SOCIAL DEVELOPMENT IN THE PHILOSOPHY OF GLOBAL CONSTITUTIONALISM: A SOCIO-PHILOSOPHICAL ANALYSIS

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ABSTRACT

The fundamental laws of social development are investigated in the interpretation of the concept of global constitutionalism. The author concludes that social development within the framework of the philosophy of global constitutionalism is entirely subordinate to the logic of the preservation and development of the world capitalist system, which allows to preserve power and property in the hands of global governing elites in the person of the global governing class. Research objective: to analyze social development in the interpretation of the socio-philosophical concept of global constitutionalism, to constitute its fundamental laws. Object of research: the phenomenon of globalization of socio-political, state-legal and financial-economic development of national societies and states as a phenomenon of social reality, highlighted in the social concept of global constitutionalism. Subject of research: theoretical content of social development in the interpretation of the philosophy of global constitutionalism in relation to its social essence.

Keywords: Global constitutionalism. Community development. Economic freedom. Capitalism. Egalitarianism and elitism.

RESUMO

As leis fundamentais do desenvolvimento social são investigadas na interpretação do conceito de constitucionalismo global. O autor conclui que o desenvolvimento social no quadro da filosofia do constitucionalismo global está inteiramente subordinado à lógica da preservação e desenvolvimento do sistema capitalista mundial, que permite preservar o poder e a propriedade nas mãos das elites governantes globais na pessoa de a classe governante global. Objetivo da pesquisa: analisar o desenvolvimento social na interpretação do conceito socio-filosófico do constitucionalismo global, para constituir suas leis fundamentais. Objeto de pesquisa: o fenômeno da globalização do desenvolvimento sócio-político, jurídico-estatal e econômico-financeiro das sociedades e dos Estados nacionais como fenômeno da realidade social, destacado no conceito social de constitucionalismo global. Objeto de pesquisa: conteúdo teórico do desenvolvimento social na interpretação da filosofia do constitucionalismo global em relação à sua essência social.


RESUMEN

Las leyes fundamentales del desarrollo social se investigan en la interpretación del concepto de constitucionalismo global. El autor concluye que el desarrollo social en el marco de la filosofía del constitucionalismo global está totalmente subordinado a la lógica de la preservación y desarrollo del sistema capitalista mundial, que permite preservar el poder y la propiedad en manos de las élites gobernantes globales en la persona de la clase gobernante global. Objetivo de la investigación: analizar el desarrollo social en la interpretación del concepto socio-filosófico del constitucionalismo global, para constituir sus leyes fundamentales. Objeto de investigación: el fenómeno de la globalización del desarrollo sociopolítico, estatal-jurídico y financiero-económico de las sociedades y estados nacionales como fenómeno de la realidad social, resaltado en el concepto social del constitucionalismo global. Tema de investigación: contenido teórico del desarrollo social en la interpretación de la filosofía del constitucionalismo global en relación a su esencia social.

This article is devoted to the conceptual analysis of social development in the interpretation of the philosophy of global constitutionalism as a social concept. Global constitutionalism in the context of social development is identified in this scientific work as a systemic, progressive character, the process of globalization of the socio-political, state-legal and financial-economic organization and the activities of society at the international level and at the level of national states, and globalization itself as natural state (stage) of development of a state-organized society of the era of capitalism (its imperialist stage).

The research questions concepts of social development in the philosophy of modern interpretations of social reality in the context of globalization are widely studied in the works of Blaug M. (1994), Weber M. (2006), Dugin A.G. (2020), Müller-Armack A. (1946, 88; 1966, 245), Nell-Broining O. (2005, 51-59), Eucken W. (1940; 1995), Rothbard M. (2003), Tucker B. (1907, 24-24), Hayek F.A (1989, 20-41; 2011, 28, 43), Shulsky A. (1999, 7-12), Erhard L. (2020), Jaffa G.V. (2000, 39-30), Baybaryn A., (2020, p.6805-6811), Krotov A., (Krotov et al. 2020, p.3521-3526), Moros E., (Moros et al. 2020, p.14-128), Kamalieva I., (Kamalieva et al. 2020, p.222-229), Zaprutin D., (Zaprutin et al. 2020, p.404-413), Plaskova N., (Plaskova et al. 2020, p.3507-3512), and a number of other authors. However, the share of researches that illuminate the development and justification of concepts of social development within the framework of basic socio-philosophical approaches in ensuring the comprehensive development of national societies and states, provided that a balance is achieved between international (global) and national (state) interests in all spheres of their life in connection with the systematic expansion of Western interpretations of the social structure is exceptionally small. In this regard, the main objective of this research is the analysis of social development in the interpretation of the socio-philosophical concept of global constitutionalism and the constitution of its fundamental laws, and the subject of research is the theoretical content of social development in the interpretation of the philosophy of global constitutionalism in relation to its social essence.

