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THE CONCEPT OF LAW IN THE SOCIAL SCIENCES AND THE CONSTRUCTION OF REALITY: PHILOSOPHY, ECONOMICS, LAW (Part 2)

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Introduction. The foundation of this approach lies in the concept of distinct functions of laws. From this perspective, the principal role of social laws is their involvement in shaping social reality. Considering the swift and large-scale transformations in culture and civilization, it becomes crucial to examine the speed and depth with which legislative activity adapts to these shifts.

Purpose. This article aims to point out a paradoxical situation. In the interconnected system of education, law, and governance, all these components exert, at minimum, mutually constraining effects. Overcoming this predicament might necessitate a fundamental rethinking of laws in their societal context.

Methodology. The dialectical approach posits that any object under investigation should not be studied in isolation, but rather, at minimum, in conjunction with at least one other object. Similarly, in the realm of knowledge, the fundamental unit of knowledge is the categorical opposition. Consistent with this principle, law will be examined alongside concepts such as: 'justice', norm, realism, education, and myth. Special discussion will be dedicated to the paradox of an unjust law.

Results. Part I of this article established that social laws serve as vital tools for shaping social reality. The accelerating rate of societal change since the late 20th century significantly influences the evolution of social laws. This study explores the relationships between law and the notions of justice, norm, realism, education, and myth. It illustrates the historical impact of both progressive and regressive laws on educational development. A deep connection is shown between legislative activity and myth-making, taking into account its ties to narrative, discourse, and the broader narcissistic shift in contemporary culture. The article suggests a productive reorientation of the discussion from the inherent laws of scientific disciplines to the communication rules governing scientists within those fields. Humanists and social scientists, regardless of their personal motives, play a crucial role in legitimizing new laws. Philosophical and economic perspectives on social laws are here augmented by a historical-cultural approach, through which myth and myth-making are analyzed. The paper also addresses the mutual influence of legislative activity and education, demonstrating how they can either accelerate, impede, or ignore each other's progress.

Conclusion. A multidisciplinary approach to understanding law necessitates recourse to historical and cultural events, prompting an exploration of our subject from at least three standpoints: legal, philosophical, and economic. The study confirmed the constructive affinity between the notions of myth and narrative, and social reform and myth-making. Moreover, an additional aspect in grasping the essence of social laws is their contribution to the optimization of resource production, distribution, and utilization within society, which is invariably accompanied by diverse communicative practices.

Authors' contributions. Section 1 prepared by V.I. Razumov; sections 2-4 prepared by A.A. Sapunkov; section 5 prepared by V.I. Razumov, A.A. Sapunkov, P.A. Orekhovsky jointly. In all other respects, authors made equivalent contributions to the publication.

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1. Introduction

In Part I, the authors focused mainly on the theoretical aspects of understanding the law [1]. Turning to social laws, and realizing th eir criticism by representatives of fundamental sciences, as well as by social scientists themselves, for pronounced subjectivism, the following approach to social laws was propose d. This approach is based on the idea of different functions of laws. In this context, the main function of social laws is to participate in the construction of social reality [2, 3, 4]. Given the rapid, large-scale changes in culture and civilization, the question arises how quickly and deeply legislat ive activity reacts to these changes.

The dialectical approach provides that every objec t under study should not be studied in isolation, but at least together with another obj ect; similarly, in knowledge, where the unit of knowledge is the categorical opposition. In accordance with what has been said, we will consider the law together with such concepts as: law, norm , realism, education, myth. The paradox of non-legal law is specifically discussed, indicating that situations are common in history when, for example, with a low level of legality, there is a sufficiently developed legislation, as it was durin g the decline of the Roman Empire empires. The interdependence of the regulatory and legal support of education and the quality of the legal culture of management is noted. The question of the peculiarities of educational reforms in the Russian Empire and in the USSR in line with the ideas of legal realism is considered. Special attention is paid to the myth in its interpretation by A. F. Losev. Turning to the myth opens up opportunities take into consideration the non-rational components that affect the law.

It is appropriate to note a paradoxical circumstance. In the system: education, law, management, all the se components have at least deterrent effects on each other. Perhaps, in order to get out of this situation, it is necessary to rethink the laws in their connection with society.

2. The paradox of the "illegal law"

In legal science, the concept of law is anthropocentric. In none of the fields of activity is this concept used as widely and ambiguously a s in law. The classic of recent Soviet-Russian legal thought S. S. Alekseev at the turn of the XX–XXI centuries wrote: "the perception ... of advanced legal and other innovations ... remai ns largely in the field of external forms ... mostly slip on the surface of socio-economic and political life, do not justify hopes for thorough transformation s. Real life, in fact, continues to follow its "Byzantine laws", ... problems are circling around power and ... in the sphere of power" [5, pp. 191-191].

