

FROM SOCIAL CONTRADICTION TO SOCIAL COMPETITION AS THE BASIC LEGAL REGIME (MODE) OF STATEHOOD (Part I)

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The subject of the article is social competition as a natural mechanism for resolving social contradictions that arise and exist in society.

The aim of the article is to confirm or refute hypothesis that the resolution of social contradictions is a kind of legal regime for the realization of property as the fundamental purpose of the existence of the state

According to the author's methodology of normative structuralism, the assignment to each mode of property organization of a specific function (social development function, social compromise (convergence) function, social security function) generated the corresponding potential for the emergence and existence of social contradictions, where the state as an artificial (reasonable) sufficiency had to direct the energy of the said contradictions into the normative-legal channel and thus ensure the existence of social competition.

The main results. The restriction and leveling of social competition and the transition to domination as the basic legal regime (mode) of statehood destroys the natural mechanism for resolving social contradictions and transfers this mechanism to the plane of directive political and ideological expediency. As a result, the power of the structural organization of the state is transformed into a goal of its existence, and property only into a means of realizing this goal. There is a disavowal of property as a fundamental goal of the existence of the state; the escalation of its imperialization begins, triggering the destruction of social competition as the basic legal regime (mode) of life. There is a danger of an existential rupture between the three most important social institutions of human civilization: property, competition, and the state.

Society, constituting the creation of the state as artificial (reasonable) sufficiency, through the functioning of the structural organization of power has fixed the fundamental purpose of existence - property in the form of an integral structural platform of the main ways of its organization (private (individualized), mixed (corporate), general (collective)), assigning to each of them the execution of the corresponding social function.

Conclusions. Society, realizing the existence of a social contradiction, purposefully forms appropriate ways (rules) to overcome them to ensure its progressive development. The essence of the legal regime as the existence of the resolution of this social contradiction can be defined by the concept of "competition".

1. Introduction. From the theory of social contradiction

Social progressives and reformers needed the conceptual concept of "social contradiction" as a ratio of instinct and reason, explaining the specified movement through the formation of certain norms and rules of human behavior, in order to conceptually explain their ideological doctrines that characterize the consistent normalized development of society and the state.

Immanuel Kant's philosophical conclusion about the genesis of this social process was as follows: "Therefore, may nature be blessed for the obstinacy, for the enviously competing vanity, for the insatiable thirst to possess and dominate! Without them, all the excellent natural makings of humanity would remain forever undeveloped. Man wants harmony, but nature knows best what is good for his kind; and she wants discord. He wants to live carelessly and cheerfully, and nature wants him to get out of a state of carelessness and inactive contentment and plunge headlong into work and experience difficulties in order to find means of reasonable relief from these difficulties" [1, p. 12].

Only work, resistance, and ultimately overcoming determines the consistent development of the human personality, thus synchronizing the corresponding progressive movement of society and the state along the path of social progress. Thus, overcoming (resolving) a social contradiction by an individual, or a group, or a collective presupposes the creation of an appropriate structural organization, the action of which is determined by the fundamental purpose of its existence.

By nature, a limited range of sources of satisfaction of various material and other needs of an individual, group, collective determines the formation of a proportionately sufficient set of socially normalized rules that allow creating conditions for a civilized resolution of social contradictions.

To characterize the social contradiction, we use a number of classification principles outlined by I. Kant, but already from the position of normative structuralism, where property is the fundamental purpose of the existence of the state, determining the functioning of the basic source of satisfaction of various material and other needs of the individual, group, collective by combining public recognition of social justice with the current system of legislation. I. Kant distinguished three groups social contradictions: contradictory, contrarian, antagonistic [2, p. 29]. Let's consider each one separately.

First. Contradictory social contradictions are "... the relation of polarity between two different sides, etc., which mutually assume each other and at the same time "mutually deny their actions" ... <... The "critical" Kant not only reproduces this view, but also categorically declares: the possibility of movement (change) as such, "cannot be understood by reason. A change is a combination of definitions that are contrariwise opposed... to each other in the existence of the same thing." It is this "contradictory opposition" Kant calls the contradiction itself ... a logical contradiction or "analytical opposition"..." [2, p. 29].