This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (ZALESNY; GONCHAROV, 2019b, p.51-61 ZALENSNY; GONCHAROV 2020, p.1-6; GONCHAROV et al 2021a, p.362-366; GONCHAROV et al 2021b, p.367-373; GONCHAROV et al 2021c, p.374-382; GONCHAROV; CHIMITOVA 2020, p.86-95).

There is a connection between the concepts of «globalization» and «social development», which allows one to accumulate the achievements of social concepts of the past and the present in determining the basis for the organization and activities of society, as well as the directions of its development. The accumulation of socio-philosophical knowledge allows to identify global constitutionalism in the context of social development as a systemic, progressive process of globalization of the socio-political, state-legal and financial-economic organization and the activities of society at the international level and at the level of national states, and globalization itself as natural state (stage) of development of a state-organized society of the era of capitalism (its imperialist stage). (ZALESNY; GONCHAROV, 2019a, p.128; GONCHAROV et al 2019, p.24-124; Erhard L. (2020), Armack A. (1946, 88; 1966, 245), Nell-Broining O. (2005, 51-59), Eucken W. (1940; 1995), Rothbard M. (2003), Tucker B. (1907, 24-24), Hayek F.A (1989, 20-41; 2011, 28, 43), Shulsky A. (1999, 7-12), Erhard L. (2020), Jaffa G.V. (2000, 39-30), Baybaryn A., (2020, p.6805-6811), Krotov A., (Krotov et al. 2020, p.3521-3526), Moros E., (Moros et al. 2020, p.14-128), Kamalieva I., (Kamalieva et al. 2020, p.222-229), Zaprutin D., (Zaprutin et al. 2020, p.404-413), Plaskova N., (Plaskova et al. 2020, p.3507-3512), and a number of other authors. However, the share of researches that illuminate the development and justification of concepts of social development within the framework of basic socio-philosophical approaches in ensuring the comprehensive development of national societies and states, provided that a balance is achieved between international (global) and national (state) interests in all spheres of their life in connection with the systematic expansion of Western interpretations of the social structure is exceptionally small. In this regard, the main objective of this research is the analysis of social development in the interpretation of the socio-philosophical concept of global constitutionalism and the constitution of its fundamental laws, and the subject of research is the theoretical content of social development in the interpretation of the philosophy of global constitutionalism in relation to its social essence.

Social development in the interpretation of the concept of global constitutionalism is distinguished by a number of fundamental laws. These fundamental laws in their entirety determine the essence and directions of social development at the international and domestic levels. These include the following.

Firstly, the priority of human freedom in comprehensive social development. This fundamental law of social development within the framework of the concept of global constitutionalism involves the implementation of the following provisions:

1) The development of individualism (fr. individualisme, from lat. individuum - indivisible) - as a moral, political and social worldview, emphasizing the priority of the individual, his personal independence and independence, based on individual freedom within the framework of the constitutional order.

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At the same time, a number of neoliberal and anarcho–individualist philosophers, in particular Murray Rothbard (2003), Benjamin Tucker (1907, 19–24), erect individualism in the framework of the Western globalization project in the Absolute, suggesting that even a number of functions originally performed by the state, for example, law enforcement, should be left to private individuals, which emphasizes true individualism in society. Separate social experiments in this matter in the West have been carried out since the second half of the 20th century, when state functions related to the system of execution of criminal sentences began to be transferred «to private hands», for example, in the USA. Private military companies (hereinafter - PMCs) are actively created in a number of Western countries. They carry out the most «dirty» work of transnational corporations and individual countries of the core of the world capitalist system for violent military expansion and «planting of democratic institutions».

At the same time, F. Hayek notes the fact that individualism should not be confused with anarchism: «True individualism is certainly not anarchism. […] He does not deny the need for coercive power, but wants to limit it to those areas where it is needed to prevent violence from others, and to minimize the total amount of violence» (2011, 21, 43). Thus, individualism in the context of social development in the philosophy of global constitutionalism formally acts as a form of realization of individual human freedom without prejudice to individual freedoms of third parties, and in practice it is a form of justification for the individual egoism of the global governing elite in the face of the global governing class.

