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Nikolay P. MEDVEDEV,

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Doctor of Political Sciences, Professor of Faculty of Humanities
and Social Sciences, Peoples' Friendship University of Russia
(RUDN University) (Russia, Moscow)

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Executive Secretary
Shkurina S.S.

Computer-aided makeup by
Antsiferova A.S.

Translated by
Chernyshova E.V.

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E-mail address: voprospolitolog@yandex.ru

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D. E. SLIZOVSKIY

*Doctor of Sciences (history), Professor,
Peoples' Friendship University of Russia
(RUDN University), Moscow, Russia*

N. P. MEDVEDEV

*Doctor of Sciences (political sciences), Professor,
participant of the 1990-1993 constitutional
process, Moscow, Russia*

AFTERWORD TO THE ARTICLE BY O. G. RUMYANTSEV “ON SOME POLITICAL SCIENCE ASPECTS OF THE 2020 CONSTITUTIONAL REFORM IN THE RUSSIAN FEDERATION”

Everything that was and is written by O. G. Rumyantsev, one of the most authoritative constitutional lawyers in the modern Russia, has both academic and purely practical value. Of course, the article submitted to the Editorial Board of the journal “Political Science Issues” at the time when, according to the author the 2020 constitutional reform “has changed the text of the Constitution by a third, and its spirit and public perception almost completely,” could not be left outside our interests or without comments. We are not lawyers, which makes our comments on the legal aspects of the content of the article, to put it mildly, inaccurate. But we do not pretend that we are doing a legal interpretation of explicit and latent judgments, statements, assumptions and guesses in connection with the proposed changes in the Constitution and the procedures for their adoption, supported by the experience and knowledge of the President of the Constitutional Reform Foundation, Candidate of legal sciences O. G. Rumyantsev. We as non-legal reviewers are rehabilitated by the conceptual refrain that the author himself made. We are talking about “some political science aspects” in the context of the issues under discussion. The analysis of, first, “relations between the state and society” will be “watched” through a political science prism; second, “the correspondence of the attempted swing to the growing challenges and clearly increasing public demand for the social and political development of Russia as a renewed advanced nation.”

This list of problems and questions, rather than any other or strictly defined list, becomes the most relevant for O. Rumyantsev. And for the civil society also conceptual and mobilizing issues and problems, which are very important when the public consciousness is torn under the influence (here we resort to the author's wording) of Orwellian Newspeak, the gap between the law and truth, and the discrepancy between the actions of the state authorities and socio-cultural norms and public understanding of due process.

You cannot say about the article that it is far from being objective. What is worth noting is that the author of the article reveals ways of preserving the political system unchanged. To do this, the author draws analogies between the chosen method of saving the corporate system, which developed in the concrete historical conditions of the end of 1993 as a temporary one and the actions that have been initiated and implemented today in the course of Constitutional amendments. The idea of the author's concept in the article is based on a detailed and strict analysis. The article begins with the statement that "the current situation requires analysis." And it would be rash for the author of the article not point out that such an analysis is an easy one. Let's emphasize again, the author of the article compares today's constitutional amendments (reforms) with the events of the end of 1993. Both then and now it was and it is a way to save the corporate system. But then, in 1993, as Rumyantsev believes, the existing system was considered temporary. It is logical to assume that the author of the article is leading the argument to recognize that the temporary nature of the system is exhausted today. Therefore, it would be important to get rid of the temporary model of the corporate system with constitutional amendments. But what should be changed? The choice, as it turns out, is not great. O. Rumyantsev in his arguments does not reveal anything else, in addition, and seeks to ensure that the reader also guessed (he says "it is quite possible"!?) that the today's ruling class "made a bet on the powerful self-growing authoritarian potential of the inner core of the Constitution laid down by Yeltsin's team in order to strengthen specific Russian constitutionalism and overcome the crisis." Of course, the modern ruling elite is guided by its own ideals and ideas about the current situation in the country. Hence, hidden overtures of the initiators of this amendment in the form of transferring the key issues in the secondary: a demonstration of who holds the initiative, the attractiveness of most of these initiatives and their constitutional amendments, which, in the opinion of the author, looks not fundamental. The author of the article also guesses that the Constitution has become a means of solving operational problems. His judgment may also look prescient, that the tactical benefits of the attractiveness of initiatives and amendments will become a strategically unpleasant addition of a deepening split in the society, also on the constitutional issue.

