

State Power Institutions in the Context of Global Political Antinomy

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Abstract

In this paper, the key problems on development of state institutions in the context of globalization, as well as the antinomic processes of political standardization and legal unification of state power systems are discussed. The authors examine and substantively analyze various positions and approaches on interpreting the globalization processes, their evaluation and forecasting of state-legal development in the 21st century. The paper substantiates that the global transformation of a state, law, civil society forms a challenge to national systems of state power, their sovereignty and independence of legal policy. The authors argue that globalization will qualitatively enrich and complicate the role of state power in modern society, preserve the importance of state institutions as a key player in international interaction and in the management of national processes. In conclusion, the paper substantiates the need to develop legal constructions and political forms that adequately describe the modern functioning of the institutions of state power and the prospects for their development in the cosmopolitan world.

Keywords

Power, Globalization, State, Qualitative Characteristics of Power Activity, Law, Legal Policy, Political System, Sovereignty

Introduction

The globalization processes, unification of political development and standardization of socio-economic organization of different societies, legitimization (or delegitimization) of existing political regimes by the international community cause a fundamentally different era in the development of national states, another geopolitical matrix for assessing existing problems and threats, on the one hand, and options and prospects for civilizational interaction, on the other.

This era is seen by many analysts as a "parade of soft sovereignties", gradual desovereignization of state and legal spaces, destructon of "national-territorial instincts" (J.-F. Richard) of states that assume universal (network) management of global political processes, "humanitarian intervention", standardization of economic and political reality. The political cliche and the estimated matrix of the transformations taking place have become the expression of the famous political scientist G. Kissinger about the fact that modern world processes testify to the "death" of the Westphalian system and the meaninglessness of the idea of state sovereignties, the idea of national and cultural development. If today it is customary to talk about sovereignty, then only in the context of unified (regional, interstate) global sovereignties, involving the integration of various states into a some politically unified (union, network) whole, into a qualitatively new form of "cosmopolitan organization" (U. Beck).

Basic Research Approaches

The globalization process is treated differently in contemporary foreign and domestic science and political practice. Thus, in Western European political discourse, globalization, as applied to the subject of this study, is generally speaking treated in three dimensions [1]. *The first position* is to interpret these processes from the point of view of the interconnection and interdependence of national systems of state power, in the implementation of their internal and external functional activities, in the context of steadily increasing international political and socioeconomic interdependencies, transnational flows, convergence of political identities and sociocultural relationships [2].

The second position emphasizes rapprochement and unification of political forms and means of communication. Here, globalizing political processes are conceived not from the point of view of the increasing interdependence of national-state spaces (as in the first case), but from the point of view of globalization of these spaces themselves, their openness and "readiness" for a global transformation of political institutions of power and their practice [3].

The third position considers the globalization processes as a qualitative transformation of the political organization forms, in the context of which a national-state being ceases to "create a common order of relationships" and stimulates new cosmopolitan principles for the organization of human life. These processes will lead to the fact that "the world's internal political space of power will be conceptually and politically mastered outside the old national and international categories" and "prospects for cosmopolitan renewal of politics and the state" will open [4, 11].

In modern Russian political science, the globalization process is viewed in two ways. On the one hand, it is analyzed as a specific, objectively existing trend along with such processes as regionalization, provincialization, localization, etc. For example, S. Proskurin argues that the globalization process is not a product exclusively of our time, but is inherent, in one way or another and in different qualities, to the entire history of human development [5, 54]. This is due, first of all, to the fact that one of the operative motives of human activity, as G. Kh. Shakhnazarov believes, was the need for communication and mutual understanding. This motivation, as we know, was manifested at various levels of human organization, from the simplest social systems to planetary communities: "incorporation of people into a genus, tribe, state, nation, and world community" [6, 186].

On the other hand, globalism is interpreted as a tendency to spread a culturally indifferent international standard, a global outlook, a planetary and network consciousness that have "their shadow sides" and generate "their own antithesis: the ideology and movement of antiglobalism" [7, 110]. In this case, it is a question of humanitarian, economic, political unification of existing state-legal spaces in accordance with certain "standardized" ideals and principles.

From this point of view, one should agree with M. N. Marchenko, when he notes from the theoretical and methodological standpoints that "globalism as a tendency, as a natural process, finally as the forerunner of globalism beings a "certain civilization standard" and a certain worldview; it existed in human society and exerted an active influence on a state and law almost always, at all stages of the human civilization development. As for globalism, a certain, formed phenomenon in the form of a "civilizational standard" and a "planetary" worldview; it appears and accordingly influences national state and legal institutions only at the latest stages of the development of world civilization" [8, 59].

