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THE HIDDEN VITAL SIGNIFICANCE OF PHILOSOPHY

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*About the author: Slobodan Divjak is twice proposed for membership of the Serbian Academy of Sciences and Arts. First by Serbian Philosophical Society and then by Institute for Philosophy and Social Theory from Belgrade. He has written 10 philosophical books. His book Problem identiteta (Identity in Question) is the most quoted Serbian philosophical book since the Second World War. A number of his texts are published in international philosophical journals. Prof. of Philosophical University from Banja Luka, Radivoje Kerovic included Slobodan Divjak among 15 the best Serbian philosophers at all. Slobodan Divjak was the founder and director of the International Philosophical School Felix Romuliana, Serbia; now he is its honorary president. He has also translated about 50 theoretical books from English to Serbian.

Zoom meeting; May 02. 05. 2023; Hall 7; Head of Session: Prof. Landa Tatyana; I have the Zoom equipment.

Abstract

In this text, Slobodan Divjak tries to point out the vital power of philosophy in an unusual way.

He bases his argument on the fact that throughout history there have been significantly different civilizations, each of which had its own unique way of life, as well as a unique way of thinking about the essence of the world. This indicates the existence of some kind of internal connection between the various life practices on one side, and various worldviews on the other.

For example, the most profound difference concerning types of philosophy is that between Western and non-Western philosophies, and the same may be said of Western and non-Western lifestyles.

In other words, the author argues that different abstract ways of thinking about the Being of the world participate in the process of forming different lifestyles, including different personal or collective attitudes toward freedom, as well as different ideological, political, cultural, and religious orientations. Of course, abstract thinking does not influence everyday life directly and in the short term, but rather indirectly and in the long term.

In the end, the author discusses the philosophical and theoretical influences behind the emergence of Nazi and communistic regimes. In this context, he points out the Orwellian face of China's economic growth and the neo-Soviet character of Russia's present-day system.

Key words

Western civilization, non-Western civilizations, concepts of liberty, China, Russia

Many present-day philosophers nostalgically look back to the bygone times when the word “philosophy” was synonymous with the deepest knowledge about the essence of the world, society, and human nature, or when philosophy bore the glorious title “the queen of all sciences”. However, over time, especially with the emergence of the modern age, it gradually lost this enviable status due to the “weight-loss treatment” to which it was subjected: one after the other, sciences separated from it, each beginning its own independent existence. The nimbus of omnipotence was transferred to sciences, especially natural sciences, during the Age of Enlightenment, when the prevailing historical optimism assumed that materialistic sciences, once they reached the highest level of their development, would be capable of definitively solving the enigma of the origin of the world and its immanent laws of development. But this slightly superstitious belief in the omnipotence of sciences eventually faded away. An increasing number of philosophers of science, as well as scientists themselves, began to question some of the crucial scientific achievements, previously considered indisputable. Thus in his book *Mind and Cosmos* (Nagel 2012), contemporary philosopher of science and scientist Thomas Nagel claims that modern science failed in its attempt to refute Descartes’ dualism, i.e. to reduce consciousness and mind to matter, or the physical world. In other words, he argues that chemistry, physics and Neo-Darwinist biology cannot explain the genesis of the mental world from the physical one, because organic life cannot emerge from dead matter, as modern science based on materialistic reductionism tends to believe. Besides, it is well known that it is not possible – nor will it ever be, principally – to apodictically answer some fundamental questions, such as one of the most profound philosophical ones: Why is there something rather than nothing? The scientific answer to that question must proceed from the assumption that everything has its cause in something, necessarily leading to the seemingly naïve, childish question (known in philosophy as the problem of the First Mover): And how was the first thing created? The theory of the so-called Big Bang did not solve this problem because it would have to explain what caused the Bang: Nothing cannot Bang, so there had to be Something, even if only an aspect of energy, before the Bang. (It would not be able to solve this problem even if its empirical experiment had not failed). Following this logic, we would have to side with Creationism, which posits that God created the world *ex nihilo* as an omnipotent being, and face all the problems that creationists cannot rationally solve.

According to common sense, supposedly shared by all, the only useful disciplines are those producing inventions immediately convertible to practice – i.e. bringing immediate benefits to people. The most obvious example of such a discipline is technics, or rather technology. Although it cannot explain the origin of the world, this kind of human creativity is considered functional in practice since it produces tangible and sophisticated results, such as computers,

artificial intelligence, and nuclear weapons. The practical benefit of this field of creativity is also reflected in medicine, especially surgery.

However, human common sense remains largely unaware of the strong impact on everyday human life exerted by those domains of spiritual creativity that are not immediately perceivable. Here, of course, I primarily refer to philosophy as the most abstract form of human thought, a form that can also comprise religion. It seems that in the present world philosophy has been sent to the “museum of antiquities” not only by the masses, but also by a significant part of intellectual elites. Besides, it was given the status of something which, despite its grand ambitions and spectacular speculative accomplishments, had no practical effect in world history. From this point of view, philosophy is a futile attempt at a “grand narrative”.

This paper aims to counter such assumptions about philosophy’s inefficiency in human life, and to do so in a way that seems irrefutable to me, although it has been rarely used.

World history has been the history of many different civilizations; in my opinion, this is an undeniable reality, still valid today, albeit in a somewhat milder form. The essentially different characteristics of civilizations are self-evident even to common sense, since they are reflected in the different ways of life of their members. Hardly anyone would deny that the citizens of Afghanistan have adhered in their everyday life, throughout their history and to the present day, to customs and substantial values that are significantly different from those adhered to by, for example, French citizens. No one would deny that Afghanistan and France belong to different civilizations.

If we generalize this illustrative example, we must reach the conclusion that there are significant differences not only between the typical ways of life (the key components of which are ideological, ethnocultural, religious orientation and racial affiliation) in different civilizations, but also between the types of philosophy (in the sense of worldviews) practiced by those civilizations. Since different civilizations have interpreted the essence of the world and the meaning of human life in significantly different ways – over many centuries and at the most abstract level – this could hardly be a contingent phenomenon. It rather confirms that philosophy, including its relation to religion, influences the everyday life of people. The fact that this influence does not become manifest quickly and directly, but in a centuries-long process, does not mean that it cannot be deeper and more permanent than the one exerted on people by the so-called scientific and practical disciplines. Iran, for example, has recently achieved enviable technological progress, but this has not significantly affected the character of its theocratic regime, in which the secular power receives its primary legitimation from a specific religion. Islam still completely permeates Iran’s constitutional legal order, since only the parties representing more or less orthodox Islamist factions can compete in the elections. In addition, Islam is the primary influence on Iranians’ way of life. (Of course, not all non-Western civilizations are radically Islamized.)

