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Legislative Support for Public Security

Highlights

Human Dignity as a Connection

Democratic and Diplomatic Governance

Discovering Thoughts, Inventing Future

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The Human Dignity as a Connection between Human Rights and Tax Law

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Abstract- This article endorses the deductive method to relate Human Rights and Tax Law, two Law disciplines that appears to be distant, but have a common objective, the protection of the dignity of the human person. The first has the human as its central object of study, currently discussing how to protect it. In turn, Tax Law has the purpose to convert the tax revenues into public policies to protect the fundamental rights of taxpayers. Tax Law seeks to effectively protect Human Rights, alongside with Human Rights towar the same objective: the guarantee of a dignified life for citizens protected by the State.

Keywords: human rights; tax law, pro persona principle, human dignity, tax policies, extrafiscality, immunities, exemptions.

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The Human Dignity as a Connection between Human Rights and Tax Law

A Dignidade da Pessoa Humana Como Elo Entre os Direitos Humanos e o Direito Tributário

La Dignidad Humana Como Vínculo Entre Los Derechos Humanos y el Derecho Fiscal

Lourenço Grieco Neto [α] & Luana Sbeghen Bonomi [σ]

Resumo- O presente artigo objetiva, por meio do método dedutivo, relacionar os Direitos Humanos com o Direito Tributário, duas matérias do Direito que aparentam ser distantes, mas que possuem um objetivo em comum, a proteção da dignidade da pessoa humana. O primeiro tem como objeto central de estudo o ser humano, discutindo atualmente como protegê-lo de forma eficaz. Por sua vez, o Direito Tributário tem como finalidade converter a arrecadação do Estado em políticas públicas que ampliem a proteção dos direitos fundamentais dos contribuintes, ou seja, o Direito Tributário é busca a proteção de forma eficaz dos Direitos Humanos, ambos caminhando junto para o mesmo objetivo, qual seja: a garantia da vida digna aos cidadãos protegidos Estado.

Palavras-chave: *direitos humanos; direito tributário, princípio pro persona, dignidade da pessoa humana, políticas fiscais, extrafiscalidade, imunidades, isenções.*

Abstract- This article endorses the deductive method to relate Human Rights and Tax Law, two Lawdisciplines that appears to be distant, but have a common objective, the protection of the dignity of the human person. The first has the human as its central object of study, currently discussing how to protect it. In turn, Tax Law has the purpose to convert the tax revenues into public policies to protect the fundamental rights of taxpayers. Tax Law seeksto effectively protect Human Rights, alongside with Human Rights towar the same objective: the guarantee of a dignified life for citizens protected by the State.

Keywords: *human rights; tax law, pro persona principle, human dignity, tax policies, extrafiscality, immunities, exemptions.*

Resumen- Este artículo pretende, a través del método deductivo, relacionar los Derechos Humanos con el Derecho Tributario, dos áreas del Derecho aparentemente distantes, pero que tienen un objetivo común, la protección de la dignidad humana. El primero tiene como objeto central de estudio al ser humano, discutiendo en la actualidad cómo protegerlo eficazmente. A su vez, el Derecho Tributario tiene como finalidad convertir los fondos del Estado en políticas públicas que mejoran la protección de los derechos fundamentales de los contribuyentes, es decir, el Derecho Tributario busca la protección efectiva de los derechos humanos, ambos caminan juntos con el mismo objetivo, a saber: la garantía de una vida digna para los ciudadanos que se encuentran protegidos por el Estado.

Palabras Clave: *derechos humanos; derecho fiscal, principio pro persona, dignidad humana, políticas fiscales, extrafiscalidad, inmunidades, exoneración.*

I. Introdução

O neoconstitucionalismo surgiu na metade do século XX, promovendo uma compatibilidade entre o positivismo e o jusnaturalismo, "designando direitos fundamentais positivados, que incorporam vantagens morais, de conteúdo interpretado e assegurado pela jurisprudência"[1]. Seu principal objetivo é a eficácia da Constituição frente aos direitos fundamentais, visando a dignidade da pessoa humana e a proteção do mínimo existencial.

Na esfera de proteção dos Direitos Humanos no âmbito do Estado Brasileiro, verifica-se que, assim como nos países emergentes da América Latina, a sua evolução se deu em razão da necessidade de garantir de forma eficaz e abrangente a dignidade da pessoa humana, aplicando e interpretando as normas da forma mais benéfica ao indivíduo, por meio do princípio *pro persona*, sendo este o norteador dos direitos humanos[2] face o regime autoritário que antecedeu a constituição de 1988.

Dessa forma, o crescimento da proteção dos direitos humanos é resultado de três importantes fatores: o fortalecimento do sistema de direitos

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[1] RANIERI, Nina Beatriz Stocco. Teoria do Estado: do Estado de direito ao Estado democrático de direito. 2. ed. Barueri - SP: Manole, 2019, p. 301.

[2] PIOVESAN, Flávia. Direitos Humanos e o Direito Constitucional Internacional. 14ª ed. São Paulo: Saraiva, p. 142.

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humanos e os impactos transformadores da jurisprudência; a adoção da Constituição com cláusula de abertura para facilitar o diálogo entre as leis internas e os tratados e convenções internacionais de direitos humanos (artigo 5º, § 2º, CF/88); e a luta da sociedade civil pelos direitos e pela justiça[3].

Em razão desse contexto, o conceito de "tributação" também evoluiu a fim de se exteriorizar como um instrumento de realização da justiça social, com o propósito de estabelecer uma vida digna para todos[4]. As normas do direito tributário brasileiro tiveram que se adequar à Constituição Brasileira de 1988, vez que esta seguiu o neoconstitucionalismo ao garantir os direitos fundamentais à força do Poder Estatal.[5]

Nesse sentido, o presente artigo tem como objetivo relacionar os direitos humanos com o direito tributário, e defender como o Estado poderia se utilizar depolíticas tributárias–como extrafiscalidade e a vinculação à arrecadação de receitas-para garantir a eficácia e a proteção dos direitos humanos.

II. Os Direitos Humanos

A natureza dos direitos humanos sempre se mostrou tema de elevada discussão, pois podem ser considerados direitos naturais, positivos, históricos ou que derivam de um sistema moral. No entanto, no presente artigo defende-se a historicidade dos direitos humanos, na medida em que eles são direitos construídos pelos seres humanos, em um constante processo de construção e reconstrução, fruto de reinvindicações morais de grande luta e ação social em busca da dignidade da pessoa humana. Portanto, os direitos humanos nascem como direitos naturais universais, desenvolvem-se como direitos positivos e atingem, ao final, os direitos positivos universais[6].

Com efeito, nos dias de hoje a dificuldade não é identificar os fundamentos dos direitos humanos, não obstante a importância sobre o debate, mas o maior problema dos direitos humanos é garantir a sua eficácia e protegê-los[7], proteção esta que se ergue sob o sentido de resguardar a dignidade da pessoa humana.

a) Breve histórico da evolução dos direitos humanos

Para atingir a universalidade dos direitos humanos, foi preciso redefinir o conceito de indivíduo no cenário internacional para considerá-lo verdadeiro sujeito de Direito Internacional, *status* desenvolvido a partir do Direito Humanitário, da Liga das Nações e da Organização Internacional do Trabalho[8].

Adotando a definição de Thomas Buergenthal[9], o Direito Humanitário estabeleceu os limites de atuação do Estado para assegurar os direitos fundamentais em situação de guerra, ou seja, foi o instituto utilizado para proteger os direitos individuais dos militares postos fora de combate e a população de civis em situação de extrema gravidade, sendo a primeira expressão, no âmbito internacional, de que há limites à liberdade e à autonomia dos Estados, ainda que em conflitos armados.

Por sua vez, a liga das nações, criada após a primeira guerra mundial, reforçou a relativização da soberania dos Estados, na medida em que a Convenção da Liga das Nações previa noções genéricas dos direito humanos, destacando seu enfoque às minorias e estabelecendo parâmetros internacionais voltados ao direito do trabalho, por meio de dispositivos que limitavam a soberania absoluta dos Estados, mas que reforçavam a concepção do indivíduo como sujeito de Direito Internacional para além das situações de guerra, com a finalidade em comum de promover a paz, a cooperação entre os povos, e a segurança internacional.

Ainda, ao lado do Direito Humanitário e da Liga das Nações, também criada após a primeira guerra mundial, a Organização Internacional do Trabalho, que tinha como finalidade promover condições internacionais mínimas de trabalho e bem-estar, também foi importante para o processo de internacionalização dos direitos humanos.

Dessa forma, cada qual de seu modo, o Direito Humanitário, a Liga das Nações e a Organização Mundial do trabalho, foram institutos relevantes para o processo de internacionalização dos direitos humanos, pois sobressaltaram a proteção do direito *pro persona* em vez de focar nas prerrogativas dos Estados.

Contudo, cabe observar que a consolidação internacional dos direitos humanos ocorreu verdadeiramente após a segunda guerra mundial, sobretudo como resposta às atrocidades ocorridas

[3] BOGDANDY, Armin Von. Ius Constitutionale Commune en America Latina: observations on Transformative Constitutionalism. In: ANTONIAZZI, Mariela Morales; BOGDANDY, Armin Von; MAC-GREGOR, Eduardo Ferrer; PIOVESAN, Flávia. Transformative Constitutionalism in Latin America: the emergence of a new Ius Commune. Oxford: Oxford University Press, 2017. Páginas 27-48

[4] GRUPENMACHER, Betina Triger. Tributação e Direitos Fundamentais. Tributos e Direitos Fundamentais. São Paulo: Dialética, 2004, p. 9.

[5] Ibid.

[6] Norberto Bobbio, *A era dos direitos*, p. 30.

[7] Flávia Piovesan, *Direitos Humanos e o Direito Constitucional Internacional*, p. 188.

[8] Idem 6.

[9] Thomas Buergenthal, *International human rights*, p. 14

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durante o nazismo, em que o Estado foi apresentado como grande violador dos direitos humanos, marcando um período de destruição, colocando a pessoa humana como um ser descartável, o que resultou no extermínio de onze milhões de pessoas.

A barbárie do totalitarismo rompeu com os *standards* mínimos dos direitos humanos consagrados anteriormente, por meio da negação do valor do indivíduo como fonte do direito, sujeito de Direito Internacional, emergindo a necessidade de reconstrução dos direitos humanos, como referencial e paradigma ético que se aproxima do direito moral, adorando a terminologia de Hannah Arendt, o direito a ter direitos, isto é, surgiu a necessidade de se ressaltar a concepção do indivíduo como um ser que tem direito a ser sujeito de direitos[10].

Assim, a internacionalização e universalização dos direitos humanos, sobretudo em vistas à garantir a proteção do indivíduo como sujeito de direitos, foi explicitada na Declaração Universal de Direitos Humanos de 1948, que prevê um conjunto de direitos sem as quais um ser humano não pode desenvolver sua personalidade física, moral e intelectual[11], com o objetivo central de traçar as diretrizes de uma ordem mundial fundada no respeito à dignidade da pessoa humana, na medida em que consagra valores básicos universais.

A Declaração afirma, em seu preâmbulo, a dignidade como direito inerente a todapessoa humana, titular de direitos iguais e inalienáveis, ou seja, rompe com o legado nazista, que condicionava a titularidade de direitos à pertinência à determinada raça (raça pura ariana) e reconstrói o ser humano como sujeito de direito, cujo único requisito para titularidade de direitos é a condição de pessoa, materializando a universalidade dos direitos humanos, fundamentado na dignidade da pessoa humana.

Dessa forma, o processo de construção dos direitos humanos, iniciado no pós- guerra, é caracterizado por diversos marcos históricos importantes, que, como visto no início do tópico, é um constante processo de construção e reconstrução, fruto de reinvindicações morais de grande luta e ação social, demarcado pelas convenções e tratados internacionais que objetivam a efetiva proteção, sobretudo de grupos vulneráveise minorias, a fim de garantir a dignidade da pessoa humana, sendo esta o epicentro dos direitos humanos.

b) Temas emergentes

Ao lado do período pós-guerra, outro marco temporal importante, vivenciado nos tempos atuais e que impulsionou a proteção dos direitos humanos, é a globalização, trazendo à baila a necessidade de nova interpretação dos diplomas já existentes e a criação de novos instrumentos sobre os direitos humanos, capazes de acompanhar a evolução tecnológica, política e econômica.

Nesse sentido, destacamos os dois principais temas emergentes que demarcam a necessidade de rever e avançar na pauta dos direitos humanos, em especial na preocupação da efetivação e proteção da dignidade da pessoa humana, diante da constante e rápida evolução acarretada pela globalização.

Em primeiro lugar, o aumento da comunicação, ideias e informações que são difundidas pela internet, facilitando aos indivíduos a expressão de forma livre e aberta, oferecendo condições para inovação e exercício de outros direitos fundamentais, como à educação, à informação, e a livre associação.

As tecnologias de informação e comunicação se mostram essenciais para o desenvolvimento político, econômico, social e cultural, inclusive representam meios de redução da pobreza a partir da criação de emprego, proteção ambiental e até prevenção e mitigação de catástrofes naturais[12].

Assim, com a evolução da tecnologia da comunicação e informação, surgiu um novo paradigma de proteção dos direitos humanos, que deve assegurar tanto o exercício do direito de se "conectar", removendo os obstáculos que impeçam o acesso à rede, principalmente com relação aos indivíduos que pertencem à grupos vulneráveis para que possam difundir suas opiniões e informações, quanto a proteção em si dos indivíduos diante do abuso cometido por terceiros, trazendo uma nova interpretação dos diplomas legais acerca dos direitos humanos, interpretação esta que deve ser em prol do indivíduo.

Em segundo lugar, ressaltamos o crescimento exponencial de grandes empresas que atingem nível multinacional, que influenciam econômica e socialmente o mundo, gerando maiores ofertas de bens e serviços, oportunidades de empregos, arrecadação pública pelo pagamento de tributos, fomento à novas tecnologias e conhecimento.

A pauta das empresas e direitos humanos se relaciona diretamente com o direito tributário eis que, ao mesmo tempo em que essas empresas implicam

[10] Celso Lafer, *A reconstrução dos direitos humanos: um diálogo com o pensamento de Hannah Arendt*.

[11] René Cassin, *El problema de la realización de los derechos humanos en la sociedade universal, in Viente años de evolución de los derechos humanos*, p. 397.

[12] OEA. Assembleia Geral. Utilização das telecomunicações/ tecnologias da informação e das comunicações para a criação de uma sociedade da informação integradora. AG/RES. 2702 (XLII-O/12). 4 de junho de 2012. Disponível em https://www.oas.org/ext/en/main/oas/our-structure/agencies-and-entities/citel. Acesso em 04.05.2023

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benefícios e resultados positivos, também enfrentam desafios na observância dos direitos humanos, sobretudo em razão da relação assimétrica de poder entre as empresas e a comunidade,os trabalhadores, e o Estado, o que pode acabar reforçando a desigualdade social, que pode ser reforçada por meio carga tributária incidente, nos bens produzidos pelas empresas,

Diante disso, a Comissão Interamericana de Direitos Humanos, alinhada com os princípios orientadores das Nações Unidades sobre empresas e Direitos Humanos (NovaYork e Geneva, 2011), aprovou, em 01 de novembro de 2019, o Informe para empresas, que estabelece *standares* mínimos a serem observados pelas empresas para proteger os direitos humanos, a fim de prevenir as violações aos direitos humanos na atividade empresarial, cumprindo ao Estado o dever de fiscalizar e autuar as empresas que violem diretamente ou indiretamente tais direitos.

Dentre tais estândares, conforme bem ressaltado pela Comissão Interamericana de Direitos Humanos, destaca-se a influência da tomada de decisões públicas em consequência das políticas fiscais e práticas tributárias empresariais. Isso porque cabe ao Estado adotar políticas fiscais para mobilizar recursos destinados a garantia dos direitos humanos, e reduzir as desigualdades sociais, econômicas e de gênero.

Nesse contexto da política fiscal, a relação entre os direitos humanos e as empresas se manifesta por meio do pagamento dos tributos que as empresas realizam ao erário, tanto com relação as contribuições sociais, quanto aos encargos tributários, de forma que o Estado deve destinar o valor arrecadado para cumprir com suas obrigações em matéria de direitos humanos.

Portanto, o Estado está obrigado a lutar contra a evasão fiscal e determinar a adequada base impositiva tributária sobre as empresas multinacionais com objetivo de arrecadar os tributos e destinar a efetivação de políticas concretizadoras dos direitos humanos, garantindo, uma vida digna aos cidadãos.

c) *Dignidade da pessoa humana e o princípio pró persona.*

Como visto, a evolução dos direitos humanos se deu em um contexto de ruptura com os regimes autoritários, marcado pelo pós-guerra, e fomentou a necessidade dos Estados de assumir um compromisso não só internacional de promoção da paz e da segurança, mas também de adotar medidas internas que protegessem todos os indivíduos que estão sob sua jurisdição para garantir a dignidade da pessoa humana.

Por sua vez, os temas emergentes dos direitos humanos surgiram com a globalização, a partir da evolução social, cultural e sobretudo tecnológica, de forma que mesmo se tratando de temas que não foram precedidos de situações de grave violência ou atrocidades por parte de grupos radicais que atentam contra a vida dos indivíduos, evidenciam que a busca pela promoção e proteção integral da dignidade da pessoa humana continua como principal objetivo das pautas nacionais e internacionais sobre direitos humanos, devendo os Estados e as empresas privadas adotar mecanismos efetivos de promoção e proteção da dignidade da pessoa humana.

Ou seja, independente do motivo ou do período em que as discussões sobre os direitos humanos ganharam força, é nítido que a dignidade da pessoa humana é o eixo dinamizador e interpretativo de todo o sistema de proteção dos direitos humanos, o que implica na busca de assegurar que em toda decisão se aplique o princípio *pro persona*, com vista a alcançar o resultado que melhor proteja o ser humano e que limite em menor grau seus direitos fundamentais.

Nesse sentido, adotando o conceito trazido pela Comissão Interamericana de Direitos Humanos, a dignidade da pessoa humana é inerente a todas as pessoas e constitui a base sobre a qual se desenvolvem os direitos humanos; é dizer que fundamenta a construção dos direitos das pessoas como sujeitos livres, iguais e dignos de direitos[13].

Os diplomas internacionais elaborados fomentaram que os Estados migrassem a promoção e proteção da dignidade da pessoa humana como um dever apenas político, limitado aos poderes legislativo e executivo, para o âmbito do direito interno, a partir da previsão constitucional da dignidade da pessoa humana, concebida como um valor fundamental subjacente às democracias constitucionais, mesmo quando não expressamente previstas nas Cartas Magnas[14].

Com efeito, as cláusulas de abertura constitucional incorporadas em diversas constituições, tal como ocorreu na Constituição da República Federativa do Brasil (artigo 5º, § 2º), no que se refere aos tratados internacionais de direitos humanos, reforçam a atuação dos Estados na promoção e proteção da dignidade da pessoa humana, muitas vezes equiparando hierarquicamente tais diplomas externos com as normas constitucionais, reconhecendo tratamento especial aos direitos e garantias internacionais que versam acerca dos direitos humanos.

[13] Comisión Interamericana de derechos humanos, *Informe Empresas y Derechos Humanos: Estándares Interamericanos*, disponível em http://www.oas.org/es/cidh/informes/pdfs/EmpresasDDHH.pdf. Acesso em 24.04.2023.

[14] Luís Roberto Barroso, *A dignidade da pessoa humana no direito constitucional contemporâneo,* p. 62.

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Essas cláusulas de abertura constitucional, somadas a internacionalização dos direitos humanos, permitem a aplicação das normas que garantem maior proteção aos direitos violados da pessoa, endossando o princípio pró ser humano (*pro persona*), fundado na prevalência da norma mais benéfica ao ser humano, ampliando a promoção e proteção da dignidade da pessoa humana.

Por conseguinte, o arcabouço político e jurídico acerca dos direitos humanos obriga tanto o Estado quanto as empresas privadas a adotarem medidas que garantam a universalidade dos direitos humanos, ou seja, promover a proteger a dignidade da pessoa humana a todos os indivíduos que estejam sob a jurisdição do Estado.

Assim, cabe ao Estado observar se o princípio pró ser humano está sendo protegido e garantido de forma eficaz, e se o seu poder de tributar pode ser utilizado para instituir políticas que beneficiem a sociedade e os seres humanos, em especial os vulneráveis, de forma a proteger a dignidade da pessoa humana.

III. A Finalidade do Direito Tributário

Para atingirmos o tema central do presente artigo, isto é, a relação do Direito Tributário com os Direitos Humanos, faz-se necessário adentrarmos na finalidade do Direito Tributário, sendo importante a reflexão de que o direito não é unívoco, ou seja, de que existem distintas compreensões sobre o que é o direito, cada qual com sua implicação prática.

Nesse sentido, dentre as correntes jusfilosóficas existentes, vamos nos ater à interpretação do direito tributário sob a ótica do direito natural valorativo – terceira linha jusnaturalista -, que condiciona a aceitação das normas do direito estatal à sua compatibilidade com valores sociais mais elevados, como a dignidade da pessoa humana.[15]

E nessa linha de interpretação, devemos colocar o contribuinte – e não o tributo – como o principal objeto da relação tributária. Ao fazermos isso, a finalidade do direito tributário deixa de ser compreendida como uma mera arrecadação fiscal para ser à perseguição dos valores positivados na Constituição.

A finalidade do direito tributário outrora difundida se materializa no princípio republicano, que surge a partir da consciência de que o povo – o contribuinte - é o verdadeiro titular do poder de um Estado e que este deve ser voltado à perseguição dos fundamentos e objetivos previstos na Constituição.

Na República Federativa Brasileira, tais fundamentos e objetivos estão expressamente previstos no texto constitucional:

> Art. 1º A República Federativa do Brasil, formada pela união indissolúvel dos Estados e Municípios e do Distrito Federal, constitui-se em Estado Democrático de Direito e tem como fundamentos:
>
> I - a soberania;
>
> II - a cidadania;
>
> III - a dignidade da pessoa humana;
>
> IV - os valores sociais do trabalho e da livre iniciativa;
>
> V - o pluralismo político.
>
> Parágrafo único. Todo o poder emana do povo, que o exerce por meio de representantes eleitos ou diretamente, nos termos desta Constituição.
>
> Art. 3º Constituem objetivos fundamentais da República Federativado Brasil:
>
> I - construir uma sociedade livre, justa e solidária;
> II - garantir o desenvolvimento nacional;
>
> III - erradicar a pobreza e a marginalização e reduzir as desigualdades sociais e regionais;
>
> IV - promover o bem de todos, sem preconceitos de origem, raça,sexo, cor, idade e quaisquer outras formas de discriminação.

Das normas supramencionadas, pode-se extrair que o Poder Constituinte Originário colocou o princípio *pró persona* como o principal valor a ser perseguido pelo Estado. Isso porque é por meio dele que haverá uma busca efetiva à promoção de uma sociedade livre, justa e solidária, garantindo o desenvolvimento nacional, erradicando a pobreza, a marginalização e reduzindo as desigualdades, bem como promovendo o bem de todos.

E, por esse ângulo, o princípio republicano e o princípio pró pessoa colocam o contribuinte como o centro da relação tributária. Explica-se: se o detentor por excelência de todas as competências e formas de poder é o povo, o tributo passa a ser uma concessão que o povo faz para manter o Estado para fomentar os seus fundamentos e objetivos.

Além disso, como o povo é o verdadeiro titular de poder, o tributo também passaa não ter um efeito meramente arrecadatório e confiscatório, usurpando o direito de propriedade dos seus cidadãos. Pelo contrário, o tributo passa a ser um aliado do Estado e do povo, utilizado com sabedoria para regular condutas, perseguir a igualdade formal e a dignidade da pessoa humana.

Dessa forma, a partir da correlação entre o princípio republicano e o princípio *pró persona*, pode-se concluir que o direito tributário visa (i) financiar as instituições que integram e possibilitam a existência do Estado e do mercado; (ii) buscar à efetiva promoção dos fundamentos e objetivos da República pelo Estado, sob o enfoque da dignidade da pessoa humana, e (iii) impor limites à arbitrária arrecadação do

[15] Renato Lopes Becho. *Lições de Direito Tributário: teoria geral e constitucional,* p. 30-47.

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Poder Estatal, a fim de que ela seja compatível com os dispêndios do povo para perseguição de seus fundamentos e objetivos.