If we correctly interpret O. Rumyantsev, he is not avoiding the fact that the ruling elite is not going to lay down their weapons for a moment and wait for the salvation from the civil society institutions and organizations. Hence, the ruling elite bypass in "eloquent silence" the long-required turn to democracy and other elements of civil society in their absolute meaning. That is, in an invalid meaning, as it is understood by this very "presidential power," updated to the degree of "autocracy."

Constitutionalist O. Rumyantsev unmistakably points to the main subject of the modern Russian reality, when he writes that "in modern Russia, economic and political monopolism, not controlled by the society, definitely rules; the egoism

of the ruling narrow class firmly determines the superstructure, including its legal patterns. It requires strict pragmatic actions in the interests of the actual beneficiaries and the established system of production relations, appropriation and distribution, rather than observing the principles of the constitutional system.” Exposing the ugly essence of ruling substance, the author hereby directs the arrows of censure towards those who had been the culprit of old and new programs for the reconstruction of the country and society. And since this revelation is not, as we imagine, something super-new in political discourse and unknown even to the ordinary consciousness, it cannot be a prophecy of a special vocation for the Russian people or for Russian society. Even more so for the “educated class,” a concept that is used four times in the article.

It is also surprising that in such a small article, the author manages to include historical stories in the text and in the subscript. In these historical analogies, the reader can easily navigate the conflicts of the formation of a “second society,” parallel to the official society and the world. It is also not difficult to assume that, as in the era of perestroika, we can expect that this phenomenon will become the basis and driving force, the social base of a new power transformation and perestroika.

An observer who is not from the O. Rumyantsev’s side, but who is professionally associated with the internal changes in the Soviet-Russian society and with the preparation of the new Constitution in 1993, could not fail seeing and cannot fail seeing now that under the bursting and spreading shell of the Soviet or the today reality, there is a deeper process, that of political self-determination of masses departing from the dominant power of guardianship. But he cannot fail to see that the political self-determination of the masses is a contradictory process. And it is performed in a variety of ways, where there is always a place for broken illusions. The illusions of moving backward, not forward.

Not having a social and political support in essence, but only ideally, as O. Rumyantsev writes: « The people as a historical and cultural community of people with a single language, history, territory and ideally as a political nation is enshrined in the Constitution as the bearer of sovereignty and the only source of state power (Part 1. Art. 3)” – all the critics of the current stage in the reform of the Constitution should not fall into another illusion. In the eyes of critics of modern constitutional reforms and the meanings contained in them, in the eyes of O. Rumyantsev’s opponents, what is being done with these very amendments can mean only one thing: strengthening of a single power vertical by a single power horizontal. And this is perceived and interpreted by a part of this very society not only as a bulwark of the growing authoritarianism, but also as a subversion of the spirit of the Constitution, which has always been based on the understanding of the society’s contract with the state as an official representative of society. It is reasonable that civil society and its subjectivity should be put at the top. But it should be taken into account that there is no dispute today that any the-

ory of democracy comes from a particular model of society and its current state. And then, in the context of the problem under discussion, we should also raise another question: what type of civil society is most appropriate for the modern and future Russian state. Nothing significant is added to the understanding of the best type of civil society corresponding to the best state structure by using quantitative definitions of such concepts as: "society," "people," "public associations," "public order", etc. The recognition of the existence of subjectivity in civil society is of fundamental importance. There is no task to prove that civil society will solve all the problems and contradictions prevailing in the society and the state. This is an illusion. In order not to fall into another illusion, let's pay attention to the remark of O. Rumyantsev: "Unfortunately, there was not enough spirit to support the civil society structurally – in the form of an independent landmark Chapter 2 "Civil society," as we proposed to do in 1990-1993 and in 2013." This is more than the subtle observation of a subtle observer. The "political economy" meaning of this observation (a term again widely used by O. Rumyantsev) is whether the civil society always has the spirit to be the subject of a historical, economic and political process. Or it has yet to be found. In the article, we find the idea that in each of the historical periods and in each case, the concept of civil society, the constitutional norm on civil society opens up new, unexpected opportunities for the synthesis of society and the state, for civil power and state power.