The concepts of freedom, demos, citizen, equal law for all free citizens, including rulers and legislators, were articulated for the first time in the philosophy of ancient Athens, which is considered the birthplace of European civilization. True, Athenian philosophers, such as Aristotle, defined the ideal polis, but these concepts, with minor deviations, regulated and guided the behavior of Athenian citizens in the everyday life of the polis. By separating *nomos* from *physis*, Athenian philosophy contributed to the establishment of the rule of law, albeit in its embryonic form. In discussions about the rule of law, two writings of two great Greek thinkers are most often quoted: Plato's *Laws* and Aristotle's *Politics*. Plato writes: "And when I call the rulers servants or ministers of the law, I give them this name not for the sake of novelty, but because I certainly believe that upon such service or ministry depends the well- or ill-being of the state. For that state in which the law is subject and has no authority, I perceive to be on the highway to ruin; but I see that the state in which the law is above the rulers, and the rulers are the inferiors of the law, has salvation, and every blessing which the Gods can confer" (Plato, Book IV, 715d).

And in Aristotle's *Politics* we find the following: "Now, absolute monarchy, or the arbitrary rule of a sovereign over all citizens, in a city which consists of equals, is thought by some to be quite contrary to nature; it is argued that those who are by nature equals must have the same natural right and worth... Wherefore it is thought to be just that among equals everyone can be ruled as well as rule... And the rule of the law, it is argued, is preferable to that of any individual... The law is reason unaffected by desire" (Aristotle, Book 3, Part XIV).

The greatest ancient thinkers, therefore, adhered not to the rule of people but to the rule of law, which became one of the central categories in the West-European civilizations. They saw the rule of law as an obstacle to the establishment of despotism, tyranny, dictatorship, and other forms of non-democratic regimes that prevailed in the long history of non-Western civilizations. The code of ancient Athens was not so much the invention of its legislators, not even the greatest among them such as Solon. It rather codified the customs and substantial values crystallized in the long tradition of common practices of all citizens of Athens, i.e. all members of the Athenian polis enjoying the status of citizens. This, of course, does not mean that Solon and Cleisthenes did not subject to critical examination those customs deemed as obstacles to restraining the arbitrariness of rulers and establishing the laws that were valid for all citizens of Athens. However, Athenian freedom was not defined as individual autonomy, but as the freedom of the individual to participate in the joint decision-making process that primarily concerned the maintenance and development of the common substantial good. The citizens whose votes remained in the minority had to adhere to the implementation of majority decisions. Otherwise, the path would be opened to fractionation and, ultimately, to the establishment of a multi-party system, considerably different from the system of direct democracy.

In the course of world history, the meaning of these concepts, particularly the concepts of freedom and the rule of law, has changed significantly. However strange it may seem, a major contribution to the development of the concept of the rule of law came from Christianity, which

the great philosophers incorporated into their theoretical systems in various ways. Although Christianity eventually divided into three main branches – Orthodoxy, Catholicism and Protestantism (which is not the subject of analysis here) – it was the first to proclaim the equality of all people before God, since it understood all human beings as “God's children”. In practice, this was especially evident during a period of the Middle Ages, when the estates had unequal rights in both practical and formal sense. Members of the lowest estate had the least rights, with no possibility of moving up on the social ladder. The only exception was the clergy, whose ranks could be joined by members of the lowest class precisely because every person enjoyed God's grace. It was the equality of all people before the Christian God that paved the way to the equality of all people before the law.

The philosophical concept of the rule of law flourished in modern declarations on the rights of the citizen and human being, which mainly originated in Locke's and Kant's natural law theories. These theories were a significant turning point in regard to the ancient understanding of the law and legal order, but they were not a radical break with them. They retained the generality and impartiality of ancient laws claiming that all citizens, including rulers and legislators, were subject to laws. Accordingly, the modern declaration of the rights of citizens did not posit the ruler above the law. They accepted Pindar's idea that the law is the king of all, that it is not the king who makes the law, but rather the law makes the king. However, they expanded the definition of citizen to all human beings (in Athenian polis slaves and women were excluded from citizenship), regardless of their ethnic origin, gender, cultural and racial affiliations, ideological and religious orientations, and social status.

The natural rights of the individual should not be viewed as a privilege having originated in society, but as an inalienable part of human nature. As a result, they cannot be revoked by either the highest social instance or society as a whole, but only by the one who has bestowed them – the Creator. The famous French Declaration of the Rights of Man and Citizen thus specifies that “the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen... These rights are liberty, property, security, and resistance to oppression.” (1997, 138)

One of the postulates of the philosophy of the state of nature is the Copernican turn in regard to the traditional thesis formulated in the most comprehensive way by Aristotle: the whole, i.e. community existing by nature necessarily precedes its parts (its individual components). This Copernican turn is most simply expressed by the statement that a part precedes the whole, i.e. that individuals necessarily precede the community as its members. This apparently paradoxical turn can only be interpreted in one simple way: the freely expressed will of autonomous individuals determines the legal form of their community. The state of nature, in which individuals are absolutely free and independent, as well as the social contract they make to escape mutual extermination in the war of all against all, is an intellectual construct that never existed – nor will exist – in reality. According to the theory of social contract, individuals transfer a portion of their natural rights to the state, which in turn guarantees them the remainder

of their natural rights and security. This hypothetical contract was interpreted by Lock and Kant mainly in liberal terms, while in Rousseau's and Hobbes's interpretations prevailed its authoritarian, anti-parliamentary elements. In their very interesting and original book *Narrow Corridor* (Acemoglu and Robinson, 2019) Acemoglu and Robinson mistakenly assume that Hobbes's state of nature existed in reality. According to Hobbes's understanding of the natural state, all people living in it enjoy absolute freedom and mutual independence. But such freedom and independence never existed either in pre-state communities or in any kind of state. Hobbes was a proponent of the social contract because he believed that a sovereign – or ruler – must obtain the consent of those being governed. However, when he has their consent, he can rule without any restrictions and for an unlimited period. It is clear that such a form of government dispenses with parliamentary elections and turns citizens into mere subjects. Essentially, natural rights and social contract associated with them were a radical counterpoint to the organicist understanding of the state as a natural entity implying necessary relations between its members.

