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Political Pluralism as a Factor in the Development of Modern Society and State

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Abstract--This paper presents the results of a study devoted to the legal phenomenon of political pluralism as a factor in the development of modern society and the state by the example of classical democratic countries. At the same time, attention is focused on such components of political pluralism as formalization of freedom of speech and assembly; a multi-party system, as well as a mechanism for coordinating the interests of various social groups at the parliamentary level. It was found that the most acceptable is the model operating in the FRG, since it allows people to find a balance between guarantees of political diversity, such as freedom of speech and the right to public events. The interaction between civil society institutions and parliamentarians is especially advisable when making decisions in the domestic and foreign policy of the state.

Keywords---freedom speech, parliament, political diversity, political parties, political pluralism, representation interests.

Introduction

An attempt to introduce the "political pluralism" concept into scientific circulation was undertaken back in 1712 by the German philosopher H. Wolf, who proposed to understand it as "a principle of the legal society order, which asserts the need for a variety of subjects in the economic, political and cultural life of society" (Horuzhenko, 1997). The term assumed the existence in society of various subjects with their own views, ideas, and concepts, and was opposed to monism and dualism.

At the beginning of the 20s in the 19th century, scientists focused on the state, considering it as a phenomenon that unites the nation. However, the rapid development of capitalist relations led to the growth of political diversity through the organizational formation of various politically active group interests (Žuk et al., 2021; Celis, 2013). During this period, Harold Laski introduced pluralism as a theory of liberal democracy, which was directed against the "monistic state".

Later, ideas began to appear among pluralist thinkers that large groups should play an important role in the political process and the life of society, but for this it is necessary to ensure their activity with legal norms (Lewerissa et al., 2021). In the modern period, legal science devotes little attention to the study of the "political pluralism" concept. However, some authors try to analyse it from the standpoint of meaning in modern society or individual components that make up the content of political pluralism (Moore & Hamalai, 1993; Healy, 2003).

Within the framework of this work, the legal phenomenon of political pluralism is revealed as a factor in the development of modern society and the state by the example of classical democratic countries. At the same time, attention is focused on such components of political pluralism as the formalization of freedom of speech (Bezuglya et al., 2020; Gelunenko et al., 2019; Tulnev et al., 2020) and assembly; multiparty system (Gutorova et al., 2020), as well as a mechanism for coordinating the interests of various social groups at the parliamentary level.

Methodology

The study was based on a dialectical approach to the disclosure of legal phenomena and processes using general scientific (systemic, logical, analysis and synthesis) and particular scientific methods. The objectives of the study led to the use of special legal methods (in particular, comparative legal). The work uses the texts of constitutions presented on the Internet resource "Constitutions of states (countries) of the world" (<https://worldconstitutions.ru/>).

Discussion and Results

We consider it expedient to begin consideration of the stated topic with the first amendment to the US Constitution, which is interpreted by scientists as an unlimited right to self-expression. Even controversial and offensive forms of expression are protected from government harassment. In practice, a reciprocal self-expression is used in response to offensive self-expression, and not a prohibition by the state (Kopylov, 2002).

However, freedom of expression is not absolute. Thus, direct calls to violence, real threats, slander and obscenity are not allowed (Eftedal & Thomsen, 2021; Breton & Wintrobe, 1992). The decision to limit the effect of the first amendment to the US Constitution can be made by the US Supreme Court in a specific case. Since in countries with the Anglo-Saxon legal system, the decisions of the higher courts have the force of a judicial claimant, such restrictions on the right to expression in the United States are mandatory for all other courts. At the same time, it is rather difficult to prove the need to restrict certain actions in court. For example, a statement on the Internet that a violent revolution is the only way to solve problems in a country is not viewed in court as a call to violence. The political pluralism manifestation is most clearly manifested in the system of representing the US civil society's interests, which, in the fair opinion by S.V. Stepanenkov, consists of two subsystems – party and political, and also functional representation (Stepanenkov, 2013; Tracey & Rounds, 1996; Holtrop et al., 2015).

Despite the historically established bipartisan system in the United States, groups of citizens adhering to other political views have the right to create their own political parties, even those whose interests are aimed at diminishing the universal human rights and freedoms recognized by the world community, as well as prohibited by a number of states (Agnew, 1997; Ahmed et al., 2016). Political pluralism includes not only political diversity, but also the possibility of reconciling the interests of various social groups. This mechanism, first of all, is provided at the level of the current parliament (Schelkunov et al., 2021).

Citizens have the opportunity to promote group interests both during the election period, participating in the preparation of party platforms, and subsequently in the US parliament. The existence in the Congress of a significant number of groupings, or caucuses, whose tasks include solving specific problems and promoting group interests, creates a hidden and quantitatively uncertain multiparty system (Zyablyuk, 2002).