IV. A Relação do Direito Tributário Com os Direitos Humanos

Como explanado no capítulo 'II.a', dignidade da pessoa humana é eixo de todo o sistema de proteção dos direitos humanos, devendo privilegiar o respeito aos valores, colocando o homem no centro do direito[16]. Já no campo do Direito Tributário, os direitos humanos – por meio do princípio pró persona - colocam o contribuinte no centro dos efeitos de tributação, a fim de estudar a relação jurídica protetiva do contribuinte frente ao Estado[17],, bem como as formas em que o Estado pode atuar no campo tributário para incentivar e fortalecer a proteção dos direitos humanos. Ou seja, relaciona como as opções adotadas pelo Poder Público, no que diz respeito a tributação, devem alcançar um resultado que amplie a proteção dos direitos humanos, impondo menos restrições a seus direitos fundamentais, assegurando, assim, o princípio pro persona.

Nessa representação, os direitos humanos são apresentados como normas que irradiam efeitos nos domínios da tributação para proteger o contribuinte – o elo mais fraco da relação tributária – e, ao mesmo tempo, visam perseguir a eficácia dos fundamentos e dos objetivos expressos na Constituição. Isso porque, por lógico, a realização concreta dos direitos humanos depende da existência de recursos públicos, os quais praticamentederivam da arrecadação tributária.

José Souto Maior Borges explica que os vínculos entre os direitos humanos e o direito tributário partem da dignidade da pessoa humana, com todas as suas implicações axiológicas (justiça, segurança, direito à habitação, à sadia qualidade de vida, ao meio ecológico equilibrado etc.), e "se ocultam nas dobras do ordenamento constitucional brasileiro, ao longo dos princípios e normas que o integram". Por exemplo, o referido Autor correlaciona as contribuições com as normas constitucionais que dispõem sobre a seguridade social (direito à previdência social posto a serviço da dignidade de vida de todos os brasileiros e estrangeiros residentes no Brasil.[18]

Entretanto, o Direito Tributário também representa uma forma do Estado ampliar a proteção dos direitos humanos por meio da tributação, seja por meio de incentivos fiscais às empresas para fomentar a efetivação de políticas sociais que melhoram a condição de vida dos cidadãos; por incentivos para construção de habitações, escolas, hospitais etc, muitas vezes necessário diante da ineficiência do próprio Poder Público emconcretizar políticas públicas; ou seja por meio de políticas diferenciadas de tributação destinadas a grupos vulneráveis, a fim de concretizar a igualdade entre as pessoas e garantir uma maior dignidade à pessoa humana, tal como realizado pelo governo canadense para aumentar as reduções de impostos para os povos aborígenes[19].

Assim, os tributos e os direitos humanos estão intrinsicamente interligados, sendo tanto (i) uma autorização do povo ao Estado, para que este tenha recursos para construir a sociedade projetada pela Constituição, que possui valores sociais elevados, difundidos por meio dos direitos humanos, quanto (ii) um recurso utilizado pelo Estado para ampliar a proteção da dignidade da pessoa humana por meio da adoção de regimes diferenciados de tributação para garantia da igualdade entre os indivíduos e a ampliação da proteção dos direitos humanos por meio das empresas privadas.

E, na medida em que o tributo é a principal fonte de receitas dos Estados contemporâneos, à exceção daqueles que subsistem por meio da exploração de recursos naturais ou de auxílios financeiros de instituições internas, ele se configura como um instrumento indispensável para a manutenção da justiça social que será buscada e promovida pelo Estado.

Ora, um sistema tributário justo, com limitações ao arbitrário Pode Estatal, garante uma sociedade mais justa, principalmente quando observado os princípios constitucionais outrora expostos. E esse dever Estatal – de construir uma sociedade projetada pelos seus fundamentos e objetivos - inevitavelmente acarreta ao Estado outro dever: o de interferir no esquema da distribuição de recursos e de adotar medidas redistributivas de caráter solidário.

Por conseguinte, a tributação desponta como determinante fator para a eficácia dos direitos humanos, compreendidos aqui como o mínimo jurídico intrínseco à vida de todas as pessoas em todos os lugares, decorrentes da sua própria dignidade humana, eis que além de constituir recursos – por meio da arrecadação – para a promoção de valores sociais elevados, também pode ser utilizado como mecanismo de política fiscal, para ampliar a proteção da dignidade

[16] Renato Lopes Becho. *Lições de Direito Tributário: teoria geral e constitucional,* p. 59-60.

[17] Renato Lopes Becho. *Lições de Direito Tributário: teoria geral e constitucional,* p. 59-60.

[18] BORGES, José Souto Maior. *Direitos Humanos e Tributação.* Revista Tributária e de Finanças Públicas | vol. 40/ 2001 | p. 188 - 224 | Set - Out / 2001.

[19] United Nations, 2003b, § 38°.

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da pessoa humana por meio de regimes diferenciados de tributação.

a) Políticas tributárias para a efetiva proteção e promoção dos Direitos Humanos

Como visto, o direito tributário visa (i) financiar as instituições que integram e possibilitam a existência do Estado e do mercado; (ii) buscar à efetiva promoção dos fundamentos e objetivos da República pelo Estado, sob o enfoque da dignidade da pessoa humana, e (iii) impor limites à arbitrária arrecadação do Poder Estatal.

Dessa forma, o Poder Público, por meio de sua competência tributária, deve adotar medidas que incentivem e ampliem a proteção dos direitos humanos, aplicando e interpretando as normas tributárias da forma menos onerosa ao contribuinte e que melhor atinjam a finalidade de assegurar o bem-estar social e a dignidade da pessoa humana. Ou seja, a arrecadação tributária deve ocorrer de maneira que imponha menores restrições aos contribuintes, cumprindo, o fim social almejado, respeitando, assim, o princípio *pro persona*.

Nesse sentido, o sistema tributário brasileiro admite a adoção de políticas fiscais diferenciadas que se mostram eficazes para concretizar a proteção dos direitos humanos, preocupando-se em reduzir, majorar ou até isentar tributos com fim específico de melhorar a condição de vida e ampliar a proteção dos direitos individuais dos contribuintes, aplicando as normas tributárias de forma garantidora do princípio pró ser humano.

Dentre as políticas fiscais previstas no sistema constitucional tributário brasileiro, destacamos a extrafiscalidade como uma política Estatal, que objetiva atuar diretamente sobre o comportamento econômico e social de seus destinatários,[20] incentivando ou desestimulando determinadas condutas, de forma que o aumento ou redução da alíquota de determinados tributos – IPI e IOF – influencia diretamente na prática do fato gerador correspondente[21], de forma que o objetivo principal do tributo transcende seus caráter arrecadatório, tendo como foco a influência na escolha dos contribuintes em evitar a prática do fato gerador para justamente evitar a incidência do tributo.

Um exemplo clássico de extrafiscalidade é a tributação de cigarro e bebidas alcóolicas, produtos estes que o Estado majora a tributação com o objetivo de reduzir o consumo dessas substâncias prejudiciais ao ser humano, preocupando-se em garantir a saúde pública dos contribuintes. Nesses casos, onera-se as situações regulamentadas pelos referidos tributos, influenciando na escolha dos contribuintes.

Entretanto, da mesma forma que a extrafiscalidade justifica o aumento das alíquotas do IPI e do IOF no cigarro e em bebidas alcoólicas, entendemos que também deve ser utilizada para diminuir a alíquota de produtos de consumo necessários a prover o direito fundamento à saúde, por exemplo, por meio da redução do tributo incidente em remédios destinados à hipossuficientes e/ou vulneráveis.

Um outro exemplo seria a extrafiscalidade aplicada aos títulos relacionados ao agronegócio. Ives Gandra e João Bosco Pasin explicam que a Lei n. 11.033/2004, que declarou isenta de imposto de renda a remuneração auferida pela pessoa física decorrente de Cédulas de Produto Rural com liquidação financeira, desde que tenham sido negociadas no mercado financeiro, bem como o Decreto n. 6.306/2007, que isentou de IOF as operações realizadas em bolsa ou balcão com títulos mobiliários decorrentes de negociações de Cédulas de Produto Rural, instituíram medidas para incentivar a concessão de financiamentos especialmente destinados à produção agrícola no país, evitando a tributação sobre as operações envolvendo as mencionadas Cédulas.[22]

Observa-se que tal medida se voltou à uma política econômica, mas também poderia ser criada para fomentar o direito ambiental. Dessa forma, a extrafiscalidade se mostra como importante instrumento tributário para ampliar a proteção dos direitos humanos, garantindo a dignidade da pessoa humana ao estimular ou desestimular condutas sociais, por meio da majoração ou redução de alíquotas incidentes sobre o IPIe o IOF.

Entretanto, a extrafiscalidade é somente uma das políticas tributárias que o Estado Brasileiro pode adotar – talvez nem sendo esta a mais eficaz. Por exemplo, no âmbito ambiental, o Estado poderia criar "ecotributos" aplicáveis sobre a poluição – que não configurassem confisco – ou conceder ou não incentivos fiscais ecológicos - sem reduzir significamente a arrecadação tributária.

Ainda, outros exemplos de instrumentos que poderiam ser utilizados pelo Poder Público para ampliar a proteção dos direitos humanos, notadamente garantir uma vida digna aos contribuintes, são: a vinculação da arrecadação de receitas à uma data atividade que se visa proteger, a concessão de incentivos fiscais, a instituição de novas imunidades e isenções (que não ferissem o pacto federativo), a criação de tributos

[20], Ives Gandra da S Martins, João Bosco C. PASIN. *Direito tributário contemporâneo: estudos emhomenagem a Luciano Amaro,* p. 180

[21], Leandro Paulsen. *Curso de Direito Tributário,* p. 18.

[22] Ives Gandra da S Martins, João Bosco C. PASIN. *Direito tributário contemporâneo: estudos emhomenagem a Luciano Amaro,* p. 180.

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específicos, e o melhor uso da seletividade em função da essencialidade, entre outros.

Em relação a vinculação da arrecadação de receitas à uma data atividade, sem entrarmos no mérito da possibilidade de tal vinculação em tributos que não têm destinação específica, pode-se destacar a recente Emenda Constitucional n. 108/2020, que alterou a Constituição Federal para dispor sobre o Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação (Fundeb), visando à proteção e promoção da educação do país, por meio da destinação do referido fundo às redes de ensino beneficiadas, em despesas de capital; à educação infantil; e ao pagamento dos profissionais da educação básica em efetivo exercício[23].

De acordo com o Estudo Técnico nº 22/2020[24], tal fundo é integrado por um percentual das receitas de impostos, de arrecadação própria e por repartição, de Estados (ICMS, IPVA, ITCMD, FPE, IPI) e receitas de impostos, por repartição, de Municípios (FPM, ICMS, IPVA, IPI), que serão distribuídos entre cada Estado e seus Municípios, proporcionalmente ao número de alunos das diversas etapas e modalidades da educação básica presencial, matriculados nas respectivas redes, nos âmbitos de atuação prioritária. Além disso, há uma complementação da União ao FUNDEB, definida como percentual do total de recursos aportados por Estados, Distrito Federal e Municípios.

Não cabe neste presente artigo discutir questões políticas e econômicas sobre o FUNDEB, mas sim demonstrar que esse foi um exemplo de medida fiscal adotada pelo Estado, utilizando o direito tributário para promover os direitos humanos, com fulcro na dignidade da pessoa humana. Isso porque cabe ao Poder Público escolher, por meio de uma decisão política, baseada na eficiência econômica de cada um, qual deve ser o instrumento tributário utilizado para promover e proteger os fundamentos e objetivos que se quer perseguir – o direito à saúde, a proteção do meio ambiente, a proteção dos vulneráveis, a igualdade, etc[25].

Assim, é por meio de políticas fiscais diferenciadas que o Estado pode, por exemplo, instituir uma nova imunidade tributária para determinado grupo vulnerável, ou conceder isenções fiscais, bem como se utilizar da extrafiscalidade e da seletividade para regular condutas, visando garantir uma vida digna aos contribuintes, sem comprometer a arrecadação tributária, ampliando a proteção aos direitos humanos, observando o princípio *pro persona* quando da interpretação e aplicação das normas previstas no sistema tributário brasileiro.

V. Conclusão

Ao enfatizarmos a importância da proteção dos direitos humanos, sobretudo nos tempos atuais em que o mundo foi assolado por pandemia, guerras e discussões civis por extremistas de ambos os lados, concluímos que uma das soluções para a promoção e proteção desses direitos se dá por meio da atuação estatal no que se refere aos tributos, relacionando dois temas que aparentemente estariam dissociados, mas que devem ser trabalhados em conjunto para garantir a dignidade da pessoa humana aos cidadãos que estão sob a tutela do Estado.

Isso porque, o tributo não deve ser compreendido como uma mera arrecadação fiscal, mas sim como uma proteção do contribuinte diante do arbitrário Poder Estatal, devendo ser entendido, à luz dos direitos humanos, como um limitador do poder de tributar que visa proteger o contribuinte contra a ânsia arrecadatória do Estado e, ao mesmo tempo, como um meio para a perseguição dos valores sociais positivados na Constituição.

Assim, utilizamos a dignidade da pessoa humana como o ponto de conexão entre os direitos humanos e o direito tributário, colocando o contribuinte no centro da relação tributária. E ao fazermos tal relação, concluímos que a finalidade do direito tributário se resume a (i) uma autorização do povo ao Estado, para que este tenha recursos para construir a sociedade projetada pela Constituição, que possui valores sociais elevados, difundidos por meio dos direitos humanos,; e (ii) um recurso utilizado pelo Estado para ampliar a proteção da dignidade da pessoa humana por meio da adoção de regimes diferenciados de tributação para garantia da igualdade entre os indivíduos e a ampliação da proteção dos direitos humanos por meio das empresas privadas.

Ainda, destacamos que a busca à sociedade projetada pela Constituição, por meio da efetiva proteção e promoção dos fundamentos e objetivos da República, não depende somente da existência de recursos públicos, mas sim da regulamentação de condutas pela Estado, as quais podem se dar por meio de políticas tributárias fixadas a partir da extrafiscalidade, de incentivos fiscais, de isenções e imunidades.

Tais instrumentos viabilizam que dentre as normas previstas no sistema tributário brasileiro, o Estado possa aplicar as normas em prol do contribuinte, utilizando a para incentivar medidas protetivas ao cidadão com objetivo de proteger os direitos fundamentais inerentes ao ser humano.

[23] https://www2.camara.leg.br/a-camara/estruturaadm/consultoria-geral/estrutura-1/conle/noticias-dos-destaques/regulamentacao-do-fundeb

[24] Disponível em: https://www2.camara.leg.br/orcamento-dauniao/estudos/2020/ETn22_2020PEC15_2015FUNDEBAprovado_Cmara.pdf. Acesso em 08.05.2023.

[25] Paulo Gustavo G. Branco; Liziane A. MEIRA, Celso de Barros C. NETO. *Tributação e direitos fundamentais,* p. 112-113.

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É por meio de políticas fiscais diferenciadas que o Estado pode, por exemplo, conceder imunidade tributária para determinado grupo vulnerável para compra de medicamentos de uso contínuo, ou isenções fiscais em razão de idade, doenças, dentre outros fatores limitantes, visando, como outrora mencionado, garantir uma vida digna aos contribuintes, sem que comprometa a arrecadação tributária, ampliando a proteção aos direitos humanos, observando o princípio pro persona quando da interpretação e aplicação das normas previstas no sistema tributário brasileiro.

Ao final, para demonstrar a relação entre os direitos humanos e o direito tributário perseguida, exemplificamos algumas políticas tributárias capazes de ampliar a proteção dos direitos humanos, buscando garantir uma vida digna aos contribuintes, sem configurar confisco ou reduzir significamente a arrecadação dos tributos, o que prejudicaria a arrecadação para destinação as políticas de proteção dos direitos, quais sejam: a extrafiscalidade, os incentivos fiscais, as isenções e as imunidades.

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Importance of Democratic and Diplomatic Governance in the Period of Globalization

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Abstract- The articles deals with the analyzing of importance of democratic and diplomatic governance in the period of globalization. It is admitted that the modern societies need the modernized forms of the governance which can regulate democratic and diplomatic relations of the society. It is noted that the democratic and diplomatic societies need the true laws and democratic rights and the governance must change its forms of regulation.

Hierarchy as one of the forms of democratic and diplomatic governance should be used for regulation of international relations in the world in the period of globalization which can help people to establish civilized ways of resolving conflict situation. The importance of the democratic and diplomatic governance is to show that freedom is very important in regulation international relations in the period of globalization.

If we want to be successful we must change our mind and the governance should be able to help people understand the importance of it.

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If we want to be successful we must change our mind and the governance should be able to help people understand the importance of it. We need the transformation of the modern world to the democratic and diplomatic standards and the governance is a good regulator of it.

I. Introduction

Globalization poses a serious contradiction to the promotion of democracy. The contradiction emerges when professionals in central government play the dominant role in economic development and global competition . The success of the global governance further erodes the prospect of democratic development of the society.

The purpose of this article is to examine the importance of democratic and diplomatic governance in the period of globalization .

The complexity of the research of the importance of the democratic and diplomatic governance in the period of globalization connected with the fact that, on the one hand, it is a type of human activity, and on the second hand , it is a complex social phenomenon. It is appropriate to research this component deeply and analyze it significantly. The development of the theory of governance in social systems involves a detailed research of the implementation of this phenomenon according to democratic and diplomatic aspect taking into account the social and cultural features of the society.[1]

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II. Main Part

When we research the importance of the governance in the period of globalization it is necessary to start from an understanding of the essence and functions of the person as the main subject of formation new global space. That is, a question certainly arises whether people have an objectively organized character, or whether they represent are certain artificial structures that are completely typical for new conditions global space. Accordingly, it is advisable to find out how structured or amorphous is the nature of their association and functioning. An important problem in this context arises in connection with the identification of belonging of people to the global process.[2]

New governance approaches in local self-government bodies focus on setting goals and objectives, developing tools for their achievement, measuring and monitoring results, and evaluating effectiveness. After all, any interaction between state bodies authorities should be directed to the rational use of the resources of the region or the state as a whole.

The lack of sufficient legal support for a significant array of issues of the organization and functioning of local self-governance, unpreparedness of the large part of deputies of all levels and citizens to the perception of such basic fundamentals.[3]

We can admit that democratic and diplomatic transformations are necessary for the governance to maintain their importance in the period of globalization. The key challenge springs from the very nature of globalization. Governance makes possible new polities, and the reconfiguration of space and time increases the viability and reach of these new transformations within the global political system which is faced with the challenge of mediating more types of democratic and diplomatic relations. The first challenge is to acknowledge the transformation of the policy of the governance.

It is important for politics of the governance to acknowledge its importance. Governance services continue to seek recognition primarily from democratic and diplomatic services. When governance effectively come to understand that it actually depends on the recognition of the social entities it is admitted that hierarchy is a cherished principle of democracy and diplomacy. Interdependent communication of the society is a key diplomatic task which indicate the hierarchy. However, the stronger the hierarchy, the more

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cumbersome the chain of command, and the longer the reaction time. This means that globalization, which compresses time, is a direct challenge to hierarchy. E-mails may be used for commands, and electronic texts make it easier for the top of the hierarchy to trim information right up until its release. At the same time, these technologies have contributed to the density of flows that put the hierarchy under attack. This did not change the principle of hierarchy in any way – people who are out of line still get slapped down and the insubordinate are disciplined, just as they used to be – but the subject matter to which hierarchy is applied shrunk dramatically.

A consequence stemming from the range of polities of the governance is a proliferation of sources of information. The public struggle for defining reality intensifies and the governance has disadvantages in it. But democratic and diplomatic transformations can help the governance to realize the idea of improving the life of the society in the period of globalization.

Democratic and diplomatic rationality of the governance under conditions of globalization collaborates with the change of the social life. Individuals can have more power and control of the governance can be more indirect. But direct control increasingly reserved for real situations when indirect control has proven too soft to secure the desired result. Direct control can be used when the indirect strategy does not work. It is very actual in the period of globalization.[4]

Globalization which is guided by free trade and economic interdependence, possesses serious contradiction to the promotion of the democracand diplomacy. The contradiction emerges that the professionals play the imortant role in the global competition. The success of the diplomatic and democratic governance in the period of globalization erodes the prospect od different forms of economic and political development of the society.[1]

There is a broad understanding that in the present world, the principles of democracy and diplomacy are not well established in international relations. At the same time, the process of globalization is increasing interdependency, and there is a possibility for better governance in the period of globalization.

It is important to analyze the importance of the democratic principles within existing institutional arrangements of international relations and global governance and to generate discussion on the need for new institutional arrangements of international relations and global governance. It is allowed for the governance to have a democratic and diplomatic dialogue among people from various parts of the world. [5]

The usage of the tools of diplomacy and democracy in the governance helps develop civilized society in the period of globalization and becomes increasingly important. It is important to admit that the diplomatic activity and the development of democracy can continue to play significant role in the governance in the period of globalization. [6]

Democratic and diplomatic governance can give people more freedom, more security, less injustice, a better environment. But the coefficients we attribute to these different variables lead to a system of different individual equations which the democratic process has shown itself to be best equipped to solve.

Transformation of the society into democratic and diplomatic can be a good opportunity to follow laws and have equal rights. Governance is a good regulator of them in the period of globalization. Society must accept the challenges of globalization and understand that there must be a democratic and diplomatic transformation of the governance. Western philosophy has provided this idea for a long time. It must now be combined with the other cognitive traditions that are part and parcel of globalization. It can be social and political changing of the governance and it makes our world better for future generations.[7]

In modern society people need the transformation the policy of the governance. It means that the governance must change the forms of the regulation of laws using democratic and diplomatic forms in this process. [8]

Diplomacy as the effective forms of regulation democratic relations can be used in the process of the governance in the period of globalization which is very important for creating the civilized society with true laws and democratic rights.

If we want to realize these goals we must change our mentality. And the importance of the governance is to help people understand the importance of democracy and diplomacy in the modern globalized society. The dynamic changes of the society can indicate the nature of international relations and develop democratic and diplomatic governance quickly which can develop independent societies in the period of globalization. [9]

III. Conclusion

In this article we analyze the importance of democratic and diplomatic governance in the period of globalization. It is admitted that democratic and diplomatic relations in the society influence on the broaden functions of governance in the period of globalization. Democratic and diplomatic governance is very important in the period of globalization and it gives people the opportunity to be independent. The society with the usage of the democratic and diplomatic governance can be more regulated and effective. It is admitted that the democratic and diplomatic governance as a good tool for regulation of laws which can help people to have equal rights and realize their

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abilities which can help develop the democratic society.

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Woman: Discrimination at Work by Sex or Gender?

By Giselle Meira Kersten

Abstract- Women have suffered various forms of violence for millennia. They are physical, mutilation, and moral violence in different environments. They were kept until the middle of the 20th century in private spaces, because public spaces were for men and for the practice of attitudes considered immoral for women. They were restricted in their freedom of movement and expression; they were used as a workforce when necessary to supplement the family income because, in some periods, the paid work done by women violated moral and religious precepts, whose symbol of sanctity was the Virgin Mary, a mirror of purification to be followed by women. Dealing with these aspects, the present article aims at substantiating whether the discrimination suffered by women in the labor market is based on historical-sociocultural, biological and/or legal factors, besides the distinction between sex and gender. In light of this analysis, a categorization is created that distinguishes the factors of discrimination. The deductive method was used and, as research techniques, a bibliographical survey was carried out on the theme under analysis.

Keywords: *discrimination, job, woman, sex, gender.*

GJHSS-F Classification: *LCC: HQ1101*



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Woman: Discrimination at Work by Sex or Gender?

Mulher: Discriminação no Trabalho por Sexo ou Gênero?

Giselle Meira Kersten

Resumo- As mulheres há milênios sofrem diversas formas de violência. São violências físicas, mutilações e morais em diversos ambientes. Foram mantidas até meados do século XX nos espaços privados, porque os espaços públicos eram próprios para os homens e para a prática de atitudes consideradas imorais para as mulheres. Foram restritas de liberdade de locomoção e de expressão; aproveitadas como força de trabalho quando necessário para a complementação de renda familiar porque, em alguns períodos, o trabalho remunerado exercido pelas mulheres afrontava preceitos morais e religiosos, cujo símbolo de santidade era a Virgem Maria, espelho de purificação a ser seguido pelas mulheres. Tratando destes aspectos, o presente artigo visa fundamentar se a discriminação sofrida pelas mulheres no mercado de trabalho baseia-se em fatores histórico-socioculturais, biológicos e/ou legais, além da distinção por sexo e por gênero. Cria-se, diante desta análise, uma categorização que distingue os fatores de discriminação. Utilizou-se o método dedutivo e como técnicas de pesquisa, levantamento bibliográfico sobre tema em análise.

Palavras- chave: discriminação, trabalho, mulher, sexo, gênero.

