

UDC 341.01
DOI <https://doi.org/10.32782/ILA.2025.33.02>

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FOUR CARDINAL VIRTUES IN INTERNATIONAL PUBLIC LAW-BASED POLICY (BASED ON THE ETHICAL ANALYSIS OF THE ARMED AGGRESSION OF RUSSIAN FEDERATION AGAINST UKRAINE)

Summary. The author of the article conducts a so-called ethical analysis of the reactions of democratic states to the behaviour of the aggressor state of the Russian Federation against Ukraine and reflects on whether these reactions are consistent with all the major reputational, human-rights and material achievements that democratic civilization has gained over the past 80 years at least.

The research is based on a dialectical approach and recent-historical analysis that enabled to show how a quantitative characteristics (frequency of cases) of ethical weaknesses that democratic states show since 2014 have resulted in qualitative damages – loss of decisive influence that democracies previously had. Methodologically it happened because of step-by-step betrayal by many countries of their dedication to the Four Cardinal Virtues (prudence, fortitude, temperance and justice), known since antique times.

The findings show that lack of virtue-led behaviour (which in fact need a strong will and strong actions against evil) of many countries and their alliances will highly likely keep on bringing permanent turbulence in many parts of the world. The reason is because independent democracies actively and passively kill faith and dedication to human values. That happens due to their choosing tactical and narrow-viewed things which politologists and politicians usually call “national interests”.

The research substantiates and develops the idea that practically the most reliable way to defend and put forward the national interests of any self-respected and responsible country is to fight for global interests, i.e. rule of law and zero-tolerance to evil (which is, for instance, infringements of territorial integrity of another country combined with killings and devastations etc.). Otherwise the situation with peace will be nothing more than a paradise dream for the whole world. This is the real price of the ethical spine if it is not developed.

Key words: natural law, principles of international law, ethics and national interests, values, 4 ancient virtues, integrity deficit, material power of ethics and values.

Problem. War can clearly demonstrate the fragility of our existence. It largely deprives us of the sense of control over reality. Positive (written) law at this moment is probably experiencing the greatest existential drama in the public consciousness because Law is the most recognizable and understandable lever of control over the seemingly gloomy reality for many people, and it is also a lever of restraint of individual subjects from unworthy behaviour. In any case, Law is intended to set the *framework for a social contract not only within a particular state but also between states*. Instead, each war puts this guarantee architecture

into serious question. Although Law was initially conceived as a concept precisely for «protecting against a fool».

Analysis of latest research. The issue of finding philosophical and legal foundations for keeping the world at peace (and for effective punishment for those who violate it) has been for centuries the focus of attention around the world.

At the same time, the Russian Federation's military aggression against Ukraine clearly demonstrates a wide spectrum of views on finding a way to solve the problem of "how to bring the world to a reasonable common denominator". A lot of research and expert opinions have been directed toward economic, military-defence, and political keys to solving this, perhaps, the most frightening problem of humanity. Yet many experts (among whom this article shows the considerations of Jürgen Habermas, Siniša Malešević, Hans-Herbert Kögler, Manuel Velasquez, Claire Andre, Thomas Shanks, Michael J. Meyer) have been trying to philosophically seek and consider the root of the problem.

At the same time, this article attempts to analyze the "fight against unjust war" not by making situational political SWAT analysis or from the perspective of war theory, but from the perspective of philosophical, i.e. ontological, principles known since antiquity as the 4 cardinal values.

Objective. This article aims to clarify the meaning of the concepts of "ethics" and "values" (or "virtues") in international public policy on the example of considering the behaviour of the international community against the aggressor state Russian Federation.

Discussion and results. In fact, ethics is one of the most practical sciences. Therefore, philosophers in ancient times were more rational in their approach to establishing new benchmarks, ideals, and mechanisms that help regulate relations between people, and thus between their communities (nations).

Ancient philosophy identifies *4 cardinal virtues* – virtues of mind and character in both classical philosophy and Christian theology. They are *prudence, fortitude, temperance and justice*.

So here is a simplified definition of these virtues.

