

POLITICAL AND LEGAL IDEAS IN GERMAN CLASSICAL PHILOSOPHY

IDEIAS POLÍTICAS E JURÍDICAS NA FILOSOFIA CLÁSSICA ALEMÃ

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Abstract: In current conditions, a crisis of the ideas of democracy, the political subject of the national state and economic structures is observed. On the other hand, there is a growing demand for rights and new forms of recognition, not to mention the emergence of mass movements seeking greater political participation and generating new collective subjectivities. The relevance of the research lies in the fact that radically challenging traditional philosophical categories, Kant, Fichte and Hegel provided a new and insightful understanding of the most significant problems of our time. They represent the concept of practical rationality and its numerous manifestations, which is necessary for a philosophical understanding of our modern world. The academic paper analyzes the philosophical and legal doctrines of German classical philosophy's representatives. In particular, Kant's conclusions about moral right or the categorical imperative formed the basis for establishing the rule of law. The imperative of mutual restriction of citizens' freedom as a condition for ensuring the free existence of people was proposed by Kant and Fichte. Hegel's ideas about the distinction between essence and phenomenon in law became fundamental to justify the principle of the rule of law as a phenomenon that distinguishes right from the positive right. The primary purpose of the research is to address the philosophical and legal views and theories (ideas and principles) of German classical philosophers in order to identify the basic (fundamental) laws of developing their content. The analysis of

philosophical and legal doctrines has shown that the authors' views on legal provisions are represented as an expression of rational selection, on the basis of which social interactions were rationally demanded and built by dividing and limiting models of social behavior. What is more important, the analysis showed that the only effective mechanism and creation of a culture of all mankind capable of guaranteeing the safe existence and development of a person is the law and its understanding, based on the imperative of preserving human nature and implemented in the context of state regulation of social relations.

Keywords: Classical German philosophy. Politics. modern world. Law. Kant. Hegel. Fichte. Right. Natural right. Positive right. Rational selection.

Resumo: Nas condições atuais, observa-se uma crise das ideias de democracia, do sujeito político do Estado nacional e das estruturas econômicas. Por outro lado, cresce a demanda por direitos e novas formas de reconhecimento, sem contar o surgimento de movimentos de massa que buscam maior participação política e geram novas subjetividades coletivas. A relevância da pesquisa reside no fato de que desafiando radicalmente as categorias filosóficas tradicionais, Kant, Fichte e Hegel forneceram uma compreensão nova e perspicaz dos problemas mais significativos de nosso tempo. Eles representam o conceito de racionalidade prática e suas inúmeras manifestações, o que é necessário para uma compreensão filosófica de nosso mundo moderno. O artigo acadêmico analisa as doutrinas filosóficas e jurídicas dos representantes da filosofia clássica alemã. Em particular, as conclusões de Kant sobre o direito moral ou o imperativo categórico formaram a base para estabelecer o estado de direito. O imperativo da restrição mútua da liberdade dos cidadãos como condição para assegurar a livre existência das pessoas foi proposto por Kant e Fichte. As ideias de Hegel sobre a distinção entre essência e fenômeno no direito tornaram-se fundamentais para justificar o princípio do Estado de Direito como fenômeno que distingue o direito do direito positivo. O objetivo principal da pesquisa é abordar as visões e teorias filosóficas e jurídicas (ideias e princípios) dos filósofos clássicos alemães, a fim de identificar as leis básicas (fundamentais) do desenvolvimento de seu conteúdo. A análise das doutrinas filosóficas e jurídicas mostrou que as visões dos autores sobre as disposições legais são representadas como uma expressão de seleção racional, a partir da qual as interações sociais foram racionalmente exigidas e construídas por modelos divisores e limitadores de comportamento social. O que é mais importante, a análise mostrou que o único mecanismo eficaz e de criação de uma cultura de toda a humanidade capaz de garantir a existência segura e o desenvolvimento de uma pessoa é a lei e sua compreensão, baseada no imperativo de preservação da natureza humana e implementada em no contexto da regulação estatal das relações sociais.