For normative structuralism, an example of a counter-dictatorial social contradiction is the contradiction of two parts of property - private (individualized) and general (collective) ways to organize it. The very division of property into two polar states – the private (individualized) and the general (collective) way of its organization – confirms only that there can be no existence of one without the existence of the other, since they are integral parts of the whole.

The very emergence and subsequent resolution of the social contradiction between these methods of organizing property is determined by the practice of interaction of their social functions, i.e. between the function of social development of private (individualized) and the function of social security of general (collective) methods of organizing property.

The formation of a contradictory social contradiction between these functions of the corresponding methods of organizing property is determined by the difficulty of finding proportional sufficiency between them, because these functions are opposite in their social genesis. In one case, the implementation of the function of social development objectively determines the need for all-round growth of production volumes and reproduction of social contradictions. In another, the function of social security determines the full minimization of the genesis of the corresponding social contradictions. At the same time, the function of social development determines the existence of the social security function, and the latter, in turn, determines the existence of the first. One cannot be without the other.

The second. A contrarian social contradiction is a "dialectical juxtaposition" of a contradictory confrontation between the first and the second and the search for its resolution by the third.

In our case, this "dialectical opposition" in its practical expression acquires the following structural organization:

1. A private (individualized) way of organizing property with the function of social development.

2. A common (collective) way of organizing property with the function of social security.

3. A mixed (corporate) way of organizing property with the function of social compromise (convergence).

The essence of the contrarian social contradiction consists in a certain "rounding" of the contradictory social contradiction by structuring a "middle" (intermediate) organization, which in its functional state allows to mitigate this contradictorality and maximize the possibility of its social resolution.

Human civilization, structuring the existence of a contrarian contradiction, determined the "birth" of a mixed (corporate) a method of organizing property with the function of social compromise (convergence), completing the formation of an integral structural platform of property as the fundamental goal of the existence of the state. In realizing its goal-setting, the state needed to form a structural mechanism necessary primarily for resolving social contradictions, and therefore the constitution of a mixed (corporate) the method of organizing property with the function of social compromise (convergence) was a specific response to this civilizational challenge.

Third. Antagonistic social contradiction.

The essence and content of this type of contradiction was described by I. Kant himself: "The greatest problem for the human race, which nature forces it to solve, is the achievement of a universal legal civil society. Only in a society, and precisely in one in which the greatest freedom is granted to its members, and therefore there is complete antagonism and, nevertheless, the most precise definition and provision of freedom for the sake of its compatibility with the freedom of others – only in such a society can the highest goal of nature be achieved – the development of all its inclinations inherent in humanity; at the same time, nature wants this goal, as well as all other goals assigned to it, to be realized by itself" [1, p. 12-13].

If we structure this concept, then we can distinguish several key features. Firstly, it is a social contradiction that exists in a society where "the greatest freedom is granted to its members, and therefore there is complete antagonism and nevertheless the most precise definition and provision of freedom for the sake of its compatibility with the freedom of others." Secondly, the solution of this "greatest problem" is possible only in the conditions of the creation of a "universal legal civil society". Thirdly, the resolution of the antagonistic contradiction is the achievement of the highest goal of nature – "the development of all its inclinations inherent in humanity" by the specified society through society itself.

Proceeding from the concept of antagonistic contradiction given by I. Kant, it is possible to define its essence by the quality of compatibility of "freedom of one" with "freedom of others". The resolution of this contradiction is the result of the formation of a "universal legal civil society". It should be noted: I. Kant, formulating the concept of antagonistic social contradiction, reveals it primarily as an interpersonal social contradiction, which is basic in relation to intergroup and inter-collective contradictions.

One more nuance. The resolution of this antagonistic essentially irreconcilable interpersonal social contradiction is determined by the emergence of a de facto universal legal civil society, which in a few decades K. Marx and F. Engels will be called communist. At the same time, I. Kant completely "calmly" refers to the existence of property in general and to individualized (private) specifically, unlike K. Marx and F. Engels. Individualized (private) property in the view of I. Kant is one of the most important characteristics of the reality of the quality of individual freedom.

