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Teleological Statism in State Building: Doctrinal, Constitutional, and Historical Analysis

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Abstract

Ensuring state interests as the leading area of the state's activity is a rather urgent problem of modern Ukraine. For that reason, the purpose of the study is the examination of teleological statism in state-building in its doctrinal, constitutional, and historical dimensions. The methodological basis of the study is synergetic and analytical approaches, general scientific (praxeological, historical, and dialectical) and special (formal-legal, comparative-legal) methods of scientific cognition. The study clarifies that at the conceptual level the doctrinal aspect of teleological statism in state-building appears in the "Age of Revolutions" of the 16th-18th centuries in the form of the theory of the regulatory state. Therewith, it is proved that in 20th century it is manifested in the theories of totalitarian and corporate state. The co-authors substantiate that the embodiment of teleological statism in state-building is mostly fixed at the level of individual laws, which have the character of constitutional. It is proved that Italy of the fascist dictatorship, which considered totalitarianism as a fundamental principle of its statehood, did not actually acquire a statist character. It is also established that Spain during the actual regency of F. Franco Bahamonde and Portugal during the dictatorships of A. Salazar and M. Caetano were openly statist, despite the fact that the world community did not formally recognise them as totalitarian. The study discovers that the ideas of the "corporate state" were most effectively implemented in Italy under Mussolini, Spain during the reign of Franco, Portugal during the dictatorship of A. Salazar and, to some extent, the Third Reich by A. Hitler. The co-authors substantiate that the origins of the ideals of autocracy, which are characteristic of modern Russia, were the situation in the Vladimir-Suzdal principality. As a result of the analysis of historical features of implementation of teleological statism in state-building of Russia, it is confirmed that there are two approaches to it – personalism and statism. It is identified that the embodiment of the personalist approach was the rule of the Moscow Rurik dynasty from Ivan III to Fyodor Ivanovich. Therewith, it is substantiated that the era of statism in Russia lasted from the reign of Peter I to the reign of his niece – Anna Ioannovna. The practical value of this study is that it can be used both in further research and in the teaching of legal disciplines of the political science cycle

Keywords: the goal of the state, totalitarian state, corporate state, monarch, constitutional regulation, prosecutor's office, reforms of Peter I

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Introduction

As is known, the functioning of the state begins with the establishment of a goal, that is, the desired result that it seeks to achieve [1, p. 198]. Therewith, the state-building teleology can have a very diverse character, because, as Polish constitutionalists quite rightly noted: “Any human community is guided by the law, but the law does not necessarily affect similar phenomena” [2, p. 350]. In particular, the goal of the Soviet state was formally the construction of communism, while the socio-legal state focuses on the maximum satisfaction of the needs of citizens and the fulfilment of their socio-economic interests [3, p. 92] through the development of “a public apparatus that, with deep integration and coordination of all its components, could ensure the social and economic equality of all citizens” [4, p. 677]. During his meeting with representatives of the Office of the President, parliament, and government, President Zelensky stressed that the main goal is a wealthy Ukrainian, for which the state “should provide support for young entrepreneurs and freedom of competition as the basis of Ukraine’s market economy” [5]. Moreover, in European constitutional practice, the teleological aspect of statehood is outstanding, particularly “the ideas that the state should not go further in restricting competing rights and interests than necessary to achieve a certain goal, and that the means should not be out of proportion to the aims to be achieved, seem to be fundamental elements of justice” [6, p. 317]. Considering the above, the problems of the goal of the state or the teleology of state-building are quite relevant.

Therewith, it should not be assumed that the teleology of state-building was not the subject of legal research. In particular, the goal of the state was actively studied by representatives of Russian pre-revolutionary jurisprudence – F. Kokoshkin [7, p. 81-85], B. Chicherin [8]. For example, P. Lodii considered the state precisely in the context of the goal: “the state is an unequal community of free people united under one supreme power to achieve common security and well-being” [9, p. 93]. Therewith, by “common well-being” he meant such a “condition of the state, under which it can become more perfect, that is, keep up with achieving its goal without obstacles” [9, p. 93]. F. Kokoshkin also defines the interests of society as the goal of the state [7, p. 84]. As for B. Chicherin, he saw the goal of the state “in the harmonious arrangement of public life” [8]. Evidently, according to P. Lodii, F. Kokoshkin, and B. Chicherin, the goal of the state is to benefit society. A slightly different opinion was expressed by M. Rennekampf, who noted in “Legal Encyclopedia” that: “in states, life is based on the existence of individuals who carry the principle of movement in themselves, are the main goal for themselves” [10, p. 163]. In fact, the researcher states that the goal of the state is to ensure the interests of the citizen. Therefore, representatives of the Russian pre-revolutionary law school mostly considered the state goal

not as an end in itself, and therefore most of them had nothing to do with teleological statism.

