

ISSN 1829-3824

WISDOM



1(14), 2020

EDITORIAL BOARD

- Honorary Chief of the Editorial Board** **Ruben MIRZAKHANYAN** - PhD, Doctor of Science (in History), Professor, Rector of Khachatur Abovian Armenian State Pedagogical University, Honorary Member of Armenian Philosophical Academy
- Editor-in-Chief** **Hasmik HOVHANNISYAN** - PhD, Doctor of Science (in Philosophy), Full Member of the Armenian Philosophical Academy, Chairperson of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University, Vice-President of the Armenian Philosophical Academy
Phone: +374 10 597 065; E-mail: hovhannisyanshasmik25@aspu.am; hashovhannisyana@hotmail.com
- Associate Editor** **Hovhannes HOVHANNISYAN** - PhD in Philosophy, Associate Professor of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University and Yerevan State University, Scientific Secretary of the Armenian Philosophical Academy, Head of the Chair of Humanities and Social Science at French University of Armenia, Member of the Public Council of RA
- Advisory Editors** **Evandro AGAZZI** - Professor in the Department of Bioethics of the Panamerican University of Mexico City (Mexico), Professor Emeritus of the Universities of Fribourg (Switzerland) and Genoa (Italy), President of the International Academy of Philosophy of Science (Brussels), former President (and now Honorary President) of the International Federation of the Philosophical Societies (FISP) and of the International Institute of Philosophy (Paris)
Georgia APOSTOLOPOULOU - Professor Emeritus of Philosophy at the Department of Philosophy at the University of Ioannina (Greece), Member of the International Academy for Philosophy
Maria BAGHRAMIAN - Professor (Ireland), Head of the School of Philosophy at University College Dublin (UCD), Member of the Royal Irish Academy (MRIA), Steering Committee Member of International Federation of the Philosophical Societies (FISP)
Linus G. BENAKIS - PhD, PhD h.c., Research Fellow of the Academy of Athens, Former Director of the Research Centre of Greek Philosophy
Frans H. van EEMEREN - President ILIAS, Jiangsu University, Honorary Director Jiangsu University, Director of International Institute of Pragma-Dialectics, Zhenjiang University, Adjunct Professor Leiden University, Zhenjiang University and Sun Yat-sen University, Professor Emeritus Speech Communication, Argumentation Theory and Rhetoric University of Amsterdam
Srbuhi GEVORGYAN - PhD, Doctor of Science (in Psychology), Professor, Vice-Rector for Education and Research of Khachatur Abovian Armenian State Pedagogical University, Full Member of the Armenian Philosophical Academy
Hasmik HOVHANNISYAN - PhD, Doctor of Science (in Philosophy), Full Member of the Armenian Philosophical Academy, Chairperson of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University, Vice-President of the Armenian Philosophical Academy
Hans KÖCHLER - Professor Emeritus of Philosophy at the University of Innsbruck (Austria), President of the International Progress Organization, Co-President of the International Academy for Philosophy
Armen T. MARSOBIAN - Professor and Chairperson of the Philosophy Department at Southern Connecticut State University, New Haven (USA), Editor-in-Chief of the journal *Metaphilosophy*
Karen MOMJYAN - PhD, Doctor of Science (in Philosophy), Professor, Head of the Chair of Social Philosophy at Moscow State University
Evangelos MOUTSOPOULOS - PhD, Doctor of Science (in Philosophy), Honorary Rector of the University of Athens, Co-President of the International Academy for Philosophy
Kadzhik OGANYAN - PhD, Doctor of Science (in Philosophy), Professor of Social and Humanitarian Disciplines of the National State University of Physical Culture, Sports and Health named after P.F. Lesgaft (St. Petersburg, RA) and of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University, Foreign Member of the Armenian Philosophical Academy
Andrei SMIRNOV - PhD, Doctor of Science (in Philosophy), Academician, President of Russian Academy of Sciences
Arkadiy URSUL - PhD, Doctor of Science (in Philosophy), Professor of the Faculty of Global Processes at the Russian State University after M.Lomonosov, Founder and Honorary President of the Russian Academy of Cosmonautics after K.Tsiolkovsky, Academician of the Academy of Sciences of Moldova, President of the International Academy of Noosphere - MANUR, Member of the International Academy for Philosophy, Head of the Department of Ecology and Environmental Management Branch, Russian Academy of Public Administration under the President of the Russian Federation
- Managing Editor** **Ashot GEVORGYAN** - PhD in Philosophy, Associate Professor of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University
- Book Review Editor** **Robert DJIDJIAN** - PhD, Doctor of Science (in Philosophy), Professor of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University, President of the Armenian Philosophical Academy
- Literary Editors** **John MASON** - Professor of Hollins University (USA)
Tigran MIKAELYAN - PhD in Philology, Dean of the Faculty of Foreign Languages of Khachatur Abovian Armenian State Pedagogical University
Marie-Luisa FRICK - PhD, Doctor of Science (in Philosophy), Professor of the Department of Philosophy at the University of Innsbruck
Andranik STEPANYAN - PhD in Philosophy, Associate Professor of Religious Studies and Cultural Anthropology in the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University
- Editorial Assistant** **Satenik KUZANYAN** - PhD student of the Department of Philosophy and Logic named after Academician Georg Brutian at Khachatur Abovian Armenian State Pedagogical University, Senior Specialist of the same department

SCIENTIFIC JOURNAL

Published by the decision of the Scientific Council
of Khachatur Abovian
Armenian State Pedagogical University



Department of Philosophy and Logic
named after Academician Georg Brutian



W I S D O M

1(14), 2020



*WISDOM is covered in Clarivate Analytics' Emerging Sources
Citation Index service*

YEREVAN – 2020

CONTENT

EDITORS' FOREWORD	4
EPISTEMOLOGY, PHILOSOPHY OF SCIENCE, METAPHILOSOPHY, ARGUMENTATION, COMMUNICATION	5
Natalia BIGUNOVA, Ganna OLIIYK, Olena SELIVANOVA Communication Noise as a Discourse Component	6
Anahit HAKOBYAN Digitalization of Communication and the Spiral of Silence Theory	19
Igor KOLOSOV, Konstantin SIGALOV Epistemological Foundations of Early Legal Utilitarianism	31
Natalia KUTUZA, Inna KRAVETS Linguophilosophical Aspect of Communicative Influence: Theoretical Basis	45
Vladimir OGORODNIKOV, Kadzhik OGANYAN On the Perceptual, the Conceptual, the Objectively Real and the Problem of Truth in Cosmogony and Cosmology	56
Nadezhda POKROVSKAIA, Yakov MARGULYAN, Alena BULATETSKAIA, Svetlana SNISARENKO Intellectual Analysis for Educational Path Cognitive Modeling: Digital Knowledge for Post-Modern Value Creation	69
SOCIAL AND POLITICAL PHILOSOPHY	77
Roman BULAT, Hafiza BAICHOROVA Psycho-Pedagogical Resources and the Quality of Professional Training of Students	78
Yelena ETARYAN Irony as “Ferment of Philosophical and Aesthetic Speculation” (By Friedrich Schlegel and Thomas Mann)	88
Arusyak GEVORGYAN A Theoretical-Practical Analysis of Philosophical and Psychological Aspects of Human Resources Management	98
Nonna KHACHATRYAN, Hrachya SARGSYAN National Value System Impact on the Economy of Armenia	105
Irina UTIUZH, Natalia SPYTSIA, Alla SINITSYNA, Natella PAVLENKO Scientific and Educational Technologies in Human Capital Formation	112

PHILOSOPHY OF LAW	121
Hayk GRIGORYAN	122
Aggression as a Crime in International and National Criminal Law	
Davit HARUTYUNYAN, Lilit YEREMYAN	131
Freedom of Thought: Legal Protection from Manipulation	
Aghvan HOVSEPYAN	148
Patriotism and Armenian Statehood in the Norms of Armenian Law	
Lilit KAZANCHIAN	159
Features of Fundamental Rights in the Context of the Philosophy of Law	
PHILOSOPHY OF ART	166
Lucio GIULIODORI, Aisana BOLDYREVA, Anna BOBUNOVA,	167
Vladislav BORANENKOV, Elena NOTINA	
Surrealism between Psychological Investigation and Artistic Commitment	
NOTES TO CONTRIBUTORS	175
AUTHORS	178

EDITORS' FOREWORD

The Armenian State Pedagogical University after Khachatur Abovyan and the Editorial Board of *WISDOM* are delighted to present the 14th issue of the journal (the 1st of 2020) to the scientific community.

Given the growing number of respected and groundbreaking articles submitted to the journal three issues instead of two will be published per year.

The 16 articles published in the *WISDOM* 1(14), 2020 issue reflect and discourse the problems traditionally addressed in the various sections of the journal: *Epistemology, philosophy of science, metaphilosophy, argumentation, communication; Social and political philosophy; History of philosophy; Philosophy of art*. This issue is offering a novel section, *Philosophy of law*, which addresses the following matters: *fundamental rights in philosophy of law, freedom of thought and manipulation, aggression and*

crime, international and national criminal law, patriotism and Armenian law.

The observations, achievements and positive feedback received on the already published issues of the journal are the evidence of the significance and value of the articles published so far. The Editorial Board extends the sincerest gratitude to all the authors, reviewers, professional critics and assessors of the papers involved. We extend our special appreciation to Khachatur Abovyan Armenian State Pedagogical University's Administration for its consistent support for publishing the periodical.

Given the significance of the underlying principle of pluralism over scientific issues and freedom of speech, we should remind that the authors carry primary responsibility for the viewpoints introduced in their papers which may not coincide with those of the Editorial Board.

EPISTEMOLOGY, PHILOSOPHY OF SCIENCE,
METAPHILOSOPHY, ARGUMENTATION, COMMUNICATION

COMMUNICATION NOISE AS A DISCOURSE COMPONENT

Abstract

The paper focuses on the investigation of communicative noise at various levels of monocultural and intercultural communication. Communication noise is seen as a component of a communicative event, functioning as obstacles of different nature that lower the effectiveness of communication, destabilize it and are able to cause communicative conflict or the breakdown of communication. In linguistic pragmatics, the main features of communication noise have been identified as vagueness and ambiguity of a message: vagueness is characterized by a more significant degree of noise than ambiguity. The authors of the article have tried to probe more deeply into the area of communication noise by singling out levels of the communicative situation. The article offers a differentiation of five discourse levels: verbal-semiotic, cognitive-interpretational, interactive, ontological and sociocultural levels. The central part of the paper analyzes the barriers that cause communication noise at each of the offered levels of the communicative situation. The raised issues offer prospects for further research, such as investigating of noise effects in real communication, identifying a set of causes leading to communication noise, as well as noise-resistant factors, preventing or removing it.

Keywords: communication, discourse, communication noise, barrier, vagueness, ambiguity.

Introduction

Modern communicative linguistics and discourse analysis have recently registered decisive attempts to penetrate into the component structure of a communicative event (Eco, 1998; Leech, 1981; Lakoff, 1987; Frumkina, 2003; Makarov, 2003; Selivanova, 2010; Bigunova, 2019, et al.). Communication noise is seen as one of such components, defined as obstacles of different nature that lower the effectiveness of communication, destabilize it and are able to cause communicative conflict or the breakdown of communication. Ancient Greeks used the word

atopon (deprived of place) to define obstacles as utterances which cause surprise and do not meet the communicants' expectations.

In the philosophy of language, the issues of misunderstanding and communicative failure have long received a fair amount of attention. The first philosophers to raise those issues were Jain philosophers, ancient Indian religious thinkers, who as long ago as in IX–VI centuries B.C. differentiated among 100 karmas and organized them into two broad groups: those *impeding cognition* and those *impeding understanding*. Moreover, misunderstanding is known to be the primary basis for Jainism.

In the Middle Ages, T. Hobbes defined understanding is a sort of imagination. Understanding is, T. Hobbes (1994) says, “the imagination that is raised in man (or any other creature endowed with the faculty of imagining) by words or other voluntary signs” (p. 45). According to T. Hobbes, humans have a sort of understanding that other creatures lack. They can also understand the “conceptions and thoughts” (Hobbes, 1994, p. 45) of others from their uses of language.

Understanding is for T. Hobbes, the work of the faculty of imagination, and crucially involves language. An account of the workings of language is thus crucial for his having an account of the workings of the mind.¹

G. W. Leibniz (1989), a prominent German philosopher, says, “The senses, although they are necessary for all our actual knowledge, are not sufficient to give us the whole of it, since the senses never give anything but instances, that is to say, particular or individual truths. Now all the instances which confirm a general truth, however numerous they may be, are not sufficient to establish the universal necessity of this same truth, for it does not follow that what happened before will happen in the same way again. ...From which it appears that necessary truths, such as we find in pure mathematics, and particularly in arithmetic and geometry, must have principles whose proof does not depend on instances, nor consequently on the testimony of the senses, although without the senses it would never have occurred to us to think of them...” (p. 52).

In the 20th century, the workout of the first models of information output was followed by the definition of the components of communication noise developed by the American mathema-

ticians C. E. Shannon and W. Weaver in 1949 when they offered transmission model, which is still considered the most well-known and influential formal model of. The aim of C. E. Shannon was the signal transmission from source to destination through transmitter and receiver across the channel with minimal interference or error. The information theory was initially developed to separate noise from the signals carrying the information. W. Weaver extended and applied Shannon’s information theory for different kinds of communication (Shannon & Weaver, 1949).

W. Weaver reported that noise could be produced within the transmission and reception system, which has a physical nature or can be semantic, which can be the result of mismatching encoder and decoder or human interpretation. As W. Weaver found out, relative to the broad subject of communication, there might occur problems at three levels (technical, semantic, and efficacious). The *technical problems* are concerned with the accuracy of transference from the sender to the receiver of sets of symbols (written speech), or of a continuously varying signal (telephonic or radio transmission of voice or music), or of a continuously varying two-dimensional pattern (television), etc.² The *semantic problems* are concerned with the interpretation of meaning by the receiver, as compared with the intended meaning of the sender. The *effectiveness problems* are concerned with the success with which the meaning conveyed to the receiver leads to the desired conduct on his part (Shannon & Weaver, 1949).³

¹ See: Thomas Hobbes (Stanford Encyclopedia of Philosophy). <https://plato.stanford.edu/entries/hobbes/>.

² See: Recent Contributions to The Mathematical Theory of... <http://ada.evergreen.edu/~arunc/texts/cybernetics/weaver.pdf>.

³ See: EDRS PRICE DESCRIPTORS Syntax IDENTIFIERS ABSTRACT The... <https://files.eric.ed.gov/fulltext/ED079767.pdf>.

In W. Weaver and C. E. Shannon's model, the components of communication noise and the noise source determined the presence of two signals, which served a primary finding for one of the significant axioms of the theory of verbal communication, highlighting the absence of isomorphism between the transmitted information and meaning, perceived and interpreted by the addressee (Shannon & Weaver, 1949). In the further attempts on modelling the process of information transmission, the noise component was referred not to the transmission channel but to the signal itself (Eco, 1998, pp. 36-38), code (Yakobson, 1975), or all the constituents and operations of the communicative situation in modern information models.

The problem of communication noise in the theory of verbal communication was rediscovered when the problems of message effectiveness were touched upon. The psycholinguistic approach offered an insight into communication noise within the problem of speech perception, determined by the recipient's strategy to choose an optimal and effective way of perception judging by the correlation of signal and noise (Leontev, 1999, p. 132). There have been identified immunity factors which determine speech perception when the level of noise is increased: frequency of word usage, as the works of I. Goldiamond & W. F. Hawkins (1958), R. Frumkina (1995), D. Rothwell (2004) report, the significance of the transmitted information, as the works of A. A. Uhtomskiy (1950), A. A. Leontev (1999), R. C. Martin & M. L. Freedman (2001) report, cognitive operations of comprehending an interlocutor's message information content, as the works of C. Fillmore (1982), A. O. Oliinyk (2019) report.

U. Eco suggests that an everlasting tension within the process of communication indicates

the existence of double oppositional tendency. On the one hand, there exists a drive towards a homologation which works in the direction of simplification of communication in the sense that it renders the transfer of information null or it impoverishes the dialogical exchange. On the other hand, an opposite tendency encourages difference which itself improves that value of communication as such at the expenses of an increase of a degree of mutual untranslatability that inevitably renders the communication more arduous (Eco, 1989, p. 58).

U. Eco defines *aberrant decoding* as a "betrayal of the sender's intentions" and mentions the possibility that the addressee's codes and subcodes and context produce an interpretation unforeseen by the sender. In such cases, when the addressee cannot isolate the sender's codes or successfully substitute his own codes or subcodes for them, the message becomes *pure noise*.⁴

According to U. Eco, it is at the level of subcodes and actual circumstances that the content of messages can be changed. If we want to lower the risk of making a mistake caused by noise, we should complicate the code, i.e. insert redundancy elements which exclude entropy (disorder) and transform disorder into the system of preestablished probabilities (Eco, 1989). Thus, the more considerable the amount of information, the more complicated its communication; the clearer the message, the smaller the amount of information. For this reason, C. E. Shannon and W. Weaver consider information as directly proportional to entropy.

In linguistic pragmatics, the main features of communication noise have been identified as

⁴ See: Umberto Eco's Model of Communication - Semiotics. <https://semioticon.com/sio/courses/communication-and-cultural-studies/umberto-ecos-model-of-communication/>.

vagueness and ambiguity of a message: vagueness is characterized by a more significant degree of noise than ambiguity, though both features can cause noise or breakdown of communication (Leech, 1981, p. 12). According to G. Leech, vagueness can be eliminated by additional information related to the vague state of things, while ambiguity reflects two variants of interpretation and can be translated onto an intentional strategic programme of communicative interaction. Ambiguity can be eliminated utilizing further progress of interaction: it does not need demand any input of additional information (Leech, 1981, p. 12). As U. Eco (1998) remarks, an utterly ambiguous message is informative, but it trenches on noise (p. 79). The cognitive nature of vagueness is caused by the absence or incompleteness of interpretive frame (C. Fillmore's term), situation model or microstructure (T. van Dijk's term) in the recipient's mind which determine the understanding of a message. Ambiguity is based on the presence of two cognitive structures in the addressee's mind, the choice between which is made when the reader moves forward in a text or discourse.

As A. O. Oliinyk reports, a recipient is unable to grasp the meaning of the message for several reasons. Apart from the ambiguity of the meaning of the message, the speaker might be deceitful or dishonest, or his/her speech might be indistinct. Furthermore, the addressee himself/herself might be at fault if he/she is unable to make effective interpretative operations and thus gets incomplete mental representation of a communicative message. Thus, poor communicative skills, poor thesaurus, lack of background knowledge lead to communicative failure and misunderstanding (Oliinyk, 2019).

We have tried to probe more deeply into the area of communication noise by singling out lev-

els of the communicative situation. Following I. Susov's conception, discourse stratification implies three levels: formal-semiotic, cognitive-interpretational and social-interactive (Susov, 1988, pp. 7-13). The first one corresponds to the verbal-sign form of message or text; the second one corresponds to the content of the message that is interpreted by the addressee; the third one is linked to the interaction in a particular social environment that involves a set of intentions, strategies and responses of the communicants. We believe this stratification is grounded on the conception of unilateralism of a language sign, since the semiotic level is limited by a form only, and the information bulk located within this form produced by the addresser and interpreted by the addressee belongs to the second level. This conception is similar to Y. V. Tarasova's (2000) stratification of discourse, which includes cognitive, social-cultural and interpersonal levels of speech activity (p. 276). This classification lacks the sign level of speech, and the correlation of cognitive and interpersonal levels remains obscure, as any interaction is based on communicative competence, which has cognitive nature.

We offer differentiation of five discourse levels:

- **verbal-semiotic** level, manifested by sign potential of verbal and paraverbal means in a text or a message;
- **cognitive-interpretational** level, involving two content bulks of communication: the one produced by the addresser and the one perceived by the addressee;
- **interactive** level, involving the interaction of communicants, proceeding from their motives, intentions, strategical programmes and interpretations, as well as situational roles;
- **ontological** level, determined by the

communicative situation (place, time, their possible discreteness, conditions and circumstances of communication);

- **sociocultural** level, maintaining communicative interaction through social and cultural parameters (status and positional roles of communicants, the context of culture and social sphere, their norms and conventions). These levels are synergistically integrated and can not be separated, and they guarantee the interaction of all discourse components. Communication noise can occur at any of the levels.

At the verbal-semiotic level communication noise is manifested by the certain phonetic-prosodic organization of a message (speech impediment, speech difficulties, low voice, hesitations, wrong or non-motivated logical stress), incongruence as a discrepancy of verbal and paraverbal means, etc. It is considered that communication noise can also be caused by speech faults, however, it is worth mentioning that not all speech faults lead to communication noise: if the addressee is capable of semantic-syntactic and situational prognostication, the noise is minimized, since man's perception possesses a mechanism that can, on the one hand, segment the perceived speech and, on the other hand, can correct faults (*"Speech Methods and Mistakes"*, 1989, pp. 50-55). Noise effects produced by inevitable speech mistakes are easily eliminated by the context and the addressee's knowledge.

At this discourse-level barriers are also caused by increased use of metaphors which creates excessive connotational colouring. In literary discourse, for instance, excessive use of metaphors is a characterizing feature of P. Jakobson's prose. Describing events, as well as the protagonist's not entirely convincing reflections

and considerations, P. G. Wodehouse resorts to abounding use of metaphors, which creates the ironical effect, e.g.:

*"In a matter of seconds by Shrewsbury clock, as Aunt Dahlia would have said, I could see that she was going to come out with one of those schemes or plans of hers that not only **stagger humanity and turn the moon to blood** but lead to some unfortunate male – who on the present occasion would, I strongly suspected, be me – getting immersed in what Shakespeare calls **a sea of troubles** if it was Shakespeare"* (Wodehouse, 2009, p. 35).

Excessive use of metaphors and associativity occur as a result of adding certain lexicodes to the established code systems. Lexicodes are semantic codes for the codes (Eco, 1998, p. 72). In literary criticism, such a noise is defined as the effect of "alienation" used in theatre practice by B. Brecht or "defamiliarization" (also translated as "estrangement") introduced into metalanguage by the representatives of Russian formalism (Shklovsky, 1990). This effect is based on deautomatization of perception and understanding of familiar notions not within usual associations but as new things, never encountered before, and thus decoded with difficulty (Shklovsky, 1990, p. 6). This resulted in the conception of "abstruse language" as a language for impeded perception, e.g.:

*"It was several weeks before Irie understood that weathermen were **the secular antithesis** of Hortense's life work, which was, essentially, a kind of **super cosmic attempt to second-guess** the Lord with one **almighty biblical exegesis** of a weather report"* (Smith, 2001, p. 177).

At this level communication noise also occurs if a participant or participants do not understand the meaning of words: their attempts to interpret the vague meaning result in changing

the topic or in a comedic effect in dialogic speech reproduced in a fictional text. To illustrate the latter point here is an extract from M. Twain's novel in which Tom Sawyer and his friends are about to rob carriages on the road and keep them till they are ransomed. The trouble is that the boys do not know the word *ransom* and try to guess its meaning:

"Stuff! stealing cattle and such things ain't robbery; it's burglary," says Tom Sawyer. "We ain't burglars. That ain't no sort of style. We are highwaymen. We stop stages and carriages on the road, with masks on, and kill the people and take their watches and money."

"Must we always kill the people?"

"Oh, certainly. It's best. Some authorities think different, but mostly it's considered best to kill them – except some that you bring to the cave here, and keep them till they're ransomed."

"Ransomed? What's that?"

"I don't know. But that's what they do. I've seen it in books; and so of course that's what we've got to do."

"But how can we do it if we don't know what it is?"

"Why, blame it all, we've got to do it. Don't I tell you it's in the books? Do you want to go to doing different from what's in the books, and get things all muddled up?"

"Oh, that's all very fine to say, Tom Sawyer, but how in the nation are these fellows going to be ransomed if we don't know how to do it to them? – that's the thing I want to get at. Now, what do you reckon it is?"

"Well, I don't know. But per'aps if we keep them till they're ransomed, it means that we keep them till they're dead."

"Now, that's something like. That'll an

swer. Why couldn't you said that before? We'll keep them till they're ransomed to death; and a bothersome lot they'll be, too – eating up everything, and always trying to get loose" (Twain, 2012, p. 95).

At the verbal-semiotic level communication noise is also caused by:

- redundant economy and excessiveness of speech devices:

At last the detective came back on the line. "There's a smell about the man, but he's never been charged with anything."

"What do you mean, 'a smell'?"

"Well, he wanted to buy a hotel out Aberfoyle way, but the owner didn't want to sell. Then things started happening" (Beaton, 2001, p. 80).

- the lack of antecedent of pronoun metaphor or the lack of latent antecedent, which is present only in the addresser's mind, but not of which the addressee is unaware:

"She sat down on the edge of the bed and Pruney sat next to her, twisting a handkerchief in her nervous fingers.

"What is it?" asked Priscilla gently.

"He loved me."

"Who?"

"Captain Bartlett. He loved me," said Pruney, striking her bosom" (Beaton, 1987, p. 88).

- abundant number of mentioned people without any specifications and chaotic speech structure:

*"They asked me if I had any family. I said I did. They asked me who my family was. I said it was **Father**, but **Mother** was dead. And I said it was also **Uncle Terry**, but he was in Sunderland and he was Father's brother, and it was **my grandparents**, too, but **three***

of them were dead and **Grandma Burton** was in a home because she had senile dementia and thought that I was someone on television” (Haddon, 2012, p. 11).

- violation of the distribution of language units and grammatical coherence, the fragmentary character of speech:

“Martha never told me we had a guest. Forgive me if I appeared inhospitable... I--er... Oh, why doesn't somebody else say something” (Waugh, 2012, p. 45).

- ellipsis, compensated by further clarifying of matters:

“She said she was sorry for me and brought me cakes and scones. But I knew what she was after.”

“That being?” prompted Hamish.

She nodded her head towards a Welsh dresser. “That.”

“The dresser?”

“That platter wi’ the three women and the man on it” (Beaton, 2011, p. 77).

At the second (cognitive-interpretational) discourse level communication noise can be caused by the lack of common for the speaker and the addressee thesaurus fragments, background and encyclopedia knowledge, which greatly impedes communication. At this level communication noise is caused by:

- alogisms as lack of logic or some special logic, not clear to other people:

“In the present instance, there is absolutely nothing to say ‘Sir?’ about. The plan I have put forward is entirely reasonable and icily logical, and should excite no sirring whatsoever. Or don't you think so?”

“Well, sir-” (Wodehouse, 2015, p. 77).

- hints:

“When she had finished, John ordered

brandies and then leaned across the table and gazed into her eyes”.

“What about it, Agatha?”

Agatha looked at him, puzzled.

“What about what?”

“You and me making a night of it”

(Beaton, 2009, p. 108).

- speech paradox, based on the effect of expectation, resolved further in the text:

“They haff arrested the husband.”

“Paul Thomas? Why?”

“No’ him. Her first husband.”

“Her – ?”

“Aye, it turns out that lodger o’ theirs, John Parker, used tae be married to her” (Beaton, 2011, p. 59).

- mismatching of the interlocutors’ knowledge:

“You must know something!” says Jemima. ‘You slept with him, for goodness sake! He must have some secret. Some weak point.’ ‘An Achilles’ heel,’ puts in Lissy, and Jemima gives her an odd look. ‘It doesn't have to be to do with his feet,’ she says, and turns to me, pulling a ‘Lissy’s lost it’ face” (Kinsella, 2003, p. 298).

- difficulties of decoding the implication:

“Sorry,’ she said again, ‘but I don’t want to think about wills. I don’t want to think about money and stuff. It just seems – kind of grotesque.”

“Grotesque?” Tamsin said.

Amy picked the banana skin off the radiator and dropped it on the table.

She said, ‘Doesn’t matter—’

“It does matter,’ Chrissie said. ‘What do you mean, that hearing what’s in the will is grotesque?’”

“Well,’ Amy said, shuffling, ‘sort of wrong, then.”

“Wrong?” Tamsin said, with the same emphasis.

“Yes,’ Amy said, ‘because it isn’t just

us. Is it?" (Trollope, 2010, p. 32).

- lack of interrelationship of the situations that each of the communicants perceives in their own way:

"But you were going to tell me why you came here. Just for a chat about old times, was it?"

"It's with ref to that book you pinched from the Junior Ganymede".

"I wish you wouldn't use that word «pinch», he said, looking puff-faced. It was plain that I had given offence. I simply borrowed it because I needed it in my business. They'll get it back all right" (Wodehouse, 2004, p. 56).

- ciphered text which the addressee cannot decipher because he does not possess the key, as can be observed in C. Doyle's story "The Gloria Scott" (the note, which can be deciphered if one read only every third word):

"The supply of game for London is going steadily up," it ran. 'Head-keeper Hudson, we believe, has been now told to receive all orders for fly-paper and for preservation of your hen-pheasant's life" (Doyle, 2019, p. 301).

- deception, or deceit, leading the addressee into error (made-up stories about non-existent Bunbury in O.Wilde's play "The Importance of Being Earnest") (Wilde, 2002) and so on.

At the third (interactive) level communication noise is caused by:

- difference between communicative purposes and strategies of the communicants, communicative pressure, the wish to lower "the face status" of the interlocutor:

"Can I have a word with you, Wooster?"

"Of course, of course. Have several." He did not speak for a minute or so, filling in the time by subjecting me to a

close scrutiny. Then he gave a sigh and shook his head.

"I can't understand it," he said.

"What can't you understand, Spode old man or rather Lord Sidcup old man?" I asked in a kind voice, for I was only too willing to help this new and improved Spode solve any little problem that was puzzling him.

"How Madeline can contemplate marrying a man like you. She has broken our engagement and says that's what she's going to do. She was quite definite about it. «All is over», she said. «Here is your ring», she said. «I shall marry Bertie Wooster and make him happy», she said. You can't want it plainer than that" (Wodehouse, 2004, p. 77).

- the communicant's lack of interest in the communicative act, being absorbed in his/her problems:

"Don't go to the police."

"We won't go to the police," said Agatha. "And there's no evidence. All the evidence was burnt in the fire."

Mavis's eyes narrowed. "So where the hell do you pair get off, tormenting me?" She stood up. "Get out of here!" (Beaton, 1999, p. 94).

- the speaker's unwillingness to continue communication with the addressee, caused by an insult or a violation of the speech etiquette, a particular emotional state of the communicants, intimacy of the topic that has been touched upon, etc.:

"And what about you, Agatha?" asked Olivia. "Rose told us she remembered reading about you. Your husband was murdered just as you were about to marry James here. It's a wonder he's forgiven you."

"He hasn't and won't, ever," said

Agatha, her eyes suddenly filling with tears. "Excuse me." She rose to her feet and went to the toilet and leaned against the wash-hand basin" (Beaton, 1997, p. 40).

- the speaker's wish to avoid an undesirable topic:

"I've been looking for you," shouted Adam. "I want some money."

'Can't hear--what do you want?'

'Money.'

'It's no good--these infernal things make too much noise. What's your name? Lottie had forgotten.'

'Adam Symes.'

"Can't hear" (Waugh, 2012, p. 113).

- the use of implicit speech acts, hints, with the addressee's inability to identify the speaker's illocution:

"I am going everywhere that Wilbert Cream goes, and one speculates with some interest as to what the upshot will be. He resents my constant presence."

'Has he said so?'

'Not yet. But he gives me nasty looks.'

'That's all right. He can't intimidate me.'

I saw that she was missing the gist.

'Yes, but don't you see the peril that looms?'

'I thought you said it lurked.'

'And looms. What I'm driving at is that if I persist in this porous plastering, a time must inevitably come when, feeling that actions speak louder than words, he will haul off and bop me one' (Wodehouse, 2009, p. 29).

At the fourth (ontological) level communication noise is caused by the intervention of other people creating a new discourse and putting an end to the conversation with the previous interlocutor; irrelevant for the topic of the communication deviations impeding the perception of

communicants' speech; as well as irrelevance of circumstances and conditions of communication.

At the fifth (sociocultural) level communication noise is caused by ignoring social standards, communicative conventions, and speech etiquette (e.g., ignoring parents' or children's status, which is culturally determined, rudeness, insults), non-differentiation of institutional / non-institutional, or formal/informal communication, ignoring cultural stereotypes, norms, conventions, and values of a culture or subculture (e.g., communication with slang, jargon, or argot bearers), ignorance of precedential phenomena, culturally marked symbolic and paraverbal signals (e.g., the use of unacceptable for certain culture gestures, violating the distance between the communicants in intercultural communication, etc.).

Communication noise and its origin in intercultural communication were first investigated by R. Jakobson (1975) in his article "Linguistics and the theory of interrelation". Communication noise is said to be caused by lacune character of the interrelation between a particular linguocultural community with another one (Sorokin & Markovina, 1983; "Ethnic-psycholinguistics", 1988, p. 234). The intermediary of interlingual communication is translation as interpretation-based discourse, causing the collision of NOT ONLY two verbal codes, but also the codes of paraverbal level, as well as of culture and ontology (Selivanova, 2000, pp. 51-55).

The translator's inaptitude to compensate for the difference of the codes causes communication failure and communicative conflict. In order to avoid communication noise researchers recommend to use H.P. Grice's maxims. For instance, M. Clyne (1994) has come up with his own correction of H.P. Grice's maxims under the norms of intercultural communication. The Gri-

cean maxim of Quantity: “Make yourself as informative as is required. Do not make your contribution more informative than is required”⁵ (Grice, 1991) reads as follows in Clyne’s (1994) revision: “Make your contribution as informative for the purpose of the discourse, within the bounds of the discourse parameters of the given culture parameters (e.g. form/content, oral/literate, rhythm, directionality, concreteness/abstractness)”. The maxim of Quality: “*Do not say what you believe to be false. Do not say that for which you lack adequate evidence*” sounds in Clyne’s revision: “*Do not say what you believe to be in opposition to your cultural norms of truth, harmony, charity and/or respect*”. The Maxim of Manner “Avoid obscurity of expression” sounds in Clyne’s revision: “Do not make it any more difficult to understand than maybe dedicated by the question of face and authority” The submaxim “Avoid ambiguity” is reformulated to: “Make clear your communicative intent unless this is against the interests of politeness or of maintaining a dignity-driven cultural core value, such as harmony, charity or respect”. The submaxim “Be brief” is revised to: “Make your contribution the appropriate length required by the nature and purpose of the exchange and the discourse parameters of your culture”. The submaxim “Be orderly” is revised to: “Structure your discourse according to the requirements of your culture” (Clyne, 1994).

At the cognitive-interpretational level communication noise in intercultural interaction is caused by the discrepancy of the principles of reality categorization and that of inner reflexive experience in the ethnical conscience of two peoples (e.g., the perception of time in mono-

chronic and polychronic cultures, categorization of possessiveness in European languages and Melanesia; the classifiers of an Australian aboriginal tribe, analyzed by G. Lakoff (1987).

Through translation, experience specification reflected in a language encounters generalization in another language. Noise effects are also determined by the differences in the conceptualization of things and phenomena reflected in the verbal code (e.g., about 5000 names of camel, parts or its body and equipment in the Arabic language, more than a hundred names of snow in the languages of northern peoples).

At the sociocultural level of intercultural communication, noise is caused by the speaker’s lack of knowledge norms, regulations, and values of a foreign culture, its myths, stereotypes, symbols, precedential phenomena, etc. Communication noise is eliminated by the translator employing commentary and footnotes. To illustrate, in one of F. G. Lorca’s lectures communication noise is removed in the following fragment: “Let us also walk blindfold, leaving our eyes on the icy platter, so that St. Lucia wouldn’t plume herself anymore”. The communication noise is eliminated by a commentary: “According to a legend, St. Lucia struck herself blind not to attract admirers; she is usually depicted with a tray holding her eyes”. Sometimes a misunderstanding of foreign realia is removed by their substitution (Ukrainians call the Granada melody *villancico* a Christmas carol; for Mexican Indians who have never seen the sea, a fragment from the Bible about a trip overseas is translated as a trip beyond the swamp).

Mismatching of cultural-ontological spheres can utterly rebuild verbal coding in intercultural communication. Here is an example of such recoding reported by K. Kluckhohn (1949): when a Japanese was asked to translate a phrase from

⁵ See: Grice’s Conversational Maxims applied to Chatbot... <https://medium.com/swlh/grices-conversational-maxims-applied-to-chatbot-conversational-ux-design-e8c4ba670c41>.

The Constitution of The United States “Life, Liberty and the pursuit of Happiness”, he translated it as “permission to indulge in lust”.

The investigation of communicative noise at various levels of monocultural and intercultural communication, as well as the ways to avoid it results in working out recommendations for effective and optimal communicative interaction, harmonious relationship of communicants, their mutual understanding and cooperation. The raised issues offer prospects for further research, such as investigating of noise effects in real communication, identifying a set of causes leading to communication noise, as well as noise-resistant factors, preventing or removing it.

REFERENCES

- Beaton, M. C. (1987). *Death of a Cad*. London: St. Martin's Press.
- Beaton, M. C. (1997). *Agatha Raisin and the Terrible Tourist*. London: St. Martin's Press.
- Beaton, M. C. (1999). *Agatha Raisin and the Wizard of Evesham*. London: St. Martin's Press.
- Beaton, M. C. (2001). *Death of a Dustman*. London: Mysterious Press.
- Beaton, M. C. (2009). *Agatha Raisin and the Day the Floods Came*. London: C & R Crime.
- Beaton, M. C. (2011). *Death of a Perfect Wife*. London: C & R Crime.
- Bigunova, N. (2019, June). Cognitive Pragmatic Regularities in Communicative Manifestation of Positive Evaluation. *Lege Artis. Language Yesterday, Today, Tomorrow*. The journal of University of SS Cyril and Methodius in Trnava. Trnava: University of SS Cyril and Methodius in Trnava, IV(1), 2-46.
- Clyne, M. (1994). *Intercultural Communication at Work: Cultural Values in Discourse*. Cambridge: CUP.
- Doyle, A. C. (2019). *The Complete Sherlock Holmes*. London: Chartwell Books.
- Eco, U. (1989). *The Open Work*. Massachusetts: Harvard University Press.
- Eco, U. (1998). *Otsutstvuyushchaya struktura. Vvedenie v semiologiyu* (Absent Structure, Introduction to Semiology, in Russian). Moscow: Petropolis.
- Etnopsiholingvistika* (Ethnic-Psycholinguistics, in Russian). (1988). Moscow: Nauka.
- Fillmore, C. (1982). Frame Semantics. *Linguistics in the Morning Calm*, 111-137.
- Frumkina, R. M. (1995). *Pragmatika: novyiy vzglyad* (Pragmatics: A New Overlook, in Russian). *Semiotics and Informatics*, 34, 98-113.
- Frumkina, R. M. (2003). *Psikholingvistika* (Psycholinguistics, in Russian). Moscow: Akademiya.
- Goldiamond, I., & Hawkins, W. F. (1958). Vexerversuch: The Log Relationship between Word-Frequency and Recognition Obtained in the Absence of Stimulus Words. *Journal of Experimental Psychology*, 56(6), 457-463.
- Grice, H. P. (1991). Logic and Conversation. In H. P. Grice (Ed.), *Studies in the Way of Words* (pp. 22-40). New York: Academic Press.
- Haddon, M. (2012). *The Curious Incident of the Dog in the Night-time*. London: Vintage Digital.
- Hobbes, T. (1994). *Leviathan*. Indianapolis & Cambridge: Hackett Publishing Company.
- Kinsella, S. (2003). *Can You Keep a Secret?*

- London: Black Swan.
- Kluckhohn, C. (1949). *Mirror for Man*. New York: Fawcett.
- Lakoff, G. (1987). *Women, Fire and Dangerous Things*. Chicago: The University of Chicago Press.
- Leech, G. (1981). *Semantics*. London: Penguin Books.
- Leibniz, G. (1989). *Philosophical Essays* (R. Ar-iew & D. Garber, Eds. & Trans.) Indianapolis & Cambridge: Hackett Publishing Company.
- Leontev, A. A. (1999). *Osnovy psikholingvistiki* (The Basis for Psycholinguistics, in Russian). Moscow: Smysl.
- Makarov, M. L. (2003). *Osnovni teorii diskursa* (The Basis for Discourse Studies, in Russian). Moscow: Gnozis.
- Martin, R. C., & Freedman, M. L. (2001). Short-Term Retention of Lexical-Semantic Representations: Implications for Speech Production. *Memory*, 9(4/5/6), 261-280.
- Oliinyk, G. O. (2019). *Verbalni ta neverbalni zasoby vyrazhennia nerozuminnia v suchasnomu anhlomovnomu literaturnomu ta kinodykursi: kohnityvno-prahmatychni doslidzhennia* (Verbal and Nonverbal Communicative Means of Expressing Misunderstanding in Modern English Literary and Film Discourse: Pragmatic Cognitive Research, in Ukrainian). (PhD thesis). Odessa: Odesa I.I. Mechnikov National University.
- Rechevyie priemy i oshibki: Tipologiya, derivatsiya, funktsionirovanie* (1989). (Speech Methods and Mistakes: Typology, Derivation, Functioning, in Russian). Moscow: Prosveshchenie.
- Rothwell, D. J. (2004). *In the Company of Others: An Introduction to Communication*. New York: McGraw Hill.
- Selivanova, O. O. (2010). *Linhvistychna entsyklopediia* (Linguistic Encyclopedia, in Ukrainian). Poltava: Dovkillia-K.
- Selivanova, Y. A. (2000). *Lingvokulturnyi aspekt komunikativnogo shuma* (Linguocultural Aspect of Communication Noise, in Russian). *International Scientific Conference LINGVAPAX 8*. Kiev: UNESCO, KSLU, 3, 51-56.
- Shannon, C. E., & Weaver, W. (1949). *The Mathematical Theory of Communication*. Urbana, IL: University of Illinois Press.
- Shklovsky, V. (1990). *Theory of Prose*. (B. Sher, Trans). McLean, IL : Archive Press.
- Smith, Z. (2001). *White Teeth*. London: Penguin.
- Sorokin, Yu. A., & Markovina, I. Yu. (1983). *Opyt sistemizatsii lingvisticheski i kul'turologicheskii lakun* (Experience of Systematization of Linguistic and Culturological Lacunes, in Russian). In *Lexical Units and Organization of Text Structure* (pp. 215-257). Kalinin: Kalinin State University.
- Susov, I. P. (1988). *Deyatelnost, soznanie, diskurs i yazykovaya skhema* (Activity, Conscience, Discourse, and Language Scheme, in Russian). In *Speech Communication: Processes and Units* (pp. 7-13). Kalinin: Kalinin State University.
- Tarasova, E. V. (2000). Rechevaya sistemnost' v terminakh (Speech Systematization in Terms, in Russian). *The Journal of V. N. Karazin Kharkiv National University*, 471, 276-283.
- Trollope, J. (2010). *The Other Family*. New

- York: Transworld Digital.
- Twain, M. (2012). *The Adventures of Tom Sawyer*. London: Vintage Digital.
- Uhtomskiy, A. A. (1950). *Sobranie sochineniy* (Complete Works, in Russian). Leningrad: Leningrad state university.
- Waugh, E. (2012). *Vile Bodies*. New York: Hachette.
- Wilde, O. (2002). *The Importance of Being Earnest*. London: Penguin Books.
- Wodehouse, P. G. (2004). *Much Obligated, Jeeves*. New York: Everyman.
- Wodehouse, P. G. (2009). *Jeeves in the Offing*. New York: Cornerstone Digital.
- Wodehouse, P. G. (2015). *Right Ho, Jeeves*. London: Otbebook publishing.
- Yakobson, R. (1975). *Lingvistika i poetika* (Linguistics and Poetics, in Russian). *Structuralism: "for" and "against": a collection of articles*, 193-230.