However, one of the basic subjects in the education of a lawyer is the "history of state and law", which, willingly or unwittingly, all the time points to the problem of the duality of its subject, expressed in the fact that changes in state and law are not synchronous. The heyday of statehood is not necessarily accompanied by great legislation, and the greatest monuments of law are often born at the "sunset of empires" and remain not in demand by contemporaries, but will be appreciated

by ideological heirs, not necessarily by direct descendants.

In turn, the non-identity of law and law in the twentieth century was expressed by V. S. Nersesyants, a supporter of the libertarian approach, in the concept of "non-legal law". He himself defined the situation as follows: "it can be summarized ...: the subject of the philosophy of law is law in its distinction and relationship with the law… At the same time, the history of law is designed to show that law develops historically, and is not created by the legislator (... this idea was perceived and developed by K. F. Savigny, G. Pukhta [6, 7] and other representatives of the historical school of law)" [8, pp. 11-12].

Thus, the "laws of law" is a kind of a priori system–forming knowledge about the nature of the social, a kind of internally consistent theory, inextricably linked to a specific historical and civilizational continuum and not reducible only to legal laws (positive law).

The denial of such a vision is "the approach popular nowadays is associated with attempts to take the concept of law as such out of brackets, and reduce all legal issues to details, private arguments, words and conversation about them, assuming that each of these shades can be the ultimate and sufficient goal or form of legal knowledge, an infinite number of legal phenomena. The legal understanding in this sense is declared somehow outdated, since if the concept of law is not relevant, then it is enough to limit oneself to various kinds of epistemological impressionism (legal situationalism, pure sociologism in law, legal impression unrelated to any meaning, law as a fact or text) or, even more popularly, expressionism (description of the personal psycho-emotional state of the speaker of law, pure psychologism in law, etc.), or even better a combination of both together" [9, p. 16].

The crisis of sociality is inevitably a crisis of law, which is expressed in the loss of spiritual and moral guidelines (a certain type of ethics) and their substitution with a discrete diversity of worldview, when supposedly you can do with a petty everyday level of perception while completely ignoring any kind of systemic worldview. Directly in the system of lawmaking, this leads to an extreme instability of the volatility of legislation. This is a "leapfrog of laws" that provokes corruption, feeds lawyers, but absolutely does not express the needs of society. Therefore, the modern post-non-classical legal reality does not seem to be an innovative historical and civilizational continuum, but on the contrary: a rupture in the fabric of the social universe. Not a new era, but the timelessness of the transition period, the collapse of the established one and the hope for a future synthesis [10].

3. Legal realism

The problem of understanding the law has a pronounced general political and legal character, and it cannot be solved by private innovations such as the transition from the bachelor's degree system to a specialty. Traditional values are not a glorification of the Soviet education system, which was far from successful in everything, but the formation of an appropriate legal regime, which assumed decent remuneration for work, accessibility of the right to

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a career, social benefits and privileges, and professional social prestige. This is how this regime was understood by the citizens of the USSR until the 1980s. The understanding that Soviet laws are not "legal" did not prevail. There was an instant, by historical standards, delegitimizatio n of the state: it all became "illegal".

Among legal scholars, there is a gradual shift towards the concept of "legal realism" by Oliver Holmes, where the emphasis is on the fact that law is primarily the predictability of human interaction and power, including the pre dictability of court decisions [11]. This interpretation avoids the paradox of "non-legal laws": perhaps certain regulations do not provide the best socio-economic practice, but they, by virtue of the duration of their action and the predictability of the result, become not only legal, but also legitima te. This leads to the banality formulated by I. Kant: "if I think of a categorical imperative, then I immediately kn ow what it contains. Indeed, since the imperative, apart from the law, contains only the necessity of the maxim — to be consistent with this law, the law does not contain any condition by which it would be limited..." [12, p. 260]. Simply put, the categorical imperative requires a person to be moral, and if this condition is met, then legal laws will coincide with moral ones. It only remains to add that both moral and immoral individuals pa rticipate in social progress — entrepreneurship, invention, the emergence of new social constructs. Thus, there will always be areas where "illegal laws" operate, the existence of which will undermine the legitimacy of the state structure. And the speed of social change in the 21st century will require politicians to develop a strategy to reduce this phenomenon. Otherwis e, the crisis of the institution of the state itself, which has long been talked about by philosophers, lawyers and the military [13, 14, 15], can lead to the saddest consequences.