Among modern researchers, the studies of V. Tymoshenko [11], S. Kocherov [12] can be noted, who studied the goal of the state from the standpoint of the history of the teachings on the state and law, focusing their attention on thinkers of the past: Plato, Aristotle, B. Spinoza, etc. Evidently, the research on the goal of the state can be conditionally reduced to two groups. The first group is focused on its own definition of the state’s goal [7; 8]. Another group of researchers examined the studies of the previous group, including teleological reflections of thinkers of the past [11; 12]. Without detracting from the previous achievements, it should be noted that “theoretical developments focused on the conceptualisation of the doctrine” [13, p. 29] of teleological statism remain insufficient and mostly focused on the functions and mechanism of the state.

The purpose of this study is to examine the goal of the state in the context of ensuring the interests of the latter. In other words, the teleology of the state should focus on statism. The implementation of this purpose has necessitated the solution of *numerous research objectives*. Firstly, to characterise in general the doctrinal aspect of teleological statism in state-building. Secondly, to study the implementation of teleological statism in state-building in constitutional legislation. Thirdly, to analyse the historical features of the implementation of teleological statism in the state-building of Russia as the most consistent country that implemented the ideals of autocracy.

Materials and Methods

The study of the chosen problem of teleological statism in state-building took place in two stages. At the first stage, the main attention is paid to the doctrinal and constitutional dimensions of teleological statism, in particular, it was noted that each state has the interests of one of the three subjects as a goal: the state itself, society in its classes and other social strata, or a citizen of this state. Considering the interests of the state, a synergistic approach was used, which allows considering various social or natural phenomena through the prism of three levels: macro-level (highest level), meso-level (middle level), and micro-level (lowest level). In this case, the macro-level was characterised only in the most general form, focusing on the meso-level (teleological statism) and micro-level (a type of teleological statism). Therewith, these varieties were identified using a formal legal method, which, as is known, is used to classify any state-legal phenomena.

During the characterisation of the constitutional dimension of teleological statism, the constitutional acts of states that chose totalitarianism and corporatism as the principles of their existence were analysed. In particular, the constitutional legislation of such countries

fascist Italy, Spain during the reign of F. Franco Bahamonde, and Portugal during the dictatorships of A. Salazar and M. Caetano was used. The analysis of the constitutional legislation of fascist Italy was focused on the deviations initiated by B. Mussolini as prime minister, attempting to consolidate the dictatorship of his party. Firstly, it is related to the “Law on the Structure and Powers of the Grand Council of Fascism” of December 9, 1928¹, which consolidated the dominant position of the fascist party in the Kingdom of Italy. The analysis of the constitutional acts of the Spanish state under F. Franco Bahamonde was mostly devoted to the “Charter of Labour”² and the relevant Decree that approved it. As for the Constitutional Legislation of Portugal, the “Political Constitution of the Portuguese Republic” of March 19, 1933³, was analysed, which appeared during the dictatorship of A. Salazar. Indirectly, the first stage of the study described the situation in Eastern European countries – Hungary during the regency of M. Horthy, Poland during the reign of J. Pilsudski, Greece during the dictatorship of the “Regime of the Colonels”. In fact, the main method here was the analysis and method of comparative law.

The next stage of research was the combination of the theory of totalitarian and corporate state with

the constitutional principles of totalitarianism and corporatism in the practical plane using the praxeological method. The isolation as a separate object of teleological statism in Russia is explained by the fact that almost the entire history of this country, in one way or another, was built around the phenomenon of the state. In view of this, it was necessary to use the historical method, which allowed identifying individual stages in the development of Russian statehood, considering the awareness of this phenomenon. Due to the fact that teleological statism in Russia developed and changed, the dialectical method was applied.

Results and Discussion

Teleological statism: Doctrinal and constitutional dimensions

When analysing the goals and objectives of the state, it is worth noting that the philosophy of the state, as part of the general state studies, examines the meaning of the state, its essence, concept, foundations and place in the world, its value and importance, and its role in the life of man and society, in the fate of peoples and humanity [14, p. 75], identifies three groups of teleological theories: statist, social, and civil (Fig. 1).