Oleg Rumyantsev, we believe, as a "free observer" speaks openly and honestly: "... in the 2020 constitutional amendments, there are two groups of positive innovations that move us in the right direction." "There are important and mostly necessary norms about the conditions of economic growth, labor, social partnership, culture, upbringing of youth and children, family, children, marriage, education, language, etc." He doesn't speak for anyone, and he doesn't represent anyone; he's on his own when he writes: «...I do not share the "taste" criticism of the accepted norms from a number of my colleagues. Many of the amendments are substantially in line with the proposals we published earlier, which means that the work of the Constitutional Commission and, later, of independent constitutionalists was partly not in vain."

The author of the article boldly operates and uses the fundamental categories of political science: institutions and organizations of civil society; concentration of supreme power, presidential power; unified system of state and public power; society; people; political nation; carriers of sovereignty; contract of society and state. The political institutional engineering and PR of the "new decision-making system" involved in the reform does not escape his attention and analysis. In his interpretation, this is nothing more than "the desire to hedge the risks associated with the change of the supreme power, to preserve influence after the "big transfer" (to hedge against an "internal opponent") and to close from an "external opponent" (conditional nationalization of the elite, restriction of foreign influence, attempts to rally the people around the personified state sovereignty)."

We agree that the discussion around constitutional reforms and the order of their legitimation play a central role in attempts to formulate constitutional and normative projects through imitation of Western models of liberalization and democratization and to imitate our own, Russian traditions of governance and management. The author of the article, and we together with him, do not consider the types of discourse considered by critics of constitutional reforms and their initiators to be completely representative. And, moreover, that these discourses, in themselves, substitute for political analysis and even a real political process. This is confirmed by O. Rummyantsev: "With the adoption of the new version of the Constitution, the reasons for the objective aggravation of contradictions, acute political differentiation in the society, and subjective difficulties in managing the process of increasing division are unlikely to disappear by themselves. The potential of a justified mid-decade consensus, in my view, is coming to an end. We need deep incentives for a new and long-term consolidation of the society and the state."

Until now, at all stages of Russia's evolution, it was the ruling class that sought to turn society into an instrument for ensuring and supporting the existing form of government, the national economy, and established social values. Since the responsibility for the country in most cases was assumed by the state, it determined the priorities and parameters of their purposes. And this fulfilled the most important state duty. Against this social background, the great ideals of freedom, political and social equality, and justice were rooted in ideological and worldview utopias and praktopias. Russian political design incorporated socialism, Marxism, anarchism, and radical forms of democracy. There is no reason to believe that these ideals and ideas will necessarily resurrect unchanged. However, it is unthinkable to recognize the power of society if it is devoid of norms of behavior, and is not able to develop political projects. Civil society tends to go into private life and be infected with the virus of selfishness. "A political culture built on selfishness," as many serious analysts recognize as a given, "simply will not provide a worthy motivation not only for the development, but also for the preservation of existing rights, democratic institutions, social solidarity or independence." [1. P. 10]. O. Rummyantsev writes: « It is society that is the social collective actor. As a social community and a set of institutions and organized interests, social relations, it should be considered as a starting platform, a key support and the main addressee of the constitutional system. It is society that is called upon to play the leading role of an equal partner, and if necessary, an opponent of the state (in the case of the latter's usurpation of power)." He also writes: "The state is accountable to the society and must, in turn, protect the democratic constitutional order, law and order, provide the necessary social, economic and political conditions and mechanisms for the normal reproduction and further self-development of institutions, members of society and the people as a whole." When he writes like this and thinks like this, we believe that he is thinking for the society. At the same

time, someone else is acting for this very society. Among them are those who believe in God, which is reflected by an amendment to the Constitution. And those who are also written about in the article: who represent groups, classes, and even castes with their own intimate interests and ideas. Both the first and the "second society," and millions of officials and civil servants. And presidential power extended to all state bodies.

The negative forecast, which the author of the article insists on, seems to be repugnant to the author's self-perception and professional vision of the situation. It is closer and more natural for him to see in the Constitution the legislative basis for the ideological unification of the entire Russian society. The spirit and letter of the Constitution for him are expressed in equality, in legal equality in civil, political and other rights. And equality – in social rights. We are sure that he does not see a future without a balance, without an interaction and harmony between the complexes of these rights. Everyone should be equal before the law. But this is difficult to achieve in our country. But there is no other way. Therefore, we believe that he is trying to hide this psychological strain behind a positive project and expectation that he has invented: "We need a holistic eco-environment and architecture of diverse, integrated decision-making non-profit organizations that represent the interests of the regions and territorial communities, producers and consumers, entrepreneurs and employees, experts and practitioners, the entire political spectrum capable of replacing millions of officials and civil servants."