DIGITALIZATION OF COMMUNICATION AND THE SPIRAL OF SILENCE THEORY

Abstract

This article discusses the issue of the influence of digital technologies on manifestations and transformation of the spiral of silence phenomenon. An analysis is given on the role of the Internet as a public sphere, and the results of recent researches on the spiral of silence manifestations on online-based platforms are discussed. The author comes to the conclusion that manifestations of the spiral of silence are crucial in the process of the development of the Internet as a public sphere, and, communicative, technological and social-psychological factors, discussed in this paper, will determine whether and how online-based platforms will enhance democracy.

Keywords: spiral of silence, digital communication, media, Internet, social media, information, public sphere.

Introduction

The spiral of silence theory is one of the most remarkable approaches regarding public opinion and its role in society. It was developed in the 1970s by German political scientist and sociologist Elizabeth Noelle-Neumann. The theory is based on the irrational approach towards public opinion, which is perceived to control the members of society and keeps its integrity by defining what is moral or immoral, good or bad, right or wrong. Noelle-Neumann develops the key concepts of her theory based on previous philosophical approaches of public opinion. In particular, she highlights Russo's view, who considers public opinion as an unwritten law and discusses its power from a moral point of view, instead of intellectual. The views of John Locke, James Madison and David Hume regarding the relationship of individual and society were also

fundamental for Noelle-Neumann in developing one of the key concepts of her theory - the irrational fear of isolation. The significance of her theory is that besides combining these approaches, she provided them with empirical base due to numerous researches through years.

The spiral of silence theory has faced many challenges, the most important of which was the rise of online public space as one of the main platforms of opinion expression. Many studies have been conducted in recent years to reveal whether the theory works on digital platforms. However, the results are contradictory and suggest a mixed picture. On the one hand, digitalization of communication enhanced information and opinion sharing opportunities and provided a space for open and horizontal communication. On the other hand, the architecture of these privately owned spaces shaped new rules, different from face to face communication. Thus, not all

researchers today share the early optimistic view regarding the Internet as a public sphere, which was expected to increase the user's willingness to express an opinion, boost rational debates and enhance democracy.

Public Opinion according to the Spiral of Silence Theory

Elizabeth Noelle-Neumann articulated her theory as an attempt to explain the willingness to express an opinion based on a few social and psychological approaches interpreting group thinking and behaviour (Athanesyan & Ter-Harutyunyan, 2017, pp. 79-84). According to Noelle-Neumann (1996), the guiding mechanism leading [to] opinion expression in public is the **irrational** feeling of being isolated (p. 40). If people consider their opinion as dominant or likely to become such, they tend to express it publicly. If they decide that opinion is on the minority side or is likely to become such, they tend to show conformity and choose to remain silent (Liu & Fahm, 2011, pp. 46-47).

Noelle-Neumann contradicts her theory to those approaches, which explain human behaviour and public opinion from the point of view of rationalism and which dominated among academics through the 19th and 20th centuries. These approaches identified public opinion with rationality, which they assumed as a process of knowledge gaining through intelligence and forming logical judgments based on it (Childs, 1965; Sauerwein, Dafoe, Stern-Rubarth., Haswell Lutz, Dwight Lasswell, & Wright, 1933; Speier, 1950; Young, 1923). Noelle-Neumann states that such an approach shows only the hidden function of public opinion - opinion formation under democracy. Whereas public opinion also has a latent function, neglected by rationalist approaches –

social control through the irrational fear of being isolated.

Noelle-Neumann (1996) defines public opinion as a morally shaped opinion and behaviour, which is necessary to show off around people without being afraid of isolation (p. 282). It is based on the non-conscious intention of people, living in a certain community, to gain agreement necessary for decision making and taking action in certain circumstances. The author analyzes public opinion as a social-psychological process of social control, which is rooted in an individual's fear of being isolated. Public opinion is the society's "social skin" maintaining its integrity and vitality. Despite driving people to conformity and restricting their freedom, public opinion is still necessary for them and society in general.

Another basic premise of Noelle-Neumann's (1996) theory is that people are rather perceptible towards public opinion climate and have a certain notion about it by scanning their environment despite any statistical data available (p. 47). Therefore, the so-called "quasistatistical ability to evaluate public opinion climate" does not mean that people are able to feel it accurately. Noelle-Neumann considers isolation from dissent groups as the main factor weakening that ability and causing a phenomenon she calls "pluralistic ignorance". The less opinion congruency between representatives from opposite poles, the stronger polarization is (Noelle-Neumann, 1996, pp. 222-240).

In the process of environmental monitoring, people's evaluation of public opinion climate is shaped through direct and indirect channels. Direct channels include face to face discussions, communication during protests and other actions. The main indirect channel is the media, which presents opinion polls results, polls conducted on the streets, general sentiment of news, etc. (Kim,

2017, p. 3). Noelle-Neumann stresses the importance of media information, which often becomes the only available reality for people. The media sets issues and structures them, thus setting agenda. It also assures an individual's selective perception and protects from cognitive dissonance (Noelle-Neumann, 1996, pp. 237-240). Stereotypes play a significant role in this process triggering conformity and making the discussed topic clearer. Besides discussion topics, the media also provides people with the necessary vocabulary for expressing their opinion.

The spiral of silence theory raised many discussions among academics and drove researchers from various disciplines to test its main hypotheses. The meta-analyses conducted in 1997 demonstrated that perceptions of public opinion climate have a little, but statistically significant impact on the willingness to express an opinion (Glynn, Hayes, & Shanahan, 1997). The authors explain the mixed results by the methodological issues the theory faced since Noelle-Neumann has started its testing. They assume that the results might differ if the researchers had observed people's actual behaviour instead of asking how they would behave in a hypothetical situation. New meta-analyses conducted in 2017 included the application of the theory on the web (Matthes, Knoll, & von Sikorski, 2018). It states a positive correlation between perceived opinion climate and the willingness to express an opinion, moreover, the spiralling process in digital platforms does not decrease. It is notable that the research results were the same in Europe, USA and Asia, which demonstrates that the spiral of silence works both in individualist and collectivist societies. It is worth to mention that not all surveys confirm the absence of cultural differences. Some authors, however, claim that attitudes towards the willingness to express opinion

differ among societies. In the USA a man expressing his own opinion is perceived as competent, friendly and intelligent. Whereas in collectivist societies expressing opinion may be considered as impolite. A research conducted in Singapore did not reveal any correlation between an individual's free or community-oriented self-concept and his or her willingness to speak out (Willnat, Lee, & Detenber, 2002). Such a mixed picture proves that intercultural research on the spiral of silence theory is still needed.

The Main Features of Digital Platforms

In the 1990^s as a result of the rise of digital technologies and the World Wide Web the spiral of silence theory received a renewed attention, raising new questions: will the spiralling process continue in the computer-mediated environment and, if it does, how? To answer these questions first, we need to analyze the Internet as a public space. According to Manuele Casstels (2001), the main features of the web are its openness and horizontal and free communication (pp. 54-55). These characteristics brought to democratization and globalization of public space and public opinion, thus bringing public discourse to a transnational level (Iosifidis & Wheeler, p. 21). In parallel, the researchers got the opportunity to study the spiral of silence phenomenon in behavioural level instead of using hypothetical situations they used to suggest before.

Despite early expectations that enhanced technological and communicational opportunities will make the Internet one abstract place or a global village, where people will be involved in public discussions, researchers still don't have a clear answer whether the Internet is a public space or a public sphere. According to the con-

cept's author, Jurgen Habermas, the public sphere is an abstract mediation between the state and society, a discursive arena where individuals engaged in rational discussion, deliberation, agreement and action in order to attain a democratic consensus and, ultimately, to achieve a common good, in an egalitarian and pluralistic environment (Malaspina, 2014, pp. 29-32). The development of the World Wide Web since its invention has demonstrated that the processes occurring in online-based spaces do not much the mentioned Habermasian definition of the public sphere.

On the web, people's involvement in public discussions has been rapidly growing, but not everyone and not equally got access to them. The equality may be injured by technological or network limitations and low level of media literacy. Even in the case of equal technology, those with a low level of income and education use the web for different purposes than those with higher income and education level (Lupton, 2015, p. 124). For the latter digital technologies serve as a means to improve their own cultural, economic and educational level, whereas those with low income and educational level tend to use the web mainly for social interactions and virtual games (van Deursen & van Dijk, 2014, pp. 510-511).

Yochai Benkler has made an attempt to integrate Habermas's approach with network theory. He considers the networked structure of the web and its topology as key factors affecting the spread of information online. It enables enough saturation for the links and prevents fragmentation or information flow control by one of the network nodes. In the 1990s due to the development of information economy, new websites and blogs were developed, which were free from advertising and sponsorship and published news in non-traditional journalistic approach, free from

"fashionable" opinions and tastes (Rasmussen, 2014, pp. 1322). However, it is worth to mention that digital technologies took rise under capitalism, which drove to their inevitable commercialization. Like television, online-based platforms became overloaded with advertising, which brought their commercial functions to the first plan. At this rate, free platforms with modest resources for promotion are put in a less beneficial condition.

Johanna van Dijk also states that commercialization of online-based platforms affects the quality of online social interactions. Social media blurred barriers between private, corporate and public spaces and determines the nature of social actions (van Dijk, 2013, pp. 18-23). The author uses the term "culture of connectivity" to define these processes. The cultural experience in social media is shaped by algorithms, protocols and defaults. As a result, sociality is being modified by coded structures and digital architecture. Users realize that their data can be used for commercial purposes, and still they continue active, communicative practices, as social media provides them with the best platform for the Castellan mass self-communication. The hierarchic and competitive structure of social media also triggers the users to seek for more popularity and to be more active. In today's attention economy, social media produces such key values as attention and reputation. Facebook's business model is based on these values, and the user's will to share data. In this regard, critics of social media warn about risks regarding privatization of web spaces by corporations. Van Dijk (2013) notes that in the modern online environment only Wikipedia, not being co-opted by big business, remains as "an uncomfortable reminder of what the Web could have been" (p. 16).

Christian Fuchs (2014) highlights three

main social media antagonisms which hinder the formation of a democratic public sphere in these platforms (p. 78):

- **Economic** - Users' interest in data protection and corporate tax accountability on the one side and corporate tax accountability on the one side, and corporations' interest in user data's transparency/commodification and corporate secrecy on the other side.
- **Political** - Citizens' interest to hold the powerful accountable and protect communications from powerful institutions' access on the one side, and on the other side power holders' interest to keep power structures secret and to criminalize the leaking and making-public of any data about them.
- **Civil society** - Networked protest communication that creates public political spheres online and offline, and the particularistic corporate and state control of social media that limits feudalizes and colonizes these public spheres.

The author assumes that above-mentioned antagonisms colonize the public sphere on social media by corporations and state. Therefore, social media, despite its potential to become a public sphere, actually is not public and free and challenges the main postulates of classical liberalism. This contradicts the Habermasian understanding of public sphere, who considers it not just as a sphere of political communication, but a sphere free from economic and political power, censorship and ownership (Habermas, 1996, p. 377).

One of the obstacles for the democratic potential of the web is the difficulty to check manipulative online information (Holt, 2004, pp. 16-20). Of course, this issue is familiar to non-digital mediums also, but the problem of fake information across digital platforms is more

complicated considering the volume and speed of its spread. If in the case of television, the source of manipulative information is the media itself, on social networking platforms, the users also become one of its spreading sources. Recent research on Twitter has revealed that fake news stories are 70% more likely to be retweeted than truthful ones (Vosoughi, Roy, & Aral, 2018). It is worth to mention that the potential of online-based platforms to shape the public sphere depends not only on technology but also on society's political culture (McChesney, 1995, pp. 105-106). Castells states that under political legacy crisis, the web cannot be a solution itself for it. Despite open, free and horizontal communication, barriers between gossips, fake and valuable political information get more and more blurred. As a result, it gets more difficult for politicians to rely on informational tools (Castells, 2001, pp. 155-158).

At the rise of World Wide Web development forums and blogs were the main platforms for online discussions. Here the users could register with anonymous accounts, which provided optimism for many researchers that the web could become a public sphere. Anonymity was supposed to reduce negative sanctions towards the ones expressing the minority opinion, as users were not physically present at the discussion and could hide their real identity. However, further studies did not completely support this assumption (Yun & Park, 2011; Porten-Cheé & Eilders, 2015; Liu & Fahm, 2011).

At the beginning of 2000s, the rise of the Web 2.0 revitalized the development of social media providing new opportunities for two-sided mass communication and digital media based on participation and interactivity. Social media sites rapidly grew and became the main online platform for opinion expression and public discus-

sions, outgoing forums and blogs. Social media sites are both public and private platforms, where users can express their opinion through a public or private status and a message. They combine interpersonal and mass communication.

Van Dijk highlights the following characteristics of social media as a mass communication medium (van Dijck & Poell, 2013, pp. 5-11):

- Programmability - the ability of a central agency to manipulate content in order to define the audience's watching experience as a continuous flow.
- Popularity - mass media's power in terms of agenda-setting or pushing certain topics to the fore and make their popularity measurable and quantified.
- Connectivity - the ability of a social platform to connect the content, users activities and advertisers.
- Datafication - the ability of networked platforms to render into data many aspects of the world that have never been quantified before.

As we shall see further, abovementioned features significantly determine the degree the spiral of silence theory can be applied to the online setting and on social media platforms in particular.

The Factors Affecting Opinion Expression and Modernization of Spiral of Silence Theory in Frames of Digitalization

The rise of social media platforms brought new challenges for researchers of the spiral of silence theory. The research methodology for applications of the theory on social media vary, and the results are mixed. One of the first researches on the topic, conducted by Gearhart and Zhang, have revealed that the spiral of silence

continues spinning on Facebook, as users' network on this platform is mainly based on their offline connections. The will of self-censorship also has a negative influence on the user's decision to leave a public comment on a specific topic (Gearhart & Zhang, 2014).

Some researchers have shown that the interest in politics, level of trust and participation and persistency of political views also contribute to online political activism (Hayes, Smock, & Carr, 2015). Other studies have revealed that like of-line environment, where a small network may stimulate opinion expression, on social media the bigger the network and its member's opinion diversity are, the lower an individual's willingness to express an opinion is (Brandade, Lidars, & Skjetne, 2010). Moreover, users with large online network tend to delete their publications more often. Despite the controllability of information disclosure through changing privacy settings on social media, even publications available only for friends may reach bigger audiences, than a face to face conversation in train. Such publicity may also decrease the willingness to express an opinion. The number of online friends and opinion diversity may also cause an information overload, which prompts inaccurate perceptions of public opinion and pluralistic ignorance.

Another basic feature of social media that deserves close attention is its unique toolkit different from face to face communication. Here an opinion can be presented as a short comment with or without links, which contains more information than could be presented under face to face communication. Hypertext allows to accomplish a verbal opinion with audio and visual content or present it in non-direct forms, using symbols and visual tools. Finally, on social media, users can express their opinion simply using

“like”-s and reactions. Many social media users actively follow discussions, but don’t comment or limit their reaction to a “like”. As a result, civic participation also transforms on social media. Digital communicative actions become the main indicator of participation, thus digitizing it and limiting actions to a discourse of the issue.

Due to mass communication on social media users’ opinions quickly reach not only their online friends but also other audiences outside their network. Online media also contributes to this process, often sharing opinions not only by public figures or politicians but also by ordinary users. Thus, users’ opinions on social media are not just shaping public opinion: they become news. Users get informed about public opinion without the media’s agency, directly from their online friends, friends of friends, etc. Journalists and media no longer play the role of goalkeepers in the process of news flow. Users are news creators and consumers, and the content they create serves as news and means of interpersonal communication at the same time.

One of the key factors affecting the shaping of public opinion on social media is the news consumption culture. Unlike traditional media, news on social media surrounds people constantly and everywhere. News is consumed in parallel with entertaining content and is often presented in an entertaining format, thus boosting infotainment. In this regard it is worth to mention Habermas’s (1996) worries regarding the increase of the role of advertising in the public sphere, as a result of which economic logic spreads through the media and depoliticizes it: “Reporting facts as human-interest stories, mixing information with entertainment, arranging material episodically, and breaking down complex relationships into smaller fragments - all of this comes together to form a syndrome

that works to depoliticize public communication” (p. 377). On contemporary social media platforms, this can be considered as the main tendency for communication and public discussion practices. Therefore, the spread of information and its consumption on social media, despite its technological advances and networked structure, not always enhances democratic discourse. Basically, we deal with communication for the sake of communication and McLuhan’s famous phrase “Medium is the message” can be reformulated as “Communication is the communication” or, as Castells cited: “Network is the communication”.

Today’s news consumption culture is also affected by digitalization and new rules of the media market. While setting agenda newsmakers are guided by marketing strategies trying to catch the audience’s emotional reactions and satisfy their preferences. The audience is a busy and distracted mass of consumers, which must be satisfied at any price, even trampling on the principles of journalistic professionalism (Coleman & Blumer, 2009, pp. 42-67).

The algorithmic logic of social media also plays a significant role in news consumption and public opinion formation. The algorithms decide which publications a user can see, based on his or her online behaviour. This contains risk of polarization, as a user starts seeing homogenous content, which usually interprets issues from one point of view. But the algorithms are only one side of the problem, besides human cognitive and psychological factors. People tend to search for information confirming their beliefs (Schulz & Roessler, 2012, pp. 357-359). As a result, diversity of opinions creates an isolated homogenous environment instead of stimulating discussions between opposite poles (Wilhelm, 2000, pp. 86-104). Such homogenous environments, called echo chambers, make fake diversity of

opinions and surround a user with similar views. These processes are another key factor resulting pluralistic ignorance: a representative from each pole surrounded mainly with one point of view ascribes it to the majority.

In 2014-2015 Eytan Bakshsi and other researchers studied publications of 10.1 mln Facebook users, who actively expressed their political orientation online (Bakshy, Messing & Adamic, 2016). Three groups of users based on political orientation have been discovered - liberals (4.1 mln), moderate users (4.4 mln) and conservatives (4.4 mln). These groups vary not only by political orientation but also topics of shared publications and link sources. One of the key findings of the research is that in the cascade of ideological filters, besides the network and algorithms, the main obstacle to get familiar with dissent views is the user's free will: they tend to read publications by like-minded people and dislike the ones made by representatives of the opposite pole. The homogenous environment on social media contributes to the formation of a close circle of like-minded opinions. The risk of negative feedback also decreases the users' willingness to express an opinion (Gearhart & Zhang, 2015). Lee and Famm (2011) consider the latter a key factor triggering the spiral of silence process online. They argue that isolated homogenous environment can stimulate opinion expression on social media, but at the same time, it contributes pluralistic ignorance. Homogeneity of social media refers not only to the content but also to the sentiment of opinions. Some researchers have demonstrated that political discourse on social media is mainly irrational, emotional and aggressive (Malaspina, 2014). In particular, publications representing the majority's opinion on Twitter have a higher level of emotionality than those of the minority (Luo, Li, Wang, Xue, Liu,

& Wang, 2016).

Another important factor affecting the willingness to express an opinion on social media is the self-presentational concern. Social media has become one of the main platforms for individual's self-expression and public image presentation. Any published information becomes a part of users' digital identity and functions as a symbol for their self-presentation. Although some researches have revealed a positive correlation between self-presentation on Facebook and willingness to express political views, everything depends on the purpose and character of self-presentation. If a man is tended to an acquisitive self-presentation, which aims to form a long-term positive public image, he or she is expressing opinion more actively. If an individual's self-presentation is protective and aims to avoid criticism, he or she will avoid speaking under high opinion diversity (Lia, Raymond, & Xi, 2017).

Some researches have shown that the willingness to express an opinion on social media is determined by the observation of public opinion. It is notable that in some cases, it affects the willingness to express an opinion and the fear of isolation does not (Xiaodong & Li, 2016). This is explained by the domination of weak ties on the digital environment and the easiness to apply negative sanctions towards those with the opposite opinion. Neubaum and Cramer also emphasize the role of situational factors which determine an individual's fear of isolation (Neubaum & Krämer, 2016). They assume that various contextual factors, such as familiarity of the audience or communication channel, the effect on an individual's expectations concerning negative sanctions if he/she represents the minority's view. Interestingly, the research has demonstrated that people tend to express deviant opinion in offline environment and for unfamiliar audiences

more often than they do on Facebook. Authors explain this with negative sanctions and the easiness to apply them on online-based platforms. Other studies have shown another factor affecting the willingness to express an opinion on social media - opinion congruency (Hampton, Rainie, Lu, Dwyer, Shin, & Purcell, 2014). People avoid speaking out when they notice that their opinion differs from the one among their online network or general public opinion (Dubois & Szwarc, 2018).

Conclusion

Analyses of the Internet as a public sphere shows that applications of the spiral of silence in this multilevel and complicated environment are specific and contradictory. On the one hand, it offers new technological and communicative features for discussion and opinion expression, which differ from face to face communication; on the other hand, it maintains some characteristics of offline sociality.

As a result of the analyses, the following factors determining applications of the spiral of silence on the online-based environment can be highlighted:

- Social media platforms, due to their logic based on connectivity and popularity, have become the main space, where people express their opinion.
- Social media platforms are owned by corporations with business models aimed to get profit.
- Online media is commercialized, and web content is colonized by corporations.
- A different news consumption culture is being developed based on infotainment and news flow, constantly surrounding the users.

- Brain's cognitive processes prompt the users to seek and share information and opinions confirming their existing beliefs.
- The polarized and homogenous environment is raising new forms of pluralistic ignorance.
- Open and horizontal communication and easy-to-use online tools and platforms stimulate the opinion expression, but, at the same time, make the fear of being criticized one of the key factors prompting the spiral of silence.

The researches have not provided a comprehensive answer to the question – whether the spiral of silence spins on social media. However, contradictory conclusions provide a stimulus for new research, especially considering the value of the question in the context of the web as a public sphere. Basically, the spiral of silence on social media affects the web's democratic potential and its further research can shed light to another key question – will the web ever transform into a public sphere from a public space? These questions are important from the philosophical point of view as well, as they will provide a new empirical basis for further understanding of the individual-society relationship and the role of public opinion in it.

REFERENCES

- Athanesyan, A. V., & Ter-Harutyunyan, A. S. (2017). *Sovremennye kriticheskiye teorii SMI, Aktual'nye voprosi massovoi informatsii i politicheskikh komunikatsii* (Contemporary Critical Theories of Media. Actual Questions of Mass Information and Political Communication, in Russian). Yerevan: YSU Publication.

- Bakshy, E., Messing, S., & Adamic, L. (2016). Exposure to Ideologically Diverse News and Opinion on Facebook. *Science*, 348(6239), 1130-1132.
- Brandtzaeg, P. B., Lidars, M., & Skjetne J. H. (2010). Too Many Facebook “Friends”? Content Sharing and Sociability Versus the Need for Privacy in Social Network Sites, *International Journal of Human-Computer Interaction*, 26, 1006-1030.
- Castells, M. (2001). *The Internet Galaxy. Reflections on the Internet, Business, and Society*. Oxford University Press.
- Childs, H. (1965). *Public Opinion: Nature, Formation, and Role*. Princeton University Press.
- Coleman, S., & Blumler, J. (2009). *The Internet and the Democratic Citizenship, Theory, Practice and Policy*. Cambridge University Press.
- Dubois, E., & Szwarc, J. (2018). Self-Censorship, Polarization, and the “Spiral of Silence” on Social Media. *Policy & Politics Conference*. Retrieved April 08, 2020 from: <http://blogs.oii.ox.ac.uk/policy/wp-content/uploads/sites/77/2018-08/IPP2018-Dubois.pdf>.
- Fuchs, Ch. (2014). Social Media and the Public Sphere. *Journal for a Global Sustainable Information Society*, 12(1), 57-101.
- Gearhart, Sh., & Zhang, W. (2014). Gay Bullying and Online Opinion Expression: Testing Spiral of Silence in the Social Media Environment. *Social Science Computer Review*, 32(1), 18-36.
- Gearhart, Sh., & Zhang, W. (2015). “Was It Something I Said?” “No, It Was Something You Posted!” A Study of the Spiral of Silence Theory in Social Media Contexts. *Cyberpsychology, Behavior and Social Networking*, 18, 208-213.
- Glynn, C. J., & Park, E. (1997). Reference Groups, Opinion Intensity, and Public Opinion Expression. *International Journal of Public Opinion Research*, 9(3), 213-232.
- Glynn, C., Hayes, A., & Shanahan, J. (1997). Perceived Support for One’s Opinions and Willingness to Speak out: a Meta-Analysis of Survey Studies on the “Spiral of Silence”. *The Public Opinion Quarterly*, 61(3), 452-463.
- Habermas, J. (1996). *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*. Cambridge, MA: MIT Press.
- Hampton, K. N., Rainie, L., Lu, W., Dwyer, M., Shin, I., & Purcell, K. (2014). Social Media and the ‘Spiral of Silence’. *Pew Research Center: Internet & Technology*. Retrieved February 29, 2020 from: <https://www.pewinternet.org/2014/08/26/social-media-and-the-spiral-of-silence/>.
- Hayes, R., Smock, A., & Carr, C. (2015). Face[book] Management: Self-Presentation of Political Views on Social Media. *Pew Research Center: Internet & Technology*. Retrieved February 29, 2020 from: <https://www.tandfonline.com/doi/full/10.1080/10510974.2015.1018447>.
- Holt, R. (2004). *Dialogue on the Internet: Language, Civic Identity, and Computer-Mediated Communication Civic Discourse for the Third Millennium*. Greenwood Publishing Group.
- Iosifidis, P., & Wheeler, M. (2016). *Public Spheres and Mediated Social Networks in*

- the Western Context and Beyond*. London: Palgrave Macmillan.
- Kim, S., Han, M., Shanahan, J., & Bernays, V. (2004). Talking on “Sunshine in North Korea”: A Test of the Spiral of Silence as a Theory of Powerful Mass Media. *International Journal of Public Opinion Research*, 16(1), 39-62.
- Kim, S.-H. (2017). *Spiral of Silence: Fear of Isolation and Willingness to Speak Out*. Retrieved February 29, 2020 from: <https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118783764.wbieme0037>.
- Lia, Y., Raymond, J., & Xi, C. R. (2017). Are People Willing to Share their Political Opinions on Facebook? Exploring Roles of Self-Presentational Concern in Spiral of Silence. *Computers in Human Behavior*, 76, 294-302.
- Liu, X., & Fahm, Sh. (2011). Exploring the Spiral of Silence in the Virtual World: Individuals’ Willingness to Express Personal Opinions in Online versus Offline Settings. *Journal of Media and Communication Studies*, 3(2), 45-57.
- Luo, L., Li, M., Wang, Q., Xue, Y., Liu, Ch., & Wang, Zh. (2016). Spiral of Silence in Social Networks: A Data-Driven Approach. *Proceedings of IEEE/ACM International Conference on Advances in Social Networks Analysis and Mining (ASONAM)*. doi: 10.1109/ASONAM.2016.7752359.
- Lupton, D. (2015). *Digital Sociology*. New York: Routledge.
- Malaspina, C. (2014). The Spiral of Silence and Social Media: Analysing Noelle-Neumann’s Phenomenon Application on the Web during the Italian Political Elections of 2013. *London School of Economics and Political Science*, 29-32.
- Matthes, J., Knoll, J., & von Sikorski, Ch. (2018). The “Spiral of Silence”. Revisited: A Meta-Analysis on the Relationship between Perceptions of Opinion Support and Political Opinion Expression. *Communication Research*, 45(1), 3-33.
- McChesney, R. (1995). The Internet and US Communication Policy-Making in Historical and Critical Perspective. *Journal of Computer-Mediated Communication* 1(4). Retrieved February 29, 2020 from: <https://academic.oup.com/jcmc/article/1/4/JCMC142/4584372>.
- Neubaum, G., & Krämer, N. (2016). What Do We Fear? Expected Sanctions for Expressing Minority Opinions in Offline and Online Communication. *Communication Research*, 45(2), 139-164.
- Noelle-Neumann, E. (1996). *Obshchestvennoe mnenie. Otkritie spirali molchaniya* (Public opinion. The Discovery of Spiral of Silence, in Russian). Moscow: Progress-Academy publishing-house.
- Provencher, P., & Eilders, Ch. (2015). Spiral of Silence Online: How Online Communication Affects Opinion Climate Perception and Opinion Expression Regarding the Climate Change Debate. *Studies in Communication Sciences*, 15(1), 143-150.
- Rasmussen, T. (2014). Internet and the Political Public Sphere. *Sociology Compass*, 8(12), 1315-1329.
- Sauerwein, J. A., Dafoe, J. W., Stern-Rubarth, E., Haswell Lutz, R., Dwight Lasswell, H., & Wright, Q. (1933). *Public Opinion and World Politics*. University of

- Chicago Press.
- Schulz, A., & Roessler, P. (2012). The Spiral of Silence and the Internet: Selection of Online Content and the Perception of the Public Opinion Climate in Computer-Mediated Communication Environment. *International Journal of Public Opinion Research*, 24(3), 346-367.
- Speier, H. (1950). Historical Development of Public Opinion. *American Journal of Sociology*, 55(4), 376-388.
- van Deursen, A., & van Dijk, J. (2014). The Digital Divide Shifts to Differences in Usage. *New Media & Society* 16(3), 507-526.
- van Dijk, J. (2013). *The Culture of Connectivity. A Critical History of Social Media*. Oxford University Press.
- van Dijk, J., & Poell, Th. (2013). Understanding Social Media Logic. *Media and Communication*, 1(1), 2-14.
- Vosoughi, S., Roy, D., & Aral, S. (2018). The Spread of True and False News Online. *Science*, 359(6380), 1146-1151.
- Wilhelm, A. (2000). *Democracy in the Digital Age: Challenges to Political Life in Cyberspace*. London: Routledge.
- Willnat, L., Lee, W., & Detenber, B. (2002). Individual Level Predictors of Public Outspokenness: A Test of the Spiral of Silence Theory in Singapore. *International Journal of Public Opinion Research*, 14(4), 391-412.
- Xiaodong, Y., & Li, L. (2016). Will the Spiral of Silence Spin on Social Networking Sites? An Experiment on Opinion Climate, Fear of Isolation and Outspokenness. *China Media Research*, 12(1), 79-87.
- Young, J. T. (1923). *The New American Government and its Work*. New York: Macmillan & Co.
- Yun G., & Park S. (2011). Selective Posting: Willingness to Post a Message Online. *Journal of Computer-Mediated Communication*, 16, 201-227.

EPISTEMOLOGICAL FOUNDATIONS OF EARLY LEGAL UTILITARIANISM

Abstract

This article analyzes the aggregate of reality cognition methods used in certain theories in the history of ethics and legal thought that are based on the principle of utility. The objective of this article is to provide a full study of the methodology of the utilitarianism to determine its place in the establishment of legal utilitarianism.

The article used methods of formal logic and specific methods such as the historical method.

The main result of the article is the origins of utilitarianism is conditioned, inter alia, by the synthesis of the empirical and theoretical methodology. Heretofore, the application of purely empirical or purely theoretical methodologies for considering the state and legal phenomena through the prism of utility did not lead to the creation of branch of philosophy, economic or legal thought – utilitarianism.

The main conclusion of this article is that the “moral arithmetic” created under classical utilitarianism and later developed in the contemporary utilitarianism, based on which it is possible to compute the utility of this or that action (the totality of actions), contradicts such universal legal values as justice, defence, enforcement of rights and freedoms, the principle of equality, and the moral values, and, therefore, cannot be supported.

Keywords: utilitarianism, utility, legal utilitarianism, methodology, epistemology, legal philosophy, empiricism, rationalism, consequentialism.

Introduction

In his work “An Introduction to the Principles of Morals and Legislation”, J. Bentham notes, that human actions are underlaid by pleasure and pain. They determine human behaviour: what a person actually does, what he/she aspires to do, and what he/she should do. This is why influencing a person means, in the long run, influencing his / her feelings to cause pleasure or pain. This is the stimulus and the motive driving the action. This is the explanation for human behaviour. According to J. Bentham (2000), a per-

son wishes to achieve happiness and to avoid pain, even though he/she is not always aware of that (p. 14). These contemplations generate a methodology (what and how to do) for the performance of moral action in utilitarianism. The main idea of the method is the calculation of the actions performed by an individual. Thus, performing an action or facing a situation he/she recognizes as morally significant, the individual calculates who would be influenced by the action and how much pleasure or pain it could cause to those exposed to it, and chooses the type of action to optimize this amount of pleasure or pain.

Optimum is the maximum happiness caused to the maximum number of people exposed to the situation, and (or) minimization of pain to the maximum number of individuals. This way, any choice is determined with the relative level of total utility of its consequences or results. In this situation, the degree of happiness is the entire totality of pain and pleasure that this or that action, motive or institution may cause to this or that number of individuals. This approach suggests that happiness should be measurable, therefore, justifying the “moral arithmetic” of J. Bentham. In particular, J. Bentham suggested measuring it by the intensiveness of pleasure, its duration, considering the possibility of its occurrence and the period of time after which it will occur. There should be a preference of pleasure that is intensive, long-lasting, and likely to occur in the nearest time. If the decision adopted concerns the interests of more than one individual, but a group (society), for example, in law-making, the list of quantitative criteria is replenished with one more criterion: the spread of pleasure. In that case, to determine the “general tendency” of an action, it is required to:

- a) sum up the figures expressing the domination of pleasure over pain for those who benefit from the action;
- b) sum up the figures expressing the domination of pain over pleasure for those who do not benefit from the action;
- c) draw the total balance.

Such summing up may not only reveal the positive or negative tendency of the action but also help select the potential behaviour strategy (introduced legal regulation or any other legally relevant action) yielding maximum happiness for the maximum number of people. The principal condition of the correctness of such utilitarian calculation is the conservation of equal value of

happiness for each person to determine the moral correctness or incorrectness of the action performed.

Summing up the utilities is quite important in a legal activity in legal utilitarianism. This way, a lawmaker deciding to enact this or that law must as per the legal utilitarianism, consider the way these legal regulations may influence the pleasure or pain of the persons bound by such legal regulation. In adopting a decision within the framework of behaviour permitted by law, or adopting a decision to break the law, the law enforcer must, as per the legal utilitarianism, consider the utility of all possible options (including the opportunity costs).

This opportunity of summing pleasures and pain, making grounded, politically or legally relevant decisions, ensuring the adequacy of this or that decision or justifying an unpopular decision appeared attractive to the public officials.

The legal utilitarianism had a significant impact on the 19th-century legislation, especially in England. For instance, under the influence of the ideas of J. Bentham, several strict legal regulations were abolished in England in the early 19th century (Bedau, 1983, p. 1036). The legal utilitarianism had a special impact on criminal law theory and criminal legislation, including the current one (Hart & Sacks, 1958, pp. 113-114). Utilitarianism strongly influenced civil law, particularly the tort and contract law (Terry, 1915, p. 40; Fuller, 1941, p. 799). According to J.B. Ames (1908), “The law is utilitarian. It exists for the realization of the reasonable needs of the community. If the interest of an individual runs counter to the chief object of the law, it must be sacrificed” (pp. 97, 110).

This question interests scientists in a similar way. Various works analyze legal utilitarianism. Some of them cover the questions of the ideolo-

gy used in the legal utilitarianism.

Among such works, it is worthwhile mentioning “Legal Utilitarianism” by Richard F. Bernstein (1979), which pays special attention to the contemporary concept of act utilitarianism and its application in the legal activity, including judicature (pp. 127-146). In addition, the questions of legal liability and the rule of law are considered.

Apart from that, special attention should be paid to the article by R. Posner “Utilitarianism, Economics, and Legal Theory” (1979), where he introduced his original theory of law – the concept of wealth maximization (pp. 103-140). Related to the topic of the present article, in the designated study, the justification of the difference between the positive and normative analysis and establishment of a preference criterion between ethic theories has an important place. An article by E. Weinrib “Utilitarianism, Economics, and Legal Theory” (1980), also makes a significant contribution into the development of the legal utilitarianism, continuing the studies of the above-mentioned questions and carrying out a critical analysis of the work written by R. Posner (pp. 307-332).

It is also worthwhile noticing the academic degree thesis “Bentham’s Study of Law” by A. N. Ostroukh (2002), where, in paragraph 2.2, the principle of utility by J. Bentham and its place in the legal theory are described. In addition, the mentioned study elaborates the issues of the methodology used by J. Bentham (paragraph 2.1), justifies its theoretical nature (rationalism), and considers the utilitarianism of J. Bentham by analyzing his vision of certain branches of law in Chapters 3 and 4 of the research.

Legal regulation determines the borders of human behaviour (the regulatory function of law). What are those borders in the historical ret-

rospective, considering that man is a biosocial creature, i.e. living in the society man has biological and social needs, the satisfaction of which may not always coincide with the interests of the other people living in this society, or even interfere with the freedom of others? Since at its core, utilitarianism is an ethic theory, it may within its own subject, and methodological apparatus provide some answers to the set questions from its own perspective and suggest (present a concept) a matching method of legal regulation. This explains the interest of public officials and scientists to this theory.

In continuation of the issues raised by the above works (theoretical aspect), and in order to evaluate the application of the relevant utilitarian theories (practical aspect), the contribution of this article to science is that a detailed analysis of the utilitarian legal methodology is aimed not only at expanding knowledge of the methodology used, but also to create the basis for further research in this direction, which will be based on a more complete understanding of the methodology.

Analysis of social relations through the legal utilitarianism may help to find some legal solutions to maximize the utility. However, is such an approach applicable to law-making and law enforcement? How valid is it in the legal activity? All of these can be found out by analyzing the methodology of the legal utilitarianism. This is the research goal of this article and, therefore, the empirical and theoretical methodology of the legal utilitarianism attracts great attention.

The Empirical Methodology of the Legal Utilitarianism

One of the major thinkers developing the theory of cognition based on the empirical methodology, J. Locke (1836), remarks that all ideas

originate from perception and reflection. “Let us then suppose the mind to be, as we say, a white paper, void of all characters without any ideas [“white paper” – “tabula rasa” – *remark by the authors*]; how comes it to be furnished? To this, I answer in one word, From *Experience*: In that, all our Knowledge is founded, and from that, it ultimately derives itself. Our Observation employ’d either about *external, sensible Objects*; or about the *internal Operations of our Minds, perceived and reflected on by ourselves, is that, which supplies our Understandings with all the materials of thinking*. These two are the Fountains of Knowledge, from whence all the *Ideas* we have, or can naturally have, do spring” (p. 51).

Based on that, we suppose that as “tabula rasa”, a person may cognize the social relations regulated by the law through perception and reflection, entering these social relations and observing them. Later, a specially authorized subject, the lawmaker, and the persons bearing the right to the legislative initiative may come up with the optimal mechanism of legal regulation. Working to satisfy the requirements of the lawmaker expressed in laws, the law enforcer, cognizing the social relations through his perception, may maximize the utility of the applied legal regulations. The realization of the right (enforcement, execution, application, utilization) as a regulator of social relations is directly linked to the empirical cognition of law due to the assessment of such relations through sensual methods. This way, the empirical cognition of law serves as a basis for the acquisition of knowledge of the law.

However, if the law is created by people in the rule-making process, the question appears: how can it be created for the legal regulations to be the most efficient, as empirically we are not able to cognize an object or a phenomenon that

does not yet exist, that has not been created? In answering this question from the point of view of sensualism, it is important to note that social relations between people develop regardless of whether they are regulated by law or not. Legal regulation is not a compulsory condition for social relations; they may be regulated with any other methods, like morals, other regulators, or be unregulated at all. Moreover, in the modern world, there are many social relations not regulated by any law. However, along with that, when entering certain social relations, the subjects of law acquire knowledge of these relations based on the empirical perception, and may, therefore, create mechanisms (including legal ones) to bring these social relations to order, creating, therefore, some legal regulations. It appears like *the utility* of this or that way of regulating social relations, and legal regulation efficiency may also be assessed based on the same concept, relying exclusively upon the empirical cognition of the legal regulation, or cognizing the method of regulation of the social relations as it is applied to similar social relations. Therefore, empirical cognition helps revealing, for example, the inefficiency of applying a method for the regulation of social relations and the need to bring the current legislation to realize the need for the introduction of changes to the existing legal regulation mechanism.

The legal utilitarianism was developed generally in the second half of the 18th century, associated, primarily, with the works by J. Bentham and J. S. Mill. Classical utilitarianism chronologically appears after the natural law and social contract theories; due to the similarity of the used methodology, it may be concluded that to a certain extent it is a consequence of the natural law and social contract theories. Utilitarianism was largely in line with the ideology and the so-

cial relations of that time. The works of utilitarian philosophers have made a great impact on the development of liberal and legal ideology and the legal regulation mechanism.

But together with that, to our mind, long before the emergence of classical utilitarianism there appeared a lot of ethics and legal ideas, which may hardly be referred to the legal utilitarianism, but they set the prerequisites and methodological base for their genesis. To determine the methodological foundation of classical utilitarianism, it appears reasonable to consider the ideas of applying the principle of utility to law-making and law enforcement activity before J. Bentham.

In antiquity, the Epicureans, Stoics, Democritus and Aristotle raised the questions of the theory of cognition linked to the principle of utility. For instance, Epicureanism based on maximization happiness, but defines happiness more as a state of tranquillity than pleasure. Egoist theories hold that an action is morally right if it maximizes the good for oneself (Evans, 2004, pp. 407-424). In addition, Aristotle remarks that true cognition is hard because the essence of the cognition object is hidden. There are things and phenomena more knowable and clear to us, and those that are clearer and more knowable by nature. The first ones present the world given to us in sense-perception; the second ones present the essence of being and reasons (forms) of separate things, their causes and origins. The latter are “the universals” that are “more obscure” for human cognition, for being further from sense-perception (Aristotle, 1991, pp. 3-5). However, based on empirical perception, they may be cognized through the activity of thought.

Based on the indicated concept of knowledge of Aristotle, it may be remarked that in legal activity the “clearer” phenomena may be, for

instance, some certain social relations existing in the society, while the latter “universals” may be the essence of law, i.e. the nature and purpose of legal regulation of such social relations, as well as the primary causes for introduction of this or that legal regulation of the social relations. Considering the current understanding of “utility”, which is defined as an ability of an economic commodity to satisfy one or several human needs (Kapteyn, 1985, pp. 1-2), the studies of Plato and Aristotle reveal the origins of applying the principle of utility to studying the origin and development of law and state based on the empirical methods of activity cognition.

