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The Constitution as the Basis for Strategic Principles of a Strategic Leader in the Chaos of Conflict

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Słowa kluczowe: Konstytucja, strategia, stabilizacja, konflikt, polityka, pokój

Abstract

The Constitution – the Basic Law is the foundation of the organization in a given country. It defines the general principles of the functioning of internal relations, the competences of its most important elements, and the fundamental rights and freedoms of a person and a citizen². And the strategy can be perceived as the general outlines of the actions of competent leaders determining the far-reaching aim. It is characterized by a long-term strategic perspective, combining the set of with the strive for solutions that are beneficial not only for themselves, their surroundings, and supporters but also for the paradigm of the common good. Societies during, or immediately after the conflict, seek stabilization. That can be ensured by actions based on a strategy that takes into account the fundamental principles of internal relations. Combining those two paradigms, the Constitution, taking into account the rights of minorities, guaranteeing civil liberties and human rights, may be the basic factor of the strategy of the competent leader, aiming to post-conflict stabilization.

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² E. Ryś, *Konstytucja*, <https://www.infor.pl/prawo/konstytucja/slownik/76777,Konstytucja.html> (20.09.2020).

Streszczenie**Konstytucja jako podstawa zasad strategicznych strategicznego przywódcy w chaosie konfliktu**

Ustawa zasadnicza stanowi fundament prawa w danym państwie – określa ogólne zasady funkcjonowania relacji wewnętrznych, kompetencje najważniejszych jego organów oraz podstawowe prawa i wolności człowieka i obywatela³. Zaś strategia jest fundamentem działań kompetentnych przywódców, cechujących się długofalową – strategiczną perspektywą, szukający rozwiązań korzystnych nie tylko dla siebie, swojego otoczenia i bliskich, ale zgodnie z paradygmatem dobra wspólnego. Społeczeństwa w trakcie lub bezpośrednio po konflikcie dążą do stabilizacji, którą mogą zapewnić działania oparte na strategii uwzględniającej fundamentalne zasady relacji wewnętrznych. To wszystko sprawia, że Konstytucja, uwzględniająca prawa mniejszości, gwarantująca swobody obywatelskie i prawa człowieka może być zasadniczym czynnikiem, na bazie którego realizowany jest proces stabilizujący społeczeństwa. Prawdziwym fundamentem społeczeństwa obywatelskiego jest Konstytucja, bowiem to tam gwarantowane są prawa podstawowe człowieka, swobody obywatelskie, mechanizmy ochrony praw mniejszości itd.

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I. Human Rights in the Constitution as a Socio-Political Attractor

Universal Declaration of Human Rights documented accepted by the General Assembly as Resolution 217 at its third session on 10 December 1948 was the milestone idea introduced to the whole humanity. Yet it is still perceived as an idea rather than law for many. Only in a form of basic law – being the core of the country's functioning system it can cause a reach change.

The real basis for civil society is the Constitution⁴ because it is there that fundamental human rights, civil liberties, mechanisms for the protection of minority rights, etc. are approved. While the principles of the functioning of

³ Ibidem.

⁴ M. Bernhard, *Civil Society, Constitution, and Legitimacy*, "Slavic Review" 2000, 60(2), p. 395.

state mechanisms contained in the basic law may significantly differ depending on the state, culture, or region, what makes individual Constitutions similar to each other is basing internal relations on a catalog of universal and basic human rights. Even taking into account the often-fundamental differences in interpretation, the instrumental use of these rights by political leaders, e.g. to intervene in their alleged protection, etc.⁵, their common understanding of their essential meaning, without going into the philosophy of these rights, constitutes a fundamentally important common denominator⁶.

The Constitution is one of the determinants of democratization processes, which may be more important than the issue of holding elections. Especially in societies with a high level of corruption or in cultures with a high distance to power, and at the same time collectivist, the issue of elections can strengthen authoritarianism. On the other hand, Universal Human Rights, which are the foundation of the Constitution, are often treated as a peculiar element of Western civilization⁷, linked to the colonial tradition, as they are intended to justify the intervention of the West. Another accusation is the violation of human rights by representatives of the West in relations with non-Western countries. French President Emmanuel Macron pointed to this problem when he spoke about the problems in conducting dialogue with Africa, to which he encouraged the entire EU community so that the voice of France would not evoke colonial associations. The French president pointed out that it is important to involve in this dialogue the countries of Central Europe that have had different historical experiences, especially of the last hundred years, because of which they could make the EU voice more credible⁸.

These controversies result from various political, social, and historical reasons, but the very essence of human rights means that regardless of these doubts, these rights belong to every human being, and therefore there is no

⁵ B. Bukovská, *Perpetrating good: Unintended consequences of International Human Rights Advocacy*, "Revista Internacional de Derechos Humanos" 2008, No. 9, p. 6–21; J. Marszałek-Kawa, D. Plecka, *Dictionary of Political Knowledge*, Toruń 2019.

