
ЕВРАЗИЙСКОЕ ПРОСТРАНСТВО: ИНТЕГРАЦИОННЫЕ ПРОЦЕССЫ И РЕГИОНАЛЬНЫЙ ОПЫТ УПРАВЛЕНИЯ

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ФИЛОСОФСКО-ПРАВОВЫЕ ОСНОВАНИЯ СОЦИАЛЬНОГО ПРОЕКТИРОВАНИЯ В СОВРЕМЕННОЙ РОССИИ

Аннотация. Рассматривается ценностное содержание социального проектирования как технологии масштабных общественных преобразований. Выявляются особенности отечественного понимания правовых ценностей, образующих российскую государственно-правовую идентичность. Отмечаются трудности социального проектирования на практике.

Ключевые слова и словосочетания: правовые ценности, правовая свобода, социальное проектирование, национальные проекты.

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PHILOSOPHICAL AND LEGAL GROUNDS OF SOCIAL DESIGN IN MODERN RUSSIA

The value content of social design as a technology of large-scale transformations in all spheres of society is considered. The authors reveal the peculiarities of the domestic understanding of legal values that form the Russian state and legal identity. Difficulties faced by social design practitioners are noted.

Key words and word-combinations: legal values, legal freedom, social design, national projects.

Project activity is becoming one of the most important answers to the challenges of a modern dynamic society. On the one hand, the work on producing new ideas allows us to outline the paths of socially important

changes, and thereby ensure positive development of society and a person in it. On the other hand, designing as a technology makes it possible to implement vital transformations within the framework of precisely calculated time and financial resources with maximum responsibility of all participants in the project activity. Project activity has found the widest and the most successful application in the implementation of innovations for a separate organization. At the same time, it was customary to implement any transformations at the level of social system and its components using planning — a program, but not a project. This fact was facilitated by a number of difficulties rooted in the design method itself. Nevertheless, in modern Russia there is a unique experience in the application of design technology for large-scale transformations in all areas of Russian society. We mean national projects. For their successful implementation, a serious study of philosophical and legal grounds (essence and phenomenon) of social design as a mechanism of socially important transformations at all levels of the social system (from societal to local) is necessary.

Law pervades all project activities. The activity starts with the definition of design conditions, one of which is to take into account current legislation in a favorable or negative way. In addition, the law acts as the regulatory framework for social projects. The project activity itself involves documentation support of the project, i.e. execution of contracts, licenses and orders under the current legislation. And finally, at the stage of project implementation, there is a need to amend existing legislation. This trend has emerged in the implementation of National projects and targeted programs at various levels. National projects approve legislative initiatives as a regulatory framework that ensures the replication and dissemination of successful social practices and social transformations throughout the project's life cycle. "In order to implement the measures of this federal project effectively..., it is noted in each of the twelve National projects, the necessary changes will be made to the current legislation of the Russian Federation ... with further updating throughout the entire period of the implementation of this Federal project" [1].

In addition to this factor, law as a "dominant form of social relations" has a socially transformative, prognostic function and sets a certain value framework for social design based on the basic principles of human functioning in the social space of the state [2, p. 16]. These principles have become the main informative trends of social design in modern Russia.

So, the philosophical and legal grounds of social design involve the implementation in projects freedom and equality in various spheres of society aimed at transforming basic legal values. These grounds are closely interconnected, since on the one hand they are defined by law and its essence, and on the other hand they are embodied in the life of society and the state with the help of current legislation. Understanding and interpretation of legal values goes back to the tradition of philosophical and legal thought at the beginning of the twentieth century [3]. Just then an archetypal Russian idea about the value content of law, its inextricable connection with morality, expressed not only in legal thought, but also in modern Russian legal consciousness was formed.

In the Western liberal tradition, freedom as a legal value is interpreted as a conscious need, associated primarily with an agreement between responsible, independent citizens as the subjects of law. The limited legal freedom of one individual by the freedom of other individual in equal shares is a universally recognized characteristic of legal freedom [4, p. 261]. At the same time, legal freedom is understood not only as an external restrictive framework or universal scale prescribed by the law, but also as an internal characteristic of a person associated with his/her self-development and self-improvement. In this context, freedom is the freedom of a conscious choice.