But this project-expectation, it seems to us, should be addressed not to an abstract civil society, not to the "educated class" or "creative class," but to conscious citizens, that is, citizens who participate in political life. For the harsh, tested "educated class" that has known all the suffering from the government and the state (we are aware that we do not live in an abstract world of constitutional idyll, but in a concrete Russian state), resentment and apathy can not be an obstacle to its subjectivity because the supreme power does not see it as a priority substance in its messages. Banal and romantic is the subjectivity of the "educated class" if it falls into apathy and distrust, if it does not receive beliefs in the reasonableness of constitutional amendments. We can theoretically assume that in the conditions of overstrain (the economic crisis, the unfolding very difficult fight against the COVID-19 pandemic) will bring new and worthy figures to the political arena. The same society is waiting for this. Or it is preferable not to wait, but to act without destroying or undermining the state. To act, at least in such areas as: to propose a program of actions contrary to the interests of the actual beneficiaries of the existing system of relations of production, assignment and distribution; to direct the efforts of Gazprom, a company that advertises itself as a "national treasure", to gasify the entire country. And reformat the old slogan: "Communism is the Soviet power plus electrification of the entire country" (later added "chemization of the national economy") in the slogan: "Russian society and the state are the people's power plus gasification of the entire country." Un-

der the current circumstances, the US President is determined to provide direct financial support to the population groups affected by the crisis, small and medium-sized businesses. Russia does not have the possibility for such measures, because there is no printing press to increase the money supply. But Russia has natural resources and money is made from them. And it would be possible to reach an agreement with the beneficiaries of natural rents, to reduce the price of gasoline and tariffs for housing and communal services. Good intentions may not be the most impractical in the face of increasing internal and external tensions. But there is always and everywhere a sacramental question, this is a universal principle – who will take on such a mission?

The author of the article could not but touch upon the issue of constitutional amendments to the organization and functioning of power mechanisms. Admits that a “step forward” has been made in this direction. And further, he leaves this issue: “however, the analysis of the changes in the form of government is the subject for a separate article.” This is his right. As his right to testify about the weak legitimacy of the Constitution due to the amendments of certain parts of the Constitution and ignoring other, more important and essential ones; or about the introduction of a procedure of popular vote instead of a referendum. And, of course, the elimination of risks for securing the results of privatization and subsequent redistribution of property for guaranteed transfer of fortunes and statuses by inheritance. O. Rumyantsev is an experienced and knowledgeable lawyer, when he circumvents the “power” issue of the amendments with its personalized line, one could reproach him for this. But we won’t do that. And even more than that, we will support his version of the analysis of the power issue of the constitutional amendments. Many supporters of the historical-political-legal school tend to breed twists and turns around the intersections of fate and the logic of the state, power and powerful persons. There is a riddle in it, and without a proper solution, but it requires to be solved. The question remains: so does this or that ruler (ruler or President) meet the purpose? So, let’s put it this way: is the current situation in the country caused by the peculiarities of the person of the highest power or is it a struggle of forces and interests? And the character of the modern era is a derivative of properties and features not of the face, but of socio-historical circumstances. O. Rumyantsev understands that a non-standard course of thought is possible on this issue, which will be followed by a rush of other questions that have not yet been answered convincingly to be legitimate. And we stand in solidarity with him. The political, social, legal, and constitutional thought of the Russian Federation has been tossing between liberalism, conservatism, and radicalism for more than a quarter of a century. At the same time, statesmen and/or thinkers and officials of the Russian Federation in one way or another wanted and want to restrict or expand the power of the state and the state apparatus, with the mandatory and declarative suggestion that only they, and they only are the state itself and its essence. They are opposed by the representatives of the civil society and certain

personalities. We would define the ideological essence of such a policy as liberal conservatism. The text and arguments of O. G. Rumyantsev brought us to this point. Is it not a paradox and illogicality?! Paradoxes and illogicalities have become realities not only in everyday life, politics, and law, but also in knowledge.

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