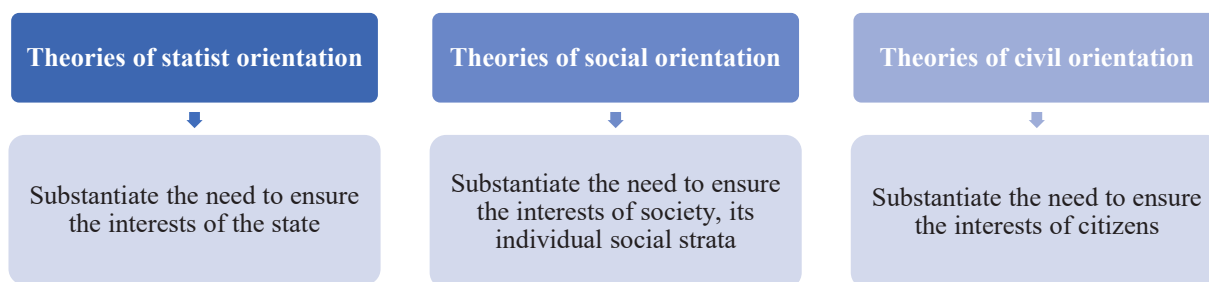


Figure 1. Block diagram of teleological theories

Statist theories (from *French etat – state*) provide for the provision of state interests as the main criterion for its success. In general, such theories of statism can be outlined: the theory of the totalitarian state, the theory of the corporate state, and the theory of the regulatory state. The idea of the latter was created by prominent philosophers of the 17th-18th centuries, such as G.W. Leibniz or H. Wolf, according to whom for a good life it would be enough to introduce “good” government agencies [15; 16]. G.W. Leibniz wrote on this matter: “Experience has shown enough that the state can be flourished only by establishing good collegia because as in a clock one wheel gives movement to another, so in a large state machine one collegium must give movement to another, and if everything is arranged with the exact dimension

and harmony, the arrow of life will show the country happy hours” [15, p. 365]. This opinion was almost completely shared by H. Wolf: “The government should have the right and duty to force everyone to work, set wages and prices for goods, take care of the arrangement of beautiful streets, strong and beautiful houses, delight the eyes of the people with pictures that please the eye and ears with music, birds singing, and the murmur of water, promote social entertainment with theatrical performances and other spectacles, encourage poetry, take care of children’s upbringing, ensure that adult citizens attempt to be honest and pious” [16, p. 399]. The subjects “... should be willing to do what the government considers necessary for the common good” [16, p. 399]. Such ideas of a “regulatory state” were largely

¹Law on the structure and powers of the Grand Council of Fascism. (1933, December). Retrieved from <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1928-12-11&atto.codiceRedazionale=028U2693&tipoDettaglio=originario&qId=&tabID=0.19890030577053053&title=Atto%20originario&bloccoAggiornamentoBreadCrumb=true>.

²Decree approving Labor Jurisdiction. (1938, March). Retrieved from <http://www.luisbelenes.es/FueroDelTrabajo.htm>.

³Political Constitution of the Portuguese Republic. (1933, March). Retrieved from <https://www.parlamento.pt/Parlamento/Documents/CRP-1933.pdf>.

implemented by the Russian Emperor Peter I. Later, the world constitutional doctrine began to focus on the interests of citizens. However, due to the fact that “no political system will ever be able to function smoothly without unpredictable events” [17, p. 235], in the 20th century, statist theories were “revived” within the theories of totalitarian and corporate states. Although, according to K. Ingerflom, the term “totalitarianism” was originally used in a negative sense (in particular, the researcher cites as an example the views of opposition figures J. Amendola and P. Gobetti) [18, p. 372-373], in the mid-1920s it began to be used by politicians and philosophers who professed other views. Thus, in 1925 the Italian philosopher J. Gentile substantiated the need to build a strong state in Italy, because “the maximum of freedom always coincides with the maximum strength of the state” [19, p. 31]. The leader of the Italian fascists, B. Mussolini, defined totalitarianism as a society in which the main state ideology exerts a decisive influence on citizens, since “there are no human or spiritual values outside the state” [20, p. 237]. Therewith, due to the fact that “ideology plays a role in a complex set of different options for interaction between politics, social experience, public opinion” [21, p. 287], the very idea of totalitarianism begins to see a public ideal in the state, because “the fascist concept of life emphasises the importance of the state and accepts the individual only as much as its interests coincide with the interests of the state, which represents the conscience and universal will of man as a historical entity” [20, p. 237]. Therewith, J. Gentile and B. Mussolini were of opinion that the development of communication technologies leads to the continuous improvement of propaganda, resulting in the inevitable evolution of society towards totalitarianism [22, p. 120].