The problem of legal freedom is the problem of how broad or even cardinal the choice should be. The well-known statement of V. Solovyov — “law is the minimum of morality”, which has become an axiom in the Russian tradition of determining the relationship between law and morality, provides the key to solving this problem. Law is a socially approved reality necessary for the survival of a person in society. Consequently, freedom can be represented as a conscious choice not between “good” or “bad”, as it is described in the terms of Western liberal traditions, but between different kinds of “good” as it appears in the Russian philosophical and legal traditions, since legal freedom is recognized as inextricably linked to collective ownership. Thus, in modern Russian legal theories, the meaning of freedom as a choice is limited by the boundaries that are permitted. This limit is, on the one hand, social in nature, since it includes the moral imperatives of society, and on the other hand, has a state component, because the “minimum of morality” is reflected in current legislation. V.D. Zorkin designated this phenomenon as moral and ethical views of the majority in understanding human freedoms, as enshrined in the constitution, and called it “constitutional values”, which are based on the moral value of the public weal [5, p. 20].

Consequently, the legal space of permissible choice, without prejudice to the universality of human rights and freedoms, emphasizes the vitally important features of the world order of a particular society and state. It determines the amount of those rights and freedoms that are enshrined in national law. In the Constitution of the Russian Federation (Part 3, article 55) the following measure of individual freedom is determined, “The rights and freedoms of a person and a citizen may be limited by federal law only to the extent necessary to protect the constitutional system, morality, health, rights and legitimate interests of others.”

So, in Russia, the national specific character of legal understanding of freedom is associated with its interpretation in the framework of public morality, the value of the public good, along with the recognition of the importance of the personal principle, i.e. ideas of personal solidarity. This means that law creates conditions for a person in the form of choosing an individual trajectory for the maximum development of his/her abilities, and at the same time creates conditions for their use for the benefit of society and the state. This moral and legal understanding of freedom is expressed in one of the goals of the national development of modern Russia: “creating conditions and opportunities for self-

realization and revealing the talent of each person” and at the same time “educating a harmoniously developed and socially responsible person on the basis of the spiritual and moral values of peoples of the Russian Federation” [6].

The interpretation of freedom as a conscious choice of legal possibilities and a universally valid equal measure of freedom for all refers to equality as a legal value. Western philosophical and legal traditions interpret formal equality as the main legal point of this value. Consequently, the law should ensure equal opportunities for all citizens, i.e. starting conditions. At the same time, the real acquired benefits and realized rights of each person vary, depending on their abilities and efforts. The positive meaning of formal equality is expressed in the principle of equality of all before the law. In this context, it is formal equality as a legal value that is designed to eradicate any form of discrimination in society and the state. Many Russian lawyers such as L.S. Mamut, M.I. Baytin, V.S. Nersesyants share this point of view. “It is due to its formality (abstracting from the “factual”), V.S. Nersesyants says, “equality can and does become ... the principle of regulation of the ‘actual’, ... a kind of formal measure of all ‘extra-formal’ reality” [7, p. 19].

At the same time, the interpretation of formal equality as a value that solely reflects the specifics of law, denying factual equality, is seriously criticized. The difference in approaches is related to differences in legal thinking. Proponents of legal positivism absolutize formal equality, while representatives of the natural and legal trends advocate the need to introduce factual equality in the essence of law as an indispensable requirement for the state to ensure a decent human existence for the citizens. In modern Russian philosophy of law, the search for an integrative legal understanding, considering the dialectics of formal and factual equality, was conducted intensively [8]. Supporters of the integrative approach, offering various ways to integrate law as formal equality and morality as actual equality in the form of social guarantees, were V.G. Grafsky, S.S. Alekseev, A.V. Polyakov. The results of these searches became the conclusion that actual equality is recognized as a legal value and the state duty to ensure the necessary minimum for human activity in the form of a certain set of social guarantees for its citizens [9, p. 25]. With regard to social designing, this thesis is reflected in the concepts of “quality of life, comfortable conditions for all citizens of the country [6]”.

The practices of social design in modern Russia, as new mechanisms for the realization of human rights and freedoms, embody the legal content of freedom and equality. They are supplemented by newer and newer meanings on the basis of the “solidarity principles of human rights while maintaining their general validity [5, p. 18]”. Thus, the Federal Education Act of the Russian Federation has guaranteed the right to education (Article 5) to all citizens of the Russian Federation in the form of public access and free of charge. These rights are ensured “...by the creation of the relevant social and economic conditions by federal state bodies, state authorities of the subjects of the Russian Federation and local authorities to obtain it, to expand opportunities to meet the needs of a person in obtaining education at various levels for life-long learning [10].”

