

G. A. Hajiyev¹

HAMLET'S PROPHECY, KANT'S PROJECT FOR PERPETUAL PEACE AND THE MAIN MYSTERY OF WORLD HISTORY

1. The world-known symbol of power-loving self-destruction – Hamlet – says a fascinating sentence, the meaning of which (when translated into Russian by B. Pasternak) is that violence ends in violence.

Danish historian and author of the 12th century Saxo Grammaticus and English chronicler Raphael Holinshed, to whose research William Shakespeare addressed when writing his Hamlet, had pointed to the fact that the Shakespeare's character was first of all known as a murderer and not a reflecting young thinker. Yes, he murdered Polonius, he poisoned Rosencrantz and Guildenstern. But Shakespeare turns this historical truth into the eternal ethic issue of self-destruction by power-loving. Hamlet interpreted by Lev Dodin comes down to the cruel principle: "violence always forms a locked bloody circle, and to get out of it is only possible by dying".

2. The bloody circle of violence – bellum omnium contra omnes – is a notion of Thomas Hobbes social philosophy and it continues Hamlet's prophesy. All people are equal in the so-called natural pre-law condition and each one is guided by his/her passions. And as individuals are selfish, the strongest passions are lust for power, richness and pleasures. The principle of human behaviour in a "natural state" is absolutely simple: an individual engages in a series of conflicts. That's "the war of all against all". It's well-known that Hobbes philosophically reflects about the English Civil War in his *Leviathan*.

Several centuries later, the great Kant's project for perpetual peace between states appeared. It did not originate at once – at first Kant thought that war was one of the mind's tricks that directed disagreements between states to the mankind's benefit. But by the time his philosophical sketch *Perpetual Peace* (1775) was written, Kant already thought that practical mind consisted of striving for peace. When he used the term of a war of annihilation, he in essence foresaw the risks of a modern war that could allow to establish perpetual peace only on the great cemetery of the mankind.

¹ Judge of the Constitutional Court of the Russian Federation, Dr. Sc. (Law), Professor, Honored Lawyer of the Russian Federation. Author of more than 270 scientific publications, including monographs and textbooks: "Protection of the Basic Economic Rights and Freedoms of Entrepreneurs Abroad and in the Russian Federation: An Attempt at Comparative Analysis", "Entrepreneur, Taxpayer, State: Legal Positions of the Constitutional Court of the Russian Federation", "Constitutional Principles of Market Economy", "Constitutional Economics", "Ontology of Law (A Critical Study of the Legal Concept of Reality)", "The Russian Judicial Power: Modern State and Prospects" (coauthor), "Law and Economics (Methodology)", etc. Member of the Editorial Boards of 12 scientific journals. Member of the Russian Presidential Council for the Improvement of Civil Legislation. Awarded the Certificate of Honor of the President of the Russian Federation. Doctor honoris causa of SPbUHSS.

Only law allows to avoid such prospects, it creates rules in accordance with which military conflicts are becoming impossible because the grounds for them are liquidated.

Great moralist Kant like other moralists truly believed that his program "for perpetual peace" could be realized. And academician A.A. Guseynov proved that civilization development did not go along the way pointed out by the great moralists, and their normative and ethic programs were most often not brought into life. One can think that in order to justify their activities Abdusalim Abdulkerimovich writes that "the exalted message of moralists was the salvatory counterbalance for civilization's material striving" (*Guseynov A. A. The Great Moralists. Moscow, 1995. P. 263*). One can find a deep thought in this apologetics: it's already good that there are moralists, that their warning voices caution against risks of going wild. But at the same time, he, Guseynov, as it seems to me, hints at the eternal principle of discrepancy between the Platonic world of ideas and material interests of nations.

After a century and a half after Kant's project, Proudhon again explained the phenomenon of war and peace as two inevitable human functions that alternate in history as vigil and sleep alternate in human life. Because of that war is a common and nearly productive issue in case of Proudhon, who had lived in the time of revolution and war.

In the early 21st century, a new cycle began in the global world order, a "hegemonic power" and "Europe's opportunistic adaptation to it" originated (Jurgen Habermas).

The further displacement of the World's crust (as the state of affairs replacing the state of war) again split the West and the East as if to prove that Rudyard Kipling was right – "East is East, and West is West, and never the twain shall meet".

Is civilization really doomed to such a development model that can be described by V.I. Lenin's famous words: "One step forward, two steps back"?

3. The statement that universal and permanent moral values are the nucleus of human culture and thus the core of civilization, is unquestionable for me. They are as eternal and universal as natural rights.

Any world order model – i.e. the global world – inevitably needs a moral and ethic basis created by the whole humankind. The Rule of Reciprocity as the principle of international law follows from a more general principle of states' sovereign equality.

The genealogy of the Rule of Reciprocity shows its sources, and this is an old social norm according to which if someone does something for you, you'll feel yourself

obliged to do something in return for them. The Rule of Reciprocity, the ethics of reciprocity, or the “golden rule” has become one of the most important social rules brought into life by all world religions: “Do for other people everything you want them to do to you”. This Rule turned out to be the meeting place for various fields of knowledge – philosophy, theology, sociology, jurisprudence. There is no doubt that the Rule of Reciprocity is currently an acknowledged by everyone part of the common legacy of human wisdom, this idea coincides in all theological systems of knowledge.