At the same time, there is a different position in the scientific literature, which in some ways runs counter to the above. So, in the opinion of A. P. Butenko, a too broad treatment of the "globalism" concept is unjustified. Considering it as a trend, a natural process and a "certain international standard" fills this concept with too much content. In his opinion, vulnerability of the proposed interpretation of the "globalism" concept is rooted in the fact that it is understood as a unifying process without specifying its essence and content in space and time. Consequently, as Yu. Shishkov rightly notes, such terminological confusion leads to serious conceptual errors, "for example, when globalization began, the answer to which, in turn, predetermines this or that content of this concept". From this perspective, the author argues that globalization is a qualitatively new stage of development that differs from previous phases and stages of internationalization [9, 60].

Methods and Materials

In this regard, the process of rethinking the "sovereignty" category is seen as a natural and fairly obvious outcome for the formation of a new stage of internationalization or a global world order [10]. Moreover, the new format of presentation of this category is connected in practical terms with the formation of a global world political order, its standards, parameters and mode of operation, supporting rules and systems, and a new planetary cosmopolitan worldview in the theoretical sense, with the formulation of non-state (international) axioms and values. All this is understandable and explainable, since today the main emphasis in political rhetoric and scientific research is put not on objective global trends, sociocultural dialogue and exchange, but, on the contrary, on the process of forming a new *post-sovereignty world order*.

The modern project on post-sovereignization of state and legal entities considers and analyzes the state power not as before, from the point of view of national and cultural uniqueness (proximity or remoteness in political, socio-spiritual, legal, economic and other development), and through the prism of inclusion of states in a formed order, compliance with its standards, as well as legitimization of a particular political regime by the international community. In this globalistic discourse, another conceptual series, and a different logic for dealing with problems are used. So, the security problem is transferred from sovereign territories and is viewed from the international point of view (extraterritorial, planetary, and universal). The legality and legitimacy of extraordinary situations and emergency regimes is not justified through ensuring the integrity, unity, stability of a sovereign state, but through international authorization, i. e. recognition of these actions as necessary to preserve, promote the global order and the corresponding ideology. S. Mirzoev is right in this regard when he notes that the main goal of modern international organizations is to form such practice of supranational interference, when it becomes possible to "recognize illegitimacy, unlawfulness, and ultimately illegality of a current government by nominating agitational theses about the need to oppose the authorities, laws of the country, by introducing criteria of external legitimacy in the process of formation and implementation of power" [11, 34].

In general, the processes of global political communication development not only "introduce" new actors of interaction, but also change the usual forms and technologies of recognition and approval of publicly significant decisions. So,

today the national system of state power acts in the global political process only as one of the actors on a par with transnational corporations, non-governmental organizations, international communities and so on. Moreover, the solutions to global problems, according to Ulrich Beck's just conclusion, "open up new, innovative, non-state sources of justifying themselves to legitimacy: voting is replaced by approval" [4, 36]. In this changing format of political interaction at the global level, national forms of legalization and legitimation of public activity are completely ignored, treated as inefficient, inadequate, and that do not meet the new principles to rules and tasks of the global political process. At the same time, the traditional format of legitimizing decisions is replaced by the *process of self-legitimation*, i. e. moral, economic, military and other ways of *substantiating* the political decision and seeking *agreements* with other global actors, as was the case in "military intervention", "military humanism", international pressure, guardianship, etc. [12].

It is these facts of the transformation of political communication that today cause a lot of criticism among well-known analysts. For example, N. A. Narochnitskaya rightly points out that "numerous non-governmental organizations, that were not confirmed by democratic signs of mass trust, suddenly became identified with vox populi and claim the role of public prosecutor of the times of totalitarian trials, what was never in the past". Moreover, a special category of non-governmental organizations generally "claims the role of judges in matters of the world outlook of the whole society and state policy. This is an obvious way out of civil society". Therefore, from a researcher's point of view, today it is necessary to give a political and scientific assessment, on the one hand, to that nongovernmental organizations from civil society institutions have been reemerged into global political actors with an "unconfirmed democratic mandate," and, on the other, the nature of interaction of these public organizations with state power [13, 9].