Prudence is behaviour that is careful and avoids risks [1]. *Fortitude* is the strength of mind that enables a person to face danger or bear pain or adversity with courage [2]. *Temperance* is moderation in action, thought, or feeling [3]. *Justice* has many definitions due to many layers of its sense; one of the definition needed to mention is seeing justice as the administering of deserved punishment or reward [4].

These four cardinal virtues were actually later incorporated into Christianity by the philosopher and theologian Thomas Aquinas, who added three more virtues (hope, faith, and charity) to create the seven heavenly virtues, which stand in opposition to the seven deadly sins. They also feature in some form in virtually every other global religion [5].

However, for the purpose of understanding the meaning of these virtues instrumentally, we will focus on the four basic virtues mentioned above.

Seeing ethics as a practical tool for restoring order in the world, we note that all self-sufficient independent states should, so to say, “spend most of their time in spiritual practices”, i.e. implement 4 basic virtues (prudence, fortitude, temperance and justice) in their political and legal activities. If we try to analyze the lack of integrity in democratic countries within the last decade by their not-implementing *punitive deterrence* against Russian Federation (as *the aggressor state*), we then can make a conclusion about their *lack of prudence* (not seeing danger in staying dependent on Russia’s energy resources and staying blind and deaf to Russia’s threats), *lack of fortitude* (vivid uncertainty, sometimes even cowardice) and *lack of temperance* (since there was unstoppable, active and interdependent economic and humanitarian cooperation of many states with the aggressor state).

After all, only an unreasonable statesman in Europe or in the United States (with all due respect to other parts of the world, who though are not supposed to be world democracy founders) would cooperate, in particular through oil and natural gas trade, with a counterparty that does not hide the fact that it ignores your values, your «religion.» And only the unreasonable man can believe that «Neanderthals» respect treaties when they systematically violate them. After all, if the *prudence* of EU and NATO countries did exist, why would the democratic countries enter into an economic “marriage” with Russian Federation by establishing “joint household adventure” called Nord Stream and Nord Stream 2. And in the end, after MH-17 catastrophe in July 2014 as well as after the atrocities and robberies (of territories and of human lives) caused by the Russian Federation to Ukrainian people within 2014-2018, only the unreasonable politician (or his country’s representatives in general) would come to visit the host (Russia) of the 2018 Football World Cup and play on host’s (football and not only) pitch.

Only those who lack *fortitude* (strength of mind) will fall into dependence from the «Neanderthal», hiding from his anger, and willing to talk to a terrorist from the standpoint of equality and with a desire to «save terrorist’s face» in economic and military matters.

Only someone who lacks *temperance* will generally align himself with a «Neanderthal» in all the above senses, naively hoping that western business openness will pacify and discipline the terrorist.

Regardless of the structure of the dynamic combination of above mentioned weaknesses, it can be stated that Europe has, figuratively speaking, forgotten that general economic well-being is not caused by *sell-buy capitalism* (which is rather just the process and result of the implementation of a certain plan). The *root causes* always lie in the *social values* on the basis of which these countries and their people develop their economy and state-building. Ukrainian scientist, historian and publicist Yaroslav Hrytsak once said it well about the practical side of people’s values: «Values are easily spread on bread».

In fact, Europe, the United States and other responsible countries simply need to remember what made them a *civilization*. It is not the power of the Catholic Church, scientific and industrial or socio-political revolutions for the power of the republic as opposed to the power of the monarch. At the heart

of these and other breakthroughs of humanity, including Western civilization, was a certain humanitarian and industrial ethics that affirms time-tested values instead of situational things that are commonly called *national interests*. And this ethics was formed on a coordinate system that was laid down as early as the 4-th century B.C.

Therefore, the key miscalculation of the developed countries and the UN, whose reaction was (in one way or another) guided by Russian Federation, was that as of 2022 and later on. As any simple observer could watch there was *no real readiness to effectively and immediately punish the Russian Federation for its cynical disregard for international law*, which was expressed in Russia's terrorizing and killing citizens of another sovereign state, occupying and destroying its territory.