Contemplating on the just city-state, Plato (2018) remarks, “A state, I said, arises, as I conceive, out of the needs of mankind; no one is self-sufficing, but all of us have many wants. [...] As we have many wants, and many persons are needed to supply them, one takes a helper for one purpose and another for another; and when these partners and helper are gathered together in one habitation the body of inhabitants is termed a State” (p. 226). Speaking of the utilitarian component of these ideas, it is worthwhile noticing that Plato speaks of pleasure as a replenishment, and so, to a certain extent, does Aristotle. In other words, certain commodities and actions of people may be deemed useful for the replenishment of a deficit of resources or unsatisfied needs. It is also accompanied by the achievement of pleasure. Thus, pain is a deficiency of the natural state, and pleasure is its replenishment (Aristotle, 1906, p. 323). According to Plato, replenishment must be provided when laws are enacted. For instance, in *The Laws of Plato* (1921) the philosopher, relying upon his observations, perception and reflection, remarks, that “laws which are not established for the good of the whole state are bogus laws” (p. 129). Considering the

above, as well as other postulates of “Laws”, we may conclude, that in the opinion of Plato, legal regulation must ensure the replenishment of deficits for a better life of some people and the society as a whole, provide the satisfaction of their needs, make the state and its citizens “happy and satisfied”. In other words, for Plato, laws must be useful.

Also relying upon empirical cognition, Democritus remarks, “The law seeks to give seemly form to the lives of men [...] for only to those who obey it does it reveal its full and peculiar excellence” (Hamburger, 1969, p. 17). Considering this, we suppose that, for Democritus, to achieve the common good, people need to obey the law. And since, according to Democritus, people are willing to achieve happiness and the good (Vitz, 1979, p. 145) (and the pleasure may or may not be (Vitz, 1979, p. 146) the source of happiness), the obedience to law may bring people (and the society as a whole) closer to the common good.

The analysis of works by antique philosophers and thinkers brings us to a conclusion on the presence of certain ideas close to classical utilitarianism; at that, developing their ideas, the thinkers rely upon sense-perception of the reality. Thus, the famous Russian philosopher of law, I. V. Mikhaylovsky (1914), in his “Essays on the Philosophy of Law” writes: “the considered branch of ethics [utilitarianism – *remark by the authors*] is quite old: it existed back in Greek philosophy; there is an opinion that Aristotle himself was a utilitarianist” (p. 30).

In the modern period, there appeared a constellation of researchers who continued the logical development of ideas on the sense-perception of the objectively existing reality. F. Bacon made the greatest influence on the establishment of empiricism. His works are based on the inductive

methodology of scientific research led to the emergence the Baconian method. This method is based on acquiring knowledge from the surrounding world through experiment, observation and hypothesis testing. The research method developed by F. Bacon is an early predecessor of the scientific method. It was described in his work titled “Novum Organum” by F. Bacon as a replacement of methods once presented in “Organum” by Aristotle.

F. Bacon claims that the objective of scientific cognition is not observing nature as it was in antiquity or cognition of God as in medieval philosophy, but the benefit and utility for the humankind. Science is the means, not the end. Man is the master of nature. That is the leitmotiv of the philosophy of F. Bacon. The activist utilitarianism of F. Bacon means that with the emergence of man, nature decomposes into subject and object, which are at the same time separated and connected through instrumental activity.

F. Bacon orients science towards seeking truth not in books, but in practical activity, in the immediate observation and studies of nature and society. His philosophy may be understood as a revival of the antique natural philosophy with the entire philosophical system of nature set in the centre. Therefore, the central problem of the philosophy of F. Bacon is the problem of relations between man and nature. This problem was resolved in line with utilitarianism; therefore, it can be said that he laid the origin of utilitarian methodology, which later also developed in the philosophy of pragmatism.

Activist utilitarianism of F. Bacon, based on the empirical cognition of the reality and his vision of the law, is being widely spread. Thus, F. Bacon considered the law to be grounded upon justice and social benefit. They act as not only the sources of law but also the criteria for law

assessment. The philosopher remarks that “in Civil Society, either law or force prevails” (Bacon, 2011, p. 88), while violence, intentional cunning and cruelty of law generate injustice. F. Bacon comes to the conclusion that to achieve the common goal, and it is necessary to “extract a symbol and an idea of fairness” in every sphere of law to “assess the properties of laws of this or that state and attempt to correct them”. In his studies of law, F. Bacon was striving to overcome the dualism of the natural and positive law in favour of the positive law (law of the state), to merge and express the requirements of both natural justice and real policy of the state in law (positive law). The main requirements a good (fair) law must satisfy to ensure the achievement of the common good, are, for F. Bacon (2011), the following: “that law may be set down as good, which is certain in meaning, just in precept, convenient in execution, agreeable to the form of government, and productive of virtue in those that live under it” (pp. 89-90).

In the legal utilitarianism, a special place is occupied by the work of J. S. Mill, one of the founders of utilitarianism. Considering the methodology used in the legal utilitarianism, J. S. Mill developed five methods (canons) of causal relations between objects and phenomena discovered by various researchers: method of similarity (agreement) – J. Scotus, method of difference – W. Ockham, method of concomitant variations (degrees) – F. Bacon, method of residuals – J. Herschel, joint method of agreement and difference (synthesis of two methods) first described by J. S. Mill himself. Then the said methods were synthesized by J. S. Mill in his research “System of Logic, Ratiocinative and Inductive”. Having established the main canons of empirical cognition, J. S. Mill used them as methodology when developing his ethics and legal study based

on the utilitarian postulates.

J. S. Mill denied the idea of the politics capable of giving normative recommendations to all societies regardless of their national character and degree of development of public relations. This formed the basis for J. S. Mill’s study in the way we know it now, and the utilitarianism, which, unlike the utilitarianism of J. Bentham, cannot provide any certain practical recommendations on the government structure and the legal regulation system.

Utilitarianism of J. S. Mill is based on understanding social processes through the aggregated characteristics of the social agents themselves, just like the social nominalism. Individuals are regarded as “social atoms” creating a sum of certain properties, making up an integral meta-quality that is sociality as such. For utilitarianism of J. S. Mill, being a product of empirically oriented thought, this motivation is especially typical. This way, to extract the laws of social development, to formulate the grounds for the behavior of certain individuals, social groups and the society as a whole, it is necessary to appeal to the motivation of a single element of society, which is a person. Once the motivation is found, it needs to be extrapolated to the aggregate of other individuals, bringing up a new social property. For the utilitarian philosophers, such proto-principle, unified for the sociality and the person as an individual, is the principle of utility.

Based on everything stated above, we may conclude that a subject will be guided with the principle of minimizing negative consequences and maximizing positive consequences for himself in any situation. In other words, an individual is always guided and motivated by what brings utility to him. In this regard, utilitarianism, being a product of empiricism, claims that no matter how thoroughly we study a subject, it is impossi-

ble to discover any other activity besides that based on the principle of maximizing utility.

Therefore, it appears important to highlight, that regardless of the research object, due to the presence of sense-perception, the empiricism-based methodology of research, such as methods of observation, experiment and follow-up processing of the results with the theoretical methods, when used correctly, will lead new knowledge. In terms of practical jurisprudence, the above methodology can be used to improvement of the legislation. For example, we see it necessary to monitor (i.e. to observe) the law enforcement practice to detect gaps and inefficient legal regulations in the legislation, which may lead to a decrease in the overall public well-being. Before the introduction of such measures, to determine their efficiency and forecast the enforcement problems, in some situations, it appears reasonable to start a legal experiment.

We assume that, regarding utilitarianism, the empirical cognition methods allowed, first of all, to establish the main provisions of the theory, and, secondly, to ensure its further development. It is explained by the fact that such categories as “utility”, “common good” and some others are largely subjective, as expressed in the way they are evaluated by individuals, social groups, and the society as a whole. Therefore, cognition and comprehension of utilitarianism are possible when relied upon the empirical methods of research.

Apart from that, the methodology of legal utilitarianism cannot be limited to empirical cognition alone. Despite the confrontation of the empirical and theoretical methods of cognizing reality, the opposition of induction and deduction, cognition of law cannot be of pure empirical nature. Empirical knowledge is not complete, as all it provides is the idea of the external properties of

the studied object. Only theoretical cognition can help recognize the essence of the subject, determine its internal properties and causes. Moreover, senses can be confusing; they cannot provide a tool for revealing patterns and drawing conclusions (which is especially important for the macro-level decision-making), and, therefore, such cognition of reality cannot be comprehensive; it means that the methodology of legal utilitarianism must be not of purely empirical, but also of theoretical nature.

The Theoretical Methodology of the Legal Utilitarianism

The thesis of R. Descartes, presented in his “Principles of Philosophy”: “Cogito, ergo sum” was the beginning of rationalism, which presents a methodology or a theory “in which the criterion of truth is not sensory but intellectual and deductive” (Bourke, 1962, p. 263) as a basis. Besides, rationalism operates such forms of cognition as concept, judgment and logical consequence.

Just like in empiricism, which recognized sense-perception methods of cognition even before F. Bacon, in rationalism, some cases of operating such forms of cognition as a notion, judgment, and statement of reasons had also occurred before R. Descartes.

To be more precise, it happened in Ancient India. The name of the political and legal treatise of Arthashastra is commonly translated from Sanskrit as “the science of politics”. However, besides the literal translation, the name of the treatise is “the science of benefit” or “guide to achieving utility” (“the science of politics” in Sanskrit would sound as “Nitishastra”) (Kangle, 2010; Kosambi, 1977, p. 141).

The highlighted need for operating the principle of utility, one of the utilitarianism compo-

nents, is found not only in the title but in the text of the treatise as well. For instance, Arthashastra gives the state governors some practical recommendations on administration based on three equal values, factors (being the dominating ones not only for statecraft but also for the daily life of citizens): charity (or law, religion), wealth (or utility), desire (or pleasure, love) (Kautilya, 2016, Book I, Chapter 7, Paragraph 3). At the same time, Kautilya, the author of Arthashastra, gives his preferences to wealth: “Kautilya holds that wealth and wealth alone is important, inasmuch as charity and desire depend upon wealth for their realization” (Kautilya, 2016, Book I, Chapter 7, Paragraph 4).

The methodological basis for Arthashastra treatise is the permanence of subject, i.e. statecraft, and the unchangeability of human nature and the motives of human behaviour. Based on that, the treatise actually operates the method of historical analogies and examples, which is a constituent part of the rational cognition of reality.

It makes it possible to draw a parallel between the foundation and methodology of Arthashastra and utilitarianism of J. Bentham. Thus, for the latter, it is not only empiricism but also rationalism and epistemological optimism that are intrinsic. Logical contemplations underly both Arthashastra and utilitarianism of J. Bentham. At the same time, an emphasis on review of the established social values, such as legal values, partial rejection (for Arthashastra) and reproach (for the utilitarianism of J. Bentham) for the religious superstitions and moral prejudice are also typical.

The main factor for the political and legal issues for Arthashastra and the utilitarianism of J. Bentham is not a traditional (customary), but rationalistic view. However, rationalism (as a

branch of philosophy, it appeared much later), or rationalist component (the latter more applicable to Arthashastra) is still limited. It is limited, at least, with the boundaries of empiricism.

Later, in modern history, the ideas of using theoretical methodology under the legal utilitarianism were also found in the works by B. de Spinoza. According to Spinoza, one of the main ways of acquiring knowledge is finding reasons based on consequences, or deduction of the essence of a thing from a general notion. This way of cognition, though scientific, does not provide a truthful, strictly required knowledge adequate to the object, as the properties of the thing are not perceived directly through its essence. Another method of cognition, known as the main one, is the perception of a thing exclusively through its essence. This means of cognition referred to by B. Spinoza as intuitive, provides, as per his theory, an infallible knowledge, corresponding strictly to the essence of the thing. For B. Spinoza, intuition is not a mystical category; it means rationalistic cognition of the essence of things based on the cognition of the essence of a substance. Despite the seemingly abstract nature of B. Spinoza’s reasons of substance, attributes and modus, his philosophy is distinctively practice-oriented and applicable, inter alia, to the analysis of state and legal phenomena.

Thus, according to his vision, the increment of social good is possible through law-making and enactment of the right laws. And at all that, since people have their own needs, there is an urge for a law to ensure that the satisfaction of those needs does not harm other persons. Particularly, B. Spinoza (1891) remarks: “if men were so constituted by nature that they desired nothing but what is designated by true reason, society would obviously have no need of laws: it would be sufficient to inculcate true moral doctrines;

and men would freely, without hesitation, act in accordance with their true interests. But human nature is framed in a different fashion: everyone, indeed, seeks his own interest” (p. 74). Therefore, the laws enforced through pressure from the state shall act as a deterrent factor, restraining crime and offence, that would increase the utility for the lawbreaker to the detriment of the utility for other persons and (or) the common good.

Later, in the classical utilitarianism, the theoretical methods were used along with the empirical ones. At that, the methodology of the natural law school which appeared in modern history, before the classical utilitarianism was established, is also not based on the empirical process alone (such as J. Locke), but also on the theoretical process of cognition. Thus, A. M. Mikhaylov (2019) remarks the presence of “mathematical rationalism of the natural legal philosophy” (p. 203), particularly, in the works by Christian von Wolff, where the natural law system is built deductively, as a logically complete chain of axioms, arguments and consequences (“*mos mathematicus*”), with a geometrical precision developing the comprehensive system of the natural law (Anners, 1996, p. 227). J. A. Schumpeter (2006) remarks that “in approach, in methodology, and in the nature of its results utilitarianism actually was another, the last, natural-law system” (p. 128). Remarkably, similar to the way Chr. von Wolff developed natural legal philosophy with the mathematical methods of rationalism on the basis of “*De Jure Belli ac Pacis*” by H. Grotius, the late 19th-century marginalism, using the mathematical apparatus, on the basis of utilitarianism becomes a theory which made it possible to calculate and compare the utility, including the social ones, and, particularly, legal regulation. The utilitarian origins of marginalism ground from the thoughts of L. Walras (1965),

who wrote that agents to “attain maximum satisfaction” (p. 125), W. S. Jevons (1871) – “economy as a calculus of pleasure and pain” (p. vii) and F. Y. Edgeworth (1881) – “principles of greatest happiness, utilitarian or egoistic constitute the first principles of ethics and economics” (p. v).

In “*Essay on Bentham*” by J. S. Mill remarked the theoretical methodology in the framework of the legal utilitarianism of J. Bentham. For instance, J. S. Mill writes, that J. Bentham has an inclination to analysis and synthesis. “He began *de novo*, laid his own foundations deeply and firmly, built up his own structure, and bade mankind compare the two; it was when he had solved the problem himself, or thought he had done so, that he declared all other solutions to be erroneous” (Mill, 1985, p. 82), characterizing, therefore, the legal utilitarianism of J. Bentham as synthetic, and, in this regard, second to none. After all, the “moral arithmetic” of J. Bentham, “mathematizing” the analysis of possible results of the action and suggesting the decisions to be taken on the basis of continuous comparison of quantitative properties of pleasure and pain, are based on the theoretical methods of cognizing reality.

To maximize the utility, J. Bentham comes up with the idea to create “*Pannomion*”, which, according to his ideas, may ensure maximization of the common good (common utility). “*Pannomion*” is supposed to present a collection of laws which, according to J. Bentham, should not contain a large number of certain rules for a law enforcer, which would not leave space for following the principle of utility directly when the essence of social relations does not require any compulsory imperative regulation. “*Pannomion*” should more likely to be a set of “a somewhat small numbers of quite general rules broadly de-

fined” (Postema, 1986, p. 430). That requires to determine a rational, comprehensive method, that would allow the systematic establishment of the laws conforming to the principle of utility. Given the diversity of social relations and invariance of life situations, such method must be rather be based not on the need to foresee and regulate all possible actions of the subjects of law with an enormous number of quite precise rules not leaving any questions to be resolved at the discretion of the law enforcers including the court, but be oriented on more general regulation with few legal provisions (Postema, 1986, p. 422), if those are not the most significant social relations, which will also facilitate stability of legal regulation.

That explains the difference in utilitarian ideas in the applied methodological approach. Both J. S. Mill and his opponents spoke of the contradictions between them as an argument between the two opposite schools of thought: intuitive (sensual, empirical) and inductive (rational) approaches. This is vividly manifested in the answers of J. S. Mill to the opinions of H. Sidgwick and W. Whewell, two of his most remarkable opponents, to the main claim against utilitarianism, that it neglects the internal dictate of the conscience. The reaction of J. S. Mill to the statements made by W. Whewell in this regard in 1852, literally repeat the answer of J. S. Mill to H. Sidgwick in 1835. Thus, he remarks that even though both parties of the argument recognize the presence of moral feelings and conscience, “there are two theories considering the origin of these phenomena, which have been dividing philosophers since the earliest ages of philosophy” (Mill, 1961-91, pp. 51, 172). J. S. Mill (2001) again turns to this dichotomy in his “Utilitarianism”: “According to the one opinion, the principles of morals are evident a priori, requiring no-

thing to command assent, except that the meaning of the terms is understood. According to the other doctrine, right and wrong, as well as truth and falsehood, are questions of observation and experience” (pp. 6-7).

In epistemology, the question of the source of true knowledge remains relevant. As the man perceives the world through the senses and mind, it appears right to find out what the construction of knowledge starts from, from the sensual impressions or the work of the mind. Along with that, empirical and theoretical knowledge are two types of reflecting the reality, inextricably intertwined, characterizing the integrated process of cognition. The generation of senses has a rational component, while in thinking, it is possible to find some sensual, emotional, empirical content. The sensual stage reflects phenomena. The rational reveals the essence of things, facilitates comprehension of the underlying laws of their existence. Based on the above and under the legal utilitarianism, it is considered reasonable to assert an ambivalent nature of the applied methodology. For the legal utilitarianism, both empirical and theoretical methods of cognizing reality in their interaction are intrinsic.

Conclusion and Results

In view of various ethics and legal studies, based on or using the principle of utility, it appears necessary to remark that the principle of utility is connected to the methodology. Thus, the philosophic outlook of Aristotle, Plato, Democritus, and, later, some works written in modern history, are based on the empirical methodology. Rationalism begins to manifest itself in the works applying the principle of utility written in modern history. Nevertheless, some rationalism components appear earlier. At the same time,

basically, the rationalistic trend related to the principle of utility appears only in the works by B. Spinoza, C. Beccaria, J. Bentham.

Before J. Bentham, the ethics and legal concepts of utilitarianism mostly appealed to empiricism as the preferred methodology. The rationalism of B. Spinoza doubtlessly made a great impact on the development of philosophy, but it cannot be completely included into the ethics and legal concept of utilitarianism since he did not develop any cohesive ethics and legal concept based on the principle of utility.

The main contribution into the theoretical development of applying the principle of utility to the state and legal phenomena was made by representatives of classical utilitarianism, J. Bentham and J. S. Mill. Along with that, further development of the methodology for making legally and politically relevant decisions in the framework of the legal utilitarianism generated a need for summing up the utility from the performance of different actions to maximize the utility of such decision, as was also expressed in the “moral arithmetic” by J. Bentham, which, in its turn, contradicts the moral intuitions.

Let us suppose that someone has such a developed sense of pleasure that he gets twice as much pleasure of a certain amount of monetary units (or any other measurable commodity) as another person experiencing less satisfaction of material commodities. Can it be taken as a reason to redistribute the commodities from the second person to the first? It would make a larger increment of utility for the first person than the decrease of utility for the second; therefore, as per this logic, the aggregate utility would increase. A utilitarian philosopher is likely to give a positive answer to this question. Similarly, the legal utilitarianism may excuse crimes and other offences if the “pleasure” of the lawbreaker ex-

ceeds the “pain” of the victim, or if the first can compensate the caused damage in a way that makes a positive impact on the utility function of the victim (compared to the moment before the offence). In this regard, the total utility has increased, such an offence would not be considered as socially dangerous from the perspective of utilitarianism, or it may be even found to be socially preferable for it was oriented at the increment of overall utility. Consequently, as the legal utilitarianism claims that this should be the fundamental principle of the legal policy, it would encourage an offender because his wrongful behaviour maximizes his and total happiness. As utilitarianism postulates, the achievement of happiness by one individual in a society is a contribution to the achievement of the whole society’s overall happiness. This fact is the “dark side” of one of the utilitarianism properties: its tolerance to various concepts of good. The legal utilitarianism is so individualistic in its prerequisites that it gives the same “status” to criminals enjoying committing offences on one side, and to heroic police officers, firefighters or a brilliant engineer on the other.

To our mind, this side of the utilitarianism concept *should not be supported*, and, therefore, such theory premises should not underlie the development of legal policy. Supporting this property of utilitarianism, we would behave like a “happy pig” J. S. Mill had been warning us against. This side of the legal utilitarianism contradicts both the general legal values, such as justice, defence, and provision of rights and freedoms, the principle of equality, and the moral values.

At the same time, adherence to the universal principle of equality is supposed to make a disciplinary effect on all spheres of social relations and to act as an underlying criterion for the as-

assessment of legal regulation of not only rights and freedoms provided by law, but also of the rights acquired on the basis of law; compliance with the principle, guaranteeing protection from any form of discrimination in the exercise of rights and freedoms, forbids, inter alia, to introduce such difference in the rights of people belonging to the same category. We may suggest, therefore, that maximization of utility cannot act as such an excuse, for it creates inequality not due to any objective socially relevant factors, but due to a certain elasticity of utility functions of a certain individual.

REFERENCES

- Ames, J. B. (1908). Law and Morals. *Harvard Law Review*, 22(2), 97-113.
doi: 10.2307/1324144.
- Anners, E. (1996). *Istoriya yevropeiskogo prava* (History of European Law, in Russian). Moscow: Nauka.
- Aristotle (1906). *The Nicomachean Ethics*. (F.H. Peters, Trans.). London: Kegan Paul, Trench, Trubner & Co.
- Aristotle (1991). *Complete Works. Vol 1. Physics*. Princeton, N.J.: Princeton University Press.
- Bacon, F. (2011). *The Works of Francis Bacon. Vol. 5: Translations of the Philosophical Works*. New York: Cambridge University Press.
- Bedau, H. (1983). Bentham's Utilitarian Critique of the Death Penalty. *The Journal of Criminal Law and Criminology*, 74(3), 1033-1065. doi: 10.2307/1143143.
- Bentham, J. (2000). *An Introduction to the Principles of Morals and Legislation Jeremy Bentham*. Kitchener: Batoche Books.
- Bernstein, R. F. (1979). Legal Utilitarianism. *Ethics*, 89(2), 127-146.
doi: 10.1086/292092.
- Bourke, V. J. (1962). *Rationalism, in Dictionary of Philosophy* (D. D. Runes, Ed.). Totowa, NJ: Littlefield, Adams and Company.
- Edgeworth, F. Y. (1881). *Mathematical Psychics. An Essay on the Application of Mathematics to the Moral Sciences*. London: Kegan Paul & Co.
- Evans, M (2004). Can Epicureans Be Friends? *Ancient Philosophy*, 24(2), 407-424.
doi:10.5840/ancientphil200424250.
- Fuller, L. L. (1941). Consideration and Form. *Columbia Law Review*, 41(5), 799-824.
doi: 10.2307/1117840.
- Hamburger, M. (1969). *The Awakening of Western Legal Thought*. New York: Biblo & Tannen Publishers.
- Hart, H. M., & Sacks, A. (1958). *The Legal Process: Basic Problems in the Making and Application of Law*. Cambridge, Massachusetts.
- Jevons, W. S. (1871). *The Theory of Political Economy*. London: Macmillan.
- Kangle, R. P. (2010). *The Kautiliya Arthashastra* (2nd ed.). Delhi: Motilal Banarsidass.
- Kapteyn, A. J. (1985). Utility and Economics. *De Economist*, 133(1), 1-20.
doi: 10.1007/BF01675959.
- Kautilya (2016). *The Arthashastra*. Create Space Independent Platform. California: Scotts Valley.
- Kosambi, D. D. (1977). *The Culture and Civilization of Ancient India*. New Delhi: Vikas Publishing House.
- Locke, J. (1836). *An Essay Concerning Human Understanding*. London: T. Tegg and Son.

- Mikhaylov, A. M. (2019). *Sravnitel'noye pravo-vedeniye: dogma romano-germanskogo prava* (Comparative Law: Dogma of Romano-German Law, in Russian). Moscow: Izdatel'stvo Yurayt.
- Mikhaylovsky, I. V. (1914). *Ocherki filosofii prava* (Essays on the Philosophy of Law, in Russian). (Vol. 1). Tomsk: Izdanie knizhnogo magazina Posokhina V. M.
- Mill, J. S. (1961-91). *The Collected Works of John Stuart Mill*. (J. Robson, Ed.). Toronto: University of Toronto Press.
- Mill, J. S. (1985). *The Collected Works, Vol. X—Essays on Ethics, Religion and Society* (J. M. Robson, Ed.). Toronto: University of Toronto Press; London: Routledge and Kegan Paul.
- Mill, J. S. (2001). *Utilitarianism*. Kitchener: Batoche Books.
- Ostroukh, A. N. (2002). *Uchenie Bentama o prave* (Bentham's Doctrine of Law, in Russian). PhD thesis. Moscow.
- Plato (1921). *The Laws of Plato* (E. B. England, & D. Litt, Eds. and Intrd.). (Vol. 1, Books I-IV). Manchester, at the University Press; Longmans, Green & Co. London, New York, Bombay, etc.
- Plato (2018). *The Republic (The Republic of Plato)*. Wildside Press LLC.
- Posner, R. (1979). Utilitarianism, Economics, and Legal Theory. *The Journal of Legal Studies*, 8(1), 103-140. doi: 10.1086/467603.
- Postema, G. J. (1986). *Bentham and the Common Law Tradition*. Oxford: Clarendon Press.
- Schumpeter, J. A. (2006). *History of Economic Analysis*. (E. B. Schumpeter, Ed.; M. Perlman, Intrd.). Routledge. The Taylor & Francis e-Library.
- Spinoza, B. (1891). *The Chief Works of Benedict de Spinoza*. (R.H.M. Elwes, Trans. and Intrd.). (Vol. I). London: George Bell and Sons.
- Terry, H. T. (1915). Negligence. *Harvard Law Review*, 29(1), 40-54. doi: 10.2307/1325735.
- Vitz, B. B. (1979). *Demokrit* (Democritus, in Russian). Moscow: Mysl'.
- Walras, L. (1965). *Elements of Pure Economics*. (W. Jaffe, Trans.). London: George Allen and Unwin.
- Weinrib, E. (1980). Utilitarianism, Economics, and Legal Theory. *The University of Toronto Law Journal*, 30(3), 307-332. doi: 10.2307/825489.

LINGUOPHILOSOPHICAL ASPECT OF COMMUNICATIVE INFLUENCE: THEORETICAL BASIS

Abstract

The article deals with the phenomenon of communicative influence in linguistics and philosophy. The subject of the study was the theoretical basis of communicative influence. The purpose of this article is to consider communicative influence in linguophilosophical aspect. A number of research methods have been used to achieve this goal: descriptive; specifics; method of analysis and synthesis; modeling method; induction method.

It is found that philosophers have focused their attention on the “magic” of the word when studying influence; close connection of spirit, soul with language, psychophysiological phenomena; inaccuracies and variability of interpretation of reality; language as activity, motives for action. In the linguistic aspect, in the light of new and emerging disciplines, attention is focused on the variability, imagery, associative potential of lexemes and linguistic complexes, which is a suggestogenic potential, which is analyzed at all linguistic levels. Emphasized that the language in general is suggestive phenomenon. The authors propose to consider the impact actualizers (suggestems/suggestogens) according to the degree of suggestiveness manifestation, where implementation at two language levels is weak actualization, at three - moderate, more than three - strong.

Keywords: communicative influence, linguistics, language, degree of intensity, suggestion, philosophy.

Introduction

Communicative influence is an interdisciplinary subject for the study of the natural, social and human sciences, each of which analyses a separate component of this multicomponent, complex phenomenon. The integration of the philosophical, medical, psychological, pedagogical and other fields of knowledge makes it possible to make a stereometric approach to the study of influence and its maximum ecological application in the modern communicative space,

which emphasizes the relevance of the proposed article.

The purpose of the article is to consider communicative influence in the linguistic and philosophical aspect. The purpose is to solve the following tasks: to find out the philosophical and linguistic nature of influence; outline the influential potential of language; to identify the main factors that formed the basis of the linguistic teaching of communicative influence.

The philosophical aspects of influence and suggestion as a variety of it were touched upon

by scientists H. Wehinger, L. Wittgenstein, H. G. Gadamer, M. Heidegger, G. A. Goncharov, E. Husserl, A. Korzhibsky, I. Y. Cherepanova and many other researchers, since “The comprehension of the essence of man, his consciousness, soul, sense of existence occurred in accordance with the problems of the influence of language” (Cherepanova, 2001, p. 26). Scientists in the process of thinking about language, its influence on the spiritual world of man, his views and actions, etc. focused their attention on such issues as the “magic” of the word (R. Barthes, M. Heidegger, J. Lacan, P. Florensky); close connection of spirit, soul with psychophysiological phenomena, with language (M. Heidegger, G. A. Goncharov, V. Humboldt, R. Y. Kies, O. O. Potebnya) and the influence of language on the world perception of man (V. Humboldt, L. Weisgerber, E. Sapir, B. Worf); the inaccuracy and variability of the interpretation of reality (F. Bacon, M. Heidegger, A. Korzhibski, J. Locke); language as activity, motives for action (H. Wehinger, L. Wittgenstein) and others.

Linguistic aspects of influence were also interested in Ancient Greece and Rome, where “the Sophists proposed the practice of influencing the art of conducting ethical debates, as well as the principle of lobbying, that is, the desire to persuade legislators the ability to persuade” (Manakin, 2011, p. 197). Scientific systematic study of influence as a constant of communication falls in the 40-60’s in the West, in the 60-80’s of the twentieth century. in the Soviet Union and is carried out mainly within the limits of psycholinguistics in the works of such famous scientists as R. Blakar, T. M. Dridze, P. Lazarsfeld, G. Lasswell, O. O. Leontiev, O. I. Negnevitskaya, M. Rubakin, L. V. Sakharnyi, Y. O. Sorokin, E. F. Tarasov, L. Howland, and others.

The current state of study of communicative

influence is noted by the increased attention of both Ukrainian and foreign scientists (D. Aaker, I. M Dzialoshynsky, V. G. Zazykin, A. P. Zagritko, S. G. Kara-Murza, T. Y. Kovalevska, G. A. Kopnina, O. O. Selivanova, N. V. Chumicheva, etc.), which rely not only on classical linguistic directions (rhetoric, stylistics), but also involve the latest disciplines (pragmalinguistics, suggestive and communicative linguistics), neurolinguistic programming, cognitive, neuro and psycholinguistics, etc.).

Research Methods

In the process of achieving the goal, the following methods are applied: descriptive to highlight the nature of the communicative influence; specifics of the review of influence in philosophy and linguistics; a method of analysis and synthesis for the identification of the components of communicative influence and the combination of their single complex; modeling method for constructing the degree of suggestiveness expression; the induction method served to conclude the general conclusions.

Discussion

P. A. Florensky skillfully described the “magical” power of the word in the sense of its influential potentials: “A magically powerful word does not need ... of course individually-personal tension of will or even a clear consciousness of its meaning. It itself concentrates the energy of the spirit ..., directed away from where it is directed by the very act of intention ... And speech, as it is not considered powerless, operates in the world, creating a similar” (Florensky, 2000, p. 249). O. T. Yudanov (2003) explains the contextual uses of P. A. Florensky

for the word “magically” as “energized”, and the words “magic” as actions aimed at using these energies by the will of man, emphasizing that in P. A. Florensky’s terminology “Magic of the word” is a language suggestion (p. 23). Emphasizing the powerful power of the word, R. Barthes (1996) also emphasized that the proper “word is a form of power” (p. 93), since the subject of influence can control the object of influence. Analyzing the works of M. Heidegger, the scientist S. M. Kvit (2003) distinguishes such a basic position as the important role of language, which is the central component of influence in human life: “Man behaves as if he were the creator and master of language, while in fact, it is the language that owns it” (p. 59), that is, “not only does the creator create the language, but also lends itself to the power of language by the act of linguistics” (Kies, 2002, p. 100). Thus, the language has “magical” properties, that is, a powerful influential potential, it controls a person, dominates it, induces certain speech or behavioral actions that are aware and emphasized by known representatives of world philosophical thought.

V. Humboldt (1984) emphasized the close connection between spirit and soul with psychophysiological phenomena: “Language is the united spiritual energy of the people, miraculously imbued with certain sounds, in this embodiment and through the interconnection of their sounds, it is understood by all speakers and evokes approximately the same energy in them” (p. 349). In reflecting on O. O. Potebnya’s views on the role of language in human life, R. Kies notes that the scientist also relied on V. Humboldt’s opinion: “Potebnya considered language not only as a means of expression or expression of thought, but also as an active factor in the formation of thought, creation, construction of

the spiritual world of man” (Kies, 2002, p. 100), which resonates with J. Lacan’s (1953) belief that “language structures the person”, modifying the processes of perception, understanding and thinking in each linguistic-national circle in their own way (see Kies, 2002, pp. 100-101) according to the psychological characteristics of the individual.

According to G. A. Goncharov, there are two philosophical views on the phenomenon of influence: idealistic and materialistic (Goncharov, n.d.), where the idealistic is that “the spirit is primary, and matter is secondary, derived from the spirit, subordinated to the principle of causality, time and space categories; the spirit is free, it does not know causal dependence, acts out of time and space” (Goncharov, n.d.). From the point of view of the materialistic view of influence, the spirit, the soul are derivatives of the brain, its function; psychic phenomena are inextricably linked to the brain physiological processes and with them are strictly determined, occurring in time and space (Goncharov, n.d.) that is, the mental and spiritual state characterize, determine certain mental processes of man, which attests to the extraordinary importance of the linguistic aspect of the phenomenon of influence, since Language can influence the spiritual world of a person, structure and construct it accordingly.

The powerful influential ability of language is based on the well-known hypothesis of the linguistic relativity of Sapir – Worf, which, in turn, is based on the ideas of W. Humboldt, where language imposes on man norms of cognition, thinking and social behavior: we can only know, understand and realize which is embedded in our language (Cherepanova, 2001, p. 35), and therefore, “the knowledge of the world depends on the language used by the subject of cognition”

(Krongauz, 2001, p. 108). E. Sapir formulates the thesis about the influence of language on the life of society in this way: it is impossible to realize reality without the help of language, linguistic norms, which is why the so-called the real world. In turn, the perception of different phenomena is based on the fact that the relevant linguistic norms imply a certain form of expression (Krongauz, 2001, p. 107). B. Worf gave this conclusion the nature of the universal paradigm, according to which language is a mediator between individual thinking and the conventional representation of the individual, which specifies: a) the structure and orientation of our thinking (its paternization); b) the gestalt of our worldview; c) normative structures of behavior (Nastin, 2007, p. 12). According to D. P. Pashinina (2002), the Sapir–Worf hypothesis “sufficiently rigidly determines the suggestive role of language... Language does not simply impose norms that seem natural and ancient to us, it structures the world in a certain way, creating its own mesh through which we perceive the world and ourselves. Influence-suggestion comes from our own language, subordinating us to our own logic and invisibly diverting the speaker into our own element” (p. 377). This concept is refined in structural linguistics, where language as a determinant of a way of organizing collective and individual experience is understood not so much in the cognitive aspect (because knowledge of the world is possible through acts of pure perception and experience of individual moments of being), but in communicative (in internal or interpersonal) broadcast of the perceived) (Nastin, 2007, p. 12).

F. Bacon, M. Heidegger, A. Korzhibsky, J. Locke and others have emphasized the inaccuracy of perception and variability of reflection (rather than interpretation) of reality by different individuals. Analyzing the achievements of H.

Weihinger and the founder of general semantics A. Korzhibsky, T. Y. Kovalevska (2008) explains the inaccuracy of reality and the perceived (interpreted) by us this reality “universal laws inherent in the transformational processes of mental objectifications, deterministic and structurally, – genetic and individual filters” (pp. 44–45), which seem to “cut off”, “sort out” unnecessary information in case of inconsistency, convinced In contrast, if the information provided is of interest, it is skipped further for more detailed processing, which allows the recipient to be influenced without various barriers. Describing human communicative properties, A. Korzhibsky introduced the theory of “the identity of the objective world and its subjective model as a representative map of the environment” (Kovalevska, 2008, p. 44), based on at least three principles: the map is not a territory (words have many meanings); the map shows only part of the territory (any statement is polyphonic); maps condense the territory (the big picture is made up through the study, assimilation and generalization of many pictures, impressions and information on the same subject) (Kvit, 2008, p. 46), which essentially corresponds to the postulates of neurolinguistics programming (one of the sciences of influence) and form its philosophical basis (Kovalevska, 2008, p. 44). Considering these postulates significantly enhances the optimization of communication and details the concept of the philosophical nature of influence as such.

A. N. Baranov (2003) notes that “one of the first questions about the influence of language on the perception of reality and, accordingly, about its alternative interpretations, was raised by F. Bacon in the “New Organ”, explaining the process of human cognition and false conclusions – “idols” or “Ghosts” ” (p. 214). S. Kvit notes that

M. Heidegger emphasized in this aspect that “the inaccuracy of a statement distorts reality, and therefore the very existence” (Kvit, 2003, p. 59), which raises the question of intentionality or unintentionality of distortion of the real world, the intentional misrepresentation of the information provided produces such an incorrect kind of influence as manipulation.

J. Locke also attributed the deliberate opacity of expression to the characteristic signs of influence; the use of words to nominate what they cannot indicate; the use of expressions with broad semantics (truth, idea, people, etc.); the excessive imagery of speech (Locke, 1960), which is also inherent in linguistic mechanisms of variant interpretation of reality, which dampens the influential activity of speech (Baranov, 2003, p. 214), directing the vector of perception in the direction desired for the interlocutor.

Explaining the influence of language in its working sense also attracted the attention of philosophers such as H. Feichinger, L. Wittgenstein and others. L. Wittgenstein (1994), highlighting the pragmatic aspect of language, noted that “even when confronted with a fundamentally new case, we are still captivated by models, images, and ways of using words worked out for other cases” (p. 94). Analyzing the imaginary future of people and the material present, H. Feichinger argued that people are more influenced by their expectations about the future than by real past experiences. The truth, according to H. Feichinger, is “the most acceptable mistake, that is, the system of ideas that enables us to act and deal with any thing most quickly, clearly and safely, and with a minimum of irrational elements” (Feichinger, 2017). That is, the person is not in the present reality, but in an illusory world, and in many cases such perception is forced from the outside and at repeated repetition becomes

stereotyped, which blocks the critical perception of information.

Thus, the philosophical basis of influence is the idea of the powerful influential potential of the word, its “magic” properties and the deep connection of the word with the spirit, soul, worldview and understanding of the external and internal world of man.

Given the priority nature of the language component in the general architectonics of the phenomenon of influence, further attention is focused on the corresponding refinement of representatives of linguistic science.

On the powerful force of the verbal component of suggestive influence was emphasized by the well-known scientist B. F. Porsnev, who in his fundamental works advanced the suggestive theory of the origin of language, confirming the hypothesis by the information of neurophysiologists that from all areas of the brain, the person is able to the second signaling system, evolutionarily older than the others, primary than others - the frontal lobe, including the prefrontal brain (Chepanova, 2001, p. 30). B. F. Porshnev (1974) first noted that suggestion in primitive society was “... a means of influencing people on the actions and behavior of others, that is, a special system of regulating behavior” (p. 415). Thus, the hypothesis about the role of suggestion at the beginning of history led the scientist to the extraordinary assumption of the essence of the second signaling system, or the language by which suggestion was carried out. The second signaling system is, first and foremost, “inflationary communication, that is, having a direct effect on the response. Direct influence (inflation) is the simplest socio-psychological phenomenon ... Impact is inseparable from speech” (Porshnev, 1972, p. 11), which indicates the mandatory presence of an influential component to a greater or lesser

extent in the communication process.

The great scientist O. O. Potebnya (1993) stated: “The power of human thought is not that the word evokes the former perception (it is possible without words) in the mind, but how it forces man to use the treasures of his past” (p. 97), that is, a person uses his or her previous experience as embodied in words. This is supported by J. O’Connor (2006), a researcher in the newest discipline in neurolinguistic programming: “Words are anchors of experience, they reinforce a certain state, reflect ideas and lead to understanding” (p. 220). From NLP’s point of view, “language is a filter. It is a map of our thoughts and experiences, separated from the real world” (O’Connor & Seymour, 1998, p. 20), and it is the suggestor who offers illusory reality commensurate with the human experience, enabling him to establish a report with further imposition of the necessary information. to perform certain speech and behavioral actions.

O. V. Kotlyachkov and S. A. Gorin (2007) also point out the powerful influence of the word: “Describing the experience for people is as real as the actual experience (qualitatively but not quantitatively)” (p. 19), because the word causes images, associations and the corresponding reaction of the organism – motor, sound, tactile, taste, contains energy influence, that is, triggers powerful energy processes (Petrenko & Kucherenko, 2000). These provisions are also supported by the English researcher J. Vitale (2008): “Certain words and phrases push the subconscious buttons of a person. It responds without realizing it” (p. 31), which generally reflects the need for accurate, careful selection of lexemes and linguistic complexes to create the most influential text.

Therefore, the word is a powerful weapon of conscious/unconscious processes, as it has the

ability to reflect and shape the human mental experience. Penetrating to the level of deep structures with the help of certain words, the addressee can detect and influence the hidden psychic processes reflected in the addressee’s speech patterns (Zheltukhina, 2003, p. 16). In addition, “human experience greatly exceeds the vocabulary, one word can cause different associations in different people. This often leads to the identification or confusion of two or more situations, that is, to generalization and double meaning” (Zheltukhina, 2003, p. 16), which in many cases forms the basis of suggestive-manipulative techniques of communicative influence. A. R. Luria, one of the founders of neurolinguistics, emphasized that with the emergence of language the world seems to be doubling (Petrenko & Kucherenko, 2000), and in this case “We are doomed to perceive only the image of the world that we build in our language and through language” (Nastin, 2007, p. 33). In addition, “even if most of the information flows to a person through non-lingual channels, it is assimilated and influenced only through word processing” (Cherepanova, 2014), where in this case the linguistic component becomes more important than other components of communicative influence.