However, during historical development, liberally understood social contract found its empirical equivalent in the so-called Constituent Assembly, whose delegates were elected by the citizens in free and direct elections. The task of the Assembly was to adopt the Constitution or the final legal proposition of the Constitution by the qualified majority of votes (usually two-thirds). After the citizens confirmed the decision in the referendum, the Assembly is dissolved and multi-party elections are held in accordance with the new Constitution. This way of establishing the constitutional structure of the state implies the primacy of individual rights, which are actually the foundation of a civil state in which there is no difference between citizenship and nationality. To prevent the so-called tyranny of the majority, i.e. the possibility that the winners in direct elections rule arbitrarily and transgress the powers obtained from the citizens, it is necessary to divide the institution of government into branches, especially to guarantee the independence of the judiciary from the executive power. Therefore, the verification of the legality of the parliamentary majority's decisions is entrusted to other bodies that were elected differently. It is with respect to this that Alexis de Tocqueville pointed out: "But no power upon earth is so worthy of honor for itself, or of reverential obedience to the rights which it represents, that I would consent to admit its uncontrolled or all-predominant authority. When I see that the right and the means of absolute command are conferred on a people or upon a king, upon an aristocracy or a democracy, a monarchy or a republic, I recognize the germ of tyranny, and I journey onward to a land of more hopeful institutions." (Tocqueville, 2020, 287-88)

Historically speaking, in the early stages of the modern liberal-democratic state union the concepts of the citizen and citizen's rights were not constitutionally expanded to include all of its members. Workers, women, and people of color, all those who did not pay taxes, were left out from those concepts. Nevertheless, owing to the long-lasting struggles of disenfranchised, unequal, and underprivileged groups for formal rights equal to those of other social classes, suffrage became universal. It is crucial to emphasize that this objective was not attained by ignoring the liberal democratic principles enshrined in the declarations, but rather by referring to

them; it was possible because the idea that the true holders of sovereignty are all adult citizens, regardless of their ethnocultural, gender, and racial identities, is immanent in those principles. In this way, the people (as a political category) – rather than any individual or any social group – actually became, to paraphrase the French declaration, the source of all sovereignty.

The primacy of individual rights should not be interpreted as anti-traditionalism. It does not prescribe a specific way of life for citizens; those who prefer a traditionalist or conservative lifestyle can adopt it without breaking the law. Essentially, the primacy of individual rights only implies that no one, not even the authorities themselves, is entitled to prevent individuals from being the authors of their own lives. The civil state cannot exert violence against any cultural tradition embraced by its citizens, but at the same time, no tradition may be elevated to the level of constitutive principles of such a state. No reflection on the philosophy's influence on the constitution of modern liberal-democratic legislation can bypass Kant's *Critique of Practical Reason*, in which he defined the concept of the pure practical reason ("pure" because it is not conditioned by anything – not even experience – except its internal principles). As such, in its unconditional autonomy from experience, it spun out of itself, relying primarily on the principle of logical coherence, the so-called "Constitution created by reason" that served as a criterion for evaluating real constitutions, existing at that historical moment and radically different from Kant's ideal Constitution created by reason. The laws derived from Kant's Constitution created by reason were significantly different from the laws of ancient Athens precisely because they were not determined by elements of experience. Athenian laws defined the duties that Athenian citizens had to adhere to if they were to be treated as exemplary citizens; otherwise sanctions would follow. Of course, those duties concerned the maintaining and developing of customs and substantial values, sublimated in the long-lasting process of developing a common tradition (it was common because all Athenian citizens took part in its creation). The aim was to achieve consistency between the written content of the normative, legal sphere and the content of everyday life in the polis.

Kant, on the contrary, excludes experience and breaks the previously unbreakable connection between cultural tradition and constitutional order. The following is self-evident: since legal norms in the Kantian sense are not directly determined by any way of life based on experience, they can only have normative content and cannot prescribe what citizens should do to become exemplary citizens; these norms can only inform them about what they should not do if they do not want to be punished. The duty of citizens is thus reduced to complying with purely formal legal prohibitions.

Since the laws derived from pure practical reason are merely formal, negatively defined, substanceless and non-teleological, due to their non-empirical character, the duty to respect them is also non-empirical. This has to be emphasized because some interpretations associate Kant's insistence on duty with Nazism: at the Nuremberg processes the Nazis defended themselves by claiming that they were just following their duties as defined by law; but their duty belonged to the empirical type of duty, one that proceeds from substantial legislature.

All in all, modern legal formalism that became the core of real, historical Constitutions in the countries belonging to Western-European civilization, found its most consequent explanation in Kant's pure practical reason. These real Constitutions renounced the metaphysical idea of positing the world – i.e. the content of human life – as an emanation of reason, or harmonizing it with the supposed essence of human beings. However, they performed their practical function by formally restraining individual freedom, as well as the arbitrariness of the winner in parliamentary elections.

The formalism of Kant's conception of law also applies to moral principles. A considerable number of scholars thought that Kant degraded the concept of ethos or set of customs by not basing his famous categorical imperative on them. Such interpretations miss the essential function of Kant's imperative. Being derived from pure practical reason, it is a negative principle and does not determine maxims that citizens should follow in order to be treated as moral persons; it only rejects maxims that cannot pass the test of universability (e.g. racist maxims), while all ethical conceptions (or customs) that satisfy the purely formal criterion of categorical imperative can be followed without losing the status of a moral person. Here, too, Kant acts as a critic of monism, i.e. a supporter of pluralism limited by purely formal laws. The categorical imperative is concerned with inner freedom, while the law regulates external freedom, i.e. the consequences of one's actions on other people's freedom of choice. In both cases, the law comes before experience-based good, which does not mean that the citizens have to give up this good; on the contrary, since there cannot be a consensus about it, they have the right to interpret it in their own way within the legal frame. The clearest expression of it is Kant's famous thought: "No one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a general workable law — i.e. he must accord to others the same right as he enjoys himself." (Kant, 103).

On the other hand, the creators of the American Declaration of Independence and participants in discussions on the American Constitution (improved over time by amendments) did not hide their admiration for Locke's ideas about natural rights. Although the constitutional conception of liberal-democratic orientation has not been completely actualized in any civil state, its fundamental principles (freedom of speech, expression and association, attitude towards religion, culture, ideology and similar) have played an important role for centuries. Owing to this, the sphere of negative freedom, or freedom from the state, has been constituted in modern states; it granted to the individuals as rights bearers the freedom to choose their own way of life. It is hardly necessary to mention that the seeds of this kind of state had been sown in ancient times. But it is important to emphasize that the liberal-democratic order is not to be found only in republics; it is also possible in parliamentary monarchies defined by the dictum: Honor to the King or Queen, power to the Parliament. The idea behind the institution of the King or Queen in

parliamentary monarchies is to preserve symbolic continuity with certain moments of the monarchist tradition.

