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**GENEALOGY OF SOCIAL ORDER: LAW – REGULARITY – LAW
(INSTITUTE)**

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Abstract

The article studies the main transformation of objective orderliness into the law treated as a legal norm. The law effectiveness as a factor of public relations regulation is due to its inclusion in various social order processes. It involves a wide range of objective and subjective phenomena, relationships, dependencies, resource constraints and opportunities, needs, inter subjective relations, interests and values which are factors of the cultural environment and goal-oriented subject actions. Only the law formed on such a basis becomes an institution – a rule of conduct, culturally and psychologically entrenched in people's lives with a special, legally established form. Institutions are based on fundamental collective values, and are not reduced to external structures and organizations. And laws are not only restrictions, but also the desire and ability to live "by the law", which is called decency. The law is the stable side of political institutions, defining the possible limits of real participation in the exercise of power and society governance. Deviation from the interpretation of institutions as only external regulators (rules) of social relations, identifying their motivational potential is an important and productive milestone in the development of modern institutionalism, which helps to present cultural and psychological foundations of different social order types in a clear way.

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1. Introduction

The order genesis is the basic topic in the transcendental knowledge evoking mythology, religion, and philosophy with a huge number of different interpretations of this phenomenon. However what is interesting is that it still provokes human thought, forming new perspectives and highlighting all the aspects of the problem posed in ancient times and so relevant to this day.

The word “order” in this context is the most expedient and stable functioning of all the links in natural and social systems. It is a regular and harmonious relationship between them. Order in a society requires the availability of effective means and guarantees to maintain all aspects of security, ensuring its independence from accidental circumstances.

2. Problem Statement

In the 20th century the scientific knowledge was focused on identifying the objective reasons for the movement towards orderliness; in the 21st century there is a growing interest in studying the internal, subjective mechanisms of it. At the center of research is a person and his/her involvement in the world harmony; it is here “that the needs and meanings are born, which fill with passion the "cunning of reason". The problem of combining objective and subjective aspects of law has to be considered on the grounds of experience diversity and methodological positions formed in the twentieth century. Within the "system movement" framework there are ideas about "open" and "closed" systems, mechanisms for maintaining stability in them. Sometimes the principles of system analysis are extended to political life and their meaning is in finding out how to maintain the law in an equilibrium stable position interacting with the environment.

Cybernetics formulates the concepts of entropy and negentropy and considers information and activity as negentropic factors. Thanks to the synergetics – the science of self-organization in complex systems, a new order with its emergence and maintenance mechanisms is formed. There is recognition of constructive chaos role, which is considered not only as the limit of disorder and a purely undesirable state for system management and existence, the threshold, the beginning of its destruction, but also as a push, a movement towards an update order, a new equilibrium state. Systemic and synergetic concepts explain the mechanism of social order formation. Their arguments include the necessity of what is called the "human dimension of reality", because the experience suggests that civilization does not know automatically operating social systems and subsystems. Any of them feeds on the will and energy of a person who believes in their irreplaceability (Ilyin et al., 1996).

The renewal of technology and politics is also connected with an individual, as the person is put forward from the mass of other people, manifesting such qualities as independence, ingenuity, innovations, new forms of life organization and their justification, including religious ones. Thanks to their efforts and pressure, there is a break in cyclism and steady repetition, when elements of progress are formed – renewal and progressive movement, including egoistic, destructive, and weakening those societies where these principles are dominant. Thus, the scientific paradigm interpreting the orderliness in history proves the need to overcome the "incompleteness" of objectivist ideas with only "systemic", "rational" arguments and terms: "parallelogram of forces", "laws-tendencies", negentropy, non-linearity

(fluctuation, bifurcation), which do not fully reflect the presence of the subject, the person. If there is no active, rationally thinking person in "bifurcation" and "fluctuation" processes for various reasons they will collapse, losing inherent development potential.