Palavras-chave: Filosofia clássica alemã. Política. Mundo moderno. Direito. Kant. Hegel. Fichte. Direito. Direito natural. Direito positivo. Seleção racional.

1. Introduction

It is difficult to imagine original conceptual scientific hypotheses about the rule of law, democratic state, rights, equality and freedom nowadays that do not touch upon or interpret the philosophical and legal teachings of great thinkers such as Kant, Fichte, and Hegel. In fact, without being professional lawyers, representatives of German classical philosophy made a significant contribution to studying the fundamental branch of legal sciences: understanding of the law, namely, the ontological, epistemological and axiological fundamentals of law. It may seem that the conclusions formulated by the above-mentioned masters of philosophy have already been studied comprehensively, and a number of doctrinal and utilitarian conclusions have been drawn, and a return to their position cannot bring anything fundamentally new, at least for the legal sciences. However, these studies are focused not so much on general or specific problems of establishing philosophy and theory of law, but on doctrinal and legal views and theories (ideas and principles).

2. Literature Review

A number of publications by T. Oizerman, N. Motroshylov, A. Hulyga, G. Hurevych, A. Dobrokhotov, S. Zherebkin, G. Zaichenko, V. Kuznetsov, Y. Kushakov, A. Migolatiev are devoted to the issues of political and legal ideas in German classical philosophy. Their scientific works provide a study of the theoretical fundamentals and approaches in the thinking of this period in the history of philosophy, and demonstrate the problematic aspects of political and legal ideas and their reception in subsequent philosophical directions. T. Dluhach, A. Dobrokhotov, and A. Tymofeiev consider the essence of being in German classical philosophy and its interpretation in the current conditions, the role and importance of political and legal ideas for the science of our time. V. Lazarev reveals the key methodological aspects of legal approaches in the philosophy of I. Fichte and the directions of its development in the XIX-XX centuries. In his research, V. Marchuk demonstrates the development of the sociological legal theory of Germany, focusing on its purpose in the development of society in the realities of modern times. D. Maslenikov and Yu. Popov reveal the nature of logical political and legal ideas of German classical philosophy in the general tendency. T. Torubarova investigates the issue of the

diversity of approaches to the category of freedom in German classical philosophy and demonstrates the stages of its development in the views of German classics.

3. Aims

The purpose of the research is to reveal and analyze the political and legal ideas of Kant, Fichte, and Hegel. To achieve this purpose outlined, the following aims are set: to identify the significance of the ideas of freedom and the ideas of law in the views of Fichte and Hegel; demonstration of the role of society and the state in implementing these ideas; explanation of the meaning of reason and legality, self-awareness of the individual in the process of learning the Law; identification of the basic trends in developing the cognition of the personality in German classical philosophy; clarification of the influence of the philosophical judgments of these thinkers and the implementation of their political and legal ideas at the present stage of society development. It is proposed to focus on identifying the features of the political and legal epistemological paradigm prevailing in European philosophy at that time in terms of political approaches to the implementation of new integration needs on the path of modern social development.

The absence of a “single correct” doctrine and approach to explaining the content and laws of the historical process, including in the field of politics and law, makes it extremely difficult to find an unambiguous solution and an unambiguous and consistent answer. However, like any other fundamental philosophical question, the rational justification and understanding of the driving forces, direction and content of the political and legal process both in individual states and in relation to humanity and the world as a whole is one that cannot be avoided, but is also difficult to solve. In our opinion, this issue is as broad and philosophically complex as the problem of the content of the law, its essence. And this is a really big challenge that requires recourse to the legacy of prominent legal philosophers of the past. Despite a thorough, deep and discursive study of philosophical views, including their powerful ethical, moral and legal dimension (the bibliography consists of hundreds if not thousands of works in different countries of Europe and the world), the issue of the political and legal ideology of great thinkers remains open. The primary goal of the research is an attempt to provide a response to this question and a general examination of different viewpoints.