In the fair opinion of S.V. Stepanenkov, such a model of interaction between the state and civil society allows the legislative and executive authorities to take a more balanced approach to the adoption of socially significant decisions and see their consequences. This leads to a thoughtful approach to maintaining a balance of different interests (Stepanenkov, 2013). Thus, the parameters of political pluralism that we have set in the United States seem to be complete and have a solid history of formation and development.

Another state with a long-standing democratic tradition is the French Republic. Its 1789 Declaration of Human Rights and Freedoms, which is part of the French Constitution, contains the right to freedom of thought and speech: “Free expression of thoughts and opinions is one of the most precious human rights; therefore, every citizen can freely express himself or herself, write, and publish, being responsible only for the abuse of this freedom in cases stipulated by law” (Declaration of the rights and freedoms of man and citizen). However, this article of the Declaration cannot be considered in isolation from its other provisions. Thus, Article 4 enshrines such an important principle of limiting rights and freedoms as the prevention of violation of the rights and freedoms of others.

Article 5 allows prohibiting only those actions that are harmful to society. Therefore, anything that is not prohibited by law is permitted (Rinartha et al., 2018). In this case, article 6 acquires special significance, which states that the law is an expression of the general will, and all citizens have the right, either personally or through their representatives, to participate in its creation. That is, the totality of these provisions contained in the Declaration of 1789 guarantees the French society the principle of political pluralism.

At the same time, as many authors emphasize, freedom of speech in the Fifth Republic is degrading at the present stage. An example of restricting freedom of expression is the Anti-Fake News Bill, drafted in 2018. Its developer, Naym Muchtou, noted that the Law is being adopted in order to “prevent attempts at destabilization, in particular those undertaken from outside France, which are based on the malicious dissemination of false information” (Ershov, 2018). According to the Law, a candidate in the elections will have the opportunity through the court to forcibly stop spreading false information about him or her three months before the voting day (Berdikulov, 2021; Manullang, 2021). And social networks Facebook and Twitter will be required to indicate those publications that are paid for, as well as those who paid for them. Journalists believe that with the help of this Law, the President of France strives to restrict freedom of speech and introduce censorship in the media (Ershov, 2018).

Despite the restriction of freedom of speech not only by the court, as in the United States, but also by the Law, France implements it in large-scale protests as a state with developed democratic traditions. The procedure for holding public events in the country is regulated by a special law. We must agree with those authors who argue that “the country of France has a very strong tradition of “direct participation in politics” rooted in its revolutionary past. For a long time, the tradition of partnership and dialogue has been absent in social and labour relations, but, on the contrary, the tradition of antagonism is enduring” (Preobrazhenskaya, 2013).

According to Article 4 of the 1958 French Constitution, the principle of political pluralism is realized through the expression of opinions and the equal participation of political parties and groups in the democratic life of the nation. Historically, the country has developed a multi-party system. There is no special law regulating the activities of political parties. They operate on the basis of the Law on Associations of 1901 (Loi du 1er juillet 1901 relative au contrat d’association). According to it, political parties are not required to be registered. In total, about 40 political parties operate in France, but only five of them have the greatest influence on state policy. It should be noted that political parties fulfil the function of reflecting the interests of various segments of the population. However, as many researchers note, the country has recently been in a political crisis that affected the 2017 presidential elections. Political parties often change their programs, form coalitions with others, or, conversely, split and go into opposition. This is due, inter alia, to the fact that citizens stopped trusting political parties in representing their interests at the state level and began to understand that they cannot influence the change in the country's political course if they do not agree with the current one. Many political parties reflect

narrowly focused interests, do not have their own program, but are engaged in populism (Beshe-Golovko Karin, 2010).

The harmonization of the interests of various social groups in France also takes place at the parliamentary level. As some authors point out, the ruling party always strives to "curb" the opposition. And France is no exception. Thus, the latest amendments to the country's Constitution and the Rules of Procedure of the National Assembly (<http://www.assembleenationale.fr>) create the appearance of political pluralism and democratization of decision-making by increasing the importance of minority parties in parliament, but in reality they do not have a significant impact on these processes. Thus, the innovations allow the French Government, on its own initiative or at the request of a group of deputies, to make statements in the chambers of parliament. However, the Government can refuse to deputies and is not responsible for this. The regulation stipulates that half of the time allowed for debates is devoted to opposition or minority groups. But not all of the latter are in opposition. Consequently, representatives who defend the interests of a smaller group of the population will not be given sufficient time. Other methods that expand the rights of the minority in parliament, in particular, include the ability to be the first to ask questions to the Government, to determine the agenda once a month, etc. (Beshe-Golovko Karin, 2010).