The mechanism for the implementation of these complex tasks set in the Act is the “Target Program for the Development of Education for 2011–2015”, which uses the program-target method. This method has been developed as a planning process. Value guidelines have been set in the form of program goals, some quantitative indicators have been determined in the form of results. At the same time, the program-target indicators were so blurred (to a greater extent they remained within the framework of qualitative characteristics in the form of “models and tools”) that their achievement either could not be assessed, or remained as theoretical results requiring additional efforts for their implementation and beyond the scope of the target program. This demonstrated a low efficiency of using the program-target method in social management practices. The evidence of this fact is the fate of the May decrees of the President of 2012, which defined the strategic goals of the country’s social development, but the aims were not achieved. That is why a search has been made for new technological and legal mechanisms and strategic planning has been replaced by social design.

In the Target Program for the Development of Education for 2016–2020, it has been proposed to use the project-target method as the main mechanism. According to the developers of the Concept of the Federal Targeted Program for the Development of Education for 2016–2020, its peculiarity “lies in the fact that the state program is not duplicated in its typical directions of implementation on the basis of existing legislative and other regulatory legal acts, but they are supposed to be updated and developed based on the search for new models, mechanisms, tools and technologies in the field of education” [11]. It is the project that is called upon to realize the right to education as a free choice of the educational trajectory of personal self-development in Russian society and to increase the accessibility and quality of education in the country.

Finally, the technology of social design with even greater scope and scale is embodied in federal projects and, in particular, in the Federal project “Education”. Achieving practical results within a certain time frame and within the limits of precisely calculated financial resources is associated with such a design feature as the definition of project activities. The activities designed to ensure freedom of choice of the trajectory of education and development of each individual in Russian society, regardless of where he or she lives in the country include the Federal project “Modern School” aimed at the creation and operation of a network of new buildings — regional education centers; the use of modern teaching technologies based on virtual and augmented reality; modern educational institutions equipped with necessary tools and technical base, allowing to implement updated educational programs [12].

Federal project “The Success of Every Child” is devoted to the creation of children’s industrial parks (technoparks) “Quantorium”, directed to conducting open online lessons, taking into account the experience of the cycle of open lessons “Projectoria” and aimed at early career guidance; building an individual curriculum in accordance with the selected professional competencies (professional areas of activity), taking into account the implementation of the project “Ticket to the Future” [13].

Federal project “New Opportunities for Everyone” is aimed at setting up a network of advanced vocational education centers; the creation of a “single information portal that allows to get the necessary information, with the opportunity of online learning.” [14].

From the above mentioned events it is clear that each of them is innovative in nature, and as the result, involves the creation of new institutionalized forms for successful educational practices in modern Russia. Thus, the National project “Education” as one of the twelve Federal projects is designed to implement moral and legal values of modern Russian culture in the form of recognition of the right of everyone to self-realization and self-development within the basic principles of Russian society.

Federal projects in their scope and comprehensiveness are unique experience in social design in modern Russia, but it is worth noting the very serious risks that these new practices may face. The technology of project activities has been successfully applied at the local level, i.e. in a single institution, mainly in a business structure. And this is no coincidence, because by virtue of the availability of our own resources, both internal and fundraising, the project has received a real opportunity to be implemented with the proper quality and on time. At the level of organizational change, project activities were completely manageable and effective.

Application of the design method at the level of the social system faces a number of difficulties. Firstly, the scale of social transformations, which is expressed in the complexity of projects, can become an obstacle to achieving targets. Each of the 12 national projects includes about 10 more projects. These “subprojects” are designed to ensure the implementation of the goals defined in a single national project. In turn, their activities set design guidelines for various organizations, which require project activities at the local organizational level, but these activities are not provided for in national projects. Each National project, designed to qualitatively transform a particular sphere of Russian society such as education, healthcare, culture, economy, is built on the principle of “a nesting doll” (matreoshka), which creates multicomponents and bulkiness. And they contradict such project properties as the ultimate concreteness and attainability of the planned indicators in terms of time, quality and finance.

Secondly, the federal authorities are the authors (developers) of projects and various institutions of the social system are becoming implementers: from subordinate authorities to specific organizations (education, healthcare, etc.). It would seem that a high level of developer power and interest should ensure uninterrupted financing of the project, but on the other hand, due to the multi-level subjectivity of the project implementers, the main advantages of the project activity — its dynamism and mobility are lost. This is not so much about a quick reaction to deviations and making changes to the project, but about the problem of timely financing of project activities.

So, philosophical and legal grounds of social design act as value guidelines for large-scale transformative activities in modern Russia. They are based on personalistic solidarity principles in the interpretation of freedom and equality as legal

values, and thereby form the Russian state and legal identity. For the first time in Russia, an attempt is made by the authorities to transform Russian reality on these principles through the technology of social design, i.e. create institutionalized practices that would allow each person to develop his or her abilities for the benefit of society. How successful this experience will be, time will tell.

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