To avoid a possible misunderstanding: although I am an adherent of Euro-Western civilization, I do not look at non-Euro-Western civilizations from the pedestal of Eurocentrism as, for example, the great German philosopher Hegel did. It is well known that he invented the concept of the world-historical nations as bearers of “world spirit”, which particularizes itself into separate, national spirits as its manifestations, and elevates to ever higher levels through metamorphoses these nations go through in their development, before finally becoming a self-comprehending totality. According to Hegel, world history, carried by historical nations, is the fulfillment of the world spirit; in its final phase its essence coincides with its appearance, i.e., its essence becomes completely apparent and its appearance becomes essential. Hegel argued that, contrary to these Euro-Western nations, there were non-historical nations that had not reached the conceptual level; they remained at the level of representational thought and were excluded from world history understood as a medium for the world spirit’s self-development. Non-European nations, imprisoned in their non-abstract thought and plunged in naturalness, are non-historical and their natural state is a state of eternal stagnation and non-subjective freedom. “This distinction between himself as an individual and the universality of his essential being, the African in the uniform, undeveloped oneness of his existence has not yet attained; so that the knowledge of an absolute Being, an Other and a Higher than his individual self, is entirely wanting. The Negro, as already observed, exhibits the natural man in his completely wild and untamed state... there is nothing harmonious with humanity to be found in this type of character.” (Hegel, 462)

According to Hegel, Africa remained outside the self-conscious world history, “wrapped in the black color of night”. The non-Western-European nations are seen by the German philosopher as incapable to govern themselves, so they need a Tutor in the form of Euro-Western nations. For Hegel, the great Western conquerors were world-historical individuals whose “particular objectives contain the substance that is the will of world spirit”. He saw Napoleon as a hero seated on a white horse, carrying out the orders of world spirit and disseminating the spirit of the modern age. Hegel’s Eurocentric mind identified non-Westerners with an inferior Other, whose principles were barbarism and lawlessness.

In the meantime, world history discredited Hegel’s ideas on non-historical peoples condemned to eternal stagnation. Not only Asian countries, but also some South-American and African countries have joined the ranks of the most developed national economies in the world. Moreover, some of them – India, for example – adopted a parliamentary Constitution in a Euro-Western, liberal-democratic way, i.e. at the Constitutive Assembly after gaining independence. A considerable number of black people obtained academic titles and built enviable careers even in the United States, where a certain degree of discrimination against them is still noticeable. In developing this argument about the vital importance of philosophical worldviews, which a pragmatically oriented common sense cannot fully grasp, I relied primarily on facts confirming the significant differences between civilizations: their fundamentally different worldviews on

one side, and their obviously different ways of everyday life on the other. I am leaving aside the problem of developmental and historical potentials and capabilities of nations (because I do not want to engage in speculation), but that does not mean that I am inclined to accept total ethical relativism or to place all cultural traditions, worldviews, state politics and political regimes, both present and historical, on the same plane. My text focuses on a comparative analysis of the differences between state and legal forms that arose from significantly different civilizations due to their different philosophical worldviews.

In my opinion, it is undeniable that the constitutional order of Euro-Western countries (the core of which is pure legal formalism, i.e. a Constitution that is not based on a previous choice of substantial values, but on democratic procedures) offers to individuals more freedom to choose their way of life than the political order of non-Western civilizations. However, I resolutely reject any attempt to forcefully impose the liberal-democratic concept of freedom on the countries of non-Western civilizations. Such attempts, e.g. humanitarian military intervention, cannot conceal their deeply anti-liberal character since the freely expressed will of the majority of the country's citizens must precede the establishment of the liberal-democratic order. Consequently, a forcefully imposed liberal-democratic order is a *contradictio in adjecto*. Whether non-liberal and non-democratic states will change their legal order and abandon some of their dehumanizing customs, crystallized over centuries and elevated to the level of laws or common law (lack of individual autonomy, unequal rights of its members, stoning adulteresses, polygamy, denying women the right to vote and the right to employment, widow burning, public punishment by cutting body parts, and similar practices) – that is the question of their self-transformation, which can be encouraged by a global intellectual critique of such customs (different from explicit calls for a forceful overthrow of political regimes in those countries). The return of Talibans definitively demonstrated the absurdity of so-called humanitarian military interventions. None of those interventions led by the US had a foothold in international law; they were justified by *ad hoc* moral argumentations. An extremely dangerous moralization of law was used to justify the extremely mundane interests of major forces and their imperial disposition. Of course, I do not leave out the Russian invasion of Ukraine either, since it also has no basis in international law; I will refer to the current Russian regime at the end of the text.

Finally, what is the fundamental difference between Western and non-Western civilizations? It is obvious that “west” is not used here as a geographical term, but as a synonym for the liberal-democratic political system, adopted also, in varying modalities and degrees, by countries that geographically do not belong to the West: Japan, South Korea, India, Argentina, and some more.

The Western political system in the full sense of the word is based on the separation of constitutional order from specific ideological and political orientations and particular cultures (including the ethnic origin, racial affiliation, and religious orientation of its members). Owing to that separation, individuals can have, at least in principle, the right to choose between various ideological, political, and cultural alternatives in their private lives, and this right is guaranteed by legal mechanisms. But none of those alternatives can become a constitutive principle of the

civil state. In such a state nationality and citizenship coincide: all citizens of the civil state have the same nationality regardless of their ethnocultural origins. Therefore, strictly speaking, the civil state is not compatible with the so-called minority rights; what ethnocultural minorities really demand is that the exercise of their cultural traditions exceeds the framework of civil society and thus becomes part of the constitutive principles of the state – in other words, that it is recognized and protected by the state. Some liberally organized states have officially recognized minority rights, but this should be seen as a departure from basic liberal principles, because in that case the question can be raised as to what level can such minority rights go without jeopardizing the very logic of the civil state's functioning. In parliamentary systems, besides the primacy of individual rights, there is also the principle of changing government. In recent times (in the presidential systems of the US and France) there is a constitutional principle that can be colloquially expressed by the following phrase: two terms, and that's it.

In most non-Western civilizations or their parts, cultural tradition as a set of customs and substantial values, i.e. as their fundamental worldview, is the basis of their constitutional system, which is incompatible with the primacy of individual rights. The laws of those states cannot create the sphere of negative freedoms (individual freedoms from the state) since they have a positive, substantial and teleological character and as such determine essential components of the citizen's way of life. We have seen what it looks like in the case of Iran, and the situation is similar in Pakistan. In contrast to Western civilization, where the individual has a free relationship to religion (individuals can freely change their religious beliefs, convert from theist to atheist and vice versa), in these examples this is not possible because the specific religious affiliation is treated like an essential characteristic of the state's citizens and a necessary condition for acquiring civil rights.

All radically Islamized countries have a non-liberal type of culture: there is no universal suffrage (women are excluded from the right to vote, and in some countries even from the right to employment); wearing different kinds of veils is obligatory, which highlights the legal subordination of women to men; in addition, in such countries there are cruel forms of punishment, public flogging, cutting off parts of the body, stoning adulteresses, and similar.

