrid warfare has a long history: on the one hand, acting as a stronger and more prepared party, the Russian Federation follows the practice of hegemons of the Warring States, the Second and the Third Reichs, as well as the USSR and the United States during the Cold War.² On the other hand, the treacherous actions of powerful states provoke a gradual intensification of resistance – a hybrid one: for instance, the resistance of the Scythian campaign of Darius I, the tactics of the Taborites or Geuzens, and many other examples of violations of the idea of the strong party of these conflicts of 'due' warfare. D. Kuleba considers the instigation to the rebellion of Sparta's helots by the Athens during the Peloponnesian wars as one of the examples of hybridity.³ Thucydides, who described these wars as

¹ Horbulin, V.P. (2017), *Hybrid World War: Ukrainian Front*. Kyiv: NISD, p.28.

² Horbulin, V.P. (2017), *Hybrid World War: Ukrainian Front*. Kyiv: NISD, pp.142-143.

³ Magda, E.V. (2015), *Hybrid War: Survive and Win*. Kharkiv: Vivat, p.3.

being a their participant, gives us an example of, perhaps, the first ‘export of the revolution’ recorded in history, which had to break the well-established notions of the conservative opposite party.¹

But, in our opinion, the Peloponnesian wars should be considered in the context of previous events, which were mentioned by Thucydides himself and covered by Herodotus in sufficient detail.² It is a struggle of Hellenic poleis against the Achaemenid Empire, which by that time had already been defeated by the Scythians within the territory of Ukraine (514 BC): it was opposition not only to the imperial ambitions of Darius or Xerxes, but also to the attempts of their own tyrants to regain power over poleis under the patronage of the empire. Former tyrants of Hellas poleis and members of their families took an active part in the Achaemenid imperial aggression and, being aware of the dangers of freedom of demos, used full-scale techniques against their fellow citizens that fell entirely within the characteristics of a hybrid war. The Peloponnesian wars only continued Hellas’ struggle for freedom: conservative Sparta, whose totalitarian system made not only helots or perioeci but also full-fledged Spartiates ‘the slaves of the system’, together with the supporters of the old order from other policies fought against democratic poleis led by Athens.

Comparing the current confrontation between Ukraine and the Russian Federation with the confrontation between Hellas– the Achaemenid empire or Athenian democracy and Spartan timocracy, it becomes

¹ Thucydides (1981), *History*. Lviv: Nauka, pp.14-15.

² Herodot (2004), *History*. Moscow: OLMA-PRESS Invest, (internet) available at: <http://lib.aldebaran.ru> (viewed 23 December, 2019).

clear that the deep basis of the conflict in both cases lies in the choice between the two antagonistic models of interpersonal relations, which determine the features of the dominant worldview in society, and nature of its public order formation. One of them implies equal relations of cooperation, the other one implies the 'superior-subordinate' relations. Supporters of both models exist on both sides of the front line, which also explains Russia's radical return to aggressive international politics, the 'personality cult', and other attributes of the totalitarian regime, and the difficulty in realizing Ukraine's European integration choice. However, this choice, exercised by each person individually, accumulates during significant historical events in the spontaneous 'cooperative effects' of solidarity in public attitudes of mind: the war has finally completed the 'bifurcation' between these two post-Soviet societies, which are now strongly moving in opposite directions choosing principles of interpersonal relations and public order development, strengthening their choice by intensively forming alternative worldviews.

THE SECOND TOPIC

ORIGINS AND MODERN MANIFESTATIONS OF ONE-DIMENSIONALITY AND TOTALITARIAN THINKING

Whereas in ancient times the worldview discrepancies of the parties in major international conflicts were based on the difference of centuries-old ethnocultural or civilizational traditions, since Modern Age the growth of the pace of social and cultural dynamics and its uneven influence on different societies contributes to the growth of the share of temporary attitudes that are clearly defined ideologically and

purposefully disseminated in the worldview. In the modern world, the advancement of science, especially information technology and mass consciousness management practices, that are available to states with significant opportunities to effectively mobilize their resources, are used in full scale to develop such attitudes.

On the example of Russia–Ukraine relations, one can even assume that the capabilities of a state that is intentionally prepared for a hybrid warfare, allow it to carry out effective ideological indoctrination of the population on both sides of the front line in a relatively short period of time, regardless of the content of the ideology itself. However, the effectiveness of such ideological strike, in turn, is due to another long-lasting factor peculiar to the majority of the population of modern societies. This refers to the ‘one-dimensionality’ of the mind of the average citizen, who is unable to critically evaluate the coverage of facts and trends, the extent of which goes beyond his particular problems of today.

One-dimensionality, defined by H. Marcuse as a trait inherent in the industrial phase of civilization development,¹ in our opinion, has its origins in totalitarian religions, which have ‘enlightened’ a person to realize the multiplicity of the universe and the diversity and inertia of its processes for more than two millennia. Substantially suppressed by totalitarian religions, more ancient ‘multidimensional’ worldview, formed, perhaps, even in the Upper Paleolithic, was based on the respect of person for any manifestations of nature, the recognition of

¹ Marcuse, H. (1994), *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society*. Moscow: Progress, p.6.

subjectivity of which and the awareness of solidarity unity with which maintained person's natural dignity, that is, confidence in the completeness of one's own subjectivity. The preserved phonetic and substantive relationship of the concepts of 'world', 'light', 'holiday', 'holy' in the languages of individual peoples is the evidence of the life-affirming potential of such worldview, while the totalitarian religions brought from the foci of ancient civilizations identified holiness with the 'sanctity' and therefore something inaccessible to the consciousness of the 'flock', and most importantly – with the 'fear of the Lord', which embodied the dramatic experience of suffering from 'the good and the great' and survival under their power in religious metaphors, including various hybrid methods.