Abstract- Women have suffered various forms of violence for millennia. They are physical, mutilation, and moral violence in different environments. They were kept until the middle of the 20th century in private spaces, because public spaces were for men and for the practice of attitudes considered immoral for women. They were restricted in their freedom of movement and expression; they were used as a workforce when necessary to supplement the family income because, in some periods, the paid work done by women violated moral and religious precepts, whose symbol of sanctity was the Virgin Mary, a mirror of purification to be followed by women. Dealing with these aspects, the present article aims at substantiating whether the discrimination suffered by women in the labor market is based on historical-sociocultural, biological and/or legal factors, besides the distinction between sex and gender. In light of this analysis, a categorization is created that distinguishes the factors of discrimination. The deductive method was used and, as research techniques, a bibliographical survey was carried out on the theme under analysis.

Keywords: discrimination, job, woman, sex, gender.

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I. Introdução

O Estado Brasil tem como função própria garantir a implementação da justiça e do bem-estar social aos indivíduos que em seu território habitam. Para cumprir esta função, utiliza-se das bases da Constituição Federal de 1988, como um aparato legislativo próprio de um Estado Democrático de Direito.

E desta forma, a construção da igualdade pelo Estado é crucial para a criação de normas que proíbam a discriminação e criem ações positivas que promovam mudanças culturais que representem melhoria na condição de vida das pessoas, e no caso da análise deste estudo, das mulheres. As mulheres devem expor ao Estado os seus dilemas para que se criem regras e procedimentos que atinjam com eficiência as necessidades e imponham a igualdade. Portanto, as ações do Estado não devem ser fundamentalmente assistencialistas, mas devem reconhecer os direitos, promover mudanças civis, políticas, sociais, culturais e econômicas.

A mulher, pela distinção por sexo ou por gênero, mesmo resguardada por uma legislação trabalhista reconhecida como protecionista e talvez esta seja uma das razões da discriminação existente, associada a fatores históricos e socioculturais e biológicos, encontra vicissitudes no ambiente de trabalho dominado pelo mundo masculino. Neste contexto, inicia-se a análise do tema proposto pelo hodierno estudo.

A terminologia gênero tem sido vastamente debatida em diversas ciências, mas é perceptível a distinção entre os diversos conceitos criados a partir da década de 50 do século XX.

Diferencia-se, então, gênero, como sendo uma categorização social que identifica tipos segundo concepções sociais, como o "tipo homem" e o "tipo mulher", de sexo, que é a representação biológica do homem e da mulher pelas características fisiológicas.

Homens e mulheres assumiram papéis diversos em dados contextos sociais. Pela fisiologia humana, em que homens possuem mais força física e mulheres, menor força, ou ainda, pela maternidade, aos homens foi imputada a obrigação de gerir financeiramente a família e, às mulheres, o encargo de mantê-las oferecendo bem-estar aos seus membros com a execução dos diversos afazeres domésticos.

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Associados a estes fatos, os trabalhos domésticos foram imputados às mulheres pela necessidade de reprodução biológica e social.

Foram várias as razões que levaram as mulheres ao mercado de trabalho, ausentando-se total ou parcialmente dos ambientes privados e ingressando nos ambientes públicos, tais como: as inúmeras reivindicações e movimentos em favor da igualdade de direitos incluindo manifestos de movimentos feministas; criação de organismos internacionais de promoção da igualdade de sexo; pela necessidade de complementação de renda para o sustento de famílias menos abastadas.

II. Papel Social das Mulheres e Suas Conquistas

Entre os primatas havia predomínio de formações matricêntricas, sendo a mulher o centro da formação familiar, semelhante ao que se observa no reino animal. A agricultura, como meio de subsistência foi a precursora da formação da sociedade por volta de 10.000 a.C., predominantemente no norte do Oriente Médio e desenvolveram um sistema chamado patriarcal, cujo domínio da mulher era feito por maridos e pais (COBO, 2010) (STEARNS, 2007).

Este grande marco social representou o início de uma organização que extrapolou o âmbito doméstico e se estendeu ao âmbito público. Surgem as organizações sociais fundadas na proliferação das famílias. Quanto maiores fossem as famílias, maior capacidade de produção e acúmulo de bens pela crescente ocupação das terras para desenvolvimento da atividade agrícola. Inicia-se a divisão de tarefas e aos homens eram designadas atividades de produção e às mulheres atividades domésticas e de reprodução. (CRUZ; HORTA, 2010)

As sociedades patriarcais enalteciam os homens considerando-os criaturas superiores. O Código de Hamurabi punia mulheres caso não cumprissem suas obrigações domésticas a contento do homem. Algumas civilizações patriarcais proibiam mulheres de terem propriedades; admitiam que os homens tivessem várias mulheres desde que as sustentassem; prezavam pelo nascimento de filhos do sexo masculino, eliminando-se fetos ou crianças do sexo feminino como forma de controle da natalidade e preservação do patrimônio; quebravam ossos das mulheres chinesas para que não tivessem mobilidade, restringindo assim a possibilidade de cometerem adultério ou abandonarem seus lares. (STEARNS, 2007)

Passados séculos, as mulheres permaneceram no âmbito doméstico, mas o sec. XIX modificou algumas concepções sociais influenciadas pela crença cristã e por novas ideias europeias sobre a feminilidade. (STEARNS, 2007)

Fato importante ocorrido no sec. XIX modificou a concepção sobre as mulheres. Em 08 de março de 1857, 129 operárias de uma fábrica americana, ao reivindicaram melhores condições de trabalho, foram mantidas em local fechado e queimadas, resultando na comemoração do "Dia Internacional da Mulher Trabalhadora" como forma de relembrar a violência sofrida pelas mulheres e conscientizá-las dos direitos que lhes são próprios: o direito à vida, à liberdade e à igualdade. (CAPPELLE; MELO; SOUZA, 2013)

O surgimento e aperfeiçoamento das máquinas elimina as diferenças da força física entre os sexos, mas se manteve a discriminação da mulher no mercado de trabalho, relevando-se a sua posição como "exército de reserva" decorrente de uma alegada ausência de inteligência, debilidade física, instabilidade emocional. (CARVALHO; et.al., 2017)

Aos poucos os direitos às mulheres foram sendo reconhecidos no mundo e o Brasil, ao longo do último século, garantiu direitos políticos como ao sufrágio, em 1932. Foi conquistado o direito ao trabalho e ao trabalho sem a outorga uxória em 1962, pelo Estatuto da Mulher Casada. (GARCIA, 2011)

A CLT, em 1943, surgiu em meio à imposição ditatorial de Vargas pelas pressões internacionais, especialmente, pela participação do Brasil em tratados internacionais como a OIT, em 1919. Mesmo criando regras trabalhistas, discriminava trabalhadoras impondo necessária autorização médica para o exercício de horas extras; proibição do trabalho noturno, insalubre e perigoso; completa submissão ao instituto do casamento, cabendo ao marido o direito de pleitear a rescisão contratual laboral de sua esposa caso o trabalho remunerado prejudicasse seu desempenho nas atividades domésticas não remuneradas. (STRABELLI, 2017)

O capitalismo industrial fomentado a partir da década de 50 modificou padrões familiares, mas não extinguiu o patriarcalismo, o que ocorreu somente a partir dos anos 80 com o surgimento de outras formações familiares que resultaram no ingresso das mulheres ao mercado de trabalho. (NOGUEIRA, 2001)

A conscientização acerca da necessidade de maior acolhida da mulher e respeito à dignidade da pessoa humana teve como base as transformações da economia e do mercado de trabalho; as transformações tecnológicas ocorridas na biologia, farmacologia e medicina, resultando na possibilidade do controle da natalidade, que proporcionaram a entrada das mulheres no mercado de trabalho e não mais evidenciaram os homens como provedores da família, decaindo o conceito pleno do patriarcalismo além da difusão de ideias em uma cultura globalizada. Acrescenta-se a estes fatos as possibilidades admitidas, pela legislação, de divórcios e a liberdade sexual, aparecendo novas concepções familiares como a monoparental. (CARVALHO, 2016)

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III. Questões de Gênero

Data da década de 70, as primeiras manifestações acerca da palavra "gênero". Salienta-se que a distinção que se fazia entre homens e mulheres, já não era suficiente para explicar comportamentos-padrão e fora de padrão. Nem mesmo a distinção de características físicas atribuídas aos homens como "seres mais fortes" e às mulheres como "mais fracas" era salutar. Surge um conceito rudimentar de gênero que passou entender que as concepções sociais foram atreladas ao sexo, estereotipando homens e mulheres e suas características e funções sociais. (COSTA, 2001)

Conceitua-se "gênero" como uma concepção histórica e cultural de uma organização social, definindo "tipos" de homens e de mulheres, sendo irrelevante, para este padrão, as questões de sexualidade de cada um dos tipos. (VALLEJO, 2014)

O termo "gênero" transcende a distinção de sexos e se define pelas personalidades. É uma identidade social constituída de atribuições de comportamentos e qualidades de homens e mulheres. Desta forma, independentemente do sexo, há que se ressaltar que características são acuradas por outros fatores como capacidade, competência, personalidade. O sexo não define situações de superioridade e inferioridade e nem mesmo relação de subordinação. (SALVAGNI; CANABARRO, 2015)

A medicina, por sua vez, distinguiu biologicamente as mulheres, afirmando serem suas características: a fragilidade, o recato, predomínio das faculdades afetivas sobre as intelectuais, a subordinação da sexualidade à vocação maternal. Aos homens atribuiu as seguintes características: relevância da força física, autoritarismo, empreendedorismo, racionalidade e plena liberdade sexual. (SOIHET, 2001)

Difícil padronizar-se comportamentos por sexo, distinção biológica, tendo em vista que as características e personalidades são moldadas e criadas por influência familiar, escolar, etnia, e outros fatores. Além do mais, se for observada, desde os primórdios, a divisão social de papéis, há como se compreender que as mulheres adquiriram capacidade diversas dos homens e as destes também se distancia das mulheres. Ressalta-se que há a concepção de que gênero é relação de poder, partindo-se da premissa de que as características atribuídas aos homens diferem das atribuídas às mulheres, como antagônicas e que as deles representam força e poder e as delas, de subordinação, fragilidade e dependência. (NOGUEIRA, 2001)

O que se pretende é distinguir sexo e gênero nas relações de trabalho. É comum o enquadramento de padrões de comportamentos sexuais no ambiente de trabalho, o que, por si só, excluiria mulheres de parte das funções laborais que demandassem uso de força física, maior racionalidade e poder de mando. Há padrões de comportamento que se estabeleceram por sexo, e dificilmente reconhecem-se as diferenças de gênero que podem ser cruciais na identificação dos perfis individuais de comportamento. (VENCATO; VIEIRA, 2017)

IV. Discriminação Sofrida Pelas Mulheres no Ambiente de Trabalho

A diferença de gêneros constitui-se na predileção de papéis sociais e culturais diferentemente observáveis nas diversas partes do mundo.

Denomina-se sexismo a distribuição de tarefas consideradas mais apropriadas para mulheres e outras mais apropriadas para homens. É comum que se contrate mulheres para o exercício de funções como: costureiras, trabalhos que exigem manipulação fina nas indústrias, professoras e enfermeiras e, homens para atividades que exijam o uso de força. (HINESTROZA, 2009)

No Brasil, em 1872, foram registradas 129.860 mulheres escravizadas realizando trabalhos domésticos, o que representava 63% dos trabalhos femininos, além de 40.766 costureiras e 12.354 trabalhadoras em indústrias têxteis. Acrescenta-se, ainda, que, no mesmo ano, registrou-se 96,2% de mulheres alocadas em indústrias têxteis, porém representavam somente 28% do total em atividades industriais. Em 1900, 31% das mulheres eram ocupadas em atividades manufatureiras e 32%, em artes e ofícios. Após o surgimento da máquina manual de marca SINGER verificou-se um declínio de mulheres nas indústrias têxteis para 65%, tendo sido substituídas sob o argumento de que o manuseio da pedaleira as excitava sexualmente. (HAHNER, 2003)

Em 1920, registra-se que 96,5% dos postos em serviços de produção, comércio, finanças, transporte e comunicação eram predominantemente ocupados por homens, no Brasil. (STRABELLI, 2017)

Ainda no mesmo ano, as mulheres ocupavam 80,7% dos empregos domésticos sem qualquer regulamentação ou proteção, característico de um trabalho considerado "semi-escravo". Residiam nas casas dos patrões e permaneciam à disposição das famílias para o que precisassem. Há registros de abusos sexuais e morais além das demais práticas de violência física praticados contra as crianças e contra as mulheres. As crianças eram os filhos das empregadas que as acompanhavam nas atividades laborais e se tornavam mão-de-obra barata para o empregador. (HAHNER, 2003)

Nas décadas de 50 e 60 as indústrias de transformação eram responsáveis pela alocação de quase 78% dos postos de trabalho, sendo que as indústrias têxteis concentravam 50% de ocupação feminina. Por outro lado, em serviços de produção, os homens ocupavam, em 1920, 96,5% das vagas de

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emprego. Estes números também se alteraram nas décadas de 50 e 60 pela proliferação do comércio, cujas funções exercidas pelas mulheres era de balconistas. (STRABELLI, 2017)

Em 1950, 13,6% das mulheres eram economicamente ativas e entre 1950 e 2010, a taxa de ocupação masculina reduziu de 80,8% para 67,1%, e a feminina, que era de 13,6% passou a ser de 49,9%. (ANDRADE, 2016)

Entre 1995 a 2015 a população em idade ativa cujos limites são de 16 a 59 anos de idade, demonstraram que a taxa de participação das mulheres oscilou entre 54% a 55% não atingindo 60% mínimos, enquanto que a dos homens reduziu de 85% para 78% no mesmo período. Associada à taxa de ocupação tem-se a taxa de desocupação que em 2015 apresentou o patamar de 11,6% para as mulheres, e 7,8% para os homens. (IPEA, 2015)

O ingresso das mulheres no mercado de trabalho foi motivado pela incansável busca pela melhoria das condições de vida e pela necessidade de reconhecimento da importância social do trabalho desenvolvido fora do âmbito familiar. Segundo dados do IBGE, de 2013, mulheres passaram a ter funções por 26 horas semanais dedicadas às atividades domésticas não remuneradas enquanto os homens se dedicam, em média, somente 11 horas. Com relação à jornada de trabalho remunerada cumprida por homens e mulheres, registra-se que homens trabalham, em média, 43 horas semanais e as mulheres, 36 horas. (IPEA, 2015) (IPEA, 2017)

Associando-se as informações descritas, mulheres, em 2013, tinham jornada remunerada somada à jornada não remunerada totalizando 62 horas semanais e os homens, 54 horas semanais. Isto quer dizer que mesmo que trabalhem menos horas remuneradas, ainda assim, as mulheres se sobrecarregam com as tarefas domésticas, como atribuição imposta culturalmente. (IPEA, 2017)

Quanto maior a renda da mulher, menos horas dedica-se aos afazeres domésticos, o que se extrai de pesquisa realizada no Brasil, na qual, verificou-se que das mulheres que recebem até um salário-mínimo mensal, 94% dedicam-se aos afazeres domésticos e, quando a renda é superior a oito salários-mínimos mensais, somente 79,5% contribuem com as tarefas domésticas. Comparativamente com os homens, 57% dedicam-se às atividades não remuneradas recebem entre cinco e oito salários mínimos mensais, reduzindo-se este percentual para 49% para que os que possuem renda mais baixa. (IPEA, 2015)

Para melhor aclarar esta questão, em 2009, segundo CARVALHO, as mulheres ocupavam 41,7% dos empregos formais para médicos, 50% para advogados, 47% dos empregos para procuradores e advogados públicos, 37% dos postos de magistrados, 41% dos membros do ministério público e 56% dos empregos formais para arquitetos e somente 16% dos empregos formais para engenheiros, no Brasil. Apresenta-se ainda, como atividades predominantemente femininas os “serviços de beleza” com 97,2% de ocupação, atividades de educação com 92,3%, secretariado e trabalhos de escritório com 91,2%, serviço social e orientação com 91,0%, ciências domésticas com 89,4%, terapia e reabilitação com 84,5%, enfermagem e atenção primária com 84,4%, psicologia com 81,1%, biologia e bioquímica com 71,5%, além de farmácia com 71,3%. Estes dados refletem o sexismo no mercado de trabalho e reforça o paradigma das profissões femininas. (CARVALHO, 2016)

No Brasil, considerando-se uma taxa de ocupação global do nível de emprego de 67,1%, 80,5% são ocupadas por homens e 54,9% por mulheres. Se for levado em consideração que o grau de instrução é um dos fatores preponderantes para a empregabilidade, percebe-se que no Brasil, pouco influencia, tanto que a taxa de ocupação laboral por mulheres universitárias é 7% menor do que a taxa de ocupação por homens. (CACCIAMALI; TATEI, 2013)

A razão da empregabilidade feminina poder ser afetada pela maternidade tem sido considerada um dos fatores de maior interferência no trabalho feminino. Os cuidados que as crianças demandam recaem ainda sobre as mulheres. Afirma Carvalho, que em 2009, a taxa de mães em atividades remuneradas com filhos com idade inferior a dois anos chegava a 57% e mulheres com filhos com mais idade era superior a 70%, sendo a mais alta taxa, de 74%, a das mães de crianças com idade de 7 a 14 anos. (CARVALHO, 2016)

Outra forma de discriminação da mulher no mercado de trabalho é o recebimento de salários menores que os dos homens. Apura-se dados da Pesquisa Nacional por Amostra de Domicílios (PNAD), realizada pelo IBGE, em 2012, que constatou que o rendimento mensal de trabalho dos homens era de R$ 1.698,00 e das mulheres, R$ 1.238,00. Um ano após, em pesquisa semelhante feita pelo IBGE, constatou-se que o acesso das mulheres acima de 25 anos de idade a cargos de gestão é menor, ou seja, 5% enquanto os homens, 6,4%. Em 2016 a média salarial dos homens variava entre R$ 1.365,00 a R$ 1.576,00 e das mulheres entre R$ 1.194,00 a R$ 1.334,00. (HINESTROZA, 2009) (GUEDES, 2010) (SALVAGNI; CANABARRO, 2015) (DIEESE, 2016)

É perceptível que os avanços na escolaridade das mulheres não têm alterado este cenário discriminatório tanto no aumento da empregabilidade quanto na ascensão profissional. (PINTO; MIDLEJ, 2012)

Dentro deste contexto, verifica-se que vários são os fatores que ainda restringem o acesso das mulheres ao mercado de trabalho e são eles: preconceito, acordos familiares, restrições de trabalhos

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pela proteção da legislação em face das limitações físicas das mulheres e, em decorrência da maternidade e necessidade de afastamento do trabalho no período pós-parto. (GARCIA, 2011)

V. Razões da Discriminação das Mulheres no Mercado de Trabalho

O primeiro fator de discriminação das mulheres no mercado de trabalho é o histórico-sociocultural. Em toda a história da humanidade a mulher sempre esteve relegada à posição de inferioridade como membro social. A luta pela igualdade de direitos sempre demonstrou haver desigualdade política, social e ideológica em especial em sociedades patriarcais. A subordinação da mulher é evidente até a atualidade nestas três esferas e evidencia a negação de autonomia individual como membro da sociedade em paridade com os homens. Disto resultam atribuições assimétricas tanto em suas relações familiares quanto em relações sociais e laborais. (COBO, 2010)

Na condição de trabalho, como empregadas, indubitavelmente, as funções domésticas são impeditivas da empregabilidade da mulher. As restrições das mulheres em razão dos seus compromissos depõem contra a contratação e ascensão profissional. (CHÁVEZ; RÍOS, 2014)

Como fatores histórico e socioculturais, a atribuição dos encargos domésticos às mulheres é um dado relevante que interfere na empregabilidade da mulher. Esta atribuição cultural de secundarização do emprego da mulher e concebido historicamente justifica-se pela insuficiência de renda familiar e, muitas vezes, confunde-se com a sua necessária introdução no mercado de trabalho, precarizando-o. Em torno de um terço das famílias da América Latina são chefiados por mulheres, justificado pelas oportunidades, necessidades financeiras e pela autonomia adquirida com o trabalho. Salienta-se que as diferenças de qualificações e habilidades social e culturalmente concebidas interferem na empregabilidade desde o recrutamento. (OIT, 2017)

A concepção histórica-sociocultural de inferioridade da mulher, ou de falta de qualificação para o trabalho externo ou ainda com características específicas que lhe garantam atividades mais condizentes com suas condições físicas e intelectuais, embora presentes em grande parte das nações, em razão de suas crenças religiosas ou outros fatores que influenciam a base da formação social, são concebidas de formas distintas, da mesma forma que reagem diferentemente aos impulsos dos movimentos em prol da igualdade de direitos e respeito às diferenças. (VALLEJO, 2014)

Desta forma, o fator histórico-sociocultural pode ser o fator mais preponderante para a empregabilidade da mulher, levando-se em consideração que o mercado de trabalho nem sempre individualiza trabalhadores por sua competência, mas pelo sexo.

A discriminação por fator histórico-sociocultural refere-se ao sexo, ou seja, o empregador enxerga o sexo da mulher, atrela e elenca as caraterísticas dantes citadas como se o sexo obrigatoriamente padronizasse as características de personalidade.

Portanto, o caráter social de igualdade de gênero determina que num meio social não se deve diferir pessoas pelo sexo, mas por suas qualificações adequadas ao mercado de trabalho, eliminando qualquer forma de discriminação de empregabilidade. Perceptível que determinadas atividades econômicas são destinadas às mulheres pelas atribuições do gênero, cujas características dantes citadas são: delicadeza, atenção, menor capacidade física, com mais variação emocional. Não se verifica discriminação das mulheres para a prática destas atividades, em contrapartida, a partir do momento em que existe o sexismo, em que algumas atividades são a elas designadas como mais apropriadas, elimina-se a possibilidade de contratação para outras atividades que são reservadas aos homens por suas características culturalmente aceitas como: masculinidade, maior força física, menos instabilidade emocional.

Com relação à ascensão profissional, há preconceito considerado funcional, em especial, para o exercício de atividades de gestão, cuja responsabilidade deixa de ser atribuída à mulher em razão da crença na falta de comprometimento para as obrigações do trabalho e dedicação aos compromissos familiares e sociais. O tempo à disposição do empregador, nas funções de gestão, demandam dedicação e renúncia. Crê-se, ainda, que as mulheres não estejam dispostas a isto. (GRZYBOVSKI; BOSCARIN; MIGOTT, 2002)

Os fatores biológicos podem ser causas de distinção entre homens e mulheres no mercado de trabalho. Sexo e suas diferenças são atributos biológicos que no âmbito da análise das igualdades ou desigualdades de gênero afeto à esfera trabalhista, em dadas circunstâncias, devem ser enfatizadas. (CRUZ; HORTA, 2010)

Até o século XVIII não se dividia as pessoas pelo sexo masculino e feminino pois a mulher era um ser inferior da espécie humana cujo projeto considerado o máximo de perfeição era o homem. (SOUZA; CARRIERI, 2010)

Em uma sociedade a distinção do sexo só deve ser relevante quando as diferenças biológicas forem fatores justificados pelos limitadores biológicos. Não há comprovação de diferenciação intelectual entre pessoas do sexo feminino e do sexo masculino, mas algumas restrições físicas são evidentes e, neste caso, quando incapacitarem para a execução de certas atividades devem ser relevadas para que se atinja a

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plenitude da igualdade. No caso da maternidade, a proteção do emprego da mulher associado à concessão de licença-maternidade à mulher em período muito superior ao concedido ao homem podem justificar a discriminação por sexo. Nestes casos, o fator biológico seria a preponderante à discriminação e representariam dificuldades à empregabilidade feminina nos diversos setores econômicos.

Com relação à ascensão profissional, o sexo pode ser a causa da discriminação, porém por não se identificar o gênero do trabalhador cometer-se-á equívocos, julgando-se previamente a incapacidade intelectual e gerencial das mulheres. Neste aspecto, destacam que o preconceito é tradicional, salientando diferenças de personalidade em razão do sexo, aduzindo pertencerem a categorias superior e inferior, homem e mulher. (GRZYBOVSKI; BOSCARIN; MIGOTT, 2002)

Portanto, o fator biológico relaciona-se ao sexo. O empregador ao contratar uma mulher relaciona-a à maternidade, à condição física de suposta debilidade perante o homem.