The modern Constitution of Lebanon from 1926 guaranteed a balance of political power between the major religious groups (Christians, Sunnis, and the Druze). However, this created a radical multicultural model largely based on religion, with the aforementioned religious groups as holders of key political functions. As a result, these groups were apathetic toward the common state, whose authority was primarily symbolic and protocol-based. In Lebanon, the common state is not regarded as the main political community, but rather as the *modus vivendi* of three distinct religious groups, each of which maintains to have its own history, territory, and legal and political system based on its own religious norms. It is up to those groups to decide which elements of their original right to self-government they will transfer to the larger community, whose survival is only conditional. This radical, predominantly religious multicultural model eventually led to Lebanon's civil war in 1948.

In the majority of countries belonging to non-Western civilizations, an anti-democratic centralized government is embodied in an individual who has some or all control over all three government branches. There is no balance of power when it comes to the relationship between an autocrat and their loyal elites on one side and society on the other. In such regimes – in accordance with the mechanism of governance – society is passive, with no form of participation in political decision-making, in contrast to liberal-democratic societies, where the principle of civil disobedience is lawful, giving citizens the right to rebel against specific laws if they find them unjust. The notion of civil disobedience as a corrective to the liberal state system, which is not ideal but is still better than other – non-liberal – systems, derives from Locke’s conception of the people’s right to revolution. “Who shall be judge whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deposes him, and must, by having deputed him, have still a power to discard him, when he fails in his trust? (...) To this I reply, ‘The people shall be judge’ (...) whenever the legislators endeavour to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience...” (Lok Dž, 2022, paragrafi 240 and 222)

Of course, Locke’s idea of revolution should not be confused with Marx’s revolution, which intended to overthrow capitalism and its related parliamentarism in order to lay a radically different foundation for the world; Locke is more concerned with granting the people the right to rebel against the people’s representatives who, by acting above their authority, have twisted the capitalist parliamentary system into an arbitrary, tyrannical, or authoritarian government, and by rebelling to restore the authentic procedural representative democracy!

In some African countries where despotic centralization of government has not yet occurred, conflicts between various armed factions are bringing these countries to the brink of anarchy.

In recent decades, there has been a rise of “ontological pluralists,” who attempt to equalize all regimes in the world in terms of worth, discrediting the idea that systems in which individual freedom occupies a privileged place are more desirable or even democratic than others. As a result, they prioritize the pluralism of state entities rather than individual freedom. However, this inevitably leads to abolishing all values, even the most basic ones, without which no system, not even the Nazi one, can be ruled out as being unacceptable. Many of them argue that members of a specific cultural tradition are so strongly attached to its specific identity, that they do not see it as a limitation; thus, they do not see their actions as products of atomized individuals' free will, which can only choose arbitrarily between mutually opposing goals, but rather as collective practices in which hyper-socialized individuals act in harmony where no one is subject to coercion or manipulation. However, many practices occurring within specific centuries-long traditions contradict these notions. We see that many members are frequently excluded from common activities occurring within such traditions. On the other hand, one cannot but question why common practices, if they genuinely occur without coercion, are legalized in the first place. It is worth mentioning here the recent widespread protest by women against the obligation of

wearing the hijab in public, despite the fact that this norm has long been practiced in Iranian tradition. To put an end to this protest, repressive measures were taken by the government. This incident begs the question: Are people free if they are unable to make their own decisions?

The Philosophical Pretext of Nazism and Communism

It is also worth mentioning that the West was the geographical birthplace of two regimes that are commonly described as totalitarian. These are, of course, Nazism and communism. When discussing the former, common sense usually associates it exclusively with the ideas of the National Socialist Party's leader, Adolf Hitler, who declared an emergency state after winning parliamentary elections in the Weimar Republic, allowing him to abolish the parliamentary system and seize all three government branches, establishing the so-called sovereign dictatorship in which the sovereign and dictator are combined in one person. Hitler laid forth his racist and anti-Semitic views in *Mein Kampf*, which became the Bible of the Nazi movement, which he then implemented through a system of concentration camps known as the "death industry," killing around six million Jews. However, many critics of Hitler's work overlook the fact that it is a compilation of concepts that existed long before Nazism, but were now presented in plain language that could be easily communicated to the general public.

The racist ideology was the basis of the Nazi state, as the famous German philosopher and jurist Carl Schmitt pointed out after joining the National Socialist German Workers' Party: "Racist conceptions is not a sterile theoretical postulate. Without its foundation in racial homogeneity, the National Socialist state could not exist, and its legal life would be unthinkable. All questions and answers lead to necessity of an identity of kind, without which a totalitarian state (Führerstaat) could not exist for one day." (Schmitt C, 2022, Staat, Bewegung, Volk, 32) .But the "father of European racism" laid out his ideas in the four-volume work *The Origins of Inequality Among Human Races*, which was written between 1853 and 1855. Wagner's son-in-law Houston Stewart Chamberlain claimed that the arguments in favor of the Aryan race's supremacy (derived from an ethnolinguistic term) have their distinct roots in the work of the French aristocrat Gobineau. The Nazis hypostasized Gobineau's significance and treated his work as a catechism for instructions on race. The concept of the Aryan race's supremacy was also utilized as one of the main pieces of proof for the Jews' inferiority as members of a non-Aryan race.

Anti-Semitic attitudes, on the other hand, can also be found in the renowned philosopher Friedrich Nietzsche, who died before the Nazis came to power. One of the things he criticized the most in his work is the Judeo-Christian religion, which served as the foundation of Euro-Western civilization. No greater war in human history, he claimed, has taken place than that between aristocratic pagan Rome and plebeian Judea. In essence, it was a conflict between two diametrically opposed sorts of morality. Rome represented master morality, whilst Judea represented slave morality. Believing that the right of the stronger is a natural law, the bearers of the master moral do not hide their desire for power and contempt for the weak and powerless.

Moreover, they take pleasure in being harsh to them: their values include inequality, unfairness, and a dislike for mercy, selflessness, and pity.

Slave morality, on the other hand, is reflected in qualities such as equality, humility, contrition, a stand against evil, and care for freedom. In Nietzsche's metaphorical narrative, the conflict is one between the "blonde beast," i.e. Roman aristocracy, and the "fearful lamb," i.e. the vengeful Jews. The will to power lies at the heart of both moralities, exhibited freely, without any concealment, in the former, and hidden, contrived, and vile in the latter. Thus, the source of all morality is something beyond good and evil, namely the will to power.