The freedom of one should not detract from the freedom of others. I. Kant's scientific hypothesis about the essence of antagonistic social contradiction is only one version, there are others. Let's take a closer look at their research.

2. The Soviet concept of antagonistic social contradiction

The Soviet doctrine of antagonistic social contradiction corresponded to the conceptual provisions formulated by K. Marx and F. Engels. The founders of Marxism, with a general critical attitude to the existence of private property, set out in the "German Ideology", already in the "Manifesto of the Communist Party", reduce their position to the position of the destruction of bourgeois private property and, accordingly, bourgeois law, the bourgeois state [3; 4].

At the same time, there is a very peculiar metamorphosis in the nature of antagonistic social contradiction. The genetic content of this antagonism among the founders of Marxism begins to acquire various forms of its existence: from the contradiction between the bourgeois and the proletarian, the social nature of labor and the

private form of appropriation to antagonism between classes.

In this sequence, the antagonistic social contradiction is transformed from irreconcilable interpersonal into antagonistic intergroup and antagonistic intercollective. At the same time, special attention is focused on the fact that the genesis of the origin of antagonistic social contradiction lies in individualized bourgeois private property.

Such a transformation of the nature of antagonistic contradiction by the founders of Marxism-Leninism was conditioned by the social practice of ideological struggle. From this point of view, the already specifically formed ideological approach, as the future will show, will demonstrate its effectiveness in practice.

The interpersonal antagonistic contradiction between two private owners, in which one is primarily the ownership of the conditions and means of production, the other is the ownership of the commodity "labor force" and both have the characteristics of capital, is transformed through an ideological approach into an antagonistic intergroup and inter-collective social contradiction. There is a fundamental mimicry of the nature of this social antagonism. If in an interpersonal social contradiction two free private owners regulate their relations through a concluded contract, then already in an intergroup and intercollective contradiction, antagonism determines which winning group (collective) will be free, and which defeated group (collective) will not be free by organizing the dictatorship of one class over others.

In the conditions of the current Soviet socialism, where the liquidation of the private (individualized) the method of organizing property has become a public practice [5; 6], and consequently, the antagonistic motive for the formation of a corresponding interpersonal social contradiction has "disappeared", Soviet philosophical thought has innovatively solved the problem of the existence of social antagonism. To consider this approach, I propose a peculiar characteristic of the concept of "social contradiction", which developed during the 50-90s of the XX century. in the Soviet doctrine.

In the study of social contradiction from the

rigidly ideological conditionality of the 50s [7, p. 5, 7-8], philosophical thought already in the 70s is trying to get away to the deep conceptual nuances of this phenomenon.

So, V. I. Sukhanov in the monograph "The subject contradiction, its structure and mechanism of action" wrote: "Consideration of the subject contradiction in relation to the unity of opposites requires, as far as possible, a clear definition and characterization of its activity. The activity of contradiction is very multifaceted and manifests itself in the fact that:

- 1) it ensures the existence of material systems, their elements as a certain, qualitatively defined integrity;
- 2) contradiction encourages opposites to act;
- 3) contradiction self-arises, self-develops, self-resolves;
- 4) contradiction is a source of quantitative changes and qualitative transformations;
- 5) contradiction conditions the negation of negation" [8, p. 45].

As can be seen from the proposed fragment, the characteristic of the objectivity of social contradiction no longer contains an antagonistic and non-antagonistic state. The objectivity of the study of social contradiction is based on the analysis of the fundamental dialectical provisions and laws of G. V. F. Hegel.

The deep idea is structured that "contradiction encourages opposites to act", "contradiction self-arises, self-develops, self-resolves". There is a certain logical trap. If social contradiction is the result of the interaction of opposites, then, consequently, the process of the emergence of social contradiction is a spontaneous process [9, pp. 59-77]. If the social contradiction controls the process of interaction of opposites and "self-arises, self-develops, self-resolves", then why such rational legal categories as "property", "competition", "state"? We will dwell on this central problem of the correlation of social contradiction and social competition in detail, but a little later.