Nevertheless, it should be borne in mind that fascist Italy, which declared totalitarianism as a fundamental constant of its statehood, in fact, has not reached the statist level, a kind of which is a totalitarian state. In particular, based on Art. 1 and Art. 2 of the “Law on the Structure and Powers of the Grand Council of Fascism” of December 9, 1928, “The Grand Council of Fascism is the supreme body that coordinates and concentrates all the activities of the regime..., performs a legislative function in cases established by law and must...provide conclusions on all other issues – political, economic, or social, state importance, by order of the head of government”, who, in turn, “holds the post of chairman of the Grand Council of Fascism”¹. Such nationalisation of the fascist party actually resulted in its fusion with the state. However, in this chain, domination belonged to the fascist party, not the state. The state only served the interests of the fascists, in particular, deputies legitimised

the fascist decrees by their vote [23, p. 399], which were abolished by the Constitutional Court of Italy only in 1956 [24, p. 12].

In another state that declared totalitarianism as its basic characteristic, Spain, the situation was somewhat different. In particular, the dominant political force in the country – the Spanish phalanx of traditionalists and the junta of the national-syndicalist offensive, despite having a certain influence, could not become a force that could subordinate the state to its will since it lacked its own ideology and was actually the association of all anti-republican forces – the military, monarchists [25, p. 78]. In neighbouring Portugal, the ruling party “National Union” was established by the government to fight opponents of the regime of A. Salazar [26, p. 483]. However, similarly to “Spanish phalanx”, the “Union” was only part of the state, not its ruler. Based on this, Spain in the time of F. Franco and Portugal in the period of A. Salazar had a frankly statist character. The experience of Eastern European countries before World War II also testifies to certain statist features in the teleology of the statehood of Poland and Hungary. In particular, the latter during 1920-1944 existed under the Regency – the de facto dictatorship of Regent M. Horthy, who ruled the country on behalf of King Charles IV [27, p. 437]. The situation was similar in the Second Polish-Lithuanian Commonwealth, where J. Pilsudski in May 1926, having organised a coup d’etat, arranged a dictatorial regime “Sanation” [27, p. 438].

In contrast to totalitarianism, the idea of a corporate state was the result of the development of the theory of “solidarism” by L. Duguit, who considered the state as a “working corporation”, which is a set of public services that serve the whole society, “the whole nation” [28]. Duguit was of the opinion that the corporate state would replace the state as a “public power” since its creation is aimed at overcoming class antagonisms and eliminating classes altogether [28]. Instead of classes, proponents of this theory introduced the concept of “corporations”, which initiate the cooperation between “labour and capital”: each corporation performs its own social function, while the entrepreneur in the “corporation” is not an “exploiter”, but an “industry leader”. The ideas of the “corporate state” were most fully embodied within fascist Italy, Franco’s Spain, Salazar’s Portugal, and partly in Nazi Germany. Thus, in particular, the Political Constitution of the Portuguese Republic of March 19, 1933, in Article 5 stipulated that Portugal is a “unitary and corporate Republic”².

As for Spain, Art. XIII of the Spanish “Charter of Labour”³, approved by a special decree of March 9, 1938, enshrined the following aspects:

1. The state system of national syndicalism will be

¹Law on the Structure and Powers of the Grand Council of Fascism. (1933, December). Retrieved from <https://cutt.ly/1IQKbhx>.

²Political Constitution of the Portuguese Republic. (1933, March). Retrieved from <https://www.parlamento.pt/Parlamento/Documents/CRP-1933.pdf>.

³Decree approving Labor Jurisdiction. (1938, March). Retrieved from <http://www.lluisbelenes.es/FueroDelTrabajo.htm>.

inspired by the principles of Unity, Totalitarianism, and Hierarchy.

2. All elements of the economy will be covered by production or service industries – vertical syndicates. Persons of liberal professions and technical specialities will be organised in a similar way in accordance with the established laws.

3. A vertical syndicate is a public law corporation that is constituted as a single organism that combines all the elements involved in the economic process within a certain branch of production or service and is built hierarchically under the leadership of the state.

4. Leading positions in the syndicate will necessarily be held by members of the “Spanish phalanx of traditionalists and the junta of the national-syndicalist offensive”.

5. The vertical syndicate is a tool in the service of the state; the economic policy of the state is implemented primarily through syndicates. Syndicates should consider production problems and make proposals to solve them, subordinating these proposals to national interests. The vertical syndicate has the right to intervene through special bodies in matters of regulation, protection, and compliance with working conditions.

