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Social Consent as Legitimacy of Power: the Main Dominants

Abstract. The article deals with the investigation of the dominant norms in the interrelations between the authority and society in Russia. Consent is the main factor in their disclosure as it acts as a legitimacy basis. Under the norms we mean as follows: legal democracy, political *dealienation*, quality and responsibility of the authority in Russia, real equality and etc.

The aim of the article is to increase the knowledge body in the area of scientific understanding of sociopolitical consent and ways of its possible provision. This article is a modest attempt to analyze the problems of consent between power and society as a premise of acute relevance for today's Russia. The context is in the contradicting social and political realities which are responsible for some consent delay between conflict and compromise. This explains for its indefinite manifestation in policy-making and society.

The authorities are dubious about what comprises the basic strategy of consent formation – either to follow the pattern of paternalism or stick to the model of partnership. It is common that consent is inherent, most of all, to partnership which is equally true to paternalism fading in the process of raw stocks devaluation.

There is a complexity in theoretical context either which goes for a bias in favor of descriptive approach in the ontology of such issues. And the providing instruments of consent are fragmented. Given this, novelty and relevance of the issue is increased with the investigation of regulative and normative components in the consent formation. They are supported by the following thesis. A state is an arrangement of social life and power is, through rule and law, its organizer. Consent between the society and power is quintessence of partnership based on a set of common interests. With the provision of such relations a state may enable one of the main combinations of these interests, that is, law which means a mechanism of their regulation laid in the basis of any legal democracy.

Law and state manifest themselves as consent creators – as an indicator in the foundation of legitimacy. At the same time, law is a founding normative of order in contrast to discord. This is one of the main subjects of inquiry. Heuristic method facilitates the disclosure of its peculiarities as a starting idea which provides the formation of consent.

The paradoxes of Russian democratic normatives give evidence concerning their relevance in the aftermath of a recent conflict between the Russian authorities and a specific part of the society (2011 – 2012). There is a normative of recusancy, that is, a “well-fed” electorate. Also there are normatives of social inequality and segregation disapproval, free

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market counteraction, universal commercialization, hedonism and etc. The solution is well-known. It is in the consolidating vector of democratic development, cultivation and need for sociopolitical consent. All this actualizes the search for dominant normatives in the interrelations of power and society given John Locke's argument about consent as a basis for political system legitimacy. The latter is fundamental in the identification of the above mentioned dominants. Firstly, the focus is made on the political dealienation between power and society which acts as a possible normative of their approximation. Secondly, the quality and responsibility of power in Russia are seen as content for sociopolitical consent and as a democracy normative and indicator. Thirdly, the real equality is considered as the main democratic norm in the consent provision and legal democracy - as a norm for the protection of the people's will concentrated in their common consent to accept one or another law order and etc.

The analysis of the first dominant states that political dealienation, that is, power's estrangement from the citizens is the antithesis to consent. Power as a social life organizer is far from being efficient. Virtually, fragile consent between those in power and the society has remained virtual. It is impossible to diagnose in the wake of consolidation in foreign affairs which is quite clear. The internal affairs dealienation between the Russian authorities and society has been sustained and, as a result of it, the issue of social consent is still relevant. A possible solution is to overcome the estrangement. The outcome may be as follows. The more developed the dealienation normatives are, the bigger volume of consent, consolidation of power, citizens and society is.

Political science in Russia is undergoing a "pause" in the analysis of such phenomenon which creates vacuum in its classification. The parameters of the individual behaviour do not always truly reflect his/her real political considerations. As M. Mamardashvili stated, a human is susceptible to any suggestions but the thoughts he thinks himself. It is possible to suggest an appearance of consent, understanding but the thought itself and a will, is unsuggestible. Such phenomena are corresponding to personal inner freedom.

According to A. Schaff, political estrangement is partly a political anomia, a lack of socially approved norms of human existence and power. Logically, the achievement of the above mentioned norms means to overcome the estrangement, that is, dealienation. The approach is formalized. The point of political dealienation is in the optimum formation of socially approved normatives and regulatives in the area of coexistence of power and society. Normatives are the so-called dealienators in the political estrangement resolution.

In order to keep its continuum and longevity, power has to be subjected to constant alterations - divisions and redistributions - to avoid rigidity. That is why the achievement of full legitimacy in Russia is an awkward process which is difficult to sustain. It is possible only through the normative support to dealienate the power which means, at least, some coincidence in consent between citizens and power. It is only possible in conditions of Russian democracy transition from theoretical normatives into real practice.