Based on the relations of 'pastor-flock', 'domination and punishment for disobedience' totalitarian religions, even enriched in the process of contact with other worldview systems, new historical experience and elements of humanistic nature, contributed to the displacement of the sense of legal personality from human consciousness, subordinating it to the incomprehensible, not explained by common sense or good practice – the higher will, which could be interpreted and embodied only by specially authorized persons, without any consideration of their personal characteristics. Although the spread of totalitarian religions occurred at different rates in different regions of the globe, they have influenced has much of the world – firstly, due to their proselytism, which often acts as an ideological aggression, and secondly, because totalitarian thinking serves the aspirations of the dominant classes of the caste societies, which have become the main form of organization of social relations in the last five thousand years of the 'era of civilization'.

As shown by A. Toynbee,¹ the ‘era of civilization’ is, in fact, an era of confrontation, on the one hand, the centers of civilization, the cultural and economic basis of which were self-governing city-states, on the other hand, the great ‘barbaric movements’ that periodically conquered them, establishing empires – hybrid forms of coexistence of barbarism and civilization, in which public order was provided by a ‘system of violence’, justified by a particular religious system. Accordingly, the dominant feature of the caste societies was the ‘subject-object’ attitude of the privileged strata to the subjects, that is, the feeling of complete disregard for the dominant side of the problems and the legal personality of the party under control. The emergence of totalitarian religions (mid-2nd – early 1st millennium BC) only finally consolidated the rationale and sacralization of such relations.

Even when Western society of Modern Age intensified the movement to significant ideological shifts, associated with the revival of polytheistic ancient philosophy, the development of practical science and the struggle of the state against caste privileges, totalitarian thinking for a long time only took new forms and was not overcome by neither new reformers, nor Cartesian philosophy, nor Enlightenment figures. On the contrary, the most ambitious results of its prolonged action are embodied in the ‘one-dimensional’ man of industrial society, whose conveying totalitarianism has caused a decisive blow to the stable, ideological foundations of multidimensionality laid before the Neolithic. In the process of industrial society formation, the unidimensionality of thinking, as well as the subject-object approach, have been embodied in

¹ Toynbee, A.J. (2004), *A Study of History*. Moscow: Aires-Press, p.364.

vulgar materialism and linear interpretation of history, rigid models of social order and the practice of their realization in social revolutions, early sociological theories and legal positivism.

On the other hand, the spread of ideas in Modern Age, which later emerged as values of civil society, initiated their long-standing opposition to the values of caste societies, until a certain time, however, without touching the depths of public consciousness, which mostly eclectically united new ideas with totalitarian thinking.

THE THIRD TOPIC

KANT'S PHILOSOPHY OF SELF-REFLECTION AND THE "MOSAIC" OF ITS AWARENESS

Systemic changes in the social consciousness of Western society, which P. T. de Chardin compared to the Neolithic revolution in historical significance, occurred at the turn of the XVIII – XIX centuries.¹ The most significant figure of this period is I. Kant, whose contribution to the methodology of the knowledge system is metaphorically called the ‘Copernican revolution’ in metaphysics: just as Copernicus proved the fallacy of the ‘Sun rotating around the Earth’ in astronomy, in epistemology I. Kant proved that the obviousness of certain characteristics of reality does not guarantee their adequate reflection, which they are ‘by themselves’.² In both cases, direct sensory experience must be reflected, that is, it is necessary to take into account

¹ Teilhard de Chardin, P. (1989), *Phenomenon of Man*. Moscow: Nauka.

Thucydides (1981), *History*. Lviv: Nauka, p.172.

² Reale, G. and Antiseri, D. (1996), *Western Philosophy from the Beginnings to the Present Day*. In: *Modern Age*. St.-Petersburg: Petropolis, p.634.

all aspects of the subjective conditioning of human consciousness, which I. Kant systematically explored in his three ‘Critiques’.

In ‘The Critique of Pure Reason’ (1781), Kant analyzes the cognitive capacity of human consciousness, distinguishing between sensual and rational cognition. The products of sensory cognition – ‘phenomena’ serve as a basis for rationally deduced judgments – ‘noumenon’, which give knowledge about something inaccessible to direct sensory experience.¹ Both components are proposed by Kant as working tools for the ‘philosophy of nature’, that is, the methodology of knowledge of objective reality.

Kant contrasts theoretical philosophy of nature with practical philosophy of morality, the basis of which is laid out in ‘The Critique of Practical Reason’ (1788). The key category of philosophy of morality is freedom, which is understood as freedom of consciousness from the pressure of biological instincts, which gives rise to lack of freedom in public relations. Practical reason responsible for the willful acts (that is, activity) of a human, forms rules – ‘maxims’, which, in most cases, are a compromise between the command of the ‘pure practical reason’ inherent in the nature of a human, and the ‘pathological influence’ on him in certain circumstances (aspirations, experience, environment, etc.).² The command of pure practical reason, which a human is aware of as far as he is able to attain a state of freedom, is embodied in moral

¹ Kant, I. (1994), *Critique of Pure Reason*, Moscow: Mysl, pp.32-33.