6. The vertical syndicate may establish, maintain, or finance research institutions, moral, physical, and vocational education, self-sufficiency and care, and social institutions that may arouse interest in various elements of production.

7. Syndicates establish hiring bureaus to provide workers with jobs according to their abilities and merits.

8. The functions of syndicates include providing the state with the information necessary for concluding production statistics.

9. The law on syndicates will determine the form of inclusion in this new system of existing economic and professional associations.

Admittedly, constitutional law “reveals the symbolic social power of those who determine the meaning of the law” [29, p. 220], therefore, in the conditions of Franco’s Spain, the interests of society and ordinary citizens united in syndicates were completely subordinated to the interests of the state.

In the second half of the 20th century, the so-called “Regime of the Colonels” was openly statist, the Constitution of which actually established a puppet Constitutional Court responsible for “constant supervision” of political parties and could outlaw them, even if their actions were nonviolent and formally legal [30, p. 182].

Teleological statism in Russia: The dichotomy of personalism and statism

Therewith, there are at least two approaches to the implementation of teleological statism in state-building, which best illustrates the experience of developing Russian statehood. The fact is that, unlike the Kingdom of Galicia-Volhynia, which is now considered the basis of modern Ukrainian statehood, in Russia there were

two similar foundations: Novgorod and Pskov feudal republics and Vladimir-Suzdal principality in the north-eastern lands of the ancient Russian Empire [31, p. 52]. However, due to the historical development, the influence of the Novgorod-Pskov lands was practically nullified due to the entire policy of the Russian state. The ideals of liberties that both Novgorod and Pskov were famous for now practically do not affect its activities in any way. As for the ideals of autocracy, they were mostly characteristic of the Vladimir-Suzdal principality, rather than the Novgorod Republic. Therewith, it should not be assumed that autocracy is the result only of the Horde’s rule because it has been inherent in the northeast of the ancient Russian Empire since the time of Andrey Bogolyubsky [32, p. 7]. In fact, it is from the time of the latter that the history of Russia begins, because it was this prince who first decided to build his own state with its own capital, rejecting even the spectre of formal power in Kyiv [33, p. 278].

At first, autocracy was developed due to the personality of Andrey Bogolyubsky, who conducted the centralisation of power through the devaluation of the interests of both his princes-relatives and the local boyars, which led to conflict situations and, in the end, turned into the fragmentation of the Vladimir-Suzdal principality into new allotments headed by princely descendants. This became especially relevant when the descendants of Vsevolod the Big Nest extended their power to all the cities of North-Eastern Russia [34, p. 303-304]. When analysing the social basis of state power in the Vladimir-Suzdal principality, it is worth noting that the leading role in it was played not by local boyars, but by the so-called “senior princely druzhina” – professional soldiers whose interests were closely related to the interests of the prince. There was also “younger druzhina”, whose representatives held various types of judicial and administrative positions, for which they received land with peasants from the prince. Boyars who did not belong to the “druzhina”, were called “free servants”. And although they owned land plots, they were obliged to perform military service to the prince. Later, impoverished families stood out among them, which became known as “boyar children”. Therewith, the nobility was born. At first, they held grassroots positions in the prince’s court, and later began to be involved in military service, for which they also received land with peasants [31, p. 53-54].

This is how such a feature of Orthodox-Russian subcivilisation as statehood, which included military service to the state and readiness to protect it, gradually begins to develop [35, p. 191]. The need for service to the prince as a way of life was emphasised in the Praying of Daniel the Immured: “my Lord! Don’t look at my appearance but look at how I am inside. I, the Lord, although thin in clothes, am nevertheless endowed with intelligence; young in age, but old in thought” [36, p. 65]. According to B. Rybakov, Danylo Zatochnyk, who came from among serfs-slaves, in fact, was an expression of

the interests of that stratum of service people who grew up during the 12th century, who usually went to the army, to the “younger druzhina”, and sometimes, as an exception, asked for service that required a certain “wisdom” [25, p. 308-309].

As for the social lower classes, unlike in Kievan Rus, there the communal peasants were called “orphans” rather than “smerds”. Therewith, there was no self-government in the cities, although for the first time veche traditions were preserved [31, p. 54]. This, in particular, is evidenced by the situation when the citizens of Vladimir-on-Klyazma, its “new smaller people”,

decided to support one of the sons of Yuri Dolgorukiy – Mikhail, and later his brother – Vsevolod the Big Nest [34, p. 306-307].