It is no coincidence that today "terrorism", "violence", "armed suppression" have transcended national boundaries and become components of the international political concept as strict terms, and not specific phenomena. This is not surprising for the post-sovereignty order. Today the content of the term "terrorism" is not unique and varies depending on the political situation (conjuncture). It all depends on who gives the treatment to armed violence. So, if a regime does not fit into the modern global order, then any efforts to restore the unity and integrity of a state can be interpreted as terrorist, violent armed actions against the people, individuals, their rights and freedoms. On the contrary, in another case the same situation can be interpreted as a struggle for freedom and democracy.

In accordance with the foregoing, it is necessary to make an important theoretical and methodological remark for the subsequent analysis of desovereignization processes: a statement about the objectivity of the globalization processes, or, more accurately, the objectivity of the global transformation processes for a state and law, has become sufficiently established in modern research practice. We can only agree with this in part because it is natural to see interstate cooperation in solving many global problems. However, this does not mean that the process of global unification of national legislation, the withering away of the sovereign quality of state power, is objective.

In other words, the state co-operation practice, the emergence of global economic, environmental and political problems objectively compel states to intensify cooperation, to search for the most effective forms and mechanisms of joint activity. Of course, this is an *objective law of modern reality*. However, judgments about the weakening of national state roles, the gradual withering away of the national legitimization of the monopoly triad of the state (the establishment of universally binding norms, the legality of state coercion, the right to form and use armed forces), and the abolition of state borders and the "liberation of the political being from cultural and ethnic identity" (U. Altermatt) should be not recognized as an objective series of processes caused by globalization, butl as a thoughtful *political project of establishing the new* desovereignized *world order*.

Main Content

Today it is alleged that general objective tendencies are characteristic for all political spaces; according to that tendencies "management which is of cardinal importance for a market economy should not be identified with a state, for global politics separates governance from a state and its bodies" [14, 90]. According to Western analysts first of all, these objective laws lead to a general narrowing of the role of a state in world processes, erase state borders and sovereignty, and put forward a global civil society (devoid of ethnopolitical and cultural identity) as significant subjects of global interaction, global economic actors (TNCs, IMF, WTO, WB, etc.), international legal and political organizations (UN, NATO, etc.). It is these organizations of the global hierarchy that form a fundamentally different political, legal, economic and social (civil) organization in which states are only one of the levels (and not the most significant) of governance in this global hierarchy of institutions and structures.

In turn, we are convinced that this "objectification" of global state and law transformation processes is only a political project for the formation of a new global (imperial) order [15] which should not (often impossible) be identified with the laws of evolution of state-legal sovereign spaces.

Firstly, within the framework of this position, obvious theoretical positions are ignored: all social phenomena and processes, especially the laws of their development and functioning are specific and operate in the context of a certain space and time. There are no absolutely similar, identical state and legal patterns expressing the uniformity and regularity of political phenomena and processes. One can only talk about the similarity in the development of certain political systems.

It is the knowledge of the specific national and cultural patterns of development of the state power phenomenon and the political process that allows us to reflect the resistance and readiness of the national material (being) to certain political and legal receptions and borrowings. Therefore, if we talk about global (expressing the greatest degree of generality, generalization) state-legal patterns, then only in the context of a certain state and national political space, specific legal and political systems.

M. Remizov points out: "It is pointless to fight the laws on which the expansion of Western globalism is based, and it is pointless to deny that they exist in one way or another. But all social laws, and even physical ones, *have only limited ranges of action and are relevant only within certain thresholds*. In the case of physics, the presupposing "fundamental physical constants" are arbitrary values, that is, they are not deducible from any laws. And be they different, the image of the world would also be different. In the case of society, these thresholds can be thought *anthropologically*" [16, 86].

Secondly, today, behind the rhetorical cliché of "objective laws of globalization of the state", not global trends of international development are observed, but, on the contrary, specific processes of the humanitarian and economic expansion of world powers are masked, primarily strategic and tactical interests of the United States.

Consequently, the current stage of the "globalization of the state" should be interpreted as an ideological project of a post-sovereign world political order, the content of which is based on neoliberal doctrine and a technocratic approach to socio-economic development. For the sake of justice, we should agree with Z. Bauman who noted that the formation of the very idea of globalization as a new stage in the evolution of human civilization is associated with the desire of the leading "world players" to obtain mechanisms for global governance and control. It "expressed hope, intent and determination to restore order" in its universal meaning "on a comprehensive, truly global scale" [17, 87].