² Kant, I. (1965), *Critique of Practical Reason*. In: *Immanuel Kant Work*, Moscow: Mysl, 4(1). p. 425.

imperatives (hypothetical and categorical).¹ The categorical moral imperative has the meaning of a universal law, so it is the only one, though it may have different formulations, the most famous of which are: ‘Do so that your will maxim corresponds to the law of universal order’ and ‘Do so to treat humanity in a constant way –in your own person, and in the person of anyone else – as a goal, and never as a means’.²

The Critique of Judgment (1790) systematizes knowledge about the possibilities, structure, and criteria of self-reflection of human consciousness. If the theoretical philosophy of nature is based on the cognitive properties of human consciousness, and the practical philosophy of freedom is intended to coordinate its capacity for expression of will, then the ‘capacity of judgment’ that binds both systems³ relies on feelings of satisfaction or dissatisfaction that can have a multilevel hierarchy of criteria – from the lowest to the highest ones.⁴ The reflective capacity of judgment, designed to control the state of consciousness in the processes of cognition, is divided by Kant into ‘aesthetic’ and ‘solemn’, because in these forms of perception of reality, in some of its phenomena, ‘beautiful’ and ‘majestic’ can be revealed, as

¹ Kant, I. (1965), Critique of Practical Reason. In: *Immanuel Kant Work*, Moscow: Mysl, 4(1). pp. 332.

² Radzivil, O.A. (2017), *Right of Peoples from the Neolithic to Modern Times*. Kyiv: NAU, p.657.

³ Kant, I. (1966), Critique of Judgment. In: *Immanuel Kant Work*, Moscow: Mysl, 5, p. 164.

⁴ Kant, I. (1966), Critique of Judgment. In: *Immanuel Kant Work*, Moscow: Mysl, 5, p. 210.

the embodiment of transcendental characteristics of being not accessible to consciousness in most other phenomena.¹ The basic principle of the whole system of knowledge is defined by Kant in the maxim of the reflective capacity of judgment: ‘Nature, nominally perceived, remains a ‘thing in itself’, but this does not prevent us from interpreting it as rationally organized, owing to the unwavering desire of the spirit to think about it in that way’.²

The influence of his idea on the successors has a ‘mosaic’ character, forming, in accordance with his concepts of characteristics of human consciousness, their eclectic combinations with the concepts of his researchers, interpreters and critics. Therefore, the followers of I. Kant's concepts should not be limited by the circle of ‘Kantians’³ or ‘Neo-Kantians’.⁴ His philosophy was perceived fragmentarily and subjectively, and its individual provisions were scattered in various, sometimes very contradictory, conceptions.

For example, the dialectic, to which Kant, along with analytics, has given a place in each of his ‘Critiques’, understanding it as a fixation of the interconnection of alternative tendencies in the human consciousness, without excluding the presence of appropriate

¹ Kant, I. (1966), Critique of Judgment. In: *Immanuel Kant Work*, Moscow: Mysl, 5, p. 225.

² Reale, G. and Antiseri, D. (1996), Western Philosophy from the Beginnings to the Present Day. In: *Modern Age*. St.-Petersburg: Petropolis, p.667.

³ Reale, G. and Antiseri, D. (1997), Western Philosophy from the Beginnings to the Present Day. In: *From Romantism to Present Day*. St.-Petersburg: Petropolis, p.28.

⁴ Reale, G. and Antiseri, D. (1997), Western Philosophy from the Beginnings to the Present Day. In: *From Romantism to Present Day*. St.-Petersburg: Petropolis, p.278.

antagonism and objective reality, in speculative conclusions of G.W.F. Hegel arose as an immanent characteristic of objective reality,¹ which, in turn, caused further neglect of the subjective conditioning of human consciousness in dialectical materialism. Instead, I. Kant always clearly draws the line between proven and speculative conclusions. In particular, writing about the predetermined historical process, Kant points out the impossibility of proving or refuting it, while Hegel, followed this concept, defined the history of mankind as the embodiment of the Absolute Spirit,² and Marxism – as a sequence of social and economic formations, in which the driving force are contradictions between the productive forces and the way of production.³ Herein, both conceptions are stated as a direct reflection of objective reality, that is, without any reservations concerning their subjective conditionality and speculative nature.

K. Popper, who qualifies systems of G.W.F. Hegel and K. Marx as ‘oracular philosophy’, substantiates their popularity ‘according to Kant’, that is, taking into account their influence on the individual motivations of their supporters.⁴ Kant’s ideas also correlates with K. Popper’s definition and characteristic of the basic features of an open

¹ Reale, G. and Antiseri, D. (1997), *Western Philosophy from the Beginnings to the Present Day*. In: *From Romanticism to Present Day*. St.-Petersburg: Petropolis, p.65.

² Hehel, G.V.F. (2000), *Phenomenology of the Spirit. The philosophy of history*. Moscow: Science, p.246.

³ Engels, F. (1882), *Anti-Dühring. Dialectic of Nature* [Litportal], (internet) available at: <https://litportal.ru/avtory/fridrih-engels/kniga-anti-dyuring-dialektika-prirody-sbornik-603971.html> (viewed 23 December, 2019).

