

Artículo de investigación

Civilizational modeling of political and legal development of the society in the XXI century

Modelización civilizacional del desarrollo político y jurídico de la sociedad en el siglo XXI
Modelagem civilizacional do desenvolvimento político e legal da sociedade no Século XXI

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Abstract

The article provides a comprehensive assessment of the current state and problems of political and legal development of the society, examines the main research positions, theoretical and methodological approaches to modeling the state-legal development of the society in the context of ensuring socio-cultural integrity and sustainable civilization development. Separately, the work analyzes the structure of political integrity and the multilevel process of socio-cultural development of political and legal institutions of the society, the specifics of which are determined by the basic scenarios of political and legal thinking, the interaction mode between the individual, the society and the state, the form-forming tendencies in the institutional-power organization of the society. The authors argue that the civilizational strategy of research and formation of doctrinal and program provisions determining the vector of social development shall be aimed at the reconstruction and interpretation of public power institutions as stable and successively reproduced civilizational phenomena in a certain socio-cultural environment.

Keywords: Power, state, culture, politics, law, structure, civilization, evolution.

Resumen

El artículo proporciona una evaluación integral del estado actual y los problemas del desarrollo político y legal de la sociedad, examina los principales puestos de investigación y los enfoques teóricos y metodológicos para modelar el desarrollo jurídico estatal de la sociedad en el contexto de garantizar integridad cultural y desarrollo de la civilización sostenible. Por separado, el trabajo analiza la estructura de la integridad política y el proceso multinivel de desarrollo sociocultural de las instituciones políticas y jurídicas de la sociedad, cuyos detalles están determinados por los escenarios básicos del pensamiento político y legal, el modo de interacción entre el individuo, la sociedad y el estado, las tendencias formadoras en la organización del poder institucional de la sociedad. Los autores argumentan que la estrategia civilizadora de investigación y formación de disposiciones doctrinales y programáticas que determinan el vector del desarrollo social deben estar dirigida a la reconstrucción e interpretación de las instituciones de poder público como fenómenos de civilización estable y sucesivamente reproducidos en un cierto entorno sociocultural.

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Palabras claves: Poder, estado, cultura, política, ley, estructura, civilización, evolución.

Resumo

O artigo fornece uma avaliação abrangente do estado atual e os problemas de desenvolvimento político e legal da sociedade, examina as posições-chave de pesquisa e abordagens teóricas e metodológicas para modelar o desenvolvimento jurídico estado da sociedade no contexto de integridade assegurando desenvolvimento cultural da civilização sustentável. Separadamente, o artigo analisa a estrutura da integridade política e processo de desenvolvimento sociocultural multinível das instituições políticas e legais da sociedade, cujos detalhes são determinados pelos cenários básicos do pensamento político e jurídico, o modo de interação entre o indivíduo, a sociedade e o estado, as tendências formativas na organização do poder institucional da sociedade. Os autores argumentam que os arranjos de pesquisa estratégia civilizadora e doutrinários formação e programáticas que determinam o vetor de desenvolvimento social deve ser destinado à reconstrução e interpretação das instituições do poder público como fenômenos da civilização **estável e sucessivamente reproduzidas em um determinado ambiente sócio-cultural**.

Palavras-chave: Poder, estado, cultura, política, direito, estrutura, civilização, evolução.

Introduction

Over the past decades, the development of the national civilizational space is facing a number of problematic situations that deform, and in some cases mythologize, the vector of sustainable development of the public-power organization of modern society.

There are cardinal changes in political and legal thinking and fundamental changes in research strategies at the present time. Starting with T. Kun, the axiomatics of the humanitarian type of rationality (or modern stratification) was the conviction that the scientific cognition was a history of delusions, and the political and legal studies were nothing more than a phased or radical change of one "system of scientific mythologies" to another, or one "type of political rationality" to a radically different one (Foucault, 2010).

In this respect, it is argued that there are no "stable scientific truths" and core civilizational foundations of political and legal organization inherent in a particular community. Any socio-cultural institutions and political and legal forms are the non-organic particular civilizations or objectified forms of expression of the "civilizational nature" of society, but the essence is something superficial, temporary, depending exclusively on subjective arbitrariness.