3. Research Questions

The "person's impact" has been also described in the works of Marx: "History would be too mystical if it did not take into account the actions of an individual". But the idea of a person in history, presented not in a mystical, but in a rational way, is carried out through the mechanisms of regularity, activity, evaluation and benefit. These aspects express the characteristic features of social patterns: the subjective (the person, his/her activity, goal-setting) inclusion into the objective (the order, the sequence of events that grow out of its activities). Thus, social regularities are considered not as external constraints of human activity in history, but as the internal order of this activity, a certain sequence of factors determining the successive development of the objective into the subjective and back into the objective again:

- relationships – various interactions and dependencies of social groups and individuals;
- conditions – circumstances which the activity of participants in social relations depends on;
- needs – the relations of subjects to the conditions of their existence;
- interests – subjects' attitudes regarding the conditions of existence;
- goals – images of future results from human actions
- means – ways of achieving the goal; all what the subject uses in getting the result;
- results – a direct consequence of the actions taken and the means used them;
- problem – a special type of relationship between conditions, needs, interests, and goals of people characterized by a clearly perceived discrepancy between.

It is clear that there are many mediating links between the goal and the result, and only a part of it is taken into account. A significant part occurs already in the process of moving towards the goal, so the correspondence of the result to the goal can only be relative, which implies the need to correct the goal in the course of its achievement.

The attributes of the law (objective orderliness) include: the qualities of constancy, regularity, repeatability, cyclicity, stability and objectivity. In social patterns, new characteristics are added to these features: greater variability, ambiguity, implementation as a trend combining the interaction of multidirectional participants' actions, non-linearity and variety of possibilities as a result of conscious action included into the implementation process. The source of increasing diversity here is the culture used more as a collective, rather than a qualitative, essential concept, expressing one common quality – the connection with the activity, creative essence and subjectivity of a person.

The specific features in the first and second types of laws are usually fixed in terms of dynamic (unambiguously deterministic) and statistical (ambiguously deterministic) social laws. Their meaning is in the stabilization of large systems as a result of its elements' interaction. But, strictly speaking, the difference between dynamic and statistical regularities is in the observer positions: in a dynamic regularity – he is outside the system, observing IT in general without knowing about its trials and tribulations; in a statistical pattern, he is inside it, observing IT and participating in its movement. From

the inside, the ordering process is perceived as a series of chaotic events, from the outside – the same events are arranged in a uniquely linear sequence.

Sooner or later there comes a very important transformation in the person's attitude to the laws: he changes his position of an observer and starts actively intervening in the process applying the third type of laws (norms). With these laws an individual regulates activities in such a way as to influence events by organizing them. It reduces the randomness forming more or less unambiguous line of participants' behavior and makes a dynamic connection out of a statistical regularity restricting arbitrariness, reducing non-linearity and trend divergence. In fact, it "builds up" a tendency out of stochasticity.

The social regularity with rising motivation and the objective and subjective exist in one merged form – the interest – a real connection, interaction between people, their communities to be between: as the economic relations of each given society are manifested primarily as interests. The motivational power of interest lies in the benefits that its implementation brings to its holder; the benefit is the acquisition of more diverse and sustainable sources of livelihood. Refusal to realize an interest is the transfer of benefits to another party (person) (Deutsch, 1976).

The special power and energy of interest as a sources of initiative activity are reflected in the presence of both objective (benefit, possible acquisition of life advantages) and subjective (concentration of attention, aspirations of the carrier) sides. Civil (open) society provides a natural (not forceful) order of interaction and coordination of interests. The mechanism is complex, contradictory, but stable, capable of providing both adaptation to the environment and a return to the initial state. The interest dynamics determine the system of relations: it makes it stable or unstable if this instability is experienced as an undesirable state it is perceived as instability – something hostile and dangerous for the subject dependable on uncontrolled and confrontational forces. Values are the results of social differentiation and hierarchization combining real and imaginary objects, ideas giving them greater or lesser significance (Chombart de Lauwe, 1975). The process of order in that matter includes the human dimension and allows looking at what is happening from the point of view of its "desirability" or "undesirability" to the subject (to "evaluate" it), (Bachrach & Baratz, 1970). Value in this case is a means of ranking life priorities, understanding their unequal value (as something is more necessary, "desirable", and something is not necessary at all), ordering it from the point of view of human interests in accordance with the principles of freedom and choice. They serve as the basis for rational action.

4. Purpose of the Study

Hierarchy – as the inequality of status, powers and opportunities – is one of the aspects of authoritative power, and not the best one. But as it is correctly mentioned in scientific literature (de Jouvenel, 2010) the primary order, the stabilization of society begins exactly with it. Spontaneous and simply forceful animal regulation is replaced by factors that provide greater stability of relations within communities, reducing its stochasticity. There is a restriction of possible positions (at least some of them are considered undesirable and avoided), as well as conflicts and claims due to the status inequality of participants in social interaction.