2) Economic freedom, which is formalized, on the one hand, as the free choice of a person's activities and the use of his business activity, and, on the other hand, as a ban on the establishment by the state of any obstacles to doing business in any of its organizational and legal forms.

A number of neoliberal philosophers, in particular the «newest historical school» of neoliberalism (V. Zombart, M. Weber, A. Spiethoff) noted the fact that economic freedom in the framework of Western civilization at the modern capitalist stage of its development acts as the main content (spirit). Thus, M. Weber in his work «Protestant Ethics and the Spirit of Capitalism» notes that religion has a significant influence on politics and the economy in the West, having formed on the basis of Protestant ethics a «rational» form of capitalism based on business acumen, entrepreneurial activity, frugality, prudence, resourcefulness, risk appetite, enterprise (2006).

In turn, supporters of the Freiburg school of neoliberalism, in particular, the prominent philosopher and economist A. Müller-Armak, argued that economic freedom based on competition is the key to the progressive development of human society. They proposed «on the basis of a competitive market system to link free initiative with social progress provided by the results of market and economic activity» (1966, 245). At the same time, the authors of the neoliberal concept, idealizing economic freedom, deliberately remain silent about the huge negative experience of social development, in particular, the 20th century, when economic freedom was the main reason of mass ills in society, while not only in countries of peripheral capitalism, but also in the core capitalist system.

For example, during the great depression in the United States, in the 30s, with significant volumes of GNP, as well as the production of a huge amount of food, there was a famine that claimed the lives of millions of people. Thus, on the basis of analysis of the American of statistical data, Boris Borisov in his article «The forced famine in the American» estimated the number of victims of the financial crisis in the USA to be more than 7 million people: «Food was destroyed in a variety of ways and on a grand scale: grain was simply burned and drowned in the ocean. For example, 6.5 million pigs were destroyed and 10 million hectares of land were harvested» (2020).

3) The symbiosis of egalitarian and elitist tendencies in social development.

On the one hand, in the West egalitarianism is proclaimed as the basis for the development of modern society, in which all its members are given equal political, economic, socio-cultural and legal opportunities. As a matter of fact, capitalism (and the bourgeoisie as its socio-class basis) once won power in the 17–18 centuries from the previous socio-economic formation of feudalism (and the classes of the nobility and clergy as its basis) under the banners that contained the egalitarian slogans of freedom, equality and fraternity. But at the same time, in the West the principles of egalitarianism are not realized in practice in the form of social equality. Karl Marx quite rightly noted that the change in the height and profile of economic inequality under capitalism is almost limitless (2011). The practice of social development in the West in recent decades, on the contrary, shows, on the one hand, an increase in criticism of egalitarianism by non-conservative circles, and, on the other hand, the formatting of the capitalist system for the economic interests of the global governing elite.
Thus, neo-conservatives, who are negative to the ideas of egalitarianism, believe that this idea: «contradicts the principles of freedom and human nature as such; undermines the effective functioning of society and its economic system; generates to dependent relationships in society» (EGALITARIANISM, 2013).

Secondly, nomocracy, which is the power of laws elevated to the Absolute, and not of people. As rightly notes A.G. Dugin: «Nomocracy» means a tendency to reduce all political and state institutions to actions within the framework of legal norms strictly defined by the letter of the law, which are supposedly of non-state and non-historical origin. In this process, the field of law gradually spreads its influence over the state, politics, religion and society as a whole. Instead of peculiar historical collectives, political systems, cultural and religious communities, individual historical decisions, etc. there is a field of action for the civic mass of individuals, each of which freely moves along pre-drawn legal trajectories, choosing legal routes, but is not able to change their system itself without conflict with legislative standards» (2020). At the same time, the omnipotence of law in the era of global constitutionalism is transformed into the impossibility within the framework of one or another national state to carry out a change in the socio-political regime, overthrowing the ruling elites in the face of managing social classes and groups.

This possibility is excluded both at the legislative level by legal prosecution of the possibility of revolution and coup, and in practice - by applying to the «non-systemic» opposition of all kinds of repressive measures.

Thirdly, rationalism, according to which social development is subordinated to the policy of rational calculation, in which there is no place for humanity, compassion, disinterestedness, etc. So, Y.V. Petukhov notes: «Entrepreneurial circles of Russia, obeying the logic of historical rationalism and no different from the bourgeois circles of developed industrial states, adamantly advocate a new social order. The natural laws of social development inexorably pave the way for a new social order in which the decentralization of the economy will be brought to the borders of the decentralization of all social life in the country. As a result of the “neoliberal reconstruction” of the old social order, the system of laws of the «self-organizing» or «spontaneous order» based on the principles of a free-market market economy should work stably» (2020). Thus, rationalism in the context of the social development of the world capitalist system is considered by the ruling neoliberal and non-conservative circles in the West as a self-organization of society that establishes a market order in all areas of its life.