Language can generally be regarded as a suggestive phenomenon, that is, all components of a language are potentially suggestive (Murzin, 1995, p. 361; Cherepanova, 2001, p. 70), which supports many scholars (see the works of T. Y. Kovalevska, O. O. Selivanova and others). In addition, researchers believe that “any act of communication is suggestive – if the latter is understood not only and not the expansion of external information in the inner mental world of the subject, how much initiation in the subject of his own discursive-sensory associative network” (Nastin, 2007, p. 36). R. M. Blakar (1979) gener-

ally argued that “language is an instrument of social power” (p. 133), because ... “the choice of utterances made by the addressee of the message influences the recipient’s understanding. Even if the sender tries to “express himself objectively”, it can be seen that the choice made by him expresses and predetermines the reception received by the recipient” (Blakar, 1987, p. 90), and “... any use of language implies such a structuring and influential effect. that is, neutral is impossible” (Blakar, 1987, p. 91). In this aspect, R. Lakoff (1990) states that “we all manipulate language and do it constantly” (p. 11), and note that this process takes place not only consciously but also unconsciously.

V. Z. Demyankov (1989) also notes in this aspect that “language with its vague semantics enables one to flexibly enter into another’s consciousness: a new perspective, flexibly modifying itself (in this analogy with communicative mimicry) under the influence of the context of existing thoughts at the same time supersedes established thoughts in their system”. In this way, the language itself allows for a variety of descriptions of reality, that is, it activates the ability of the language to change our understanding of certain objects, calling them different words – this is called a variational interpretation of reality (or semantic manipulation). The specific feature of the language (see the works of A. N. Baranov, M. R. Dushkina, O. S. Issers, etc.) is specified and is used under communicative influence in order to conceal, camouflage the communicative intent. Accordingly, the interlocutor may impose on the recipient a certain (necessary!) conception of the environment, using a range of suggestive means that are actualized at different linguistic and textual and discursive levels (see the works of I. A. Avdeenko, R. M. Blakar, S. V. Boltayeva, N. V. Vertyankina, M. R. Zheltukhina, T.

Y. Kovalevska, O. V. Kotlyachkov, N. O. Ostroushko, I. Y. Cherepanova, N. V. Chumicheva, A. V. Shelestyuk, E. E. Schubert, and others).

Typically, all of the above levels interact, enhancing the impact (Kutuza, 2015, p. 118), and scientists, while analyzing impact actualizers, consider them simultaneously at several linguistic levels, noting the leading, but the views of scholars on the subject do not overlap. For example, I. Y. Cherepanova, based on the achievements of S. V. Voronin, O. P. Zhuravlev, J. Mystryk, R. G. Mshvidobadze, V. V. Nalimov, B. F. Porshnev, R. Yakobson, L. P. Yakubinsky and others, distinguishes 5 levels of suggestive-linguistic analysis: 1) phonological (phonosemantics); 2) prosodic (melody, accent, temporal and timbral characteristics, rhythm); 3) vocabulary (stylistic indexes by J. Mystrick); 4) vocabulary (definition of the percentage of words that represent different parts of the language); 5) morpho-syntactic (Cherepanova, 2001, pp. 71-84). The author considers phonosemantic to be the leading level, in this aspect it is supported by such researchers as S. V. Boltayeva, O. V. Kotlyachkov, N. V. Chumicheva and others. The well-known scientist B. F. Porshnev recognizes morphological as the main level, but most researchers consider the lexico-semantic to be the center of linguistic suggestion (see the works of R. M. Blakar, S. A. Gorin, T. Y. Kovalevska and others). Moreover, according to the beliefs of the sponsor of suggestive linguistics I. Y. Cherepanova (2001), when constructing a hierarchy of levels of suggestive linguistics, one must take into account the heterogeneity of suggestion, that is, depending on the type of influence – hidden (latent) or open (different), respectively, here: phonological in latent, morphological (for example, the prescriptive way of the verb), etc. (p. 71).

However, we support the view of T. Y. Ko-

valevska that the semantic level is a suggestive concentrator and we propose to consider the actualizers of influence (suggestive/suggestogenic) at all linguistic levels in synthesis with the semantic: 1) grapheme, 2) phonetic, 3) prosodic, 4) word formation, 5) lexical, 6) morphological, 7) syntactic, 8) stylistic, where predominantly suggestions are actualized at several levels simultaneously, and semantic is cross-cutting. We also consider it advisable to consider suggestems/suggestogens by the degree of intensity of actualization of suggestive saturation (by analogy to the degrees of intensity of the connotated marking of ergonomics (Kutuza, 2015, p. 174): implementation at two language levels – weak actualization; that will allow us to more thoroughly explore the potential suggestiveness of various discourses.

Thus, the language system as a whole acts as a pivotal component of the influence, which determines the need for a thorough analysis of its active multilevel suggestogens.

Conclusion

Thus, in each of the natural, social and human sciences, a separate component of a multi-component, complex phenomenon of influence is analyzed, which qualifies it as an interdisciplinary object of study. Philosophy also did not overlook the study of aspects of influence and suggestion as a variant of it. In the process of thinking about language, its influence on the spiritual world of man, his views and actions, etc., scholars focused their attention on such issues as the “magic” of words; close connection of spirit, soul with psycho-physiological phenomena, language and the influence of language on human perception; inaccuracy and variability of interpretation of reality; language as activity, motives for action, etc.

However, we note the priority character of the linguistic component in the general architectonics of the phenomenon of influence, where language is generally regarded as a suggestive phenomenon, given the ability to variably describe real reality through imagery, associativity, etc., based on the individual’s prior experience. The most powerful areas of influence research are the latest trends in suggestive linguistics and NLP.

Thus, consideration of the achievements of various sciences (psychology, medicine, sociology, etc.), connected in one way or another with the phenomenon of influence, will allow to study as deeply and thoroughly as possible the said phenomenon, to understand global processes and specific conditions of its implementation, etc., since this The phenomenon has a complex nature, the components of which (psychological, physiological, linguistic, etc.) are deeply studied in the relevant fields.

REFERENCES

- Baranov, A. N. (2003). *Vvedenie v prikladnuyu lingvistiku* (Introduction to Applied Linguistics, in Russian). Moscow: URSS Editorial.
- Barthes, R. (1996). *Mifologiya* (Mythology, in Russian). Moscow: Publishing House Sabashnikovs.
- Blakar, R. M. (1979). Language as a Means of Social Power. In *Pragmalinguistics. The Hague* (pp. 131-169). Paris: Mouton.
- Blakar, R. M. (1987). *Yazyk kak instrument sotsial'noy vlasti (teoretiko-empiricheskie issledovaniya yazyka i ego ispol'zovanie v sotsial'nom kontekste)* (Language as an Instrument of Social Power (The-

- oretical and Empirical Studies of Language and its Use in a Social Context), in Russian). In *Language and modeling of social interaction* (pp. 88-125). Moscow: Progress.
- Cherepanova, I. Y. (2001). *Dom koldun'i. Yazyk tvorcheskogo Bessoznatel'nogo* (House of the Sorceress. The Language of the Creative Unconscious, in Russian). Moscow: KSP +.
- Cherepanova, I. Y. (2014). *Rossiyskaya suggestivnaya lingvistika – veronapravlennoye vliyaniye yazyka na podsoznaniye lyudey* (Russian suggestive linguistics – the loyal influence of language on the subconscious of people, in Russian). *Word of Linguistics and Communication*, 2(35), 1-4. Retrieved March 19, 2020 from: <http://tverlingua.ru>.
- Demyankov, V. Z. (1989). *Effektivnost' argumentatsii kak rechevogo vozdeystviya* (The Effectiveness of Argumentation as a Speech Effect, in Russian). *The Problems of Effectiveness of Speech Communication*, 13-40. Retrieved March 20, 2020 from: <http://www.infolex.ru/P048.html>.
- Feichinger, G. (2017). *Filosofiya kak esli by* (Philosophy as if, in Russian). Retrieved March 19, 2020 from: <https://psychosearch.ru/biblio/filosof/hans-vaihinger/423-kniga-gans-fajkhinger-filosofiya-kak-esli-by-chast-1-predislovie-i-soderzhanie>.
- Florensky, P. A. (2000). *Sochineniya v 4 tomakh* (Works in 4 volumes, in Russian). (Vol. 3). Moscow: Thought.
- Goncharov, G. A. (n.d.). *Suggestiya: teoriya i praktika* (Suggestion: Theory and Practice, in Russian) Retrieved March 20, 2020 from: <http://www.universalinternetlibrary.ru/book/goncharov/ogl.shtml>.
- Humboldt, V. (1984). *Izbrannye trudy po yazykoznaniiyu* (Selected Works on Linguistics, in Russian). Moscow: Progress.
- Kies, R. (2002). *Mova, dumka i kul'turna real'nist'* (vid Oleksandra Potebni do teoriiy movnoho relyatyvizmu) (Language, Thought, and Cultural Reality (from Alexander Potebna to the Theory of Linguistic Relativism), in Ukrainian). Lviv: Chronicle.
- Kotlyachkov, A., & Gorin, S. (2007). *Oruzhiye - slovo. Oborona i napadeniye s pomoshch'yu...* (Weapons - the Word. Defense and Attack with the Help of..., in Russian). Moscow: KSP +.
- Kovalevska, T. Y. (2008). *Komunikatyvni aspekty neyrolinhvistychnoho prohramuvannya* (Communicative Aspects of Neurolinguistic Programming, in Ukrainian). Odessa: Astroprint.
- Krongauz, M. A. (2001). *Semantika* (Semantics, in Russian). Moscow: Russian State University for the Humanities.
- Kutuza, N. V. (2015). *Reklamnyy ta PR-dyskurs: aspekty vplyvu* (Advertising and PR Discourse: Aspects of Impact, in Ukrainian). Kiev: Dmitry Burago Publishing House.
- Kvit, S. (2003). *Osnovy hermenevtyky* (Fundamentals of Hermeneutics, in Ukrainian). Kyiv: Kyiv-Mohyla Academy Publishing House.
- Kvit, S. (2008). *Masovi komunikatsiyi* (Mass Communications, in Ukrainian). Kyiv: Kyiv-Mohyla Academy Publishing House.
- Lacan, J. (1953). *Funktsiya i pole rechi i yazyka v psikhooanalize* (Function and Field of

- Speech and Language in Psychoanalysis, in Russian). Report at the Rome Congress, read at the Institute of Psychology, University of Rome, September 26 and 27. Retrieved March 20, 2020 from: <http://teneta.rinet.ru/rus/le/-lakan.htm>.
- Lakoff, R. (1990). *Talking Power. The Politics of Language*. New York: Free press.
- Locke, J. (1960). *Opyt o chelovecheskom razumenii* (The Experience of Human Understanding, in Russian). In J. Locke, *Selected Philosophical Works, I* (pp. 153-162). Moscow: Publishing House of Social and Economic Literature.
- Manakin, V. M. (2011). *Suhestivna funktsiya movy yak prahmalinhvistychnyavyshche* (Suggestive Function of Language as a Pragmalinguistic Phenomenon, in Ukrainian). *Studia Linguistica, II*, 196-203.
- Murzin, L. N. (1995). *O dinamicheskoy lingvistike XX veka* (On Dynamic Linguistics of the XX Century, in Russian). *Linguistics at the End of the Twentieth Century: Results and Prospects, II*, 361-362. Moscow: Philology.
- Nastin, I. V. (2007). *Psikholingvistika* (Psycholinguistics, in Russian). Moscow: Moscow Psychological and Social Institute.
- O'Connor, J. (2006). *NLP: Prakticheskoe rukovodstvo dlya dostizheniya zhelayemykh rezul'tatov* (NLP: A Practical Guide to Achieving Desired Results, in Russian). Moscow: FAIR.
- O'Connor, J., & Seymour, J. (1998). *Vvedeniye v NLP* (Introduction to NLP, in Russian). Chelyabinsk: Version.
- Pashinina, D. P. (2002). *Vlekomye yazykom* (Drawn by Language, in Russian). *Philosophy of Science, VIII*, 377-405.
- Petrenko, V. F., & Kucherenko, V. V. (2000). *Iskusstvo suggestivnogo vozdeistviya* (Art of Suggestive Influence, in Russian). *The Journal of Practicing Psychologist, 6*. Retrieved March 19, 2020 from: <https://shust.me/iskusstvo-suggestivnogo-vozdjestviya/>.
- Porshnev, B. F. (1972). *Kontrsuggestiya i istoriya* (Elementarnoye sotsial'no-psikhologicheskoe yavlenie i ego transformatsii v razvitiie chelovechestva) (Counter-Suggestion and History (Elementary Socio-Psychological Phenomenon and its Transformations in the Development of Mankind), in Russian). *History and Psychology, 7-35*.
- Porshnev, B. F. (1974). *O nachale chelovecheskoi istorii. Problemy paleopsikhologii* (Beginning of Human History. Problems of Paleo-Psychology, in Russian). Moscow: Thought.
- Potebnya, A. A. (1993). *Mysl' i yazyk* (Thought and Language, in Russian). Kiev: SINTO.
- Vitale, J. (2008). *Gipnoticheskiye reklamnye teksty: kak iskushat' i ubezhdad' kliyentov odnimi slovami* (Hypnotic Advertising Texts: How to Tempt and Convince Customers in One Word, in Russian). Moscow: Eksmo.
- Wittgenstein, L. (1994). *Filosofskie issledovaniya* (Philosophical Studies, in Russian). In L. Wittgenstein, *Philosophical Work* (Part 1, pp. 75-319). Moscow: Gnosis.
- Yudanova, E. T. (2003). *Suggestivnaya funktsiya yazykovykh sredstv angloyazychnogo politicheskogo diskursa* (Suggestive Function of Linguistic Means of English-language Political Discourse, in

Russian). St. Petersburg.
Zheltukhina, M. R. (2003). *Mass-medial'naya kommunikatsiya: yazykovoye soznaniye - vozdeystviye - suggestivnost'* (Mass-

Media Communication: Linguistic Consciousness - Impact - Suggestiveness, in Russian). *Language. Consciousness. Communication*, 24, 13-28.

ON THE PERCEPTUAL, THE CONCEPTUAL, THE OBJECTIVELY REAL AND THE PROBLEM OF TRUTH IN COSMOGONY AND COSMOLOGY

Abstract

This article is devoted to the philosophical foundations of different explanations of the facts known from the latest scientific achievements of cosmogony and cosmology. It is shown, that some of the explanations on the matter under observation tacitly rehabilitate the idea of anthropocentrism finding its roots in Ptolemaic theory. In this context, great attention is paid to critical analysis of the anthropic principle, which is a version of current teleology. It is assumed that the above-mentioned principle is based on the inadequate interpretation of the hypothesis of the Big Bang. Thereat anthropic principle is determined on one side by Aristotle theory of telos and on the other side by religious and mystical ideas of creation of the World and Mankind. In contrast, the many-worlds interpretation or the Everett interpretation equates the conceptual and the objective reality going to the other extreme on this ground and postulating almost infinite plurality of alternate Universes.

This article highlights the issues specific to philosophical and methodological foundations of delusions and criteria of knowing the truth in cosmogony and cosmology.

Keywords: the perceptual, the conceptual, the objectively real, geocentrism, the global non-geocentric, Big Bang, the many-worlds interpretation, anthropic principle, truth.

Introduction

Modern physical and mathematical cosmology and cosmogony have expanded human ideas about the Universe, its formation, development and structure so much, that it has led to the exacerbation of old philosophical issues about man's place in the world, the meaning of social being, the cognition of things in the outside world and a number of other issues. It is this very fact which determines the imperishable relevance of philosophical problems of cosmology and cosmogony.

Notable among them are:

- 1) the problem of the creation of the Universe;
- 2) the problem of philosophical foundations in the cognition of the cosmogonic process;
- 3) the problem of the link between the formation of the Universe and mankind's formation in the perspective of philosophical anthropology and the meaning of being human;
- 4) the problem of the anthropic principle as a version of the teleological approach to the formation of the Universe.

The complexity of the aforementioned issues as well as the adjacent issues determines the necessity for finding the right philosophical

foundation for interpreting the latest data of current physical and mathematical cosmology.

First of all, the perceptual Universe, the conceptual Universe and the objectively real Universe must be strictly distinguished in cognition.

The current physical and mathematical model imparts ontological meaning to the space-time conceptual framework of structuration and development of the Universe. And could you tell us how reasonable such an ontologization is? To answer this question, you cannot but use the philosophical criterion of distinguishing the objectively real and the subjective which exists in perceptual and conceptual variants. Materialistic philosophy notes that each subjective belongs to the cognizing individual's consciousness and acts as the reflection of the objectively real which exists outside the mind (Oganyan, Branskij, Hovhannisyanyan, & Djidjian, 2018). But how can one make sure that the obtained knowledge is true and reliable as long as the field of descriptions of cosmological and cosmogonic facts contains nothing but conceptual schemes and physical and mathematical models and these schemes and models are representatives of consciousness, not of objective reality world?

Methodological Framework

From the very beginning of the development of classical physics, its statements and conclusions were formed on the basis of existing philosophical postulates. Isaac Newton, in his "Philosophiæ Naturalis Principia Mathematica", puts forward the following philosophical principles developed by already ancient philosophers and scientists such as atomism, absolute space, absolute time and necessary causality as his original postulates. This link, however, is not always

of linear causality character – from philosophical postulates to the scientific concept. Thus, the Ptolemaic system was determined by prevailing religious or mythical ideas that God created the world and man as the culmination of all Creation and the centre of the world. On the other hand, the geocentric model of the Universe formed the basis of geocentrism in philosophy and the latter defined anthropomorphism and anthropocentrism for natural sciences of modern and contemporary history. For its part, anthropocentrism acted as a prerequisite for the formulation of the anthropological principle put forward by L. von Feuerbach and further developed by N. Chernyshevsky.

The Copernican model literally revolutionized scientific understanding proceeding by the late 19th century from global geocentrism to equally important the non-geocentric¹. Copernican

¹ In the 20th century cosmic pluralism or the plurality of worlds was further developed both in mega- and microdirectional models and the vision of the quality and diversity of matter developed both wider and deeper. And, as a consequence the early astronomical the non-geocentric took a more generic form for natural science the non-geocentric (the concept of structural levels of matter organization) aiming at going up against the absoluteness of the earthly realm (or the macroscopic world) which is Man's natural environment and against arbitrary extrapolation of any attributes and modes (the doctrine of Attributes and Modes by B. Spinoza) to other forms of objective reality without taking into account the specificities of the latter ones (Branskij, 2014).

In the meantime, the creation of non-Euclidean geometry and set theory in the 19th century resulted in the substantial limited scope of the concept for natural science the non-geocentric and raised the problem of development, generalization and consolidation of the idea of the plurality of worlds in a completely new and very unexpected direction. In such conditions, this generalization and consolidation proved to be necessary in relation to the need to understand the diversity in the transition from the objects of the earthly realm (the macroscopic world) to which everyone may deal with as an ongoing activity to the megaworld on one side that is the world of the giant scale objects, and the microworld on the other side that is the world of micro-objects.

So, in the late 20th century the term "plurality of worlds" had some specific different meanings, name-

heliocentrism formed the foundation of new non-geocentric philosophy. Giordano Bruno's idea about an infinite Universe with numerous inhabited worlds anticipated discoveries of cosmology and cosmogony of the 20th century. Non-geocentric philosophy was of particular significance to the establishment of relativistic cosmology (Oganyan, 1987, pp. 53-59; Oganyan, 1992^a; Oganyan, 2018, pp. 127-131).

However, Albert Einstein did not create his theory on the basis of some philosophical principles. On the contrary, he made a significant change in philosophical principles by his theory of relativity. In accordance with Einstein's theory of special relativity, the absoluteness of space-time is replaced by its concrete relativity that is the inherent linkage with material systems. The material unity of the world is considered as a developing system and not as a predefined harmony. The formation of particle physics, quantum mechanics, modern scientific cosmology and cosmogony has shown that in global development is not just the necessary causal link but also unreasonable determinants of the implementing opportunity process acting as patterns, regulari-

ly:

- 1) the plurality of material worlds in the traditional sense for natural sciences (in the non-geocentric for natural sciences);
- 2) the plurality of material worlds from an ontological perspective (in the ontological non-geocentric);
- 3) the plurality of possible worlds in modal logic (in the logical non-geocentric);
- 4) the plurality of mystical worlds (in the mystical non-geocentric).

Definitions (1) and (2) allow only principally observed worlds for the objective existence; at that in Definition (1) principal observability is linked with homogeneity of the universal content of attributes (forms) of matter and in Definition (2) the link is created with heterogeneity of this content. Definitions (3) and (4) allow for the objective existence principally unobserved worlds. At that Definition (3) contains a statement, stating that principally unobserved worlds must definitely follow the laws of logic, while Definition (4) postulates the opposite statement, i.e. such a world does not follow the laws of logic.

ties and supplements of causality. As a result, the reality is not reducible to pure necessity and pure chance, and chance is a form of being of relative necessity (Ogorodnikov, 1985; Ogorodnikov & Oganyan, 2019, pp. 30-39). Advocates of logical positivism made a few tries to solve a problem of fundamental incomparability of conceptual scheme with a unified system of objective reality processes describing this scheme through the use of the coherence principle. Thus, R. Carnap (1971) was convinced that the truth of the judgment is determined by logical coherence and the coherence between this judgment and other judgements forming this concept (principle of coherence) (p. 132). However, the logicity of a theory cannot serve as the criterion of truth for this theory. This statement bases its arguments on the analysis of the history of the formation and development of both cosmology and natural sciences. Thus, Ptolemaic and Copernicus systems seem to be internally faultless and logical. However, you cannot recognize their genuine equality on this ground.

At the same time, the denial of coherence as a criterion of truth cannot serve as the grounds for explicit or implicit agnosticism. Nor can it be the assertion that substantive truth is fundamentally unattainable, especially in terms of understanding such great magnitudes as the Universe. In point of the fact, what are the grounds for the extrapolation of judgments related to parts and a greater whole, if the logical coherence of judgments in the concept cannot serve as the grounds for the conclusion of the truth of this concept?

In addition, this statement concretizes a well-known postulate of dialectical philosophy about the relativity of truth and illustrates K. F. Gödel's incompleteness theorems. Gödel showed that noncontradiction of formal arithmetic cannot be proved by the tools of this theory.

In the future, this statement was extended to each and every system of formal statements. However, Gödel's incompleteness theorems do not imply that some aspects of the essence of objective reality remains unknown forever. In addition, these theorems do not imply that human cognitive abilities are somehow limited. The above mentioned theorems only demonstrate the weaknesses and deficiencies of formal systems (Livio, 2016, p.112.).

In this context, some authors' attempts aiming at presenting the limitations of today's knowledge of the Universe as an argument to the statement of the impossibility of experiencing the Universe as a whole stem from the implicit identification of "the Universe as a whole" and "the Universe on the whole" concepts as well as from the absolutization of the philosophical statement on the concrete relativity of truth (Nesteruk, 2017, pp. 72, 307).

The discovery of the law of conservation of energy created the basis for further development of thermodynamics and statistical physics. In 1850 the German physicist R. Clausius formulated the second law of thermodynamics which is the law of increasing entropy in an isolated and non-equilibrium thermodynamic system. The law determines that thermal energy moves from more heated objects to the less heated ones. In this regard, the development of the physical world, according to Clausius, has a very definite direction: the proportion of heat in the overall balance of energy increases, and thermal energy dissipates in the world space evermore. Therefore, it is concluded that after a certain time an increase in entropy will lead to the cooling processes in all the stars and the "thermal death" of the Universe. The law of conservation of energy is observed, but the process of increasingly uniform distribution of heat over infinite space

makes the existence of higher forms of the matter and, above all, life impossible. Criticizing the concept of "Heat death of the Universe" by R. Clausius, F. Engels showed the main deficiency of his reasoning, namely that a true statement for a finite system was extended to the entire infinite Universe.

F. Engels noted that philosophical materialism must inevitably change its form with every discovery that constitutes an era, even in the natural, historical field. This statement demonstrated its heuristic value in connection with the discoveries made in the fields of elementary particle physics and quantum mechanics. They could not be interpreted on the basis of the old philosophical materialism, which had not assimilated the dialectical method of G. Hegel. In this regard, many interpretations of the discoveries in physics of the twentieth century are obviously idealistic. As an example, it suffices to consider the idea of instrumentalism in the interpretation of wave-particle duality. Such popular concepts as the "many-worlds" interpretation by Hugh Everett and the "anthropic principle" of cosmogony and cosmology are no exception. It should be noted that these ideas demonstrate opposing positions to the non-geocentric.

Everett's interpretation of quantum mechanics rejects the ideas of complementarity and unit reduction of the wave function by N. Bohr and offers a new solution to the problem of particle-wave dualism. Everett defends the view that the absolute universal state is a quantum superposition of several (and possibly of infinite number) relative states of identical parallel Universes that do not interact with each other, and it is mathematically true. This conceptual framework proceeds from the primacy of the act of observation in relation to its result. At first sight, Everett's idea seems to be a modern concretization of J.

Bruno's idea of the plurality of inhabited worlds. "The immeasurable, infinite Universe," wrote Bruno, "is composed of this space and the bodies contained in it ... There is an infinite field and vast space that encompasses everything and penetrates everything. There are innumerable bodies in it, similar to ours, of which none is more in the centre of the Universe than the other, for the Universe is infinite, and therefore it has neither the centre nor the edge" (Kojre, 2001, pp. 31, 34).

However, Bruno's idea assumes the actual existence of many worlds in the entire stationary Universe, while Everett's interpretation assumes the Universe virtual set. It seems to us that the "multi-worlds interpretation" is one more example showing how an internally logical conceptual framework concerning only one of the aspects of the world, attempts to be exhaustive in describing the entire world global model. The conceptual turns into the objectively real.

In addition, this interpretation is a clear extrapolation from microcosm structure to macrocosm structure. It is interesting to note that physicists acted diametrically opposite and extrapolated macrocosm structure to microcosm structure at the beginning and creation of microworld physics. A prominent example was the planetary model of the atom represented in 1911 by Ernest Rutherford, who came to be known as the father of nuclear physics.

It should be noted that all such concepts are explicit or implicit forms of hypostatization – with the status of objective reality to abstract conceptual structures. Hypostatization is the main method of objective idealism. It was used in all kinds of objective idealistic vision, beginning with Pythagoras numerology and Plato's theory of ideas to Hegelian absolute idealisms.

The Problem and the Ways of its Solution

The specified methodology is used one more upstart cosmogonic and cosmological idea called "the anthropic principle". This idea is often analyzed in the context of a trendy concept of modern cosmogony called the Big Bang hypothesis.

Like any hypothesis, the Big Bang idea proves to be an interpretation of empirical facts. It appeared as the most probable interpretation of the redshift effect discovered by E. Hubble in the spectrum of galaxies in 1929 and the discovery of relict radiation made by A. Penzias and R. Wilson in 1965. Both discoveries demonstrated the expansion of the observable Universe, and, therefore, showed that a long time ago (about 13.5 billion years ago according to today's calculations) the entire observable Universe was an entire point object and the "singularity" or the explosion of the observable Universe was the cause and beginning of the evolution of the Universe. On the other hand, this interpretation was not free from classical religious and attitudinal orientations (as in the case of the development of Ptolemy's geocentric model of the Universe). It can be assumed that a Belgian Catholic priest Georges Lemaitre's religious and philosophical worldview contributed to the fact that he became one of the authors of the Big Bang theory and the expansion of the Universe. It is no coincidence that this theory is used by representatives of neo-Thomism as an argument proving spontaneous creation of the Universe from nothing.

At the same time, any description of the singular state of the observed Universe before the Big Bang clearly indicates that this concept has nothing to do with objective reality. Most often,

a cosmological singularity is defined as the state of the Universe at the starting point of existence characterized by infinite density and temperature and practically zero volume. Leading experts have repeatedly noted that the singularity does not obey any of the known laws of physics and contradicts the principle of causality (Hawking, 1967, pp. 187-201).

Such concepts contradict all the laws of dialectics. Thus, the law of the transformation of quantity into quality says that any certain quality is linked with no less than a certain amount and their unity represents measure. In this context the postulation of the infinity of any property and characteristic contradicts the laws of any science, indicating that measure is quantitatively limited and, in this restriction, it qualitatively determines everything which is objectively existing. An infinite number means the absence of the existence of something specific. For example, infinite space means the lack of space as an attribute of any material system, and infinite time means the lack of a temporal characteristic and, consequently, the lack of existence of something concrete.

As well as the mentioned above “multi-world” interpretation by Hugh Everett, the concept of the Big Bang and some of the concepts adjacent to it, e.g. the concepts of “black holes”, “dark energy”, “dark matter” are in fact the examples of hypostatization.

The idea of the “anthropic principle” uses not only the method of hypostatization but also Laplacian determinism methodology, which denies objective randomness and probabilistic nature of any process. These postulates lie in the founding of teleology, which is the main philosophical and methodological basis of the anthropic principle.

It does not take into account that the development perspective of any process is probabilis-

tic, and the connection between a previous condition and a subsequent condition seems random. In terms of synergetics, the very moment of transition to a new condition acts as a “bifurcation point” at which a developing system can change dramatically and unpredictably. The foregoing is especially applicable to quantum mechanical interactions. However, in retrospect, the same process seems linear, and the relationship of states from the present to the past is uniquely determined. Therefore, when looking into the past, a randomly probabilistic scatter of events turns into an absolutely necessary connection of states, which, in turn, acts as the basis for a teleological interpretation of the evolution of the Universe.

Philosophical origin of teleology is based on the thought of a prominent ancient Greek philosopher and scientist Aristotle about four causes behind all the change in the world and his thought of the centre-forming role of the purpose-oriented reason.

It is the application of the teleological worldview to the solution of the problem of the Big Bang that on the one hand “solves” the problem of the randomness of this colossal event, and on the other hand, serves as the basis for the anthropic principle. The anthropic principle restores the rights abolished by the Copernican heliocentrism to anthropocentrism (Oganyan, 1992^b). From the point of view of the anthropic principle, the humans became human as a result of cosmological evolution beginning from the formation of matter and the world of elementary particles after the moment of Big Bang to the appearance of *Homo sapiens* on the Earth. The system of microphysical constants that had been formed by that time supposedly determined this process unambiguously.

Moreover, the weak anthropic principle clearly points to the privilege of our position in

the Universe. According to the British theoretical physicist B. Carter (1978) who is the founder of this view of the evolution of the observable Universe, “our location in the Universe is necessarily privileged to the extent of being compatible with our existence as observers” (pp. 31, 44). Thus, the fact of our being determines what we observe. This is the consideration of the process in its retrospective - from the now existing observer in all his/her entirety to the beginning of the global cosmic evolution resulting in the aforementioned observer. As it was noted, such a consideration results in the conclusion that the process of cosmic evolution is unambiguous and teleonomic.

The strong anthropic principle absolutizes the necessity for a major step forward to the humans for global cosmic evolution, strengthens this process teleonomically of and claiming that there is one possible Universe which is in some sense compelled to eventually have conscious and sapient life emerge within it (Barrow & Tipler, 1988, p. 21). Obviously, this approach logically conflicts with the abovementioned “multi-world” interpretation of Everett’s quantum mechanics, although the latter also postulates the primacy of the observation act towards its result. The following Carter’s (1978) words acknowledge the fact that the strong anthropic principle is logically connected with Laplacian determinism: “The Universe (and hence the fundamental parameters on which it depends) must be as to admit the creation of observers within it at some stage of evolution” (p. 373). One of the critics of the anthropic principle made the following wording of this principle paraphrasing a famous saying by Descartes: “I think, therefore the world is”.

The ultimate result of abstraction is an ideal object which is an example of the conceptual.

Each and every hypothesis and the theory of science makes extensive use of concepts representing ideal objects. However, everyday language words bearing casual relations to objects also act as an ideal object. Therefore, not only the scientific process but also everyday speech are examples of the manipulation of ideal objects. If at the same time, the connection between the universal and the singular is lost, there is a danger of the ontologization of concepts which is the way to the objective-idealism worldview.

In the context of the above, the anthropic principle looks like nothing more than an ideal construct which does not have any referents in objective cosmogonic processes. But do these processes exist? This Humean epistemological scepticism leads us to the conclusion that it is impossible to know the Universe as a single harmonious entity. And in its turn, dating back to ancient philosophy, this conclusion is based on the contrast between the necessity of cause-effect relations and the accidental, which is contrasted to the necessity as a groundless attempt (Democritus). Hence, there comes a new contrast between the necessary general and randomly individual. The positivist approach to scientific knowledge this knowledge treated as empirically single and random leads to the assertion that the causes of the formation of the Universe cannot be established in cosmology and cosmogony. In connection with this, it is advisable to single out for criticism the fundamentals of I. Kant’s philosophical views. These are the views of an outstanding founder of German classical philosophy, and they still stay relevant.

In the context of the above-mentioned issues of cosmology, it is especially important to turn to the consideration of Kantian antinomies. As the founder of the new philosophical school, Kant formulated a number of the problems (pri-

marily the epistemological ones) of the old philosophy very clearly, but left their solution to his followers, mainly to G. Hegel. Kant does not understand that Democritean concept about absolutely indivisible particles called atoms moving in absolute space is completely anti-dialectical (Kant relied on Newton in this regard). Kant's (1964) first antinomy intrinsically reproduces the main paradoxes of Zeno's aporias: "The world has a beginning in time, and is also limited as regards space *versus*. The world has no beginning, and no limits in space; it is infinite as regards both time and space" (pp. 404-405). Analyzing Zeno's aporias, Hegel (2019) noted that it was necessary to agree with ancient thinkers that the movement was contradictory, but it did not follow from the point that there was no movement and, on the contrary, the movement was the existing contradiction by itself (pp. 134-135). Essentially, Zeno revealed a formally logical contradiction of movement deriving from the postulates of absolute time and absolute space, which can be arbitrarily divided into any segments. The great philosopher Aristotle spoke of the dialectical connection of space and time as the properties of things that cannot exist outside the things themselves similar to whiteness which cannot exist outside the specifically white things. Hegel is credited with the formation of the first approaches to the potential infinity and inexhaustibility of the world and the definition of space and time as characteristics of changes in specific things. However, it is the great physicist Albert Einstein that drew a definite line in this dispute. When answering to a journalist's, question on how to explain in a concise and accessible way the main conclusions of the theory of relativity, Einstein gave quite a cosmological explanation and said that before it was believed that if all matter disappeared from the Universe,

then space and time would still remain, but the theory of relativity says that space and time would also disappear.

As Kant (1964) says in his second antinomy: "Every composite substance in the world is made up of simple parts *versus* No composite thing in the world is made up of simple parts," (pp. 410-411). This antinomy was also resolved by modern quantum mechanics but not by philosophy. Kant still cannot solve the problem of the link between chance and necessity. Hence, he interprets the aforementioned antinomies (like all his antinomies) in the spirit of non-observance of the law of the excluded third. Therefore, he postulates two more antinomies.

In accordance with Kant (1964), the appearance of the world and all can be derived from Spontaneity *versus* There is no Spontaneity; everything in the world takes place solely in accordance with laws of nature. (pp. 418-419). Spontaneity is incorrectly opposed to necessity. Hence the dilemma turns to be the false one. As Kant (1964) also says, there belongs to the world, either as its part or as its cause, a being (God) that is absolutely necessary *versus* an absolutely necessary being (God) nowhere exists in the world, nor does it exist outside the world as its cause (pp. 424-425). Both dilemmas are based on anti-dialectic contraposition of the necessity of a causal series (pan-causalism) and "groundless" chance. Kantian arguments in favour of the equal truth of contradictory statements seem very naive nowadays. But those trusting these arguments believe that the antinomies refer to relevant epistemological contradictions. According to the law of the excluded third, contradictory statements cannot be either true or false at the same time, but Kant "proves" that they are true in parallel. From Kant's point of view, antinomies show that the learning higher essences of

“things in themselves” is impossible either sensually or rationally. In this way, Kant unfolds before us as a partial-shape agnostic philosopher. Facing some epistemological difficulties that undermined both the old rationalism and empiricism, Kant takes an original position. He defends sensualism against extreme rationalism which treated sensations as an only imaginary knowledge. But he also defends rationalism against one-sidedness of sensualism, which interpreted thinking as a direct continuation of sensuality in quality or, at least, in terms of the functions of direct expression of the properties and the structure of the outer world. On the other hand, Kant also criticizes both sensualism, which treated mind as its successor on the way of cognizing the essence of things, and the old rationalism which claimed to fulfil the task to solve this problem directly. Already Hegel reconciled Kant’s antinomies interpreting them in the spirit of dialectical logic. He also ironically commented on the law of the excluded third. Hegel cited the following example: “Spirit is green - Spirit is not green”. To raise the question “Which of these two statements is true?” is senseless, since both of them are senseless. No law of logic can be applied to the judgements which subject and predicate are doubtful regarding their existence. The same assertions can be made about all four theses/antithesis pairs in Kantian antinomies. Kant’s antinomies are based on a misunderstanding of the dialectical link of objective opposites, and cannot serve as arguments for the existence of some incomprehensible “things in themselves”, “noumena”.

The contradiction found in judgments about something is an incentive to cognizing the truth and not the reason to abandon cognition and to join the “creeping empiricism” of phenomenology. Hegel aptly expressed himself in his regard

in his doctoral dissertation of 1801 saying that contradiction is the criterion of truth and the absence of contradiction is the criterion of error. This thesis is the key to interpreting the essence of dialectical logic. Kantian a priori knowledge and phenomenalism were developed by E. Husserl (1994), who argued that transcendently phenomenological reduction is designed to solve the problem of correlation between “constitutive subjectivity and constituted objectivity” (p. 132). At the same time, it must be recognized that such an epistemological problem really exists, but it is impossible to follow the way of orthodox subjective idealism here, calling any objective thing a subjective construction. With this approach, a radical abolition of objective reality, including all cognition and, consequently, the procedure of cosmos cognition takes place. In this way, subjectivity is destroyed for the subjective exists only in an inextricable linkage with the objective. In this case, one cannot allow a return to the exhaustively criticized position of R. Avenarius on the “principle coordination”, of the object and the subject and their inextricable linkage that is what the proponents of introducing the observer into the cosmological model do. This linkage is not of symmetrical character as there is no the subjective without the objective, but there is the objective without the subjective (in the end, this is not a question of concepts, but about the entities behind them that is about the content of concepts). Otherwise, the objective is deprived of its essence and existence. There was no past YET when there was no something subjective, the present when there was no actual linkage between this objective and something subjective. There is no future when there is ALREADY no subjective reflecting this objective.

In more recent times, the idea of principal coordination was largely discredited when trying

to use it for the interpretations of the physical discoveries of the late XIX - early XX century. Thus, observing no direct linkage between a cognizing subject and a micro-object (electron) the outstanding physicist Henri Poincaré, argued that matter at the level of the microcosm “disappears”, only some equations describing imagining things remain. The post-non-classical science includes the cognizing subject with his/her philosophical and scientific views and beliefs in the description of scientific discovery, and this allows us to establish a linkage between the cognition of truth and the dialectical materialist philosophy. Based on the foregoing, one can cast doubt on the effectiveness of the phenomenological analysis for not only cosmological theories but also for any theoretical constructs in general. For the truth is neither on the surface of a phenomenon, nor it is cognized and recognized intuitively. All examples of triggering “creative intuition” illustrate this statement, for example, according to a famous legend known already during D. I. Mendeleev’s lifetime, his periodic table came from his dream when he saw a table where all the elements fell into places as required. It is known that the author of the periodic table was very ironic about this legend, noting that the table was the fruit of the research which took more than twenty years of hard work. Another widely used variant of the subjective-idealistic solution to the problem of truth in scientific knowledge is the assertion that the truth of a theory is established on the basis of the collective agreement of a community of professional scientists (Nesteruk, 2017, p. 12). Is it not this position that dissertation councils take advantage of when they decide whether some scholars will obtain their PhDs? Truth is linked with an objective entity which is defined as a relative need for discovering many chances as the forms of its

manifestation. True knowledge as Plato taught must be a combination of sensuality and mind, and the mind must comprehend the elements of sensory experience in order to discern the common in the singular and the eternal in the transient. Plato (1968) through the mouth of his beloved teacher Socrates gives his classical truth-definition, saying that the one who speaks of things according to what they are, speaks the truth (p. 417). This understanding of truth displays the only criterion of truth, which is practice. There is no rhyme or reason to identify practice with empirical verification, as did the representatives of neo-positivism. It is a practice that sweeps away all subjective idealism assumptions about the fact that we deal not with objects and processes but with their subjective images. It is easy to get ascertained that truth cannot be verified by voting. Imagine a pan-European referendum devoted to the description of the Universe which dates back to the days when Copernicus was finishing his work on his heliocentric model. Revising the concept of “truth” going back to Plato in favour of the idea that truth is a matter of social agreement we, generally speaking, fall out of the field of science. We have good reason to believe that the famous Malevich’s Black Square would not have been possibly considered as a work of art in any society up until the twentieth century. The criteria of truth degraded in modernism and postmodernism, including but not limited to art. General significance became known as the criterion of truth. How this can “work” was brilliantly shown by G. Kh. Anderson, in his philosophical tale “The Emperor’s New Clothes”. Nowadays, the effect of such a “promoted” general significance as the criterion of truth is observed in art, in politics, in trade, and even in science that is almost everywhere. L. Wittgenstein argued that the veritable criterion of

something that he had correctly drawn when looking at it was in something that he said, meaning that it was veritable. So right or true? These may be translation difficulties. In some languages, there is no terminological distinction between truth and verity. But this does not mean that they do not differ at the level of the essence and the terms are treated as synonyms, and not as homonyms. Everyone clearly understands that on a polygraph test or a lie detector test, it is impossible to separate truth from delusions, but it is possible to separate the truth from lies. These considerations are another counterargument against the idea of the possibility of using general significance as a criterion of truth. There remains an agreement in faith or a faith agreement. But faith means choosing the road to the temple, not to the World... (Oganyan K. M., Branskij, & Oganyan K. K., 2018, pp. 57-72).

Another position in modern cosmology aiming at hiding agnosticism is that the Universe is so grandiose that it can be declared as principally unobservable. There is no reason to extrapolate the knowledge of a tiny part of the Universe to the entire observable Universe. Modern science came across the absence of observability when developing classical electrodynamics by J. Maxwell. Taking cosmology into account, the absence of observability of objective process definitely took place already in the outbreak and extension of the geocentric system developed by Anaximander of Miletus in the 6th century BC. The concept of this system was further developed by Aristotle and finally formed by Ptolemy in the 2nd century AD.

Conclusion

The human in place space, the essence and meaning of human existence are of rather differ-

ent, even opposite character in terms of geocentric and heliocentric models. Current physical cosmology has shifted the solar system to the most distant periphery of the Milky Way. Non-geocentric has become truly global. In this regard, placing the Earth back in the centre of the Universe and calling Humans the crown of creation via the postulation of the anthropic principle looks like the return to Ptolemy... It should be noted that the principle of the reproduction of the phylogenesis in the ontogenesis obtains much greater heuristic potentials and this fact drew E. Haeckel's attention as early as 1866. This principle can also be helpful in consideration of the spiritual formation of the society and the development of consciousness. In this case, the social nature of human beings will be taken into account in contrast to genetic similarity principle. However, we doubt whether this principle can be used for the argumentation of inextricable linkages and connections between the development of the Universe and humanity. What can prevent us from using current discoveries in cosmogony and cosmology to establish the basis for such linkages and connections?