The entire civilized world and each sovereign state individually *determine the principles* by which they live. And if we live in the era when even the countries of the so-called civilized world, including the global outpost of democratic transformation (like the United States of America) put (which in fact is not allowed by these democratic countries' constitutions) *political expediency* much higher than the *rule of law*, legitimizing the category called «national interests», so is there any wonder why this functional guideline is systemically not working, constantly shifting from *opportunistic expediency* to *necessity*?

To put it in a simpler and more understandable language, the founding members of the UN, OSCE, EU and NATO (all together these European and world institutions regularly show off their respect to the ideological inspirers of the Enlightenment epoch, to whom we ultimately owe the slogan «*Liberté, Égalité, Fraternité*» (French)) had to determine its basic values long before 2022, but at least after the events of 2008 in Georgia and 2014 in Ukraine. And then they were surely expected to give this signal to others (like Asian countries, in particular China, as well as countries of Africa, North and South Americas), who ought to have not delayed in choosing their proper response to the behaviour of the aggressor state – Russian Federation – and clearly explain to the aggressor the basics of international law.

Maybe the reason for this 'western uncertainty' was that many Western states are simply not ready to *regain their ethical integrity*, as they themselves have earlier carried out military interventions in the affairs of other nations. However, it is difficult to find an analog in recent history of the occupation by one state of another sovereign state along with calling the criminally occupied territory as its own territory (and putting this legal nonsense right into the constitution of the occupying state). All this is being done by erasing entire cities of Ukraine, by affording the targeted and indiscriminate killing of civilians in multiple Ukrainian cities, towns and villages. In any case, countries that do not recognize cowardice (as a particularly hidden form of evil) in themselves and in other countries end up becoming the devil's «dance floor».

It is especially disturbing to see recognized intellectuals of our time like Jürgen Habermas from Germany calling for a strategy of, so to say, aligning up

our (i.e., German and Western in general) policy with the aggressor. For example, in his article published at the end of April 2022, this famous philosopher called not for the defence of values (described by the 4 cardinal values or at least the values of the struggle for goodness and justice), but for a balanced dialogue with the Russian Federation as a nuclear power. Under the pressure of the consequences of the generic trauma of all Germans dating back to 1939-1945, Habermas demonstrated, perhaps guided by good motives, a strange reflection on this war: not condemnation of the evil, murder and devastation brought to the Ukrainian people (and symbolically to the whole world) by the aggressor state, but commitment to a policy of non-interference, which is essentially a manifestation of escapism. From an epistemological point of view, it is difficult to see strong philosophers at the end of their lives being guided by “advantage-disadvantage political expediency” rather than by the eternal and fundamental maxims of philosophy: *“I see no convincing justification for demanding a policy which – despite the excruciating, increasingly unbearable suffering of the victims – would de facto jeopardize the well-founded decision to avoid participation in this war.”* [6]. The motivation for such a position, I repeat, may be reasonable and understandable. But we have already seen it at least in 2008 and 2014, and now we are living inside the results of such a policy of the Western world. Not to mention the fact that one would like to see greater value-based perseverance and determination (as a goal on the strategic hill) from world-recognized intellectuals although with an emphasis on the methodological need to choose balanced steps instead of radical ones.

In other words, if the self-respecting and strong states had been at least as zealous in promoting a culture of «*non-handshaking*» (ostracism) toward the Russian state as was zealous the Russian aggression in 2014 and later, then a couple of years later, the *new ethics* would have formed the highest bar of the *new law*. In practice, this *ethical zeal of the Western world* could mean the following things:

- a) *punishment for the Russian Federation in international courts;*
- b) *implementing heavy (instead of “cosmetic”) sanctions on the aggressor state;*
- c) *refusals to conclude multibillion-dollar contracts with the Russian Federation for their energy supplies since 2014;*
- d) *cancellation of other existing trade agreements with the aggressor state;*
- e) *cancel culture in sports and arts (since these spheres are never beyond politics) – for instance, denial of the right for Russian Federation to host some major world-scale sporting and geopolitical events (like the 2018 FIFA World Cup);*
- f) *search for regulatory tools to amend the UN Charter with a view to limiting the right to block any anti-war resolution just by the will of one of the Council members (who once decided to become an aggressor);*
- g) *strong economic sanctions with strong attention to their non-avoidance.*

So the UN had to search for ethically responsible solutions in a timely manner. And the UN would not have had to look as a total loser, if the Russian side would have been expelled from the UN Security Council in a situation, for

example, when a Russian missile destroyed a children's hospital. In case of such a respectful decisiveness of the UN Russian Federation could not be even thinking about launching another murderous missile to another children's medical institution – cancer hospital “Okhmatdyt” in July 2024, being not able afterwards to deny (in front of the whole world) the fact that it was their missile and that «grass is green», so to say.