Thirdly, the "objective laws" of civil society internationalization and globalization should also be interpreted as a political project. Thus, as interpreted by the ideologists of global political unification, the universal civil world as being devoid of national-cultural and ethnic identification, including national-state identification, bears a logical contradiction in its essence. At the same time, it is argued that the new world order will be based on a civic organization (global civil society) blurring state borders and overgrowing the national cultural boundaries of people's self-organization. In other words, there is a global institutionalization of the vital world (global changes in the structure of civil society) which is "the organization of everyday local interactions and socialization by the direct (past national and state level) interaction of macrostructures of the world order" [18, 364].

However, it is not entirely clear why this project uses the category of citizenship, which, on the contrary, fixes the close and inextricable link between a person and social groups and the state, their mutual rights and duties. It is not entirely clear how the national organization of the society envisaged by citizenship and the system of reciprocal rights and duties (if you will, mutual "service" in the system of the individual - society - state) would be removed in this case. The question on what new forms of identification and social self-organization will replace national-state forms remains without an answer, too.

Fourthly, the thesis about the objective law of desovereignization of state power logically implies the exclusion of three monopoly rights in the capacity of essential features of the last: the establishment of universally binding norms; legal use of state coercion; the formation of armed forces and the "independent" use of them to maintain order and security. As you know, it is these characteristics of secondary nature that distinguish the state from other political organizations; their leveling leads to the erosion of the power-legal essence and functional purpose of a state. At the same time, a state deprived of these monopolies practically acts on an equal footing with other political actors: political parties and movements, trade unions, public organizations, etc., especially in the context of the global world order, where the meaning and socio-political purpose of this institution is no longer valid.

It is obvious that the nature of state power and its functional purpose are disclosed through the essential characteristics manifested in the unity of its primary (power, territory, population / taxes) and secondary (sovereignty, the three abovementioned monopolies, symbols, etc.) features. The "seizure" of certain functional features in a state institution leads, as we know, either to the disappearance of the institution or to its dysfunctionality. At the same time, the dysfunctional, institutionally distorted activity of a publicly-authoritative institution always causes the process of replacing it with other, more optimal equivalents, functional alternates [19, 122-124]. As noted above, sovereignty means the state monopolization of certain social functions, i.e. impossibility of existence of any other (non-state, international, shadow) functional alternatives or functional equivalents.

At the same time, the draft global world order does not exclude, but, on the contrary, believes that the institution of the state is a necessary link in the world hierarchy of political institutions, the middle link that ensures the universal order with universal parameters localized in a certain territory. In turn, it remains unclear how a state which political and legal status will be almost similar to the status of, for example, political parties, will be able to provide this order. The desovereignization of state power without a proposal to replace other effective political and legal structures that ensure the optimal management of local territorial units within the framework of the global world order seems to be a utopian illusion rather than a real political project.

On the contrary, the development of political systems in the contemporary international situation testifies to the strengthening of the functional role of state power. In contrast to the theory of "weakening the sovereign quality" of a state, there are processes of increasing the role of state power institutions not only in the management of national space, but also in the international arena - in the settlement of various conflicts.

Ambiguity of the global state power transformation processes, the diversity of tendencies of international interaction in solving diverse problems and conflicts, the search for new forms of legitimization of supra-state intervention in the political and legal processes of national states, the desire for universalization of socio-economic and cultural life of human communities, etc., form different scenarios for development of the world order, consequently.

The processes aimed at destroying the Westphalian world which affirms the sovereignty of the nation states after the Second World War, initiate the formation of a new system of international legal relations under the aegis of non-governmental supra-state (global) organizations. The newest stage in the development of the world order is associated with the complete abolition of sovereignty and the formation of a "cosmopolitan democratic system" and a "global civil society" that recognizes the fragmented functioning of individual (autonomous) societies and local spaces and at the same time democratically unifies their development. At this stage, unified power-legal, social and economic management networks, as well as general principles of social justice and standards of socio-cultural development, rules and boundaries of individual and collective action, general interest and the common good are formed.

The emerging new post-sovereign order not only differently interprets old values (human and citizen's rights and freedoms, democracy, political pluralism, legitimacy of a state coercion, etc.) in a new globalistic discourse, but also reinterprets the content of long-established terms and axioms. It is obvious that the leveling of state sovereignty importance, and also the processes of humanitarian intervention, standardization of socio-political development presuppose new forms of civil identity.