Calls for right–wing realism are not only an achievement of modern American jurisprudence, in this regard , it is appropriate to refer to the statement of the Russian philosopher of the XIX century V. S. Solovyov: "The task of law is not at all to turn the world lying in evil into the Kingdom of God, but only to ensure that it does not turn into hell until time ... Of course, in historical reality, the equilibrium ... is mobile and fluctuating, consisting of many particular disturbances and re storations" [16, p. 413]. In this case, hell is understood as irresponsibility, arbitrariness, which does not entail negative consequences for the person who creates it, which, as a rule, is associated with legal nihilism or legal infantilis m, that is, the question is not only about responsibility and retribution fo r a specific offense, but about the legal principles in the organization of society as a whole.

4. Legal realism and Russian education

On the issue of power in the post-Soviet space, it is necessary to note the changes in its bearer in the form of basic managerial education. Here we find a consistent change of three concepts: the Soviet model – historical education, the post–perestroika period – legal education, the two thousandth - management, attributed in the Russian educational tradition to the block

of economic disciplines. Thus, there is a change in managerial ideology, from a leader with the widest possible outlook, which necessarily included a large amount of philosophy and Marxist political economy to a manager who monitors financial flows, but often is not competent in the field of activity that he undertakes to lead. It is appropriate to mention here the idea voiced by economist M. Khazin: "US presidential candidates are so elderly because they were formed before the monopoly of financiers in American education became total (that is, before 1974). All the younger ones look like Chinese dummies from this point of view." Modern Russian education is copying the already bankrupt Western model and this has nothing to do with the empty hype around the "Bologna system". It is necessary to "analyze in detail the causes of the inversely proportional relationship between the level of creativity and the level of bureaucratization in modern conditions" [17] in education.

The concept of "legal realism" focuses on the fact that law is not only the predictability of court decisions, but also, above all, the predictability of human interaction with government [11]. For example, when enrolling in graduate school, a future scientist actually enters into a lifetime contract with the society, while he must be sure that, having made great efforts for socially useful activities, he will be able to count on a response in the form of guaranteed employment, adequate earnings, opportunities for creative realization, but not pressure from managers and methodologists of all stripes and most importantly, having reached his creative prime, he will not become a victim of age discrimination, because he spoils the statistics of the University, no longer referring to "young scientists". If the positive response of society is unpredictable, the chances that a young talent will choose the profession of a scientist begin to tend to zero, or the strategy becomes to acquire skills and leave a country unable to form legal institutions that support the rule of law. Law is not only law enforcement and judicial activity, but it is the protection of a citizen at the daily household level.

In the Russian Empire, legislation classified a teacher as a civil servant with all the privileges associated with it. "Needless to say about the social status of the post–reform professorship (judicial reform was accompanied by the reform of universities - the Charter of June 18, 1863), the position of an ordinary professor corresponded in status and salary to a member of the judicial chamber or the prosecutor of the district court (ranks of the 5th class !!!, the table of ranks were equated to an army brigadier, that is, the now non-existent intermediate rank between Colonel and Major General). The comparison is not at all in favor of modernity" [18, p. 85]. At the same time, only one of the "full" (ordinary) professors of the University could become rector, who, when appointed, did not transfer to the status of an official, but still remained the same teacher, and his salary did not increase tenfold: "Additional payments were due for additional duties: 20% of the monetary allowance to the dean, to the rector — 50%. As a moral incentive, the position of rector gave rise to the rank of 4th grade with the granting of the rights of hereditary nobility" [19, p. 146]. The result is the creation of advanced scientific schools and

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a mass system of high-quality higher education almost from scratch in the shortest possible time since the 60s of the XIX century. In particular, the judicial reform of 1864 introduced compulsory higher legal education for judges, prosecutors and lawyers. For comparison: "in 1925, in the RSFSR, only 3.7% of people's judges had higher legal education, ... in 1951, only 58% of the judges had legal education (and only 20% had higher legal education) ... by the early 1980s. the main part of the persons who served as judges already had a law degree" [20, pp. 80-81; in addition: 21, pp. 132-135; 22, pp. 159-167; 23; 24].

The social prestige of the professors of the Russian Empire looks even more contrasting not against the background of privileged judicial and prosecutorial ranks, but against the background of the provincial authorities. According to the table of ranks, the ordinary professor was equal to the vice-governor, and surpassed senior advisers (grade 6 ranks), who are correlated with modern "regional" ministers. For clarity, we can cite an incident with the famous orientalist of the XIX century D. A. Khvolson, a native of Vilnius. After receiving his doctorate in Leipzig, he was invited as a professor at St. Petersburg University to the newly created Oriental Faculty, the condition for employment was a change of faith from Judaism to Orthodoxy, which happened. Subsequently, Khvolson was asked a provocative question about whether he sincerely believes? The answer came: "I decided that it was better to be a professor in St. Petersburg than a melamed [Jewish home teacher] in Eishishki." Thanks to unprecedented bureaucratic repressions in science and education in post-Soviet Russia, the institute of professorship has been destroyed so much that it is socially more prestigious to be a melamed, that is a repeater for passing the Unified State Exam.