According to Nietzsche, in this conflict, weakness prevailed over strength, powerlessness over power, slaves over masters, and resentment over sentiment. The success of the Jewish "coup" in morality set the way for the liberal-democratic age, which culminated in the abolition of the master-slave relationship, leading to the universalization of the slave's position. The Jews had, thus, initiated a process that resulted in masters becoming slaves. Nietzsche regards Christianity as a betrayal of Judaism, or, more precisely, as the means by which cunning Jews realized their aspirations for retribution over their masters.

Because it regarded everyone as equal in the eyes of God, Christianity was a predecessor to democracy.

Nietzsche opposed the joy of "pagan self-affirmation" to Christian mercy, and Dionysus to the "crucified Christ."

Nietzsche's writings no doubt have an aspect that the Nazis could exploit, one that reduces the wealth of people's motivation to the mere will to power. Nietzsche, of course, cannot be condemned for emphasizing the importance of the will to power in human history and life, but for opposing the rules that limit this will and favoring those who promote it. As a result, his viewpoint is irreconcilable with the fundamental principles underlying Judeo-Christian culture. After visiting Nietzsche's archive in Weimar in 1933, Hitler canonized the German philosopher as an intellectual inspiration for Nazism. The famous German magazine *Der Spiegel* ran an article about Hitler and Nietzsche with the provocative title: Hitler the Executor/Nietzsche the Thinker. The German magazine's title explicitly expressed the link between philosophical, theoretical, and scientific concepts and political practice. In this specific case, as a capable, unscrupulous political manipulator and populist, Hitler referred to those appealing ideas while displaying fanatical hatred and demanding vengeful resentment toward non-Aryans – sentiments that implicitly lay in those ideas – in order to efficiently homogenize the German masses, instilling them into their hearts and minds in order to prepare them for mass ideological mobilizations. On the other hand, he used these ostensibly scientific theories to justify the Holocaust and other atrocities. Of course, these ideas were not immediately and completely put into practice, but they served as valuable markers and strategic points in his political work, an important part of which was raising awareness among the German people about his being

granted, as a racially superior, the sublime mission of reestablishing the master-slave relationship not only within Germany but also at the international, interstate level.

The same can be said of communism. This term is most commonly associated with Bolshevik leaders who established the rule of the minority over the majority in a revolutionary, hence violent, manner. The most prominent among them were Lenin and Stalin: the first because he overthrew the monarchy and brought the Bolsheviks to power, and the second because as a result of his revolutionary terror in the name of achieving a just classless society more innocent people died than under Hitler. At least one aspect of Stalin's terror can be described in the same way Hegel described the terror of the French Revolution: "*Virtue and Terror* are the order of the day; for Subjective Virtue, whose sway is based on disposition only, brings with it the most fearful tyranny. It exercises its power without legal formalities, and the punishment it inflicts is equally simple — *Death*." (Hegel, 470)

Some Marxists tended to explain the tyrannical-despotic system of governance in the Soviet Union as the first communist state by pointing out that Marx predicted communism would initially win in the most developed capitalist countries, rather than those where capitalism was still in its infancy. However, despite Marx's prediction, the fall of capitalism and parliamentary democracy is nowhere in sight. Other Marxists saw the repressive suffocation of individual freedom, staged political processes, the dictatorship of the proletariat, the fanaticism of revolutionary justice, and economic inefficiency in so-called real socialism (the transitional period toward communism) as a betrayal of Marx's authentic humanism, which was founded on the principles of true equality in the free association of free producers, where the principle one for all, all for one is applied, i.e. direct democracy in which the interests of individuals and the community are one and the same.

Without denying the nobleness of Marx's motivations, one must admit that Marx wrote only one theoretical work during his lifetime: *The Capital*. In his economic-philosophical writings, he offered a general critique of the capitalist mode of production as the materialistic foundation of the entire bourgeois system, because its non-economic forms are just manifestations of the aforementioned foundation, according to the creator of Marxism. In these texts, Marx specifically argues for the abolition of abstract value-forming labor, i.e. the reproduction of commodities, and hence the radical abolition of private property. These concepts are developed further in *Grundrisse* and are given their final shape in *The Capital*. Marx sees anti-capitalism as an alternative to capitalism, the main characteristics of which are the non-commodity mode of production and a corresponding mode of ownership, i.e. common (social) property, a stateless and thus classless form of community devoid of the exploiters-exploited relationship, and a globally liberated proletariat, all of which would in turn lead to a "socialized humankind."

However, our main interest here is Marx's view of the legal system as such.

In *The Critique of the Gotha Program*, Marx writes that communist society during its first phase had not grown on its own but sprung from a capitalist society. In the latter, “equal right here is still in principle – bourgeois right, although principle and practice are no longer at loggerheads (...) The right of the producers is proportional to the labor they supply; the equality consists in the fact that measurement is made with an equal standard, labor (...) This equal right is an unequal right for unequal labor. It recognizes no class differences, because everyone is only a worker like everyone else; but it tacitly recognizes unequal individual endowment, and thus productive capacity, as a natural privilege. It is, therefore, a right of inequality, in its content, like *every right* (cursive by S.D.).” (Marks, 71)

Consequently, self-based communism is authentic communism beyond rights as such. Its basic principle is – from each according to their capabilities, to each according to their needs. Marx’s approach to the legal system is particularly fitting here, because it is consistent with his theory on the death of the state, given that the law in its various forms can exist only within the state.

A fundamental point of critique among dissident Marxists throughout the transitional phase toward communism was the discrepancy between the normative and the real, between ideal and reality. In other words, they had not yet recognized that the gap between Marx’s revolutionary ideas and reality, between the goal and the given, was impossible to overcome, for the simple reason: the obstacles that stood in the way of fulfilling the basic revolutionary concepts were immanent to them. Simply said, any endeavor to achieve Marxist revolutionary goals required a high degree of repression and violence since these goals, while utopian in nature, were unattainable, and as such always led to their polar opposite, the kingdom of enslavement rather than the kingdom of freedom.

The period of military communism during which the non-commodity mode of production was implemented, i.e. the total plan, was viewed as a mistake even by Lenin himself. This led him to adopt the NEP, i.e. to slightly open up to the market, but only as a corrective to the planned economy. During the early revolutionary communist phases, a unique form of anti-civilizational terror was at work: the destruction of churches and the execution of priests, because Marx was a strong critic of religion, which he considered the “opium of the people.”

Socialism lasted a long time as a transitional phase only because it gradually drifted away from its original ideals.