⁴ Popper, K. (1994), *Open Society and its Enemies*, 2. Kyiv: Osnovy, pp.81, 91.

society.¹ The most important of these is the way, in which society establishes its basic rules: for open society, it is ‘a critical conventionalism’ – a regime of free agreement and critical discussion by the parties of their positions and proposals, after and on the basis of which, only a system of common points of view can appear and obligatory law-convention; for closed societies, it is ‘mythical taboo’ – an organization of society based on a certain worldview myth, belief in which is the main criterion of loyalty of society’s members, and a system of taboos that regulates the most important aspects of social relations.²

The direction of philosophy, in which K. Popper worked, was defined as Neo-Positivism or Critical Realism,³ can serve as an example of the development of Kant's ideas in the formally opposing theory. Criticizing I. Kant's idea of the ‘apriority’ of virtues of human consciousness,⁴ which could not be empirically studied at that time, K. Popper builds his research precisely on the Kantian methodology, based on the subjective conditionality of the creation and dissemination of any scientific theories or using the method of verifying scientific theories in accordance with the Kantian criteria of distinguishing scientific and speculative conclusions. In particular, in his work devoted to the study of the foundations of epistemology, K. Popper demonstrates how critical conventionalism works in the realm of

¹ Popper, K. (1994), *Open Society and its Enemies*, 1. Kyiv: Osnovy, p.13.

² Popper, K. (1994), *Open Society and its Enemies*, 1. Kyiv: Osnovy, pp.74-75.

³ Reale, G. and Antiseri, D. (1997), *Western Philosophy from the Beginnings to the Present Day*. In: *From Romantism to Present Day*. St.-Petersburg: Petropolis, p.661.

⁴ Popper, K. (1994), *Open Society and its Enemies*, 1. Kyiv: Osnovy, p.238.

scientific research: in the permanent process of science approaching to an adequate reflection of the objective reality, scientific theories, as an evolutionarily conditioned instrument of cognitive function of human consciousness should be constantly produced to accomplish certain tasks, and their verification should show the limits, beyond which they cease to be effective and should be replaced by more adequate theories.

The development of legal aspects of the philosophy of I. Kant can also be considered systematic criticism, at the turn of the XIX-XX centuries, a positivistic understanding of law, which resulted in formation of a set of new, alternative approaches, under the general name ‘sociological legal awareness’.¹ Legal positivism, which limit the right only by norms formally issued on behalf of the state, found itself unable to recognize their social adequacy, which were aimed at correction of these new trends in the theory of law. Particularly close to Kantian philosophy is the psychological theory of law developed by L. Petrazhytskyi and his followers.² Fundamental discoveries of the XX century in the sciences of human and society have strengthened the position of sociological legal awareness, according to which, the right is the embodiment of the most relevant social laws, realized and verbalized in intersubjective communications as rules, which are obligatory, not because the threat of punishment for failure, as it follows from the positivistic approach, and but because of their importance for maintaining the mutual

¹ Khuk, Mark Van (2012), *Law as Communication*. St.-Petersburg: St.-Petersburg State University, LLC “University Publishing Consortium”, p.14.

² Merezhko, O. O. (2012), *Psychological Theory of International Law (public and private)*. Odesa: Phenix, pp.13-15.

expectancy of social relations.¹ In the theory of law, this approach caused the understanding: firstly, the primacy, in relation to the collective legal personality – the individual legal personality, due to the psycho-physical characteristics of a human; secondly, the multilevelness of the collective subjects of social relations, as the established levels of interpersonal communications, if it is possible, to influence the characteristics of social and cultural dynamics at each level.²

The interconnection of a complex characteristic of a society (including its state of law and order) with the individual characteristics of its members, as it has shown P. Sorokin, is a dynamic and can potentially act in the mode of mutual reinforcement or weakening, being subordinated to fluctuations of social and cultural dynamics.³ In Kant, such interconnection is defined only in a general form: on the one hand, in the assessment of the historical process as the realization of a ‘Nature’s Secret Plan’ is to achieve such a national and international civil system, which can reveal all abilities inherent in a man,⁴ on the other – in determining the conditions for the development of such a system – an achievement of a proper level of consciousness by

¹ Khuk, Mark Van (2012), *Law as Communication*. St.-Petersburg: St.-Petersburg State University, LLC “University Publishing Consortium”, pp.20-21.

² Khuk, Mark Van (2012), *Law as Communication*. St.-Petersburg: St.-Petersburg State University, LLC “University Publishing Consortium”, p.24.

³ Sorokin, P.A. (2006), *Social and Cultural Dynamics*. Moscow: Astrel, pp.53-55.

⁴ Radzivil, O. and Pyvovar, Y. (2019), Philosophical and Legal Concepts in the Context of Regulating National and International Public Order. In: I. Sopilko, ed. *Jurisprudence in the modern information space*. Hamilton: Accent Graphics Communications & Publishing, p.10.

humanity.¹ Kant also identified three levels (individual, national and interstate) of legal support for the movement of mankind to build such a system.²

In the work ‘Social and Cultural Dynamics’ P. Sorokin, exploring the development of the European cultural tradition for the period from the 9th century B.C. to the 19th century A.D., identifies in it the fluctuations of two ‘types of culture’, which over a long historical boundaries (up to 600 years) are characterized by a complex of all forms of spiritual and intellectual activity of society and a set of ‘types of mentality’ of certain categories of individuals:³ an ideational type of culture, formed on the basis of religious worldview, and sensual, based on empirical researches and their rational explanation.⁴ The sensual replaced the ideational twice: in the VI-III centuries B.C. (antiquity) and in the XV-XVII centuries A.D. (Modern Age) – in the form of change of sign of large fluctuations, complicated by fluctuations of smaller scale. Thus, among three dimensions of history – constant, progressions and fluctuations –

¹ Radzivill, O. and Pyvovar, Y. (2019), Philosophical and Legal Concepts in the Context of Regulating National and International Public Order. In: I. Sopilko, ed. *Jurisprudence in the modern information space*. Hamilton: Accent Graphics Communications & Publishing, p.11.