Fourthly, the construction of a free market in the Absolute of social development, in which it extends its impact not only to the sphere of material production and financial and economic relations, but is also considered as the basis of state legal regulation and the socio-political structure of any national society or state on a global scale. This fundamental law of social development within the framework of the concept of global constitutionalism involves the implementation of the following provisions:

1) The presence of open markets, ensuring freedom of all transactions and contracts. At the same time, we are talking more about formal freedom of contractual relations, since the practice of modern capitalist relations shows that transactions within the framework of national legal systems, and even more so of an international legal nature, are often made under the economic, military and political pressure of the countries of the world’s core capitalist system.

In addition, there is blatant blackmail in the world, through which the nation-states of the periphery of the world capitalist system are forced to knowingly unprofitable, enslaving economic relations under the threat of blocking access to international markets for goods, works and services, as well as blocking the settlement accounts of certain transaction subjects in international payment and banking systems under various «specious» pretexts. For example, the unblocking of the accounts of the Islamic Republic of Iran in European banks was linked to its activities in the extraction, transportation and processing of hydrocarbons produced in the country, as well as the refusal to acquire weapons from the Russian Federation (ROLE, 2020).

2) The inviolability of private property. This provision is fundamental since the emergence of a state-organized society, but in the era of global constitutionalism, it acquired truly global recognition and socio-political and legal protection.

At the same time, according to a number of neoconservative philosophers, politicians and statesmen, the protection of the private property of transnational corporations of the West, individual citizens and legal entities, as well as the mythical economic interests of these entities, is possible using any financial, economic, military-political sanctions, measures of influence, up to military force intervention and aggression against certain national states (HAYEK, 2011, 28, 41; SHULSKY, 1999, 7-12). There is a peculiar symbiosis of transnational capital and the system of state administration of the core countries of the world capitalist system, when all their power...
is directed, on the one hand, to the preservation and development of capitalism, and on the other hand, to protect, first of all, the economic interests of the capitalists.

3) The constancy of economic policy, based on the stability of currencies.

According to a number of neoliberal and neo-conservative philosophers and economists, it is from the stability of the financial and economic policies of Western countries, their consistency in upholding the principles of market democracy, the formation of a free market on a global scale, ensuring the free circulation of capital, raw materials, goods, works and services within a single world economic and trade mechanism, the question of the conservation and development of the world capitalist system as such depends (J AFFA, 2000, 19-30; HAYEK, 1989, 20-41). Thus, economic stability in social development in the Western sense is subordinated to the general logic of the development of the world capitalist system, and, ultimately, is aimed at preserving power and property in the hands of the global governing class, preventing the evolutionary or revolutionary development of individual nation states along the path of transition to socialist the device of society based on genuine equality.

4) Competition in all types of production, financial and economic, socio-political and state-legal life of society. So, in the opinion of A. Müller-Armak: «Social market economy is a consciously formed general market order; the first principle of coordination should be competition» (NELL-BREUNING, 2000, 53).

At the same time, in the framework of social development, according to the philosophy of global constitutionalism, competition is comprehensive, being a kind of material and spiritual incentive for both individuals and for certain social groups, political classes, societies of individual national states. The necessity and inevitability of competition of all subjects of international and national social systems on a global scale is due to the formation of a single world market with a single system of division of labor. Competition is a summarizing principle of a free market organization of the economy, linking its individual segments and principles of functioning into a single economic system, contrasting in the works of neoliberal philosophers and economists with a planned non-market economy (USSR model).

So, W. Eucken in his works «Foundations of National Economy» (1947) and «Basic Principles of Economic Policy» (1950) contrasts the centrally-managed economy (represented by the socialist countries) and the economy of communication (competition), or the market economy (of Western states), highlighting the basic principles of the competition system: «Inviolability of private property; monetary stability; open markets; freedom of all transactions and contracts; assignment of liability to those responsible for the actions of business units; constancy of economic policy» (1940; 1995).

5) Carrying out business activity at your own risk and with financial responsibility on business units. However, given the fact that the Western economy is in fact controlled by several dozen financial, economic and industrial groups that unite key transnational corporations, international banking systems and consortia, and also includes the top officials, this approach to the distribution of business risks means that they are «carried on the shoulders» of small and medium-sized businesses, farmers, as well as the ordinary consumer of goods, works and services, which ultimately leads to economic stagnation, worsening of the level and quality of life, as well as social stratification.