All things considered, it is important to note that the metaphor by which Marx had turned Hegel on his head – namely, the idea that Marx based historical development on materialistic-social foundations and thus surpassed Hegel’s interpretation of historical movement within his system of dialectical absolute idealism – does not hold. For this, at first glance, radical turn is actually illusionary. Marx’s claim that he discovered the laws of the development of human history implies Hegel’s idea that world history, despite appearing on the surface level to be ruled by chaotic processes, contingent conflicts, and even wars, is actually a rational event in which order

and the necessary development laws rule, and thus one that can be grasped by reason. After all, Marx did say early on in a letter to Ruge that reason has always existed, only not always in a rational form.

Neo-Soviet Model of Putin's Russia

The Nazi ideology has mostly been suppressed, but its revival cannot be ruled out. However, things stand differently with the communist ideology, despite the fall of the Berlin Wall. The current regimes in Russia and China are prominent examples of this. Russia has seemingly undergone some major changes in comparison to the Soviet Union, but these are mostly on the outside. Despite nominally having a plurality of parties, it does not exercise the principle of changing governance. Such a claim is supported by the fact that Putin, after Lukashenko, is Europe's longest-serving president. This only shows that the liberal-democratic principle of "two terms and out" is not sufficiently explicated in the Russian Constitution. Furthermore, as a result of constitutional changes initiated by Putin himself in 2020, the Russian Federation Assembly passed a law repealing all of his previous presidential terms, allowing him to run for president twice more, in 2024 and 2030, and retire when he is 84 years old, meaning that he could stay in office for a lifetime. The law's "procedural validity" was confirmed by a farcical national referendum performed without any democratic supervision. These actions demonstrate unequivocally that Putin, as the "person above persons," is above the constitution and the law, and as such a personification of the communist principle of unity of power.

It must be admitted that at one point Putin gained popularity thanks to strengthening the Russian economy. However, this was not the result of a process of developing an economy driven by technological innovations, but rather a process of exploiting natural resources (mostly oil and gas), which primarily benefited oligarchs who, being uncertain about the future of their own state, transferred a large portion of their wealth to England. Despite its capability to produce extremely sophisticated weapons and spacecraft, Russia, like the dismantled Soviet Union, was never able to produce globally competitive automobiles or refrigerators. Endemic corruption and long-term inefficiency are as inherent in the Russian economy as they were in the Soviet Union.

Recognizing that in the new post-communist circumstances it was important to keep quasi-parliamentarism in Russia as proof of its discontinuity with the Soviet Union's system, the former KGB member, who still directs all Russian secret services from the shadows, resorted to increasingly perfidious means to suppress the opposition, gaining complete control over multi-party elections, excluding the opposition from all mainstream media in today's Russia, refusing to engage in dialogue with it, suffocating individual freedom, and censoring internet content, which is why many people attempt to flee Russia if given the opportunity. The opposition's attempts to protest against such a state of affairs are met with excessive use of force, with accusations that they intend to undermine the democratic system in the country in collusion with a foreign factor. Putin's ruthlessness toward open displays of opposition to official authorities

was notably evident in his explicit support for Lukashenko in his attempts to crush mass resistance to his autocratic governance.

As for the Orthodox Christian church, Putin is aware of its enormous influence on the Russian people and refrains from former communist persecutions; however, it can be said with great certainty that in Russia the church and the state are neither separated nor harmonized (in a Byzantine symphony); rather, there is a visible tendency to coerce the Russian Orthodox Church to obey secular authorities.

Putin gained the admiration of the majority of the Russian population by instilling in them hope for the restoration of the Soviet empire. The seed of that hope has already grown in the form of the Eurasian Economic Union made up of several former Soviet republics subordinate to Russia. This hope was heightened with Russia's invasion of Ukraine, which was initially supposed to overthrow the current Ukrainian government in Kyiv and install a puppet administration there. However, due to surprisingly strong Ukrainian resistance, that purpose was redefined as conquering the predominantly Russian-inhabited territories of Donetsk and Luhansk in order to formally incorporate them into the Russian federation. To be consistent, I must label Russia's intervention in the same way that I have labeled NATO's so-called humanitarian intervention led by the US in my books and papers – as a violation of international law and profoundly anti-liberal.

However, for the purposes of my topic, it is necessary to explain why Russia was never a parliamentary state in the full sense, including its royal and post-communist periods, but was instead largely a despotic-autocratic and Bolshevik-style totalitarian state.

As is well known, Russian culture has not only produced many excellent writers, poets, and prominent figures from other artistic fields, but also notable theologians and philosophers such as Berdyaev. However, the Western philosophical tradition, particularly one that prioritized “negative” individual freedom, which provides individuals autonomy in deciding how to arrange their lives, encourages their initiative, rational enterprise, social activism, and so on, was never firmly rooted in this country. Furthermore, Russian intellectual elites have mainly expressed antipathy toward the fundamental principles on which parliamentarism is founded, fostering the perception in Russian society that this system was the embodiment of evil. It is thus reasonable to ask whether the absence of Western philosophy in Russian history is one of the major reasons why the Russian state became a despotic-authoritarian “Leviathan” that rules without or with very few constraints, both those imposed by a constitutional-legal order and those arising from social activism? It is difficult, if not impossible, to have a liberal democracy in a country where the prevailing philosophy does not support procedural democracy.

It should be noted, however, that Emperor Peter the Great was quite fond of the European way of life and technological achievements. During his reign, he implemented reforms aimed at modernizing Russia. Because he believed that Orthodox Christianity was one of the biggest

impediments to completing that mission, he did not allow anyone to succeed Patriarch Adrian following his death. He did so because he planned to abolish the patriarchate, which he eventually did, replacing the church authorities with the Holy Synod, and placing at its head his direct emissary, known as “the Emperor’s eye.” Because he used this and similar violent methods to modernize Russia, his project was bound to fall through.

The fertile ground for modernization is not the “iron fist” of a despotic government aiming to achieve its determined goal at any cost, but the liberation of society from repressive restraints that bind the creative energy of citizens directed to innovation and experiments, which elevates social productivity, the overall educational level of society, the degree of communication with the world, and the similar.

The Orwellian Face of Chinese Economic Growth

No one can deny that China has enjoyed record growth rates since Deng’s economic reforms; in fact, many economic experts in the West predicate that China will soon exceed the US in terms of GDP in absolute value. Many analysts of this phenomenon argue that it is not only a result of China’s opening to the world and the market economy but also of the country’s radical break with Mao’s communist legacy, so radical that this country can only be seen as communist at the façade level, which conceals its specific capitalist face.

It is true that contemporary China differs from Mao Zedong’s China in several important ways, but it is completely incorrect to believe that it has abandoned some key elements of the orthodox communist system, one of which was denouncing inner “class enemies” personified not only in ordinary citizens but also in major party functionaries. The authorities used all available means to fight them, beginning with arbitrary, illegal arrests, followed by various forms of torture, to sending them to various re-education through labor camps, where many of them were killed in various ways, and some of them committed suicide because they could no longer bear the inhumane torture methods and humiliations they were subjected to.