² Renz, B. and Smith, H. (2016), Russia and Hybrid Warfare – Going Beyond the Label. Project «Russia and Hybrid Warfare: Definitions, Capabilities, Scope and Possible Responses». pp. 2–4, (internet) available at: <http://www.helsinki.fi/aleksanteri/english/> (viewed 23 December, 2019).

³ Teilhard de Chardin, P. (1989), *Phenomenon of Man*. Moscow: Nauka, pp.77-80.

⁴ Sorokin, P.A. (2006), *Social and Cultural Dynamics*. Moscow: Astrel, pp.64-65.

the latter are pointed out by P. Sorokin as the most informative for the study of social and cultural dynamics.¹

D. Kelley, who explored the development of the Western legal tradition, in the same range as P. Sorokin (from the 'Dark Ages' of ancient Greece to the Modern Age of Europe), uses a different algorithm of historical dynamics. In the paper 'The Human Dimension of Being: Public Opinion in the Western Legal Tradition', he identifies local acts of the 'movement to maturity' of the collective legal awareness of certain societies of ancient, medieval and New Europe,² showing how each of them in certain time passed three of its stages-states: Physis, as an embodiment of the natural understanding of law; Nomos, as the domination of volitionally established (by power of the monarch, collegially or nationally) laws of a society organized as a state; Logos, as a stage of awareness of the transcendental, supernatural and superhuman ideal law.³ Each of the distinguished stages-states, on the one hand, is correlated with the subject of the three 'Critiques' of Kant, that is, the awakening, as dominant elements of the collective consciousness a lot of complex levels of individual consciousness for self-reflection: Physis is an integral and direct perception of nature a component of which is a human activity; Nomos is a separation from natural law and the dominance of volitionally established law (the practical component of the collective world-view); Logos is an

¹ Sorokin, P.A. (2006), *Social and Cultural Dynamics*. Moscow: Astrel, pp.97-98.

² Kelley, D.R. (2002), *The Human Dimension of Being: Public Opinion in the Western Legal Tradition*. Odesa: AO BAKHVA, p.20.

³ Kelley, D.R. (2002), *The Human Dimension of Being: Public Opinion in the Western Legal Tradition*. Odesa: AO BAKHVA, pp.15-17.

awareness of the universal transcendental laws of the Universe, reflected metaphorically according to a particular cultural tradition. On the other hand, the stages-state of legal awareness, defined by D. Kelley, reflect the scale of the worldview, at least, of the leading part of society at each of these stages: Physis is a scope of family relations, in which, mainly, acts personal will of the patriarch; Nomos rules in a society that has formed a state the laws of which are subordinated to the will of patriarchs; the Logos stage is connected with the ecumenical processes and intense cultural contacts between states and civilizations.¹ On the example of both complementary approaches applied by P. Sorokin and D. Kelley, it is clear that the driving forces and patterns of historical dynamics do not yet have a generally recognized understanding. D. Kelley demonstrates the ‘quantization’ of the historical process, the large-scale fluctuations of P. Sorokin, reflecting periodic fluctuations in worldview foundations or public attitudes,² shown by him as the embodiment of objective dynamic confrontation – in space, time and levels of organization – large sociocultural bodies of an antagonistic nature, that is, in the context of Hegel’s dialectics or dialectical materialism.

Instead, Kant’s methodology considers dialectics, first of all, as a feature of the human mind – to identify and contrast differences – in order to explore more deeply the natural or social phenomenon in its internal diversity and variability in time. The main motive of any

¹ Radzivil, O.A. (2017), *Right of Peoples from the Neolithic to Modern Times*. Kyiv: NAU, p.86.

² Sorokin, P.A. (2006), *Social and Cultural Dynamics*. Moscow: Astrel, pp.106-107.

cognitive activity of a human is an achievement, albeit a temporary, but optimally integral reflection of the reality. In the context of ‘theoretical philosophy of nature’ Kant shows that the induction method (synthesis) at some point reveals a common basis for any identified opposites.¹

Two works devoted directly to the issues of building international law and order became an important component of I. Kant’s legacy. In the ‘Idea for a Universal History with a Cosmopolitan Purpose’ in 1784, I. Kant shows that private motives of human activity of multiple vectors, acting collectively as the driving force of history, reveal signs of predetermination at the level of ‘the most large-scale universal processes’,² which is understood by him as the movement of mankind towards the highest purpose of nature – the development of the virtues inherent in a human.³ The means that nature uses for this purpose is the antagonism of human interests, which, after all, must lead mankind to order in accordance with universal laws.⁴ Such law and order is a

¹ Kant, I. (1994), *Critique of Pure Reason*, Moscow: Mysl, p.20.

² Kant, I. (n.d. a), *Idea for a Universal History with a Cosmopolitan Purpose*, (internet) available at: https://www.civisbook.ru/files/File/Kant_Idea.pdf (viewed 23 December, 2019), pp.3-4.

³ Kant, I. (n.d. a), *Idea for a Universal History with a Cosmopolitan Purpose*, (internet) available at: https://www.civisbook.ru/files/File/Kant_Idea.pdf (viewed 23 December, 2019), p.11.