O último fator a ser analisado é o legal. A igualdade de gênero pressupõe que as normas jurídicas combatam discriminações e desta forma igualem deveres e direitos para que os sujeitos ainda entendidos como antagônicos desfrutem das mesmas situações e tenham iguais condições para o pleno gozo de seus direitos, desfrutando, a sociedade, dos resultados do desenvolvimento do denominado "bem-estar social". A igualdade de gênero nada mais é do que a valorização das similitudes e diferenças entre homens e mulheres em dada sociedade. (CRUZ; HORTA, 2010)

Plenamente possível igualar-se os direitos entre as mulheres e os homens porque a natureza humana é única e nos primórdios enquanto nômades, os seres humanos não se distinguiam por sexo. Desta forma, regulando-se a plena igualdade estar-se-á buscando a almejada democracia social. (COBO, 2010)

A igualdade que se pretende é, ressalvando-se o que biologicamente for impossível de se igualar, dar iguais condições sociais referentes às responsabilidades domésticas e familiares, há muito só assumidas pelas mulheres. (MORENO, 2011)

Em uma dimensão econômica, a legislação não deveria proteger a encargo do empregador os benefícios ou proteções à maternidade e sim efetiva proteção à criança. Assim, atribuir-se-ia aos pais igualmente as responsabilidades decorrentes do nascimento dos filhos comuns. Advertindo-se que aos pais são atribuídas as mesmas responsabilidades perante seus filhos, não há o que se falar em direitos sobre a maternidade senão estritamente os que forem necessários para a recuperação do "estado de graça" e aleitamento materno. (ANSOLEAGA; GODOY, 2013)

A decisão por ter ou não ter filhos é um indicador da emancipação e liberação feminina e a razão da empregabilidade feminina poder ser afetada pela maternidade tem sido considerada um dos fatores de maior interferência no trabalho feminino. Os cuidados que as crianças demandam recaem ainda sobre as mulheres. Afirma CARVALHO, que em 2009, a taxa de mães em atividades remuneradas com filhos com idade inferior a dois anos chegava a 57% e mulheres com filhos com mais idade era superior a 70%, sendo a mais alta taxa, de 74%, a das mães de crianças com idade de 7 a 14 anos. (ONETTO; LADINO, 2017) (CARVALHO, 2016)

Verifica-se que a legislação brasileira, em referência ao objeto deste estudo, a trabalhista, criou normas protetivas, dada a possibilidade de a mulher sofrer discriminação no mercado de trabalho ou pela necessidade de proteção por sua condição biológica, social ou histórico-cultural. A aversão a qualquer tipo de discriminação foi matéria aprovada na Declaração sobre os Princípios e Direitos Fundamentais aprovada em junho de 1998 promovida pela OIT, motivando a adoção de políticas públicas contra qualquer tipo de discriminação com relação ao emprego e ocupação. (CACCIAMALI; TATEI, 2013)

A Constituição da República Federativa do Brasil, em 1988, garantiu alguns direitos como a proibição da discriminação em razão do sexo; plena igualdade entre homens e mulheres; direito à trabalhadora ao aleitamento materno; salário-família; licença maternidade e paternidade além da garantia de emprego à gestante; igualdade salarial, entre outros, estes relacionados à esfera trabalhista. (MARQUES; VASCONCELLOS; LOPES, 2017)

Para melhor contextualizar e justificar a abordagem desta temática, citam-se dois direitos garantidos às empregadas: a licença-maternidade e a garantia de emprego como exemplos de resultados das batalhas sociais travadas há tempos no mundo. A licença-maternidade foi um dos primeiros destes direitos conquistados diante da necessidade de se amparar a parturiente e o nascituro evitando-se a mortalidade neonatal tão característica da falta de primor nos primeiros dias de vida do rebento. A necessidade de recuperação do desgaste físico e emocional após o parto também são fatores preponderantes na concessão da referida licença. Ainda, a garantia de emprego foi um direito adquirido contra ato discriminatório da empregada que além das obrigações doméstico-familiares às mulheres impostas por uma condição social, em sociedade preponderantemente patriarcal, assumia a função de contribuir financeiramente com o sustento familiar. A evolução destas conquistas e seus fundamentos permite melhor elucidação dos direitos atualmente admitidos. O grande dilema desta discussão é o reflexo

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jurídico-social nas organizações. Atualmente são dois os principais direitos da mãe trabalhadora no Brasil: garantia de emprego desde a confirmação da gestação até cinco meses após o parto e licença-maternidade de 120 ou 180 dias, dependendo do caso. (RESENDE, 2012)

Ressalta-se, ainda, que se o objetivo da garantia de emprego à gestante justifica-se pela necessidade de acolhida do nascituro, em contrassenso, percebe-se que não há legislação que garanta o emprego do pai. Se o pai foi o único provedor do sustento, mesmo que esteja por nascer um filho poderá ser despedido. Então, percebe-se que a garantia de emprego à gestante funda-se muito mais na proteção do emprego da trabalhadora no mercado de trabalho contra ato discriminatório do que na garantia social de amparo ao nascituro pois se esta fosse a grande preocupação do legislador, já teria criado mecanismo legal de proteção do empregado do pai e aos pais adotivos, cujas obrigações para com os filhos são semelhantes. (BARROS, 2012)

As batalhas permanentes das trabalhadoras pela conquista do direito de se introduzirem e se manterem no mercado de trabalho na condição de empregadas são registradas pela história como das mais dignas. Responsáveis pela manutenção dos valores educacionais, morais, éticos, religiosos, a quem a sociedade patriarcal atribui quase que exclusivamente esta função às mulheres, ainda são incumbidas de prover ou auxiliar no sustento da família. Fora estas obrigações sociais, adquirem, as mulheres, o direito de, por opção, proverem o sustento delegando poderes aos homens de executar tarefas dantes consideradas exclusivamente femininas como o resguardo das necessidades basilares da família. (LENZA, 2009)

As causas da proteção à maternidade, de ordem médica, são decorrentes da necessidade de se evitar os altos índices de mortalidade materno-infantil e, de ordem social, a preocupação com a manutenção do emprego. Com relação aos aspectos físicos que justificam cuidados durante o período gestacional, apresentam-se as posições antifisiológicas, grandes esforços físicos, excesso microclimáticos, vibrações, fadigas e barulho intenso. E, por fim, com relação ao aspecto profissional, parte-se do pressuposto que uma gravidez não pode ser motivo de dispensa ou qualquer outra forma de discriminação por parte de seu empregador. (DELGADO, 2009)

De outra ordem, a garantia de emprego pode ser mais um fator que desestimule o empregador na contratação de mulheres. Primeiro porque o empregador mesmo não tendo ciência do estado gravídico da trabalhadora terá que garantir seu emprego ou assumirá o pagamento de indenização correspondente a todo o período estabilitário nos casos de despedimento sem justo motivo, desde que comprovada que a gestação se concebeu durante o pacto laboral mesmo que seja durante o período em que a empregada receba o benefício do aviso prévio indenizado. Proibida a realização de qualquer exame médico que comprove a gravidez ou até mesmo a esterilização, fica, o empregador, à mercê de sua própria sorte e assumindo um risco social simplesmente por ter empregado uma trabalhadora. (BARROS, 2012)

Destarte, o sexo é o fator preponderante, também na decisão do empregador pela contratação de mulher. A maternidade, para grande parte dos empregadores, é responsável pelo afastamento da empregada durante o período de gozo de licença-maternidade, aumento de custos na contratação de substituto e redistribuição das tarefas.

É necessário que se verifique a influência da proteção legal à mulher trabalhadora relevando-se o fato da legislação, ao proteger, origine efeitos adversos dos pretendidos pelo legislador. O excesso de proteção à mulher no mercado de trabalho sem uma justificativa que a diferencie estritamente pelas diferenças biológicas são discriminatórias por si só.

VI. Considerações Finais

Da análise feita, indubitavelmente há discriminação da mulher no mercado de trabalho contrariando o que prediz a Constituição Federal de 1988. Como gênero é uma concepção social de tipos ou estereótipos padronizados e definidos em razão do sexo, a discriminação pode ocorrer tanto pelo gênero quanto pelo sexo.

Porém, se o fundamento da discriminação for pelo fator histórico-sociocultural em que à mulher foram atribuídas condições sociais de inferioridade, sem dúvida, o motivo da discriminação é pelo gênero que ocupa, considerando-se que após a divisão sexual social, definiram-se papéis e posturas. Em uma contratação laboral ou ascensão profissional, se a decisão do empregador se basear neste fator, discriminará pelo gênero e não pelo sexo.

Quando se observa as dificuldades na ascensão profissional verifica-se que o fator histórico-sociocultural influencia na decisão do empregador em tornar uma mulher gestora de sua empresa. Traços de personalidade podem influir pelas características de gênero que a sociedade associa ao sexo feminino como a docilidade e fragilidade.

Verifica-se que no ato da contratação o sexo é o fator que impulsiona a decisão do empregador no recrutamento. Embora o gênero seja uma concepção social já estabelecida, a decisão por contratar ou não uma mulher baseia-se no sexo que possui. Leva-se em consideração sua capacidade física, suas habilidades e a possibilidade de afastamento do trabalho em decorrência da maternidade e aleitamento materno, o que representaria, de qualquer forma, num afastamento

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do trabalho, mudança de função, e outras restrições além do remanejamento de suas atividades. Portanto, quando se verifica que o fator biológico é o preponderante para a discriminação da mulher, sem dúvida, a discriminação ocorre pelo sexo e não pelo gênero.

Por fim, quanto ao fator legal, diante da legislação trabalhista existente, verifica-se que a discriminação ocorre exclusivamente pelo sexo e não pelo gênero. As garantias legais diferem homens e mulheres concedendo, no caso da maternidade, proteção do emprego em benefício do nascituro, não se estende a garantia aos pais. Destarte, se ambos são responsáveis legalmente pelos menores não há razão para a proteção exclusiva do emprego da mulher. Outra condição ainda, é a garantia do direito à licença-maternidade. Sem dúvida é uma necessidade do nascituro, mas não pode ser concebida como obrigação materna. A concessão de licença parental eliminaria dos efeitos da discriminação por sexo nestes casos em que o fator legal é o preponderante à decisão pela empregabilidade da mulher.

Espera-se, com este artigo, fomentar discussões acerca dos meios viáveis, empresariais e públicos para se erradicar definitivamente estes fatores que influenciam o mercado de trabalho das mulheres, concedendo-se condições de efetiva igualdade em respeito aos preceitos constitucionais.

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The Fate of the Unsightly: Hegel and Mandelstam

By Alexander Yeremenko

Abstract- The article analyzes the implicit aspects of G. Hegel's doctrine of sublation. It is shown that the negation of negation, the result of which is dialectical sublation, was often treated superficially in the progressivist-revolutionary tradition. It is emphasized that when sublated, it is very important to preserve the content that, at first glance, is negated. Negation is not to be understood as rejection. The doctrine of dialectical sublation is compared with some paradoxical aspects of O. Mandelstam's worldview, which are most clearly expressed in the poem 'Lamarck'. The question about the truth of simplification, involution, is raised.

Keywords: hegel, mandelstam, dialectics, sublation, negation of negation, truth, development, involution.

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The Fate of the Unsightly: Hegel and Mandelstam

Alexander Yeremenko

Abstract- The article analyzes the implicit aspects of G. Hegel's doctrine of sublation. It is shown that the negation of negation, the result of which is dialectical sublation, was often treated superficially in the progressivist-revolutionary tradition. It is emphasized that when sublated, it is very important to preserve the content that, at first glance, is negated. Negation is not to be understood as rejection. The doctrine of dialectical sublation is compared with some paradoxical aspects of O. Mandelstam's worldview, which are most clearly expressed in the poem 'Lamarck'. The question about the truth of simplification, involution, is raised.

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I. Introduction

The purpose of this article is to analyze some aspects of the Hegelian dialectic, in particular some aspects of the doctrine of sublation which, in our opinion, are not always correctly understood in the conventional interpretation of Hegel. We will try to show the hidden ambiguity in Hegel's doctrine of sublation. This ambiguity of dialectical sublation can be visibly revealed by comparing the doctrine of the negation of negation with O. Mandelstam's poem 'Lamarck'. This great poem is characterized not just by depth, but by a delightful paradox of meaning.

LAMARK

There was an old man, as shy as a boy,
A clumsy, timid patriarch...
Who is a swordsman for the honor of nature?
Well, of course, the fiery Lamarck.
If all living things are just a blot
Over a period of a short lifeless day
On Lamarck's movable stairs
I will take the last step.

I will go down to the annelids and the barnacles,
Rustling among lizards and snakes,
On elastic gangways, on wide gullies
I will shrink and disappear like Proteus.
I will put on a horn mantle,
I will refuse hot blood
I will overgrow with cupules and into the foam
Of the ocean I will stick like a swirl
We have passed the ranks of insects
With liquor glasses of eyes.
He said: nature is all in the faults,
There is no vision - you can see for the last time.
He said: no more orotundity,
You loved Mozart in vain,
Spider deafness sets in
Here failure is beyond our strength.
And nature has retreated from us
As if it doesn't need us
And it put up a longitudinal brain,
Like a sword, into a dark scabbard.
And it forgot about the drawbridge
It was too late to lower it for those
Who have green graves
Red breath, flexible laughter… [1, p. 183-184].[1]

Vast literature is devoted to the interpretation of this poem. A. Zholkovsky notes the variety of studies that outline the place of the poem in the previous literary, natural-philosophical and historiosophical tradition [2]. He highlights the main themes of the poem: the motif of the path, in particular, the way down, the grave/death; the motif of metamorphoses and, on the one hand, transformations into heroes of classical art, on the other hand, mythological and fabulous transformations associated with the difficulty and even impossibility of returning to their previous state, in the latter case, the motif of a certain punishment of the hero who violated world harmony; the motif of searching for the supreme Sense (Grail, the meaning of being, evolution, history) [2]. As a result, Zholkovsky adjoins the widespread understanding of the poem as a gloomy Aesopian warning of an impending cultural catastrophe [2].

J. Probshtein understands the meaning of the poem in a similar way. In 'Lamarck' he sees an 'Aesopian' poem, which encodes the poet's despair in the face of reality, in which 'only the lowest, most primitive types survive, there is no need for art, poetry, or music' [3, p. 102].

Since the poem is dedicated to the outstanding biologist, some researchers delve into its biological implications. A. Zholkovsky, D. Danin [4], and M. Epshtein [5] emphasize O. Mandelstam's great passion for the works of the classics of biology, inspired by friendship with B. Kuzin, to whom the poem 'Lamarck' is dedicated.

M. Epstein pays special attention to the images of insects in the poem, which fit into the context of the 'insect' imagery important for Mandelstam's poetry (wasps, bees, dragonflies, butterflies, etc.) [5]. According to Epstein, the dialectic of evolution and

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[1] In the Appendix we place the Russian text of the poem "Lamarck".

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involution in the poem is a manifestation of O. Mandelstam's intuition about the end of the era of heroism, social and spiritual aristocracy, humanistic individualism, which is being replaced by the time of mass-like, primitive, 'insect-like' consciousness [5]. Similar insights sound in other poems of the poet. "The leitmotif of the whole animalistic theme of 'Century' is a broken spine. The era of vertebrates has ended - proud, graceful, with a slender posture. The imperious rapacity is replaced by small, swarm robbery. The era of invertebrate insect predators begins. Mandelstam sensitively caught the transition from the era of individuals to the era of the masses and captured new features of animal energy and sensuality that were close to his time. Perhaps, it is with Mandelstam that the insect becomes the super-image of Russian poetry, for the first time the animalistic theme turns into an entomological one'' [5].

M. Yampolsky considers 'Lamarck' in the broad context of the history of culture, paying special attention to the comparison of art history and natural science paradigms. He expresses, in our opinion, the most insightful thought in Mandelstam studies about 'Lamarck': 'One of the difficulties in understanding the poem lies in the almost enthusiastic description of what apparently seems to be degradation' [6]. Perhaps, our comparison of 'Lamarck' with the figures of Hegelian thought will provide a clue to this paradox. M. Yampolsky draws attention to the ambiguous attitude of O. Mandelstam to the theory of progress, and when applied to literature, this attitude becomes clearly negative [6]. Part of the clue to the enthusiastic description of degradation can be found by comparing the image of the stairs in Plato's Timaeus, which describes the degradation of man into animals with the loss of harmony, with Lamarck's stairs, the descent along which means only apparent degradation, but in fact - a movement towards simple forms of 'the very concept of species' [6].

We will not yet offer our own interpretation of the poem 'Lamarck', but this does not mean that we do not have it. Our interpretation will go into the subtext of reflections on the Hegelian sublation in order to 'emerge' at the end of the article.

First, we recall some banal provisions of the Hegelian doctrine, perhaps even stereotyped ones. We will have to start from some simplified stereotypes of understanding the Hegelian method precisely in order to debunk them and show the real complexity of the Hegelian dialectic.

The main figure of Hegelian thought is the dialectical triad: thesis - antithesis - synthesis. Dialectical sublation is usually understood as negation with retention. At the same time, the positive, true, capable of development, corresponding to its concept is retained. Allegedly, everything which is false, incapable of development, and not corresponding to its concept is discarded and denied. In this way, the enrichment of positive content takes place, so to speak, 'accumulation of positivity', 'accumulation of truth'; this accumulation is supposedly progress.

The following question arises: what is the fate of that negative which is discarded in every act of synthesis, which is not included in successive acts of sublation? While thinking about this question, we will come to a rather unexpected solution. A clarifying question arises so far: what exactly is being discarded? Is some evil, insidious, actively opposing the positive, hostile to truth and progress being rejected? Or is the weak, false in the sense of erring, imperfect, not corresponding to its concept, incapable of progressive development, so to speak, passively negative being discarded? Is that which stubbornly refuses to enter into positivity discarded, or that which cannot? It would like to, but it cannot.

At first glance, the second option is correct. Let us recall G. Hegel's indication of truth as the correspondence of a concept and reality, and the untrue in this regard is 'inconsistent with itself': '...untrue in general consists in a contradiction between a definition or concept and the existence of an object' [7, p. 125]. In this context, we present the following argument. If what was discarded were actively negative, sublation would be impossible. When synthesizing from the thesis and antithesis, the positive is taken. But at the next synthesis, the positive is again taken from the thesis and antithesis. It does not represent the entire content of the thesis and antithesis, for then the thesis and antithesis would enter into the synthesis as a whole. So, at each stage of synthesis something negative is discarded from the thesis and antithesis. But this is such negative, which at the previous stage was recognized as positive. And this happens in each case of sublation. If what is thrown out were actively negative, malicious, etc., it could not initially enter into synthesis, and it could not be retained at any stage of synthesis. Some 'blots'are discarded: weak, unsuccessful, unsightly, insufficiently perfect.

What is the fate of the discarded? Does it go into non-existence, or is it in a miserable vegetative state of chaotic existence, or is it also synthesized in its mode of being? Isn't there, so to speak, the perfection of the negative, a kind of anti-sublation in which the accumulation of the negative takes place? Doesn't this negative line up in a certain system, which is, as it were, a shadow of the positive system of ascent to the Absolute Idea in its adequate expression?

The most surprising answer would be that nothing is actually discarded.

How and - most importantly - who came up with the idea of discarding when interpreting the negation of the negation? Isn't such an interpretation an unacceptable simplification of the sublation figure? Did it

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not originate in the circles of revolutionary progressivists who emerged from the New-Hegelianism?

In the interpretation of Soviet Marxism, Hegel's dialectic was perceived not simply as an unambiguously progressive doctrine, but as a kind of apotheosis of progress. A. Herzen's aphorism was popular: 'Hegel's philosophy is the algebra of revolution' [8, p. 194]. That is, Hegel's teaching is not just a justification for universal and, so to speak, unrestrained progress, but such progress which is carried out thanks to revolutions. And in revolutions, the 'rejection' of reactionary, conservative, obsolete progress that hinders a firm pace of progress is inevitable (more precisely, the rejection of what the revolutionaries consider reactionary, etc.).

With such a perception, the majestic tread of the world spirit acquires the features of splendor, bravura, the feeling of permanent victory. The World Spirit marches on a solemn march to the shining heights of perfection. It must be said that some of the statements of G. Hegel in the 'Lectures on the Philosophy of History' give reason for such an interpretation.

This is especially evident in the doctrine of world-historical personalities. According to Hegel, world-historical personalities embody the will of the world spirit by their actions. Hegel's philosophy of history is permeated with genuine admiration for world-historical personalities, one might say, their apotheosis. They are forgiven everything. 'But such a great personality is forced to trample on another innocent flower, to crush a lot in his path' [9, p. 84]. Just think, the flower has been trampled! Leave me alone, here we are talking about higher matters: 'But from this point of view, it is impossible to make moral demands on world-historical deeds and on the persons who commit them, which are inappropriate in relation to them. Boring complaints about the personal virtues of modesty, humility, love of people and compassion should not be heard against them' [9, p. 115]. "After all, world history takes place in a higher sphere than that to which morality is confined…" [9, p. 114] - so stand back, boring moralists.

G. Hegel's famous teaching about the cunning of the mind in world history fits into this context: the World Mind uses world-historical personalities as its tools, while being in the shadows. Historical figures selflessly fight, perform feats, suffer and die; as a result of their activities, as a rule, it turns out not at all what they were striving for, but the World Mind, the Absolute Idea does not suffer damage: 'The particular in most cases is too small compared to the universal: individuals are sacrificed and doomed to death. The idea pays tribute to existence and frailty not from itself, but from the passions of individuals' [9, p. 84].

One gets the impression that the spirit of Christian mercy is disappearing in the victorious procession of dialectical sublation. Before us there is a worldview in which there is no place for a stone rejected by the builders, in which the last will never be the first. This is a world in which the wise, the strong, and the meaningful have been chosen once and for all, while the unwise, the weak, and the meaningless are forever doomed to vegetate.

My personal life experience, not read from books, leads me to the conviction that *the triumphant is false*. The lie hides in the very depths of the celebration. Something is not satisfied with the existing, suffers, fights, and creates. In this eventfulness it finds itself. It may fail, perish. Maybe win. Here it is in danger. It begins to glimmer already at the moment of victory. And it manifests itself in full measure when the victorious becomes triumpant, when it begins to triumph. Every triumph is, in one way or another, trampling. *Everything that tramples is false. The very act of trampling turns the victorious truth into a lie.*

Since the doctrine of sublation was developed mainly in the 'Science of Logic', we will rely on Minor and Major Logic.

Contrary to the stable revolutionary-progressivist stereotype, when being sublated the steps of ascent are not discarded at all, but are preserved and taken in. At least, this is the case in the realm of essence, which is 'pure negativity, having nothing outside of itself that it would negate" [10, p. 19].

Contradictions both negate each other and contain each other in themselves, thus they are equalized, since each of them is the sublation of the other and of itself [11, p. 187-188]. If we try to think according to this model of the relationship between the perfect and the unsightly, then we will have to admit that they negate each other and contain each other in themselves, become one and the same; each sublates the other and itself. It turns out that the unsightly sublates itself in the perfect, and the perfect - in the unsightly?

Even more unexpected is the fate of the unsightly in the light of the Hegelian category of being-for-oneself. An example of being-for-oneself is true infinity. If the infinite is something special along with the finite, then it turns out to be a bad infinity. It repeats the same thing. For example, such is the infinity of space and time. 'First they set the boundary, then they step over it, and so on *ad infinitum*' [7, p. 232]. The finite does not stand next to the infinite, but is sublated in it [11, p. 151]. The opposite of the finite and the infinite 'is not true', 'the infinite actually eternally goes out and does not go beyond its limits' [7, p. 232]. In true infinity, the other merges with itself. The finite is removed at infinity, but the infinite is not 'blunted' against the finite [7, p. 234-235]. "The negation of negation is not neutralization; the infinite is the positive, and only the finite is the sublated" [7, p. 235].

If we try to apply this dialectic to the unsightly and perfect, we get something like the following. We must think the unsightly in the perfect and the perfect

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in the unsightly; we must understand *the unsightly as the other of the perfect*. The perfect passes into the unsightly and in this transition merges with itself. *It is completely unsightly; it has the perfection of unsightlyness*. Inconsistency is potentially contained in the perfect. The perfect in the unsightly as its other coincides, merges with itself. But is the same true for the unsightly? Is it possible to say that the unsightly coincides with itself, passing into the perfect as its other? What is it that the unsightly potentially contain the perfect?

The Hegelian dialectic of something and the other is reminiscent of Plato's sophisticated dialectic of the one and the other. The other in itself is the other of itself, that is, the other of the other. Therefore, it is unequal within itself, negating itself, changing. But at the same time, 'it remains identical with itself because what it has changed into is the other' [12, p. 180]. That which has changed unites in the other with itself. Thus, his otherness is its moment [12, p. 180].

The unsightly is the other of itself; as unequal to itself, it changes and passes into its other. But its other is the perfect. Therefore, the unsightly becomes perfect. But in this perfection it unites with itself. Having become perfect, it remained unsightly - and this is its truth. It is as unsightly as it should be; it is as unsightly as it corresponds to its concept; it is the true unsightly. When we contrast the unsightly with the perfect and keep them in this abstract opposition, then the very statics of this opposition is false.