The analysis undertaken demonstrates that many interpretations of current discoveries in cosmogony and cosmology are based on the following old philosophical fallacies:

1. the identification of the perceptual, the conceptual and the objectively real;
2. the classical religious and philosophical doctrine of God's creation of the World and Man;
3. metaphysical space/time absolutization, defining space and time as substances or absolute entities (the substantial concept);
4. erroneous extrapolation of the macrocosmic structural organization into the microcosm and vice versa;

5. agnostic scepticism regarding the impossibility to cognize and recognize the Universe in view of its practical infinity;
6. claiming that the rules of logic can distinguish criteria of truth on their own;
7. the assertion that the truth of a theory is established on the basis of the collective agreement of the majority of a community of professional scientists;
8. hypostatization which is giving the status of objective reality to abstract conceptual structures and ideal objects;
9. Laplacian determinism postulating absolute necessity and linearity of cause and effect relationships of the cosmogonic processes.

Understanding and overcoming these fallacies opens the way for a dialectical interpretation of current discoveries in cosmology and cosmogony.

REFERENCES

- Barrow, J. D., & Tipler, F. J. (1988). *The Anthropic Cosmological Principle*. Oxford: Clarendon Press.
- Branskij, V. P. (2014). *Sinergetika i kosmologiya (filosofskie osnovaniya kosmologicheskoy modeli vseleynnoj)* (Synergy and Cosmology (Philosophical Foundations of the Cosmological Model of the Universe), in Russian). *St. Petersburg Herald*, 4(17), 12-29.
- Carnap, R. (1971). *Studies in Inductive Logic and Probability*. (Vol. 1.). University of California Press.
- Carter, B. (1978). *Sovpadenie bol'shix chisel i antropologicheskii princip v kosmologii* (Coincidence of Large Numbers and Anthropological Principle in Cosmology, in Russian). *Cosmology: Theory and Observation*, 359-378.
- Hawking, S. W. (1967). The Occurrence of Singularities in Cosmology. III. Causality and singularities. *Proceedings of the Royal Society A*. Retrieved from: <https://doi.org/10.1098/rspa.1967.0164>.
- Hegel, G. (2019). *Logika* (Logic, in Russian). Moscow: AST.
- Husserl, E. (1994). *Fenomenologiya vnutrennego soznaniya-vremeni* (The Phenomenology of Internal Consciousness-Time, in Russian). Moscow: RIG Logik.
- Kant, I. (1964). *Kritiki chistogo razuma (Criticism of Pure Mind, in Russian)* Works in six volumes (Vol. 3). Moscow: Pensée.
- Kojre, A. (2001). *Novaya astronomiya i novaya metafizika* (New Astronomy and New Metaphysics, in Russian). *From the Closed World to the Infinite Universe*, 29-46.
- Livio, M. (2016). *Byl li Bog matematikom? (Was God a Mathematician? in Russian)*. Moscow: ACT.
- Nesteruk, A. (2017). *Fundamental'nye filosofskie problemy sovremennoi kosmologii: ekzi-stencial'no-fenomenologicheskii analiz* (Fundamental Philosophical Problems of Modern Cosmology: Existential and Phenomenological Analysis, in Russian). Moscow: URSS.
- Oganyan, K. M. (1987). Theoretical Knowledge Species Genesis (on the Basis of Physical Theories). *8 International Congress of Lope Methodology and Philosophy of Science*, 53-59.
- Oganyan, K. M. (1992^a). *Beskonechnosti i kvantovaya kosmologiya* (Infinity and Quantum Cosmology, in Russian). *Interac-*

- tion and the Problem of the Beginning of the World in Science and Technology (Materials of the International Seminar) from November 27-29, 1991), 135-144.*
- Oganyan, K. M. (1992^b). *Antropnyi princip i novyi vzglyad na Vseleennyu (Anthropic Principle and a New Look at the Universe, in Russian). Interaction of Science and Theology in the Study of the Problem of Nature and Society: History and Modernity, 148-155.* Saint Petersburg: SPGU.
- Oganyan, K. M. (2018). *In Memoriam. Vladimir BRANSKIJ. Wisdom, 1(10), 127-137.*
- Oganyan, K. M., Branskij, V. P., & Oganyan, K. K. (2018). A New Line of Research: Synergetic Philosophy and Sociology of Personality. *Wisdom, 1(10), 57-72.*
- Oganyan, K. M., Branskij, V. P., Hovhannisyan, H. H., & Djidjian, R. Z. (2018). *Metodologicheskii analiz genezisa nauchnoi teorii: vidy estestvennonauchnogo znaniya i ikh vzaimosvyaz. Ocherki o leningradskoi ontologicheskoi i erevanskoi logiko-argumentacionnoi shkolakh (Methodological Analysis of Genesis of Scientific Theory: Types of Science Knowledge and their Relationship. Outlines about Leningrad Ontological and Yerevan Logico-Argumentational Schools, in Russian).* Saint Petersburg: SPGU.
- Ogorodnikov, V. P. (1985). *Poznanie neobkhodnosti: Determinizm kak princip nauchnogo mirovozzreniya (Recognition of Necessity: Determinism as a Principle of the Scientific Worldview, in Russian).* Moscow: Pensée.
- Ogorodnikov, V. P., & Oganyan, K. M. (2019). The Link between Necessity and Randomness in Scientific Discovery (Constructive Criticism of Karl Popper's Conception). *Wisdom, 2(13), 30-38.*
- Plato (1968). *Sochineniya: v trekh tomakh (Compositions: in 3 volumes, in Russian) (Vol. 1).* Moscow: Pensée.

DOI: 10.24234/wisdom.v14i1.305

Nadezhda POKROVSKAIA,

Yakov MARGULYAN,

Alena BULATETSKAIA,

Svetlana SNISARENKO

INTELLECTUAL ANALYSIS FOR EDUCATIONAL PATH COGNITIVE MODELING: DIGITAL KNOWLEDGE FOR POST-MODERN VALUE CREATION

Abstract

The philosophy of cognition allows humans to better orient in the world due to the deepening and extension of available paths to follow. The cognitive modelling determines the understanding, knowledge creation and reality reflection in a person's conscience. The human persons apply the cognitive approach in the logics and ethics, the example to illustrate this refers to the regulative issues related to self-driving cars, the solutions for the making decision and for the responsibility.

Philosophy of education is a specific part of the general knowledge about the creation and transfer of knowledge that traditionally allowed scholars the understanding of the cognition process. The digital era gives broader sense to the cognition and the diversity of knowledge to analyze through the philosophical approach and to the synthesis through educational practices as a subject for the philosophical study.

The paper presents the longitude results obtained in 2005-2020 of the values that determine the choice of the educational trajectory on the level of the second degree of higher education – Master programs, which are not necessary for the majority of the corporate positions, that allows scholars to analyze this choice as reflecting the free interest of the potential students for their personal cognitive growth.

Keywords: values scale, social regulation, education, cognitive modelling, intellectual analysis, intelligence.

Introduction

Human intellectual activity is examined as a part of the history of knowledge, the perception and understanding of the reality by humans. The empirical data collected with the human feelings underlie the knowledge; the scientific and technological development helps to collect the data with monitors, sensors and other tools fixing and registering the diverse indicators of the process-

es; the digital era allows humans to transfer the wider bulk of work to proceed and analyse the collected data from the the human brain toward the machine.

The machine learning and neuron networks allow humans to avoid a part of intellectual work, the “intellectual, analytical” systems represent the digitalized solution for the statistical data treatment, and the correlations concluded, that can help to understand the reality (Khansuva-

rova, T. A., Khansuvarov, R. A., & Pokrovskaiia, 2018). The intellectual systems' work can replace human activities in very numerous and diverse kinds of fields (Davenport & Kalakota, 2019). The life-long learning is one of the solutions for human beings who want to be involved into active life, with producing of any kind of creative products, that is reflected by the increasing interest of adults and graduates to the second (Master) level of higher education.

The pressure of the digital technologies, the neuron networks and artificial intelligence fulfilled by the computing techniques and information technologies forces part of people to change their professional speciality that is typical for the routine functions and jobs (Sigov, Uvarov, & Pokrovskaiia, 2017). At the same time, the cognitive approach to modelling the professional growth based on the intellectual analysis tools helps to discover more attractive activities, to develop the creativity (Ababkova, Pokrovskaiia, & Trostinskaya, 2018) and to enhance the human dimension with the capacities to build the cognitive model of the future self-realization (Ababkova & Leontieva, 2018).

The Master students represent the group of population with a high level of maturity, comparing to the Bachelor students who perceive the graduating as an opening of doors in the labour market. The results of the survey of the reasons within the Master education choice help us to better understand the real role of the human place in the information society and digital era.

The theoretical research intends to find the essential typical features of the post-modernity evolution of the life strategy of humans, on the example of the choice of educational strategies and parts in the professional activity, based on the empirical results of longitude study that took place in 2005-2020. The paper purpose is to dis-

cuss the interconnection between, on the one hand, the digital technologies' influence on the intellectual analysis, understood as machine learning applied to the labour market dynamics, and, on the other hand, the cognitive modelling of the personality self-realization and personal interests' embodiment through the choice of the professional growth and educational path.

Educational Path Choice Analysis

Today the young generation representatives coming at universities to get the higher education, especially, at the Master level of studying, are focused on achieving specific results and are choosing an educational institution, an educational program and, in general, the higher level of education, based on the planning of their own professional development and career growth according to their personal preferences. The personality plays a more important role in the social-economic pressure from the labour market, the employers' needs. The key importance of the formation of professional competencies is manifested in the independence of choice based on the values of labour and on the key motives of labour behaviour.

The orientation to the professional trajectory, which is typical for the Soviet period of development of the education system as a list of specialities replying to the criteria of the future employment through the system of planned distribution of graduates to enterprises, the description of the requirements was coherent to the future professional path, is now giving way to a new approach that aims the student to build his or her professional and educational trajectory autonomously, to create the curriculum vitae with their own interests, motivations and ideas for the future job.

The dynamics of the criteria for making a decision on the choice of a particular educational program clearly reflects the macroeconomic and socio-cultural changes taking place in society, as evidenced by the results of a sociological study of the model of preferences when choosing an educational program.

Since the decision to obtain or continue education is made almost completely consciously, the content of such a criteria' model can be studied on the basis of formalized methods of socio-

logical research. To identify the content of the criteria for choosing an educational program as an element of the trajectory of personal and professional development in a number of universities, economics and management faculties conducted a study aimed at identifying the decisive factors in choosing an educational level and educational program. The study was conducted during the last 14 years, starting in 2005, and included, among others, a direct question about the criteria that influenced a student's decision:

Table 1

The Significance of the Criteria for the Choice between the Educational Programs,
% to the Number of Respondents

Education strategy criteria	2005	2008	2012	2015	2018	2020
Professional speciality	25,7	30,5	31,0	21,6	32,1	36,6
Communication with students from other countries	19,2	19,0	17,1	19,6	2,5	5,7
Communication with interesting teachers, professors	8,2	12,6	15,5	3,9	13,6	16,5
Ability to gain new knowledge and skills	51,0	56,3	58,9	51,0	43,2	48,5
Studying of foreign language	39,4	42,5	45,0	27,5	19,8	14,4
Semester of study abroad	9,2	10,9	14,0	13,7	18,5	8,8
Internship abroad	44,9	34,5	31,0	37,3	33,3	32,0
Employment prospects	47,9	50,0	62,0	62,7	56,8	26,8
Price	5,5	8,6	12,4	15,7	16,0	13,9
Reputation	10,3	12,6	16,3	19,6	17,3	18,0
The influence of parents, family, loved ones, friends	0,3	1,7	3,1	2,0	23,5	24,7

Source: (Pokrovskaja & d'Ascenzo, 2018); and the results of the research carried out with the participation of A. N. Levitskaya in winter-spring 2020 (the research director is N.N. Pokrovskaja), the results' report is not published yet.

The obtained results reflect the dynamic of the criteria applied by students to choose their educational path at the Master level, after having been graduated. If bachelor students are under pressure of the labour market to choose the required profession that corresponds to the vacant jobs proposed by employers, the Master studying is chosen by the students according to a different

logic. The Master students have already achieved the first level of higher education and received the diploma that is compulsory to obtain a well-paid job and the initial level of financial autonomy and to satisfy basic needs. Since the global crisis 2008-2009 the employment factors (dominating throughout the decade, first place in 2012-2018 - 62.0 and 62.7%, 56.8% in 2018), ceded

their priority place to the possibility of obtaining new knowledge and skills (almost 60% in 2008 and 2012, but only 51.0% in 2015, 43.2% in 2018, and 48.5% again in 2020). Over the 15 years, the factor of a foreign internship is slightly behind: third place in 2005 and 2018 - 44.9% and 33.3%, moreover, in 2008-2012, the internship took the 4th place, yielding to a foreign language study - 42.5% and 45.0%, but the value of the last factor in 2018 decreased to 19.8% and to 14.4% in 2020.

In the era of innovation growth, new knowledge and skills can constitute the key competitive advantage (Porter, 1985) of the graduate of the educational program in employment. The significance of the criterion for learning a foreign language is associated, on the one hand, with globalization and the rapid growth of international contacts in the last decades after 1985-1990, and on the other hand, with trends in expanding the field of application of future personal and professional competencies, and the importance of mobility of any type, including cultural and geographical mobility, is one of the elements of competitiveness in the labour market. A foreign language begins to act not so much in the role of the tool used, as in the role of an important element in the resume, without which the professional portrait does not look complete.

It can be concluded that the socio-cultural orientation to the pragmatism of educational activities and adaptation to government decisions, Eurasian integration and the development of an innovative economy, to macroeconomic shocks (financial and economic crisis of 2008-2010) are significantly reflected in the changes in the importance of various criteria for the selection of training programs.

As can be seen from the table, the dynamics of the criteria described above - the prospects for

employment and the expansion and updating of instrumental baggage of knowledge and skills, including a foreign language - have been fairly stable over the past ten years. At the same time, the dynamics of changes in the criteria and factors that had a decisive influence on the choice of an educational program testifies to the combination of behavioural patterns as a "forced" response to the demands of the labour market and the employer (the growing importance of the criterion associated with employment prospects, from 47.9% in 2005 up to 62.7% of 2015), with the desire to expand the set of its competitive advantages in the labour market.

In addition, making a conclusion about the underlying sociocultural reasons for such changes, it is legitimate to ask the question: does the second criterion mean self-actualization of students' curiosity or reflects the demands of an innovative economy that needs more open thinking. The answer to this question can be obtained in the course of in-depth studies of socio-cultural mechanisms.

A significant increase in the value of such a criterion as communication with interesting teachers (from 8.2 to 13.6% from 2005-2018), combined with a reduction in the importance of the criterion of the social category of students as a future social circle (from 19.2 to 2.5%) forces us to conclude that the educational program is gradually becoming an area of transfer of knowledge and skills with a relative reduction in the role in the community, also very significant in terms of the formation of social capital, but still not decisive, given the function of the social institution of education as transmission systems of knowledge and experience from the older generation to the next one.

In this connection, the North American and Western European experience of forming a pro-

professional path and choosing a student's career planning in the higher education system is especially interesting, when the student is actively involved in the educational process as a subject of inquiry. The activity of the professional plan is based on the fact that the student comes to an educational institution with his own interest, generated by life and activities that he seeks to satisfy, for this he requires and seeks from the education system to provide the information and knowledge he needs, to develop the skills he needs. On this basis, the system of higher vocational education is transformed into a market for the demand for knowledge and supply. In this sense, the system of higher professional education can become a service industry satisfying the needs of the customer, in the highest sense of understanding the meaning and essence of the service sector. The educational services play the additional role on the level of national development (Eichengreen, Park, & Shin, 2014), the part of the population with the higher education is one of the determinants for the smooth economic growth.

At the same time, the need for educating a person, a personality and a citizen is not always realized and can be paid, such as, for example, a hairdresser's service. In this regard, students' personal and professional development is not only a subject of marketing efficiency of the higher education system but also a question of the responsibility of the state as a public institution, whose task is to redirect funds to the public good, which, in a certain sense, becomes personal and professional development in the context of the global socio-economic space of the XXI century. At the same time, the functional duty of the education system to prepare not only a professional, but also a citizen, is increasingly recognized both at the macro-level of management,

within the framework of state regulation of the educational system of the society, and at the micro-level, in terms of the needs of employers in mature and an adequate worker with a developed value-normative model of regulation of their own behaviour, and from the point of view of the consumers of educational services, students and their families, who understand the freedom and also the responsibility in the social development which requires not only professional but also personal competences in a knowledge-based economy.

In a global innovation economy, the key factor in the growth and well-being of society is the human potential of a firm or region. In a rapidly changing environment, only interest and adequate offer from educational institutions can help professionals effectively shape their life path and their professional career. The dynamics of criteria when making a decision on the choice of a particular educational program quite clearly reflects the macroeconomic and socio-cultural changes taking place in society. If we consider the transition from the Soviet administrative model to the market model, then one of the most striking differences is the emergence of the labour market and, in turn, the gradual abandonment of the mandatory distribution of graduates after completing any stage of education in any educational institution. The emergence, as a consequence, of the problem of employment until today has a serious impact on the form of the criteria model of the choice of the educational path of the consumer of educational services, students and his reference persons (parents, family, relatives, friends), making this choice increasingly pragmatic and translating work from the sphere of the final to the group of instrumental values.

During the choice of vocational education,

students are guided by many factors, among which the prospects for successful self-realization and a favourable starting position in career growth occupy key positions. The correlation of the significance of these two groups of factors - the content and functional characteristics of the place of work - depends on such external factors as the external socio-cultural environment, the level of economic development, as well as the intrapersonal factors associated with individual psychological preferences.

In general, since the period of transition in 1980-2000s, a shift took place in favour of functional motivators, in which work is considered by the employee as a tool for implementing external, non-content of labour, needs and goals. If during the Soviet period the first group of factors was decisive, including interest in the content of activities and self-actualization in work, then today a group of motivators dominates, orienting graduates' preferences to successful employment, including expectations of high-income jobs, as quickly as possible to achieve attractive status positions in prestigious companies reputation.

The relationship between the employer as a party to the demand in the labour market and students offering their talents and competencies in this market can be carried out within the framework of ego-marketing when the student studies the job offer and chooses his or her educational path based on the analysis of published job ads. In this sense, the harmony of the proactive and reactive approaches to the choice of a professional trajectory must be recreated: the ontological, existential desire of the individual to change the world with which the person is in contact, in accordance with his representative system, value scale and normative model, is implemented in the social fabric that offers forms

and ways of personal self-realization, in particular, in the professional sphere in the format of a profессиogram, the functional job description.

The harmonization of personal development and self-actualization of the individual and the employer's needs in the labour market, theoretically, should be achieved on the basis of the constant adaptation of the educational trajectory of each individual to the socio-economic and technological changes in the market. For such an adaptation, it is obviously necessary to harmonize the offer of educational services with the needs of employers and students.

The implementation of the functional aspect of education as a way to increase prices in the labour market can and should, as it seems, be based on an analysis of demand. Those. The choice of the educational trajectory should be based on the choice of deficient competencies, the acquisition of which should form the basis of the criteria cognitive model when choosing an educational program. The professional orientation of students takes into account this factor; however, there is no systematic analysis of the demand for competencies by educational institutions or students, which speaks today about the weak degree of adequacy of both reactive and proactive approaches to the formation of students' educational and professional trajectories.

A modern specialist is, first of all, an independent person who is able to build his own activity, coordinating his own values with the needs of the company. The professional builds a system of goals, giving them personal meaning. In this case, we can talk about successful work in the long term. On the other hand, the system of secondary education rarely considers the problems of meaning-building and goal-setting while preparing a person for independent activities.

Values are aspects of life that are significant

to a person. It is obvious that each person has his own hierarchy of values, but there are cultural values, the presence of which presupposes the full inclusion of man in society, enculturation. In this case, values act as general guidelines of activity. Values need awareness, or a person ceases to be the active agent, the author of their life. Modern science is characterized by the understanding of man as a phenomenon of culture, the human beings are perceived as the bearers of the intellectual capital and specific abilities to cognition that differs them from machines (Brooking, 1996). In the process of the activity of the individual in the space of culture, a person's values are formalized in the process of the activity in three categories – community, consciousness and activity: they are the universal ways of a person's being, the foundations of her / his life, and the whole universe of the actual human characteristics of this being.

Awareness of values is a complex process, the mastery of which is a component of human akmeological growth. The inclusion of the subject in the knowledge of their value structure is carried out in the pedagogical workshop. The embodiment of life values in the acts of life is carried out by setting goals.

The goal is an image of the desired result of the activity. Goals are essential components of a projective portfolio. It is the formulation and achievement of goals that determine the project nature of this type of portfolio. Moreover, it can be noted that goal-setting within the framework of developing a professional, educational, personal or other project makes it possible to move away from the reactive approach of building the personal and professional development of the child based on the system of society's requirements and to implement a proactive approach building your life and independent professional

and educational trajectory, rather than following the existing structure, that permits to analyze the reasons for the different educational and professional trajectories as diverse life paths, including the cognition as personal development and transfer of knowledge (Wei & Pokrovskaya, 2016). It is within the framework of creating their own life-world, a kind of concrete social innovation at the micro-level, that students realize their values on the basis of the self-realization.

Conclusion

The development reflects an objective process of internal, consistent quantitative and qualitative change in the physical and spiritual forces of a human being. Personal development implies an increase in the readiness of the individual for an actual social activity based on spiritual and moral orientations. This reasoning implies the education of personality traits - useful for self-valuable society. The process of personal development of a person in the workshops occurs as a result of social interaction with other participants, accompanied by a rethinking of life experience. The collective form of education provides just such social creativity. The intellectual analysis is not able to replace the human for the making decision process but is helpful to build the cognitive map and the cognition model for every person within the knowledge society.

REFERENCES

- Ababkova, M. Yu., & Leontieva, V. L. (2018). Neuromarketing for Education: Rethinking Frameworks for Marketing Activities. *The European Proceedings of Social & Behavioural Sciences (EpSBS)*. XXXV, 10-18.

- doi:10.15405/epsbs.2018.02.1.
- Ababkova, M. Yu., Pokrovskaya, N. N., & Trostinskaya, I. R. (2018). Neuro-Technologies for Knowledge Transfer and Experience Communication. *The European Proceedings of Social & Behavioural Sciences (EpSBS)*. XXXV, 10-18.
- Brooking, A. (1996). *Intellectual Capital: Core Asset for the Third Millennium Enterprise*. London: International Thomson Business Press.
- Davenport, T., & Kalakota, R. (2019). The potential for artificial intelligence in healthcare. *Future healthcare journal*, 6(2), 94-98. <https://doi.org/10.7861/futurehosp.6-2-94>.
- Eichengreen, B., Park, D., & Shin, K. (2014). Growth Slowdowns Redux. *Japan and the World Economy*, 32, 65-84.
- Khansuvarova, T. A., Khansuvarov, R. A., & Pokrovskaya, N. N. (2018). Network Decentralized Regulation with the Fog-Edge Computing and Blockchain for Business Development. *Proceedings of the 14th European Conference on Management, Leadership and Governance ECMLG 201* (B. M. E. de Waal, P. Ravesteijn, Eds.), 205-212. Academic Conferences and Publishing International Limited.
- Pokrovskaya, N. N., & D'Ascenzo, F. (2018). Digitizing Responsibility: the Regulation Approach for Aggregating Business. *Bulletin of the Faculty of Management, St. Petersburg State University of Economics*, 3, 441-445.
- Porter, M. E. (1985). *Competitive Advantage: Creating and Sustaining Superior Performance*. New York: Free Press; London: Collier Macmillan.
- Sigov, V. I., Uvarov, S. A., & Pokrovskaya, N. N. (2017). Neuro-Fuzzy Tools in Studying Social Management. *Proceedings of 2017 IEEE 2nd International Conference on Control in Technical Systems, CTS 2017*, 216-219. IEEE Explore.
- Wei, F., & Pokrovskaya, N. N. (2016). Regulatory Mechanisms and Tax Incentives for the Transfer of Knowledge: China Experience. *Sovremennyyi menedzhment: problemy i perspektivy (Modern management: challenges and prospectives, in Russian), Part 1* (pp. 244-250). Saint Petersburg: Saint Petersburg State University of Economics publ.

SOCIAL AND POLITICAL PHILOSOPHY

PSYCHO-PEDAGOGICAL RESOURCES AND THE QUALITY OF PROFESSIONAL TRAINING OF STUDENTS

Abstract

The scientific search for intra-University potential to improve the quality of training of student is based on the improvement of the quality management system of vocational training. Further development is based not on private technical solutions, but on the reengineering of the management system aimed at activating the psychological and pedagogical resources of the University.

Keywords: educational activities of the University, the main professional educational programs, professional training, quality management system, adaptive organizational structures, the psychological and pedagogical resources of the University.

Introduction

In September 2003, Russia committed itself to implementing the standards and guidelines developed by the European Association for quality assurance in higher education (ENQA). In the subsequent period of introduction of quality management systems of vocational training in higher education institutions of the country (2004-2008), significant controversy was caused by the implementation of the principle of orientation to the “customer”, which was associated with the historical “untouchability” of the University community. In the technical Sciences for decades, it was believed that only a teacher based on the analysis of scientific achievements is able to determine the content of education (Bulat, 2009^b; Zhilina & Bulat 2009). As a result of this attitude, the head of the Department, which later turned out to be a graduate of the University, and even more so the student himself, in this aspect

was given a passive role of “recipient” of education.

Now it is already realized that quality growth is connected with the development of the ability of the educational organization to satisfy the available and expected requirements of “customers” of professional training of students. In modern conditions without orientation to the present and future (in 5 years) requests of the external environment, the University can no longer guarantee the demand for its graduates and, as a result, ensure its competitiveness (Bulat, 2015, pp. 137-143). Therefore, when predicting changes in the external environment and risk assessment when making management decisions can not be limited to the implementation of the requirements of the Federal state educational standards of higher education (GEF HE), and it is necessary to “anticipate” the dynamics of the needs of “customers” and strive for their fullest satisfaction.

In the history of professional training in order to strengthen the security of the state, the issue of forming the readiness of graduates for further professional activity has been constantly given increased attention (Shadrina & Bulat, 2010, pp. 36-43). This is evidenced by the historically developed planning of distribution of graduates, collecting feedback about them, making adjustments to the content of education on the basis of monitoring comments, recommenda-

tions and suggestions of “customers”. However, awareness of the essence of changing the object of accreditation from universities to their main professional educational programs (MPEP) and the adoption of the Federal law of December 29, 2012, N 273-FZ “On Education in the Russian Federation”¹ significantly influenced the perception of the concept of quality of professional training of graduates and approaches to its provision (Fig. 1).



Fig. 1. Changes in State Approaches to the Examination of the Quality of Training.

Clarification of the goals and main activity of the University focused on the quality of training for each MPEP, leaving in the past the ability of universities to “replicate” higher education. The shift of emphasis from the educational activities of the University as a whole to the implementation of specific MPEP contributed to the development of an individual approach to each “customer” professional training of graduates. Such a “rejection of the principles of mass production” not only does not reduce but also incre-

ases the demand for training (Caduca & Bulat, 2013). In addition, it leads to significant savings of all types of University resources, eliminating the cost of achieving unclaimed results of training.

Moreover, the introduced changes contributed to the specification of requirements for gra-

¹ See: Federal Law of 29 December 2012 N 273-FZ “On Education in the Russian Federation”. Retrieved February 02, 2019 from: <http://ivo.garant.ru/document?id=70191362&sub=0>.

duates in each speciality and the growth of the responsibility of the University for the quality of their training. The achieved results were implemented in the implementation of updated GEF IN the third generation, including clarification of requirements for the quality of professional training of graduates and ensuring its diagnosability.

At the same time, in recent years, the shortcomings associated with such a negative factor in predicting changes in the external environment as the period of study at the University have become more apparent. Therefore, we see further improvement of quality in the University in the development of monitoring the requirements of “customers” for each specific MPEP.

Methodological Framework

A systematic approach to the management of vocational training at the University requires the coordination of all aspects of its activities (Milner, Evenko, & Rapoport, 1983, pp. 225), including the systematization of the efforts of structural units (faculties, departments, educational and methodical departments, group of professional and psychological selection, research laboratory of training, personnel department, etc.). However, the lack of monitoring of goals, ways to achieve them and criteria for assessing the quality of professional training of graduates in various areas and specialties provokes the department to stagnate in the activities to improve it.

Therefore, at present, the emphasis should be shifted from the solution of private technological problems to further systematization of vocational training management aimed at activating the psychological and pedagogical resources of the University. At the same time, the quality management of education should be considered

not as an end in itself, but as a means of forming the complete readiness of the graduate for professional activity.

Therefore, contrary to the experience of some universities, we have a critical attitude to the creation of a “parallel” quality management structure in addition to the University management system, which actually leads to the division of the management process into training management and quality management. We consider it as inexpedient to separate these processes, as well as separate creation on production and its quality. Therefore, our position is the need for measures to promote the reorientation of the goals of the existing University management substructures for the purposes of the quality management system of vocational training. One of the most appropriate solutions to this problem in practice, we believe the strengthening of the role of intra-adaptive substructures of training management (see Meskon, Albert, & Hedouri, 1992, p. 701).

Adaptive organizational structures are inherent in the revitalization of managers through the creation of new relationships between units and the flexible use of human resources of the organization. Therefore, we believe that in the existing conditions, the management resource of the quality growth of professional training in the University is to enhance the activities of such adaptive organizational structures as scientific and methodological sections on specialties and areas of training (hereinafter – the NMS on the SNP), United by the scientific and methodological Council of the University.

Conducting Research and Some Results

Our analysis showed that at present, not all departments, especially University-wide, in the development of training programs are aware of

the goals of MPEP. As a result, the content of MPEP, which directly affects the formation of the required competencies of the graduate, does not take into account its purpose. In other words, the graduate’s compliance with professional standards has been achieved only formally.

Analysis of the activities of the teaching staff showed that some teachers not only do not

think about the dependence of the content of their classes on the specifics of a particular MPEP but also, entering the classroom, have a vague idea of the future speciality of students (Table 1). Moreover, some teachers are proud to note that the discipline they read with the same content as in the financial and economic or pedagogical University, where they teach part-time.

Table 1.

Analysis of Awareness of the Goals MPEP
Teaching Staff in the Process of its Organization
(Results of the Survey of the Teaching Staff)

in total	Total number of teaching staff who participated in the survey	Are you Based on the objectives of a specific MPEP when filling the content of the discipline you teach?		Do You focus on the characteristics of the specialty in the development of the structure of the pedagogical process (within one discipline)?		Do You agree that it is necessary to design Your discipline for different specialties (areas of training)?		Do You agree that the same course should be given to students of different specialties with different practical tasks?		Do You take into account the sufficiency of the content of the program of the discipline taught by You in the formation of diagnostic tools for the results of the training of students of different specialties?	
		yes	no	yes	no	yes	no	yes	no	yes	no
30	30	20	10	17	13	11	19	7	23	5	25
	100 %	66,7	33,3	56,7	43,3	36,7	63,3	23,3	76,7	16,7	83,3

The strengthening of the role of NMS in the NSP is capable of compensating the above-mentioned disadvantages due to the strengthening of horizontal relations (Milner, Evenko, & Rapoport, 1983, p. 225) between departments. The intensification of the NMS activities on the

NSP ensures the development of common approaches to filling each discipline of all blocks with the corresponding goal of MPEP content, preventing its duplication in different disciplines, etc. In our opinion, it will allow not only to realize in practice requirements of legislative

acts and other normative documents but also will provide the focus of all educational disciplines in each MPEP on the formation of readiness of the graduate to the solution of multidimensional tasks of further professional activity in the corresponding specialty.

The Chairman of the NMS on the NSP (one of the heads of departments) creates a creative team of like-minded people who are directly involved in the preparation of graduates in a particular specialty (MPEP). This supervisor becomes a subordinate, not a supervisor, but a supervisor inspiring subordinates in order to ensure the quality of professional training in the implementation of MPEP (Shadrina & Bulat, 2010, pp. 35-40). In his competence – distribution within collective of tasks, functions and duties, and - from the moment of the organization of professional orientation work with potential entrants before modification of MPEP on the basis of monitoring of responses about graduates from “customers” of concrete military accounting specialty.

Such decisions can be in the field of both the volume and content of all academic disciplines of each Department, taking part in training in a particular specialty (Bespalko, 1989, p. 300). Decision-making at the NMS meetings on the NSP contributes to the awareness of each teacher of the goals of their activities for the implementation of MPEP.

For example, step-by-step consecutive hearing at the meetings of the NMS on the NSP of each teacher on the content and volume of the discipline taught by him within a particular specialty leads to the awareness of the teacher of his role in the results of the implementation of the MPEP by the University. Subsequent analysis

and synthesis of the content and volume of each discipline allow the University to adjust the MPEP as a whole and to ensure the growth of the quality of training in a particular specialty.

As a result of such organization of activity simultaneously by all NMS on NSP of higher education institution, there are qualitative changes in all realized MPEP according to the purpose – readiness of the graduate for further professional activity on each specific specialty (Bulat, 2009^a).

Thus, the system of professional training can be qualitatively updated due to the emergence of new links between existing elements on the basis of the revitalization of adaptive organizational structures aimed at the implementation of the psychological and pedagogical potential of the University. This approach determines the effect of emergence, i.e. the acquisition of new properties by the system, which it did not previously possess, and hence the emergence of a new quality of training.

Awareness of the readiness of the graduate to further professional activity in the specialty as the goal of improving the quality of professional training at the University radically changes the perception of the teaching staff of the University system of management of vocational training, including a system of assessing the quality of education, monitoring the formation of readiness for professional activity, the system of motivation of the subjects of the educational process with a focus on the result of joint activities.

In General, the scheme of quality management of vocational training, activating the psychological and pedagogical resources of the University, is shown in *Figure 2*.

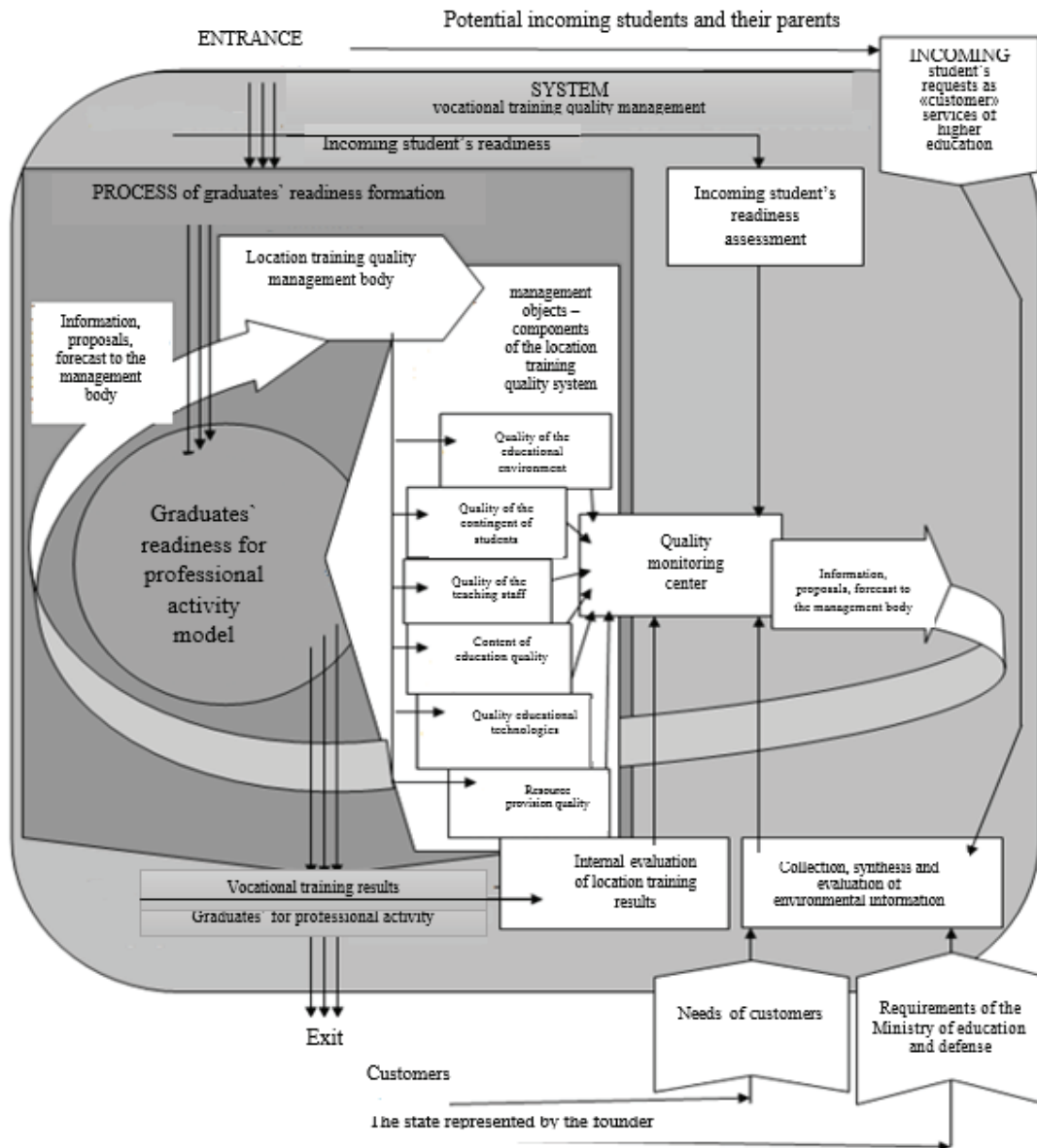


Fig. 2. General Scheme of the Quality Management System of Vocational Training.

The quality of professional training, as can be seen from the figure, consists of the quality of accepted students, the quality of the teaching staff, the quality of logistics and educational and laboratory equipment, the quality of educational technologies used, the quality of the educational environment of the University, the quality of the content of the main professional educational programs and many other factors. The result of quality management of vocational training is the compliance of the level of readiness of graduates

to solve professional problems to the needs and demands of “customers” of vocational training and regulatory requirements of the Ministry of education of the Russian Federation.

At the same time, management decisions will be able to create an impulse for self-organization of personal structures of consciousness of teachers and students in the right direction only if they rely on forecasting changes in the external environment and multidimensional risk analysis. “Another error in evaluation, asso-

ciated with insufficient objectivity, can lead to irreversible consequences in management decision-making” (Bespalko, 1989, p. 300). Therefore, management decisions should be made on the basis of objective and reliable information.

However, until now, some innovations, regardless of their effectiveness, are rejected because they threaten to reduce the “ringing” load with the resulting personnel reductions or require teachers to improve their skills, greater dedication and labour. As a result, management decisions can be made not by rational calculation of alternatives, but under the influence of subjective factors, and as a result - irrational factors can affect the fate of the organization as a whole. Excessive caution or risk-taking, increased ambition or passivity, the desire to make a career or escape responsibility - such motives may lie at the heart of strategic decisions (Burman, 2008, p. 260).

On the other hand, the University still maintains a system of quality control of education, characterized by the principle of “rejection”. Such quality assurance in the production was not to improve it but to prevent the production of products that do not meet the established standards. This organization of the educational process belongs to the outgoing technological order. The traditional methods of control, used in the changed conditions and although convenient in many ways, are not effective enough yet.

With the aim of improving the quality of managerial decision-making requires the development and implementation of special procedures and technologies. Therefore, the importance of monitoring the quality of professional training of graduates is growing. The differences between the functions of this unit and the control are significant. Control as one of the functions of the management is aimed at organizing the implementation of the work plan, to solve

the problem of determining the deviations of the actual results of management from the provided, has a situational nature and is short in time of implementation. In contrast to the control, monitoring is preceded by planning and decision-making and is associated with the functioning of the entire control system. This information support is based on regular monitoring of the state of the object of study, fixation or identification of problems and analysis of the results of management actions.

Monitoring is a systematic study of the elements of the quality of the training system, not an empirical collection of material. It is directed to the same objects, periodically repeats and thereby creates conditions for planning (annual, perspective, strategic). This analysis of information is aimed at studying the state system of quality of vocational training – from the position of conformity to the requirements of customers, the effectiveness of corrective actions and for forecasting possible changes in the external and internal environment to prepare proposals to the governing body.

It should be understood that traditionally used methods to identify the level of readiness of graduates for further professional activity in a particular specialty are not enough (Zvonnikov & Chelyshkova, 2009, p. 272). The effectiveness of monitoring the quality of training depends on the dynamism and flexibility in adjusting the components of the quality assessment, depending on the transformation of the needs of the “customer”, and on changes in the external environment as a whole (economic, political, etc.).

Therefore, a key component of monitoring the quality of training is a subsystem of analysis of the requirements of “customers” and their assessment of the level of readiness of graduates for professional activity. Therefore, the imperfec-

tion of traditional forms of cooperation with “customers” predetermines changes, and as a result, the construction of a new system.

As part of this work, the analysis of collecting feedback on graduates carried out by the personnel department, as a whole, for the university should be transformed into a system of forecasting changes in the external environment based on the collection, compilation and evaluation of the information required to adjust each specific specialty separately.

Innovations in the work initiated by each Chairman of the scientific and methodological section for each specialty may include such previously unaffected sources of information collection as:

- questionnaire and survey the students of the faculty training and re-training (i.e. practising managers, current graduates);
- a questionnaire survey and a survey of graduates of previous years during traditionally organized meetings in 5-, 10-, 15-anniversary, etc. of the University (i.e. practising managers, current graduates);
- centralized analysis of feedback from the heads of organizations on practical training and internships;
- target survey and survey of applicants, students and graduates (before graduation) of the University;
- questioning and questioning of teachers, employees and other categories of employees of the University.

Further comparison of the obtained data with the results of the internal evaluation of the quality of the readiness of graduates for professional activities will allow you to rapidly and comprehensively provide information for discussion at meetings of the NMS at the SNP with a view to developing the scientific-methodical

Council of the University to further control actions in all subsystems of the control system of the University.

Conclusion

Thus, the study of management resources of the quality of training of students showed that:

- now it is necessary to “foresee” dynamics of needs of “customers” and to aspire to their fullest satisfaction;
- the shift of emphasis from the educational activities of the University as a whole to the implementation of specific MPEP is aimed at saving the resources of the University, eliminating the cost of achieving unclaimed results of professional training;
- the growth of the quality of professional training should be based on significant changes not only in the technological subsystem of the system of professional training of the University but also in its other subsystems – pedagogical, organizational, economic, theoretical and methodological;
- contrary to the experience of some universities in creating a “parallel” quality management structure in addition to the University management system, further development is most rational due to the unification of the existing management system;
- reorientation of the objectives of the existing management structures to improve the quality of training is advisable on the basis of the revitalization of such intra-adaptive structures as scientific and methodological Council and scientific and methodological sections on specialties and areas of training;
- the activation of the NMS will ensure the growth of awareness of each teacher who takes part in the training of graduates, its

role in achieving the goals of the Obor;

- management decisions will create an impulse for self-organization of personal structures of consciousness of teachers and students in the required direction only if they rely on forecasting changes in the external environment and risk analysis;
- for the purpose of the more exhaustive implementation of intra-University psychological and pedagogical resources, it is necessary to develop monitoring of the quality of professional training of cadets, which precedes planning and decision-making and is associated with the functioning of the entire management system;
- the emergence effect (acquisition of new properties by the quality management system of vocational training, which it did not have before) on the basis of reengineering of various links between the existing elements of the educational system of the University will raise the professional training of graduates to a new quality level.