In the 80s, as the time of "glasnost and perestroika" approaches, the gradual differentiation of individual (egoistic) and

collectivist interests in the characterization of social contradiction begins.

With an external commitment to the classical foundations of Marxism-Leninism [10, p. 47; 11, p. 38], Soviet reality began to admit the possibility of the existence of the idea of "market socialism". Only the "creative" use of the provisions of G. V. F. Hegel's dialectical laws remained unchanged, thereby giving a certain scientific character to the existence of the Soviet model of socialism, which in reality was already a departing geopolitical nature (see also: [12; 13; 14]).

Contrary to the formal exclusion of the antagonistic social contradiction from the official Soviet doctrine, the terms "individual labor activity", "labor private property", "mixed enterprises with the participation of foreign capital" began to enter into conceptual circulation... Life was taking its toll. Antagonistic class contradiction as an intergroup and inter-collective, having shown the secondary nature of its origin, began to give way to the civilizational path to the natural existence of antagonistic interpersonal social contradiction as the basic potential for ensuring the function of social development, thereby confirming the unique value of the private (individualized) the method of organizing property in human civilization.

I will supplement the characteristic of the Soviet attitude to the theory of social contradiction with a fragment of G. K. Ovchinnikov's monograph "Contradictions between the basis and the superstructure and ways to resolve them", demonstrating the author's political balancing act in revealing this problem using the legacy of K. Marx: "K. Marx's analysis of the contradictions of private property is extremely important in this regard. Revealing the movement of labor and capital, he highlights the following points. "First, the direct or indirect unity of both." At first, capital and labor are still united; then, although they are separated and alienated, they mutually raise and stimulate each other as positive conditions. "Secondly, the opposite of both in relation to each other: they exclude each other"... "Thirdly, it is the opposite of everyone in relation to himself." Capital is divided into itself and its interest, and the latter, in turn, into interest and profit. Labor is divided into itself and wages. The worker himself is capital, a commodity. Fourth, the

"hostile mutual opposite." To this logic of revealing the contradiction of private property K. Marx also follows in Capital" [15, pp. 57-58].

G. K. Ovchinnikov's ambiguous interpretation of the relationship between labor and capital literally leads the solution of this problem to a dead end. There is no certainty about the main thing: is the relationship between labor and capital a social contradiction or an opposite? According to the author, this is "two in one".

The relationship between labor and capital is both a social contradiction and an opposite. For K. Marx, the deep characteristic between labor and capital was necessary in the formation of the genesis of his class theory. He expediently used the dialectical methodology of G. V. F. Hegel to construct a kind of ideological concept in which the laws of logical thinking developed for structuring human consciousness were applied to the analysis of social processes. As a result, K. Marx, exploring labor and capital from the point of view of the methodological concept of G. V. F. Hegel formulated the idea of the class nature of the existence of human society, in which there is a class of exploiters and a class of exploited and the social struggle between them defines the development of society as a natural-historical process of transition from one socio-economic formation to another.

If the relationship between labor and capital is a social contradiction, then the interaction of what opposite phenomena generates it? If the relation between labor and capital is the relation of opposites, then what is the consequence of their interaction? If labor and capital are opposites, then a class doctrine aimed at justifying the destruction of one side of the opposite (capital) should most naturally formulate an objective position about the disappearance of the other (labor). A logical question arises: in the name of what to build a vegetable garden, if the liquidation of capital destroys its opposite – labor?

In my opinion, if the relationship between labor and capital is a social contradiction, then it is determined by the interaction of the private (individualized) and the general (collective) methods of organizing property. On the one hand, an interpersonal antagonistic social contradiction is formed between two private owners, on the other

hand, a complex social contradiction is structured as a correlation of interpersonal antagonistic with intergroup, inter-collective; the search for the optimal formula for their resolution determines the genetic potential of the existence of the function of social development and the function of social security, recognized by society as socially just.

Once again I want to focus on a fragment of G. K. Ovchinnikov's work. In all its four headings, the idea that labor and capital are opposites is confirmed. This is especially evident in the text of the third heading: "Thirdly, the opposite of everyone in relation to himself. Capital is divided into itself and its interest, and the latter, in turn, into interest and profit. Labor is divided into itself and wages. The worker himself is capital, a commodity."