The negation of negation does not at all imply such a primitive move as discarding. When the negation is negated, the first disappears into the second; but this is not an abstract disappearance - in fact, 'the first is contained in the second and this second is the truth of the first' [13, p. 299]. In its truth, the second (negative, mediated) is a relation, for it is 'the negative of the positive and contains the latter in itself' [13, p. 300]. It is not an indifferent other - it is different in itself, therefore it contains its own other, thus it is a posited dialectic of itself [13, p. 300].

Thus, in the course of sublation what is negated is not discarded at all. Whatever it may be: weak, false, erroneous, imperfect, unsightly, it is the other of the strong, true, correct, perfect, and contains this other of its own. It is not destroyed at all and is not ignored for subsequent development.

'The second negative, the negative of the negative, which we have arrived at, is the aforementioned removal of the contradiction, but just like the contradiction, it is not the action of some external reflection; it is the most intimate, most objective moment of life and spirit, thanks to which the subject, the person, the free person has the objective reality' [13, p. 301].

If the perfect is attributed to the first item of the triad (affirmation, positive), then the unsightly (imperfect) will be the first negation. What will turn out to be the second negation, that is, the third, synthetic moment of the triad? It is such a 'most intimate moment' that includes the first (perfect) and the second (unsightly) as different from the first; and if we remember that 'this second is the truth of the first', then the unsightly will turn out to be the truth of the perfect.

How to name the first and third? We are having trouble naming for example, it is possible to call the first positive untrue, 'flat' perfect. Then the third will turn out to be 'true perfect', which will contain in itself the unsightly as its other. And it is precisely this truly perfect that will turn out to be vital and developing.

The ancients, apparently, could not have conceived such a third. What is perfect for them is static, it cannot develop. Gods do not develop. The idea of the Good does not develop, for it is the most perfect of all; in general, the world of Platonic ideas does not develop. The unity of the Neoplatonists cannot develop, for it is the fullness of being and the fullness of perfection. Its emanation into the material world is a kind of fall, not development. The absolutely perfect is the best of all - it can neither improve nor deteriorate, it is eternally frozen in its perfection.

But Hegel's truly perfect will not be such: since it contains its own other, it is capable of development. *The unsightly is, as it were, the disturbing conscience of the truly perfect.*

G. Hegel clearly formulates the methodological essence of the principle of the negation of negation, there is no question of any rejection here: 'To keep the positive in its negative, the content of the premise in its result, this is the most important thing in knowledge based on reason; at the same time, only the simplest reflection is enough to be convinced of the absolute truth and necessity of this requirement…' [13, p. 299]. The Hegelian system is built in such a way that nothing is discarded in it; everything is preserved, since each step 'is an image of the absolute' [7, p. 420].

Here is how G. Hegel characterizes his method: 'In the absolute method, the concept is preserved in its otherness, the universal - in its isolation, in judgment and reality; at each stage of further definition, the universal elevates the entire mass of its previous content and it does not lose anything from its dialectical movement forward, it does not leave anything behind, but contains everything acquired and is enriched and condensed within itself' [13, p. 306-307].

With such an understanding of the figure of dialectical sublation, the unsightly, so to speak, is problematized and its fate ceases to look so deplorable. Hegel shows the limitations and superficiality of the subjective volition, for which the pre-found object is insignificant and which is sure that it is this that brings about the good. This abstract duty turns out to be an inadequate perception of the world. 'The insignificant

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and the disappearing are only the surface of the world, and not its true essence. […] Unsatisfied striving disappears when we realize that the ultimate goal of the world is as fulfilled as it is eternally fulfilled' [7, p. 417].

So after all: Does the perfect develop or does it remain in the state of its perfection? It is eternally evolving and eternally abiding. It is in a state of eternal fulfillment of its goal, towards which it is eternally striving. And this desire is conditioned by the presence of the unsightly in the very core of the perfect.

Here we come to the most vulnerable point in the apologia for the unsightly. The third, as a synthesis of the first and second moments of the triad, is 'the positive through the sublation of the 'negative', the absolute reality obtained through the sublation of the original immediate reality [13, p. 303]. 'This result is therefore the truth' [13, p. 303]. This third is not in a state of rest, but is 'movement and activity mediating itself with itself' [13, p. 303].

The seeming lofty truth of the unsightly arises as a consequence of fixing the abstract first negation. If we do not stop at this one-sided moment, but delve into the dialectic of the negation of negation, the unsteady charm of the unsightly will melt no less than the dazzling triumph of the perfect. The unsightly one should not fall into the sin of humility more than pride, he should not engage in self-admiration that wrings the soul. Just think: miserable, wretched, inept, weak… 'Have pity on me, don't offend me'… The unsightly must do something, undertake something to get out of his miserable state, and not admire his wretchedness. Let us suppose that God has chosen the lowly and meaningless, suppose He thus abolished the significant. Okay, so be it. But what's next? Is there not the pride of the wretched in the penetrating lines of the Epistle to the Corinthians? Akaky Akakievich and Makar Devushkin evoke sympathy as long as they are infringed; the simplicity of Platon Karataev is charming until he is placed at the head of the army. But if you say to the unsightly: "You are the salt of the earth, you must rule; let the strong and wise bow down before you, for yours is the Kingdom of Heaven", - as a result – alas! - concentration camps will turn out. Sharikov and Shvonder have stepped out of their Gogol overcoat.

If every triumphant is false, then the triumphant unsightly will also be false. The very act of triumph will make it false.

Neither the perfect nor the unsightly as immediate abstract moments of negation of negation are true.

If we return to O. Mandelstam, then the picture of evolution drawn by him differs significantly from Hegel's. Firstly, Lamarck depicts not evolution, but involution: the lyrical hero led by Lamarck descends through the stages of development of life to its simplest forms; the characters seem to descend into the very depths of evolutionary hell.

Further: Sometimes it seems that this descent is painted in unambiguously negative tones. But we agree with M. Yampolsky about 'an almost enthusiastic description of what apparently seems to be degradation'. The descent of the lyrical hero is voluntary; no one forces him to descend to the simplest forms of life. What is most striking here is that the journey into the depths of the elements of life is not so much epistemological as ontological. The lyrical hero is not just curious - he really simplifies.

Hegel's negation of negation is, nevertheless, a process of development and even progress. In the progressive ascent to itself, the Absolute Idea enriches its content at each subsequent step. And in this ascent, as has been found out, nothing is discarded; everything is retained, preserved and, so to speak, transformed in this preservation. It is this preservation that actually ensures progress.

In Mandelstam's poem, the characters, as it were, renounce the acquisitions of evolution, these acquisitions are actually discarded, and in this rejection some inexplicable charm shines through.

The question arises about the truth of the unsightly as such. According to Hegel, the unsightly turns out to be true, since it is another of the perfect and of itself. Reflections of truth, so to speak, fall on it. The picture drawn by Mandelstam stirs the soul: no, let the unsightly, discarded in fact, *be recognized as having an independent*, *its own truth*, and not at all a reflection of the truth of dialectical subtraction. With Hegel, the unsightly turns out to be, in the final analysis, an appearance. But what if this is not an appearance, but the innermost essence of the Universe? And another such turn: well, let us assume that it is visibility. But does appearance have truth, its own truth? At first glance, no: appearance is the inconsistency of the phenomenon with the essence, the inconsistency with its concept. But can there be truth to this discrepancy? We get a kind of oxymoron figure: the untrue is inconsistent with its concept, and it is in this discrepancy that its truth, the truth of the untrue, lies. The essence of appearance is precisely in being appearance, that is, in not conforming, and it is in this inconsistency that appearance acquires its own truth. And the unsightly has value not as a stage in the negation of negation, not as another perfect, but in itself; in its very unpretentiousness it acquires hidden truth. It is not saved by being included in the majestic step towards the heights of perfection - it is saved by itself, in its green grave.

It is necessary to realize the truth of the weak, imperfect, unsuccessful, unsightly, really rejected, the truth of the 'blots' of evolution. Paradoxically, there is a

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truth that does not correspond to its concept. Its truth lies precisely in this discrepancy.

In short: 'If all living things are just a blot / On a short lifeless day, / On Lamarck's movable stairs / I will take the last step."

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Appendix

ЛАМАРК

Был старик, застенчивый, как мальчик,
Неуклюжий, робкий патриарх …
Кто за честь природы фехтовальщик?
Ну конечно, пламенный Ламарк.

Если всё живое лишь помарка
За короткий выморочный день,
На подвижной лестнице Ламарка
Я займу последнюю ступень.

К кольчецам спущусь и усоногим,
Прошуршав средь ящериц и змей,
По упругим сходням, по излогам
Сокращусь, исчезну, как Протей.

Роговую мантию надену,
От горячей крови откажусь,
Обрасту присосками и в пену
Океана завитком вопьюсь.

Мы прошли разряды насекомых
С наливными рюмочками глаз.
Он сказал: природа вся в разломах,
Зренья нет – ты зришь в последний раз.

Он сказал: довольно полнозвучья,
Ты напрасно Моцарта любил,
Наступает глухота паучья,
Здесь провал превыше наших сил.

И от нас природа отступила
Так, как будто мы ей не нужны,
И продольный мозг она вложила,
Словно шпагу, в тёмные ножны.

И подъёмный мост она забыла,
Опоздала опустить для тех,
У кого зелёная могила,
Красное дыханье, гибкий смех… [1, с. 183-184].

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New World Order: 2022 as a Turning Point

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Keywords: world order, USA, China, Russia, hegemony, multi-order world.

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Abstract- In February 2022, Russia invaded Ukraine and this act represents a turning point in the world order because it was a step toward the expansionism of Putin's Eurasian Order to challenge the hegemony of the Liberal Order ruled by the United States of America. The so-called special military operation aims not only to force Ukraine to reject any approach to Western Europe, namely to NATO and European Union but also to fight against American hegemony and to replace the present world order with a new model in a conjuncture when China defends an alleged post-hegemonic world and uses both its sharp power and its wolf warrior strategy to reach it. This fact explains China's position toward the war in Ukraine because, despite its appeals to peace, China never refers to the conflict as a war or an invasion. Moreover, China has opposed European and North American sanctions on Russia, and, even saying that Beijing does not provide weapons for the Russian army, Xi Jinping refuses to break its no-limits partnership with Russia. This chapter proves that this fight against American hegemony represents a strategy to change the world order, but not with a post-hegemonic goal. In the first moment, revisiting the Cold War bipolar order and, in the second phase towards a multi-order world, also involving a religious dimension.

Keywords: world order, USA, China, Russia, hegemony, multi-order world.

I. Introduction

Throughout the History of Humanity, some moments are considered turning points because they are "more than just an important event that happened a long time ago", as they represent "an idea, event or action that directly, and sometimes indirectly, caused change" in multiple dimensions, namely social, cultural, political, or economic (Pritchard, 2013, p. 1). However, the list of turning points in History is far from consensual, as the importance or the influence of the events depends on the vision of each part of the world. Thus, there are some turning points for the Western model which are not regarded in the same way by other cultures. On the other hand, there are some events whose importance is globally accepted. For example, in June 1989, *The Unesco Courier* mentioned the 1789 French Revolution as an idea that changed the world and the 1914-18 and 1939-45 conflicts are labeled as word wars, despite being European in their beginning because they changed the perception of the world order, as it also happened with the fall of the Berlin Wall and the implosion of the Soviet Union.

In February 2022, the Russian invasion of Ukraine can be regarded as a turning point in History because it was clearly a step in contesting the American hegemony by a country that intends to rule over another order: the Eurasian one. Thus, more than a regional conflict, the invasion means the beginning of a fight between two orders, while the third order – the Chinese Silk Belt Road Order – witnesses the evolution of the war, in a twofold position, making appeals to peace, but refusing to exert its influence on Russia, due to the no-limits partnership that both countries have signed.

According to China, this turning point is regarded as a challenge to the American hegemony and a necessary step towards a post-hegemonic world – Tianxia – a concept that Zhao Tingyang has revisited and that is being well-accepted by the actual Chinese elite. However, this goal is a fallacy because "rather than guide us toward a post-hegemonic world order, Tianxia presents a new hegemony where imperial China's hierarchical governance is updated for the twenty-first century (Callahan, 2008, p. 749). Consequently, the present friendly relationship between China and Russia will change when China's expansionism towards Central Asia enters into the so-called Russian backyard: the former Soviet republics of Kazakhstan, Kyrgyzstan, Turkmenistan Kyrgyzstan, and Uzbekistan. Long ago, Lord Palmerston advised that England had neither eternal allies nor perpetual enemies, and this statement lives on both for England and other countries, namely the great powers.

Flockhart (2016), after analyzing the "three current narratives about the future global order; a multipolar narrative; a multi-partner narrative and a multi-culture narrative", concluded that "although each narrative point to a plausible future, neither presents a complete understanding of what lies ahead", and proposed a new model because "what seems to be emerging is several different 'orders' (or international societies) nested within an overall international system". Moreover, she defends that this new model does not mean the end of the liberal international order, but, at the same time, the liberal order will be forced to adapt itself to the coming multi-order world.

Despite some differences respecting the concept of a multi-order world, namely the role to be played by the States, this chapter accepts Flockhart's proposal but considers that the emergent world order will lead to the end of the American hegemony and a subsequent multiple-order world with four orders: three already well-defined - the liberal, the Eurasian, and the Silk Belt and Road orders -, and another one still in the limbo - the Islamic order. Furthermore, the chapter defends that the process concerning three of these

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orders is already underway and only the Islamic order is still waiting for its leadership power, due to the multi-secular division between Shiites and Sunnis.

The chapter also proves that Russia and China have been putting into practice this process for some decades resorting to the change from soft to sharp power, trying to weaken the Liberal Order, namely interfering in the electoral process in some Western countries, and influencing the foreign public opinion according to their interests.

Finally, in what concerns the relationship between Russia and China, the chapter defends that the PRC and Russia view each other as partners in their efforts to challenge the U.S.-led global order, but also agrees with those scholars who believe that "while the PRC and Russia both seem to reject the current world order, their visions of what ought to replace it may not be consistent" because they "view the PRC as a «revisionist» power working to change certain aspects of the existing order, possibly to supersede it in the long run.[1]" Probably, the Chinese post-hegemonic world or the harmonious world represents just China's will of becoming the sole future hegemonic power.

II. Defining World Order

The concept of order depends on being understood according to an analytic concept or a normative percept. According to Rosenau (2018, pp. 10-11), "the problem of differentiating between empirical and normative orders can be nicely illustrated by the question of whether global arrangements marked by a high degree of disorder are to be considered a form of order. Thus, if "by an «empirical order» is meant the arrangements through which global affairs move through time, then obviously a vast array of diverse arrangements can qualify as forms of order" while if we "associate order with minimal degrees of stability and coherence, that periods of international history marked by war, exploitation, and a host of other noxious practices are viewed as disorderly arrangements - as «chaos» or «entropy,» or anything but forms of order."

Rodrik & Walthere (2021, p. 4) state that "there is no canonical definition of «world order», but common to most conceptions is the idea that relations among some set of global actors be regulated by a set of rules or institutions that define who the key actors are and help them manage their interactions with each other". However, they recognize that "«world order» is not even a consensus term, insofar as scholars use «international order», «international society» or «global order» interchangeably and sometimes inconsistently.

Obviously, some authors are more rigorous in the use of these terms. For example, Hedley Bull defends that world order is wider than international order because the former position includes not only the States but also non-States actors while the latter one considers the sovereign States as the sole actors. According to Tomé (2021, p. 91), who refuses Bull's argument, "the world order can include several and distinct international orders, but an international order is only world or global if and when extended to a planetary scale".

Blackwill & Wright (2020, p. iv) state that "world order is a fundamental concept of international relations" and can be defined as "a description and a measure of the world's condition at a particular moment or over a specified period of time". Moreover, world order "tends to reflect the degree to which there are widely accepted rules as to how international relations ought to be carried out and the degree to which there is a balance of power to buttress those rules so that those who disagree with them are not tempted to violate them or are likely to fail if in fact they do". However, this definition is far from consensual. Moreover, world order is often used as a synonym with international order, despite the concepts being different depending on the criterion, namely of the actors involved in the process.

Henry Kissinger (2014) recognizes that "our age is insistently, at times almost desperately, in pursuit of a concept of world order", but "no truly global 'world order' has ever existed", and "what passes for order in our time was devised in Western Europe nearly four centuries ago (p. 2). However, "the Westphalian peace reflected a practical accommodation to reality, not a unique moral insight" and "no single claim to truth or universal rule had prevailed in Europe's contests", as the negotiations were "conducted without the involvement or even the awareness of most other continents or civilizations" (p. 3). Thus, "the idea of world order was applied to the geographic extent known to the statesmen of the time—a pattern repeated in other regions" (p. 4).

Finally, Kissinger draws attention to an important point concerning a future world order stating that "any system of world order, to be sustainable, must be accepted as just—not only by leaders but also by citizens" and "it must reflect two truths: order without freedom, even if sustained by momentary exaltation, eventually creates its own counterpoise; yet freedom cannot be secured or sustained without a framework of order to keep the peace" (p. 8). Nowadays, it must be made clear that only the Western liberal order accepts that freedom and order are interdependent while the other orders, namely Russian and Chinese ones, go on considering that they represent "opposite poles on the spectrum of experience" (p. 8) because neither Russia nor China are democracies.

As seen before, this is an endless question in a changing world where there is governance without government because governance "is a more encompassing phenomenon than government" as it "embraces governmental institutions, but it also

[1] «China-Russia relations». Available at https://crsreports.congress.gov/product/pdf/IF/IF12100

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subsumes informal, non-governmental mechanisms whereby those persons and organizations within its purview move ahead, satisfy their needs, and fulfill their wants". Thus, "governance is a system of rule that works only if it is accepted by the majority (or, at least, by the most powerful of those it affects), whereas governments can function even in the face of widespread opposition to their policies." (Rosenau, 2018, p. 4)

III. The End of the Old-World Order

Thirlwell (2005, pp. 1-3) states that "perhaps the first time that the term 'new world order' was thrown around in international policy discussions was in the period after the First World War when it was used by US President Woodrow Wilson during the creation of the League of Nations and the associated efforts to build a new international regime of collective security". That was the so-called new world order version 1.0 that would be replaced by two further versions.

Version 2.0 started after World War II, the two military agreements – NATO and Warsaw – established a bipolar world, and "the United States and the Soviet Union reached an informal agreement not to challenge each other's vital interests in Europe" because "the United States refrained from challenging Soviet domination of eastern Europe; in return, the Soviet Union refrained from challenging US leadership over western Europe" (Kocs, 2019, p. 2).

Then, there was a world order because both sides agreed to accept the Charter of the United Nations and to respect the Universal Declaration of Human Rights, even when they did not meet their obligations in several situations and different areas. For example, "the rule of law, as it is understood in the West and certainly within the context of the BWS, has simply failed to materialize over the 18 years since China joined the WTO" (Jannace & Tiffany, 2019, p. 1393). WTO which replaced the GATT as one of the three institutions of the Bretton Woods system together with the IMF and the World Bank.

Version 3.0 started in the early 1990s, when "a few weeks after Saddam Hussein had invaded Kuwait, US President George H.W. Bush told Congress that 'out of these troubled times, our objective - a new world order - can emerge". At about that time, after the fall of the Berlin wall, the United States of America felt free to impose American hegemony, and, during several years, "the major non-allied powers largely acquiesced to the U.S.-led international order" (Blackwill & Wright, 2020, p. 8), until the time when Russia and China started to accuse the USA of imposing all over the world a model based only on Western-generated norms.

This double situation explains Kenneth Waltz's lecture, given on 9 March 1993 at the London School of Economics and Political Science, in which he talked about two world orders: "the world order that George Bush and no doubt others would like to bring into being and would like to think that America is promoting" and "the one that we now live with and are going to have to live within the next decade or two" (Waltz, 1993, p. 187). Indeed, as Applebaum (2002, p. 2) denounces, "George Bush Senior invented the phrase the «New World Order», but he had no policy to go with it".

The present phase represents the evolution of that dichotomy. However, according to this chapter, we cannot label it as the new world order 4.0. On the contrary, we should consider that we are watching the beginning of a new model: a multi-order world.

As "any measure of order necessarily includes elements of both order and disorder and the balance between them" (Blackwill & Wright, 2020, p. iv), in the first moment, China and Russia started to refuse the previous model because they could not agree with documents that had been thought and written by western minds and hands. At the same time, they changed traditional soft power into smart and sharp power, aiming to influence not only foreign public opinion but also the results of electoral acts and governmental decisions in several countries. The old-world order had started its path to an end.

IV. Soft, Smart, and Sharp Power: Defining the Concepts

In 1990, Joseph Nye created the concept of soft power in his book *Bound to Lead: the changing nature of American Power*. Some years later, Nye (2004, p. 11) reflected again on power and reaffirmed that "the soft power of a country rests primarily on three resources: its culture […], its political values […], and its foreign policies". Moreover, he concluded that the nature of power was changing because "winning hearts and minds has always been important, but it is even more so in a global information age", a time when "modern information technology is spreading information more widely than ever before in history" (p. 1). Indeed, the evolution of mass media and the emergence of the networking model, allowing many to many communications, proved that the increasing speed of information means power. This reality is valuable not only for democratic countries because authoritarian regimes are aware that they can take advantage of that possibility.

However, after a period when autocratic countries intended to project soft power "in the sense of obtaining desired outcomes", they concluded that the results were far from desirable. Thus, the strategy of soft power was not enough, and a new approach was required but avoiding the consequences of using hard power. In other words, they understood that there was not a direct correlation between the big investment of financial resources – according to Xin Liu (2018), in a period, China's investment in soft power exceeded "the

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combined government spending of the U.S., UK, France, Germany and Japan" - and the achieved goals. Thus, at the first time, they used smart power, a concept just coined in 2004 by Nossel, meaning "the capacity of an actor, entity or a nation to effectively combine the elements of hard and soft power in ways that are mutually reinforcing or mutually complementary so as to achieve the desired aim effectively," as it happened, for example, when "the US was capping Iran's nuclear ambitions by enforcing crippling sanctions while retaining the hard power option." (Singh, 2018, p. 7)

Later, they changed soft and smart power to sharp power, despite refusing to accept this type of modification, and insisting that they had no hidden agenda. Indeed, when Singh (2018, p. 10) mentions that "China's use of political power in New Zealand (NZ) is another interesting example" of smart power because "at least three of the country's Members of Parliament (MPs) of Chinese descent have been active in politics, possibly furthering Chinese interests" or when he identifies the three tools of Chinese strategy: "(1) win over the political elite by offers of investments; (2) win over pliable and pro-China elites by inducements and offers and; (3) create dependence and seek favorable political responses", this strategy should be considered sharp power.

Sharp power is a concept coined in 2017, despite some authors disagree about its origins. Shen (2020) affirms that its founder was Juan Pablo Cardenal[2] and Shao (2019, p. 130) defends that it was created in the *International Forum for Democratic Studies*, while Hanouna, Neu, Pardo, Tsur & Zahavi (2019, p. 99) say that its creators were Christopher Walker and Jessica Ludwig in a *National Endowment for Democracy* (NED) report.

The concept is contested by some authors, namely Xin Liu (2018)[3], who criticizes Christopher Walker and Jessica Ludwig's proposal on the issue, based on the assumption that hard edge of China's soft power has become "so sharp that it is deemed to have changed the nature of soft power" because it "pierces, penetrates, or perforates the political and information environments in the targeted countries through the use of outward-facing censorship, manipulation and distraction."

Moreover, Xin Liu also criticizes Nye's article «How sharp power threatens soft power, defending that to Nye, the difference between soft power and sharp power "lies in the «how» and «why»[and] when the term is simply directed against the «who», then it is nothing more than a new term that describes an old threat", and defending that "no new term is needed" because "sharp power is neither soft nor hard power – it is the product of an unskilled mixing of the two, or put simply, unsmart power." Shao (2019, p.129) also considers the ambiguity of the designation referring that it presents "fatal deficiencies in four aspects: (1) its unclear boundary with soft power and hard power; (2) its unnecessity due to overlap characteristics with the existing concept of "smart power"; (3) its ideology-led essence disguised in academic terminology; and (4) its ineffective countermeasure to deal with the real threat."

This is an endless discussion because we can identify the evolution of some authors concerning the use of the concepts. For example, Nye (2011a, p. 9) defended that the present great challenges "are going to require a different conception of power. Power with, rather than power over. And they are going to require us to have policies of smart power, in which we learn to combine our hard and soft power resources to get the outcomes that we want. In the same year, Nye (2011b, p. 211) wrote that "combining soft power with an already highly developed economic and military power has enabled China to implement a smart power strategy in its relations with the outside world". Later, in 2018, Nye will recognize that "although sharp power and soft power work in very different ways, the distinction between them can be hard to discern"[4], meaning that some actions start as soft power, but, in a second moment, they become sharp power.