REFERENCES

- Bespalko, V. P. (1989). *Slagaemye pedagogicheskoi tehnologii* (Components of Pedagogical Technology, in Russian). Moscow: Pedagogy.
- Bulat, R. E. (2009^a). *Osobennosti upravleniya kachestvom voenno-tehnicheskoi podgotovki specialistov* (Features of Quality Management of Military-Technical Training, in Russian). *People and Education*, 2(19), 35-40.
- Bulat, R. E. (2009^b). *Problemy vnedreniya innovatsij v voenno-tehnicheskoi obrazovanii* (Problems of Innovation in Military-Technical Education, in Russian). *Engineering Education*, 5, 120-126.
- Bulat, R. E. (2015). *Kachestvo vysshego obrazovaniya v vuze kak pedagogicheskaya sistema* (The Quality of Higher Education at the University as a Pedagogical System, in Russian). *Scientific and technical statements of St. Petersburg state Polytechnic University. Humanities and social Sciences*, 4(232), 137-143.
- Burman, L. A. (2008). *Upravlencheskie resheniya: uchebnyy dlya vuzov* (Management Decisions: Textbook for Universities, in Russian). Moscow: Delo.
- Caduca, L. A., & Bulat, P. E. (2013). *Lichnostnoe razvitiye obuchayushchikhsya kak cel' upravleniya kachestvom professional'nogo obrazovaniya* (Personal Development of Students as the Goal of Quality Management of Professional Education, in Russian). *Bulletin of Belgorod state University*, 13(156), 238-242.
- Meskon, M. H., Albert, M., & Hedouri, F. (1992). *Osnovy menedzhmenta* (Fundamentals of Management, in Russian). Moscow: Case.
- Milner, B. Z., Evenko, L. I., & Rapoport, S. V. (1983). *Sistemnyi podkhod k organizatsii upravleniya* (System Approach to Management Organization, in Russian). Moscow: Economics.
- Shadrina, E. Yu., & Bulat, R. E. (2010). *Aktual'nye voprosy upravleniya kachestvom lichnostno-orientirovannogo professional'nogo obrazovaniya* (Actual Issues of Quality Management of Personality-Oriented Professional Education, in Russian). *Engineering Education*, 6, 36-43.

Zhilina, A. I., & Bulat R. E. (2009). *Organizatsionnyi aspekt upravleniya kachestvom voenno-professional'nogo obrazovaniya* (Organizational Aspect of Quality Management of Military-Professional Education, in Russian). *Kazan Pedagogical Journal*, 3(69), 3-9.

Zvonnikov, V. I., & Chelyshkova, M. B. (2009). *Kontrol' kachestva obucheniya pri atestatsii. Kompetentnostnyi podkhod* (Control of Quality of Training at Certification. Competence Approach, in Russian). Moscow: Logos.

IRONY AS “FERMENT OF PHILOSOPHICAL
AND AESTHETIC SPECULATION”
(BY FRIEDRICH SCHLEGEL AND THOMAS MANN)

Abstract

The focus of this scientific contribution is German Romanticism with its early romantic concept of self-referentiality or romantic irony. In the article, according to Safransky (2007, p. 12), romanticism is considered not only as a literary era, but also as a “mental attitude” that can be imprinted in any era. Using the work of Thomas Mann as an example, we illustrate it by looking at the epoch of modernity. In the Romantic period irony became a philosophy of life and art. It is also a central concept for Thomas Mann. The goal of this scientific article is to demonstrate the consequent realization of the concept of (early) romantic irony of a self-reflective narrative in the work by Thomas Mann. In the article, as a conclusion, the thesis is put forward that Thomas Mann seeks to synthesize the spheres of cognition and aesthetics, but this “synthesis” has a slightly different meaning than that of the early romantics. The common ground of their concept of irony is mediating between opposites, but at the same time, these opposite sides are to be preserved in their specificity and can only be unified selectively.

Keywords: romantic irony, progressive universal poetry, negative-progressive meta-reflection, literary self-referentiality.

Introduction

Although metafiction and other forms of literary self-referentiality are often regarded as a characteristic of postmodern narrative literature, self-reflective methods of representation can already be found in various earlier epochs and especially in the era of German Romanticism with their early romantic concept of self-referentiality or romantic irony.

The present paper aims at briefly presenting the romantic concept of literary self-reflection by Friedrich Schlegel and following it in the work of Thomas Mann, based on his novella “Tonio Kröger”. This will enable to show how strongly

the forms of literary self-reference in modern or postmodernism are influenced by Romantic literary theory. Furthermore, the target of the paper is to explain the alternating relationship between Thomas Mann - the great novelist of the 20th century - and the era of German Romanticism with its aesthetic-philosophical concepts.

* * *

Friedrich Schlegel’s romantic concept of progressive universal poetry emerged in around 1800. Romantic theory seeks to create a literature that is aware of itself. “If literature faces the requirement to know about itself, then this know-

ledge can no longer be described as poetological. Because she doesn't just know about herself, but if she really wants to mirror herself, she has to know what it means to know about herself. Not only can it represent itself, it must also represent what it means to represent itself” (Kohns, 2007, p. 195). In this regard, Kohns points to the immense problem in understanding romantic irony: a self-reflecting self divides into a reflected part and a reflecting part, which necessarily cannot make up the entire self. Every reflexive act potentiates this division, which is why romantic irony is a negative-progressive meta-reflection and the process of reflection is generally incomplete. Thus, according to Schlegel, romantic literature is metaliterature (Kohns, 2007, p. 195).

The fact that romantic literature also reflects itself, the conditions of its production and even its reception, reveals the creative power of imagination, which according to the romantic idea is supposed to restore the lost unity of spirit and nature. This lays the foundation for all self-referentiality of modern literature. What is considered impossible in science becomes real in poetry: Here, the separation between object and metalanguage, which becomes an obligatory condition in science, is eliminated. However, it is not always clear where to draw the line between the general self-referentiality of the linguistic artwork due to the poetic function of language and phenomena (content-related and formal) that represent and / or discuss this self-referentiality. If one thinks romantic theory further as literary theory, there is no end to the romantic era, because all past and future texts are part of one continuous movement of progressive universal poetry (insofar as Schlegel anticipates the poeticity criterion of self-reference as the literary principle *par excellence*).

Safransky (2007) goes even further with his

treatise “Romanticism: A German Affair” (p. 12). He describes the romantic as a spiritual mindset that is not limited to a specific era.¹ In this scientific contribution, the romantic, based on Safransky, is understood as a spiritual position. This also leads us to the goal of this scientific article, namely to demonstrate the consequent realization of the concept of (early) romantic irony as the most ambitious draft of a self-reflective narrative in the work of Thomas Mann.

According to Friedrich Schlegel's (1967) concept of transcendental poetry, the latter “can at most flutter between the depicted and the performing, free from all real and ideal interest, float on the wings of poetic reflection in the middle, potentiate this reflection again and again and multiply it like in an endless series of mirrors” (p. 182). According to this program, philosophy and rhetoric are to become equally romantic (*romanhaft*). Romantic poetry is an interminable process. It consists of a constant alternation of poetry and reflection of the poetry or the real and the ideal, which is repeatedly potentiated. The permanent representation of content and / or formal opposites creates a state of suspense, which in other words is called romantic irony: “It is a feature of irony which not only exposes the indissoluble conflict between the conditioned (finite) and the unconditional (infinite), but also rises infinitely above everything conditioned, in a constant alternation of *self-creation and self-exaltation*. It is therefore related to the infinite, firstly, because it repeatedly delimits the finite in favor of the larger whole, secondly, because it is a never-ending dialectical process” (Pikulik, 2000, p. 157).

¹ See the latest study by Sandra Kerschbaumer, which summarizes a multi-year research project on exactly this topic at the University of Jena. Sandra (Kerschbaumer, 2018).

Romantic irony can now be understood as potentiation or delimitation of rhetorical irony. The last one thinks to express something by its opposite. At the level of fiction, romantic irony leads to a constant interplay between *illusion building and illusion disturbance*, which results in the anticipation of the unity of the two and leads to the dissolution of the opposites. The realization of their unity, their absolute identity, forms the “synthesis”, because “through absolute synthesis of the productive imagination” a universe is to be created “from seemingly irreconcilable opposites” (Oesterreich, 1994, p. 356).

In contrast to (post-) modern metafiction, the reflection of romanticism is directed towards transcendence. “The imaginative crossing of boundaries between reality and fiction, which in romantic irony is an expression of transcending, becomes in postmodern metafiction an expression of an intrinsic tension beyond the possibility of transcendence” (Quendler, 2002, p. 167).

Romantic poetry is thus infinite and progressive because it can only come closer to its universal goal, but it arises in the first place through the contrast that separates poetry from this goal. “Applied to poetry, it means that the work does not remain within the limits of the representation of a finite world, but also that it relativizes these limits in an eternal process and merely approaches the infinite, but never reaches it” (Pikulik, 2000, p. 157). This is exactly what creates the romantic longing motif. This motive, as well as other themes, are expressed in Thomas Mann’s novel “Tonio Kröger”.

The reflection on literarylogical principles accompanies Thomas Mann throughout his literary path. On the one hand, it is about aesthetic self-reflection, which often reflects the writer’s identity crises, as well as the question of the le-

gitimacy of the writer’s existence. Thomas Mann’s earlier poetic considerations are mainly reflected in the essay “Bilse and I” (“Bilse und ich”, on the relations between a trivial bestselling author of his time and his own work; 1906). At the center of this treatise is the relationship between the literary and extra-literary world, and the question of the position of the writer between aestheticism and cognition (Erkenntnis), which is targeted at the practice of life, remains central. Above all, the text establishes a theoretical connection between these two spheres, which is difficult to implement in practice, no matter how much Thomas Mann tries to synthesize it. This essay also outlines the other side of being an artist, that is, whether the artist appears as a cognizer: he looks through the objects with a critical eye. The functionalization of art as criticism, in other words, as “literary criticism” (Mann, 2002, 14.2, p. 106) is seen here as “perhaps not a bad kind” (Mann, 2002, 14.2, p. 106). Heinrich Detering reads Thomas Mann’s descriptions of suffering and pain associated with artistic existence and production and fathoms the critically reflective function of art as an expression of a para-religious concept of “self-breeding, yes self-sacrifice” (Detering, 2012, pp. 15-16).

The essays “The social position of the writer in Germany” (“Die gesellschaftliche Stellung des Schriftstellers in Deutschland”) (1910), “The writer” (“Der Literat”) (1913) and “About Fiorenza” (“Über Fiorenza”) (1912) represent a view that resembles the middle position of literature, and Mann wrote here: “The synthesis is the poet / writer himself. He represents it, always and everywhere, the reconciliation of spirit and art, of cognition and creativity, intellectualism and simplicity, reason and demoniac, asceticism and beauty - the [romantic concept of a] Third

Empire" (Mann, 2002, 14.1, p. 349).² The tension of this interrelation is reflected in the irony. This subject then becomes central in the novella "Tonio Kröger", published in 1903. The famous narrative demonstrates an unbridgeable contrast between artistry and bourgeoisie (Bürgerlichkeit); the protagonist suffers from this contradiction in his existence as a writer. In fact this novella plays a central role in the work of Thomas Mann; in many ways, it is a fundament for his later writings.

Irony is a central subject of theoretical and literary discussions by Thomas Mann, which he addresses throughout in his "Reflections of a Nonpolitical" ("Betrachtungen eines Unpolitischen") and in some essays of the 1930s and 1940s. As is generally known, irony is always mentioned when there is a contradiction between what is meant and what is said. In addition to the comic, irony is characterized by a certain ambiguity, which leads to uncertainty among the reader. The intention of irony is to "lead the wrong, dogmatic, shifted through itself to absurdity" (Nündel, 1972, p. 115). This results in a certain superiority, an ironic standing above things.

It is important to differentiate that irony is both a rhetorical device and a principle, a "ferment of philosophical and aesthetic speculation" (Muecke, 1982, p. 15). As we have already noted earlier, at the time of German Romanticism irony was elevated to a philosophy of life and art. Its hallmarks are dissimulation and play, which have to do with artistic imagination and critical intellect and can finally lead to overcoming one's own art. In the 20th century, however, irony is changing into a view of life that is characterized by a variety of interpretations and leaves the

² What is meant, of course, is the old, historical-philosophical term, which the Nazis later misused as well.

question of the meaning of the literary open (Muecke, 1982, pp. 119-120). It can be noted that irony is always fraught with a notion of crisis and as a result always has its reservations concerning reality.

With regard to Thomas Mann, Nündel distinguishes between Socratic and Romantic irony.³ He summarizes the latter "as artistically reflected behaviour, which has become questionable about reality, which therefore has no fixed position and whose statements therefore always remain ambiguous" (Nündel, 1972, p. 119). This is a view that is in line with our thinking. Nündel (1972) points out that today's understanding of irony is based on the romantic concept. Thomas Mann describes irony as "the only artistically fruitful tension in a late period" (p. 119), which finds its continuation in parody.

The concept of irony in Thomas Mann's work again moves into the light of the relationship between life and spirit, which he considers as follows: "The relationship between life and spirit is an extremely delicate, difficult, exciting, painful relationship filled with irony and eroticism" (Mann, 2009, 13.1, p. 617).

It should be noted that, the common denominator of the Romanticists' and Thomas Mann's concept of irony is that it is about mediating between opposites that attract and need each other. This is why they cannot easily be reconciled or solved, but are to be preserved in their specificity

³ Nündel talks about Socratic irony being knowledge-oriented, so it is often referred to as pedagogical irony. "Socrates claimed to be unknowing. With this he said that he was knowledgeable, because he knew about his unknowing. But this knowledge had no positive content. He was the equivalent of negative freedom, and therefore his ignorance was ironic." (117). "If Socratic irony only referred to Greek reality, romantic irony aims at the entire reality. Thus, the creative ego [...] became infinitely free, also free in relation to its own structure. Every setting occurs in the awareness that it can be immediately negated" (Nündel, 1972, p. 118).

while only being unified selectively. A proof for our considerations is the fact that irony in Thomas Mann's work is not a question of either-or, but of both-as-well and soars in the middle. In other words, it is an ambivalent irony. In our opinion, this definition brings Thomas Mann close to Friedrich Schlegel's concept of irony as discussed above – a concept which he studied already as a young man, his main source being Ricarda Huch's two-volume introduction into the era of Romanticism.⁴

In the thematization of irony Thomas Mann is interested in placing himself in the gallery of his literary forefathers and role models and in taking a position in relation to the mind-life problem addressed. Following Nietzsche, Thomas Mann understands irony as self-negation.

In "Reflections of a Nonpolitical Man" ("Betrachtungen eines Unpolitischen"), however, Thomas Mann puts the concept of irony into a formula. He writes: "It's an opposition and an either / or. The spiritual person has the choice (as far as he has the choice) to be either an ironist or a radical; a third is decently not possible. What he proves to be is a question of the last argumentation. It is decided by the fact which argument is the last, decisive and absolute for him: life or spirit (the spirit as truth or as justice or as purity). For the radicalist, life is not an argument. *Fiat justitia or veritas or libertas, fiat spiritus - pereat mundus et vita!* This is the way all radicalism speaks. "Is truth an argument, if life is valid? This question is the formula of irony" (Mann, 2009, 13.1, p. 617).

Since irony can generally be understood as a reservation against anything and everything, it is an ideal instrument for the writer. Through its ambiguity and Since irony can generally be un-

derstood as a reservation against anything and everything, it is an ideal instrument for the writer. Through its ambiguity and multiplicity, it enables ambiguity: it protects the writer on the one hand against literature associated with unfitnes, illness and death, and on the other hand against life in all its manifestations.

The above can be clearly traced in the figure of Tonio Kröger, because "He is only a spectator and shaper of life, but does not interfere. He is an ironist, therefore not subject to any interest [...]. Translated into the language of the Bible: The ironist has no part in anything earthly" (Kurzke, 1999, p. 441). Tonio's actual conflict is reflected in the novella in his infatuation with the blond and blue-eyed, but they don't want to know anything about it. Ernst Nündel (1972) notes in this respect that this is "a highly devious, broken love, a passion with doubts" (p. 126).

Thomas Mann's own example of the young artist Tonio Kröger illustrates the tensions between art and life, the "bohemian" and the bourgeois, outsiderhood and social integration, which Tonio seeks to bridge. It is again the reflections and the resulting insights that separate Tonio from the naive, vital citizens and their everyday life of the "blond and blue-eyed". This is why he turns his back on the "clumsy and lowly existence" ("plumpes und niedriges Dasein", Mann 2.1, 2004, p. 263)⁵ and indulges completely in "the power of the spirit and the word" ("der Macht des Geistes und Wortes"), "which smile and throne over the unconscious and mute life", "die lächelnd über dem unbewußten und stummen Leben thront"; (Mann, 2004, 2.1, p. 264). The real tension consists in the fact that on the one hand he develops an "epistemological disgust" ("Erkenntnisekel") (Mann, 2004, 2.1, p.

⁴ Ricarda Huch: *Die Romantik. Ausbreitung, Blütezeit und Verfall Blütezeit der Romantik*. Leipzig: Haessel 1899.

⁵ Quotations from the original text were translated by Y. E. into English.

276), but does not want to participate in the life of the blond and blue-eyed. He even mocks their naivety, since they “have no need of the spirit” (“Geist nicht nötig haben”; Mann, 2004, 2.1, p. 279). This separation leads to the fact that he is constantly searching for various compensations that can alleviate his “cold heart” (“Herzenskälte”; Mann, 2004, 2.1, p. 264). For this reason, he is drawn to the south, where he “embarked on adventures of the flesh” (“sich in Abenteuer des Fleisches begab”, he “descended deeply into lust and hot guilt and suffered unspeakably” (“stieg tief hinab in Wollust und heiße Schuld und litt unsäglich dabei”; Mann, 2004, 2.1, p. 264). This, too, is no solution for him, because “a disgust and hatred against the senses captured him” (“ein Ekel und Haß gegen die Sinne erfaßte ihn”; Mann, 2004, 2.1, p. 265). He leads a life outside society and the “eccentric adventures” benefit his work. His enthusiasm is emphasized by the narrator: “He does not work like the one who works in order to live, but like the one who wants nothing but to work, because as a living man he does not care about anything, he wants to be considered only as a creator” (“Er arbeitet nicht wie Jemand, der arbeitet, um zu leben, sondern wie Einer, der nichts will als arbeiten, weil er sich als lebendigen Menschen für nichts achtet, nur als Schaffender in Betracht zu kommen wünscht”. (Mann, 2004, 2.1, p. 266). Tonio Kroeger understands that “good works are born only under the pressure of a bad life, that he who lives does not work, and that one must have died in order to be completely a creator” (“daß gute Werke nur dem Druck eines schlimmen Lebens entstehen, daß, wer lebt, nicht arbeitet, und daß man gestorben sein muß, um ganz ein Schaffender zu sein”; Mann, 2004, 2.1, p. p. 266). As a result, it is impossible for him to establish a connection to ordinary life – it would kill his aesthet-

ic creativity.

However, a change in Tonio’s artistic worldview is reflected in his conversations with Russian painter Lisaveta: He begins to realize that “one does not have to have died to be a creative person in its whole sense” (“nicht gestorben sein muß, um ganz ein Schaffender zu sein”), but he considers it absolutely acceptable to unfold artistically in a close relation with life. While at the beginning of the novella he was interested in the question of whether the two extremes could be combined, in his conversations with Lisaveta Ivanovna he raises the question of how the relationship between the artist and society should be shaped⁶. Meanwhile Tonio is also in the middle between life and the distance towards life. He knows “that one has a strangely distant and uninvolved relationship with the human” (“daß man zum Menschlichen in einem seltsam fernen und unbeteiligten Verhältnis stehe”; Mann, 2004, 2.1, p. 270). As noted above, at this stage of his development Tonio is already faced with the question of how this way should be shaped. At a later point, he simply asks: “But what is the artist?” (Mann, 2004, 2.1, p. 273). Lisaveta Ivanovna then points out the enlightening impetus of art, namely its “purifying and sanctifying effect” (“reinigende und heiligende Wirkung”; Mann, 2004, 2.1, p. 275), which she hopes will “destroy passions” “die Zerstörung der Leidenschaften” (Mann, 2004, 2.1, p. 275). Such a conception of art should show “the way to understanding, forgiveness and love” (“den Weg zum Verstehen, zum Vergeben und zur Liebe”; Mann, 2004, 2.1, p. 275).

This leads Tonio Kröger to reject a view of art that is only oriented towards cognition and understanding: “Another, but no less endearing

⁶ This is a question that also occupied the early romantics.

side of the matter is, of course, the blasé, indifference and ironic tiredness towards all truth, as it is a fact that nowhere in the world is it more mute and hopeless than in a circle of ingenious people who are already hounded by all dogs. All cognition is old, stale, and boring. Speak a truth that you may take some youthful delight in conquering and possessing, and your vulgar enlightenment will be answered with a brief release of air through the nose..." ("Eine andere, aber nicht minder lebenswürdige Seite der Sache ist dann freilich die Blasiertheit, Gleichgültigkeit und ironische Müdigkeit aller Wahrheit gegenüber, wie es denn Tatsache ist, daß es nirgends in der Welt stummer und hoffnungsloser zugeht, als in einem Kreise von geistreichen Leuten, die bereits mit allen Hunden gehetzt sind. Alle Erkenntnis ist alt und langweilig. Sprechen Sie eine Wahrheit aus, an deren Eroberung und Besitz Sie vielleicht eine gewisse jugendliche Freude haben, und man wird Ihre ordinäre Aufgeklärtheit mit einem kurzen Entlassen der Luft durch die Nase beantworten..."; Mann, 2004, 2.1, p. 275).

The conversation ends with the famous formula that postulates Tonio's belonging to the bourgeoisie: "I have reached my goal, Lisaveta. Listen to me. I love life, - this is a confession. Take it and keep it, I've never done it to anyone before" ("Ich bin am Ziel, Lisaveta. Hören Sie mich an. Ich liebe das Leben, - dies ist ein Geständnis. Nehmen Sie es und bewahren Sie es, - ich habe es noch keinem gemacht"; (Mann, 2004, 2.1, p. 278). From this the judgement made by Lisaveta Ivanovna it can be deduced that he was "a citizen lost at a crossroads" ("ein auf Irwegen [...] verirrt Bürger"; Mann, 2004, 2.1, p. 281), to which Tonio Kröger again reacts ambiguously. He concludes with the words: "I thank you, Lisaveta Ivanovna; now I can go

home with confidence. I am finished" ("Ich danke Ihnen, Lisaweta Iwanowna; nun kann ich getrost nach Hause gehn. *Ich bin erledigt*"; Mann, 2004, 2.1, p. 281) [emphasis in the text].

Jens Ewen (2017) believes that this statement creates an ironic structure: "Because Tonio sees the range of art as limited, denies the possibility of doing things once and for all, and cannot see the purpose of art in it, his own statement at the end of the conversation ("I'm done") is relativized. For because of his art theoretical assumptions, he cannot really relate this statement to himself" (p. 89). We are more inclined to the view that in this formula Tonio does not want to admit to himself, but suppresses in return, is true, because of his conviction that life kills the spirit or cognition. In any case, here art is assigned a middle position between spirit and life ("The Middle Position of Poetry"). The following quotations from the novella, which describe Tonio's inner conflict as follows, bear witness to this: "tossed back and forth between holiness and heat, refined, impoverished, exhausted by cold and artificially exalted exaltations, lost, devastated, martyred, sick" ("zwischen Heiligkeit und Brunst hin- und hergeworfen, raffiniert, verarmt, erschöpft von kalten und künstlich erlesenen Exaltationen, verirrt, verwüstet, zermartert, krank"; (Mann, 2004, 2.1, p. 316) In another passage it says: "I stand between two worlds, I am not at home in either one and as a result I have a little difficulty" ("Ich stehe zwischen zwei Welten, bin in keiner daheim und habe es infolge dessen ein wenig schwer"; (Mann, 2004, 2.1, p. 317). In a letter to Lisaveta, it is also said that his love for the "blond and blue-eyed, the happy, the lovable and the ordinary" is always carried by contrasts: "In it there is longing and melancholy, envy and a little bit of contempt and a very chaste happiness" ("Sehnsucht ist darin und schwermütiger

Neid und ein klein wenig Verachtung und eine ganz keusche Seligkeit”; (Mann, 2004, 2.1, p. 318). This tension lies at the heart of what is actually artistic, and the way it is dealt with is compared to the “dangerous knife dance”, which is intended to remind the artist of the contradiction “which lay in having to dance when one loved...”. (“der darin lag, tanzen zu müssen, indeß man liebte...”; (Mann, 2004, 2.1, p. 314). The antithetical structure that is imprinted here runs through the entire narrative.

Returning to the theme of reflections, it can be pointed out that in the aforementioned conversation with Lisaveta Ivanovna, Tonio speaks of the illusion-destroying power of mental reflexivity, which no longer gives room to the irrational “sweet tumult” (“süßen Tumult”; (Mann, 2004, 2.1, p. 277): “that is pronounced [...] is done. If the whole world is pronounced, it is finished, redeemed, and done with” (“Was ausgesprochen ist [...], ist erledigt. Ist die ganze Welt ausgesprochen, so ist sie erledigt, erlöst, abgethan”; (Mann, 2004, 2.1, p. 277). In the end, however, Tonio does the same, and that is to say, he thematizes his own conditions of creation, which should show that artistic production can very well be subject to rational analysis. This point of reference also corresponds to the programme of German Romanticism, according to which the conditions of production of a literary work should be reflected upon. Although Tonio himself states that he is “done” ((Mann, 2004, 2.1, p. 281), he actually wants to continue writing. After the confession of his bourgeoisie (Bürgerlichkeit), he knows that he is not an artist in the sense of the genius-aesthetic tradition already mentioned. Nevertheless, it obliges him to stand in relation to the social conditions of modernity. Tonio’s confession of life at the end contains a direct reference to the Bible passage from

1 Cor. 13: “For if anything can turn a man of letters into a poet, it is my civic love for the human, the living and the ordinary. All warmth, all kindness, all humour comes from it, and it almost seems to me as if it were the love itself of which it is written that one can speak with the tongues of men and angels, and without it is but a sounding brass and a ringing bell” (“Denn wenn irgend etwas imstande ist, aus einem Literaten einen Dichter zu machen, so ist es diese meine Bürgerliebe zum Menschlichen, Lebendigen und Gewöhnlichen. Alle Wärme, alle Güte, aller Humor kommt aus ihr, und fast will mir scheinen, als sei sie jene Liebe selbst, von der geschrieben steht, dass Einer mit Mensch- und Engelszungen reden könne und ohne sie doch nur ein tönendes Erz und eine klingende Schelle sei.” (Mann, 2004, 2.1, p. 318).

According to Ewen, the irony here is carried to extremes by the fact “that these art theoretical discussions are themselves part of a literary text. While in the beginning Tonio’s position is that there can be no more art in modern times, he revises this position at the end by making a fiery declaration of ‘life’. The artistic appearance given to this confession is limited in its authenticity and originality by the fact that it draws its aesthetic power from the quotation. However, the form of artistic expression given to these self-thematizations of art restores their validity and implicitly, conveys that art does not only have the quote at its disposal. In this way, a complex form of irony is achieved on several levels of statement, which keeps a constant movement of thought going and prevents a clear positioning” (Ewen, 2017, p. 93). Finally, it should be noted that in the novella Tonio Kroeger maintains an ironic attitude towards the world, because it enables “the linguistically logical realization of an attitude that wants to keep

the oppositions open and not reconcile them” (Ewen, 2017, p. 94).

Conclusions

To sum up, it is worth noting, in regard to irony, that Thomas Mann uses this term to express ambiguity in literary terms. It enables the writer “constructive, positive narrative attitude [...] wherever the narrator is not satisfied with reality, but the opposite of what seems to be irrevocable is considered and expressed, wherever long discussions end without a fixed result [...]” (Koopmann, 1975, p. 356-357) [emphasis: Y. E.].

Looking back on the philosophical-aesthetic position of Friedrich Schlegel, it can be said that the novella “Tonio Kröger” is nothing other than the manifestation of a middle position between spirit and life, which reflects the position of the “state of suspense” in Schlegel’s view of progressive poetry. This, in turn, corresponds to Thomas Mann’s view of poetry, according to which the poet himself represents the synthesis of the spheres of life and spirit. From this results the range of the romantic conception of university poetry or literary self-reflection up to the epoch of modernity, in our case represented in the novella by Thomas Mann.

REFERENCES

Detering, H. (2012). *Thomas Manns amerikanische Religion. Theologie, Politik und Literatur im kalifornischen Exil*. Frankfurt a.M.: Fischer.

Ewen, J. (2017). *Erzählter Pluralismus. Thomas Manns Ironie als Sprache der Moderne*. Frankfurt a. M.: Vittorio Klostermann.

Huch, R. (1899). *Die Romantik. Ausbreitung, Blütezeit und Verfall Blütezeit der Romantik*. Leipzig: Haessel.

Kerschbaumer, S. (2018). *Immer wieder Romantik. Modelltheoretische Beschreibungen ihrer Wirkungsgeschichte*. Heidelberg: Winter.

Kohns, O. (2007). Romantische Ironie und die Möglichkeit von Metaliteratur. In J. Hauthal (Hg.), *Metaisierung in Literatur und anderen Medien: Theoretische Grundlagen – Historische Perspektiven – Metagattungen – Funktionen* (S.194-205). Berlin u.a.: De Gruyter.

Koopmann, H. (Hg.). (1975). *Thomas Mann. Theorie und Praxis der epischen Ironie*. -Darmstadt: Wissenschaftliche Buchgesellschaft.

Kurzke, H. (1999). *Thomas Mann*. München: Beck.

Mann, Th. (2009). 13.1. Betrachtungen eines Unpolitischen. In Heinrich Detering (Hg.), *Große kommentierte Frankfurter Ausgabe (GKFA). Werke – Briefe – Tagebücher*. u.a. Frankfurt a.M.: Fischer.

Mann, Th. (2004). 2.1. Frühe Erzählungen 1893-1912. In Heinrich Detering (Hg.), *Große kommentierte Frankfurter Ausgabe (GKFA). Werke – Briefe – Tagebücher*. u.a. Frankfurt a.M.: Fischer.

Mann, Th. (2002). 14.1./14.2. Essays I: 1893-1914. In Heinrich Detering (Hg.), *Große kommentierte Frankfurter Ausgabe (GKFA). Werke – Briefe – Tagebücher*. u.a. Frankfurt a.M.: Fischer.

Muecke, D. C. (1982). *Irony and the Ironic*. London: Methuen.

Nündel, E. (1972). *Die Kunsttheorie Thomas Manns*. Bonn: Bouvier.

Oesterreich, P. L. (1994). Ironie. In Helmut

- Schanze (Hg.), *Romantik-Handbuch* (S. 351-365). Stuttgart: Kröner.
- Pikulik, L. (2000). *Frühromantik: Epoche-Werk Wirkung*. München: Beck.
- Quendler, Ch. (2002). *From Romantic Irony to Postmodernist Metafiction*. Frankfurt a. M.: Lang.
- Safransky, R. (2007). *Romantik: Eine deutsche Affäre*. München: Hanser.
- Schlegel, F. (1967). *Kritische Ausgabe seiner Werke* (Bd. 2). (E. Behler, Hg.). München: Schöningh.

A THEORETICAL-PRACTICAL ANALYSIS OF PHILOSOPHICAL AND PSYCHOLOGICAL ASPECTS OF HUMAN RESOURCES MANAGEMENT

Abstract

The article presents the role of human resources (HR) management philosophy in the work of an organization. The staff management philosophy development phases, the principles and functions are observed. The link of HR management philosophy with the socio-cultural traditions and different countries and ethnic groups is shown based on the analyses of HR management national peculiarities. The author also represents the specifics of the HR management process in law enforcement bodies and in the Police of the Republic of Armenia in particular. The socio-psychological specifics of HR management in the Police, as well as the perspectives of their development, are outlined.

Keywords: HR management philosophy, organization mission, Police personnel, ensuring the psychological aspect, personal quality, HR management tools.

Introduction

It is known that each sphere of knowledge, having reached a certain level of development, requires giving a meaning to its object, methods, principles and concepts and defining its specific place among the other sciences. This also happened to the field of management which having a huge history and shocking the world with the greatest creations of men by organizing the construction of the Egyptian Pyramids and the Hanging Gardens of Babylon developed into science only at the end of the 19th century and the beginning of the 20th century.

The definitions of the phenomenon of the “scientific management”, the main laws and principles were first used in the works of F.

Taylor, G. Emerson, G. Ford, H. Fayol¹. In the book entitled “The Principles of Scientific Management” F. Taylor (1911) justified his thesis on the new perception of industrial enterprise management. The staff management theory developed along with the development of management science since every managerial science comes into existence where the human factor emerges in management. Later the empiric knowledge in the field of management obtained a more organised nature and transformed into a logical system of principles and methods. This development was the result of the application of achievements of several related sciences, such as Economics, Sociology, Psychology, Anthropology, Ethics, Social Philosophy, Philosophy of

¹ For more details on scientific management or HR management theory formation, please refer to Fayol, Emerson, Taylor, & Ford, 1992, p. 349.

Culture, etc. That is why management science has an interdisciplinary character.

The management styles brought forward by K. Lewin, the works on the activities of law enforcement bodies and personal qualities of employees of Yu. Chufarowski, G. Shikhantsov, V. L. Vasiliev, the staff management psychology of O. V. Yevtikhov, etc. were studied given that ensuring the psychological aspect of the HR management process in the RA Police was considered important in the article. The research methods applied were the traditional analysis of documents, in-depth interviews, and focus group inquiries.

The General Description of HR Management Philosophy

HR management philosophical analysis is targeted at the study of human resources activities in the management process. In the work of V. S. Diev (2010), the management philosophy is defined as “a system of generalising judgments of philosophical character on management methods and its object, the place of “management” among other sciences, its gnoseological and social role in the contemporary society” (pp. 35-41).

The management philosophy is to bind the sense of the organization existence with the sense of the work of the employees working there in order to find agreement and harmony. For this reason, the sense of HR management philosophy is to achieve harmony in relations between the employee and the manager. In fact, philosophy in the field of HR management presumes how the management treats its employees, what role they play in the success of their work, how they should communicate with them and how to manage them.

According to M. U. Rogozhin (2008), the HR management philosophy is perceived as a system of organization/enterprise management views and ideas on the essence of staff management as a specific type of management activity (p. 11).

HR management philosophy defines a priority system in the process of organising the HR management, including the attitude both to the whole staff and to each employee individually. Thus the HR management philosophy includes the principle of the flexible attitude in which the employee is a valuable asset. This all creates sound competitiveness, not on account of HR management, but of each employee’s commitment to the company/organization assets. For this reason, from our viewpoint, it is very important to include the interests of both the company/organization and each employee in organizing the management process efficiently.

HR management philosophy, first of all, is targeted at findings of relations between the company/organization and the employee. Giving each employee an opportunity to meet his/her needs during the work, the organization manager can develop the company. The HR management accepted in the company allows ensuring equal, fair, mutually beneficial relations, to develop trust not only between the employees and managers but also between the consumers, stakeholders and suppliers. As a consequence, HR management philosophy creates an opportunity to not only present the moral-ethical basis of the company/organization activities analytically but also to contribute to stabilizing the sound socio-psychological atmosphere.

R. Shuler speaking of HR management philosophy issues came to the following conclusion: “...HR management philosophy defines how the companies/organizations treat their hu-

man resources, which aims the resources pursue in the overall work success and how they should be treated and managed. HR management philosophy defines guidelines that are necessary for the development of HR management projects and issues related to people emerging in the field of work, as well as for the development of practical methods for organizing the work based on strategic goals” (Randall & Dennis, 2004, p. 284). On the whole, philosophy allows reviewing management from outside penetrating into the essence of the management activity. The HR management philosophy is conditioned by objective and subjective factors, as well as by the external and internal environment.

The political and economic situation of a country that dictates its rules in the company/organization management is classified among the objective factors. And the subjective factors refer to the viewpoints of the owners, founders and chief executives on management, strategy, as well as the prescribed period of this company’s operation in which it is currently.

Efficient HR management immediately influences the stability of the company/organization. This is particularly displayed in crisis situations. The change of the external environment influences not only the managerial decision making of the leadership but also the staff behaviour. If a system known to everyone functions in a company, this allows to overcome hardships, make the right decisions.

It is known that the organization mission is the main goal of its operation, the reason for and the sense of its existence. The mission and philosophy are mutually conditioned. The sense of the existence of successful organizations is in their social direction. In case of orientation on exclusively corporative values, the organization loses its viability and may stop its existence under the

influence of the competition. As it is mentioned in professional analyses, if the goals of an organization become the goals of every single employee, he/she will make maximum efforts for their implementation (Genkin, 1999).

In another research, P. Druker (2007) wrote that it is better not to manage people at all, but to guide them instead, this is about developing partnership relations between employees. There should be trust in the basis of communication with an employee. Only then the employees will strive to work selflessly, committed and will make “sacrifices” to the company. Then the main principles will be loyalty and mutual trust. Highly appreciating the selflessness and commitment in working relations, we consider it necessary to touch upon the fact that commitment cannot be the only component of partnership relations and very often it is not enough as a condition for the efficient operation of the organization.

In the context of the HR management philosophy of a company/organization, the employees are viewed as the main asset and not an investment base, which consequently is grounded on certain principles:

- following the labour legal framework;
- justice;
- absence of discrimination;
- a decent attitude to a hired employee as the most important resource for the implementation of strategic and tactical goals.

The following idea can be cited as an example of an application of principles of working with human resources in the Russian professional literature “...the principles are as follows in the field of work with staff: employees can count on stable salaries if a vacant position for a manager is open, the preference is always given to the employees of the institution, in the case when the relations between the employer and

employee are built on the basis of partnership relations” (Kibanov, 2010, pp. 87-88).

HR management philosophy existence gives the company/organization an opportunity to have an additional impact on the organization management process. This can be reached due to the unified system of the “game rules” in the organization for the employees and for the organization in general. When the employees clearly realize their mission in the organization, they know the principles on which their own conduct inside and outside the organization should be based.

The organization strives to have such staff that agree to its philosophy and established values. Those who do not accept these values don't have any perspective to work in this organization.

The following functions of the organization philosophy are marked out in A. Ya. Kibanov's (2010) works:

- product of solidarity;
- development of special orientations in the staff conduct and activities;
- forming a deep understanding of the activities of each employee and administrative subdivisions;
- creating a consistent and recognizable image of the company in the external environment (pp. 96-97).

It is necessary that the HR management humanistic value system is institutionalized so that the organization ensures these principles. As a result, it is often formulated in the form of a separate document that permits clearly regulating the relations between the employees and the management. The existence of a normative document contributes to adaptation of new employees to the existing system, to clearly conduct the per-

sonnel policy, to organize the staff interrelations, etc.

The HR management philosophy fixed in a document gives the opportunity to establish just, reliable relations among the team, to raise the role of employees in decision-making processes, to improve the working life quality. The violation of the principles mentioned above can result in a conflict between the administrative team and employees and can bring to the collapse of the organization.

According to the opinion of numerous specialists, the philosophical bases of the organization activities were first clearly formulated in Japan. Akio Morita (1990) developed the HR management philosophy of the company Sony: “if it were possible to create conditions in which people could unite for a clear goal of working together and applying their technics, their abilities to make their own dreams come true, then such an organization could cause both a great pleasure and a great benefit”.

In Japan, the model of “Our wealth is the human resources” which corresponds to the idea of “The Company is our family”. The HR management practice of Japan is directed at ensuring employment during the whole working life. The social difference among the employees is not significant. The work management is implemented through a group principle in which the responsibility for the work quality and result is taken by the whole group.

Thus, summing up the above-mentioned we come to the conclusion that the HR management philosophy also has a vividly expressed national, socio-psychological belonging.

Certain peculiarities of HR management in the context of the Police of Armenia will be presented below.

Certain Psychological Peculiarities of HR Management

When touching upon the psychological side of HR management, we should mention that the process of reforms taking place in the law enforcement system in the Republic of Armenia creates favourable conditions for the development of the HR management system in the RA Police. Parallel to the quick changes in management styles and principle happening in the law enforcement system and in the whole republic, the study of the socio-psychological peculiarities of the management activities grows into a necessity.

The concept of HR in the field of psychology is used quite often, but unlike the field of philosophy, it is not completely developed yet, and these resources as a factor to regulate the emotional state is poorly studied (Bodrov, 2000, p. 223). The main goal of the HR management function in each organization is to confirm the most efficient use of HR (Bas, 2010).

What is meant by “ensuring the psychological aspect in the HR management” is the personnel activities management, a series of psychological preconditions, issues that are solved by special psychological technologies and are the ensuring of localisation of the operating system in the country (Kabachenko, 2003, pp 18-20).

Speaking of the RA Police HR management process, it should be mentioned that on 16-20 December 2019 a focus group discussion targeted at finding the socio-psychological issues of HR management efficiency among the RA Police personnel was held by the Education Quality Assurance Department in the RA Police

Educational Complex². 10 managers of the Complex departments and 6 representatives of the RA Police managerial personnel took part in the discussion.

Having summed up the results of the research carried out, the findings as socio-psychological issues related to HR management in the Police are as follows:

- The RA Police has a mixture of military hierarchy/ranks classification system and the Police civilian staff approach, which means that the career of the employee is mainly determined by meeting certain military rank standards, which in its turn is a mandatory precondition for taking up the position. Today we cannot see any administrative instruction (with the exception of law) that defines the standards of different ranks but, as it was found out during our meeting when getting employed by the RA Police, the employee can rarely avoid getting a rank. This situation makes it difficult to foster the appointment of young and reform-tended specialists in managerial posts internally in the current system in order to break the obstacle of changes in the middle managerial circle.
- There is no HR management policy sufficiently developed in the RA Police, which can clearly show the scope of the “new police”. The Police reform strategy document completes it to some extent, but it contains very little materials on the Police personnel quality necessary changes or the responsibilities of the police during the contemporary public service. Here it is noteworthy that the conceptual changes of the Police traditional role and mission present

² The research was held with 16 participants of the focus group on 16-20 December, 2019.

totally new requirements for the Police conduct and personal qualities considering independence, responsibility, flexibility, tolerance, communication skills, psychological proficiency, etc. more significant. The vagueness of the HR management general policy was expressed in different ways by other organizations as well, the most recent ones being the OECD SIGMA in the Baseline Measurement report of which in March 2019 a general recommendation on Armenia was provided to the RA Government “to make changes in the legal framework on civil service which clarifies the civil service horizontal scope in regards with the positions in the customs office, tax administrative staff, intelligence service departments, diplomatic service and law enforcement bodies”³.