The authoritarian tendencies that were developed in Russia under Andrey Bogolyubsky became vividly expressed during the Mongol-Tatar Yoke, when, on the one hand, the Khan was at an unattainable height, and the subjects had to declare their worthlessness and slavish obedience. Since Mongol times, all residents had been considered servants of the state. Therewith, the entire population was divided into two numerically unequal categories (Fig. 2):

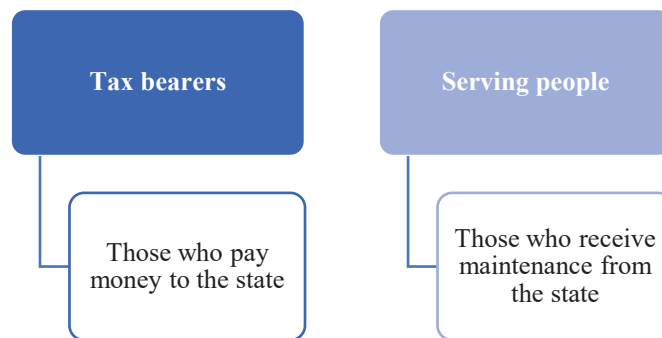


Figure 2. Structure of numerically unequal categories of the population in Mongolian times

According to Figure 2, it should be noted that service people will be – and still are – in a privileged position, but in return, they are required to be loyal and executive. Therewith, since the privileged class had no rights before the ruler, he did not recognise any rights for the lower ones either. That is why there was so much cruelty, tyranny, and inhumanity in Russian serfdom. In the worst years of serfdom, landlords treated their peasants like slaves – they could mock them as they pleased, sell them wholesale and retail, separate their families, or even torture them to death [37, p. 381-383].

Notably, the Horde model of the state existed by unspoken agreement: the monarch has the right to do anything because of the almost divine status of his power, and the people (including the leading strata of society) take it for granted. As an example, the oprichnina – the territory of full sovereignty of the tsar, which included the central and northern lands of the Tsardom of Russia with all the cities belonging to it [38, p. 69]. In this territory, “the terrible habit of not respecting the life, honor, and property of one’s neighbour reigned” [39, p. 377-378]. The results of such an oprichnina have not yet been overcome in the minds of Russians. As the Ukrainian historian M. Kostomarov quite rightly noted: “Having created an oprichnina, Ivan turned the Russians against each other, showed them the way to seek mercy or salvation in the death of their neighbours, accustomed them to false denunciations through executions for clearly fabricated crimes and, committing inhumane crimes solely for fun, cultivated callousness and cruelty in his environment. Respect for truth and

morality disappeared after the tsar, who, according to the popular ideal, should be the guardian of both, staged such spectacles in front of his subjects as baiting innocent people with bears or publicly torturing naked girls, while adhering to the strictest rules of monastic piety. In moments of one’s own danger, each person naturally thinks only of oneself; but when such moments for Russians lasted for decades, it is clear that a generation of self-serving and hard-hearted egoists was to be raised, in whom all thoughts, all aspirations were inclined only to their own protection, a generation for which, with the external observance of the usual forms of piety, legality, and morality, there was no inner truth left. Those who were smarter than others had to become a model of deceit; this was an era when the mind, confined exclusively to the narrow limits of self-serving reasoning inherent in all modern life, could only manifest itself in art, through deception, and achieve personal goals. Serious diseases of human societies, similarly to physical diseases, are not cured in a short time, especially when further living conditions contribute to the continuation of the ill state; only this explains those terrible phenomena of the time of troubles, which were accumulated in the terrible era of Ivan’s torture” [40, p. 274]. Thus, the entire system of the last Moscow Rurik dynasty was based on the almost divine status of all-powerful tsars, who were “free to reward their serfs, free to punish” [41, p. 34]. On the other hand, this system was characterised by absolute obedience to the dominant part of the subjects. Admittedly, as B. Akunin wrote, the power “of such a system was minor, because it was too

dependent on an intangible element: the population's faith in the divine right of an autocrat. When this factor stopped working under Godunov, the state had nothing to replace it with. And it collapsed" [42, p. 375]. In this regard, it is worth explaining that B. Akunin in his research analysed the state as a system of institutions, and not as a country [33, p. 3]. Therefore, its collapse really took place after the coming to power of Boris Godunov and False Dmitry I, the first Russian ruler, from whom "impotence became a chronic disease of the state" [43, p. 26].