To sum up, from a Western point of view, it is undeniable that China and Russia are trying not only to influence but also to interfere in the political decisions of the countries whose decisions can adversely affect Chinese and Russian interests, as the following examples demonstrate, proving that both countries, but especially "Russia has been especially adept at exploiting rifts within democratic nations" (Walker & Ludwig, 2017, p. 13)

V. Sharp Power as Chinese and Russian Strategy to Deconstruct the Previous World Order

This point tries to exemplify the ways of changing soft or smart power into sharp power without raising questions about the real intention behind the actions. Thus, for example, China has sponsored the establishment of Confucius Institutes almost in all the countries that Beijing considers vital for Chinese interests. However, despite many Confucius Institute activities seeming innocuous, "emphasizing Chinese language instruction and cultural events such as film exhibitions, other elements of their activities are out of place in a university context" because "Chinese

[2] Available at https://thediplomat.com/2020/06/the-world-is-awakening-to-chinas-sharp-power/.

[3] Xi Liu (2018). What sharp power? It is nothing but «unsmart» power. Available at What Sharp Power? It's Nothing But "Unsmart" Power | USC Center on Public Diplomacy (uscpublicdiplomacy.org).

[4] Available at https://www.pacificcouncil.org/newsroom/how-sharp-power-threatens-soft-power.

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government control over staffing and curriculum ensures that both will subtly promote CCP positions on issues like territorial disputes or religious minorities in China" (Walker & Ludwig, 2017, p. 16). According to Beijing, culture and higher education are fertile ground for sharp power and it explains their high budgets. Fish (2018) mentions "the hundreds of millions of dollars Chinese individuals and the Chinese Communist Party spend in U.S. universities, or the influx of students from mainland China—roughly 350.000 in the United States, up more than fivefold from a decade ago" and denounces the presence of sharp power, stating that "some Chinese students, American faculty members, and human rights activists believe Chinese students and faculty sometimes spy on other Chinese students—and, to a lesser extent, American professors."[5]

Confucius Institute and the Chinese student body abroad are not the sole tools used by Chinese sharp power, as many scholars have already proved. For example, Cole (2018, pp. 11-12) identifies a net or a constellation of organizations worldwide serving China's operations abroad, namely: "International Liaison Department of the CCP, the Overseas Chinese Affairs Office of the State Council, the Central Propaganda Department, Hanban (Confucius Institute), party-state media, the China Association for Friendly International Contact (CAIFC), which has ties to the PLA Political Work Department (formerly the General Political Department – Liaison Department), the China Council for the Promotion of Peaceful National Reunification (CCPPNR), the Ministry of State Security-linked China Institute of Contemporary International Relations (CICIR), the China Institute for International Strategic Studies (CIISS), the China Foundation for International Strategic Studies (CFISS), the China-US Exchange Foundation (CUSEF), the Centre for Peace and Development Studies (CPDS), the External Propaganda Bureau (EPB), and the China Energy Fund Committee (CEFC)."

For a long period, the mission of these organizations seemed to be part of the strategy of Chinese soft or smart power, and it was not deeply scrutinized because most countries, "have been slow in acknowledging the problem [of sharp power], in part due to a lack of expertise as well as the economic attractiveness of China" (Cole, 2018, p. 13). However, more recently, their activities in some countries, namely Australia and New Zealand, started to be analyzed more carefully and the real goal of their mission was clearly understood.

The evolution of digital technologies represents an opportunity for Chinese sharp power in several areas involving both public and private organizations. For example, Osnos (2020) tells that "in early 2009, Coke was negotiating a $2.4 billion deal to buy China Huiyuan Juice Group—the largest-ever foreign takeover of a Chinese company. But, on March 15th, the F.B.I. alerted Coke executives that hackers had broken into their system and were rummaging through e-mails about the negotiation, recording keystrokes, and controlling their computers remotely". As the hackers "worked from a twelve-story building on the outskirts of Shanghai: Unit 61398 of the People's Liberation Army"[6] there is no doubt that Xi Jinping's Government was aware of the strategy.

The mentioned actions are part of the Chinese strategy of conducting "successful influence operations — overt and covert attempts to sway public opinion and decision-making in the heart of Western democracies", including "abuse of international arrest warrants to muzzle dissent; constraining discussion and activity on university campuses; curbing freedom of assembly for anti-CCP protesters; cyberattacks and data heists; debt-diplomacy traps; disinformation campaigns; divide-and-rule diplomatic gambits; forcing Western companies to adopt contentious Chinese terminology; infiltrating political systems; intimidating Chinese people living abroad; pressuring cultural institutions to shun anti-CCP artists and performers; preventing unfavorable depictions of China in popular culture; and punishing or swamping critical media coverage." (Lucas, 2020, pp. 2-3).

Given the above, the Western order must pay systematic attention to China's foreign policy because it represents a sharp threat to the liberal model.

In what respects Russia's sharp power, the tools are different because, according to (Walker & Ludwig, 2017, p. 16), the Kremlin "has far fewer financial and human resources at its disposal, as well as more complicated historical relationships with many countries." Concerning the second point of the previous citation, Shekhovstov (2019, pp. 4-5) published a study in which Russian interference in foreign electoral acts was evident. Moreover, he explained that "each case of Russian interference is special and quite the opposite of routinised practice" because "each case is a juncture of unique conditions that themselves derive from various factors reflecting realities in Western nations and Russia." Thus, he identifies five factors: "1. Putin's regime is not satisfied with the prevailing political attitudes towards Russia in Western Country X. 2. There are political forces in Country X that are significant enough and are ready to cooperate with Russian pro-Kremlin actors- 3. Meddling in the elections in favor of particular political forces does not clash with other, non-political interests of Putin's regime in Country X.

[5] Fish, I. (2018). «The other political correctness. Why are America's elite universities censoring themselves on China?» Available at https://newrepublic.com/article/150476/american-elite-universities-selfcensorship-china.

[6] Osnos, E. (2020). The future of America's contest with China. Available at https://www.newyorker.com/magazine/2020/01/13/the-future-of-americas-contest-with-china.

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4. Russia has relevant human and structural resources to interfere in the electoral process in Country X. 5. Political culture in Country X is conducive to Russian influence."

These five factors explain the flexibility of Putin's sharp power because each case is different and the Russian ecosystem of sharp power acts accordingly with that reality. In fact, Putin's former activity as a KGB member provided him a concrete and vital knowledge about the role that Russian intelligence should play in the world arena. Thus, he has established an ecosystem to put into practice the Kremlin's *Four Ds Strategy:* Dismiss, Dismay, Distort, and Distract, as can be seen in the *GEC Special Report: Pillars of Russia's Disinformation and Propaganda Ecosystem*, elaborated by the *State Department's Global Engagement Center*, and available since the 5th of August 2020[7]. The report "outlines the five pillars of Russia's disinformation and propaganda ecosystem and how these pillars work together to create a media multiplier effect." Moreover, it highlights the site profiles of seven elements of the ecosystem, such as The Strategic Culture Foundation; Global Research; New Eastern Outlook; News Front; SouthFront; Katehon, and Geopolitica.ru.

The previous examples are just a drop in the ocean of China and Russia's sharp power, but they seem to be enough for proving that both countries are challenging not only the American hegemony but also the Western liberal order, explaining that "Moscow and Beijing also support one another in the face of U.S. and allied complaints about Russian and Chinese coercive expansion and other steps challenging the regional order and global norms backed by the United States" (Sutter, 2017, p. v).

To sum up, the world of multiple orders is already ongoing and sharp power is a diplomatic tool used by each order.

VI. Putin's Eurasian Order

Eurasianism is a phenomenon whose roots come from the 18th century, but its origin as a theory was just in the 20th century, more precisely in the decade of 1920. However, Putin's enthusiasm for eurasianism is more recent. Thus, it is important to quote Entin & Entina (2016, pp. 590-591), who defend that "Eurasianism has passed three stages in its development: the ideological formation of Eurasianism (Petr Chaadaev, Nikolai Gogol, Fedor Dostoevsky, Nikolai Danilevsky, Konstantin Leontiev and others); classical Eurasianism (1920–1930s); and Neo-eurasism". Moreover, they "convincingly say that the fourth stage has just begun", pointing to Putin´s interpretation of the concept.

Dostoievsky and Danilevskiy are the two most important names of the first stage, a period when Eurasianism was already seen as a reaction against Europe. For instance, the titles of some chapters of Danilevsky's book are indisputable proof, such as: «What does Europe have against Russia?», «Europe's ignorance regarding Russia», «Europe does not recognize us as one of its own», «Russia does not belong to Europe», and «Europeanism: the sickness of Russian life. This reaction against Europe can also be found in Dostoievsky's *The Diary of a Writer* in which he made plenty of statements against Western Europe, namely, "in Europe we are mere canaille" (p. 579); "in Europe everybody looked us mockingly" (p. 580); "Europeans did not want to recognize us as their own despite anything, despite any sacrifices – under any circumstances" (p. 581) because they looked upon Russians as aliens and newcomers who expressed "enthusiastic faith" on following the Western model while "they themselves – alas – began to lose, little by little, this faith in themselves" (p. 579).

The previous quotes are enough to prove Dostoievsky and Danilevsky's rejection of the European way of living and acting, defending that "Russia is not Europe, and that European norms, values and principles do not suit Russia, which will go its own way" (Arbatova, 2019, p. 7). This feature is also identified in the present stage of neo-Eurasianism whose main authors are Alexander Dugin, Vladislav Surkov, Ivan Ilyin, Panarin, Nikolai Berdyaev, Lev Gumilev, and Vladimir Solovyov.

Some of these authors exercise a strong influence on Putin, despite some controversies on the issue. For example, Fujii (2022, pp. 3-4) affirms that "after the Second World War, Ilyin wrote a work that has been an important influence on Putin and which the Russian President ordered his country's governors to read in 2014", and that "a few months after the inauguration of his third term, novel concepts seemed to be increasingly incorporated into Putin's intellectual repertoire". However, concerning Ilyin's influence on Putin, Laruelle (2017, p. 2) refuses it arguing that "Putin has quoted Ilyin on only five occasions (in 2005, 2006, 2012, 2013 and 2014); three of these were addressed to the federal assemblies and two to military audiences", and "this number of quotes is far fewer than those from many other thinkers among the regime's pantheon". Moreover, she adds that "the [Orthodox] Church was the driving force behind the repatriation of Ilyin's remains and his reburial at the Donskoy Monastery in 2005", and so, "rehabilitating Ilyin is part of this faction's broader agenda of reintegrating the White émigré past into the national master narrative." Moreover, the lack of consensus is also the rule concerning the influence of the philosopher Dugin on Putin's decisions.

Thus, regarding Dugin's fourth political theory and his influence on Putin, LeQuire (2018, p. 38) defends that "without a clear portrait of Dugin's thought,

[7] Available at https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem_08-04-20.pdf.

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it is hard to understand Putin's long-term strategy in Ukraine; but we should resist the urge to view Dugin as the secret key to that strategy. While Putin's philosophy is undoubtedly informed by Eurasianism, his promotion of the ideology's most extreme variants may provide cover for a more pragmatic agenda."

The previous statement points clearly to Dugin´s influence on Putin. However, the editor of Dugin´s book *Last War of the World-Island, The Geopolitics of Contemporary Russia,* John B. Morgan, wrote a note affirming that "although the geopolitical situation of Russia has changed considerably since then, especially as regards the Ukrainian crisis and the subsequent outbreak of war in eastern Ukraine, Alexander Dugin has made it clear that he stands by his original assessment and criticism of Putin's approach, and that only by Russia's assertion of itself as a land-based regional power in opposition to the sea-based Atlanticism of the United States and NATO can Russia survive in any genuine sense." Furthermore, by the end of 2022, Dugin analyzed Putin's Ukraine invasion on *Telegram* and, as the result was far from successful, he was very critical and called "for President Vladimir Putin to be toppled." The social media platform later deleted his tirade against Putin, but it is not excessive to recognize the beginning of a deep divergence between the politician and the philosopher who believes that "there is only one way out – to reject the classical political theories, both winners and losers, strain the imagination, seize the reality of the new global world, correctly decipher the challenges of Postmodernity, and to and create something new – something beyond the political battles of the 19th and 20th centuries." (Dugin, 2012, p. 6). According to Dugin's fourth theory, "the new Eurasian empire will be constructed on the fundamental principle of the common enemy: the rejection of Atlanticism, strategic control of the USA, and the refusal to allow liberal values to dominate us" (Dugin, 1997, p. 216).

More cases of influence on Putin's politics could be pointed out, but one should not forget that Putin, despite not being a thinker, can make the reinterpretation of an author's thoughts, according to his intentions. For example, Fujii (2022, p. 4) affirms that "in addition to previous influences, the ideas of the Russian historian and ethnologist Lev Gumilev began to be articulated within a broader geopolitical and civilisational discourse", and that "in particular, the Russian President has explicitly mentioned the concept of passionarnost ('passionarity') in his speeches, showing convergence between his and the thinker's visions."

Laruelle (2008) affirmed that some Russian figures, namely Putin, have "begun to stress a geopolitics that puts Russia at the center of a number of axes: European-Asian, Christian-Muslim-Buddhist, Mediterranean-Indian, Slavic-Turkic, and so on". Some years later, the ideology of empire, as well as Putin's Eurasian order, is already moving and the so-called special military operation in Ukraine is just the second step, after the 2014 annexation of Crimea, meaning that Putin is drawing its Western line. Concerning Putin's partnership with Xi Jinping, Rumer (2917, p. 25) states that it "is here to stay for the foreseeable future, or at least so long as the current domestic political arrangement exists in Russia" because "it is a product of Russia's domestic circumstances, its position on the world stage, and global trends, as well as of a deliberate series of strategic choices by Russian policymakers."

This chapter accepts that vision only partially. Indeed, the partnership will last till the moment when China and Russia's interests clash in Central Asia.

VII. The Chinese Order: Tianxia as the Strategy

Mao Zedong proclaimed the People's Republic of China and the end of the century of humiliation on the first day of October 1949, and, since then, the new country started a long march towards a prominent place in the international arena.

However, there have been several changes concerning China's modern diplomacy since the time when Zhou Enlai was charged to establish it, based on the assumption that "in order to distance the new regime from this humiliating legacy, the diplomacy of the People's Republic would need to win the respect of other nations while never allowing its own diplomats to show weakness." (Martin, 2021, p. 6) According to the previous source, "Zhou's solution was to model Chinese diplomacy on the military force that had propelled the Communists to power: the People's Liberation Army." Thus, Zhou Enlai told the new recruits "to think and act like the People's Army in civilian clothing". Indeed, this type of wolf-warrior diplomacy would not be followed by Deng Xiaoping.

Singh (2018, p. 9) defends that "after Mao, Deng Xiaoping realized the need to modernize and enunciated the famous 'four modernizations' as the goals of the political leadership." Thus, Deng's foreign policy "was dictated by the 24-characters dictum: observe calmly; secure our position; cope with affairs calmly; hide our capacities and bide our time; be good at maintaining a low profile; and never claim leadership.". This type of diplomacy was softer than the wolf-warrior model, but according to the Chinese's rule of being patient.

However, after becoming a member of the World Trade Organization, in 2001, the increasing China's economic growth led the Chinese elite to change Deng's diplomacy, and "fast-forward to 2012, the ascendance to power of Xi Jinping and his 'China Dream' of 'national rejuvenation' fundamentally altered the PRC's ways of conducting business with the world".

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Then, "Deng's 24-character strategy is all but forgotten" while "China's rise, Xi's consolidation of power, and an assertive and muscular foreign policy supported by a modern, 'informatized' military have propelled it to challenge." The wolf-warrior diplomacy was back under the name of sharp power strategy.

Nowadays, the Chinese elites are completely devoted to Tianxia, a concept recreated by Zhao Tingyang that has recently "been redeployed by China's intellectuals of the state and public intellectuals among the Chinese diaspora in ways that blur the conceptual boundaries between empire and globalism, nationalism and cosmopolitanism" (Callahan, 2007, p. 5), based on the idea that the problem is not the existence of failed states, but of a failed world and pointing to a post-hegemonic world, the so-called 'harmonious world'.

According to Zhao "the world has serious political problems that need to be solved first conceptually, and then institutionally." Thus, Zhao defends that "China's ethical system of domestic and international order was destroyed by the violent tendencies of selfish (Western) nation-states that operated in the Westphalian world system that continues to order the world", and he provides "the Tianxia system as the solution to the world's problems, arguing that we need to think through the world to understand it, and thus effectively and legitimately govern it." (Callahan, 2007, p. 10). It must be said that according to Callahan (2008, p. 758), in 2005, Chinese President Hu Jintao presented the four pillars for a harmonious world in the United Nations Organizations.

The real meaning of Tianxia is far from consensual, mainly among Western scholars. For example, Callahan (2008, pp. 758-759) denounces it as a threat to the world because "rather than guide us toward a post-hegemonic world order, Tianxia presents a new hegemony where imperial China's hierarchical governance is updated for the twenty-first century." Obviously, this is an interpretation refused by the Chinese governmental elite.

Nowadays, there is no doubt that China is already an important player in international relations. In fact, as Lucas (2020, p. 2) states, China has "developed formidable offensive capabilities, including a blue-water navy, nuclear weapons, and ballistic missiles, which change the balance of power: in the Asia-Pacific region now, and globally soon", i.e. China is not like the ancient paper tigers. Its political and economic claws are real and powerful, despite Xi Jinping's constant smile.

VIII. The Islamic Order: A Process Still in the Limbo

Faith plays an important role in many countries, namely in those where there is no separation between religion and politics, and it should be taken into account concerning the evolution of the world order.

Indeed, some Islamic groups are becoming an increasing threat to American order because they accuse the USA of intending to impose its way of living all over the world, and not respecting other cultures. Barber (1992) defends, that there is a fight involving "Jihad vs. McWorld". The former delivers "a different set of virtues: a vibrant local identity, a sense of community, solidarity among kinsmen, neighbors, and countrymen, narrowly conceived", but also guarantees "parochialism and is grounded in exclusion" being solidarity "secured through war against outsiders", and often meaning "obedience to a hierarchy in governance, fanaticism in beliefs, and the obliteration of individual selves in the name of the group". The latter is "tied together by technology, ecology, communications, and commerce", and whose dynamic is based on four imperatives: "a market imperative, a resource imperative, an information-technology imperative, and an ecological imperative." [8]

This is the reason explaining that the 2001 attacks against the heart of the American model were celebrated in many Islamic countries. Their citizens miss the time when "they and their allies were the party of God; their enemies were the enemies of God […] and the lives of their subjects were ordered by the infallible laws of God." Moreover, "their decrees were issued in the name of God alone, for sovereignty was God's, to be exercised by man solely on His behalf", and "prosperity, for man and state, was by the grace of God." (Kramer, 1980, p. 3)

However, despite a common faith, the Islam world is far from being homogenous in a political sense. For example, Abdillah (2008, p. 56) states that "the idea of constitutionalism is usually identified with secular thought, but in most Muslim countries it has been adjusted to or even based on Islamic principles", explaining that "most constitutions in the Muslim countries stipulate the position of Islam in the state, but they promote popular sovereignty (siyadat al-sha`b) rather than the sovereignty of God".

This reality leads to a typology with several branches, as "the countries can be classified into six groups: (1) Those that stipulate that Islam is the state religion, the head of state should be Muslim, and the Shariah is national law, such as Saudi Arabia, Iran, Pakistan, Sudan, and Libya. (2) Those that stipulate that Islam is the state religion, the head of state should be Muslim, and the Shariah is the major source of legislation, such as Syria. (3) Those that stipulate that Islam is the state religion, and the Shariah is the major source of legislation, such as Egypt, Kuwait, Qatar, and the United Arab Emirates. (4) Those that stipulate that Islam is the state religion, and the head of state should

[8] «Jihad vs. McWorld». Available at https://www.theatlantic.com/magazine/archive/1992/03/jihad-vs-mcworld/303882/.

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be Muslim, such as Tunisia, Algeria, and others. (5) Those that stipulate that Islam is the state religion, such as Jordan, Malaysia, and others. (6) Those that do not mention Islam in their constitution, as in the case of Turkey and Indonesia. "(p. 56)

This typology points out that the most important countries belonging to the first group are best placed to rule an eventual Islamic order, namely Saudi Arabia and Iran, the two countries commanding the Sunni and Shiite forces. However, it is noteworthy that Turkey, under Erdogan, is developing a kind of transnational populism, bringing to mind Sayyid Qutb's thought, i.e. "a Muslim has no nationality except his religious beliefs" (Hill, 2011, p. xiii). As Kramer (1980, p. 3) reminds us, "in an age now past but not forgotten, nearly all Muslims lived in the shelter of an Islamic order", and this memory should be taken into account concerning the Islamic dream of regaining the ancient glory.

The analysis of the writings of several prominent Muslim jurists produced some centuries ago showed that "the majority of Muslim jurists divided the world into two abodes: Dar al-Islam (abode of Islam) and Dar al-Harb (abode of war)". Thus, there was a line separating two world views: Dar al-Islam "the place where Islam dominates, Islamic law applies, and peace and justice prevails" and its opposite, Dar al-Harb, "where Islam does not dominate, and Muslims are not protected." (Bakir, 2023, p. 26)

Nowadays, despite the existence of religious-motivated terrorism, it is a fallacy to identify Islam and jihad with violence. Indeed, the majority of followers of Islam are peaceful and there are two types of *jihad*: *jihad al-akbar* and *jihad al-ashgar*. The former rejects violence and represents a fight, but in a spiritual way, against sin and evil, and only the latter one is violent and defends that "war is the rule, not the exception". Thus, "war, not peace, is the basis of foreign relations in Islam." (Bakir, 2023, p. 26).

Religious-motivated terrorism accepts *jihad al-ashgar* as a rule and represents a threat to all other world orders, but especially to the US-led order, a common point with the two other mentioned orders. Moreover, one should note that "conflict along the fault line between Western and Islamic civilizations has been going on for 1,300 years." (Huntington, 1993, p. 11).

IX. The Russian Invasion of Ukraine: An Affront to the Western Model

When the Russian army started the so-called special operation in Ukraine, challenging the American hegemony, the old-world order came to an end. The Russian invasion of Ukraine was a turning point involving not only the relationship among States but also among the world orders because that step represented a clear signal of affirmation of the Eurasian order counting on the compliance of the Chinese leader, Xi Jinping. Two events must be taken into account to understand Putin's decision.

Firstly, on 12 July 2021, Putin delivered his speech «On the historical unity of Russians and Ukrainians»[9], defending that "Russians and Ukrainians were one people – a single whole" and that "the wall that has emerged in recent years between Russia and Ukraine, between the parts of what is essentially the same historical and spiritual space" was, in his vision, a "great common misfortune and tragedy" caused not only by "own mistakes made at different periods of time" but also by "deliberate efforts by those forces that have always sought to undermine our unity". Putin was referring to Zelensky's Government and "the Ukrainian authorities who waisted and frittered away the achievements of many generations", while deciding "to justify their country's independence through the denial of its past". Moreover, Ukraine's politics was becoming a threat to Russia because "step by step, Ukraine was dragged into a dangerous geopolitical game aimed at turning Ukraine into a barrier between Europe and Russia, a springboard against Russia". Moreover, Putin defended that Russia was facing "the creation of a climate of fear in Ukrainian society, aggressive rhetoric, indulging neo-Nazis and militarizing the country", contrary to his idea that "true sovereignty of Ukraine is possible only in partnership with Russia".

Seven months later, the invasion of Ukraine proved, once again, that the final sentence of Putin's speech: "And what Ukraine will be – it is up to its citizens to decide" was just rhetoric.

Secondly, on 4 February 2023, just before the opening of the Beijing Winter Olympics, Xi Jinping and Putin signed a multifaceted relationship – a partnership not an alliance - with extensive military, diplomatic, and economic connections whose goal is beyond the well-known close personal ties between Xi Jinping and Vladimir Putin.

As Ulrich Jochheim (2023)[10] affirms, "Chinese President Xi Jinping had a long meeting with Russian President Putin", and, in the joint statement issued after the meeting – which referred to the bilateral relationship as a «no limits friendship» – the Chinese leader for the first time voiced his country's outright opposition to NATO enlargement and support for Russia's «proposals to create long-term legally binding security guarantees» in Europe". Being unclear that the two leaders have talked about Putin's intention of invading Ukraine, Xi Jinping's words point to a tacit acceptance of the Russian decision, as the most powerful Chinese leader after Mao Zedong publicly criticized NATO enlargement toward East and agreed with Russian necessity of

[9] Available at http://en.kremlin.ru/events/president/news/66181.