However, it seems that these theoretical developments, which justify formation of a new civic identity, are based on the political experience of American society. It was there that the "Atlantic model" of civil society was formed, within which ethno-cultural and historical identity is formed primarily by political institutions, constitutionalism and democracy. In the modern conditions of globalization, this idea has been further developed, since it theoretically justifies the possibility of forming a new form of identity in the process of desovereignization of national states. Moreover, the development of international non-governmental organizations (non-governmental organizations) makes this process of formation quite realistic. It is the non-governmental organizations operating today at the supranational level and their enormous influence on the development of national states that reflect the formation of a new subject of international political relations in the global civil society.

Today, it is obvious that the classical ("Westphalian") treatment of the sovereign qualities of state power undergoes a fundamental semantic transformation, and the processes of political standardization, legal unification and cultural typification cause a modification of the institutional and regulatory role and socio-political significance of public-law institutions of power. In this regard, the sovereignty and legitimacy of state power in the modern cosmopolitan world become quite amorphous and mobile concepts, the content of which is concretized through "additional characteristics", for example, the real and potential "strength" (economic, political, etc.) of states, their military-political power, institutional and legal stability, and the stability of public law institutions and structures, etc.

At the same time, the processes of global evolution of state power differently raise the problem of the uniqueness and localness of national political systems, activating the processes of regionalization and provincialization of public-power interaction, and the developing practices of legitimizing (or de-legitimating) of existing political regimes from the international community cause a fundamentally different era in development of national states, another geopolitical matrix for assessing existing problems and threats. It was said above that the legitimacy of extraordinary situations and emergency regimes is justified today not through ensuring the integrity, unity, stability of the state institution, but through international authorization, i.e., recognition of these actions as necessary for the preservation, promotion of the global order and the corresponding Western European ideology.

These contradictions, in our opinion, lead (especially in the post-Soviet space) to the weakening of the international legal and political role and significance of a state, to the all round development of the inter-type (with the predominance of functional distortions and deformations in the state power system development) of the transformation model of public authorities. In addition, this inter-type state-legal organization can be caused not only by the desire of elite forces to move to a new, *progressive structure* (for example, the political systems of Poland, Romania, Bulgaria, etc.), but also by a *regressive orientation* (for example, the Eastern "pseudo-democratic" systems of state power in Tajikistan, Kazakhstan, etc. [20]), the desire to implement projects of a sharp (or gradual) return to past stable political and legal forms of organization, stable power-legal models and ways of interaction in society at the level of public policy.

We emphasize once again that both at the ideological and conceptual level, and at the level of scientific practice, modern political rhetoric emphasizes the growing importance of regulatory measures and programs of state power aimed at overcoming crisis phenomena, contradictions, conflicts, as well as ensuring social order, stability and sustainable development of the social system.

However, the degree of such power-management intervention in social processes and its impact on the regulation of social life depends on national traditions, the prevailing public practices of interaction between society and the state, as well as the preferences, interests and needs of the population. Therefore, the postclassical concepts of state power institutions evolution, leveling its sovereign qualities, justifying the erosion of the traditional role and significance of this institution, and transformation of its competences should be interpreted not simply as a challenge to self-sufficiency, independence and integrity of a national statehood, but also as a threat to the continued existence of state-organized forms of life activity. We believe that the guidelines for further state building and strengthening of political

systems are connected with the development of the concept of stability and durability of public-legal institutions of power, forms and models of interaction within personality-society-state system ensuring successive reproduction of national and cultural integrity and identity in a standardized and unified world, as well as independence in the adoption of national management decisions and the implementation of legal policy.

Conclusion

The global transformation of a state, law, civil society and the doctrine of human rights undoubtedly challenges the national state power, its sovereignty, the independence of its functions, its priorities, and so on. Undoubtedly, globalization will qualitatively enrich and complicate the role of the state, but it is unlikely that this institution will lose its dominant position in international interaction and in the management of national processes.

At present, the development of legal structures and political forms that adequately describe the modern functioning of state power institutions and the prospects for their development in the cosmopolitan world, criteria and characteristics typologizing the "sovereign qualities" of a state, clarifying their reality (or titularity), factuality (virtuality) and etc. takes place. So, for example, the "state power" concept under current conditions expresses explicitly or implicitly the potential and real ability of a state power to determine singlehandedly and independently the goals and objectives of the development of the national political and legal space, in a "dialogical manner" participate in international legal policy and act on an equal footing as one of the "architects" of the international security system, the leading subject of the global political economy. At the same time, as it was explained above, the dominance of this tendency in the transformation of the state power institutions causes the development of negative political processes associated with deviation from the primacy of democratic rights and freedoms to domination of the "*post democratic concept of security*" based on the force-resorting characteristics of functioning global political actors.

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