It is not news that there were camps for ideological re-education through labor during Mao’s reign. The “Directive on the Thorough Elimination of Hidden Counterrevolutionaries” (1955) was the first document to mention such camps. Shortly after, the reeducation labor camp system was founded, and these camps sprung up across China. The inmates were often beaten with iron bats, wooden clubs, and leather belts. Many were beaten to death. Furthermore, inmates were forced to consume feces and drink urine, which was supposed to break down what little was left of their personal identity and dignity.

Many of us believe that such a method of punishing ideologically suspicious individuals is a relic of China’s distant past that modern-day China has thrown into the ash heap of history. But the lengthy book *Narrow Corridor*, which has already been mentioned, contains some specific evidence that contradicts this.

Just as no one can deny China's unusually fast economic growth, which Deng Xiaoping laid the groundwork for with his economic reform program, no one can deny that he not only maintained but also increased the number of re-education labor camps, viewing them as supplementary to these reforms. In 2012, China had 350 such camps with approximately 160,000 prisoners. Ordinary Chinese citizens and Communist Party members were deported there without any prior legal process. As a result, such camps were labeled as unlawful "black prisons" scattered throughout China's rural areas. They were expanded in May 2014 with the so-called "correction" system, which brought an additional 790,000 individuals to these facilities.

In October 2013, we saw the current Prime Minister Xi Jinping praise the political campaign of Mao Zedong's reign in which the Chinese were encouraged to supervise their neighbors' behavior and inform the authorities about it in order to contribute to their re-education and put them on the right path. As we all know, this campaign resulted in the infamous Cultural Revolution, which is believed have killed millions of innocent people. Xi Jinping directed his subordinates at all levels to start a political campaign similar to the one in 1963, namely, to mobilize the masses against class enemies; this was undeniably a call for widespread ideological snitching.

As a result, today's China strikingly resembles Hobbes' despotic Leviathan, which maximizes its own capacity at the expense of the individual freedoms of the citizens, destroying the desired balance between the power of the state and society, in the absence of which an atmosphere of existential fear and trembling looms over members of society, caused by the inability to see the consequences of the non-transparent actions of the Leader, elevated to the status of earthly deity.

There are reliable indicators that China is on the verge of establishing a digital dictatorship, employing super sophisticated inventions of the digital revolution to gain insight into the private behavior of its citizens, as well as ideologically-motivated rigid "filtration" of information, statements, and events on social networks that imply critical stances to the current state of the country. All of this is reminiscent of George Orwell's *1984*, which predicted the creation of a totalitarian regime in which the Big Brother governs individuals through various telescreens, thereby diminishing individuality and privacy.

Many former Marxists who have become postmodernists seek to paint today's China in humanistic colors, attributing to it a lack of imperial neocolonial exploitative aims, as well as tolerance and generosity. However, such claims are refuted, among other places, in my home country of Serbia, where Chinese companies Ling Long and Zijin openly violate the rights of their employees, subjecting them to the most severe exploitation, coercing them to work in quite inhumane conditions, and ignoring previously made contracts with them. A major portion of the Serbian populace regards such a treatment of workers as a "form of modern slavery."

When it comes to China's future, it will hardly be able to avoid democratic challenges. Its market, no matter how politically controlled, inevitably leads to a plurality of mutually opposed

interests that will most likely seek political advancement in the form of creating authentic rather than false parliamentarism. (It is well known that, since the time of Mao Zedong, there have been marginalized parties without the prefix “communist” in their names, despite their intention to build communism; however, these minor parties have no real power because contemporary China retained the Leninist principle of “democratic centralism” at the level of the National Congress and the Consultative Conference.) In addition, its market creates a deep polarization between a small number of the super-rich and a big number of the super-poor (China has had the most wealthy people in the world since 2019!). It is thus uncertain whether the Chinese system, under today’s one-party dictatorship, will be able to incorporate this increasingly huge component of its society. In other words, it is reasonable to ask whether China can avoid a second Tiananmen Square, only this time much stronger and bigger.

Neither the Chinese nor the Russian models are appealing to developed parliamentary countries that practice “negative freedom” and what the English call “the rule of law” and the Germans “Rechtsstaat.” An example of this is Taiwan’s stance on its eventual absorption into China. During the first period of China’s post-Mao development, a tolerant, flexible slogan was used: one country, two systems. Taiwan’s system is not communist; Chiang Kai-shek’s troops withdrew to this island (formerly known as Formosa) after being defeated by Mao’s communists. However, this flexible slogan evolved into an aggressive demand: one country, one system, which explicitly stated China’s goal to absorb Taiwan into its neo-communist system. However, it is clear that Taiwan’s people, which are Chinese by ethnicity, and its government are prepared to oppose this. From the perspective of our topic, one can see that there is a clash between two very different ways of existence, with two very different worldviews at the core that constructed two fundamentally opposing constitutional systems.

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References

Acemoglu D and Robinson J, 2019, *The Narrow Corridor*, Penguin Press

Aristotle, 1984, ed. Barnes J., *Politics*. In the *Complete Works of Aristotle*, Princeton University Press

Divjak 2018, *Balkan Journal of Philosophy*, Vol. 10, Issue 2

Hegel G, 2001, *Philosophy of History*, translated by J. Sibree, Batoche Books, Kitchner

- Hantington S, 2008, Ko smo mi (Who are we are), translated by Divjak S, from English to Serbian, Podgrica, Crna Gora.
- Kant I, 2010, Critique of Practical Reason, translated by Thomas Kongsmill Abbot, Lector House.
- Lok Dž, 2002, Dve raasprave o vladi, prevod Koste Čavoškog, Utopija, Beograd paragrafi 240 i 233
- Luther Martin, selections from his writings, ed. John Dillenberger , New York, 1962.
- Marx K, 1994, Selected Writings, ed. Lawrence H. Simon, Hacket Publishing Company
- Nagel T, 2012, Mind and Cosmos, Oxford University Press
- Nietzsche F, 1988, Samtliche Werke: Kritische Studienausgabe, 15 Vols, eds. Giorgio Coli& Mazzino, de Gruyter, edition 2
- Plato, 1974, The Republic, Penguin
- Schmitt C, 1993, Staat, Bewegung, Volk, Hanseatische Verlagsanstalte, last edited by Marc Bot, 2022.
- The French Declaration of the Rights of Man and Citizen. In Human Rights Reader, ed Ishay R. Micheline, Routledge, 1997.
- Tocquille A, 2020,, Democracy in America, translated by Henry Reeve, Global Grey