The reciprocity principle has grown out of the seed – the Ancient Roman law formula: *do ut des* (I give so that you give back to me), and this is the oldest legal norm describing the experience of primitive economic turnover. Law started from comprehending the essence of exchange operations. Setting prices, measuring values – all that meant to exchange. And as Friedrich Nietzsche wrote in *On the Genealogy of Morality*, this real process occupied the conscience of an ancient man to such extent that, in a sense, originally the forms of legal thinking turned out to be appendages of exchange operations. And proceeding from this embryonic state of the originating law, the maturing feeling and notions of debt, measure and later agreement with its reciprocity led not only to Aristotle’s understanding of reciprocity but also predetermined the modern juridical concept.

Disharmony, disturbance of balance of interests in an exchange, as a rule, are the consequences of human passions (desire to get some values without any grounds for that). The victim has to react, and thus the striving for retribution appears. That’s how Plato describes the reasons of conflicts in *The Republic*. His version of solving the problem of civil peace and harmony seems naïve today. Plato offered to give the state power to philosophers who, obsessed by the idea of good, should restrain human passions.

The idea of good was taken up by Christianity calling to make love to one’s fellow man equal to love to oneself. The idea of good “grew up” in L.I. Petrazycki’s teaching. Professor Petrazycki in *Lehre vom Einkommen*, first published in German in 1895, discussed various thoughts about material wealth and benefits distribution in the society, and put forward the idea about importance of love to fellow humans, compatriots and contemporaries.

At the same time, the outstanding Russian theoretician of law meant active force under love, distinguished by regularly growing intensity. In his opinion, love could be institutionalized as views and attitudes, instincts and even establishments. He thought that in case of careful studies of the whole “social edifice” one could come to the conclusion that its whole foundation, principles were none other than crystallization of institutions formed under a long impact of love and mind. At the same time, two of these bases – love and mind – transfer into one another. Love and mind are constantly fighting selfishness that is a hindrance for both harmony in inter-human relations and reasonable construction of social life.

Proceeding from this reasoning, one can suggest that love and selfishness are a permanent struggle of opposites, at the same time both these bases have social usefulness as competition between them generates harmony, balance in the form of public order. Reduction of conflict area is the essence of the common good.

The most important common good, if we judge by the text of the Russian Constitution, is accord, peace, minimal social conflicts. It is said in the third line of the preamble to it that the multinational people of the Russian Federation establish human rights and freedoms, civil peace and accord in their land.

Kant viewed morals and law as manifestation of the natural practical mind. Thus, his views of overcoming conflicts do not much differ from Plato’s idea: there is no big difference between who should rule, either philosophers or the practical mind (morals and law).

Are there approaches outdated – Plato’s, Kant’s... and so on down the list? I think that they were tried and tested in the furnace of time. The global world still has two poles – passionate desires (economic interests, desire to make someone happy forcefully, etc.) and mind. Mind supposes balance, containment.

“Hegemonic powers” with numerous satellite countries in global politics do not much differ from the classical empire model. They make up the world order project that was named “the order of big spaces” by Carl Schmitt in the second half of the 20th century. Already not sovereign states engage in world order in this project but “sovereign spaces”, on the territory of which dependent nations and people obey the authority of the “born to rule” nation that acquired its dominance thanks its historical achievements in economy. The “big spaces” as such in Schmitt’s project are given connotations associated with the idea of eternal “struggle of cultures / ideologies”.

“Hegemonic powers” as Jurgen Habermas writes, are capable of self-affirmation and “radiation”. They form the big space’s identity with the help of their political values. One cannot but agree with C. Schmitt that the new world order consisting of “big sovereign spaces” can be held up by exclusively “equality of powers” and not ideas of abstract justice.

Carl Schmitt’s project takes into account all the time increasing skepticism as to a possibility of intercultural coordination of universally acceptable treatments of human rights and democracy.

So, philosophical world order projects still compete with one another. On the one hand, there are great thinkers Plato, Kant, who believed in perpetual peace between nations, and skeptical philosophers on the other hand. Sure, Proudhon, Carl Schmitt and Jurgen Habermas can be referred to them for the purpose of discussion.

The first believed that perpetual peace between nations had a platform in the form of common moral and ethic principles. The second, on the contrary, using the main political events of the 20th and 21st centuries as empirical footholds, focus on cultural relativism, variance of moral and legal principles in different “big spaces” – West European, Eurasian, Asian, they focus on the “struggle of cultures”, identity on its new scales going beyond one nation.

There is only one thing staying the same – the main mystery of history: will skeptics or romanticists be right?

The first are winning for the time being at the perception level, the feeling originates because political cynicism starts calling the shots. The social environment reminds the one described by Anatoly Mariengof in *Cynics*. On the whole, this is an oppressive environment usually setting up when previous systems of values are destroyed, and dust and suspended matter prevent from seeing what new values will come to replace them.