In the context of this paradigmatic system, any notions and provisions stating that "the state system is not something created: it represents the work of many centuries, the idea and consciousness of the rational to the extent it is developed in a given nation. Therefore, the state

structure is never created by the individual entities" are systematically criticized (Hegel, 1990). On the contrary, it is argued that the civilizational bases or the sociocultural codes are just myths that legitimize one or another state-legal mode. In other words, the modern corpus of research programs is aimed at exposing these public myths, justifying that any socio-cultural institution is only a stable "public habit" and "social amnesia" (a forgotten public outrage, that is, created once and transferred in something objective by tradition) (Bourdieu, 2016), and the civilizational system is just a specific and relatively unique and artificial "assembly" of the social order (Latour, 2014).

Therefore, any facts and publicly-authoritative practices, within the framework of this particular axiomatics, are always unique and describe a special (limited, single) experience. In this respect, the absence of a stable system of scientific and practical co-ordinates and civilizational vectors of the state-legal transformation (namely, civilizational transformation, and not modernization, a process that has an obvious West European civilizational basis) is proclaimed in the modern science and practice. Hence, the theories of instability, riskiness, situationalism, management technologies of irrational choice, etc. develop in the economic, political, legal and other social spheres of life (Lyubashits et al, 2017; Villalobos Antúnez, 2016).

Ethnic and ethnocultural identities, ideological and conceptual bases and spiritual and moral standards, which have structured and directed the sustainable development of specific civilizational areas, are theoretically and practically washed out of a publicly-owned organization. Such tendencies lead to the fact that the overall civilizational projectivity implemented in the cultural and historical context, the stable dominants of the development of socio-political and legal thinking, the continuity of the public-authority organization, etc. are not taken into account in real public practice and research programs.

Review of research positions and theoretical and practical approaches

The formation of postclassical meanings is also connected with the development of global virtualized symbols and images, abstract ideological and semantic platforms that significantly change the identification processes of sociocultural actors, the formation of political and legal culture of the society, the adoption and implementation of significant political, social, legal and other managerial decisions. The dominant problem in the Western European research projects setting the pace for the Russian humanities science is the search for the foundations of a civil worldview that would ensure the development of a "worldwide citizenship" (Altermatt, 2000) not associated with cultural traditions, certain nations or ethnic groups, but with a worldwide "legal identity" (Habermas, 2008). At the end of the XX - beginning of the XXI century, the Western European science and the public authorities practice made a sharp dismantling of national self-awareness and socio-cultural (political, ethnic, spiritual, intellectual, etc.) specificity (Baranov et al, 2017; Tahavieva & Nigmatullina, 2017).

At the same time, it is assembled a "new" community, within which many uniquenesses and other deviations are not the grounds for identification (Back, 2008). However, the practice of implementing this project, at least in the Eurasian space, causes many problems and inconsistencies. The "purification" of political and legal studies from the stable socio-cultural dominants leads: to the ubiquitous crisis of the value-normative foundations of a public-authority organization; to the deformation of political and legal culture; to the distortions in functioning of the political institutions and public-

law institutions; to the destruction of state traditions, which ensure stability and reproduction of the socio-political integrity and ethno-political stability; to pragmatization and bureaucratization of law; to the spiritual and moral collapse and the deharmonization of socio-regulatory regulators, etc. (Mamychev et al, 2016).

The modern state-legal organization of Russian society is in the transformation process. The modernization, conservative and global trends significantly affect the meaning and civilizational dynamics of the fundamental institutions, problematizing the essence, basic functions and tasks, the social role of the latter. At the same time, the modern processes of socio-cultural typification and political and legal unification significantly increase the risk of local (provincial, ethno-cultural), national and regional living spaces (Lyubashits et al, 2017).

All this leads to the fact that when analyzing the forms that ensure socio-political unity and sustainable legal and cultural development, there is a clear ignoring of potential of the civilizational tradition (Mordovtsev et al, 2017). The researchers moving in this direction declare about the forthcoming "new socio-political revolution" that will sweep away the traditional categories of political and legal thinking (the state, the legal order, the political and legal status of a person, determined and guaranteed by the state, etc.) and forms of social unity (people, nation, ethnos), and then form the fundamentally different forms of social organization and identification, free from legal and political structures imposed by the state power (Pavel Baranov et al, 2017).