4. Methods

The research methodology is expressed by historical, sociological, systemic, structural, logical, descriptive, and dialectical methods of scientific knowledge, collection and analysis of scientific and practical material.

The solution to the research problem requires a proper methodological basis, since the methodology, both philosophy of law and political approaches, was to a greater extent developed by the thinkers (I. Kant, I. Fichte, and H. W. F. Hegel). Consequently, their heritage should be studied by the methods developed by them, primarily, through the method of philosophical reflection, a critical and metaphysical approach to the law as a general phenomenon, an expression of will and transcendental freedom. The general philosophical view of thinkers on the political and legal process requires a dialectical approach. It is also necessary to apply general philosophical methods, namely: logical, systemic, hermeneutical, especially scientific, primarily historical, legal and formal logical methods.

5. Results and Discussion

First and foremost, it should be emphasized that the doctrine of the Western European Enlightenment on the rule of law, as well as the basic ideas and principles of the rule of law, were directly related to the name of the great Immanuel Kant (1724-1804). Regrettably, it was Kant who made the first attempts to critically analyze and revise the philosophical and legal ideas of previous centuries (scholars described the philosopher as “a man who threatens the German academies with a terrible revolution”) (Oxamytny, 2021), including the position on the secularization of morality and rethinking the hypotheses of natural right. In his methodology of knowledge, Kant prefers reason to experience (empiricism). He believes that knowledge gained from experience is superficial, incomplete, and “only reason, as a priori knowledge, can understand the essence and inner part of any object”. The depth and scope of Kant’s critical philosophizing also had a fundamental impact on the rational explanation of the nature of law and its role in legislative practice. The subject of Kant’s considerations is the pure conception of right, that is, the study of what the law should be, regardless of the time and space of the law itself (Strachwitz et al.,

2019). Kant's pure (metaphysical) doctrine of law is a criterion of "lawmaking of the future" that determines the legitimacy of legal (positive) law.

Kant represents a human being as a being who possesses moral consciousness, which in social (external) relations should be guided by the moral imperative, that is, the action of moral laws. Thus, in his work entitled "Metaphysics of Morals" (1797), Kant, answering the question of what is right, indicates the existence of a universal criterion by which one can distinguish right from wrong. In his opinion, this universal criterion cannot be known only on the basis of knowledge of what is stated in the laws or said in a given place, that is, solely on the basis of the empirical doctrine of law. Kant described the doctrine of the Law as having "a head but no brain" for a more convincing justification (Kant, *Metaphysics of Morals*). On the contrary, the fundamentals of positive law, or the "pure (metaphysical) doctrine of law", according to Kant, must be found in human intelligence, that is, philosophy. Thus, the source of Kant's Law was the human intelligence, which he called the "brain of the head".

Kant's concept of the categorical imperative introduced a basic legal principle into legal theory and practice based on the protection of human dignity and moral conscience: "act in such a way that you always treat humanity, both your own and the personality of all others, as an aim and never take it only as a means" (Kant). This statement implies that a person is quite capable of becoming "the master of himself". According to Kant, a person does not need any external care. However, according to Kant's logic, human nature is arranged in such a way that everyone uses their freedom not only to fulfill the "categorical imperative" but also for other arbitrary and sometimes negative purposes.

