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**EVOLUTION OF THE CONCEPT OF A SOCIAL CONTRACT AS A
PRINCIPLE OF INTERACTION BETWEEN THE STATE AND THE
SOCIETY IN THE XXI CENTURY**

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ANNOTATION

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The dynamics of statehood, namely: the emergence, change and dissolution of states, as well as their organization and functioning, especially in the modern world, are in one way or another connected with the theory and practice of a social contract. The ideas of the contractual origin and the functioning of a state in some cases reflect the processes which are actually occurring and occurred historically, and in some circumstances act as the theoretical and ideological basis for socio-political transformations, reforms and revolutions. It can be affirmed that in the XXI century, in the context of accelerating civilizational development (social, economic, scientific), the strengthening of interaction and interrelations between states, the ideas of a social contract, agreement, public participation and civic engagement, and generally the dialogue culture that underlies society, are the priorities and are perhaps the only grounds on which strong statehood can be built. These above-mentioned circumstances determine the relevance of studying the theory of social contract, the ideas that comprise it, in particular, for countries that are only embarking on the path of democratic development and building legal statehood.

The systems of social contracts, which already exist in states and represent in themselves the practical embodiment of the classical ideas of a social contract, undergo changes. New contractual forms appear which arise from the interaction between public-political power and citizens and their associations, the established institutions are transformed, for example, the institution of public-political power itself, human rights institute, etc. All this determines the relevance of addressing the subject of evolution of a social contract as the principle of interaction between the state and society in XXI century.

The development of international relations in the modern world is also possible mainly on the basis of contract principles, which necessitates a theoretical and legal study of the processes of evolution of a social contract as the principle of interaction between society and the state in the XXI century.

The fundamental ideas of the concept of a social contract, being a theoretical reflection of the fundamental laws which provide the basis for the emergence and functioning of a state, determining its legal foundations and scope of the activity of

public political institutions in modern society, are an integral part of the subject of science of the theory of law and the state. However, in the science of the theory of law and the state, the issues of a social contract and especially its evolution in the XXI century are underexplored. In this regard, the appeal to the problems of evolution of the concept of a social contract as the principle of relations between state and society in the XXI century seems relevant and necessary.

The proposed study is aimed at establishing the theoretical and legal significance, and the value of the concept of a social contract, identifying the roles of a social contract as a conceptual legal basis for modern statehood; identification of the directions for the evolution of the concept of a social contract, namely, the development of modern concepts of human rights, democracy and civil society; identification of evolving forms and elements, principles of a social contract; definition and integration using a theoretical synthesis of the basic characteristics of a social contract into a methodological model for assessing the effectiveness of a social contract in existing state legal systems.

The following provisions and conclusions bearing the elements of scientific novelty are submitted to the defense:

1. The theoretical and legal significance of the concept of a social contract is determined by the interpretation of a social contract as the primary duty-bearer for the realization of human rights and freedoms (the right to liberty, the right to protection, etc.), a source of legal statehood, civil society, people's sovereignty, and democracy in public-state relations systems in the XXI century. In the XXI century, the theoretical and legal significance of the concept of a social contract expands, in addition to justifying the rule of a state governed by the rule of law and social regulation in general, there has been observed a deeper development of contractivist ideas in the framework of the theory of civil society and the theory of democracy, in particular, deliberative, enlightened-liberal models, participatory democracy, which align with the theory of civil society.

2. The practical value of the concept of a social contract is associated with the implementation in constitutions and laws, the political and legal practice of modern

states of such principles of relations between society and the state as the protection of life and security, property guaranteed by the state, a wide range of rights and freedoms for citizens, democratic rights to participate in political administration, the right of the people to terminate / establish a social contract. The constitutions and laws of modern states are a form of institutionalization of the contractual principles of interaction between the state and society.

The practical consequence of the concept of a social contract is the basis and justification of the monopoly of state power on the use of coercion to maintain internal and external law and order, legislative activity and justice only based on the idea of ensuring human rights.