⁶ W. Osiatyński, *Prawa człowieka i ich granice*, Kraków 2011, pp. 276–277.

⁷ According to Samuel Huntington's concept: *Clash of the Civilizations*, New York 1996.

⁸ I interview with French president Emmanuel Macron in Le Grand Continent, Élysée 16.11.2020. <https://www.elysee.fr/emmanuel-macron/2020/11/16/wywiad-z-prezydent-francji-emmanuel-macron-w-magazynie-le-grand-continent.pl> (20.09.2020).

difference in what culture, religion, or where this person is⁹. This is due to the essence of human mental programming, in which at the lowest - basic level there are issues universal for all people, known as human nature¹⁰. Cultural differences represent another level where groups can vary significantly¹¹. This separation of fundamental rights from cultural diversity is a key argument in the dialogue on Fundamental Human Rights, thus justifying its place in the Constitution, no matter where it is drawn up.

The Constitution serves as a determinant of internal political and social relations, and at the same time symbolizes a certain political philosophy of a given society. These issues can be traced based on the example of the emancipation of conservative US elites concerning their European roots and European conservatism. In this case, it was the Constitution that became an important point of reference for the US¹². Also, in societies that are democratizing in a certain way (e.g. in the so-called hybrid regimes), the reference to the Constitution is a fundamental issue. Enshrining in the Basic Law the principles of functioning, based on human rights and civil liberties, gives the citizens of a community an important basis for claiming and seeking redress¹³. Even if they could not do it in their own countries, the Basic Law gives them the argument for the international tribunals, at the forum of the United Nations or other international organizations. This fundamentally influences the functioning of the state, creating pressure on the political leaders.

Using the new and extremely important interdisciplinary science, which is the theory of chaos, the Constitution should be defined as an attractor in the political and social chaos. Chaos theory tells us that chaos cannot be contained,

⁹ J. Mende, *Are human rights western—And why does it matter? A perspective from international political theory*, "Journal of International Political Theory", 1.03.2019.

¹⁰ G. Hofstede, G.J. Hofstede, *Cultures and Organizations*, New York 2010, p. 17.

¹¹ M. Milczanowski, *Sztuka budowania pokoju: przywództwo strategiczne na przykładzie fazy IV operacji Iracka Wolność*, Rzeszów 2020, p. 64.

¹² R. Proszak, *Kontraktualne korzenie amerykańskiego konstytucjonalizmu. Między rozumem, doświadczeniem i wiarą*, "Politeja" 2011, vol. 17, pp. 57–68.

¹³ L. Diamond, *Developing Democracy. Toward Consolidation*, Baltimore 1999; A. Schedler (ed.), *Electoral Authoritarianism: The Dynamics of Unfree Competition*, Boulder 2006; S. Levitzky, L.A. Way, *Competitive Authoritarianism. Hybrid Regimes after Cold War*, New York 2010; Ł. Fyderek, *Autorytarny system polityczny, przegląd ujęć teoretycznych*, "Politeja" 2011, vol. 17, No. 3, pp. 109–126.

organized, and controlled. Yet we can learn it and function with it. For this purpose, scientists study the nature of the attractors, which are points, lines, or areas to which chaotic trajectories are limited or follow. The essence of the practical application of the chaos theory is the formation of attractors instead of efforts to control the reality around us. The Constitution is by far the most fundamental attractor, establishing an area towards which the trajectories of social and political conflicts within the state should be directed. The entire legal and organizational system of the state based on the Constitution is therefore a set of self-repeating attractors, referred to as fractals. Therefore, striving to define all potential conflicts in the Constitution and their solutions (which politicians often postulate when there are, for example, competence disputes between the most important state organs), is not only impossible to implement but also according to the chaos theory it can be harmful and destructive.

II. Strategic Principles – The Structure of the Strategy – Importance for the Process of Stabilizing Societies

The structure of the strategy can be reduced to four key elements¹⁴: 1) Conditions – taking into account/shaping the conditions that allow achieving maximum effectiveness; 2) Resources – selection of resources – forces and means, including methods and tools; 3) Strategic Principles; 4) Aim – appropriate definition of the purpose of the activity understood as a mission¹⁵.

Considering the conditions and determining all the resources at hand are an important part of the calculation before taking action, but also during their implementation must be constantly analyzed and, if possible, modified. It is worth noting that the four above-mentioned elements of the strategy are interdependent. Their order is therefore conventional because only by understanding the conditions and knowing the state of forces and means, we can determine what goal is possible to achieve, but also by analyzing the conditions and resources, we do it in terms of the goals that guide us. The nature of the goal, but also resources and conditions will influence the definition of

¹⁴ M. Milczanowski, *op.cit.*, pp. 102–114.