Thus, a kind of model for the implementation of political pluralism has developed in France. Political diversity is guaranteed by the right to freedom of speech and street demonstrations. However, unlike the United States, freedom of speech is legally limited. At the same time, it has no moral boundaries. A feature of the political compromise can be called the fact of educating the political elite, which is engaged in this activity professionally and for life. It is through its representatives that political interests are coordinated. However, in the French parliament, the winning party dictates its views and ideas to the rest, despite a number of measures taken to express and take into account the views of opposition minority representatives.

Germany can be considered an equally interesting country in terms of implementing the political pluralism principle. Its historical development has left a certain imprint on this process. Thus, the first chapter in the Constitution of the Federal Republic of Germany is devoted to human rights. And article 5 guarantees the right to freedom of speech, but limits it to the provisions of general laws, legislative provisions on the protection of young people and the right to personal honour. According to the fair remark of German researchers, freedom of speech is not an absolute value in Germany, since a balance must be observed between freedom of speech and other rights in cases of contradictions between them (Kommers & Miller, 2012). In addition, the basic law of Germany establishes a hierarchy of constitutional values. All rights and freedoms must be consistent with it. Thus, according to the German Basic Law, the right to human dignity is of paramount importance in the state. Other principles supplementing Article 5 are social justice, militant democracy, and the right to free personal development (Rozenfeld & Shajo, 2007).

Unlike the USA and France, the FRG establishes a ban on humiliation of the honour and dignity of persons expressed in a satirical form. An example is the

parody of the famous politician Franz-Josef Strauss and the decision made by the Constitutional Court of the Federal Republic of Germany, which recognized that it violates Strauss's right to respect for honour and dignity and does not fall under the protection of the provision on freedom of expression (Rozenfeld & Shajo, 2007).

Political pluralism is also guaranteed by the right of citizens to assemble peacefully (Article 8 of the Basic Law). It says that this right may be limited if the meeting is held in the open air. Later, in 1953, a special law was adopted in the Federal Republic of Germany regulating the procedure for holding public events (BGBl.I S.684 edited according to the publication 15.11.1978). Since 2006, this authority has been transferred to the jurisdiction of the German states. Thus, political diversity in Germany is limited by laws aimed at ensuring the dignity of an individual, at maintaining the official policy of the state in the most significant areas of life. However, minority groups can voice their opinions through protests.

The possibility of various social groups to express their interests through the political parties of the Federal Republic of Germany is also interesting. A multi-party system has developed in the country, where about 30 political parties operate. As researchers rightly point out, it resembles a two-party system, since it is represented in parliament by two coalitions with the leading parties in them: the Christian Democratic Union and the Christian Social Union, which form the CDU / CSU bloc and the Social Democratic Party of Germany (<https://p.dw.com>). The coordination of political interests at the parliamentary level takes place, in most cases, using lobbying activities. But, it is strikingly different from that in the United States. Traditionally, it represents pressure on the deputies of the Bundestag in order to make a decision in favour of a group united by common interests (Schendelen, 2006). Lobbying in Germany is carried out by unions united by common interests (public associations, trade unions) (Carolin, 1997). In addition to them, minority political parties that did not enter parliament at the elections are engaged in lobbying activities. Despite the fact that there is no special law on lobbying in Germany, these subjects have the opportunity to take part in the discussion of draft laws in the Bundestag, contact parliamentarians and promote their interests. In our opinion, such a mechanism for coordinating interests is the most optimal, allowing all groups, even small ones, to convey directly to the representatives of state authorities their views on the structure of the state and society. In turn, Germany has adopted laws aimed at preventing corruption in this area.

Conclusions

The examples considered allow us to single out several models of guarantees for the implementation of political pluralism in foreign countries:

- The principle of political diversity is understood broadly and is not limited by law, acts to the detriment of human rights and freedoms; the principle of political compromise is based on paid lobbying activities (USA);
- The principle of political diversity is to some extent limited by the official policy of the state, acts to the detriment of morality and ethics with a predominance of protest public events; the principle of political compromise

is based on the education of the political elite, which is subsequently called upon to reflect the interests of various segments of the population in government bodies, including parliament, as well as granting minority parties in parliament additional rights (France);

- The principle of political diversity must be consistent with the constitutional right to personal dignity; the principle of political compromise implies the participation of various social groups and public associations in the work of parliament, their interaction with political parties (FRG).

In our opinion, the most acceptable is the model operating in the Federal Republic of Germany, since it allows them to find a balance between guarantees of political diversity, such as freedom of speech and the right to public events. The interaction of civil society institutions and parliamentarians in making decisions in the domestic and foreign policy of the state seems to be especially expedient. It is this type of lobbying activity that will make it possible to promote the interests of a certain group of the population, regardless of whether it has material resources.

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