⁴ Kant, I. (n.d. a), *Idea for a Universal History with a Cosmopolitan Purpose*, (internet) available at: https://www.civisbook.ru/files/File/Kant_Idea.pdf (viewed 23 December, 2019), p.6.

global legal civil society¹, in which only one can attain the highest purpose of nature – a free human whose consciousness is brought up in harmony with the universal laws embodied in the organization of world civil society. Among other problems of humanity, this seems to be the most difficult one and will be solved at latest, since it requires a long historical experience and an adequate level of culture, at least in most of humanity.² Kant shows that in order to achieve this goal, constant feedback must be maintained between the various levels of the international order, since the achievement of the status of world civil society is not possible without the establishment of a reliable civil society in individual states, which, in turn, can be achieved only under the conditions of mutual expectation and legal regulation of the relationship between them.³ This approach is new to the one-vector cause and effect method inherent in Cartesian methodology; it became the basis of the logical and meaningful method proposed by P. Sorokin more than a century ago.⁴

¹“Civil society” (Latin “societas civilis”) in I. Kant’s works and in the Western legal tradition has a double meaning – as a society of full-fledged citizens and as a civilized society.

² Kant, I. (n.d. a), *Idea for a Universal History with a Cosmopolitan Purpose*, (internet) available at: https://www.civisbook.ru/files/File/Kant_Idea.pdf (viewed 23 December, 2019), p.7.

³ Kant, I. (n.d. a), *Idea for a Universal History with a Cosmopolitan Purpose*, (internet) available at: https://www.civisbook.ru/files/File/Kant_Idea.pdf (viewed 23 December, 2019), p.8.

⁴ Reale, G. and Antiseri, D. (1997), *Western Philosophy from the Beginnings to the Present Day*. In: *From Romanticism to Present Day*. St.-Petersburg: Petropolis, pp.40-41.

For stability and mutual expectation, international relations must be governed by the just conditions that Kant systematically mentions in the work ‘Perpetual Peace’ (1795). The philosopher begins it by proclaiming faith in humanity’s ability to obtain ‘perpetual peace’ other than at the cemetery, though this is hampered by many human flaws. This is especially true for heads of states who are not satisfied with war.¹ I. Kant outlines the conditions for the achievement of ‘living’ perpetual peace in ‘preliminary’ and ‘definitive’ articles. Six preliminary articles are conditions that should be reached as soon as possible, since trust between states is impossible without them. They all remain relevant to contemporary international relations, but the last of them is especially that is understood as subject to law, not the will of the mighty’.² In building a global civil society, he identifies three most significant levels of legal support: a) the state public order of the nation, which must be republican; b) the legal regime in the relations of the states with each other, which should be limited only to the norms of hospitality; c) world civil law and order, which encompasses both relations between states and relations between people with legal norms,

¹ Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.2.

² Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.6.

since all people must be regarded as its subjects.¹ In the annexes to the articles, Kant expresses aphoristic and quite up-to-date opinions on the subjective aspects of the administration of public authority and justice, in particular: 1. 'It seems humiliating for the legislative authority of a state to seek advice on the principles of its relations with other states in the works of subject philosophers, but it seems extremely reasonable'.² 2. 'The lawyer, who chose scales as the symbol of law and a sword as the symbol of justice, often uses the sword not only to protect the scales from unauthorized influence, but also to put it on the right scale if it does not want to fall. It is a great temptation for a lawyer if he is not a philosopher, since his formal duty is only to apply existing laws and not to check whether they need improvement'.³

THE FOURTH TOPIC

THE INTERNAL CONTRADICTIONS OF MODERN INTERNATIONAL LAW AND ORDER

The perspectives of world civil society outlined by Kant have been only partially embodied in the international law and order, which emerged in the second half of the XX century. Historically the last contribution

¹ Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.7.

² Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.27.

³ Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.28.

of positivism to legal practice, it is based on agreements between sovereign states, providing international relations with a system of codified norms and international institutions subordinated to the purposes and principles of the UN Charter. Its name – ‘neoliberal’ is generally perceived in economic terms, although it refers to two interconnected systems, between which significant contradictions are periodically revealed:¹ universal international law and order, led by the UN, and international economic order, coordinated by specialized international organizations of the UN system.

On the other hand, international law in the second half of the XX century, emerging in the bipolar confrontation of capitalist and socialist geopolitical systems, developed under the influence of two contradictory paradigms – liberalism and solidarism.² The latter, in particular, was embodied in the idea of the New International Economic Order, which was formed in the process of mass accession to the UN of post-colonial countries and their leaders’ awareness of common claims of their peoples to developed countries, having acquired its final formulation in 1974 in the relevant Declaration³ and the Charter of Economic Rights

¹ Karo, D. and Zhuiar, P. (2002), *International Economical Law*. Moscow: International relationships, pp.6-7.

² Tuskoz, Zh. (1997), *International Law*. Kyiv: Osnovy, p.217.

³ Hoffman, Frank G. and Mattis, James N. (November 2005), “Future Warfare: The Rise of Hybrid Wars Proceedings”, (internet) available at: <http://www.nato.int/docu/review/2014/Russia-Ukraine-Nato-crisis/EN/index.htm> (viewed 23 December, 2019).

and Duties of States.¹ After the Charter has not been signed, the solidarity aspirations are in line with the efforts of the international community to adjust neoliberal international economic law to relations between countries with different levels of development, which have been formalized in the concept of ‘sustainable development’.² However, the inertia of the complex of contradictions that stretch back to the previous centuries continues to hinder the best programs and development strategies created under the auspices of the UN or at the level of regional legal systems.