The philosopher gained his understanding of the law from practical and external relations between people, who, on the basis of a logical chain of hypotheses, formed the following concept: the law is a set of conditions under which the arbitrariness of one person is consistent with the arbitrariness of others in terms of the general law of freedom. Kant developed a universal principle of law, which he interpreted as follows: act externally to ensure that the freedom of expression of one's self-will corresponds to the freedom of everyone in accordance with universal law (Merkel, 2019). At the same time, the philosopher noted that in the case when the manifestation of freedom itself is an obstacle to freedom based on legal law, then it becomes necessary to apply coercion (the law of mutual coercion) to the one who violates this law, that is, impedes freedom. Kant sees the reasons and purpose of the law in the emergence of a natural, non-legal state in which

everyone acts in accordance with their own understanding, violence, anger and mutual hostility prevail, that is, unshakable freedom. The introduction of the marital status “in which everyone will be defined by law and endowed with strong enough power to be considered his own” is required to achieve this. At the same time, the difference between the state of nature and the marital status, according to Kant, is that the marital status determines the conditions under which laws can be applied in accordance with distributive justice (Mulvie, 2021). Consequently, the fundamental definition of the state is a union of many individuals subject to the law (Zölle, 2017), namely, what is subject to the Constitution, and as a document that allows society to “enjoy what is based on law” (Kant).

As for the methodology of law and order, the philosopher noted that if a state body or a ruler adopts laws that do not comply with the law of equality in distributing state responsibilities, citizens have the right only to file a complaint, although Kant does not explain to whom specifically, but not in the form of resistance. Kant distinguished between natural right (or private law), which is based on a priori principles, and positive right (legislative law), which is based on the legislator’s will. At the same time, Kant’s natural right was divided into innate (internal) and acquired one, where natural right was understood as inherent in nature, that is, independent of legal institutions (acts), and acquired law was what was declared. Natural right refers to the freedom granted to every human being by his nature; this freedom is the only fundamental right. When Kant refers to every human being, he assumes one’s inherent equality and independence, that is, that “others cannot force anyone to do more than they can do on their own”. In addition, according to the philosopher, other ethical principles follow from freedom, namely: human decency; the right to do something to others that does not diminish what belongs to them; the right to share only one’s thoughts with others, to speak. Kant considers this right to freedom of expression as the highest concept of law and indicates that in case of a dispute over an acquired right, a person can claim his innate right to freedom. At the same time, the philosopher emphasizes that since everyone has the innate right, since there are “two extremely unequal terms”, the division of the doctrine of law can only refer to the external “my” and “your”, that is, the positive right. Kant calls the positive right a “strict right” that contains nothing ethical, or an “external right” whose object is only the external actions of people. Thus, it should be noted that Kant placed intelligence and distributive justice in the content of the law. In addition, when talking about the categorical imperative in general, it should be noted that Kant’s imperative is the basis of his entire philosophical

and legal system of law and state; that is, according to the philosopher's doctrine, social institutions such as the state, government and law must exist to satisfy the categorical imperative.

Another representative of German classical philosophy, as well as a supporter of subjective idealism, is the philosopher Johann Gottlieb Fichte (1762-1814). According to Fichte's philosophy of subjective idealism, the material world with its characteristics and order is an expression of the freedom of the human spirit (human consciousness). Based on the doctrine of natural right, Fichte asks the following question: how is a community of free beings as such possible? (Fichte, 1908-1911). It follows that Fichte's philosophy of law was based on an awareness of human freedom, as well as on studying the conditions necessary for the coexistence of individuals in society. It should be noted that Fichte always adhered to a practical approach in his views (Fichte, 1935).

I. Kant and J. Fichte noted that the achievement of freedom is possible only in a state based on legal laws. Therefore, no natural state can guarantee the free existence of a person. Law, according to Fichte, is the concept of relations between rational beings; it exists only on the condition that such beings think about each other, where conditions were understood as "voluntary mutual restriction of freedom". Fichte derived this definition from dialectical methodology, which he explained as follows: a rational, free being cannot represent himself as such unless he is induced to act freely. The need to influence something requires a "basis" that will serve as a limitation for "I". This basis, that is, "outside oneself", must be another "rational subject" (Fichte, 1908-1911). At the same time, Fichte proposes to interpret the "rational subject" a priori as a free, morally autonomous and intelligent person who is similar and equal to himself. Fichte notes that until people become wiser and fairer, all their efforts to become happier are in vain (Fichte, 1935).