Summarizing the latest achievements in this field of scientific research, it may be distinguished two main trends, developing either innovative (neoliberal) forms of political communication, where the state power is given a very small place as an institution that provides national and cultural unity and ethno-political stability; or revolutionary (neo-Marxism, neoanarchism, cosmopolitanism) forms of socio-cultural unity, depriving it of any social significance in the future. However, these two directions are contradictory, each of them represents a problematic "reflexive field", "producing" quite controversial practical projects of a public power organization (Mordovtsev et al, 2016).

The research and design of the development of modern political and legal institutions as the

sociocultural and ethno-political phenomena causes in general misunderstanding and reproaches in a number of cases. This is due to a number of objective and subjective reasons.

First, with the pressure of the so-called "political correctness", which forms the framework of modern research programs, the political and legal institutions are in particular analyzed only in terms of democratic discourse and in the context of organization of the Western European model of the rule of law.

The political and legal institutions, and practices functioning and reproduced in the society, are viewed not as the independent socio-cultural phenomena, but rather as a tool for implementing the world's dominant ideological format. In this regard, the accentuation on the issues of civilizational and ethno-political specifics and so on is perceived most often as "withdrawal from the high road of modernization development", "historically faithful development of mankind", etc.

Secondly, with the perception of the Soviet experience of state construction (and indeed of the entire Russian state and legal history) as an "ethical scarecrow" forming a stereotype that any study of the civilizational foundations of power, law, state, their specifics and identity is nostalgia for authoritarianism and the right road to totalitarianism. Any attempts to build a national theory of the state and law, the civilizational doctrine of the development of Russian society and so on is interpreted as a dangerous tendency leading to going off the way of democratic development, and a variety of discussions about the uniqueness of sociocultural traditions as a return to the "way of slavery", etc.

Thirdly, with the spread of "prejudiced evaluative judgments" related to the fact that the socio-cultural dimension of political and legal phenomena and processes is "conservative naivety" or "national-state firmness" (U. Back). Considering in this vein the development of political and legal organization of modern Russia, it is difficult to fit it into modern (West European) trends. In general, when does the specifics of the Russian socio-cultural process fit there? Has the Russian political and legal history ever been the national one (in the classical Western European interpretation)? Should not the national history of state-territorial, socio-cultural and ethno-national expansion represent its effective and harmonious experience of balancing various life and organizational systems? Is this history similar

to the development of national states in Europe, which are unquestionably experiencing an acute crisis of national-political identity and spiritual and moral emptiness today? Should not the flexible and adaptive forms, taking into account the inclusion of various ethnonational cultures, the principles of organization of life systems, specific styles of power thinking and interaction, be formed (over the millennia of the successful development of Russian statehood) into the overall state and legal integrity? It seems that these and other issues are fundamental for the civilizational stability and development of Russian society in the XXI century.

Methods and materials

In our opinion, the various forms of sociocultural connections and interrelations, as well as their changes and transformations are fundamentally important. It is the reproducible ties and forms of community (both traditional and innovative) that are fundamental in the modern social studies. In principle, this idea is quite traditional for the domestic world view and has been previously worked out in the framework of the conciliar doctrine that has expressed both individual freedom and socio-cultural integrity. It should be noted that in modern studies, this idea is also a key one. Many recognize it as a "breakthrough" in the social science, which allows not only explaining, but also harmonizing both individual and collective. For example, the leading British researcher writes that "the world, knowledge of it and various ideas about the right and the fair intersect and imperceptibly pass into each other... the individual is included in the collective, and the collective - into the individual, but they are not reducible to each other" (Lo, 2015).

It seems to us that the protracted period of postmodernist defragmentation, the "exposure" of any public records, actualizes the community problems, thematizing in the people's thinking the issues of joint coexistence and the restoration of the stable foundations for the latter. In general, we adhere to the positions according to which the sociocultural is lived and is constantly being created, it is not a frozen construct, but a dynamic whole that is intuitively grasped as a general experience and reproduced in the practical thinking activity of people. The experience and history of "living" and "reproduction" of the socio-cultural one is one of the key meaningful civilizational characteristics.