If labor is a specific form of the existence of capital (and I agree with this), then removing the concept of "labor" we get a very strange opposite, where one particular form of capital is opposed to another. And their "hostility" is nothing but a characteristic of interpersonal antagonistic social contradiction, but not opposites.

The contradiction between labor and capital is primarily an interpersonal antagonistic social contradiction, which is generated by the interaction of parts of one whole – property and the ways of its organization. In our case, the interaction of the private (individualized) and the general (collective) the ways of organizing property generates this interpersonal antagonistic social contradiction.

Property as the fundamental purpose of the existence of the state, breaking up into the opposite of private (individualized) and general (collective) It determines the very fact of the existence of the state, since, on the one hand, a private (individualized) method determines the function of its social development, on the other hand, a general (collective) method determines the function of social security, that is, the very fact of its structural organization with a monopoly right to legitimate violence.

It is the elimination of this opposition between the private (individualized) way of organizing property with the function of social development and the general (collective) way of organizing it with the function of social security that objectively leads to the destruction of the

corresponding state. The resolution of the contradiction between labor and capital is essentially an eternal interpersonal antagonistic social contradiction that arises, "lives" and "resolves" as long as there is a state that implements property as its fundamental goal.

A general analysis of the nature of antagonistic social contradiction as an irreconcilable phenomenon has shown the existence of two main directions of its research.

I. Kant, along with highlighting the contradictorial and contrarian social contradictions, paid special attention to the existence of the social antagonistic as an irreconcilable interpersonal contradiction, where the parameter of freedom of one is the result of a natural struggle with other free individuals. This permanent interpersonal struggle for the corresponding parameter of freedom represents a certain generation of social energy necessary to ensure the function of social development by the state realizing its fundamental goal – property – on an integral structural platform of its respective ways of organization: private (individualized); mixed (corporate); general (collective). Proceeding from this, the existence of intergroup and inter-collective social contradictions is secondary in nature, while the primary one is the functioning of interpersonal antagonistic social contradiction.

Liquidation of private (individualized) in the USSR the method of organizing property caused the leveling of the existence of an interpersonal antagonistic social contradiction, and with it the realization of the function of social development, which ultimately predetermined the destruction of the Soviet model of the socialist state.

In addition to the considered approaches to the nature of social antagonistic contradiction, we can offer another one formulated by S. Žižek in the monograph "Reading Marx".

The researcher, extrapolating G. V. F. Hegel's methodology about the classificatory existence of the universal, special, singular as structural parts of the whole, formulated the idea that "... antagonism is ultimately what exists between a particular element that hegemonizes universality and an element that, within the framework of this universality itself, represents

that what is excluded from it" [16, p. 67].

In this definition of the essence of social antagonism, special attention is paid to the characterization of the interaction of structural parts as a whole, in the process of which this type of social contradiction is generated. Let us apply the methodology of normative structuralism to fill with practical content the conceptual position on the essence of social antagonism proposed by the above-mentioned author.

There is property as an integral structural platform for interaction of the main ways of its organization, each of which implements a corresponding social function: in a private (individualized) way – the function of social development; mixed (corporate) – the function of social compromise (convergence); general (collective) – the function of social security. If any part is excluded from this structural integrity in the form of a certain way of organizing property with its social function, then, of course, the state will be forced to hegemonize the remaining part in the form of a specific way of organizing property with the corresponding social function, giving it the qualities of liquidated. This generates social antagonism, i.e., "what exists between the particular element that hegemonizes universality and the element that, within the framework of this universality itself, represents what is excluded from it."

Let's imagine the Soviet model of socialist construction, from which a private (individualized) way of organizing property with its function of social development is excluded.

Property as an integral structural platform of the main ways of its organization as the basic purpose of the existence of the state is destroyed in the most natural way, since only one of its parts remains intact – the general (collective) method with the function of social security.

As a result of the liquidation of a private (individualized) In order to preserve the ideological dogma of the Soviet model, the socialist state objectively had to hegemonize the general (collective) way of organizing property with its social security function and also entrust it with the functions of social development and social compromise (convergence).