The disadvantages of neoliberal international law are linked to the main disadvantage of positivism in international law: its legitimacy criteria do not take into account the extent to which the actions and decisions of the government of a state in international relations protect the interests of its citizens. The level of decision-making in international law remains interstate in form, although in reality various groups of influence on governments that are not subordinated to the rules of international law, the opacity of which significantly reduces the expectation and level of trust in international relations, play an active role in it.

In this regard, the United Nations in the declarations, strategies and ‘action plans’, like other international organizations, call upon States to

¹ Barbara, Stark (ed.) (2015), *International Law and Its Discontents*, Cambridge: Cambridge University Press.

² United Nations (UN) (2006), *Fragmentation of international law: difficulties arising from the diversification and expansion of international law*, Report of the Study Group of the International Law Commission / A/CN.4/L.682/13, (internet) available at: https://legal.un.org/ilc/guide/1_9.shtml (viewed 23 December, 2019).

develop a new style of their relations with their citizens, while simultaneously addressing different groups of subjects of private and legal relations with the aim of intensifying their influence on their governments from a socially and humanistically oriented points of view.¹ At the level of regional institutions, at least in Europe, this strategy is embodied by Council of Europe conventions, goals and principles of the European Union, as well as the concept of the ‘human dimension’ of the OSCE, which is aimed at gradual and systematic implementation – through recommendations to states on the activities of their authorities, social services, public service broadcasting – at the national and local levels, to contribute to the effective provision of a friendly climate in a society that would maximize the disclosure of human potential, taking into account special needs for persons of different sex and age.² These recommendations are developed on the basis of the modern achievements of the human sciences and become part of the law as ‘social engineering’.

At the universal level, the international community has high hopes for the emergence of a ‘global information civil society’,^{3,4} which opens many new opportunities for the individual, providing international cooperation with new quality and multi-leveledness, through global

¹ Markuse, H. (1994), *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society*. Moscow: Progress.

² Markuse, H. (1994), *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society*. Moscow: Progress.

³ Herodot (2004), *History*. Moscow: OLMA-PRESS Invest, (internet) available at: <http://lib.aldebaran.ru> (viewed 23 December, 2019).

⁴ Dyn, N. K., Daye, P. and Pelle, A. (2001), *Public International Law*. Kyiv: Sphera.

communications networks. By translating the bulk of international contacts into the level of interpersonal exchange of information, they help to increase general level of awareness and culture of the population, to realize all the benefits of non-governmental 'horizontal' international relations and to share experience in building a friendly socially-oriented environment in their countries.

However, these positive changes in international law do not seem to be sufficient to adequately respond to the crisis of international law and order, which has intensified significantly in the current transition between two centuries and millennia. The traditional contradictions between developed and developing countries are compounded by an increase in cases of spontaneous exacerbation of 'state selfishness', which increase the range of problematic issues in international relations. These cases reduce the level of trust not only in international relations, but also in the relations of the authorities with citizens and relations of different social groups, causing mutual distrust in interpersonal relations.

The intensification of social tension is facilitated by unpredictable activation the searches of new worldviews, the share of which should serve as 'bonds' for renovation of self-identity of certain large societies ('regional civilizations' A. Toynbee). This natural desire to realize one's own cultural tradition could be an important step towards implementation of the idea of a solidarity-based multicivilizational and multicultural international community after a long period of active

westernization.¹ However, ideological orientations of such direction, predominantly, continuing the tradition of one-dimensional totalitarian thinking, are antagonistic to all other points of view, often lead to primitive resistance to ‘everything Western’.

Against the backdrop of such concepts continues the search of a new worldview paradigm acceptable to all mankind, which, without rejecting the significant achievements in this area of Western society, would systematically harmonize them with other cultural traditions in their multicultural diversity and in the context of humanization of social relations. Methodologically, the basis of this search, in many cases unsystematic and intuitive, can be the philosophical system of I. Kant, improved and modernized by his followers. The historical experience of several past centuries, shows that in the transitional periods, when the paradigms of the previous century are under consideration, science, in search of new paradigms, actively turns to philosophy, which, based on a full arsenal of the characteristics of human consciousness, can find new ones or renew already known heuristic ideas beyond the methodologies acceptable to science.

For more than two centuries, Kant's philosophy has taught mankind to think and act through self-reflection, constantly recognizing that all religious beliefs and ‘scientific pictures of the world’, perception or rejection of moral and ethical or legal norms, even taking into account or ignoring certain obvious facts – for each individual is conditioned by

¹ United Nations (UN) (2000), The United Nations Millennium Declaration. Res. of General Assembly 55/2, (internet) available at: <http://www.un.org/russian/documen/declarat/summitdecl.htm> (viewed 23 December, 2019).

his motivation, which in turn is determined by his characteristics (including gender, age, state of health, social and mental well-being, etc.) and influence on his consciousness of natural, social and cultural environment.