According to B. Yak, it is our misunderstanding (and sometimes complete disregard) of the generation (community) has created so much confusion and uncertainty today. Today, he continues, "our theoretical assumptions about the intergenerational community need to be reconsidered", since the sociocultural community is the "ancestral component of human association" and not some kind of remnant of the traditional family and village life: "communities connect us not through our submission to a group or by merging with it, but through the fact that we are disposed to exercise special care and loyalty to people with whom we share the same common... people have some links with those with whom they share the common heritage of cultural symbols and attributions" (Yak, 2017).

In this regard, the social is not so much a static object as a dynamic area of interactions having a common orientation toward the formation of a sociocultural integrity, group unity at a particular specific historical stage. The "positiveness" of such a research program means a positive orientation both on research and on the practical formation, reproduction, restructuring and recreation of a sociocultural community. This is fundamentally different from negative postmodern and neo-anarchic research programs focused on defragmentation, decomposition, debunking of sociocultural unity, their destruction in favor of a free and unstructured set (Mamychev, 2014).

Indeed, it is important to have an ability to see and to analyze the very process of adoption and restructuring (evolution of the community) of the social communities within the framework of civilizational integrity. To trace the process of how people, with the help of which elements, things, traditions, form and maintain stable links and relationships, restructure the latter, define the group boundaries, identification principles, etc. In this regard, we agree with the position of Igor Krasavin that "the community is constantly gathering and dividing, being simultaneously in different states, but carefully separating one state from another", nevertheless, there are always "the most general conditions and forms of community organization necessary to maintain its existence. It is an issue of how the community, being multiple, preserves and transforms itself as a whole" (Krasavin, 2013; Mamychev, 2014).

Different civilizational grounds represent, respectively, different general conditions, and

forms of preservation, reproduction and restructuring of the sociocultural community. In general, the differences are significant for any sociocultural community (whatever contradictory it may seem to many). We note that while there are differences, and they seem inevitable and constant to us, there will be forms and ways of their consolidation and expression. The differences are constitutive by their nature, they are the basis for the formation of ways to comprehend reality, sociocultural phenomena, structural and hierarchical structure of groups and societies, etc. The differences have always existed as an initial, basic element of cognition and social construction. Of course, in postmodernity, the difference loses its constitutive positive effect, becomes a difference for the sake of difference, a tool for defragmenting the traditional systems, an element that undermines any unity and integrity. This "struggle against difference" has formed a negative projection of all humanitarian researches in the XX century and is being questioned today. A. Badiou justly notes that the "differences are the facts. People and nations necessarily differ. The problem is how to make something identical. This is a very important point. We say goodbye to the period of the cult of difference, which, in general, has been quite negative. The genuine great policy is rather aimed at producing unity from a different material (*italics is our - author*)" (Badiou, 2016).

So, the sociocultural is lived and created in the lives of individuals and communities, the very stable community disappears when it stops. Maintaining and continuing the sociocultural integrity, rather than imitating it, requires tremendous work and efforts from the whole generation. The continuation of the civilizational tradition does not put emphasis on collectivity to the detriment of the creative energy of individuality (Averyanov, 2012). This is a common communitarian process, which content is assigned precisely by the social interaction of people, the sociocultural ties between them, and not by the subordination of the individual to political or other institutions, interpreted in the repressive connotations.

The action and interaction "revive" and "reproduce" the "sociocultural uniqueness and civilizational integrity", but not the general hegemonic structures that impose creative uniqueness, a certain total unity. In principle, there is nothing fundamentally new in this approach, it fits into the modern orientation of sociocultural studies of various phenomena.

Thus, for example, the authors of a recently published monograph note that the "law does not exist without a person socialized in the corresponding legal culture. The postclassical socio-cultural anthropology of law asserts constructiveness, that is, the creation by the human activity, and not by the reality of law, and its reproducibility by the people's practices" (Isaev & Chestnov, 2015).

It should be noted that we understand the civilizational foundations as certain definite and stable "axial elements", general orientations and formal models that are involved in the specific historical practices of continuation (reproduction), restructuring and living of a sociocultural community. In their turn, the specific things (metaphorically speaking) are represented by the "cultural material", "specific blocks" for assembling a new political, legal, socio-economic space ordering social interaction in the specific historical conditions in the context of active and latent challenges and threats. If we take the instrumental aspect, then it can be noted that the successive development of the sociocultural community and civilizational integrity is carried out through the juxtaposition, imitation and creative use of sociocultural canons.