At the same time, on a global scale, this system has become somewhat more complicated due to the export of costs from the core countries of the world capitalist system to the states of its peripheral development, which leads to a break in the pace of economic development between them and the technological isolation of developing states.

6) The symbiosis of neo-mercantilism and economic liberalism in domestic and foreign policy.

So, on the one hand, in the framework of the Western neoliberal financial and economic paradigm proclaims a policy of economic liberalism, which implies the minimization of any measures of state influence on domestic and foreign trade and capital turnover. But at the same time, in practice, Western-style economic liberalism has a one-sided orientation: the western expansion of capital and commodity flows is carried out freely to the countries of peripheral capitalism; the markets of the countries of the core of the capitalist system are reliably closed by a wide system of state legal and economic barriers against the penetration of goods and capital of third countries, with the exception of those segments that are necessary for economic development. In this regard, M. Blaug notes that the West has traditionally used mercantilism to intensify its economic development, but in the 20th century it began to disguise it as a window of economic liberalism in order to ensure the unhindered circulation of capital on a global scale (1994, 9-21).
Fifthly, the erection of democratic values, ideologies and institutions into the Absolute of social development, in which they are no longer perceived as an instrument and methodology of social development, but as an end in itself for the existence of society and its vital functions. This fundamental law of social development within the framework of the concept of global constitutionalism involves the implementation of the following provisions:

1) Ensuring human rights and freedoms as the social basis of a market economy. Thus, the philosopher and economist of the Freiburg School of Neoliberalism L. Erhard in his work «Welfare for All» (1956) notes: «The main goals of social market economy are freedom and justice, and economic freedom is impossible without political freedom, without state guarantees of rights and human freedoms, without social security and social justice» (2020).

Thus, human rights and freedoms in modern Western society are recognized, fixed and realized to the extent that it is necessary for the functioning and development of the world capitalist system, that is, they are purely rationalistic and pragmatic.

2) The consolidation of democratic procedures in the organization and functioning of both the socio-political and the financial and economic life of states to ensure the harmonious development of the world capitalist system.

At the same time, a number of authors note the need for a certain socialization of socio-political and state legal system in Western countries. So, according to A. Müller-Armack, harmony in the economy and society allowed in the «formation of a new style by the state, based on a new social idea» (GUTNIK, 2002, 58). But we should not think that within the philosophy of global constitutionalism such socialization is aimed at creating real tools of democracy, i.e. the participation of the broad masses of the population in the formation and functioning of various state and public institutions. It is, rather, the smoothing of social contradictions in the society, prevent the establishment of a critical mass that will allow for revolutionary changes in the countries of the West.

3) Consolidation the foundations of a socially oriented market economy (especially in the core countries of the world capitalist system). Thus, a number of neoliberal philosophers and economists propose transforming the socio-economic structure in the developed capitalist states into a social market economy as «a form that would not be presented as a certain mixture and not as a party compromise, but as a synthesis obtained from the fully realized possibilities of understanding and analysis today's reality» (MÜLLER-ARMACK, 1946, 88).

However, with the fall of the USSR, the countries of the socialist camp that are members of the Council for Mutual Economic Assistance, trends in building a social market economy in the West are rapidly giving way to the tactics of curtailing social programs, saving the budget, and reducing excess income taxation, which leads to an increase in social inequality and an imbalance in the incomes of the population. From this we can conclude that during the period of the confrontation between the USSR and NATO countries, the social market economy acted as a kind of ideological propaganda advertising the priorities and possibilities of the Western way of life, which is provided by the capitalist economy. Thus, we can conclude that social development in the framework of the philosophy of global constitutionalism is entirely subordinate to the logic of preservation and development of the world capitalist system, which allows to save power and property in the hands of global governing elites in the face of the global governing class.

CONCLUSIONS AND FURTHER RESEARCH

The study of social development in the interpretation of the concept of global constitutionalism allowed to identify global constitutionalism in the context of social development as a systematic and progressive process of globalization of the socio-political, state-legal and financial-economic organization and activities of society at the international level and at the level of national states, and globalization as a natural state (stage) of development of a state-organized society of the era of capitalism (his imperial step). Social development in the interpretation of the concept of global constitutionalism, in turn, involves the implementation of a number of fundamental laws: the priority of human freedom in comprehensive social development; nomocracy; rationalism; the construction of a free market, as well as democratic values, ideologies and institutions in the Absolute of social development.
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