- The RA Police does not possess any contemporary tools that would fully correspond to the general goals of the Police for assessing the personnel’s personal qualities, e.g. what can/should the officer/department do to support the Police reforms. Still, the idea that the Police or policemen cannot do much to change the system and that the orders so-to-say “come from above” is still there. As a result, the training of the junior Police personnel has a rather low demand which does not allow to ensure any professional or personal growth. And as it is known the efficiency of the work of an employee- of a policeman in this case, is mostly conditioned by the professional motivation that includes the person’s needs, ambitions, interests, biases, believes, posi-

tions and so on. The psychological aspects of motivation are the most important personal characteristics of a policeman, the person’s attitude to the environment, and being expressed in the motives, and it is displayed in actions, conduct, gets strengthened through them and becoming usual evolves into relatively stable features of a character and qualities⁴.

Considering all the aforementioned, we think that the possible input of HR management tools in the RA Police may correspond to the reforms planned by the RA Ministry of Justice, namely to e-management initiatives. In addition, in the scope of the RA management wider reforms, there can be already developed HR management systems, and that can ease the modern personnel policy input into the RA Police.

Conclusion

Thus, it has now become topical to input HR management clear systems to assist the HR planning and career development, and it will be appropriate to link the input of the systems with the overall IT support of the country at the same time challenging us to disclose personal qualities and necessary functions for professional success that dare not subject to the operation fall because of a long-lasting and tense professional influence or in case of a change of working tools. And from the philosophical viewpoint, the development of HR management philosophy gives the opportunity to ensure equal rights, fair relations, a comfortable moral-psychological atmosphere, social security of employees, employees’ participation in decision-making processes in the or-

³ For more details see Public Management Principles “Baseline Measurement Report”, Armenia, March, 2019, <http://www.sigmaweb.org/publications/Baseline-Measurement-Armenia-2019-ARM.pdf>.

⁴ For more details on the Interrelation of a person’s motivation and character formation see Rubinstein, 2000, p. 712.

ganization and also ensuring the moral-ethical basis of the activities of the company.

REFERENCES

- Bas, V. N. (2010). *Metodologiya upravleniya organizatsionnim povedeniem na osnove korporativnoi kul'turi v sisteme upravleniya personalom* (Methodology of Managing Organizational Behavior Based on Corporate Culture in the System of Personal Management, in Russian) (Doctoral dissertation). Moscow: 99 Ryazanskiy Prospekt, Scientists' Council conference hall. Retrieved November 28, 2019 from: <https://www.dissercat.com/content/metodologiya-upravleniya-organizatsionnym-povedeniem-na-osnove-korporativnoi-kul'tury-v-siste/read>.
- Bodrov, V. A. (2000). *Informatzionnyi stress, uchebnoe posobie dlya vuzov* (Informational Stress, textbook for high schools, in Russian). Moscow: PER SE.
- Diev, V. S. (2010). *Upravlenie, Filosofiya, Obshchestvo* (Management. Philosophy. Society, in Russian), *Philosophy Issues*, 8, 35-41.
- Druker, P. F., (2007) *Zadachi menedzhmenta v XIX veke* (Management Objectives in the Nineteenth Century, in Russian). Moscow: Vilyams.
- Fayol, H., Emerson, G., Taylor, F., & Ford, G. (1992). *Management is a Science and Art*. Moscow: Respublica.
- Genkin, B. M. (1999). *Ekonomika i sotsiologiya truda* (Economics and Sociology of Labor, in Russian), Textbook. for universities (2nd ed). Moscow: Norma; Infra.
- Kabachenko, T. S. (2003). *Psikhologiya v upravlenii chelovecheskimi resursami: Uchebnoe posobie* (Psychology in Human Resource Management: Textbook, in Russian). Saint Petersburg: Peter.
- Kibanov, A. Y., (2010) *Upravlenie personalom organizatsii* (Organization HR Management, in Russian). Moscow: Infra-M.
- Morita A. (1990). *Sdelanno v Yaponii: Istoriya firmi Sony* (Made in Japan: The History of the Company "Sony", in Russian). Moscow: Progress.
- Randall, S. S., & Dennis, R. B. (2004). *International Human Resource Management*, 2nd ed. New York: Routledge.
- Rogozhin, M. Y. (2008). *Upravlenie personalom* (HR Management, in Russian). Moscow: Prospect.
- Rubinstein, S. L. (2000). *Osnovi obshei psikhologii* (The Basics of General Psychology, in Russian). Saint Petersburg: Peter.
- Taylor, F. W. (1911). *The Principles of Scientific Management*. New York, London: Harper & Brothers.

NATIONAL VALUE SYSTEM IMPACT ON THE ECONOMY OF ARMENIA

Abstract

The process of accumulation and economic growth of national wealth has traditionally been linked in theory and in practice to the geographical position of the country, mineral wealth, high-quality human capital, historical events. The article attempts to break this stereotype by linking the country's economic progress with the national value system. To this end, philosophical interpretations of the peculiarities of the Armenian people's national value system are made, analyzing the nation-wide advantages and disadvantages that directly affect the economic progress of the country. In particular, the manifestations of national values that impede Armenia's economic progress are revealed. In this respect, philosophical interpretation is given for Armenians, doing more effectively implement their entrepreneurial skills abroad, rather than in their homeland.

Keywords: value system of nations, national entrepreneurial features, "patriotic economics", public and private interests.

Introduction

For centuries, the economic developments of nations and countries have not been sustained and have had their ups and downs. Some of the once economically powerful countries are now classified as developing nations, or vice versa, a few centuries ago wild tribes and ethnic groups that did not even have statehood, currently included in economically developed countries framework. This phenomenon can be interpreted in several ways. In one case it can be argued, that nations have different speeds of economic development due to the geographical location of their homeland, being located at commercial crossroads, and having seaports. In the other case, the rates of economic development of nations can be correlated with the country's rich mineral re-

sources and high-quality workforce presents. The formation of state good neighbourly relations, long-term historical favourable conditions for the development of inter-state relations and vice versa can also have a positive or negative impact on the prosperity of the national economy.

The factors listed certainly have a strong or weak impact on the economic development of any country, but we believe that the value system of nations residing in the country is a priority. Many examples can be found, when several European countries, lacking a rich mineral base and large territories, are currently among the most economically developed countries. On the contrary, some African states, which are rich in mineral resources and have a population of millions, are still unable to provide the necessary economic growth.

As for Armenia, which only gained independence thirty years ago, it should be noted, that a small state in the region, surrounded by non-fraternal neighbour states, with a poor raw material base, can provide some economic stability. However, we do not think that the factors listed in the economic progress of the Armenian people are the ones that hinder them. Here we hypothesize, that the main reasons for the slow economic prosperity of the Armenian people are hidden in the national value system, where there are harmful components that, cause an economic slowdown. Therefore, our comments on Armenia's economic development opportunities will be viewed in the article through the prism of the national value system.

Research Results

The nation stands out among other types of socio-ethnic communities as follows. Unlike other socio-ethnic communities, a nation makes out a type of sociality characterized by high mobility of individuals, their lack of attachment to any social positions (more precisely, the possibility of fixing them to some kind of only functional, given that the functionality itself is changeable). The positions themselves can be considered reversible, which paradoxes' the communication between the individuals who occupy them, makes it tautological and uninterrupted. As a result, a new type of individualization (personalization) of the individual is formed, which has historically been reflected in the concept of "personality". Figuratively speaking, this type of personality is problematic for itself. Since the individual is not fixed on any unambiguous social position, and the latter is determined through functional correlation with each other, the individual must organize the whole variety of his

functions himself. Due to the fact that he succeeds in self-organization only by distinguishing his position from others, which is in principle, identical and equal to his position, this means the need for a person to affirm himself in communication by contrasting other individuality. But even at the level of analysis of communication, it turns out that for its possibility such affirmation is not enough, it requires something in common for opposed social positions. This results in the fact that the personality itself can be analyzed as a two-part type of individuality, including the unique uniqueness affirmed in the acts of communication, and universality, which makes the positions of communicants comparable (comparable), and theirs similar to each other.

A nation is a value, politically-constructed, discursive type of socio-ethnic communities. The above allows us to formulate methodological provisions regarding the study of national values. The system of national values is complex, multi-level, synchronous and anachronous and cannot be determined a priori - it should be considered as an overlap of the past historical development of the socio-ethnic community, the existing socio-political (and wider the whole social) organization, and specifically communicative as organizing integrity.

Accordingly, in this system, it is possible to distinguish three functionally distinct subsystems that can be considered as levels of ideal objects of national consciousness, the ordering, and configuration of which in any system is historically concrete, and therefore random and unique. The first is ethnic, in which two complex structured elements can be distinguished:

- A. basic, with **ethnic** namely: territory (Fatherland, Motherland), language (mother tongue), stable forms of group consciousness (ethnic mentality, ethnic stereotypes).

B. concrete-historical, from the point of view of theory, random, but which constitutes proper ethnic (national) history. It includes concrete historical manifestations of ethno-consolidating and ethno-differentiating processes. It should also include specific manifestations of the ethnos culture (literature, religion, etc.), facts of history (heroes, memorable dates, etc.). The subsystem, as a whole, is connected with the past, serves as the basis for development (social memory).

The third subsystem - the idea of a nation, also manifests itself in two ways: as a value by which subjects are identified, and as an operator in the political space, which ensures the legitimization of private interest as a universal, power/wealth, and, therefore, the orientation of the general action in the desired direction. This subsystem is associated with the future; with goal-setting (design), acting in the form of ideology.

Accordingly, social philosophy in the study of national value should proceed from an analysis of the subject's social interest, determined by his position in the system of social relations. The study itself should be conducted according to the following logical scheme: the subject's position in its interdependence on other positions; resources available to a social group necessary for the formation of their subjectivity (in case of their insufficiency, the definition of social groups dominating over it); the way she posits her subjectivity (i.e., self-identification or identification with another subject); methods and resources of entering into communication systems in which the affirmation of subjectivity takes place (and the reverse is the impact of the communicative system on the ability to access and mobilize resources, restrictions on the methods used), the subject's attitude to the social system as integrity and its place to it.

The typologization of national values, the elucidation of the specific mechanisms of their development, the forms of manifestation in each nation are tasks solved by the methods of specific social sciences. The task of social philosophy in this area is to determine the directions of these studies. Thus, typologization can be carried out according to the method of affirming the value, according to the levels of subjectivity, according to the selection of culturally and historically significant, according to the subjects within the nation. The dynamics of values should be analyzed as the dynamics of intergroup interaction and the dynamics of group interests.

From the socio-philosophical point of view, the main function of national values is recognized as the formation of ideal subjects of national consciousness at all levels. As a form of consciousness, national values are distinguished by complexity, synchronous and anachronous variability and should be considered as the addition of time vectors: the past development of a socio-ethnic community, a real socio-political (and more broadly - the entire social) organization, and the future formed in discursive communication organizing social integrity. The structure of national values includes three components. The first is ethnic, in which two complex structured elements can be distinguished: ethno-forming and concrete historical. The second is socio-organizational, which also includes two elements: substantive, private-group and formal-universal, political. The third is the idea of a nation, playing a dual role, namely: means of self-identification of social actors and the operator in the political space.

Despite the multiplicity of the latter, people living in a single socio-cultural and political-cultural space need a certain set of common values, norms, attitudes, etc. for all of them, which

together provide the *modus Vivendi* of all members of society. This complex, which determines the content and orientation of public consciousness, social and political-philosophical thought, can be called a paradigm. The paradigm is understood not as one or another socio-philosophical or other theory or stream of thought, but the fundamental infrastructure of the picture of the social universe, which includes a set of fundamental ideas about society and the individual, civil society and the state, sacred and secular, etc., constituting, as it was the substrate of the most important concepts, theories, and trends of a given historical period. Or, in other words, it constitutes a worldview infrastructure that characterizes space and time, nature and society, man and the state, freedom, and slavery, good and evil, etc.

One of the types of identification strategies of an individual is ethnocultural and national self-identification, the idea of the spiritual unity of an ethnic group based on national values. The identification potential of national values, capable of forming an ethnicity in an individual, is concluded in the fact that national values record the fact of the psychological and social identity of a certain ethnic group and its difference from other similar communities and suggest the unity of all members of a certain ethnic group, united by common ideas, goals, and attitudes. In this regard, national values are not only a combination of psyche traits, needs, interests, attitudes, value orientations, beliefs and ideals of a particular people, which ultimately determine the ethnic character but also act as methods, techniques, and means of achieving goals, forming a specific identification strategy and spiritual and moral principles of all representatives of the nation.

The role of national values in the ethnocultural and national self-identification of the indi-

vidual lies in the fact that these values are generally valid and socially significant for all representatives of the ethnos at the same time. National values make it possible to distinguish from the totality of motives, needs, attitudes, orientations, assessments, and opinions of individuals some common and generally significant elements, which, firstly, are supported by an influential set of representatives of a particular nation and, secondly, are of great importance from the point of view of the survival of the nation itself. Ethnocultural and national self-identification of the individual, in turn, involves both the preservation and reproduction of important social relations, resources, ideas, attitudes characteristic of a particular nation, and effective countermeasures in response to destabilizing influences from the outside and as well inside, ensuring the survival of the nation. The internal destabilizing factors in their impact turn out to be much more destructive in their influence on national values, which is primarily associated with the loss of a sense of integrity and the loss of ethnos based foundations of self-identification strategies of representatives of one ethnos (Vildanov, 2014).

The study shows that in general terms the national value system is presented as a set of stereotypes specific to a particular ethnic group, in which the customs and norms of cultural, spiritual, and specific behavioural performance are mutually exclusive. In this respect, the Armenian people, who have a millennium-long history, have inherited a number of value-added components that can have both positive and negative effects on the country's national wealth formation, such as diligence, creativity, and rapid perception of competitive entrepreneurship. Or, an opposite, a lack of perception of corporate economic interest, a deficiency of entrepreneurial collectivism, a shortage of awareness of the need

for state-run economics, and so on (Tshuguryan & Khachatryan, 2019).

The national value system of any nation is formed over a long historical period. The Armenian people had lost their statehood as early as the fifth century. Even now, that Armenia has gained independence, it is occasionally preferable for an Armenian businessman to export capital from his own country and start entrepreneurship abroad, as in some cases he may find it more profitable (Tshuguryan, 2018). Guided by the principle that “capital recognizes comfort rather than the homeland”, Armenian businessmen often contribute to the development of the economy of foreign countries, bypassing the economic interests of the homeland. Not only is the capital of Armenian businessmen outflowing from the homeland, but the capital of successful Diaspora Armenian businessmen is hardly incoming to Armenia. And the main reason is not the lack of attractiveness of the country’s investment environment, but the deficiency of state-owned economy rooted in the national value system of Armenians (Tshuguryan & Khachatryan, 2019).

In this case, the question arises; what will fill that gap? (Acemoglu & Robinson, 2009) In our opinion, the Armenian national system needs a well-developed “patriotic economy” settlement. The theory is not considered being the term “patriotic economy”, but in general, it can be characterized as an economic process, targeted at the development of the homeland economy.

In our opinion, the key component of the patriotic economy is the public’s awareness of the nation’s interest and its dedication. In this case, it is already in the subconscious mind of every citizen, apart from the personal interest, to serve the interests of the public economy, which is a powerful and stimulating factor in the eco-

nomic progress of one’s homeland.

Since independence, when the Armenians centuries-old dream of having a state finally came true, the process of patriotic entrepreneurship in the Republic of Armenia has failed. The exact opposite was done. On the one hand, instead of helping the Republic of Armenia country prosper, Armenian businessmen stole the assets accumulated over decades and privatized during independence, rather than promoting them for active business development. On the other hand, in those years, state officials simply for the sake of self-interest simply wasted a significant portion of grants and aid entering the country, bypassing public interest and thus causing serious economic damage to the homeland. As a result, the capital accumulated in the country began to feel more comfortable abroad, and the rate of emigration increased (Khachatryan, 2018). Instead, significant inflows of international credit entered the country, which began to serve not only the economic growth but only short term macroeconomic stability, thereby increasing the external debt of the Republic of Armenia year by year. Here too, the “patriotic business” did not manifest itself, since the authorities preferred not to exert special efforts in the development of the economy, but merely to ensure economic stability at the expense of external debt at the expiration of its term and a growing debt burden, without worrying that this burden could be a serious obstacle to the future prosperity of the economy.

On the other hand, the pursuit of the “maximum profit of his majesty” pushes Armenian businessmen further away from “patriotic business” (Tshuguryan & Khachatryan, 2019). In our reality, at least today, the slogan “You must not import what can be produced domestically” should be considered more relevant today, which

currently largely bypasses the activities of Armenian entrepreneurs. Having large financial funds, they focus more on importing products that are in high market demand than on producing them in the homeland, as the latter is less profitable. Thus, national capital serves the economic interests of foreigners and does not serve the development of the real economic sector of the homeland and the formation of the country's national wealth (Soghomonyan, 2013).

In our opinion, the classification of the impacts of the components of the national value system on the economy of the Republic of Armenia can be implemented in two directions: positive and negative. Components of the positive impact include the hard work of the Armenian people, the high level of creativity in commerce, the flexibility to cope with change, the high degree of resistance to economic stresses, and the emphasis on adaptation to the struggle for business survival. Components of negative impacts may include mono-entrepreneurial aspirations, weak state-run governance orientation, rejection of participatory governance principles, avoidance of entrepreneurial cohesion.

Experience shows that the Armenian entrepreneurs generally rejecting participatory management approaches and seeks mono-management ways (Khachatryan, 2018). Armenians, as a rule, in a business environment trying to govern separately and are unwilling to agree to participate in corporate governance. This problem arises mainly because Armenians in the business sector are reluctant to be included in the participatory management system and generally do not accept compromise options when confronted with conflicts of interest. However, it is well-known that the current entrepreneurial sector becomes more competitive when it comes to corporate governance when there is harmony between

private and group interests. In this situation, naturally, there is no avoidance of entrepreneurial cohesion, which adversely affects not only private business but also the economic growth of the country.

Having been without statehood for centuries, the manifestations of the Armenian national system of values sidestepped by public economic interests, and the weakening of the state-run economy. In this respect, we attach great importance to the revision of the Armenian national value system and the start of the process of self-purification of the negative components involved, which must first of all be reflected in the upbringing of the individuals.

Researchers believe that today we are witnessing a serious crisis of the world order, which has developed mainly after the second world war. This crisis is exacerbated by a fall in world authority, elites, level of trust in the authorities and the main public institutions (Vardanyan & Alekyan, 2018). Given this challenge, we believe that the above-described components of the business behaviour of the Armenian people should be re-evaluated.

Conclusion

The centuries-old national value system has had a significant impact on the economic development of the country. In this regard, we consider it necessary to identify and assess the specific national behavioural risks that may have a negative impact on economic development processes. Consequently, we consider it necessary to interpret not only business education but also the education of the individual related to the risk factors arising from the national value system, which by their nature impede the economic prosperity of the country. In our opinion, the risks to

the negative impact of the Armenian people's national value system are mono-entrepreneurial aspirations, weak state-run governance, circumvention of the principles of patriotism, rejection of participatory governance principles, avoidance of entrepreneurial cohesion, which can significantly impact the country's economic growth.

REFERENCES

- Acemoglu, D., & Robinson, J. (2009). Persistence of Power, Elites and Institutions. *American Economic Review*, 98(1), 121-124.
- Khachatryan, N. (2018). *Kapitali paxusty' patmakan y'nt'aqy' ev dra kanxargelman ughinery Hayastani Hanrapetut'yunum* (The Historical Process of Capital Escape and the Prevention Ways in the Republic of Armenia, in Armenian). *Journal, History and Politics*, 1(2), 147-152.
- Soghomonyan, V. (2013). *Haykakan inqnut'yunn u evropakan arjhehamakargy'* (Armenian Identity and the European System of Values, in Armenian). Retrieved March 26, 2019 from: <http://diskurs.am/2013/08/109/>.
- Tshuguryan, A., & Khachatryan, N. (2019). Economy Development and National Value Interdependence. *Journal Hyusisapayl (in Armenia)*, 5, 41-47.
- Tshuguryan, A., (2018, September 19). *Tavshya heghapoxut'yuny' ev kapitali p'axusty* (Velvet Revolution and Capital Escape, in Armenian). *Aravot*. Retrieved from: <https://www.aravot.am/2018/09/19/981457/>.
- Vardanyan, R., & Alekryan N. (2018). At The Crossroads: Armenia 2041 Project. Retrieved March 26, 2019 from: https://www.reddit.com/r/armenia/comments/bwtec6/at_the_crossroads_armenia_2041_project_a/.
- Vildanov, H. S. (2014). *Natsional'nye tsennosti v strukture etnokul'turnoi i natsional'noi samoidentifikatsii individa* (National Values in the Structure of Ethno Cultural and National Identity of the Individual, in Russian). *The Journal, Basic Research*, 9, Retrieved March 26, 2019 from: <http://www.fundamental-research.ru/ru/article/view?id=34672>.

DOI: 10.24234/wisdom.v14i1.315

Irina UTIUZH,
Natalia SPYTSIA,
Alla SINITSYNA,
Natella PAVLENKO

SCIENTIFIC AND EDUCATIONAL TECHNOLOGIES IN HUMAN CAPITAL FORMATION

Abstract

The article deals with a constructive role of socio-humanitarian and philosophical knowledge in the system of natural science structures. It is proved that the relevance of socio-humanities and philosophy is a response to the challenges of the modern technology-based civilization, where exact and natural sciences call for the revival of a philosophic component in the education system and science. In the article, the main cause-and-effect relations that have resulted in modern societies in demand for revival of philosophic and socio-humanitarian knowledge in science and education are revealed. A new paradigm for the development of philosophic and socio-humanitarian knowledge is presented.

The authors present the implementation results of new interdisciplinary dialogue in the system of socio-humanities and natural sciences within the Zaporizhzhia State Medical University (Ukraine), where the Department of Social Studies has adapted and implemented a number of projects in this area. One of which is the School for Young Lecturers – project in the framework of practice-oriented education.

The article emphasizes that the return of social science to the higher education system and its role in science must be considered as a complex, multi-level process that should be studied and comprehended for its optimal implementation.

Keywords: socio-humanitarian knowledge, paradigm, interdisciplinary, transdisciplinary, synthetic methodology.

Introduction

The modern world is rapidly changing, but sometimes being unpredictable in its development and therefore, dangerous. Modern technologies allow us to make large-scale discoveries (for example, in the use of biotechnologies), transform the world around us, but, unfortunately, do not permit us to foresee not only distant outcomes but also immediate consequences of

processes being launched.

More and more works regarding the problem of changing the vector of attitude to humanitarian knowledge in the scientific community have appeared in recent decades. However, most of them are general, sometimes rhetorical. Philosophers have always talked about this problem, as, for example, John Horgan (1997) mentioned in his interviews. We would like to refer to several works that are of particular value for our

study. One of the most interesting and productive researchers for us is Mikhail Epstein (2001, 2004, 2016, 2017, 2019). He is the author of many works in which the problem of a new paradigm of knowledge, the importance of the social and humanitarian sciences and the synthetic methodology of the future science is touched upon. Besides, it is worth noting the works of I. Kasavin (2016), V. Tretko (2013), S. Chechotina (2013), Yu. Lotman (2001) and, especially, V. Porus (2019).

* * *

These are the consequences of the positivist paradigm “reign” in both science and education. It is positivism that within a long period of time conveyed A. Comte’s (2011) idea that any extra-scientific knowledge can affect the development of scientific knowledge rather in terms of quantity than in terms of quality – it can accelerate or slacken scientific process (p. 57). However, at the level of philosophical analysis, G. Hegel showed that any knowledge is based on the pre-existing culture, history of dialectical relations between the subject and the object. This dramatically changes the essential meaning of science and knowledge in general, and any knowledge is historical and culturally determined, that is any knowledge is affected by social factors. Therefore, the problems of cognitive communication should be further comprehended in the paradigm of “social philosophy of science” (Kasavin, 2016, p. 222). According to I. Kasavin (2016), in the dynamics of the future, a man should become part of the single system of the modern world (p. 222). Post-modern man is given a constructivist role. The main principle of constructivism is the principle of world cognition by building models, where science and education are the essence of

the future. Not without reason, according to UNESCO, the 21st century should become the “Age of Education”. Education and science constitute the core of the major resources of the new civilization development stage based on high-tech technologies (bio-, nano-, info-, electro-chemistry, etc.). The process of constructing the image of the future sets the essence of development, where the leading role belongs to the man, creator with adequate moral beliefs, value orientations and creative abilities.

Today’s economy is being transformed, developed into an “intellectual” economy.

Creative, innovative activity, creative abilities of the individual characterized by the ability to produce fundamentally new ideas – all these characterize the concept of creativity. The ability to create something new also allows being aware of the new in existence, to comprehend and feel it. Divergent thinking is one of the most important indicators of modern human wealth.

True human wealth is the ability to create, desire to create something new and improve the existing one, or simply create the same thing in a different way. It should be noted that for this purpose, it is necessary to comprehend the essence of the activity object.

In the process of activity, the main thing for a creative person is not only to create something new, but also to show his creativity, feel this aspiration and implement it. A modern man needs to create something new and be able to adequately evaluate his activities in order to make sure that his actions are creative. In fact, a creative person has a vital need for creation. However, as a subject of activity, with this view, he needs to possess necessary skills and knowledge, which are characterized by the concept of human capital.

In this article, we aim to reveal the main

cause-and-effect relations that have resulted in modern societies in demand for revival of philosophic and socio-humanitarian knowledge in science and education. We will make an attempt to predict the form of socio-humanities in the near future in the framework of modern education, in particular, focusing on higher medical education.

In the mid-90s of the last century, John Horgan's work "The End of Science" was published, where the author reflects on the fact that science in its "pure form" can no longer exist since all the most important things have already been discovered. There appears an idea that to support scientific progress, more and more effort and resources will be necessary, human resources are limited and not able to infinitely saturate science; therefore, progress cannot last infinitely. "When the questions arise, which science cannot answer, ambitious scientists pursue science in a non-empirical mode that I call ironic science, even after empirical science – science that answers questions – comes to an end" (Horgan, 1997, p. 51).

We will not insist on this standpoint since the problem can hardly be resolved and is purely hypothetical, but it is possible to assume that there is some truth in this idea. If the basic laws of the universe are already known to mankind, the logical question arises – what is next? Most likely, there comes time when the "puzzles" of scientific knowledge are collected many times again, creating, like a kaleidoscope, new pictures of the world, new approaches and, accordingly, new disciplines. "No matter how far empirical science can go, our imagination is always able to go further" (Horgan, 1997, p. 51).

Everyone, who has had anything to do with science over the past (at least) 50 years, has been discussing, participating in and creating interdisciplinary contexts of scientific knowledge. Dis-

ciplines presented to the world as a symbiosis of two or more sciences have long been introduced into university programs. However, this process continues and creates new opportunities for combination, the synergy of knowledge obtained in different areas.

Another question arises – who is the conductor of this amazing orchestra of new interdisciplinary areas, which can form and direct these new structures in a most productive way?

There is an attempt to answer these questions made in the writings by Mikhail Epstein, who claims that projectivity is experiencing a rapid rise. What is most interesting is that the things previously considered to be the unchanging reality often become projects.

"Scientists believe that their "birth", or rather a synthesis, will help create a unified theory of physical forces and interactions. Thus, the "objective" theory turns into the "projective" one, that is, it is assumed that the theory should be completed by further practice" (Epstein, 2016, p. 110).

Therefore, social and humanitarian sciences, as well as philosophy, are currently the "methodological regulatory framework for development" of modern society. The philosophical culture of the individual is formed and developed through analysis, criticism of the ideals and norms of the culture of thinking being shaped in everyday life.

The preservation of socio-humanitarian and philosophical disciplines in the educational discourse is an opportunity to form a human worldview as an ontological factor that guides man.

Modern education has not only received a large number of new technological tools, which we should learn to use efficiently, has also become a political, remedial and social technology. Professors of Humanities should take this fact

into account and use new technologies to avoid the catastrophe of global dehumanization. If social and humanitarian disciplines have an opportunity to profit from impersonal technologies, we should use this opportunity to turn from passive observers and researchers into active creators of a new reality, with the man being the core of it.

The “philosophy of synthesis” project proposed by M. Epstein is so relevant that it enables granting a new innovative status to philosophy and many socio-humanities, delivering them from useless tautology and translation of outdated or subjective political views. According to the author, to this end, it is necessary to reprogram the methodological settings of both philosophy and socio-humanitarian knowledge.

In his article “Philosophy as a Dream of the Future”, professor V. Porus expressed some interesting thoughts on this issue with regard to redirecting the methodological setting of philosophy – “from analysis to synthesis”. The author points out that the method of synthesis admits a lot of interpretations: from the synthesis of notions to synthesis of philosophical and scientific concepts occurring in the interdisciplinary study of complex, multi-factor processes (Porus, 2019, p. 82).

The issue of synthetic methodology creation that is extremely necessary for the science of our time is quite relevant, since it enables collection and combination of basic components in a new way and, in principle, is the only possible way to study what can/could happen. According to M. Epstein, it is synthetic disciplines that represent not even the immediate future but the concrete present of our science. Scientific community seeks to move from the knowledge of what has already happened to the knowledge of what has not yet occurred (Porus, 2019, p. 85). Accordingly, the research in synthetic sciences can be

grounded on a general scientific methodology, which is based on the mechanisms of knowledge integration, interdisciplinarity, transdisciplinarity and polydisciplinarity. We assume that it is expedient to consider the main concepts that define new trends in the development of modern education and science.

According to Vitalii Tretko (2013), a Ukrainian researcher, “Interdisciplinarity” is used in different meanings; “polydisciplinarity” and “transdisciplinarity” are synonyms to this concept with some differences in interpretations (p. 96). Polydisciplinarity means the study of a certain complex object jointly by different disciplines (for example, the study of man by psychology, genetics, sociology, etc.). Here, a possibility of dialogue between sciences is only outlined, with each science having its own subject of research. Transdisciplinarity means that research goes beyond disciplinary limits, and research schemes are transferred from one branch to another. Transdisciplinary research is a collaborative research project for several distinct branches of scientific knowledge. Interdisciplinary interaction involves communication, in which each discipline is both autonomous and open. It is necessary that every scientific discipline included in poly- and transdisciplinary complex should be both open and closed. “It should be open to new cognitive schemes transferred from related and more distant scientific disciplines, which have a heuristic significance for it; it should be ready to cooperate with other scientific disciplines in order to implement joint research projects. However, a scientific discipline should be closed, as it seeks to preserve its specific subject and research perspective, develop progressive and most advanced research methods and strategies” (Tretko, 2013, p. 96).

The term “integration” (from Latin integ-

rum – complete, integratio – renewal) means combining, interpenetration. This is the process of combining elements (parts) into a single whole, the process of mutual approach and formation of relationships. Interdisciplinary integration is a targeted strengthening of interdisciplinary links in order to maintain the theoretical and practical integrity of academic disciplines (Chechotina, 2013, p. 86).

It is important to determine the field, in which the most exciting scientific “battles” will take place in the near future. We are convinced that this area will be directly and indirectly related to medicine. It is here, in the sciences about the man and for the man, technology and new scientific discoveries will find their new application domain. Thus, it is medicine where the role of the socio-humanitarian and philosophical components is rather significant.

On this “battlefield”, we can see that the events related to technization of the man and anthropologization of the machine are already developing. Therefore, it is crucial to consider possible points of contact between socio-humanitarian and philosophical knowledge in medicine that is actively working on the creation of a trans-humanized being, which means that it creates a superhuman, realizes the human desire for self-creation.

Why are socio-humanitarian and philosophical components so important in higher medical education? Let us thoroughly examine the situation.

The ability to invent and create new things is named among the most important skills of humanity, especially active this ability is realized in the 20 and the 21st centuries, and, of course, medicine is the sphere where something new will be created all the time. This is caused by the fact that aspiration for self-creation, self-improve-

ment and immortality has always been of great importance and among most desirable for man. In addition, as stated by J. Horgan (1997, p. 22), provided that in the near future science is only developing in the areas where it makes real material profits (that is the reason for investment allocation in research), the field of medicine will never suffer from a lack of funding. People have always been willing to give all their treasures to prolong youth, beauty and health. Therefore, it is so important for the medicine to educate scientists who are able to think critically, approach issues in a non-standard and creative way and invent something new.

Thus, it is obvious that the social and cognitive role of both philosophy and all socio-humanitarianism is changing. In modern conditions, philosophy follows science, art, politics, religion and everyday experience. The socio-philosophic understanding of the modern science nature, in particular medicine, contrasts with the economic dimension image of the scientific and technical complex, in which fundamental knowledge is devalued, and the role of the instrumental science product as a commodity is absolutized. This raises the question of the possibility and necessity of a new social philosophy of science, a new discipline – philosophy of medicine. Thus, the national tradition in teaching philosophy should be restructured.

There are some interesting ideas in this regard presented by professor V. Porus. He declares, “it is time for Philosophy to leave behind the “remedial” functions of clearing the language of science from metaphysical remnants and linguistic traps, which is what “analytical philosophy” is intended for (Porus, 2019, p. 85); actually, it is not philosophy, but that is why it persistently pretends to be one. Such mimicry was justified a hundred years ago when the struggle

against metaphysics under the banner of “scientific philosophy” was under way. Having built up their muscles in this struggle, the institutions of “analytical philosophy” have gradually acquired such impressive dimensions that they are currently said to be “predominant” in the modern philosophical world. Although there seems to be no one to fight against, and since the old metaphysics is still seen only in historical and philosophical obituaries, these institutions preserve their fighting spirit and are ready to fight against windmills. Taking care of ammunition, philosophical analytics surrounds itself with special filters and scientific criteria. “Its texts are full of references to logical-mathematical and logical-semantic results, which provides them with certain respectability and inspires confidence – in contrast to speculations, which make people, who are trained to “do things” rather than chase after some philosophical wind, sick and tired. A masquerade can last long, but not forever. Even today, it is clear that analytical studies do not have a noticeable impact on processes in science (both in natural science and humanities) as well as on the “rest” of cultural life. Rare exceptions prove the rule” (Porus, 2019, p. 87).

It is not possible to disagree with these thoughts. Hegel (1932) wrote that the owl of Minerva flies only at dusk, but dusk is not eternal, there is a hope for dawn to come: having “woken up” in the morning, humans will draw conclusions and “learn from errors” (p. 103). However, under modern terms of “death of the social”, “simulation will only be defeated by simulation” (Baudrillard, 1983, p. 78); therefore, we need to act immediately. In a particular case, it is necessary to help philosophy out of the marginality and adapt it to the conditions of Medical University within the framework of the interdisciplinary paradigm.

What exactly should be taken into account in higher education in the first place in order to meet the basic needs of the future? Here, we should consider several points on the example of higher medical education, namely, education at the Zaporizhzhia State Medical University (ZSMU). It is appropriate to reveal the two main areas through which ZSMU is actively involved in the global network of higher medical education players, who are learning to quickly and productively respond to the challenges of today. We are not only moving from one paradigm of university development to another, we are also observing a large diversification of university models and must create this new reality together. Part of this new educational reality, the authors of which are a creative tandem of university management and lecturers of Humanities departments, consists of, firstly, online courses that ensure implementation of new educational projects of the global educational space, which are essential for a modern higher education institution; and, secondly, practice-oriented education, adult education.

The problem of training specialists, who are ready to develop the synthetic methodology and create inter-, trans-, meta-paradigm disciplinarity, is a separate issue. Like nuggets, this kind of specialists cannot often appear in the background of the old scientific paradigm. They need to be educated in comfortable conditions and taught the basic principles of nonlinearity. “You need to know a lot about the things that exist in order to create something unprecedented. At the same time, you need to create something unprecedented in order to better understand the things that exist” (Epstein, 2016, p. 112). Computer simulations are actively used in medical education and science, creating new models of reality that require researchers seeking new regularities.

“Nowadays, due to innovative technologies, we are leaving the universe for the multiverse – the era of multi-dimensionality, when virtual universes begin to multiply, gaining more and more material authenticity” (Epstein, 2016, p. 112). With the view of this, the system of postgraduate medical education, which trains Doctors of Philosophy, is developing new programs which enable moving away from the ordinary education paradigm. Professors of philosophy are responsible for creating a new type of scientist able to abandon the clichés and standard constructs of science.

To satisfy the demands, the Zaporizhzhia State Medical University introduced the institute of mentoring under the School for Young Lecturers project in the framework of practice-oriented education, rightfully declaring that this is the only project in the Ukrainian higher medical education (in the context of a general reduction in humanitarian education and deprivation of its humanistic component, our University pays great attention to the training of talented lecturers).

University young scientists are in the centre of events, ready to work in modern, often paradoxical conditions: a lack of time and money, an abundance of information, etc. There is no doubt that in Ukrainian universities there are disciplines that provide post-graduate students with a common understanding of pedagogical activities, but they become aware of the need for such knowledge only on entering a lecture hall (from the preparation of lectures and practical training to conflict situations emerging in the classroom). This is when there is a vital need for help, obtaining necessary information fast and, in general, support and advice from their mentor. This objective reality resulted in a progressive management decision to introduce the School for Young

Lecturers project. The Department of Social Studies and the Department of Cultural Studies and Ukrainian Studies were entrusted with the task of realization and implementation of this project, from the development of a unique (in the system of higher medical education) program to holding masterclasses in the framework of meetings with colleagues.

In order to form the pedagogical skills of young teachers, exclusively applied materials were selected: from a social and philosophical discourse to a psychological and pedagogical one. All the materials and the entire project aim to create new “social skills”, which are also referred to as “soft skills” (“social skills”, “universal skills” or “success skills”). “Soft skills” is a complex of non-specialized, highly professional skills vital for successful participation in work performance and high productivity. They allow post-graduate students to perform efficiently at their workplace. Soft skills include communication skills, leadership, abilities to take responsibility and work under pressure, settle conflicts, work in a team, manage their time, understand the importance of deadlines, think logically and systematically as well as creativity, etc.

Therefore, the following methodological forms were used: training, business games, case studies. The lectures and workshops provide the necessary information in three modules, which include specific topics namely: 1) Logical and Philosophical Workshop on Rhetorical and Communication Competence; 2) Psychological-pedagogical and Methodological Training of Young Lecturers; 3) Conflictology in Modern Higher Education. Development of Creative Thinking. We should note the following classes among those included in the above-mentioned training modules: “Logical Foundations of Argumentation”, “Features and Techniques of Ora-

tory. Rhetorical Devices for Speakers”, “Forms of Speech Communication (dialogue, monologue). Dispute as a Type of Speech Communication. Strategy and Tactics of Argumentation”. Practical training sessions in the determination of the psychological and typological communication characteristics of a young teacher’s personality and a workshop on the culture of professional speech are included in the above modules as well: “Speech and Communication Training”, “Personality and the Masses: Peculiarities of Behaviour in the Context of Higher Education. Social Psychology to Assist Organization of Interaction between the Teacher and the Student”, “Peculiarities of University Education in the Context of Globalization. Dialogue of Philosophy and Science in Western and Eastern Cultures”, etc.

The worth of personality, professional qualifications and man’s individual characteristics – character, intuition, ability to choose search strategies, even zest for life – all these affect a young teacher in selecting a model of reality, first of all, a professional one. This is the kind of professional to be trained by a modern University, and this is the kind of professional to work in modern University. Such kind of professional is the greatest social value; therefore, social and humanitarian disciplines headed by Philosophy should always remain the basis for his/her training.

Conclusions

Socio-humanities and philosophy today is a “methodological regulation” of development for modern society. The philosophical culture of the individual, which forming and developing through analytics, critique of ideals, norms of the culture of thinking, acts as a regulation for sci-

ence and education. The preservation of the socio-humanitarian, philosophical disciplines in the educational discourse allows us to form an adequate worldview that will correspond to the specific cultural and historical system in which the person is located. Besides, modern education has not only received a large number of new technological tools that it must learn to use with optimal results – it becomes a political, therapeutic, social technology.

We attempted to justify the need to redirect the methodological installation of philosophy from analysis to synthesis. An example of the creation and application of the synthetic methodology in the field of higher medical education is presented. To satisfy the demands of forming and use of such methodology, Zaporizhzhia State Medical University introduced the institute of mentoring under the School for Young Lecturers project in the framework of practice-oriented education, rightfully declaring that this is the only project in the Ukrainian higher medical education.

Thus, the return of socio-humanities to the higher education system and their role in science must be considered as a complex, multi-level process that should be studied and comprehended for its optimal implementation. It is very important to save this process from a cynical desire to reduce, vulgarize and diminish the significance of socio-humanities in modern science. Otherwise, the “prosthetic style” will result in tragic consequences and post-humanism will become a sad reality, in which nothing can be changed to return to humanity.

REFERENCES

- Baudrillard, J. (1983). *Simulations*. Los Angeles, California: Semiotext.

- Chechotina, S. (2013). *Aktualnist uprovadzhennia mizhdystsyplinarnoi intehratsii pry vyvchenni farmakolohii* (The Relevance of Interdisciplinary Integration in the Study of Pharmacology, in Ukrainian). *Ukrainian Dental Almanac*, 4, 86-88.
- Comte, A. (2011). *Dukh pozitivnoi filosofii* (The Spirit of Positive Philosophy, in Russian). Moscow: Izd-vo Librokom.
- Epstein, M. (2001). *Filosofiya vozmozhnogo. Modal'nosti v myshlenii i kul'ture* (The Philosophy of the Possible: The Modalities in Thought and Culture, in Russian). Saint Petersburg: Aletea.
- Epstein, M. (2004). *Znak probela: O budushchem gumanitarnykh nauk* (Mapping Blank Spaces: On the Future of the Humanities, in Russian). Moscow: Novoe literaturnoe obozrenie.
- Epstein, M. (2016). *Ot znaniya – k tvorchestvu. Kak gumanitarnye nauki mogut izmenit' mir* (From Knowledge – to Creativity. How the Humanities Can Change the World, in Russian). Moscow, St. Petersburg: Tsentr gumanitarnykh initsiativ.
- Epstein, M. (2017). *Proektivnyi slovar' gumanitarnykh nauk* (The Projective Dictionary of Humanistic Disciplines, in Russian). Moscow: Novoe literaturnoe obozrenie.
- Epstein, M. (2019). *Budushchee gumanitarnykh nauk: Tekhnogumanizm, kreatorika, erotologiya, elektronnyaya filologiya i drugie nauki XXI veka*. (The Future of the Humanities: Technohumanism, Creatorics, Erotology, Digital Philology and Other Disciplines of the XXI century, in Russian). Moscow: Ripol-klassik.
- Hegel, G. (1932). *Leksii po istorii filosofii* (Lectures on the History of Philosophy, in Russian). Moscow: Partijnoe izdatel'stvo.
- Horgan, J. (1997). *The End of Science: Facing the Limits of Knowledge in the Twilight of the Scientific Age*. New York: Broadway Books.
- Kasavin, I. (2016). *Sotsial'naya filosofiya nauki i kollektivnaya epistemologiya* (Social Philosophy of Science and Collective Epistemology, in Russian). Moscow: Ves Mir Publishing House.
- Lotman, Yu. M. (2001). *Semiosfera. Kul'tura i vzryv. Sredi myslyashchikh mirov* (Semiosphere. Culture and Explosion. Among the Thinking Worlds, in Russian). Saint Petersburg: Iskusstvo – SPB.
- Porus, V. (2019). *Filosofiya kak mechta o budushchem* (Philosophy as a Dream of the Future, in Russian). *Voprosy Filosofii*, 7, 82-88. doi: 10.31857/S004287440005729-6.
- Tretko, V. (2013). *Mizhdystsyplinarnyi pidkhid u pidhotovtsi maibutnikh mahistriv mizhnarodnykh vidnosyn* (Interdisciplinary Approach in Training Future Masters of International Relations, in Ukrainian). *Osvita doroslykh: teoriia, dosvid, perspektyvy*, 6, 94-103.

