

POLITICAL AND LEGAL OPINIONS OF CLAUDE ADRIEN HELVETIUS

L.S. PROTOŠAVITSKA, *PhD (Law)*,

National University of Life and Environmental Sciences of Ukraine

The article presents the political-legal views of Claude-Adrian Helvetius on the impact of a social environment on the development of the state, the Laws and Rights; it is accented the equality before the law and examined an opinion of the scientist how with the help of both soft laws people can be controlled, which consist of the owners of that powerful state.

State, people, social contract, law, private property.

C.A. Helvetius' opinions belong to the European political-legal palette. Being a philosopher-materialist on a world scale, Helvetius couldn't leave out of his attention such concepts as a state, law and laws. While exploring the questions considering the mental abilities and education, the scientist proves their influence on the formation and functioning of the state. The matter does not lose its relevance. We should use the creative developments C.A. Helvetius for a forming an individual legal view of each lawyer.

Claude Adrien Helvetius (1715-1771) – a French philosopher-materialist, who belongs to the representatives of an Epoch of the Enlightenment in France. He was a member and Diderot's and Holbach's society. In 1758, Helvetius published his philosophical magnum opus, a work called "On Mind». The book was banned by the authorities and even burned. The main ideas of this book Helvetius evolved in the book "The man, his mental abilities and his upbringing", which was published after his death.

His views about the state, law and identity he built on the determination of a social environment's role in a person's life. He argued that a human character is determined by the social environment, political and legal institutions.

The scholar affirmed that people from nature have the same mental abilities, and a mental inequality is the result of an education. The reason for the inequality traced in the different living conditions and in the different upbringing. At the same time Helvetius was convinced that the climate has a negligible influence on the mind.

Helvetius laid the stress that only then we can hope to change peoples' opinions, when its legislation will be changed, and a reform of morality we should begin with a reform of laws. He issued that the national mass moves only after a strength of the law.

Helvetius argued that with the help of the soft laws, you can manage the people, which consist of the owners.

A poor can be managed only by the severe laws. Helvetius insisted that the laws should establish a minimum property for all citizens, in such way they warn poor people from the horrors of poverty, and rich people from poverty and boringness.

He believed that the of a principle property equality is not only impossible, but also harmful and threatening for the society. People can be equal in their intellectual and moral abilities. That is a case why they should be equal before the law and nothing more.

According to the opinion of Helvetius, people's and nation's misfortune is determined by the imperfect laws, so it is necessary to take just laws, which would guarantee a minimum property for all citizens, eliminating the separation of people into two classes, one of which live in poverty, another - is full of different excesses.

To the Helvetius' viewpoint a love to power at any form of government is the only engine of the society. In the despotic countries this engine is fear, in the monarchical countries - honor, in the republics - virtue.

In the political sense Helvetius insisted on equality before law; freedom of speech, thought, conscience; and an ideal of a state system he considered a federal people republic. Based on the above said, Helvetius creates his own standard of a future state. In the country of future should be such legislation, which would not appear the need in money. The thinker believed that the poverty is a reason for jealousy, hatred and crime. He, like most enlighteners, believed that an education is a base for well-being. Considering the federal structure, the thinker expressed an opinion about the division of the country into a certain amount of small Republics.

So, summing up, we can say that Helvetius 'teachings the state was a natural product of social development, the core of which was consisted of peoples' interests. The scientist insisted that the state should have such law in which would not appear the need in money; preservation of property considered the moral welfare of the state. In poverty he saw a reason of envy, hatred and crime. He, like most enlighteners, believed that an education is a base for well-being. In his opinion, happiness and power of the state are proportional to the development of education; ignorance creates imperfect laws and imperfect laws lead to an increase in malformations. C. Helvetius insisted on equality before the law, freedom of speech, thought, conscience; and an ideal of a state system he considered a federal people republic. Considering polity, Helvetius believed that only during the reign of the whole nation, a public general weal will be satisfied for the greatest number of people in the political sense.