In no way, it is important to note, that absence of responsible self-awareness must not absolve the state of Ukraine of its own ethical responsibility. Back in 2008, Ukraine should have shown systemic ethical leadership in at least verbal and ideological supporting Georgia when the brazen seizure of part of its territory by Russian army happened. However, Ukraine has always been fairly an object of systemic criticism from both outside and inside the country in terms of deep problems with the *rule of law* and its role in the life of Ukrainian people. This does not diminish the responsibility of my country, but rather *emphasizes the consequences of* not building a strong legal and (as a result) economically and militarily powerful state here, in Ukraine. Ukraine ought to have become a state which no terrorist state (like Russian Federation) would ever consider attacking.

Without belittling the serious institutional and legal problems that Ukraine has faced since its independence (1991) and which the state had to sustainably solve, it must be stated that the process of upholding ethics and values (the dedicated struggle for independence and freedom of the sovereign European state of Ukraine) can, unfortunately, be considered a failure of the civilized world (e.g. partner-states for Ukraine). After all, the military (and to a lesser extent, financial) assistance that Ukraine has received and is currently receiving from many democratic countries to effectively counter the aggressor state does not primarily fall under the category of “protecting the values of democracy and the rule of law” but rather falls under the category of “protecting the national interests” of individual partner-states.

Of course, if, in the fourth year of a full-scale war in which the victim state is fighting on its territory against the aggressor state, the leaders of some European and world countries pay official visits to the Russian Federation or send their ambassadors to a military parade to mark the victory over fascism during World War II, the boundaries of the so-called «Overton window» (permissible framework) are significantly expanded, putting ethics away. This means that it will not be possible to dream about world peace in the coming decades, unless this trend is stopped.

The greatest fear of any *big evil* which is spreading through the world is that it will be ridiculed and made ashamed of. Therefore, countries that pose themselves as progressive, whether they belong to so-called Global West or North, East or South, if only their self-respect and historical responsibility are stronger than fears or opportunism, must be honest and assess themselves: are they for or against a policy of state-sponsored terrorism? Are they strong (responsible) or weak (conformist)?

The true results of answers to such questions will be more than obvious in the 5–10-year perspective. After all, any strong idea gives birth to a material result – in the economic, political, legal and humanitarian sense in general. If the idea is pure and honest (not hypocritical), its fruits will be strong. In the end, the material impact of active condemnation of evil by each individual country finally may help such a country become a real ethical-legal leader in geopolitical sense. Therefore, the author believes that Europe, Africa, the countries of the East and Latin America will develop an *ethical backbone* and come out clearly against a lie, against killing people of other independent country, against plundering its foreign territories, – which all together is now the main export product of the today's Russian Federation. At the same time, the author hopes that China and India, whose real positions look now highly conformist to evil – to the terrorist behaviour of the aggressor state – will also develop their own *ethical backbone*. And I would like to calm these big countries: you won't lose commercial war with the USA if you start condemning Russia. Especially in those cases when the USA themselves lack prudence and fortitude and do not condemn Russia (unofficially and officially – while voting with Russia against the Ukrainian draft of the UN resolution, for instance).

After all, each self-sufficient hegemon without ethics is not a hegemon. After all, as soon as the USA began to forget this rule, pursuing an inconsistent policy towards other countries, it began to lose its former hegemonic influence. In this sense, the author's advice to the USA, China and other countries that care about being hegemonic in the 10-20 years is to *crystallize their intolerance of evil, to minimize their integrity deficit* even when their leading political party or population keep shouting about their willingness to tolerate “the crucifixion of Christ”.