Based on the state-legal history, we know that the period of crashing the socio-cultural community leads to the collapse of the political and legal organization. However, then, as it has repeatedly confirmed by the historical experience of socio-cultural transformation, the civilizational foundations "launch" the processes of restructuring the ideological and semantic foundations, reorganizing or reassembling the public power area due to new ideological bases. It is important to emphasize that the formation of new ideological and semantic bases of the political and legal organization, its development and institutionalization is implemented not in an empty place, but under the influence of axial civilizational conditions and forms. The adoption of these bases is the choice of both the specific thinkers and the history (if expressed metaphorically again).

Main part

The process of ensuring political integrity can be provisionally represented in a number of interrelated levels. As already noted above, a repetitive socio-cultural experience forms certain stable factors and dominants of interrelations and interactions that become

archetypal structures or civilizational codes for the development of political and legal life of the society. At the same time, these civilizational codes affect our ideas and experience, trying to organize them in accordance with the existing models.

They fix the basic scenarios of political and legal thinking, the interaction modes between the individual, society and state, and form-forming tendencies in the institutional-power organization of society.

1. The archetypal (civilizational) level is the primary, basic level of forming the political and legal culture of society and is the basis in fact (Mamychev et al, 2017). It is a bearing sociocultural reinforcement, which both determines the specificity of institutionalization of certain phenomena and processes of political and legal life, and forms a "congruent semantic and activity perspective" (M. Mid, D. Clackhon et al.). A number of researchers propose to call such a level as primary, a particular culture layer that "is formed primarily at the level of mass unconscious that manifests itself when moving from private life to the socio-cultural psyche of the local human community and back. At the same time, a particular culture exists as a phenomenon of the individual unconscious, reflecting the general tendencies of private life and, to a large extent, determining the formation of a personality and its social roles, as well as the interaction nature with other individuals" (Mostovaya & Skorik, 1995). By describing this level, we can distinguish the following components: moral and cognitive intuitions; supra-rational values (civilization codes); archetypal images and representations; pre-legal primary behavior and interaction norms.

2. The quasi-measurement of civilizational codes is a sociocultural space where the basic and stable value-regulatory regulators are located and operate. It is this micro level includes a continuous, rather slow formation of sociocultural dominants reproducing the specificity and uniqueness of the political and legal culture of a particular society, and its special power-legal practices of interaction.

Consequently, this measurement reflects the so-called "socio-creating" factors and sources. In other words, the civilizational codes and factors that determine the political and legal reality are expressed in the customs, traditions, perception of political and legal phenomena and processes,

moral and spiritual dominants and stereotypes of interaction in the system of personality - society - state, in other national and religious artefacts, which determine the features of political culture, forms and practical schemes for the satisfaction of spiritual and material needs, accompanying their rituals, etc.

This level determines not the content, but the form of ordering the legal-cultural life of society. I.V. Mostovaya and A.P. Skorik justly write in this regard that this level initiates the formation of primary household relations, rituals, primary social norms, values and assessments. In a word, it forms "a partially unreflected everyday world of social interactions - with its established traditions, a special (only for internal use) social symbolism, a special language that is almost intuitively understood by "insiders" (Mostovaya & Skorik, 1995).

3. The empirical level of political and legal life of the society is a level of everyday political interaction and standard legal forms of interaction, in the context of which the daily (practical) behavior of subjects is carried out on the basis of existing and successively reproduced forms and typed models of social-power interaction, and achievement of subjective interests and needs. Of course, not only the "behavioral tradition", but also the "oral tradition", as well as moral and cognitive readiness and attitudes established in the perception of existing reality, as well as legal emotions and attitudes (emotional-psychological component of everyday political interaction), have essential value at this level. It is the practical (standard-everyday) behavior that reflects, in fact, the specifics of the socio-political life of the nation, ethnic groups, specific groups unlike, for example, the sanctioned (officially recognized) customs.

In turn, the emotional and psychological side reflects the internal component of standard social and political. This relationship between the individuals is built on the emotional and psychological experience. According to R. Zippelius, it should be borne in mind that in the everyday social and political interaction "the irrational factor interferes already because the evaluation of various goals and preferences cannot be rationalized in the field of goal selection: on the one hand, different social forces and actors are behind different goals, on the other - even those preferences that are favored by a certain majority are somehow changed depending on the situations and time. This means

that it is necessary to guess, anticipate future preferences, which goes beyond the rational calculation in itself".