Thus, the basis of right was understood as the existence of mutual restrictions on the freedom of rational beings in social relations. Speaking of "intelligent beings", Fichte insists that law is based on the "pure form of intelligence" and that no external influence or factors affect its formation. Law is not formed on the basis of individual arbitrariness but on the basis, as already mentioned, of mutual recognition of each member of society; the goal of each is the other, but he himself never (Fichte, 1935). The expression of such recognition, that is, the recognition of the freedom of intelligent beings, should not be a moral right but an established legal law, the observance and protection of which, as Fichte

notes, requires coercion. At the same time, the application of legislation and the possibility of coercion can be guaranteed only on the basis of the “collective will” and within the framework of a civil contract of residence, that is, within the framework of the state organization of society. It follows that, for Fichte, the state is a means of implementing the law. Fichte understands the “collective will” as the absolute right of the people to any state organization. “Everyone is responsible only before God: the nation is, *de facto* and *de jure*, the supreme power”, the philosopher reasoned in the spirit of natural right. In addition, Fichte proposed the creation of a special body to oversee the executive branch, elected directly by the people (Fichte, 1935). This body was supposed to act as an intermediary between the people and the government, as well as to have the right to suspend the government’s activity and to call the people to court.

Fichte inconsistently took the position of separating right and morality, which is reflected both in terms of content, semantic fundamentals, and their origin. In his early works (until 1794), Fichte defined the right as the sphere of morality, while in his later works (Fichte, 1908-1911) he referred to the right as a regulator that determines the freedom of external relations between people, that is, as the initial stage of the practical “I”, considering law as the subject of study of the theory of law. That is, a science “should be a special science, independent of others” (Fichte, 1908-1911). With the topic of studying morality (moral right), the practical “I” of a higher level develops and serves as a regulator of the “inner” freedom of a human being. This judgment found its justification in the fact that Fichte’s position of that period was of a state (political) nature. It was based on the idea of “separating the church as an institution of moral education” and the state as an institution of moral education. In contrast, Fichte’s position on the right was based on establishing moral order in the state with the help of law: it is necessary only as an artificial institution until a moral order is established in society. In other words, Fichte’s approach to the right is nothing more than a preliminary, *a priori* approach to establishing a moral principle, when its dominance is achieved, legal definitions become superfluous, and the law is abolished (Oxamytny, 2021).

Fichte also made a similar comparison of the characteristics of the state, which he did not immediately formulate consistently. In his opinion, the rule-of-law state in its final version should appear as “a moral community, a bearer of the highest values of the spiritual world” (Oxamytny, 2021). Thus, the basis of Fichte’s right was the right in the interpretation of the natural right, the essence of which was to ensure the free existence of

people by mutually restricting their freedoms. Fichte's right is, first of all, the absolute right of the people to any state organization. In order to guarantee the mutual restriction of people's freedom and rights, the latter, according to Fichte, should form special supervisory bodies. This showed that the problem of achieving legal legitimacy was relevant for Fichte.