We should state that dealienation of power in Russia is an effective normative of transition to consent. Political estrangement is a founding characteristic of the society and a dominant of Russian realities. Sporadic changes in the country gave reasons for one thing - no political economic reforms lead to social humanization of state and society if they are not



supported with the relevant contemporary dealienation methods. Political dealienation is both possible and unavoidable as a necessary step to consent. The beginning of 1990s in Russia was marked with a short dealienation period which brought consent between citizens and power. But a new estrangement period followed and it is still worsening. Time and other socially approved normatives are needed to overcome the problems.

Logical analysis presupposes that new trends are taken into account. From the above mentioned dealienation normative it is quite logical to make a transition to such normative of consent as quality of power and its responsibility. Their mutual determination is evident – the one presupposes another. In such context, the problem of consent is seen differently. Power quality diffusion and its responsibility make it possible to do so. Therefore the priority of public government quality focused on the interaction among the parties and tensions elimination practices at the expense of consent is a well-grounded outcome. The achievement of this, as it is stated in the political philosophy, is possible through a specific set of positive actions and transition procedures to get closer to social consent and actually provide it. Firstly, there is a need, given common potential, to focus on staggering fundamental contradictions resolution within the society thus providing an objective ground for consent paying attention to the social realities. Secondly, the use of such experience makes it possible to get closer and, in many ways, combine (partly if not fully) complex and intricate interests of various social groups, power and its branches, center and the periphery. Thirdly, these activities helped to bring together principally divided positions and viewpoints expressed by movements, institutes and parties on sociopolitical interests of various social groups, power and its branches, center and the periphery. Now these are specifically different and toughly defended positions as objective social contradictions remain and they are antagonistic in majority.

In the XXI century new generations of Russian people gradually “outgrow” paternalism as the political practice demonstrate. Their mentality becomes substantially different. Partnership is a more difficult thing to cultivate. P. Drucker stated that partners are likely to be guided than managed. In its foundation, there are conventional relations corresponding to the essence of consent. The latter, which has already been mentioned, is the priority of efficient political governance. Power has to keep moving towards partnership. In so doing, there is a need to consider empirical and ontological aspects of power. The latter prove its inefficiency.

According to A. Etzioni, political resources are divided into enforcing, utilitarian and normative. In Russia, the first two are concentrated in the hands of one person who uses them politically. Moreover, normative resources are underestimated and ignored which proves further power monopolization leading to political corruption and thus to the loss of its quality. That is why power in Russia seems integral where, according to D. Rong, decision making and political initiative are monopolized by one party. This pattern is countered (juxtaposed) by intercursive authority which is characterized by power relations balance and influence spheres distribution among the parties (participants). Intercursive power exists in the places where the power of one of the parties is opposed with the power of other parties and where there are negotiation procedures and joint decision making based on consent. According to D. Rong, integral authority can be limited by controls over it, revision of its powerful status or their transition, change or setting the borders of competence. If these



measures are real and do not function as exhaust valves such as constitutions, there must be an emergence of power sources independent from the integral authority. The society has to create centers which have adequate potential to counterweight the central authority thus setting some limitations on it. Some of centers started to emerge in Russia, though they are still rudimentary.

Given the vacuum of the relevant practices, there is a lack of political responsibility. Political estrangement in which the society can hardly recognize the subject of power is growing. An individual follows the context of his/her life under any rule and law. And it is about a law-abiding citizen so he/she tries to live beyond corrupt practices what is rather difficult. The correlation of consent with partnership and conventionality is also problematic. There is also a complexity of interactions between the subject and the object of power, the cultivation of its effectiveness as a primary condition in the political sphere. Consent functions as a substance of interaction among various political actors.

The quality of authority is immanent to responsibility. One of the major means to harmonize the subjects' will within the political process lies with permanent political responsibility. Its goal is to provide protection for the society as a whole and its members as a precondition for partnership relations based on consent and, what is the most important, as a real normative of the democratic state of any society, especially, in crisis periods. In this quality, political responsibility together with constitutional liability can be viewed as one of the attributes of a legal democratic state.

Political responsibility is not only social but, most of all, legal liability. Identifying political responsibility with constitutional (which coincides with the position of a number of jurists), it is possible to speak about legal nature of such kind of responsibility.

From these positions, political responsibility can be formulated as legal liability of all subjects in the political process for the given and assigned obligations (promises) in the form of accountability and moral duties compliance (see *Justitias Welt* №31, 2016).