4. The doctrinal (theoretical) level of political and legal life of the society represents deep, essential (conceptual, axiological, symbolic) characteristics of political and legal phenomena and processes and is related to their representation and evaluation in political thinking. This level is integrative, binding the existing cultural content with basic, typo-forming settings, dominants of socio-political development, etc. It includes the following elements that characterize this level from the point of view of archetypal conditioning: axiological (regulatory-value), conceptual (political and legal theories, doctrines, categories and concepts) and symbolic (existing state-legal symbols and rituals) components.

5. The institutional level of political life of the society embodies the historical patterns of development of the public-power organization of society, institutionalizes the established, typed forms and models of positive interaction in the system of personality - society - state accordingly. This level, apart from the existing political, legal, economic and other institutions and structures, reflecting, in fact, a static element of the institutional level, includes also such dynamic elements as institutional and regulatory activity (legislative, law enforcement, judicial and other political and legal practice), as well as institutional and regulatory activity of citizens and various public institutions and structures.

6. The quasi-measurement of political life of the society is a level reflecting positive (having social and political approval) and negative (harmful, dangerous) political and legal phenomena and processes. There is the interaction between the existing institutional-government and legal organization with the real behavioral practices, and the break of existing institutions in national political thinking at this level.

In addition, it should be assumed that the political and legal area represents a certain sphere of society's activity, in which the interaction of social actors is carried out concerning the organization and implementation of political power, implementation of specific interests and needs, direct management of public affairs and organization of orderly political and legal interaction of individual individuals, their social

communities, organizations, institutions, etc. (Andreev & Bordyugov, 2004; Habermas, 2008). Thus, the political and legal area includes the institutional structure, its political, legal, cultural and spiritual and moral foundations that provide a certain state-legal mode. Certain ideas about the social area surrounding the individuals are formed in the public consciousness, thereby predetermining the political and legal organization of the latter, and the very political interaction of subjects within this area sets the true meaning and significance of political and legal institutions in the existing conditions of location and space.

7. The level of socio-cultural integrity characterizes the actual political and legal culture of a particular society as a holistic phenomenon, reflects its specificity and adaptive capacity before the challenges of modernity. It expresses three basic elements characterizing the specificity of a particular culture (legal, political, economic, etc.), the prospects for its development, the ability of certain institutions to adapt to the external borrowings, the importation of any ideas and doctrines, as well as sustainable forms and ways of perception and evaluation of phenomena of political and legal reality, socio-cultural standards and interaction models in the system of personality - society - state.

Conclusions

In conclusion, we should note that the desire of a number of directions of modern humanitarian thought to "purify" the political and political communication from all national, cultural, religious leads to a primitivization of political and legal cognition, and thus to the conscious withdrawal of researchers: from solving the complex problems of organizing the national state-legal area as a complex and multistructured society; from understanding the ethnonational and other mechanisms that ensure the stability of a publicly-owned organization and the peculiarity of the Russian political and legal process; from revealing the real causes of deformations of publicly-authoritative, legal, socio-cultural institutions and interaction practices in the system of personality - society - state.

The dominant liberal-democratic type of political rationality mythologize and virtualizes the essence, content, socio-political purpose and principles of functioning of the modern Russian state-legal organization to a large extent. At the

same time, the universal approach to understanding and interpreting the essence and purpose of power and administration institutions, analyzing their functioning in modern Russian society, misses specific laws and tendencies in the development of civilizational space. We think that the civilizational strategy of research and formation of doctrinal and program provisions determining the vector of social development (reform of political institutions, development of current legislation, etc.) is aimed at the reconstruction and interpretation of public power institutions as stable and successively reproduced civilizational phenomena in a certain socio-cultural environment. In this regard, the civilizational basis of research acts as content, and the political, legal, economic and other systems of society (as sociocultural phenomena) are a specific historical form of the society's activity, that is, the first one is an essential, qualitative characteristic of a social organization, and the second one - an external, specific - a specific historical (conventional) representation and design of a sociocultural content.

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