3. The theoretical understanding of the social contract in the XXI century occurs mainly through the study of its individual elements, namely, the problems of civil society and civic participation (J.L. Cohen, E. Arato), democracy (J. Habermas, A. Sen, O. Heffe), problems of the development of human rights (Iventiev S.I., Abashidze A.Kh., Solntsev A.M.), problems of forms and mechanisms of action (A. Auzan), etc., however, conceptual studies are also observed (A. Sen and others).

4. The characteristic elements of the interaction between the state and society in the systems of public contracts of the XXI century, which were identified during the dissertation research, include pairs of basic features of the social contract “protection of the rights and freedoms of citizens - legal submission”, i.e. protection of the rights and freedoms of citizens by the state and an agreement on subordination to legal orders of state power, and a pair of basic elements of a social contract “formal equality - legitimacy”, i.e. the equality of people in freedom and the legitimacy of state power in direct proportion: the more formal equality in society is ensured, the more legitimate the state is and vice versa.

5. The concept of social contract, which currently acts as the principle of the relationship between the modern state and modern society, is an evolving concept. The evolution of the theory and practice of social contract in the XXI century is a generalization of the previously existing theory and practice of a social contract. The main direction of the evolution of the concept of a contract in the XXI century is its

transformation into an applied valuation (normative) theory. As such, the concept of a social contract can be used to analyze, transform and develop contractual forms of interaction between the state and society. The directions of the evolution of social contracts in the XXI century, namely, the evolution of its formal and substantive aspects, along with the attempts to approach to their conceptual understanding and forecasting, were identified in the dissertation.

6. The evolution of the concept of a social contract in terms of forms of social contract is expressed in its development and augmenting. The author of the dissertation distinguishes the following modern forms and varieties of a social contract, i.e. the constitution, the public chamber, vertical and horizontal contracts, the agreement on social harmony, deliberative practice, the pact, the self-regulating social contract, etc. The evolution of the social contract forms in the XXI century is associated with the transformation of civil society, the emergence of non-class forms of collective action, that were institutionalized into legal public organizations, and associations of citizens.

7. With regard to the subjects of the social contract, its evolution is expressed: in the expansion of its subjects, which includes currently observed citizens of different countries regardless of their political affiliation, as well as public-power subjects of a transnationalized nature, which make it possible to state the universalization of a social contract as the principle of interaction between people and collective subjects; in the individualization of a social contract for each member of a society, in the tendency towards transition to a bilateral social contract between a citizen and public authorities and a partial shift in the power of one of the subjects of the contract to a supranational level; in the globalization of contractual relations and their subject to the international level; in the practice of a unilateral reform of a social contract by the state in order to deal with the social woes in society; in the appeal of politicians to the problems of a social contract as a means of democratic struggle.

8. The evolution of the concept of a social contract in the aspect of its substantive elements is expressed: in the individualization of the content of a social

contract due to the increasing involvement of all citizens in contractual relations; in detailing the object (subject) of the contract – the list of obligations of state bodies towards the citizens; in the expansion of its objects, among which, along with classical political and personal rights and later emerged socio-economic rights, the new generation of rights appear: environmental, somatic rights, etc.; in the redistribution of mutual rights and obligations under a public contract between public authorities and society; in recognition of the new socio-legal and political-legal principles of social contract; in the transformation of the content of a social contract due to a decrease in its relevance; in expanding the scope of a social contract and increasing the intensity of contractual relations; in attempts to reform the social contract in the direction of strengthening the formal equality as a means of the social, legal and economic crisis recovery.

9. The mechanism for assessing and adjusting the development of a social contract in state and legal systems of the XXI century includes the analysis of the trajectory of changes in a social contract based on four basic criteria: “protection of citizens' rights and freedoms - legal subordination”, “formal equality - legitimacy”, with life cycles of conclusion, transformation, revision and termination of a contract; collection of relevant information on the status of the contract in public-state relations; a system for monitoring the interaction between the society and the state, as well as its pace and dynamics according to a clear system of criteria; identification of subjects for systemic control of the social contract.