

Moral, Legal and Political Aspects of Freedom in the Context of the Principle of Determinism

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Abstract: The relation of the principle of determinism and anthropological interpretation of the concept of freedom is considered; social phenomena are explained from the perspective of the cause-and-effect and functional relationships that permeate society and predetermine its dynamics. The problem of moral, legal and political aspects of freedom and self-realization of the person is exposed. The article presents the analysis of the genesis of powerful consciousness in the dialectic of "slavery and domination" in the philosophy of G.V.F Hegel and K. Marx, where it is noted that the breakthrough to the understanding of the nature of alienation became possible due to a new form of naturalization of morality and law. We consider the existentialism's criticism of the model subordination of individual to society. In the analysis of heteronomy and autonomy in the legal consciousness, held by P.A. Sorokin, it is shown that one can not underestimate the role of heteronomy (external factors) in shaping legal consciousness. We also consider the actual problem of interpretation of the relations of domination and subordination as the power relations in politics between the state and the individual. Historical, moral and legal aspects of the origin and development of anthropological assumptions of modern power relations are disclosed. The article also provides a theoretical justification for the concept of "right" as a form and measure of individual freedom. Correlation of economic justification and legal form of the autonomy of consciousness, the internal contradictions of law and internal dialectical contradictions of justice are considered.

Key words: Sense of justice • Freedom • Morality • Law • The dialectic of slavery and domination • Power relations

INTRODUCTION

The urgency of this problem is due to the rapidly changing world, which makes us look in a different way at the concept of man and society and rethink many earlier views, which seemed obvious or well-proven truths. The need for a new theory of human and problems of political and legal freedom and society are dictated primarily by the needs of social practice, which rapid transformation is becoming less and less controllable and predictable. Controllability and predictability of social changes in terms of the normal evolution and global changes depend on the successfulness of theoretical comprehension of causal and functional relationships that permeate society, predetermine its dynamics and human development.

The Main Part: The self-development of social institutions is a pledge of freedom, that is, the dispersion of determinism and the ability of the individual to be guided by various norms and regulations.

"In the history of philosophical and social thought "freedom" has a special meaning as a moral and social concept-to refer to either the circumstances that arise in the relationship of man to man, or to the particular conditions of social life" [1, p.721].

According to Hayek, the growth of civilization is based on freedom and if earlier the precondition of political theory was slavery, now this is obviously a prerequisite for freedom.

This is slavery that is linked to "unhappy consciousness," which idea permeates all the "Phenomenology of Spirit." Breakthrough in the

understanding of the nature of alienation has become possible due to a new form of naturalization of morality and law.

The result of slavery is alienation of the individual both from moral and ethical forms of social consciousness. "Morality is the autonomy of the will-and this is not only a thesis of philosophy, but also the belief of ordinary moral consciousness. However, the next step, namely, the explanation of how the very suggestion of freedom appeared, takes us beyond the limits of the human mind. Maximum that the mind reaches trying to understand freedom is the same moral law, for which explanation the postulate of freedom is introduced" [2, c.117]. The theory of morality is a systematic exposition of what makes actions right or wrong [3, p 67].

Hegel's "Phenomenology" considers a human self-generation as a process, desubjectivation, as self-alienation and its release. Hegel reflects the essence of labor and human as a result of his own labor.

Slavery and domination are present throughout history in one form or another. For example, stoicism is a freedom of consciousness, which removes the relations of domination and subordination. From a moral point of view, slavery and domination is the same. Stoic mind wants to be free both for the emperor (for example, Marcus Aurelius) and for a slave in the true sense of the word (Epictetus). However, this freedom is abstract, because Stoic is insulated from life, his freedom is negative and suggests the independence of the needs, asceticism.

Marx interpreted the dialectics of Hegel's thought about slavery and domination in terms of activity paradigm of consideration of consciousness. He brought his consideration to the materialist conception of history, discovering new absolute-social being, in relation to which Hegel's "absolute" Spirit itself (both substance and subject) becomes relative, derivative, "determined." The relative independence of consciousness and self-consciousness, according to Marx is a form of activity with the things of nature by means of tools. Thus Marx narrowed the Hegelian understanding of slavery and domination. You can interpret the Hegelian dialectic of dominance and slavery more broadly: as family relationships, learning in the education system, a form of spirituality in the relationship of the believer and the church, etc.

Existentialism strongly criticizes the model of submission the individual to society. Freedom is not a recognized necessity, but the attribute of human

existence. It is prior to the need and converts it (Berdiaev, Sartre and others). Existentialism finds its theme is Hegel's philosophy, namely "unhappy consciousness." Unhappy consciousness is alienated, divided, torn between heaven and earth, which has become entangled in its own contradictions. The dialectic of slavery and domination of the unhappy consciousness flows in a tragic form of insoluble contradictions. Personality is absolutely free and absolutely responsible. This responsibility can become unbearable. Therefore, the phenomenon of "escape from freedom" appears (E. Fromm). Fromm examines the psychological conditions of mass society and its consequences, in particular, the totalitarian state.