The general (collective) way of organizing

property, despite the fact that it genetically has the ability to produce a significant mobilization resource (this is evidenced by the socialist industrialization, the victory in the Great Patriotic War and the post-war restoration of the national economy), at the same time demonstrated the finiteness of this resource in a short historical perspective. Hegemonization of the common (collective) the method of organizing property and its social security function objectively could not reproduce the implementation of the function of social development and, accordingly, the function of social compromise (convergence) due to the elimination of private (individualized) the method, because for the realization of these functions, an appropriate potential for the production and reproduction of social contradictions was needed. The general (collective) way of organizing property, by virtue of its functional purpose, simply does not have this potential.

The attempt to hegemonize the general (collective) way of organizing property and its function of social security ultimately became the basic basis for the destruction of the Soviet model of socialist construction. Does the hegemonization of a part and bringing it into a state of universality (of the whole), endowed with the quality of the liquidated part, determine the origin of social antagonism? In my opinion, no.

The fact is that the very hegemonization of a part into a state of universality (of the whole) is a consequence of the elimination of the particular (individualized) the method of organizing property with its function of social development. Consequently, the genetic cause of social antagonism is the existence of an interpersonal contradiction caused by the functioning of the private (individualized) the method of organizing property. Therefore, its destruction stimulates the secondary nature of the said S. Zhizhek social antagonism, destroying the state with a similar characteristic of hegemonization, where the primary cause is still the elimination of the private (individualized) a method of organizing property that generates the existence of an interpersonal antagonistic social contradiction, which is necessary to ensure the genetic potential of the social development function in the relevant state.

The definition of S. Zizek's social antagonism, contrary to the derivation of origin, is in a certain sense evidence of the "death" of the corresponding model of socialist state-building. In order to avoid such a fiasco, the state, when implementing its fundamental goal – property, must ensure the integrity of the structural platform in the form of the main ways of its organization, where each of them performs an appropriate social function.

The achievement by the state of proportional sufficiency in the implementation of each of the social functions determines the rational use of the genetic potential of social contradictions, and above all antagonistic, in the implementation of social development, social compromise (convergence), social security necessary for its sustainable development and social stability.

A detailed description of the natural nature of the existence of social contradictions from the point of view of the study of property as the fundamental goal of the life of the state was necessary to understand that the very fact of generating this contradiction is an enduring social value of human civilization.

In general terms, this conclusion was formulated by G. V. F. Hegel: "Contradiction is what really drives the world, and it's ridiculous to say that contradiction cannot be thought. The only correct thing in this statement is that the matter cannot end with a contradiction and that it (contradiction) removes itself through itself" [17, p. 280].

The above conceptual position of G. V. F. Hegel brings us back to the problem of the correlation of instinct and reason. Instinct is primarily a phenomenon of a spontaneous nature, and reason is a manifestation of rational human activity in the form of a certain set of rules of its behavior aimed at satisfying personal, group, collective interests.

Which of these categories does social contradiction belong to? The very phenomenon of contradiction is spontaneous; as soon as it becomes the subject of our activity, it acquires the meaning of social. In turn, the resolution of this social contradiction is a form of movement of human civilization. If we take the conceptual position that "... contradiction arises, develops itself, resolves itself" [8, p. 45], then a natural question arises as to

why rational rules of human behavior are created and exist, and above all such rational forms as law and the state? Yes, contradiction as a spontaneous phenomenon fits perfectly into the characteristic of self-emergence and self-development, but can it, being spontaneous by nature, provide self-resolution?

In my opinion, no. Society, realizing the existence of a social contradiction, purposefully forms appropriate ways (rules) to overcome them to ensure its progressive development. Social contradiction at the stage of its resolution by society acquires a different conceptual state, a different existence in the context of the existence of law and the state.

At the same time, the existence of a solution to a social contradiction is not the identity of the categories "law" and "state". In a certain sense, this existence of the resolution of social contradiction is a kind of legal regime for the realization of property as the fundamental purpose of the existence of the state. The essence of the legal regime as the existence of the resolution of this social contradiction can be defined by the concept of "competition".

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