Real equality as a dominant political normative is grounded by the thesis of consent as a demanded reality. Here the object is the idea of consent establishment but it is complicated with real inequality in the conditions of formal equality. It is determined by state dominance in sociopolitical practice. The development follows the paternalism pattern where political consent and social partnership are secondary. Power gives impetus to its mechanisms founded on gas and oil resources. It provides a correlation between the conjuncture of the latter with the growing real inequality level. The solution is in the provision of renovation and changes in social life regulatives – from imperative to dispositive. The former, that is, imperative (paternalism) creates the actual inequalities and dominance of limitations. The latter, that is, dispositive, gives birth to authorization-based practices directed at the economic diversification. Given this, political sociology presupposes the renovation of personal political brands, rhetoric and a growing dysfunctionality of the party manipulation system. In order to provide social consent, it is recommended to update the communicative base. But its emergence is impossible without appearance of new personalities.

A real inequalities decrease is the essence of consent establishment in the country. Formal equality is legal equality and actual inequality deals with the social status provided for



in the constitution of Russia. Formal equality is devaluated by real inequality. Here lies a knot of contradictions opposed to consent. We state that aspiration drives towards consent and social tensions decrease are levelled by a formally legal approach, that is, equality in everything. But a formally equal approach is one of the reasons for social disagreements. It is enough to mention the practice of “equal-for-everybody” personal income tax application in Russia.

Legal state establishing a formal equality among citizens thus leaves a real social inequality outside them. This is overwhelming in contemporary Russia. In this respect, the situation requires radical changes in the legal status of Russia’s state which could fill in a social content in it. Social policies of the state are able and have to be carried out in correspondence with the legal principle of formal equality.

There is a need to work out a regulative limitations system given the advantages of a stronger counterpart who start multiplying irrespective of the personal qualities and efforts. It is the aim of political science, law and political sociology. Such logics is carried into the political interrelations sphere which is especially relevant for the Russian multi-party and electoral systems. The Law “On Political Parties” provides preference for the early existing parties which have already functioned in the political process. The same situation lies with electorate legislation which contains benefits for the parties with parliament groups. It is the example of the above mentioned principle of accumulated advantage given the lack of a formal equality. The parties multiply their overwhelming advantages. In the context of sociopolitical consent establishment in Russia, it is nonsense.

Speaking about a legal democracy as the next normative of consent there is a need to take the following scheme into account. Through participatory democracy the transition is made to social compromise embodied in law from which they finally transit to sociopolitical consent. This is the algorithm of legal democracy development. Sociopolitical consent in the compromise resolution is immanent and is an attributive characteristic of a legal democracy.

The necessity for legal democracy development is justified by its relevance. In the current conditions of legal state establishment it can be seen as a normative of rule and law provision from both the “above” and “below” through people’s consent and social compromise. A society is developed by its complexity and differentiation. The more social differences are, the more insecure the destructive social conflicts become. Though there is an opinion that it happens differently – the other way round.

The role of a legal democracy as a normative facilitating the forging of consent and social compromises tend to grow. The importance of a legal democracy should not be gelded into legal regulation extension. The trend needed is in legal democracy increase being as a political legal substrate of sociopolitical consent and also a means of interest compromise worked out by both the authority and society. Legal democracy makes legal states free from commanding governance. In this case, a democracy becomes legal and, in the end, establishes the priority of the society.



The main idea is that legal regulation in the country has to be carried out in correspondence with the people's will expressed in their consent to accept any specific rule of law. In this respect, there is a need for political legal provision of social consent.

Body of laws and legal acts seem more limiting, law is more authorizing and thus more valuable. In this respect, law is considered as the creator and indicator of consent being a necessary providing component and a major dominant. Law is viewed as justice concentrate, specific mechanism of interests' combination and a dominant factor of social system stability. All of these characteristics are found in the basis of social system longevity within the context of social consent lack or availability. And it is also marked with some paradoxes. On the one hand, the society trusts and agrees with the policies of the person at the main political post in the country. On the other, the society is not contended with the rules of life produced by those in power, that is, the unsocial nature of a great number of adopted laws gives reason to speak about the illegal character of law adoption procedures on the part of the parliamentarians and the unjust nature of the laws passed.

And it is concerned not only with legal consciousness and legal culture of the parliamentarians but also with people's survivability. It is sufficient to mention the unlawful character of privatization, "flat " personal tax schemes, unlawful electoral legislation, referendum impediments ad so on and so forth. The unlawful nature of a great number of laws facilitates sociopolitical consent elimination changing it for the opposite alternative, it creates sociopolitical tensions in the country which tend to rapidly reach its critical point. In this respect, there is a need to radically reconstruct the law making paradigm in the parliament. There is a need to introduce legal standards in putting forward any political decisions. It is this sphere where relevant legal consciousness and legal culture are urgently needed.