[10] Jochheim, U. (2023). China-Russia relations: A quantum leap? Available at https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/729349/EPRS_BRI(2022)729349_EN.pdf.

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protecting itself against the foreign threat coming from West. Moreover, according to Bobo Lo (2023, p. 5), "the image both leaders sought to project was of an unprecedented convergence of interests and values, in a relationship whose potential seemed boundless."

However, according to a report from the Congressional Research Service, "some observers believe Russia's invasion has strained relations, with China unaware of Russia's plans and unwilling to be drawn into the conflict", despite China having avoided "public condemnation of Russia's actions."[11] However, Jochheim (2023, p. 3-5) defends that despite Beijing being "surprised by the scale and viciousness of the war and by Russia's military setbacks […] the Sino-Russian partnership remains resilient" because "both sides recognize that it is too important to fail, especially given there are no viable alternatives to continuing cooperation". However, the balance of power within the relationship is "changing rapidly" due to "Russia's geopolitical and economic dependence on China". In fact, "although predictions of a clientelist relationship are premature, this widening inequality represents a major long-term source of weakness (p.3), as there is a big difference between being the senior and the junior partner in a coalition or an agreement.

In fact, the liberal order has imposed wide-ranging sanctions against Russia, but China has not supported them, proving that "Beijing has not abandoned Moscow", calling on its neutrality, but showing mixed signals because Beijing is aware that "this is a pivotal moment, even if its consequences take some time to play out" and proving that "more than ever, the Sino-Russian partnership is driven by strategic calculus rather than ideological convergence"(p. 6).

Rumer (2017, p. 14) defends that the Kremlin "is aware of its junior partner status vis-à-vis Beijing", but explains that "Russian foreign policy is controlled exclusively by a narrow circle of the country's elite, whose chief preoccupation is with preserving domestic stability and the security of the ruling regime." Thus, Putin prefers to deal with China because Beijing's autocratic regime does not insist on domestic political change in Russia.

Thus, in present, the fight against American hegemony is the most suitable strategy both for China and Russia.

X. Conclusion

After the Second World War, due to the high number of fatalities and destruction, many countries decided to create the United Nations Organization based on the common will of not repeating the horror. However, after a few years, the world was separated into two antagonist blocks and political visions. That separation disappeared when the Soviet Block imploded, but its substitute model, the American hegemonic order, did not last long because China began to awaken from its long sleep and Russia started to present itself as a kind of successor of the Soviet Union. Since then, both Moscow and Beijing refuse to follow the Western model, because they identify the West as the colonizer of the modern age, exporting its civilizational model all over the world, and imposing it without any respect for other civilizations.

Thus, when Russia invaded Ukraine in 2022, the so-called special military operation represented a turning point in the world order, refusing the previous model, accepting the inevitability of an interim stage, but already with a multiple orders world in mind. Thus, Russia and China pose growing challenges to the U.S.-supported order in their priority spheres of concern—for Russia, Europe, and the Middle East, and for China, its continental and maritime peripheries." (Sutter, 2017, p. V).

The game of thrones is ongoing, not according to Huntington's provision of a clash of civilizations, but as a model in which hegemony cannot be global, but only regional. Thus, some declarations can be labeled as universal, but the interpretation of their principles depends on the leadership of each order.

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Budget and Legislative Support for Public Security in Mexico

By Rosa Lorena Valdez Miranda

Abstract- This article presents a review of the perception of insecurity and crime incidence in Mexico in recent years. In addition, the conceptualization that the Political Constitution of the United Mexican States has regarding public safety and the objectives set out in the National Development Plan is reviewed. The article also reviews the work carried out by the Citizen Security Commission of the Federal Congress and the budget for public security, which is assigned to different federal branches and agencies.

Keywords: public security; perception of insecurity; mexico; budget; criminal incidence; legislative work.

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Budget and Legislative Support for Public Security in Mexico

Presupuesto y Apoyo Legislativo a Seguridad Pública en México

Rosa Lorena Valdez Miranda

Resumen- El presente artículo exhibe una revisión de las cifras de percepción de inseguridad e incidencia delictiva en México durante los últimos años. Además, se revisa la conceptualización que desde la Constitución Política de los Estados Unidos Mexicanos se tiene respecto a la seguridad pública y los objetivos planteados en el Plan Nacional de Desarrollo. El artículo también hace una revisión del trabajo realizado desde la Comisión de Seguridad Ciudadana del Congreso Federal y el presupuesto destinado a seguridad pública, el cual se encuentra asignado a deferentes ramos y dependencias.

Palabras claves: seguridad pública; percepción de inseguridad; méxico; presupuesto; incidencia delictiva; trabajo legislativo.

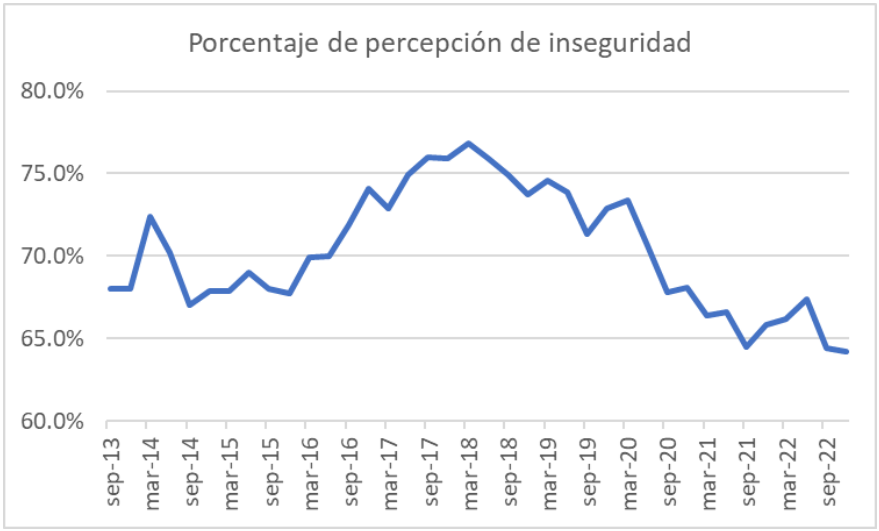
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Keywords: public security; perception of insecurity; mexico; budget; criminal incidence; legislative work.

I. Contexto

México es un país donde la mayoría de la población considera como una de las tareas prioritarias del gobierno el proveer seguridad pública. De acuerdo con la Encuesta Nacional de Seguridad Pública Urbana del primer trimestre de 2023, a nivel nacional el 62.1 % de la población de 18 años y más consideró inseguro vivir en su ciudad. Este porcentaje bajó respecto al 64.2% que se tenía en diciembre de 2022. A esto se le suman los constantes titulares y notas periodísticas que abordan el tema de la falta de seguridad en el país. El Gobierno Federal, entendiendo la importancia de mejorar los niveles de percepción ciudadana, ha dispuesto recursos económicos para atender al tema.

La siguiente gráfica indica la percepción de inseguridad recogida por la Encuesta Nacional de Seguridad Pública Urbana que elabora el Instituto Nacional de Estadística y Geografía con periodicidad trimestral, los datos se muestran de septiembre de 2013 a diciembre de 2022.



Fuente: Elaboración propia con información de la Encuesta Nacional de Seguridad Pública Urbana del INEGI

Gráfica: Percepción de inseguridad

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La percepción de inseguridad, en los últimos diez años, alcanzó su punto máximo en marzo de 2018 cuando el porcentaje de personas que se sentían inseguras fue del 76.8%. Los delitos que más apremian e impactan en la seguridad pública, en orden de incidencia del año 2022, son violencia familiar, lesiones, robo a vehículo, narcomenudeo, robo a negocio, robo a casa habitación, homicidios, violación, extorción, feminicidio y secuestro. El delito con mayor incidencia nacional en 2022 fue la violencia familiar con 270,454 registros de averiguaciones previas iniciadas o carpetas de investigación, según datos presentados en el Semáforo Delictivo (2022). Las cifras de la incidencia nacional en delitos para el periodo 2019-2022 se presenta en la siguiente tabla.

Tabla: Cantidad de delitos anuales en México

Delito	2019	2020	2021	2022
Violencia familiar	210,189	220,028	253,739	270,545
Lesiones	166,518	144,272	155,490	163,985
Robo a vehículo	187,611	145,583	140,617	138,020
Narcomenudeo	70,274	76,741	82,275	86,386
Robo a negocio	118,167	95,284	86,775	84,392
Robo a casa habitación	82,515	63,533	60,560	60,548
Homicidios	29,499	28,837	28,278	26,275
Violación	17,342	16,543	21,189	23,099
Extorción	8,734	7,960	8,828	10,343
Feminicidio	941	946	981	954
Secuestro	1,330	833	627	506

Fuente: Elaboración propia con información del Semáforo Delictivo

Considerando la información anterior, es importante hacer una revisión del apoyo que desde el gobierno federal se le ha dado al tema de seguridad pública. La consideración de programas y proyectos de seguridad en el Plan Nacional de Desarrollo, el trabajo legislativo y la aprobación de presupuesto asignado al tema son herramientas que utiliza el gobierno federal para mejorar el índice de seguridad y la percepción que tiene la ciudadanía en el tema.

II. Fundamentos del Análisis

El presente artículo busca analizar el apoyo otorgado por el Gobierno Federal al tema de seguridad pública. Se revisa principalmente la participación del Poder Ejecutivo y Legislativo de la Federación, tanto en posicionamientos políticos, como en la aprobación de programas y presupuestos. Cada inicio de sexenio, dentro del Plan Nacional de Desarrollo se marcan las prioridades y objetivos del gobierno federal, el tema de seguridad pública ha tenido un peso importante en el discurso político y por consecuencia dentro del PND. El presente estudio analiza si el discurso y el PND tiene un efecto significativo en los trabajos del Poder Legislativo y en la aprobación del presupuesto de seguridad pública.

El trabajo que realizan en las comisiones legislativas del Congreso tiene un impacto importante en las políticas públicas, desde las discusiones en las sesiones, hasta los acuerdos tomados. La agenda legislativa va marcando el rumbo no solo de los temas a tratar, sino del apoyo que a través del presupuesto de egresos se asigna a los proyectos y programas considerados dentro del Plan Nacional de Desarrollo (PND).

Es importante no perder de vista que si bien el Ejecutivo es quien tiene a su cargo el anteproyecto de presupuesto de egresos y los demás documentos como los criterios generales de política económica, son los diputados federales quienes analizan los números y deciden finalmente las cantidades que deberán ser publicadas en el presupuesto de egresos. Hay estudios que analizan la independencia con la que el legislativo toma sus decisiones cuando la mayoría de sus diputados pertenecen o no al partido del presidente, entre estos estudios están Béjar Algazi (2014) y Valencia Escamilla (2012). El presente artículo no pretende analizar la independencia del legislativo frente al ejecutivo en su toma de decisiones, lo que se analiza es el impacto que esas decisiones de los diputados federales tienen en la asignación de presupuesto a seguridad pública.

III. Instituciones de Seguridad Pública

Cuando se habla de instituciones de seguridad pública es común que exista una diferencia entre lo que el ciudadano considera como instituciones en esta la

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materia. Hay conceptos como seguridad nacional e impartición de justicia que pudieran generar confusión. Por lo anterior, se procede a realizar un análisis de cuáles son las instituciones de seguridad pública y los programas comprendidos dentro del tema.

En la Constitución Política de los Estados Unidos Mexicanos (Constitución) se encuentran regulados aspectos de la seguridad pública. El artículo 21 de la Constitución indica lo siguiente:

> *La seguridad pública es una función del Estado a cargo de la Federación, las entidades federativas y los Municipios, cuyos fines son salvaguardar la vida, las libertades, la integridad y el patrimonio de las personas, así como contribuir a la generación y preservación del orden público y la paz social, de conformidad con lo previsto en esta Constitución y las leyes en la materia. La seguridad pública comprende la prevención, investigación y persecución de los delitos, así como la sanción de las infracciones administrativas, en los términos de la ley, en las respectivas competencias que esta Constitución señala. La actuación de las instituciones de seguridad pública se regirá por los principios de legalidad, objetividad, eficiencia, profesionalismo, honradez y respeto a los derechos humanos reconocidos en esta Constitución. (Constitución Política de los Estados Unidos Mexicanos, art. 21)*

Del artículo anterior se desprende el concepto de instituciones de seguridad pública, el cual se encuentra regulado en el artículo 5 de la Ley General del Sistema Nacional de Seguridad Pública, en donde se indica que son las "Instituciones Policiales, de Procuración de Justicia, del Sistema Penitenciario y dependencias encargadas de la Seguridad Pública a nivel federal, local y municipal". Este mismo artículo se estable que las Instituciones de Procuración de Justicia son "las Instituciones de la Federación y entidades federativas que integran al Ministerio Público, los servicios periciales, policías de investigación y demás auxiliares de aquel", por su parte, las Instituciones Policiales son "los cuerpos de policía, de vigilancia y custodia de los establecimientos penitenciarios, de detención preventiva, o de centros de arraigos; y en general, todas las dependencias encargadas de la seguridad pública a nivel federal, local y municipal, que realicen funciones similares".

La seguridad pública es competencia de la federación, estados y municipios. Sin embargo, este análisis se basa en los programas, presupuesto y políticas públicas emanadas del gobierno federal donde coadyuvan los tres ordenes de gobierno.

IV. Plan Nacional de Desarrollo

El Plan Nacional de Desarrollo 2019-2024 es el documento donde se indican cuáles son los objetivos prioritarios de la Administración Federal y todo el trabajo del sexenio, incluido el presupuesto asignado a las áreas y temas, tiene que girar en torno al contenido de ese documento. Dentro del eje *Política y Gobierno* se encuentra el *Cambio de paradigma en seguridad* que considera los siguientes 12 puntos:

i. *Erradicar la corrupción y reactivar la procuración de justicia*
ii. *Garantizar empleo, educación, salud y bienestar*
iii. *Pleno respeto a los derechos humanos*
iv. *Regeneración ética de las instituciones y de la sociedad*
v. *Reformular el combate a las drogas*
vi. *Emprender la construcción de la paz*
vii. *Recuperación y dignificación de las cárceles*
viii. *Articular la seguridad nacional, la seguridad pública y la paz*
ix. *Repensar la seguridad nacional y reorientar las Fuerzas Armadas*
x. *Establecer la Guardia Nacional*
xi. *Coordinaciones nacionales, estatales y regionales*
xii. *Estrategias específicas*

Plan Nacional de Desarrollo 2019-2024, 2019)

De lo considerado en el Plan Nacional de Desarrollo y de la Estrategia Nacional de Seguridad Pública del Gobierno de la República, se integra el Programa Sectorial de Seguridad y Protección Ciudadana 2020–2024, que cuenta con los siguientes cinco ejes prioritarios:

1. *Mejorar las condiciones de seguridad en las regiones del territorio nacional para construir la paz,*
2. *Contribuir al fortalecimiento del diseño e implementación de políticas públicas en materia de prevención de la violencia y el delito en el territorio nacional*
3. *Impulsar la reinserción social de las personas privadas de la libertad en centros penitenciarios con enfoque de respeto a los derechos humanos, inclusión y perspectiva de género, diferenciada e intercultural.*
4. *Fortalecer las capacidades tecnológicas que permitan a las instituciones de seguridad de los tres órdenes de gobierno el intercambio seguro de la información en la generación de inteligencia, prevención y persecución del delito.*
5. *Fortalecer la Gestión Integral de Riesgos para construir un país sostenible, seguro y resiliente.*

(Programa Sectorial de Seguridad y Protección Ciudadana 2020 – 2024, 2020)

Tanto el Plan Nacional de Desarrollo, como el Programa Sectorial de Seguridad y Protección Ciudadana 2020–2024 se encuentran regulados en la Ley de Planeación, ambos son indispensables para dar rumbo al actuar del gobierno, estableciendo las prioridades del Gobierno Federal. Cada año, la elaboración del presupuesto de egresos tiene que considerar lo establecido en estos documentos para marcar la pauta de hacia dónde dirigir el gasto público.

El tema de seguridad pública es uno de los temas a considerar en los últimos planes de desarrollo. Si bien, la rectoría la lleva el PND, los planes estatales y municipales tienen que adecuarse al Federal. De esta forma se busca consolidar esfuerzos en los diferentes órdenes de gobierno.

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V. Trabajo Legislativo

El Congreso Federal se organiza en Comisiones de Dictamen Legislativo para llevar a cabo su trabajo. Estas comisiones son "órganos especializados constituidos por el Pleno que, por medio de la elaboración de dictámenes, informes, opiniones o resoluciones, contribuyen a que las Cámaras del Poder Legislativo cumplan con sus atribuciones constitucionales y legales" (Cámara de Diputados, s.f.). El listado de comisiones permanentes del Congreso Federal se establece en el artículo 70 de la Ley Orgánica del Poder Legislativo del Estado de Nuevo León.

Artículo 70. Son Comisiones Permanentes de Dictamen Legislativo las siguientes:

I. *Gobernación y Organización Interna de los Poderes;*
II. *Legislación;*
III. *Puntos Constitucionales;*
IV. *Justicia y Seguridad Pública;*
V. *Desarrollo Social, Derechos Humanos y Asuntos Indígenas;*
VI. *Para la Igualdad de Género;*
VII. *Educación, Cultura y Deporte;*
VIII. *Medio Ambiente y Desarrollo Sustentable;*
IX. *Infraestructura y Desarrollo Urbano;*
X. *Movilidad;*
XI. *Comisión de Economía, Emprendimiento y Turismo*
XII. *Fomento al Campo, Energía y Desarrollo Rural;*
XIII. *Ciencia, Tecnología e Innovación;*
XIV. *Juventud;*
XV. *Salud y Atención a Grupos Vulnerables;*
XVI. *Hacienda del Estado;*
XVII. *Primera de Hacienda y Desarrollo Municipal;*
XVIII. *Segunda de Hacienda y Desarrollo Municipal;*
XIX. *Tercera de Hacienda y Desarrollo Municipal;*
XX. *Cuarta de Hacienda y Desarrollo Municipal;*
XXI. *Quinta de Hacienda y Desarrollo Municipal;*
XXII. *Anticorrupción;*
XXIII. *Presupuesto;*
XXIV. *Desarrollo Metropolitano; y*
XXV. *De la Familia y Derechos de la Primera Infancia, Niñas, Niños y Adolescentes.*

(Ley Orgánica del Poder Legislativo del Estado de Nuevo León, art. 70)

De acuerdo con el listado de comisiones ordinarias que indica el artículo 39 de la Ley Orgánica del Congreso General de los Estados Unidos Mexicanos, la comisión que revisa el tema de seguridad es la Comisión de Seguridad Ciudadana. El Reglamento para el Gobierno Interior del Congreso General de los Estados Unidos Mexicanos, en su artículo 66, indica que los asuntos que competen a la citada comisión son los siguientes:

Artículo 66.- Las Comisiones Permanentes, serán: Agricultura y Fomento; Asistencia Pública; Aranceles y Comercio Exterior; Asuntos Agrarios; Asuntos Indígenas; Bienes y Recursos Nacionales; Colonización; Comercio Exterior e Interior; Corrección de Estilo; Correos y Telégrafos; Crédito Moneda e Instituciones de Crédito; Defensa Nacional; Departamento del Distrito Federal; Economía y Estadística; Educación Pública; Ejidal; Ferrocarriles; Fomento Agrícola; Fomento Cooperativo; Gobernación; Gran Comisión; Hacienda; Impuestos; Industria Eléctrica; Industrias; Primera de Insaculación de Jurados; Segunda de Insaculación de Jurados; Justicia; Justicia Militar; Marina; Materiales de Guerra; Migración; Minas; Obras Públicas; Pesca; Petróleo; Planeación del Desarrollo Económico y Social; Previsión Social; Puntos Constitucionales; Reglamentos; Recursos Hidráulicos; Relaciones Exteriores; Salubridad; Sanidad Militar; Seguros; Servicio Consular y Diplomático; Tierras Nacionales; Trabajo; Turismo; y Vías Generales de Comunicación.

(Reglamento para el Gobierno Interior del Congreso General de los Estados Unidos Mexicanos, art. 66)

La Comisión de Seguridad Ciudadana de la XLV Legislatura del Congreso Federal está conformada por 39 Diputados de 7 partidos políticos. La presidencia de la Comisión de Seguridad Ciudadana la ostenta la Diputada Juanita Guerra Mena, quien pertenece al Movimiento de Regeneración Nacional, partido del que es militante el presidente de México. La siguiente tabla presenta el resumen de los integrantes de la comisión por partido político.

Tabla: Integrantes de la Comisión de Seguridad Ciudadana del Congreso Federal

Partido político	Cantidad de Diputados(as)
Morena	16
PAN	9
PRI	5
PT	3
PVEM	3
MC	2
PRD	1
Total	39

Fuente: Elaboración propia con información del Congreso Federal.

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A mayo de 2023, la Comisión de Seguridad Ciudadana había sostenido 12 reuniones durante la XLV Legislatura del Congreso Federal y le habían turnado 10 minutas que a mayo de 2023 siguen pendientes de estudio; 53 iniciativas de las cuales 1 se aprobó, 8 se retiraron y 44 están pendientes de estudio; y, 73 proposiciones de las cuales 48 se desecharon, 1 se aprobó, 2 se retiraron y 22 están pendientes. La información se presenta en la siguiente tabla.

Tabla: Asuntos turnados a la Comisión de Seguridad Ciudadana del Congreso Federal

Documento	Turnadas	Aprobadas	Desechadas	Atendidas	Retiradas	Pendientes
Minutas	10	0	0	0	0	10
Iniciativas	53	1	0	0	8	44
Proposiciones	73	1	48	0	2	22

Fuente: Elaboración propia con información del Congreso Federal.

A mayo de 2023, han sido 2 los asuntos turnados y aprobados en la Comisión de Seguridad Ciudadana. Una iniciativa se aprobó para reformar y adicionar disposiciones a la Ley General del Sistema Nacional de Seguridad Pública para que se implementen y promuevan acciones y programas que buscan la paridad de género, personas con discapacidad y grupos vulnerables. El segundo asunto aprobado fue un exhorto al Ejecutivo de Zacatecas para hacer pública la estrategia de combate a la delincuencia.

A la Comisión de Seguridad Ciudadana del Congreso Federal han sido turnadas otras 31 iniciativas en calidad de comisiones unidas, de las cuales 7 se aprobaron, 6 se retiraron y 18 están pendientes. Las comisiones que comparten estas iniciativas con la Comisión de Seguridad Ciudadana se muestran en la siguiente tabla.

Tabla 3: Iniciativas turnadas en Comisiones Unidas con Seguridad Ciudadana

Comisiones Unidas con Seguridad Ciudadana	Cantidad de Iniciativas que comparte
Defensa Nacional	7
Gobernación y Población	7
Justicia	6
Presupuesto y Cuenta Pública	3
Comunicaciones y Transportes	2
Transparencia y Anticorrupción	2
Hacienda y Crédito Público	2
Trabajo y Previsión Social	1
Desarrollo Urbano y Ordenamiento Territorial	1

Fuente: Elaboración propia con información del Congreso Federal.

Es importante destacar que de las iniciativas turnadas a la Comisión que ve el tema de seguridad pública, el 83% siguen pendientes de análisis y resolución. Los números en las proposiciones presentadas indican que el 30% siguen pendientes y el 65.7% han sido desechadas. La cantidad de reuniones que ha tenido la comisión han sido pocas y el trabajo pendiente aún es basto.

VI. Presupuesto de Seguridad

Cada año, el Ejecutivo de la Federación envía, por conducto de la Secretaría de Hacienda y Crédito Público (SHCP), el proyecto de presupuesto de egresos para ser analizado por los diputados federales, el cuál considera partidas relacionadas con la seguridad pública. La aprobación del Presupuesto de Egresos de la Federación es una facultad exclusiva de los diputados.

La Cámara de Diputados elabora el informe "Presupuesto Público Federal para la Función de Seguridad Pública" cada año, en el marco de la aprobación de cada presupuesto de egresos anual. De este documento se desprenden los ramos considerados dentro del tema de seguridad pública:

a) De la Secretaría de Seguridad y Protección Ciudadana (SSPC), del total del presupuesto se excluye el monto destinado a seguridad nacional.
b) De la Secretaría de la Marina (SEMAR) se considera el presupuesto de la Policía Naval, los demás rubros de la SEMAR se excluyen al no estar directamente relacionados con seguridad pública.