However, in the realm of the ‘practical philosophy of morality’, on which the regulation of social relations and the organization of public order is based, the primary impulse of a ‘pure practical mind’ is to define a common normative basis for multidirectional aspirations polarized in opposites. And though due to objective circumstances the moral imperative is embodied in the maxims determined by place and time, the adequacy of the latter will be the greater the more optimally contradictory characteristics of realities and the expected consequences of influencing them are agreed, that is, each individual or collective decision embodied in maxims, is a movement between Scylla and Charybdis of contradictory arguments. Accordingly, in the hierarchy of legal maxims constantly relevant issues, in the dynamics of their adoption and reassessment, remains a socially adjusted ratio of general and special norms.¹ And the most important condition for accepting the maxims of collective behavior, established by a custom or conventionally, should be a general subordination of their material content – the moral imperative, and while their definition – the conscientious orientation of the collective will to a steady approach to it. As a warning to politicians not to ignore this fundamental condition, the

¹ United Nations (UN) (2006), Fragmentation of international law: difficulties arising from the diversification and expansion of international law, Report of the Study Group of the International Law Commission / A/CN.4/L.682/13, (internet) available at: https://legal.un.org/ilc/guide/1_9.shtml (viewed 23 December, 2019).

first of I. Kant's 'preliminary articles' from the work 'To Eternal Peace' says: 'No peace treaty can be considered as such, while its concluding secretly are set up the grounds for a future war'.¹

CONCLUSION

The phenomena of 'hybridity', that is disconformity of the actions of one party to the established and contractual standards, abidance of which is expected by the other party, have become a landmark event at the turn of the XX-XXI centuries, when the 'spontaneous' component of social relations especially sensually gets out of control of the rational component, set in worldview concepts and principles of the organization of national and international law of the previous period.

The major drawback of the neoliberal international legal order as an intellectual work of the Western legal tradition is that the positivistic criteria of legitimacy are underlied on its basis, are incapable of assessing as far as the actions and decisions of governments in international relations protect the interests of their citizens, and the intergovernmental level of making official decisions that are often fatal to all mankind, neglects the pressure they exert on governments that are not subordinater to norms of the international law, groups of influence, and the opacity of their activities, significantly reduces the level of confidence in international relations.

¹ Kant, I. (n.d. b), *Perpetual Peace*, (internet) available at: https://www.civisbook.ru/files/File/Kant_K_vechnomu_miru.pdf (viewed 23 December, 2019), p.2.

In the theory of law, ‘Non-Positivistic’ conceptions of legal awareness recognize the decisive role of an individual will in supporting law and order at different levels of collective legal personality. Accordingly, the modern international law increasingly takes into account these theoretical provisions in its practice: by taking on the role of ‘social engineering’ for the international community, it, on the one hand, through recommendations to governments, contributes to the formation of favorable conditions for the development of personality, on the other – addresses directly to the subjects of private law, calling them to participate actively in the development of civil society, capable to subordinate the activities of its governments to their direct duty – to serve the interests of nation.

However, these positive improvements in international law are blocked by the active counteraction of the subjective factor, determined by both the specific motives of the actors of international relations and the ideological basis, which, regardless of their belonging to a particular cultural and civilizational tradition, shows features of hybridity, especially pronounced in connection with the intensification of the search for new, often antagonistic worldviews, some of which should serve as ‘bonds’ of self-identity for certain individual large societies, often reduced to primitive condemnation of ‘the Western’, others – the elements of a new ideological paradigm acceptable to all humanity that would not rejecting significant achievements in this area of Western society, systematically harmonized them with other cultural traditions in their multicultural diversity and in the context of humanization of social relations.

On the example of the hybrid war of the Russian Federation against Ukraine, it is obvious that it is based on the choice between two antagonistic models of interpersonal and public relations, one of which foresees a ‘superior-subordinate’ relations, the other – equal relations of cooperation. This choice, made by each person at one time on both sides of the front line, under the pressure of historical circumstances, accumulates in the spontaneous ‘cooperative effects’ of public attitudes. Accordingly, the war unleashed by one post-Soviet state against the other one has finally completed the ‘bifurcation’ between their societies, quickly consolidating each of them on the basis of alternative worldviews.

Both of these models reveal themselves transhistorically, being established in the constants of the inherently contradictory nature of a human. At the same time, the ‘subject-object’ relation of the superior to the subordinate, dominating the whole epoch of civilization, as one of the fundamental values of caste society, having received its sacralized justification in totalitarian religions, for millennia contributed to the formation of ‘one-dimensional man’, weaning him away from more ancient, formed before the Neolithic, ‘intersubjective’ attitude to its natural and social environment, built on the belief in the multiplicity of the Universe and on the duty, regardless of their situational significance, worship all its multiscale manifestations, including ones own legal personality.

It is only with Modern Age in Western society begins the movement, which, in the long run, should be embodied in the values of civil society, built on the equal co-operation of individuals, which, however, in its progress undergoes large-scale fluctuations associated with the eclectic

combinations of moods of worldview elements of caste and civil societies. A decisive breakthrough in this movement was provided by I. Kant's philosophical system, which for two centuries has been opposed to the Cartesian 'subject-object' attitude of the individual towards the natural and social environment, which still finds its embodiment in the command-and-control style of management and 'the pastor's' style of presentation of worldviews or ethical conceptions. According to the epistemology of I. Kant and the followers of his ideas, the decisive condition for the adequacy of the collective reflection of reality and the corresponding strategies and tactics of social activity is a free exchange (according to certain rules of communication) of subjective ideas and motives and complete rejection of any one-dimensional totalitarian political order, ideologies, scientific theories, or lifestyles, whether by coercion, unfair use of benefits or disseminated information it.

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