It is the analysis of anthropological assumptions of modern power relations that brings analysis of E. Fromm, Marx and Hegel.

Democracy as a universal value is not a state but a process and an ideal. Here we see an analogue of love between individuals. Democracy as a unity of freedom and equality embodies the consciousness of justice, the must.

Democratic consciousness is focused primarily on freedom, autonomy, independence and activity of individuals. But democracy can be focused on equality as well. Ideally, they merge into a "freedom-equality." In reality, however, they contradict each other. If this contradiction is not sorted out in time, it will develop into conflict. Criticizing totalitarianism, Berdyaev sharpens this point in his book "The Philosophy of Inequality." He writes: "Between freedom and equality there is no harmony, but irreconcilable antagonism. All political and social history of the XIX century is the drama of the collision of freedom and equality. And the dream of a harmonious combination of freedom and equality is an impossible rationalist utopia. There can never be reconciliation between the claims of the individual and the claims of society, between the will to freedom and the will to equality" [4, p.148]. And he further notes that there will always be a clash of unrestrained desire for freedom with unrestrained desire for equality.

Right is primarily a form and a measure of individual freedom. Determining legal consciousness we should take into account its relative independence. Obviously, we must distinguish between the concepts of law and sense of justice, "... sense of justice-says H.P. Mamut-is the result of reflection (mental reproduction) of the law in the minds of people (society of classes of individuals), embodied in the body of knowledge and assessments

both in relation to the law and mediating social institutions (government, law, order, etc.)" [5, p.151]. The right is "more objective" than the sense of justice. The objectivity of law can only be considered with a certain degree of conditionality, because it belongs to the realm of "ideological" rather than material relations.

The right differs from politics by the fact that there is no fundamental opposition between public and individual. But it differs from morality by insufficient, formal accounting the identity.

Now an increasing problem of personality rights as a form of the personal rights becomes topical. The personal (civil) rights and freedoms must ensure the freedom and autonomy of individual as a member of civil society as well as the priority of individual, internal guidelines for development of each individual.

"The rights are also associated with individual personalities and their special needs; they protect the identity from the free races of public goods. Their individualistic feature is often explained on the basis of such values as dignity and independence: the values, which are closely associated with personality. Finally, the rights are often characterized as having a certain legal and even antagonistic character" [6, p.191].

The state recognizes the freedom of the individual in a particular area of relations that is left at the discretion of the individual and can not be claimed by the state.

Analysis of heteronomy and autonomy in the legal consciousness, performed by P.A. Sorokin, shows that one can not underestimate the role of heteronomy (external factors) in shaping the legal consciousness. As the P.A. Sorokin notes, it was traditionally considered (especially in the criminal law) that penalties can greatly influence the behavior of the individual, causing him to refrain, on the penalty of a number of acts, prohibited by law, or to perform a number of actions that are required by the same law. His task P.A. Sorokin sees in justification of this position, which is treated with skepticism. His basic thesis is that penalties as well as rewards influenced the human behavior and are influencing it now. Moreover, we have the courage to say that if there are no these instruments, the behavior of entire nations as well as the individuals would have been significantly different [7, p.115].

In the Russian social and political thought the extremes in understanding the relationship of absolute and relative in relation to the law and justice were collided. The approach of P.I. Novgorodtsev to this issue was most realistic; he considered that the law is a way to

harmonize the interests of the individual and the state. He stressed "how it is important to combine correctly the concept of absolute and relative in the idea of progressive development... Absolutism of the ultimate goal gets along with complete relativism of the practical tools" [8, p.100]. The right implements relative autonomy of the individual in relation to society and state, expressing their sovereignty in relation to each other.

"We live in the age of rights. Human rights, animal rights, moral and political rights play the leading role in the public debate. But in addition to the theories based on the right, some proponents of moral philosophy and philosophy of law accept either the theories based on moral obligations or the target-focused theories" [9, p.55-56].

CONCLUSION

I.A. Ilyin, the famous Russian philosopher and jurist, the follower of P.I. Novgorodtsev, has developed the doctrine about the axioms of justice and right based on spiritual dignity and respect for diversity. The axioms of justice are being treated now as the legal values, mental attitudes, which are recognized by the vast majority as the ideal of justice. The axioms of justice embody institutionally the unique legal experience of individuals, in turn caused by the legal bases. These bases can be described as the natural right, which is not reduced to the volitional relations, but expresses the proper sphere in the heart of human nature. This proper sphere is the collective conscience, requirement for non-violence as a social imperative-a counterbalance opposed to aggressive origin of human nature. In a narrower sense, the words "legal grounds" act as the correlate of understanding the volitional relations. The entire legal infrastructure, including the value attitudes, norms and goals that guide both the subject and object of the legal field, serves as the legal basis of the society.

"The rights structure the form of government, the content of laws and the morality form, understood currently. To adopt a set of rights is to approve the distribution of freedom and power and thus, endorse the idea what could be, must be and should not be done" [10].

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