The teachings of Georg Wilhelm Friedrich Hegel (1770-1831) were of particular importance for political and legal science, including its fundamental part concerning the essence of the law. In contrast to his fellow philosophers Kant and Fichte, for whom the unity of the will as a combination of subjective wills is achieved only on the basis of mutual restriction and coercion (elimination of these two opposites), Hegel offers his own view of social organization, namely, the idea of absolute morality, the spirit of the people. In Hegel's so-called "philosophy of spirit", different stages of the development of the spirit are considered. In addition to the objective spirit as a stage of objectification of the external form, the presence of forms of freedom through law and the state, Hegel's philosophy of spirit also considers the subjectivity of spirit (anthropology, phenomenology, and psychology) and the absolutization of spirit (art, religion, and philosophy) as part of the system of dialectical development. Despite the high value of his philosophy for the understanding of being and thinking, the search for an "absolute idea", one should pay attention to those aspects of Hegel's philosophy which, in our opinion, directly contain an explanation of the essence and value of legal law, and have an important influence on the recognition of "rights as the realm of implemented freedom". Hegel outlined his concept of the philosophical science of law in his fundamental work entitled "Philosophy of Law". From the position of the absolute spirit in the work, along with the moral one, the author dialectically, that is, through the transition from abstract forms to concrete ones, reveals the understanding of the law as an "objective spirit". In general, the law is found in several variations in Hegel's interpretation. Firstly, Hegel's science of law is based on the idea of law, that is, freedom. Thus, freedom and law are understood in the same sense. Secondly, the law is a certain level and form of freedom (special right) (Hegel, 1990). In this case, it is also a product of laws, which are a systematic hierarchy of "special rights" (from abstract to concrete forms), which Hegel calls the "Realm of Implemented Freedom" (Hegel, 1990). The hierarchy of "special rights" is based on the law of the state. The concept of right is further refined later in this stage to deepen the idea of freedom and its establishment. He explains this as follows: the following "special right", which dialectically eliminates the previous, more abstract, "special right", is its basis and truth. The more concrete "special

right” is more primary than the “abstract” one (Hegel, 1990). Thirdly, the law is one of the “special rights” (Hegel, 1990); it is something that exists in its objective existence and acts as a regulator of human relations. Thus, the object of Hegel’s law is not the analysis and formulation of current legislation, which, according to the philosopher, concerns only contradictions and is the subject of jurisprudence, but the idea, its concept and implementation (Hegel, 1990), that is, “understanding of the thought underlying the law”, which should be understood as freedom, as a fundamental definition of the will. The subjective spirit, according to Hegel’s system, is a rational spirit based on free will. At the same time, the subjective spirit is “free in itself, but not for itself”, that is, it is free for itself, not for another. The subjective spirit must transcend itself in order to be free in connection to the other. As a result, it must objectify itself, or assume the appearance of an existing being to become official and legitimate. This transformation is an expression of Hegel’s dialectic, the movement from an abstract concept to a concrete law.

On this basis, the subjective spirit as the content of the will becomes real and actual, that is, the objectification of law as the primary form of manifestation of the free spirit. The basic level of development of Hegel’s concept of law is right (issues of property, contract, and falsehood), morality (intention and guilt, intention and good, virtue and conscience), and values (family, civil society, and the state). Thus, according to Hegel, free will is a concept, the essence of law, the so-called “abstract right” initially manifests itself as property rights and is directed to external things; the right to enter into a contract as an appeal to another, freedom, is the opposite of separate entities; the right to punishment as an appeal to materialistic dialectic, based on the third law of the denial of negation, formulated by Hegel in his work “Phenomenology of Spirit” (1807). It is the inevitability of punishment that is the basis for getting rid of lies, deception, coercion and means of production in the spirit of goodness and conscience (the doctrine of morality). Therefore, the subject connects internal and similar forms of existence and perceives himself as a single whole. In other words, he is concretized in morality and takes the form of the family, civil society and the state. This is how the dialectical method, based on the extension of abstract forms to concrete ones, unfolds in the system.

As for the content of laws (the positive right) and juridical legality, Hegel did not exclude the incompatibility of official legislation with the requirements of the natural right, as exemplified by the slavery legislation and the Black Codes. He pointed out the irreconcilable superiority of the latter: the former refers to the latter as institutions of