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c) De la Secretaría de la Defensa Nacional (SEDENA) se considera el presupuesto del programa de Seguridad Pública de la SEDENA y el de Operación y Desarrollo de los Cuerpos de Seguridad Pública de las Fuerzas Armadas de la Policía Miliar, los demás rubros de la SEDENA se excluyen al no estar directamente relacionados con seguridad pública.
d) De la Secretaría de Gobernación se considera el rubro de Función Otros Asuntos de Orden Público y Seguridad.
e) De la Fiscalía General de la República (FGR) se considera el total del presupuesto.
f) De las Aportaciones Federales se considera el total del Fondo de Aportaciones para la Seguridad Pública (FASP) y el 20% del Fondo de Aportaciones para el Fortalecimiento de los Municipios y de las Demarcaciones Territoriales del Distrito Federal (FORTAMUN) al estar destinado a la atención de necesidades directamente vinculadas con la seguridad pública.
(Cámara de Diputados, 2023)

Tomando como referencia los rubros que integran el presupuesto de seguridad pública de acuerdo con los informes publicados por la Cámara de Diputados y las cifras finales de los presupuestos de egresos anuales, se procede al análisis de cada una de las cifras.

De acuerdo con el Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2023, el total de presupuesto para el año es de $8,299,647,800,000.00 (ocho billones doscientos noventa y nueve mil seiscientos cuarenta y siete millones ochocientos mil pesos). En términos nominales, esta cantidad es 17.09% superior a la de 2022, el incremento más alto durante el periodo analizado. Las cifras de presupuesto total y el porcentaje de crecimiento nominal anual se presentan en la siguiente tabla.

Tabla: Presupuesto anual de la Federación

Año	Presupuesto total	Incremento nominal
2023	$8,299,647,800,000	17.09%
2022	$7,088,250,300,000	12.59%
2021	$6,295,736,200,000	3.08%
2020	$6,107,732,400,000	

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

En el Presupuesto de Egresos 2023 se considera que dentro del gasto programable, la cantidad que corresponde a Seguridad y Protección Ciudadana es de $99,028,568,587 (noventa y nueve mil veintiocho millones quinientos sesenta y ocho mil quinientos ochenta y siete pesos), no obstante, para los objetivos del presente estudio se tiene que descontar la cantidad correspondiente a protección nacional, por lo que la cifra final es de $96,215,122,232.00 (noventa y seis mil doscientos quince millones ciento veintidós mil doscientos treinta y dos pesos). El presupuesto de Seguridad y Protección Ciudadana anual se presenta en la siguiente tabla, indicando el porcentaje en relación con el presupuesto total y el crecimiento nominal con respecto al año previo.

Tabla: Presupuesto anual de la Federación para Seguridad y Protección Ciudadana, en rubros de seguridad pública.

Año	Presupuesto de Seguridad y Protección Ciudadana	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$96,215,122,232.00	6.23%	1.16%
2022	$90,570,323,988.00	48.87%	1.28%
2021	$60,838,211,013.00	5.76%	0.97%
2020	$57,523,838,439.00		0.94%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

El incremento de 48.87% en el presupuesto de Seguridad y Protección Ciudadana en el año 2022 está impulsado principalmente por la asignación de más de $22.6 mil millones de pesos a Provisiones para Infraestructura de Seguridad. Para el año 2023, se asignan más de $23 mil millones al mismo rubro. Los incrementos en los años 2022 y 2023 hacen que el presupuesto de Seguridad y Protección Ciudadana, en rubros de seguridad pública, alcance el 1.28% del presupuesto neto federal de 2022 y el 1.15% de 2023.

Además de la Secretaría de Seguridad y Protección Ciudadana, la SEMAR y la SEDENA también realizan algunas funciones de seguridad pública. La Secretaría de la Marina realiza estas funciones de seguridad pública a través de la Policía Naval. En el Presupuesto de Egresos 2023 se considera para este

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rubro un monto de $7,854,887,192.00 (siete mil ochocientos cincuenta y cuatro millones ochocientos ochenta y siente ciento noventa y dos pesos). El presupuesto anual de la Policía Naval que depende de la Secretaría de la Marina, el porcentaje en relación con el presupuesto total y el porcentaje de incremento nominal se presentan en la siguiente tabla:

Tabla: Presupuesto anual de la Federación para la Secretaría de la Marina en rubros de seguridad pública.

Año	Presupuesto de la Policía Naval de la SEMAR	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$7,854,887,192.00	9.39%	0.09%
2022	$7,180,623,456.00	3.55%	0.10%
2021	$6,934,416,614.00	34.61%	0.11%
2020	$5,151,650,402.00		0.08%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

En los últimos dos años, el monto asignado por la SEMAR a funciones de seguridad pública representa un 8% en comparación con el presupuesto que le destina a este tema la Secretaría de Seguridad y Protección Ciudadana, esto debido a que es esta última quien tiene la principal función de ofrecer seguridad pública. Tanto la SEMAR como la SEDENA coadyuvan en el tema, pero no es su función principal.

El gasto asignado al Programa de la Secretaría de la Defensa Nacional en Apoyo a la Seguridad Pública y la Policía Militar son cifras que deben de ser consideradas dentro del presupuesto asignado a la seguridad pública. En el Presupuesto de Egresos 2023, la suma de estos dos conceptos es de $25,508,668,560.00 (veinticinco mil quinientos ocho millones seiscientos sesenta y ocho mil quinientos sesenta pesos). El presupuesto anual de la SEDENA, en rubros de seguridad pública, así como el crecimiento nominal con respecto al año previo y el porcentaje en relación con el presupuesto total se presentan en la siguiente tabla:

Tabla: Presupuesto anual de la Federación para la Secretaría de la Defensa Nacional en rubros de seguridad pública.

Año	Presupuesto para la Secretaría de la Defensa Nacional en rubros de seguridad pública	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$25,508,668,560.00	13.24%	0.31%
2022	$22,526,434,345.00	9.07%	0.32%
2021	$20,653,310,998.00	-19.30%	0.33%
2020	$25,593,361,455.00		0.42%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

Como se puede observar en la tabla anterior, en 2021 se dio un decremento de 19.3% al presupuesto de la SEDENA asignado a seguridad pública, y fue hasta 2023 cuando la cifra se recuperó en términos nominales. Esta disminución se presentó principalmente en la cifra asignada a la Policía Militar. A la fecha, el presupuesto de la SEDENA para seguridad pública representa el 0.31% del presupuesto total neto.

Por su parte, la Secretaría de Gobernación ejerce un gasto en Asuntos de Orden Público y de Seguridad Interior, que de acuerdo con el Presupuesto de Egresos 2023 el monto para ese año asciende a $1,161,939,028.00 (mil ciento sesenta y un millones novecientos treinta y nueve mil veintiocho pesos). El presupuesto anual en seguridad pública de la Secretaría de Gobernación se presenta en la siguiente tabla, indicando el crecimiento nominal con respecto al año previo y el porcentaje en relación con el presupuesto total.

Tabla: Presupuesto anual de la Federación para la Secretaría de Gobernación en rubros de seguridad pública

Año	Presupuesto para la Secretaría de Gobernación en rubros de seguridad pública	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$1,161,939,028.00	42.30%	0.01%
2022	$816,544,239.00	3.41%	0.01%
2021	$789,650,607.00	2.53%	0.01%
2020	$770,195,051.00		0.01%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

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De la tabla anterior, el crecimiento del 42.3% en el presupuesto de la SEGOB en temas de seguridad pública fue consecuencia del mayor apoyo económico al programa presupuestario de la Comisión Nacional de Búsqueda de Personas. Este programa pasó de $747 millones a $1,097.2 millones de pesos. Si bien la SEGOB coadyuva en temas de seguridad pública, el porcentaje respecto al presupuesto total neto no supera el 0.01%.

Uno de los organismos autónomos que se dedica al tema de seguridad pública es la Fiscalía General de la República. El Presupuesto de Egresos 2023 asigna un monto de $18,954,187,807.00 (dieciocho mil novecientos cincuenta y cuatro millones ciento ochenta y siete mil ochocientos siete pesos) para el año 2023 para la Fiscalía General de la República. El presupuesto anual de la FGR se presenta en la siguiente tabla, indicando el crecimiento nominal con respecto al año previo y el porcentaje en relación con el presupuesto total.

Tabla: Presupuesto anual de la Federación para la Secretaría de Gobernación en rubros de seguridad pública.

Año	Presupuesto total de la Fiscalía General de la República	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$18,954,187,807.00	5.50%	0.23%
2022	$17,966,054,777.00	4.00%	0.25%
2021	$17,275,099,616.00	3.43%	0.27%
2020	$16,702,187,474.00		0.27%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

El monto total asignado a la Fiscalía General de la República está considerado dentro del tema de seguridad pública. Sin embargo, esta cantidad solo representa alrededor del 13% del presupuesto anual que se le asigna al tema de seguridad, considerando que también hay recurso en otras dependencias de gobierno. El presupuesto de la FGR con respecto al presupuesto total neto ha presentado una disminución porcentual en los años analizados. Aunque es posible observar un aumento en las cifras nominales, esto no representa un incremento sustancial al considerar los efectos de la inflación.

Entre los recursos contenidos en el Presupuesto de Egresos que son para seguridad pública está el ramo 33, que incluye el Fondo de Aportaciones para la Seguridad Pública (FASP). A este gasto se le adiciona el 20% del Fondo de Aportaciones para el Fortalecimiento de los Municipios y de las Demarcaciones Territoriales del Distrito Federal (FORTAMUN) que puede ser usado en necesidades directamente vinculadas con la seguridad pública. El Presupuesto de Egresos 2023 asigna un monto de $31,556,823,867.00 (treinta y un mil quinientos cincuenta y seis millones ochocientos veintitrés mil ochocientos sesenta y siete pesos) para las aportaciones a seguridad pública. El presupuesto anual en este rubro se presenta en la siguiente tabla, indicando el crecimiento nominal con respecto al año previo y el porcentaje en relación con el presupuesto total.

Tabla: Presupuesto anual de la Federación en aportaciones a seguridad pública.

Año	Presupuesto total en aportaciones a seguridad pública	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos Neto
2023	$31,556,823,867.00	16.46%	0.38%
2022	$27,097,019,091.60	8.95%	0.33%
2021	$24,872,044,086.60	0.14%	0.34%
2020	$24,838,091,522.80		0.36%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

En suma, considerando el presupuesto total de Seguridad y Protección Ciudadana, así como el de la Fiscalía General de la República y adicionando la parte correspondiente a seguridad pública de los presupuestos de la Secretaría de la Marina, la Secretaría de la Defensa Nacional, la Secretaría de Gobernación y las Aportaciones en Seguridad Pública, el presupuesto total para seguridad pública en el año 2023 es de $181,251,628,686.00 (ciento ochenta y un mil doscientos cincuenta y un millones seiscientos veintiocho mil seiscientos ochenta y seis pesos). El presupuesto anual en este rubro se presenta en la

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siguiente tabla, indicando el crecimiento nominal con respecto al año previo y el porcentaje en relación con el presupuesto total.

Tabla: Presupuesto anual de la Federación en seguridad pública.

Año	Presupuesto total en seguridad pública	Incremento nominal	Porcentaje con respecto al Presupuesto de Egresos
2023	$181,251,628,686.00	9.08%	2.18%
2022	$166,156,999,896.60	26.49%	2.34%
2021	$131,362,732,934.60	0.60%	2.09%
2020	$130,579,324,343.80		2.14%

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023

El presupuesto en seguridad pública representa en 2023 el 2.18% del presupuesto total neto, el porcentaje más alto registrado en los últimos cuatro años fue en 2022 cuando se alcanzó el 2.34% del presupuesto total neto. El crecimiento porcentual en el monto nominal con respecto a años previos fue de 26.49% del año 2021 al año 2022 y un 9.08% del año 2022 al 2023, resulta interesante saber cómo se ha movido en términos reales. Los incrementos en el presupuesto total a seguridad pública, descontado el efecto de la inflación, a precios del año 2020, se presentan en la siguiente tabla.

Tabla: Presupuesto real de la Federación en seguridad pública, a precios de 2020.

Año	Presupuesto real en seguridad pública	Incremento real
2023	$147,941,581,235.43	3.07%
2022	$143,541,279,036.53	17.31%
2021	$122,357,240,065.76	-6.30%
2020	$130,579,324,343.80	

Fuente: Elaboración propia con información del Presupuesto de Egresos de la Federación para los Ejercicios Fiscales 2020 a 2023 y del deflactor estimado por el Instituto Nacional de Estadística y Geografía (INEGI)

Al estimar el presupuesto deflactado de seguridad pública a valores de 2022 es posible encontrar que en el año 2021 hubo un retroceso de 6.3% en el monto asignado a este tema, sin embargo, en 2022 el incremento presupuestal llega al 17.31% lo que de cierta forma podría interpretarse como una reconsideración por la falta de crecimiento real en el año previo.

VII. Conclusiones

El tema de seguridad pública ha estado en el centro del discurso político en México. Forma parte importante del Plan Nacional de Desarrollo y de las diversas políticas públicas emanadas del gobierno federal, estatal y municipal. La propia Constitución establece en su artículo 21 que la seguridad pública es una función del Estado a cargo de la Federación, las entidades federativas y los Municipios, cuyos fines son salvaguardar la vida, las libertades, la integridad y el patrimonio de las personas.

El seguimiento a los niveles y percepción de seguridad se lleva por autoridades, medios de comunicación, investigadores, organismos internacionales y por la ciudadanía. Por ellos existen diversas mediciones del tema como la Encuesta Nacional de Seguridad Pública Urbana que realiza trimestralmente el Instituto Nacional de Estadística y Geografía. Los resultados de esta encuesta muestran que, en los últimos 10 años, la percepción de inseguridad llegó a su punto más alto en marzo 2018 y a partir de esa fecha existe una tendencia a la baja.

Al analizar el comportamiento del Poder Legislativo, específicamente del trabajo de los diputados federales en las comisiones legislativas, podemos observar que, no obstante que en la Comisión de Seguridad Ciudadana hay representación de 7 partidos políticos, en la última legislatura solo se han sostenido 12 reuniones, lo que resulta un número muy bajo si se tiene en cuenta que a mayo de 2023 siguen pendientes 10 minutas, 44 iniciativas y 22 proposiciones.

La Comisión de Seguridad Ciudadana del Congreso Federal sesiona junto a otras c, principalmente con las comisiones de Defensa Nacional, Gobernación y Población y Justicia. Se tienen 31 iniciativas turnadas en calidad de comisiones unidas, de las cuales 7 se aprobaron, 6 se retiraron y 18 están pendientes. Es decir, aún se tiene mucho trabajo legislativo pendiente.

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Los diputados federales también tienen la función de aprobación del presupuesto de egresos. Al revisar los datos, encontramos que el presupuesto asignado a seguridad pública se conforma del presupuesto de la Secretaría de Seguridad y Protección Ciudadana, así como el de la Fiscalía General de la República y se adiciona la parte correspondiente a seguridad pública de los presupuestos de la Secretaría de la Marina, la Secretaría de la Defensa Nacional, la Secretaría de Gobernación y las Aportaciones en Seguridad Pública.

En total, el presupuesto destinado a seguridad pública a nivel federal suma en el año 2023 la cantidad de $181,251,628,686.00 (ciento ochenta y un mil doscientos cincuenta y un millones seiscientos veintiocho mil seiscientos ochenta y seis pesos). Del año 2020 a la fecha, el porcentaje de presupuesto asignado a seguridad pública respecto al presupuesto de egresos neto está ligeramente por encima del 2%. Hablando en cifrar reales, descontando el efecto de la inflación, el incremento en el presupuesto de seguridad pública se ha incrementado solo 13% del año 2020 al 2023.

Por lo anterior, se considera que aún existe mucho trabajo por hacer en tema de seguridad pública: mayor participación desde el trabajo de comisiones del legislativo y un mayor presupuesto aportado al tema de seguridad pública. Las acciones deben de ir encaminadas con los objetivos plasmados en el Plan Nacional de Desarrollo y con el discurso político que permita mejorar los niveles de percepción de seguridad y bajar la incidencia delictiva.

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Associates of FSSRC/ASSRC are scientists and researchers from around the world are working on projects/researches that have huge potentials. Members support Global Journals' mission to advance technology for humanity and the profession.

FSSRC

Fellow of Social Science Research Council

FELLOW OF SOCIAL SCIENCE RESEARCH COUNCIL is the most prestigious membership of Global Journals. It is an award and membership granted to individuals that the Open Association of Research Society judges to have made a 'substantial contribution to the improvement of computer science, technology, and electronics engineering.

The primary objective is to recognize the leaders in research and scientific fields of the current era with a global perspective and to create a channel between them and other researchers for better exposure and knowledge sharing. Members are most eminent scientists, engineers, and technologists from all across the world. Fellows are elected for life through a peer review process on the basis of excellence in the respective domain. There is no limit on the number of new nominations made in any year. Each year, the Open Association of Research Society elect up to 12 new Fellow Members.

Benefit

To the institution

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A FSSRC member gets access to a closed network of Tier 1 researchers and scientists with direct communication channel through our website. Fellows can reach out to other members or researchers directly. They should also be open to reaching out by other.

Career | Credibility | Exclusive | Reputation



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Certificate, LOR and Laser-Momento

Fellows receive a printed copy of a certificate signed by our Chief Author that may be used for academic purposes and a personal recommendation letter to the dean of member's university.

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Career | Credibility | Reputation

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Career | Financial



GJ Account

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Associate	Fellow	Research Group	Basic
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Certificate, LoR and Momento **2** discounted publishing/year **Gradation** of Research **10** research contacts/day **1 GB** Cloud Storage **GJ** Community Access	**Certificate,** LoR and Momento **Unlimited** discounted publishing/year **Gradation** of Research **Unlimited** research contacts/day **5 GB** Cloud Storage **Online Presense** Assistance **GJ** Community Access	**Certificates,** LoRs and Momentos **Unlimited** free publishing/year **Gradation** of Research **Unlimited** research contacts/day **Unlimited** Cloud Storage **Online Presense** Assistance **GJ** Community Access	**GJ** Community Access

Preferred Author Guidelines

We accept the manuscript submissions in any standard (generic) format.

We typeset manuscripts using advanced typesetting tools like Adobe In Design, CorelDraw, TeXnicCenter, and TeXStudio. We usually recommend authors submit their research using any standard format they are comfortable with, and let Global Journals do the rest.

Alternatively, you can download our basic template from https://globaljournals.org/Template.zip

Authors should submit their complete paper/article, including text illustrations, graphics, conclusions, artwork, and tables. Authors who are not able to submit manuscript using the form above can email the manuscript department at submit@globaljournals.org or get in touch with chiefeditor@globaljournals.org if they wish to send the abstract before submission.

Before and during Submission

Authors must ensure the information provided during the submission of a paper is authentic. Please go through the following checklist before submitting:

1. Authors must go through the complete author guideline and understand and *agree to Global Journals' ethics and code of conduct,* along with author responsibilities.
2. Authors must accept the privacy policy, terms, and conditions of Global Journals.
3. Ensure corresponding author's email address and postal address are accurate and reachable.
4. Manuscript to be submitted must include keywords, an abstract, a paper title, co-author(s') names and details (email address, name, phone number, and institution), figures and illustrations in vector format including appropriate captions, tables, including titles and footnotes, a conclusion, results, acknowledgments and references.
5. Authors should submit paper in a ZIP archive if any supplementary files are required along with the paper.
6. Proper permissions must be acquired for the use of any copyrighted material.
7. Manuscript submitted *must not have been submitted or published elsewhere* and all authors must be aware of the submission.

Declaration of Conflicts of Interest

It is required for authors to declare all financial, institutional, and personal relationships with other individuals and organizations that could influence (bias) their research.

Policy on Plagiarism

Plagiarism is not acceptable in Global Journals submissions at all.

Plagiarized content will not be considered for publication. We reserve the right to inform authors' institutions about plagiarism detected either before or after publication. If plagiarism is identified, we will follow COPE guidelines:

Authors are solely responsible for all the plagiarism that is found. The author must not fabricate, falsify or plagiarize existing research data. The following, if copied, will be considered plagiarism:

- Words (language)
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- Findings
- Writings
- Diagrams
- Graphs
- Illustrations
- Lectures

- Printed material
- Graphic representations
- Computer programs
- Electronic material
- Any other original work

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1. Substantial contributions to the conception and acquisition of data, analysis, and interpretation of findings.
2. Drafting the paper and revising it critically regarding important academic content.
3. Final approval of the version of the paper to be published.

Changes in Authorship

The corresponding author should mention the name and complete details of all co-authors during submission and in manuscript. We support addition, rearrangement, manipulation, and deletions in authors list till the early view publication of the journal. We expect that corresponding author will notify all co-authors of submission. We follow COPE guidelines for changes in authorship.

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Appealing Decisions

Unless specified in the notification, the Editorial Board's decision on publication of the paper is final and cannot be appealed before making the major change in the manuscript.

Acknowledgments

Contributors to the research other than authors credited should be mentioned in Acknowledgments. The source of funding for the research can be included. Suppliers of resources may be mentioned along with their addresses.

Declaration of funding sources

Global Journals is in partnership with various universities, laboratories, and other institutions worldwide in the research domain. Authors are requested to disclose their source of funding during every stage of their research, such as making analysis, performing laboratory operations, computing data, and using institutional resources, from writing an article to its submission. This will also help authors to get reimbursements by requesting an open access publication letter from Global Journals and submitting to the respective funding source.

Preparing your Manuscript

Authors can submit papers and articles in an acceptable file format: MS Word (doc, docx), LaTeX (.tex, .zip or .rar including all of your files), Adobe PDF (.pdf), rich text format (.rtf), simple text document (.txt), Open Document Text (.odt), and Apple Pages (.pages). Our professional layout editors will format the entire paper according to our official guidelines. This is one of the highlights of publishing with Global Journals—authors should not be concerned about the formatting of their paper. Global Journals accepts articles and manuscripts in every major language, be it Spanish, Chinese, Japanese, Portuguese, Russian, French, German, Dutch, Italian, Greek, or any other national language, but the title, subtitle, and abstract should be in English. This will facilitate indexing and the pre-peer review process.

The following is the official style and template developed for publication of a research paper. Authors are not required to follow this style during the submission of the paper. It is just for reference purposes.

Manuscript Style Instruction (Optional)

- Microsoft Word Document Setting Instructions.
- Font type of all text should be Swis721 Lt BT.
- Page size: 8.27" x 11'", left margin: 0.65, right margin: 0.65, bottom margin: 0.75.
- Paper title should be in one column of font size 24.
- Author name in font size of 11 in one column.
- Abstract: font size 9 with the word "Abstract" in bold italics.
- Main text: font size 10 with two justified columns.
- Two columns with equal column width of 3.38 and spacing of 0.2.
- First character must be three lines drop-capped.
- The paragraph before spacing of 1 pt and after of 0 pt.
- Line spacing of 1 pt.
- Large images must be in one column.
- The names of first main headings (Heading 1) must be in Roman font, capital letters, and font size of 10.
- The names of second main headings (Heading 2) must not include numbers and must be in italics with a font size of 10.

Structure and Format of Manuscript

The recommended size of an original research paper is under 15,000 words and review papers under 7,000 words. Research articles should be less than 10,000 words. Research papers are usually longer than review papers. Review papers are reports of significant research (typically less than 7,000 words, including tables, figures, and references)

A research paper must include:

a) A title which should be relevant to the theme of the paper.
b) A summary, known as an abstract (less than 150 words), containing the major results and conclusions.
c) Up to 10 keywords that precisely identify the paper's subject, purpose, and focus.
d) An introduction, giving fundamental background objectives.
e) Resources and techniques with sufficient complete experimental details (wherever possible by reference) to permit repetition, sources of information must be given, and numerical methods must be specified by reference.
f) Results which should be presented concisely by well-designed tables and figures.
g) Suitable statistical data should also be given.
h) All data must have been gathered with attention to numerical detail in the planning stage.

Design has been recognized to be essential to experiments for a considerable time, and the editor has decided that any paper that appears not to have adequate numerical treatments of the data will be returned unrefereed.

i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and suggestions to improve brevity.

Format Structure

It is necessary that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

All manuscripts submitted to Global Journals should include:

Title

The title page must carry an informative title that reflects the content, a running title (less than 45 characters together with spaces), names of the authors and co-authors, and the place(s) where the work was carried out.

Author details

The full postal address of any related author(s) must be specified.

Abstract

The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

Keywords

A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

Preparation of Eletronic Figures for Publication

Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution at final image size ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs): >350 dpi; figures containing both halftone and line images: >650 dpi.

Color charges: Authors are advised to pay the full cost for the reproduction of their color artwork. Hence, please note that if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a Color Work Agreement form before your paper can be published. Also, you can email your editor to remove the color fee after acceptance of the paper.

Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.



6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

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Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



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Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

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Materials may be reported in part of a section or else they may be recognized along with your measures.

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- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

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Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

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- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
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- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
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- Do not present similar data more than once.
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- Give details of all of your remarks as much as possible, focusing on mechanisms.
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- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

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Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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