In this sense, the author of this article understands the arguments of Siniša Malešević (University College, Dublin, Ireland), which he presents in his article «The moral fog of war and historical sociology» about the moral uncertainty of war due to the fact that “every military decision can have unpredictable and partially immoral outcomes and implications”; “the ethical choices in war are almost always relative, relational and specific”. However, this is also a weakness, a devastating weakness of the postmodern justification that the aggressor skillfully uses, – about the moral imperfection of every victim. In this sense, it is worth mentioning the words of Hans-Herbert Kögler whom Siniša Malešević quotes in his article: “Kögler is right that the moral concerns should govern one's attitude if, and when, to use violence against other human beings” [7]. So, in the author's view, there ought *not to be ethical relativism* in a matter of assessment of aggressor's behaviour which implies seizing the other country's territory and killing its people.

In this sense, it is harder to find a more dignified definition of politics than the one offered by Kögler: “How would a thinking be possible for which moral intentions and values not only meant the normative continuation of politics, but politics itself could be nothing but the continuation of morality?” By doing so,

Kögler actually enters into an absentee discussion with *von Clausewitz*, the most popular military theorist who stated that war is a continuation of politics by other means. [8].

Conclusions. To summarize, if we try to convey the morale of this war (as a real life catastrophe) to our children it can be as follows: *evil*, since it is derived from *deception, decay and absolute weakness*, must always end up with a clear understanding that *good* – for the sake of establishing the *rule of law* and *upholding human dignity* – can and will always use a *culture of shaming, as well as weapons and all other legal “axes”* available against evil.

Without these attributes, I believe that the trilemma of defining *values and ethics* (if only they are considered only through the concepts of *fiction or scenery*) will not ever become a part of *reality*. And, accordingly, the price that will be paid by all civilized nations will be our common disaster before our descendants.

Or – on the contrary – it will become a matter of our pride if the *theory* of strong international *ethics* becomes our constant *priority and practice*. Ancient 4 cardinal virtues of *prudence, fortitude, temperance and justice* seem to be the most effective criteria for any responsible man or country to make the right choice when dealing with good and evil.

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Стецишин Р. Чотири головні чесноти в міжнародній політиці, заснованій на публічному праві (на основі етичного аналізу збройної агресії російської федерації проти України)

Анотація. Автор статті здійснює так званий етичний аналіз реакцій демократичних держав на поведінку держави-агресора Російської Федерації проти України та розмірковує щодо того, чи відповідають ці реакції усім основним репутаційним, правозахисним та матеріальним досягненням, які здобула демократична цивілізація щонайменше за останніх 80 років.

Дослідження базується на діалектичному підході та новітньо-історичному аналізі, що дозволило показати, як кількісні характеристики (частота випадків) етичних слабкостей, які демонструють демократичні держави з 2014 року, призвели до якісних збитків – втрати вирішального впливу, який демократії мали раніше. Методологічно це сталося через поступову зраду багатьма державами своєї відданості чотирьом базовим чеснотам (мудрості, сили духу, поміркованості та справедливості), відомим з античних часів.

Результати показують, що відсутність поведінки, керованої чеснотами (яка насправді потребує сильної волі та рішучих дій проти зла) у багатьох країнах та їхніх альянсах, швидше за все, продовжуватиме приносити постійну турбулентність у багатьох частинах світу. Причина в тому, що незалежні демократії активно і пасивно самі по собі вбивають віру та відданість людським цінностям. Це відбувається через вибір ними тактичних і вузьких речей, які політологи та політики зазвичай називають словом «національні інтереси».

Дослідження обґрунтовує та розвиває ідею про те, що практично найнадійнішим способом захисту та відстоювання національних інтересів будь-якої самоповажної та відповідальної країни є боротьба за глобальні інтереси, тобто верховенство права та нульова толерантність до зла (яким є, приміром, посягання на територіальну цілісність іншої держави у поєднанні з убивствами та спустошеннями). Інакше ситуація з миром буде нічим іншим, як райською мрією для всього світу. Це реальна ціна етичного хребта, якщо його не розвивати.

Ключові слова: природне право, принципи міжнародного права, етика та національні інтереси, цінності, 4 стародавні чесноти, дефіцит доброчесності, матеріальна сила етики та цінностей.