Thus, since the reign of Grand Duchy of Moscow Ivan III, who actually considered the state as his fiefdom [42, p. 374], all strata of society have served the state interests. According to the apt expression of V. Klyuchevskiy, from the very beginning "...inside Ivan III, his eldest son and grandson, the patrimonial and ruler, the autocratic master and bearer of supreme state power, began to fight. This fluctuation between two principles or orders was manifested in the solution of the most important questions raised by this assembly itself – about the order of succession of power, about its scope and form. The course of the political life of united Great Russia was ruined for more than a century by this fluctuation, which led to deep shocks for the state and the dynasty of gatherers to death" [44, p. 121]. This is largely due to the fact that it is impossible to manage a large state like an estate. If, like Ivan the Terrible, "excessive zeal is detected in the commitment to direct and manual control, the mechanism of self-destruction is launched" [42, p. 375]. Thus, the stage of the rule of the Moscow Rurik dynasty (from Ivan III to Fyodor Ivanovich) is characterised by an openly statist state, the specificity of which lies in its personalist character.

The statist system develops somewhat differently after 1694, when, with the death of Natalya Kirillovna Naryshkina [15, p. 367], her son Peter received real power in the Tsardom of Russia. During the time of Peter I, the country's social elite underwent a major transformation. It became not much freer than the serfs because it had more responsibilities than privileges. The tsar considered all nobles to be his servants, and servants had to serve. Moreover, Peter elevated even the very position of a landowner to the rank of state service. They were now responsible before the law for collecting the per capita tax from their serfs. Therewith, if in Europe the aristocracy had a choice – to serve, take spiritual orders, or do nothing, the Russian tsar did not give his szlachta such a will. Everyone was supposed to enter the service, not where one wanted, but where one was assigned. The service actually began from childhood, because compulsory education became a duty as Peter did not need uneducated servants. In 1710, with the introduction of the Table of Ranks, belonging to the szlachta was directly related to public service. A new nobility appeared – not by

birthright, but by the usefulness to which Peter attached more importance than the pedigree [45, p. 255-258]. According to B. Akunin, "the empire needed officers and officials, not degenerate heirs of the ancestral estates" [45, p. 258]. As an example, the situation with the fleet can be noted, which Peter I paid considerable attention to. As is known, at first, he could not provide the Navy with the appropriate number of officers. The only way to change the situation was studying abroad. For that reason, Peter I in the 1690s began to send young nobles to Holland, Venice, England, and France. Returning, they had to undergo a test before the tsar on the level of their knowledge [45, p. 242]. Therefore, as B. Akunin wrote, "the main slogan of Petrine Russia could be formulated as: "the highest good is the benefit to the state. But also, most likely, the only one" [45, p. 371]. For this purpose, Peter I begins the development of a number of supervisory authorities. In particular, on March 2, 1711, he introduced the Fiscal Service, whose purpose was to "secretly monitor all cases and spy out the wrong court". In 1715, to oversee the execution of the will of the Senate, the post of auditor general was introduced [46, p. 22]. Finally, in 1722, the institution of the prosecutor's office was introduced. According to V. Klyuchevskiy, Peter I thought for quite a long time about the need to introduce such a body, because "the arrangement of supervision of the highest institution, which itself supervised the entire department, was a difficult task; it had to be coordinated with the forms of responsibility" [47, p. 161].

The institution of the prosecutor's office in the Russian Empire began to develop after the corresponding decrees of Peter I of January 12 and January 18, 1722 [48] and ended with his decree of April 27, 1722. "On the post of Prosecutor General"¹. According to the said decrees, subsequently, the main powers of the prosecutor's office were: supervision of officials; supervision of elders; transfer of the voivode to a court; control over persons engaged in trade; control by zemstvo burgomasters over the timeliness of customs and drinking fees; supervision of public expenditures; punishment of governors for late performance of tasks; ordering the vice-governor to supervise; severe penalties for inaccurate execution of orders in accordance with Senate decrees; punishment of persons whose activities harm the state interests; consideration of cases in accordance with the Code; warning governors, vice-governors, and the voivode about the inadmissibility of violations during tax collection; supervision by senior officials of collegia [46, p. 24]. On May 16, 1722, by the personal decree of the emperor "On the Establishment of Collegium of Little Russia in Hlukhiv and the Appointment of Brigadier Velyaminov to it, the Institute of the Prosecutor's Office First Appeared in Ukraine" [46, p. 25]. In this way, the prosecutor's office, like the "state eye", became the embodiment of the supervision that allowed the state to take care exclusively of its own interests.