Power, as a tool for bringing the person's will into the course of events, makes ordering a compulsory process. And the law in this case serves as an attempt to introduce order into chaos (Douzinas

& Gearey, 2005). But it is possible only if both acquire the culture parameters and are correlated and regulated by values, and not by instincts, entering into the system of historically developing supra-biological programs of human life activity (Stepin, 2000).

The value effectiveness depends on the institutionalization – the changes of large communities' behavior into the commonly accepted rules of conduct. In that case authoritative relationships are guided by the recognized and codified rules on which people build their interactions. Social norms of relations are formed into so-called institutions involving extensive network of interactions, interdependencies and organizations. These norms structure the society, stabilize relations in it, create an opportunity to control and anticipate the participants' actions, express and protect their rights. But the norms and institutions created on such basis operate in a contradictory environment, some fragments of which generate and strengthen the mechanisms of regulation, including normative ones, while others, on the contrary, undermine and destroy them. Institutions, therefore, grow out of fundamental collective values and are not limited to the external structures (organizations) of a person and his/her activities. And laws are not only restrictions, but also the desire and ability to live "according to the law", which is called decency.

The advantage of a normative law as a means of stabilization is its ability to translate "conflict into a regulated debate". It is contained in a number of characteristics, which other means of ordering, both objective and subjective, do not possess. It includes:

- targeting: regulates a certain area, solves a specific problem, refers to a clearly defined circle of people;
- a clear implementation structure, distribution of roles and responsibilities;
- a control system of sanctions for non-compliance with the requirements specified in the law including participants in public relations, so it serves as a mechanism and a performance procedure;
- codification, consistency, and alignment with other standards, which minimizes the possibility of distortion;
- relative independence from individual arbitrariness.

Of course in real life all these advantages are distorted by numerous violations and cause harsh criticism, but the high degree of their rejection in society is precisely determined by the understanding of their opposite to the nature of law and the need to meet value (moral) criteria.

5. Research Methods

The activity approach makes it possible to reveal the presence of human subjectivity, its participation in all social relations, including those that have become institutions. Institutionalism in its modern (neo-institutional) modification makes it possible to reveal the presence of culture and subjectivity in the objective aspect.

The development of modern institutionalism does not interpret institutions as only external regulators (rules) of social relations, revealing their motivational (intra – subject) potential. It reveals the cultural and psychological foundations in different types of social regulation.

6. Findings

The law reflects the political stability in institutions, defining the limits of power and governance in the society. It also affects the dynamics of the political system, defining the rules, objectives of political interaction and its political regime. The History shows quite convincingly that the law in this capacity is able to contribute to both the stabilization and destabilization of social relations, causing powerful changes due to its connection with the government, which serves as a means of disposing of huge social resources.

How to encourage the former and prevent (at least limit) the latter? In general, the nature of law is associated with stabilization the law is the mechanism of strengthening, protecting, ensuring security and stability. The destabilizing law role used as a well-known "drawbar" is presented at the separation from its nature. The nature of the law is determined by the connection with human nature, the ability to protect its basic values, which makes the law safe, the safeguard of freedom and property and the possibility to use what by natural right belongs to a person: life, property and freedom (Deutsch, 1976).

Therefore, the legal environment possesses the irremediable imprint of tensions between irrational and rational elements, between organized and unorganized, between the norm and what is more spontaneous and mobile than any other norm (Gurvich, 2004). This requires the law assessment with a special tool that contains in its essence the contradictory combination of objective and subjective, existing and due, personal and social. That special tool is justice as a measure of its value (acceptability and desirability) for the society.

7. Conclusion

To conclude with, it is necessary to say that the order, as a regular system of elements, serves as an integral characteristic of the combination of contradictory sides and system statuses, its variability and constancy, the correspondence of structure and functions, the emergence of objective and subjective aspects into the existence. The social law in any of its modifications: both as an objective tendency and as a social (legal) institution, acts as an internal mechanism of social activity and stability, changing its objective prerequisites into subjective action motives finally embodied in certain results that are totally independent from its consciousness.

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