Recently, an odious wording referring to this activity in the service sector was removed from the law "On Education in the Russian Federation", in fact, equating the status of a professor to a hairdresser or waiter. However, this has not changed the already established legal regimes, where the true employees of Universities are managers, methodologists, cleaners, and teachers are only visiting lecturers on a fixed–term contract, whose value for the organization is questionable. This legal regime is a tracing paper from American legislation, where educational services are the responsibility of the organization's management, who does not need to take care of academic staff, since due to the high salaries of teachers, they can be invited from any country at any time, but this is clearly not applicable to the realities of Russia. Returning to the comparison with the Russian Empire, it must be admitted that a similar managerial mistake was also made there, albeit in a milder form. The Charter of Universities dated August 15 (27), 1884. He expanded the practice of teaching classes, not by full-time teachers, but by private professors who are not in public service, as a result - not only a decrease in the quality of teaching, but also the spread of extremist sentiments among young people, which the revolution began to attract more than science. Disruption of the social balance of society is

an inevitable threat to national security, which should not be underestimated. Undermining the authority of a teacher, a lecturer, a professor is the same destruction of traditional values as the destruction of the institution of the family.

Legal law can be understood as certain forms of normative acts, an expanded interpretation can be proposed: a normative act, subjective in nature, is balanced by objective law expressing the need of the whole society, then libertarian theory introduc es the concept of "non-legal law", that is law in form, but not in content. It seems that the generalization can be taken to the next level: the state and law are not omnipotent, they interact with other socia l regulators – moral norms, religious norms, corporate norms (ethics), etc. For example, the idea of moral principles in law runs through the works of A. F. Koni [25, 26]. All together regulatory regul ation in the complex strives to achieve a certain balance (social balance). In this sense, one cannot disagree with V. A. Shkuratov: "The log ic of the moral sciences is no less strict than that of the experimental ones. It requires to achieve social universality of judgment" [27, p. 45].

5. Conclusion. Social reality and the new role of laws

"The axiological prerequisites and the content of the mythical worldview are manifested in value-oriented activities, the socio-cultural formation of society, the socialization of personality, the inclusion of a person in social reality, its construction and main tenance" [28, p. 12]. The myth is used here in the meaning of the way of perceiving reality characteristic of human thinki ng, without the element of negative connotation introduced by the Cartesian "spiritual revolution", in the fight against scholasticism, which overthrew and discredited the myth to the level of banal delusion and ignorance. It is easy to criticize an ancient myth that has lost its relevance, while not noticing that you yourself are in the system of active myth-making around you. "Enlightenment, contrasting logos with myth, reason with feeling and imagination, ideal with material, sign with meaning, destroyed their original unity and gave rise to the intention of personality and culture towards integrity, whic h constantly actualizes old myths and creates ne w ones" [29, p. 29].

As schematically as possible, the system of any myth can be reduced to a three–element structure, which, of course, does not exhaust it, since not only the elemental composition is extremely important, but also the system of organizing their interaction - fasteners that ensure the continuity, unity of the modeled continuum. We find the universal scheme of the myth in A. F. Losev's immortal work "Dialecti c of myth": "Myth is in words this wonderful perso nal story ... In our formula, in fact, there are four terms: 1) personality, 2) history, 3) mirac le, 4) word ... [This is a phenomenological and dialectical disclosure of the concept of myth. The myth as an expanded magical name can no longer be analyzed further and reduced to so me more initial moments" [30, pp. 212-215]. It should be noted that the myth itself is a triad: personality, history, miracle, and the fourth element is a staple, a form of information transformation of the myth, its ability to penetrate the listener's consciousness.

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Here our reasoning takes us into an absolutely practical, political and legal plane. A social law is a cast from the ideological model of a particular society, it is always a myth constructed according to the universal rules of myth, but its concrete historical comprehensive embodiment.

The interdisciplinary approach to understanding the law makes it obvious to turn to historical and cultural events in an effort to consider the topic of our work from at least three positions: law, philosophy, eco nomics. The authors of the article were convinced of the constructive proximity of the concepts of myth – narrative, social reform – myth-making. Another aspect in understanding the essence of social laws is that they contribute to the optimization of production, distribution, and utilization of resources in society, and this is accompanied by a variety of communication practices.

Obviously, society expects, at the very least, another wave of changes, so laws and their constructio n, taking into account modern communicat ion practices, become a promising tool for predicting a variety of social changes.

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