¹Decree of Peter I "On the Post of Prosecutor General". (1722, April). Retrieved from <http://www.hist.msu.ru/ER/Etext/genprok.htm>.

Thus, despite the personality of Peter I, the teleological statism of state-building during his autocracy acquired not so much a personalist character as the features of statism, which was based on the concept according to which the meaning of the country's existence "is the state as a super-idea and the highest value" [49, p. 199]. The Russian Empire has ceased to be a statist empire since the reign of Anna Ioannovna when the national policy was based solely on the interests of the nobility [50, p. 247-258]. From this period, the state finally began to serve society in the face of the privileged nobility.

Conclusions

Thus, considering teleological statism in state-building, the authors concluded that it is only one of the options of state teleology, which aims to ensure the interests of the state. The above is disclosed within the framework of the doctrinal, constitutional, and historical analysis of the designated option. Therewith, when describing the doctrinal aspect of teleological statism, it should be borne in mind that at the conceptual level it emerges in the form of the idea of a "regulatory state" during the period of revolutionary transformations that marked

the transition from an agrarian to an industrial society. However, it was established that the doctrine of teleological statism was most developed in the 20th century, being implemented in the theories of totalitarian and corporate states.

Constitutional analysis of teleological statism shows that for the most part it was fixed at the level of individual laws that were recognised as constitutional. Therewith, it should be noted that the constitutions of totalitarian states of the statist area remained at the level of declarations and were not changed by the ruling regimes. Historical analysis of teleological statism in state-building indicates that not all states that established totalitarianism as a fundamental principle actually acquired a statist character. In particular, this is evidenced by the historical experience of Italy during the premiership of B. Mussolini, which put the state at the service of the ruling fascist party. In Russia, which has made the state its fundamental phenomenon, two approaches to the implementation of teleological statism were identified – personalism and statism. Therewith, the latter is largely intertwined with the social teleology of state-building in the country, which, in fact, is a matter of further research.

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Телеологічний етатизм у державному будівництві: доктринальний, конституційний та історичний аналіз

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Анотація

Забезпечення державних інтересів як провідний напрям діяльності держави є достатньо актуальною проблемою сучасної України. Саме тому, метою статті є дослідження телеологічного етатизму в державному будівництві в його доктринальному, конституційному й історичному вимірах. Методологічну основу статті становлять синергетичний та аналітичний підходи, загальнонаукові (праксеологічний, історичний та діалектичний) та спеціальні (формально-юридичний, порівняльно-правовий) методи наукового пізнання. У статті з'ясовано, що на концептуальному рівні доктринальний аспект телеологічного етатизму в державному будівництві виникає ще в «Епоху Революцій» XVI–XVIII ст. у формі теорії регуляторної держави. Водночас доведено, що у XX ст. він реалізується в теоріях тоталітарної та корпоративної держави. Співавторами обґрунтовано, що процеси втілення телеологічного етатизму в державному будівництві здебільшого закріплюються на рівні окремих законів, котрі мають характер конституційних. Доведено, що Італія доби фашистської диктатури, яка розглядала тоталітаризм як засадничий принцип своєї державності, фактично не набула етатистського характеру. Також встановлено, що Іспанія під час фактичного регентства Ф. Франко Баамонде та Португалія доби диктатур А. Салазара та М. Каетану мали відверто етатистський характер, незважаючи на те, що світова спільнота формально їх тоталітарними не визнала. У статті з'ясовано, що ідеї «корпоративної держави» найбільш ефективно були реалізовані в Італії доби Б. Муссоліні, Іспанії періоду правління Ф. Франко, Португалії під час диктатури А. Салазара та, до певної міри, III Рейху А. Гітлера. Співавторами обґрунтовано, що у витоків ідеалів самовладдя, які характерні для сучасної Росії, була ситуація, що склалася у Володимиро-Суздальському князівстві. Завдяки аналізу історичних особливостей реалізації телеологічного етатизму у державному будівництві Росії доведено, що існує два підходи щодо його реалізації – персоналізм та стейтизм. Заразом з'ясовано, що втіленням персоналістського підходу було правління московських Рюриковичів від Івана III до Федора Івановича. Обґрунтовано, що доба стейтизму в Росії тривала з часів правління Петра I до початку правління його племінниці – Анни Іоанівни. Практична цінність цієї статті полягає у тому, що вона може бути використана як у подальшій науковій роботі, так і в процесі викладання юридичних дисциплін державознавчого циклу

Ключові слова: мета держави, тоталітарна держава, корпоративна держава, монарх, конституційне регулювання, прокуратура, реформи Петра I