¹⁵ *Aperçu sur les positions de problèmes de Vaction*, “Revue Philosophique”, vol. 113, Paris 1932, p. 249; T. Kotarbiński, *Traktat o dobrej robocie*, Warsaw 1969.

the Strategic Principles. Additionally, since the use of resources influences the conditions, changing them, and the emerging new circumstances may result in the necessity to change forces and means, a once-constructed strategy is not enough¹⁶. It must be flexible and adapted to the conditions of chaos while taking into account the inevitably appearing attractors and the possibility of their use and/or adaptation to one's own needs.

It is precisely the area of the Strategic Principles where it is most appropriate to place the Constitution and related Universal Human Rights. This is because such a procedure allows you to build authority and avoid the reputation dissonance of the authorities. The reputational dissonance arises when the authority treats the Constitution instrumentally, only in these parts, or when the relevant provisions remain in its particular interests. Then, although the Constitution formally exists, it is rather an "empty" document, if its provisions remain dead. Of course, the authorities remain the political and military tools to keep the society in obedience, but in such a situation it limits its role of formal authority, and the strategy is limited to one of its elements - force, which contradicts the strategic approach related to actual leadership. Comprehensive leadership is characterized by four equal components - leadership styles. These elements are encouraging and powerful, as well as operational and strategic styles of leadership¹⁷. Leadership competences defined by these four styles assume generating a synergy effect precisely thanks to the diversity in which everyone is equal before the law.

All political movements based on fundamentalism remain outside the area of the common understanding of the basic letter of Universal Human Rights. In such situations, human rights most often contradict their understanding of the order in which some social groups are to have limited rights or be completely deprived of them for ideological or religious reasons. It should be noted that even in such situations, the Constitution, based on a catalog of Universal Human Rights, appears as a symbol of civilization progress, becoming an attractor to which, the trajectories of social ideas aim to overthrow authoritarianism.

¹⁶ B.H. Liddell Hart, *Strategy of indirect approach*, London 1954, p. 390.

¹⁷ B. Kaplan, R. Kaiser, *The Versatile Leader: Make the Most of Your Strengths Without Overdoing It*, San Francisco 2006; J. Santorski, *Meta skrypt lidera*, Warszawa 2014, p. 20; J. Santorski, M. Milczanowski, *Jak w wojsku - „Mission Command” w służbie cywilnej*, "Coaching" 2017, No. 2, pp. 64-65.

Thus, the understanding of the Constitution as a factor in the civilization development of societies can also be an attractor in the chaos, where at a given moment there is no chance for any democratization processes. This is an important determinant of the Stoic philosophy, which is synonymous with the strategic perspective¹⁸, allowing the inclusion of strategic goals not available at a given time. However, for this, an attitude defined as idealistic-realism is needed, assuming full awareness of the difficult current situation, while not losing the long-term goals from the perspective. The Constitution as such a long-term goal will then naturally become a strategic attractor, even if there are no coordinated social actions that could constitute an alternative to authoritarian-fundamentalist authorities.

It is very important in this context that, first of all, modern means of communication no longer keep societies in the dark¹⁹. Secondly, the so-called time perspective, described in Philip Zimbardo's book "The Time Paradox". The time paradox is the situation where while we tend to focus on one-time perspective – past, present, or future, in fact, all three are needed in a balanced way to maintain the best of opportunities. Changes taking place in societies should be observed in these three perspectives because some mechanisms repeat themselves, other processes take place only at a given time, and the future brings many surprises, which prompts the use of the chaos theory. All three perspectives allow not only to expect the appearance of natural attractors but also allow for conscious shaping of attractors thanks to the use of the specificity of all three perspectives. The main such an attractor in the socio-political field is Constitution based on Universal Human Rights.

III. Conclusions

The idealistic-realistic perspective associated with strategic leadership takes into account all difficulties objectively, without sacrificing idealistic goals. Such an approach makes the Constitution based on the catalog of universal

¹⁸ N. Sherman, *Stoic Warriors: The Ancient philosophy behind the military minds*, Oxford 2005.

¹⁹ Perfect example of this syndrome can be described by the Platonian Cave: Platon, *Politeja*, 517, III, B.

fundamental human rights a fundamental factor that constitutes a strategic attractor in the ongoing process of civilization advancement of societies. This does not limit the chaos and is often not helpful in the short term, but it is the strategic vision derived from the Stoic philosophy that maintains the long-term goal of building cooperation, regardless of differences between individual social or religious groups. In this context, the Constitution is of fundamental importance, regardless of whether it is not fully respected in a given country, whether it is a “dead” document or absent at all.

The catalog of fundamental rights is an essential reference point for the UN Charter²⁰ in establishing the framework of international law by the United Nations and is itself often referred to as the UN Constitution. Such an informal international Constitution is therefore a geopolitical attractor, while state Constitutions are local or regional attractors when a given state somehow becomes a frame of reference for societies seeking to improve their status.

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²⁰ UN Charter refers to the Catalogue of International Laws.

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