pandects (Hegel, 1990). “The fact that violence and tyranny can be an element of the positive right is incidental to it and does not affect its nature” (Hegel, 1990). In addition, it is important to emphasize that Hegel’s approach to the natural right is somewhat original, uncharacteristic of the classical doctrine of the natural right based on the difference between the natural right and the positive right. On the contrary, Hegel insisted on the inadmissibility of his opposition. In Hegel’s understanding of rights and laws, “it is nothing more than an internal difference between the definitions of the same concept of rights at different stages of its implementation” (Hegel, 1990). In other words, Hegel accepted the possibility of divergence of the positive right, but not from the natural right, but as a result of distortion of legislation. According to Hegel, in order for legislation to be legal and fair, it must take into account regularity. The philosopher notes that what is natural is the source of knowledge of what is right, or, strictly speaking, what is right (Hegel, 1990). In addition, the natural right is understood by Hegel as an idea based on the historical development of a free human being who “creates his own world of freedom, law and state and himself as a free being” (Strachwitz, 2019), and not due to his natural nature. According to Hegel’s theory, the idea of freedom is possible only in developed countries with a constitutional monarchy, where there is a separation of powers between the judiciary, legislature and executive power. Thus, the legal law in Hegel’s understanding is, firstly, the degree of “objectivity of the spirit”, its objectification; secondly, it is a law based on freedom, which develops from an idea to its objective existence; thirdly, the content of the law. Legal regulation should take into account the natural conditions of life of the people, national character and the stage of its historical development.

Concluding the analysis, it is no exaggeration to state that the philosophy of law of Kant, Fichte and Hegel played an unprecedented, fundamental role in the cognition of the political essence and development of the theory of law. Despite the height of their metaphysics and conclusions, the philosophers’ teachings contained certain practice-oriented conclusions and proposals aimed at eliminating wars from society, establishing a general rule of law (Oxamytny, 2021). Thus, for instance, certain conclusions drawn by Kant about the moral law, or categorical imperative, became the basis for the organization of the law-based state, led by the principle of the state of law, and were directly embodied in the modern fundamental laws of states. The imperative of mutual restriction of citizens’ freedoms as a condition for ensuring the free existence of people, proposed by Kant and Fichte, is also currently a fundamental starting point for jurisprudence, legal regulation, the

formation of political trends and approaches, and, in general, the modern world order. Moreover, the Hegelian distinction between essence and phenomenon in law has become the primary one for substantiating the principle of the rule of law as a phenomenon that distinguishes right from positive law. In addition, the methodology represented by the philosophers allowed us to introduce a complete and meaningful view of the ontology and axiology of political thought and law in a new way, focusing on the principles and values of the anti-theological and anti-feudal worldview and, most importantly, turning to a rationalistic approach in studying the theory of natural right, social contract, equality and freedom.

6. Conclusion

The political heritage of German classical philosophy can make a decisive contribution to the achievements of modern political and legal thought by giving meaning to the contradictions underlying social practices and institutional values of society. This perspective is justified by the specifics of modernity, which contains a duality that can be understood in the light of the conceptual tools of German classical philosophy.

In our opinion, the philosophical and legal concepts of legal norms, considered from the point of view of their fundamental and social significance, are clearly an expression of intelligent selection, rational search and construction of social interaction by appropriating and reducing unviable, destructive models of social existence and development. In general, the analysis of the ideas about the nature and content of legal laws identified on the basis of fundamental patterns of development, as well as the generalizations made in earlier studies, lead to the following conclusion: an effective mechanism and product of the culture of all mankind, capable of ensuring human security and development, is the right and its understanding; it is based on the imperative of preserving human nature; it is implemented in the context of state regulation of social relations.

The experience of German classical philosophy is now primarily an attempt to take a systematic and rational view of an important social institution – the political and legal one. The interpretation of law as an integral element of the formation of freedom, its necessary manifestation, allows us to see prospects in the process of approaching the harmonious coexistence of individual freedom of will and social instructions, subjective

and objective rights, and the implementation of natural and positive rights. In human-society relations, the state, the law plays the role of a decisive factor on which this path of their mutual constructive development and fulfillment is based. However, this is impossible without human awareness of one's own nature, reason, and freedom.

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