PHILOSOPHY OF LAW

AGGRESSION AS A CRIME IN INTERNATIONAL AND NATIONAL CRIMINAL LAW

Abstract

The article analyzes the process of international criminalization of the crime of aggression, the role and significance of the Charter of the Nuremberg Tribunal for the formation of the modern concept of aggression, compares the definitions of aggression as a punishable offense committed by individuals, according to the Statute of the International Criminal Court, in line with the amendments made in 2010 by the Assembly of States that are Parties to the Court and the *corpus delicti* of the crime provided in Article 384 of the Criminal Code of the Republic of Armenia – “Aggressive War”. The correlation developed by the author allows us to offer scientifically grounded recommendations on the qualification of the acts that constitute the crime of aggression, including the cases where it is accompanied by the commission of criminal violations of the laws and customs of conducting military operations.

Keywords: international crimes, international criminal law, international criminal court, qualification of aggression.

*“History teaches that wars begin
when governments believe
the price of aggression is cheap.”*

Ronald Reagan

The goals and objectives of this article are to consider legal problems related to criminal law emerging in the prosecutorial and investigative practice of the criminal justice authorities of the Republic of Armenia when qualifying the act of aggression and ways to overcome them. In this article, we will express our view on the qualification of aggression. We are aware that the complexity and novelty of the raised legal issues inevitably imply the existence of different points of view and approaches for solving them, since the problems of qualifying aggression are associated with complex and multifaceted aspects.

Firstly, international humanitarian law establishes a direct dependence of the qualification of aggression and other war crimes on the nature of the armed conflict. Secondly, the characteristics of aggression as a crime are not identical in national and international criminal law.

Beginning in the middle of the 16th century, professor at the University of Salamanca F. de Vitoria wrote that wars can only be fought to correct a wrong cause. Moreover, “if a subject is convinced of the injustice of a war, he may not serve in it, even though his sovereign commands” (Lukashuk & Ledyakh, 1995, p. 116).

Spanish scientist of the same era, B. Ayala, argued that “wars cannot be declared against Gentiles only because they are Gentiles, even by order of an emperor or the Pope”. War can be used only in self-defense or as an extreme means for ensuring law, “when justice and reason have failed” (Lukashuk & Ledyakh, 1995, p. 117).

Hugo Grotius, considered a fair, permitted war only the one that was launched in response to a violation of law. War is permissible as self-defense: “In the event of an attack on people with open force and the impossibility of avoiding otherwise the danger to life, war is permitted, even entailing the killing of an attacker” (Grotius, 1956, pp. 186-188).

According to B. Ferenz (1983), many of Victoria’s ideas formulated in the first half of the 16th century, such as elements of defining aggression, boundaries of acceptable self-defense, (...) responsibility of heads of States, groundless references to orders from a superior for their protection, were early predecessors of doctrines, which became recognized principles of international law four centuries later (p. 8).

Thus, despite the fact that the idea of the wrongfulness of an aggressive war emerged beginning in the middle of the 16th century, the legal prohibition of aggression was established only in the 20th century. So, in accordance with UN General Assembly Resolution No. 3314 adopted on 14 December, 1974, aggression is meant as a usage of armed force by one state against the other’s sovereignty, territorial integrity and political independence, or in any other manner incompatible with the UN Charter¹.

Article 3 of this Resolution provides a non-exhaustive list of acts the commission of which constitutes an act of aggression². Analysis of the

concept of “aggression” allows us to conclude that the fact of the declaration of war itself does not make it legal, and the Resolution, which was often referred to, until recently, was not a binding document for States, and the definition of aggression as an international crime also was not worked out, moreover the Resolution describes the actions of States, and not individuals – subjects of the crime of aggression (Trikoz, 2011, pp. 20-23; Bogush, 2010, pp. 87-95). This approach is related to the fact that aggression is distinguished as an act of a State for which they can be brought to international legal responsibility, and aggression as a criminal offense committed by individuals for which they can be criminally liable (Marusin, 2013, pp. 112-120).

After Nuremberg and until the establishment of the International Criminal Court (hereinafter ICC), not a single international court was vested with jurisdiction related to the crime of aggression. After 1946, no international or national criminal court considered this crime, although in several cases the UN Security Council decided that the act of aggression was committed by states (Cassese, 2003, p. 112). As rightly noted by I. S. Marusin (2013), in the statutes of international criminal judicial institutions created later, such as the International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda, the Special Court for Sierra Leone, aggression was not included in the number of crimes covered by the jurisdiction of these bodies, which due to the fact that armed conflicts, during which the crimes pursued by these international judicial institutions were committed, were (mainly) of intra-State nature (pp. 112-120).

Despite the fact that the original version of the Rome Statute of the ICC in Article 5 already provided for the jurisdiction over aggression,

¹ Charter of the United Nations, 25 June 1945.

² See Charter of the United Nations, 25 June 1945.

however, according to paragraph 2 of Article 5 of the Statute, it was regulated that the ICC shall exercise jurisdiction over the crime of aggression once a provision defining this crime and setting out the conditions of jurisdiction is adopted. Therefore, the participating States were not able to agree on an acceptable definition of this crime immediately. In 2002, on the basis of a Resolution of the Assembly of States – Parties to the Statute of the ICC, a Special Working Group on Aggression was established.³

From May 31 to June 11, 2010, at the 13th meeting of the conference on international criminal justice in the Ugandan capital Kampala, a Conference was held, which was attended by 86 delegations of participating States and 33 observer states, on the review of the Rome Statute of the ICC.

The outcome of the ICC Conference of States Parties was the adoption on June 11, 2010, by consensus, of Resolution RC/Res.6 “Crime of Aggression”, which provides for the inclusion in the Rome Statute of new articles 8 bis, 15 bis, 15 ter defining the crime of aggression and harmonizing the order of the ICC jurisdiction. So, in two paragraphs of the new article of the Statute of the ICC 8 bis, a unified substantive definition of the crime of aggression.⁴

³ See: RC/Res.6, R. (11 June 2010). “The Crime of Aggression”. Annex I. Amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression.

⁴ “Article 8 bis
Crime of aggression

1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.
2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any

Article 8 bis, adopted in 2010, defines the elements of aggression as criminal offense as follows: planning, preparing, initiating or execution an act of aggression by a person who is able to effectively direct or control the political and military actions of the State. We share the fair opinion of I. S. Marusin that, from the point of view of ordinary law enforcement practice, the recognition of acts listed in Article 8 bis criminal and criminally punishable should mean that all persons involved in the commission of these acts, both the organizers and the direct perpetrators, should bear criminal responsibility. In other words, if State A commits an act of aggression

other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- (c) The blockade of the ports or coasts of a State by the armed forces of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.”

against neighboring State B, then, according to this approach, both the head and the supreme commander of State A, who ordered the attack on State B, and all military personnel, including ordinaries, who fulfilled this order, should be held criminally responsible.

However, the adopted Article 8 bis indicates the circle of persons liable for aggression. These are, firstly, people who are able effectively to exercise control over the political or military actions of a State, and secondly, people who are able effectively to exercise the directing of political or military actions of a State. “Effectively” directing the actions of a State means that not all persons formally legally authorized to execute the act of aggression, such as the head of State, head of government or supreme commander, can be held accountable for an act of aggression, but only those who actually possessed such power (Marusin, 2013, pp. 112-120).

Such an approach, in our opinion, is caused not by a condescending attitude towards direct executors, but by exceeding the limits of the criminal law mechanism and the inability to prosecute thousands or a million representatives of the opposing side of an armed conflict without depriving them of their fundamental procedural rights and judicial guarantees. No judicial system can cope with so many accused, defendants and convicts. At the same time, the management of a State, in which such a number of accused, defendants and convicts will simultaneously appear, would be extremely difficult. But one can bring to justice one hundred, two hundred, a thousand people. It is precisely because of these considerations that the victorious states in the Second World War during the Nuremberg trials of 1945, the circle of persons responsible for the crimes committed by Germany was narrowed to the highest political and military leaders of the

country. Millions of German and Austrian generals, officers, and soldiers who directly committed war crimes were not held accountable. The States participating in the ICC also did in the same manner. It is true that in the Statute of the Nuremberg Tribunal, the circle of persons liable for aggression was not precisely defined. All defendants at the Nuremberg Tribunal, according to the wording of Article 6 of the Charter, could be brought such accusation, but the circle of defendants at the Nuremberg Tribunal was individually determined (Marusin, 2013).

Thus, the first paragraph of Article 8 bis includes the main definition of a crime, the main constituent elements of which are: the first - elements of the “actus reus” (alternative nature of the types of active actions, a special “threshold of gravity” in the form of “gross violation” of the UN Charter, blank description of an act of aggression with reference to the “Definition of Aggression” of 1974), the second is a special subject that characterizes this crime as “leadership crime”⁵. The characteristics of the “mens rea” of a crime are disclosed in the “Elements of Crimes” of the ICC Statute 2002, which were also supplemented by relevant provisions: the offender must have been aware of factual circumstances that established that such a use of armed force was inconsistent with the Charter of the United Nations, also the circumstances indicating a gross violation of the UN Charter by its character, gravity and scale of the act of aggres-

⁵ I.e. persons who are able effectively to exercise control over the political or military actions of the state, and people who are able effectively to direct the political or military actions of the state. “Effectively” means that not all persons who formally have legal authority to carry out an act of aggression (head of State, head of government or supreme commander) can be held accountable for an act of aggression, but only those who actually possessed such power, even from among those persons who do not have such formal legal powers.

sion.

Strictly speaking, the main elements of the crime of aggression in accordance with this definition are the following: the blanket nature of the objective side; a special subject that characterizes the crime as “leadership crime”⁶; a special “threshold of gravity” in the form of a demand for a “gross violation” of the UN Charter. Even a single shelling of the territory of a foreign State according to the Definition of 1974 and Article 8 bis of the ICC Statute should be considered an act of aggression, but if the incident is quickly resolved, then there is obviously no need for the ICC to intervene. And in this case, the provisions of the ICC Statute provide for the responsibility for the outbreak and conduct of an aggressive war, and not for any single acts of the use of armed force. In addition, the two new Articles 15 bis and 15 ter of the Statute establish a different procedure for the exercise of the Court’s jurisdiction over the crime of aggression. This is due to the role of the UN Security Council in establishing the fact that the State committed an act of aggression and with the restrictions on the territorial and personal jurisdiction of the Court. It should be noted that the competence to determine whether an event of international life is an aggression belongs only and exclusively to the UN Security Council (Article 39 of the UN Charter). However, such an assessment of the UN Security Council, in our opinion, is political, not legal.

So, when preparing the Statute of the ICC, some permanent members of the UN Security Council believed that as aggression can be considered only those actions that were qualified as

such by the UN Security Council (Arsanjani, 1999, p. 29; Kolodkin, 1998, pp. 231-232). If such proposal were accepted, it would mean that the actions of any of the permanent members of the Security Council would never have been recognized as aggression, since the relevant state has the opportunity to veto a resolution in which its actions are qualified as such. However, this proposal was not accepted in the end. Thus, Article 15 bis of the ICC Statute is prescribed for the case when the situation is transferred to the ICC by a State party or when the prosecutor initiates an investigation by proprio motu and establishes the following procedure for initiating proceedings in the Court on charges of aggression. If the Prosecutor comes to the conclusion that there are sufficient grounds for initiating the criminal prosecution of a certain person on this charge, then he must first find out did the UN Security Council qualify as aggression the actions now being considered by the Prosecutor, and also notify the UN Secretary General of his intentions by providing him with all the necessary materials and documents. If such a qualification by the Security Council has already been implemented, as well as if the Security Council has not given any assessment of this situation and will not give it within 6 months after the Prosecutor has notified the UN Secretary General of his intention to initiate criminal prosecution, the Prosecutor has the right to continue the proceedings in this case under the usual manner. Thus, the UN Security Council can, qualifying certain actions not as aggression, thereby stopping the proceedings in this case at the ICC. But if the Security Council cannot qualify a particular situation, then the ICC will be able to act in accordance with its assessment. However, qualifying the actions of a particular State as aggression does not mean that the persons who directed these actions or exercised

⁶ In the novel Article on the crime of aggression is included the reference to the “Definition of aggression” approved by the Resolution of the General Assembly of the UN number 3314 (XXIX) on 14 December 1974, and its text is reproduced (point 2 Article 8 bis of the Charter).

control over them are liable in the ICC. Article 15 ter of the Statute, in its turn, refers to the exercise of jurisdiction by the Court when transferring a situation by the UN Security Council. In this case, the jurisdiction of the ICC may be carried out in relation to any crimes, including those committed in the territory of the “third States” or by their citizens.

Moreover, a two-stage procedure for the entry into force of new jurisdictional provisions of the Statute is provided. Firstly, the jurisdiction of the Court is possible only after the amendments are confirmed by a majority vote of 2/3 in the Assembly of States – Parties after January 1, 2017. Secondly, the Court can exercise jurisdiction over the crime of aggression only if it was committed after a year from ratification of amendments by 30 participating States. In accordance with Article 15 bis, also included in the Rome Statute by this Resolution, the Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or adoption of these amendments by thirty participating States.

The correlation of the definition “Crime of aggression” developed for the purposes of the ICC Statute has some specificity than Article 384 of the Criminal Code of the Republic of Armenia⁷. The problem is that aggression as a crime under national and international criminal law is not identical. So, analysis and comparison of the Article 384 of the Criminal Code of the Republic of Armenia “Aggressive War”, which is disclosed in two parts and contains two separate elements of a crime, provides for responsibility in part 1 for planning or preparing an aggressive war, and in part 2 for unleashing or waging an aggressive war. At the same time, the planning

of an aggressive war is understood as the fulfillment of any actions of an intellectual nature to achieve the goals of such a war, in particular: the development of its ideological, political and military concept; drawing up plans for strategies and tactics of military operations; mobilization plans; development of plans for the structure, composition, deployment and tasks of the armed forces; organization of intelligence activities; informational activity (Borzenkova & Komissarova, 2002, pp. 354-355). The preparation of an aggressive war is understood as the implementation of actions aimed at implementing the developed plans of aggression: building up armed forces, accumulating weapons and ammunition, creating food supplies, intensifying intelligence against another State, conducting command-and-staff exercises to develop aggression, etc. (Kruglikov, 1999, p. 769). The outbreak of an aggressive war is the beginning of concrete actions for its conduct, with a view to its further conduct, and not an act of sporadic aggressive use of military force against another State. So, in the fair opinion of N. F. Kuznetsova, untying aggressive war is the facts of aggression, “preceding the full-scale conduct of an aggressive war” (Malakhov, 2003, p. 139), such as: diplomatic demarches with aggressive goals, reconnaissance, the seizure of ships and the like “acts of aggressive behavior” (Borzenkova & Komissarova, 2002, pp. 357-358). Usually in the literature it is argued that the unleashing of aggression is a “treacherous” act committed in spite of the existence of peace treaties. The conduct of an aggressive war is a continuation of an aggressive war after the fact of its unleashing (Naumov, 2007, p. 610), and can be expressed in large-scale aggression against another state in the form of an attack, attack, invasion of its territory with the aim of capture or other aggressive purposes. It seems that

⁷ The Criminal Code of the Republic of Armenia adopted on April 29, 2003, further the RA Criminal Code.

the conduct of an aggressive war may be an undeclared conduct of hostilities against another state de facto - after all, legally, an act of aggression is stated regardless of the declaration of a state of war.

Thus, if the Article 384 of the RA Criminal Code establishes criminal liability in accordance with Article 3 “Definition of aggression,” provided for by UN General Assembly Resolution No. 3314 of 14 December, 1974, even for a single shelling of a foreign state’s territory, regardless of purpose and intent⁸, without specifying the subject, which from the point of view of ordinary law enforcement practice means that criminal liability for them should be borne by all persons who participated in the commission of these acts, both the organizers and the direct executors, then Article 8 bis establishes criminal liability for an act of aggression, which by its character, seriousness or scale is a gross violation of the UN Charter, and not for any single acts of the use of armed force, narrows the range of persons who hold criminal responsibility for aggression only by the highest state and military leaders, freeing from it lower-level performers, i.e., generals, officers and ordinary, directly and carrying out actions that qualify as aggression⁹. Such a restriction testifies to the desire of the ICC Member States to consider really significant, serious crimes, and if a single shelling of the territory of a foreign state, which should be considered an act of aggression, is quickly settled, then there is no need for ICC intervention.

⁸ In the point 1 of Article 5 of “Definition of Aggression” of 1974 is clearly stated that “No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression”.

⁹ By this aggression differs from other types of international crimes, for example, from genocide, for the commission of which to criminal liability are brought all people who participated in its commission - both the directors and the executors.

On this occasion, we share the fair opinion of I. S. Marusin (2013, p. 119), who notes that such a position of the States – Parties to the ICC of the court could be agreed if the text of the Statute or the Rules of Procedure and Evidence would give objective criteria for distinguishing an manifest (gross) violation of the UN Charter. That means the criteria for this assessment in the normative acts, on the basis of which the ICC should make its decisions, are absent. The Appendix to the “Elements of Crimes”, adopted simultaneously with the amendments to the Statute of the ICC, only states that the term “manifest” is an objective characteristic (Article 8 bis, paragraph 3 of the Introduction). This means that a person’s subjective assessment of his actions as legitimate or as violating the provisions of the UN Charter, but not rudely, does not relieve him of responsibility. At the same time, the grounds for holding accountable for aggression are formulated in the adopted amendments to the ICC Statute so that they allow for a different approach to similar situations and leave too much room for judicial discretion. This situation necessitates the introduction of appropriate amendments and expansion of the circle of persons responsible for the crime of aggression.

In the framework of the goals and objectives of this article, it is also necessary to consider such an important question: how to qualify the conduct of an aggressive war if such actions are accompanied by the commission of criminal violations of the laws and customs of military operations.

It seems that the commission of war crimes in the course of an aggressive war should always receive an independent legal assessment - that is, the deed should be qualified in the totality of crimes.

International humanitarian law establishes a

direct dependence of the qualifications of aggression and other war crimes on the nature of the armed conflict, recognizing similar acts, in some cases, as military and other international crimes, but not in others. To date, individual criminal liability for war crimes committed during conflicts of a non-international nature is a norm of customary international law, which is also confirmed by the practice of international organizations. So Article 7 of the Resolution of the UN General Assembly No. 3314 of 14 December, 1974, provides for the provision that nothing in this definition, and in particular in Article 3, can in any way prejudice the right of peoples to self-determination, freedom and independence arising from the Charter, as well as the right of these peoples to fight this purpose¹⁰. However, the interpretation and application of the above provisions should be interrelated and each provision should be considered in the context of all other provisions. Such an approach, in our opinion, is legally legitimate. However, qualifying the actions of a certain state as aggression does not mean that the persons who directed these actions or exercised control over them are liable in the ICC.

It seems that if the outbreak and the conduct of an aggressive war are accompanied by the commission of other war crimes, the latter must always be qualified independently, i.e., accord-

¹⁰ According to the Article 7 of the Resolution of the UN General Assembly number 3314 of 14 December 1974, "Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination: nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration".

ing to the totality of crimes provided for in part 2 of Article 384 of the Criminal Code of the Republic of Armenia "Aggressive war" and part 1 of Article 387 of the RA Criminal Code "The use of means and methods of war prohibited by an international treaty in military operations or armed conflicts", and in some cases in conjunction with Article 390 of the Criminal Code of the Republic of Armenia "gross violations of international humanitarian law during armed conflicts".

Thus, the question of the possible prosecution of the crime of aggression is currently devoid of any practical plane and remains the subject of academic theorizing. This statement also applies to the ICC until the ICC considers such crimes in its practice. In any case, prosecution of representatives of the opposing side of an armed conflict for committing a crime of aggression is currently possible only at the international level. Nevertheless, in our opinion, such a qualification of the offense under national law is most correct due to its obviousness and legal certainty.

REFERENCES

- Arsanjani, M. (1999). The Rome Statute of the ICC. *Americal Journal of International Law*, N 1, 22-43.
- Bogush, G. (2010). *Obzornaya konferencia po Rimskomu statutu: novie gorizonti mezhdunarodnovo ugolovno pravo-sudiya* (Overview Conference on Roman Statute: New Prospects of International Criminal Justice, in Russian). *Sravnitelnoye konstitucionnoye obozreniye* (Competitive Constitutional Overview), 5, 87-95.
- Borzenkova, V. S., & Komissarova, G. (Eds.). (2002). *Kurs ugolovno prava. Oso-*

- bennaya chast'* (Course of Criminal Law. Special Part, in Russian). (Vol. 5). Moscow: Zercalo.
- Cassese, A. (2003). *International Criminal Law*. Oxford: OUP Higher Education Division.
- Ferenz, B. (1983). *Enforcing International Law – A Way to World Peace*. (Vol. 1). London-New York: Oceana Publications Inc.
- Grotius, G. (1956). *O prave voiny i mira* (The Laws of War and Peace, in Russian). Moscow: Lodomir.
- Lukashuk, I. I. & Ledyakh, I. (Eds.). (1995). *Nyurenbergskii process protiv voiny i fashizma* (Nuremberg Process: the Law against War and Fascism, in Russian). Moscow: Volters Kluver.
- Kolodkin, R. (1998). *O mezhdunardnom ugovnom sude* (On International Criminal Court, in Russian). *Russian Year Book of International Law*, 1996-1997, 231-232.
- Kruglikov, L. (Ed.). (1999). *Ugolovnoye pravo Rossii. Osobennaya chast* (Criminal Law in Russia. Special Part, in Russian). Moscow: BEK.
- Malakhov, O. (2003). *Agressia kak prestupleniye po nacional'nomu i mezhdunarodnomu pravu* (Aggression as a Crime in National and International Law, in Russian). (PhD dissertation). Stavropol.
- Marusin, I. (2013). *Opreделение agresii v statute mezhdunarodnogo ugovnogo suda i ustave Nurenbergsokovo tribunala* (The Definition of Aggression in the Statute of International Criminal Court and the Charter of the Nuremberg Tribunal, in Russian). *Jurisprudence (Actual Issues Public Law and International Law)*, 4(309), 112-120.
- Naumov, A. (2007). *Rossiiskoe ugovnoe pravo: kurs lekcii* (Russian Criminal Law: the Course of Lectures, in Russian). Moscow: Volters Kluver.
- Trikoz, E. (2011). *Mezhdunarodnoye ugovnoye pravo i mezhdunarodnaya yusticiya* International Criminal Law and International Justice, in Russian). In *Kampala International Conference on International Criminal Justice* (Vol. 1, pp. 87-95). The Hague. Ipskamp.

FREEDOM OF THOUGHT: LEGAL PROTECTION FROM MANIPULATION

Abstract

The freedom of thought is stipulated as a fundamental human right in main international human rights instruments at universal and regional levels. Freedom of thought is also guaranteed at the national level in constitutions of many states. It might seem that the legal regulation of freedom of thought is more declarative by its very nature: *prima facie*, it cannot be limited or violated in practice. Thus, one might assume that it does not need any legal protection. In this paper, we argue that the rapid scientific and technological evolution urge the necessity of rethinking the legal content of the freedom of thought and elaborating mechanisms at national and international levels for its effective protection. In particular, we discuss the lawfulness of manipulation as means of influencing the freedom of thought in the age of high technologies and argue that the large-scale intensive manipulation by using special big data processing tools (including artificial intelligence) with the aim to shape the information receivers' decision-making process in order to reach a certain outcome motivated by self-interest should be viewed as unlawful interference into the freedom of thought under International Human Rights Law, consequently creating positive obligations for states.

Keywords: freedom of thought, manipulation, ethics, human rights, national and international regulations.

Introduction

“Cogito, ergo sum” (I think, therefore I am): these words were the centre of Rene Descartes's philosophy and the cornerstone element of Western rationalism. In this context, thinking should be understood not just as the *ability* of a human being to think, but actually also as the *readiness to exercise this ability* via questioning, doubting, reasoning, choosing, via free will, as well as the *ecosystem, which allows a person to freely exercise this ability*. Indeed, is there anything more vital to *Homo sapiens* than thinking, and is there

anything more important for personal autonomy and individual self-determination than the *freedom of thought*? Thus, freedom of thought can also be regarded as a form of expression of human dignity. This leads to the question: what is *freedom of thought*? Is it merely a metaphysical category, moral, philosophical term, a supreme value or can it be classified as a legal concept? Is freedom of thought axiomatic, and is its application absolute in practice? Does freedom of thought require legal protection? What does the freedom of thought in legal instruments, such as universal and regional international human rights

treaties, or constitutions of different states, mean? Is it envisaged in legal documents as a proclamation that should never be forgotten, or does it have a practical meaning? Is it possible to limit the freedom of thought and how?

One might recall the Orwellian 1984 and the oppression of freedom of thought through the so-called Thought Police that was created to punish thought-crime. The 1984, often referred as science-fictional drama, in our opinion, is in fact exaggerated description of real repressive societies as was, for instance, Stalin's totalitarian regime, with only *elements* of science fiction. But is totalitarianism capable of restricting the *freedom of thought per se* or just its *manifestation* by restricting the freedom of expression? "*Don't you see that the whole aim of Newspeak is to narrow the range of thought? In the end, we shall make thought-crime literally impossible, because there will be no words in which to express it. ...Every year fewer and fewer words, and the range of consciousness always a little smaller. Even now, of course, there's no reason or excuse for committing thought-crime. It's merely a question of self-discipline, reality-control. But in the end, there won't be any need even for that...*" (Orwell, 1949, p. 67). Thus, in the "Orwellian" scenario freedom of thought could be limited either by self-discipline or by "rubbing" the means of expression of thought. Both these mechanisms described in 1984 are in essence examples of hard power. The first one requires the will of the "thinker" for self-discipline assumedly under the fear to be punished by the Thought Police. But this mechanism hasn't proven to be successful. The collective character of the 1984 - Winston - is the best proof of its inefficiency, which called the necessity for a new oppressive mechanism aimed at limiting the possibility to exercise freedom of thought by re-

stricting access to information and means of expressing information against the will of the potential "thinker". Thoughts concerning the 1984 raise the question of whether hard power, i.e. oppression, is the only feasible tool for restricting the freedom of thought? A mechanism that Orwell did not discuss in the 1984 is soft power in the form of targeted information control policy and large-scale manipulations using new technologies and artificial intelligence (AI) under the aegis of freedom of information and freedom of expression in the atmosphere of love and solidarity.

In the first section of this paper, we analyze the regulation of the freedom of thought as envisaged in universal and regional human rights instruments, *inter alia*, by drawing a comparison between the wordings and revealing the legal content of the right to freedom of thought and its protection under International Law. The second section is devoted to the analysis of the right to the freedom of thought at the national level as stipulated in state constitutions of randomly selected countries from the European, American and African human rights systems. Here we show that at the national level there is no uniform approach towards regulation of the freedom of thought and that belonging of the given state to a certain system of human rights protection does not significantly influence the content of the constitutional level regulation of the freedom of thought. In section three of the current paper, we focus specifically on large-scale manipulation as a means of influencing the freedom of thought in the age of rapid scientific and technological evolution. This thesis calls for the necessity to rethink and revise the legal mechanisms of protection of the right to freedom of thought at international and national levels in the light of risks posed by widely used new technologies and al-

gorithmic tools in the data processing. Some of such legal mechanisms and relevant recommendations are discussed in section four of the paper.

Freedom of Thought in International Human Rights Treaties

The *Universal Declaration of Human Rights (UDHR)*¹ in its article 18 states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”. While article 29 envisages grounds for possible limitation of rights as “determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”.

As we can see from the UDHR provisions:

- a) Freedom of thought is referred to as a right, thus, implying state obligation to protect it.
- b) Freedom of thought is regulated in the same clause with conscience and religion. The clause further opens the legal content of freedom of religion, leaving the freedom of thought without interpretation.
- c) The wording of article 29 represents a generic regulation referring to all rights stipulated in the UDHR. However, its analysis leads to the conclusion that it cannot be applicable to the right to freedom of thought. Logically by no means can limitation of the freedom of thought *per se* be necessary to secure due recognition and respect for the

rights and freedoms of others or for the purpose of just requirements of morality, public order and the general welfare in a democratic society. This is the most reasonable interpretation of the applicability of the UDHR article 29 deriving from common sense. UDHR is not binding for states in and of itself, but it has been largely argued that it is legally enforceable as a reflection of customary international law or general principles of law (Shaw M.N., 2014, p.204). This argument, however, seems as applicable to the rights and freedoms reflected in UDHR as the minimum that states should be obliged to ensure, rather than being applicable to the limitations clause.

The *International Covenant on Civil and Political Rights (ICCPR)*² generally follows the UDHR approach when envisaging the right to freedom of thought in its article 18, regulating this right together with freedom of conscience and religion with further detalization only of the right to freedom of conscience and religion. This raises the question of whether the mentioned provision puts an equation between thought and conscience or whether it views thought as a wider concept. According to General Comment N 22 the “right to freedom of thought, conscience and religion... is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others”.³ From the word-

¹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

² International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976.

³ UN Human Rights Committee (HRC), CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4, at: <https://www.refworld.org/docid/453883fb22.html>.

ing of the General Comment N 22, it could be concluded that the freedom of thought as envisaged in article 18 should be interpreted as including but not limited to personal beliefs or religious thought. At the same time, ICCPR establishes the permissible grounds for limitations in article 18 itself with a very precise wording applicable only to the limitation of the freedom to *manifest religion or beliefs*. While ICCPR article 4, clause 2 declares *inter alia* article 18 as non-derogable.

At the regional level, the *European Convention of Human Rights (ECHR)*⁴ regulates freedom of thought in article 9 akin to analogical provision of ICCPR. However, the analysis of the relevant literature, as well as the case-law of the European Court of Human Rights (ECtHR) leads us to the conclusion that concept of freedom of thought in the meaning of ECHR is different from that of article 18 of ICCPR. While treating freedom of thought, conscience and religion as representing one of the foundations of a “democratic society” in the meaning of the ECHR,⁵ it implies from the relevant analysis that the freedom of thought is viewed as a narrow concept embracing only the religious aspects of thought and moral convictions (White, Ovey, & Jacobs, 2010, pp. 402-424)⁶. As to limitations, unlike the ICCPR article 4 on derogations, article 15 clause 1 of ECHR does not include the provision on freedom of thought, conscience and religion in the list of non-derogable rights, at the same time envisaging that derogations should be allowed only “to the extent strictly required by

the exigencies of the situation, provided that such measures are not inconsistent with [states’] other obligations under international law”. This approach, in our opinion, might as well be conditioned by the narrower interpretation of the freedoms enshrined in ECHR Article 9. In any case, the absence of case-law interpretations on freedom of thought, in our opinion, should not be considered as leaving room for its limitation by states but rather as a sign that the natural freedom is taken as granted and not requiring any specific regulation or interpretation.

The *African Charter on Human and Peoples Rights (ACHPR)*⁷ guarantees the freedom of conscience, the profession and free practice of religion, freedom of information and freedom of speech, freedoms of association, freedom of assembly (articles 8-11) and other freedoms, remaining silent on the freedom of thought. Does this mean that the guarantee of the freedom of thought is perceived as meaningless? In the discussion of the legal content of the right to freedom of thought, opinions have been expressed that freedom of thought should be understood as a declarative norm rather than having a practical meaning. Under such interpretation, the freedom of thought at best would be constituting freedom implying no obligation of the state rather than a right with corresponding obligations. The ACHPR, however, regulates the thought neither as a right nor even as freedom.

Unlike the ACHPR the *American Convention on Human Rights (ACHR)*⁸ stipulates the protection of the right to the freedom of thought and does so with an “Orwellian approach” in its

⁴ Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Rome, 4.XI.1950, CoE.

⁵ *Kokkinakis v Greece*, 25 May 1993, App. 14307/88.

⁶ Also see in general: Guide on Article 9 of the European Convention on Human Rights: Freedom of thought, conscience and religion Council of Europe/ European Court of Human Rights (2019) at: https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf

⁷ Organization of African Unity (OAU), African Charter on Human and Peoples’ Rights (“Banjul Charter”), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

⁸ Organization of American States (OAS), *American Convention on Human Rights*, “Pact of San Jose”, Costa Rica, 22 November 1969.

article 13 titled “Freedom of thought and expression”, thus, directly linking the protection of the freedom of thought to the freedom of expression.

Article 13 clauses 1 and 2 state:

“1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers [...]

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure: a) respect for the rights or reputations of others; or b) the protection of national security, public order, or public health or morals”.

As we can see, the first sentence of article 13, clause 1 guarantees the right to the freedom of thought, implying state obligation for its protection. Then the second sentence may seem to narrow down the protection to the freedoms of expression and information. In our opinion, however, this would be just the *prima facie* determination of the scope of the freedom: because it does not limit the freedom of thought and expression only to freedom to seek, receive, and impart information and ideas but rather *includes* the latter freedoms into the legal content of the freedom of thought and expression. The ACHR article 13 clause 4 does not allow any prior limitations to the freedom, except public entertainments by law for the sole purpose of regulating access to them for the moral protection of childhood and adolescence, “any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds...” as stipulated in article 13 clause 5 of ACHR, and “in time of war, public danger, or another emer-

gency that threatens the independence or security of a State Party [... and only...], provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, colour, sex, language, religion, or social origin” as envisaged in ACHR article 27.

Freedom of Thought in Constitutions

The analysis of randomly selected constitutions of different states shows that there is no uniform approach towards regulation of the freedom of thought at the national level. It also seems that belonging to the given state to a certain system of human rights protection does not significantly influence the constitutional level regulation of the freedom of thought. Thus, for instance, in the constitutions of Bulgaria (article 37), Estonia (article 40), Latvia (article 99), Malawi (article 33), Namibia (article 21), Rwanda (article 37), Slovakia (article 24) the freedom of thought is regulated in the same provision with the freedoms of conscience, religion, faith or belief. In article 54 of the Cuban Constitution, the freedom of thought is regulated in line with freedom of conscience and freedom of expression. The Constitution of Morocco regulates the freedom of thought in the same clause with the freedom of opinion and expression (article 25). In article 30 of the Constitution of Niger the freedom of thought, opinion, expression, conscience, religion and worship are regulated together. The Constitution of Chile guarantees the freedom of conscience, expression of belief and the manifestation of religion (article 19), and there is no mentioning of the freedom of thought. The German Constitution envisages *inter alia* the freedom of faith and conscience in its article 4, free-

dom of expression, arts and sciences in article 5 with no mentioning of the freedom of thought. In the constitutions of Greece, Peru, Poland, Portugal, Belarus, Cameroon, Tanzania, a similar approach is undertaken, and the freedom of thought is absent from regulations. Freedom of thought is not specifically regulated also in the Constitution of the USA, however, in several instances, the freedom was acknowledged to get absolute protection by virtue of the First Amendment to the US Constitution.⁹ The wording of the relevant provisions of the constitutions of Latvia (article 99), Malawi (article 33), Niger (article 30), South Africa (article 15) explicitly envisage the freedom of thought as a right, in constitutions of some other states, it is stipulated as freedom however clearly implying the corresponding obligation of the state to guarantee it.¹⁰ Different approaches are undertaken by states also with regard to restriction and derogation clauses. Thus, for instance, in Bulgaria (articles 37 and 57) and Estonia (articles 40 and 130), the constitutions provide no possibility for derogation or restriction of the freedom of thought. The constitutions of Malawi (article 44) and Namibia (article 21) envisage general grounds for reasonable restrictions of rights and freedoms by law, which are in consistence with international human

rights standards. A similar approach is undertaken in the Constitution of the Russian Federation, also providing the possibility of restricting the relevant freedoms in emergency situations (article 55, clause 3 and article 56). The Constitution of Cuba envisages in article 54 as a limitation clause that “conscientious objection may not be invoked with the intention of evading compliance with the law or impeding another from the exercise of their rights”.

In the given context, it is interesting to analyze also the evolution of the legal regulation of the right to freedom of thought in the Constitution of the Republic of Armenia (RoA). Freedom of thought has been envisaged by all three editions of the RoA Constitution: namely article 23 in the 1995 edition, article 26 in the 2005 edition, and article 41 in the 2015 edition. The RoA Constitution of the 1995 edition stipulated: “everyone is entitled to freedom of thought, conscience, and religion.” The freedom of thought was stated as non-derogable and not subject to any restrictions, while the freedom to exercise religion and beliefs could be restricted by law on the grounds prescribed in the Constitution. This provision was amended in 2005, and then new wording envisaged: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to change religion or belief, and freedom — either individually or in community with others — to manifest them in preaching, church ceremonies and other rites of worship. The manifestation of this right may be limited only by law, where it is necessary to protect the public safety, health, morals or the rights and freedoms of others.” *Prima facie* it might seem unclear from the wording of the RoA Constitution of 2005 edition whether the provided grounds for limitation are applicable only to the conscience and religious freedom, or

⁹ For example, US Supreme Court Justice Black in his concurring opinion in *Wieman v. Updegraff* decision of 15 December 1952 stated: “Framers rested our First Amendment on the premise that the slightest suppression of thought, speech, press, or public assembly is still more dangerous” (p.194), and in *dicta* of the decision *Lawrence vs Texas* of 26 June 2003 the US Supreme Court mentioned that “liberty presumes an autonomy of self that *includes freedom of thought*, belief, expression, and certain intimate conduct” (para.1).

¹⁰ This is the case, for instance, in article 54 of the Constitution of Cuba, article 25 of the Constitution of Morocco, article 37 of the Constitution of Rwanda, article 24 of the Constitution of Slovakia, article 29 of the Constitution of the Russian Federation, article 33 of the Constitution of the Republic of Belarus, articles 14 and 40 of the Constitution of Estonia.

to the freedom of thought as well. However, the keyword of the restriction clause, in our opinion, is the word “manifestation”. In other words, the limitation clause provides grounds only for limiting *the manifestation* of the right rather than the right itself. According to the authoritative doctrinal interpretation of the given constitutional provision thought is described as a natural characteristic of human beings, the basis for their spiritual life and spiritual freedom, which cannot be subject to legal regulation as such simply because the thought *per se* cannot be limited (Harutyunyan & Vagharshyan, 2010, pp. 297-298). Thus, these commentaries also lead us to the conclusion that the mentioned limitations clause cannot be interpreted as applicable to the freedom of thought. The latest amendments to the RoA Constitution were adopted in 2015, also altering the wording of the provision on the right to freedom of thought, conscience and religion. Article 41 of the RoA Constitution stipulates:

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to change religion or belief and, either alone or in community with others and in public or in private, the freedom to manifest them in preaching, church ceremonies, other rites of worship or in other forms. 2. The expression of freedom of thought, conscience and religion may be restricted only by law for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others”.

It is difficult to judge what the legal content of article 41 clause 2 is: i.e. does the term “expression of” apply to the freedom of thought and conscience or is it linked only to the freedom of religion? It could be assumed that the freedom of thought is envisaged as potentially subject to restriction by law for certain listed purposes. This,

however, seems to be an unreasonable interpretation first and foremost because such interpretation would be viewed as conflicting with the RoA international legal obligations in the framework of article 5 clause 3 and article 81 of the RoA Constitution. Thus, despite the vagueness of the wording we are inclined to apply to article 41 the same interpretation as in case of the wording of article 26 in the 2005 edition of the Constitution.

Restriction of the Freedom of Thought

Hobbes (as cited in Lemetti, 2012, p. 174) describing the natural freedom of thought in his *Leviathan* wrote: “internal faith is in its own nature invisible and, consequently, exempted from all human jurisdiction.

Through centuries the thought has been perceived as an element of the inner world of the “thinker”, the intangible product of the mental process in the brain of a person known only to that person until the moment of its expression in one way or another, and, thus, reasonably not subject to any regulation or limitation by state (Bublitz, 2014, pp.1-3). Such perception of thought served basis for leaving the freedom without regulation in the basic laws of some states. Such perception might also be the reason for limited doctrinal analysis on the right to freedom of thought. The rapid evolution of science and technology, which is already merging with once science fiction, make us rethink the uselessness of the right to the freedom of thought and the necessity to open a discussion on its legal content, hypothetic grounds for and lawfulness of its limitation, as well as the evolution of the law on the protection of the freedom of thought.

There might be different hypothetic scenar-

ios of intervention into the freedom of thought – all interesting subject for discussion, however, in the current paper, we would like to focus on manipulation as means of influencing the freedom of thought in the age of high technologies.

Manipulation in and of itself is not a new phenomenon: it has always been used in order to influence the decision-making process at all levels. It is said that our reality is subjective, our expectations often shape the reality: we see what we expect to see. Manipulation in our understanding is the process of misleading the information receiver by information control or selective processing, and by this also determining the behaviour of the information receiver, in order to make the latter form a certain opinion or idea, make a certain decision or act in a certain way, and constituting direct intervention into the area of freedom of thought. Manipulation becomes easier if manipulator possesses comprehensive information about the preferences, personal character, expectations, his/her belonging to a certain group based on certain parameters, and about the environment of the information receiver. Regardless of whether the aim or cause of the manipulator is good or bad manipulation is always unethical. One of the most illustrative fictional examples of manipulation could be considered that of Dorian Grey by Lord Henry in Oscar Wilde's *The Picture of Dorian Grey*. "There is no such thing as a good influence. All influence is immoral - immoral from the scientific point of view. Because to influence a person is to give him one's own soul. He does not think his natural thoughts or burn with his natural passions. His virtues are not real to him. His sins, if there are such things as sins, are borrowed. He becomes an echo of someone else's music, an actor of a part that has not been written for him" (Wilde, 2011, p. 28).

We may witness or experience manipulation in our everyday life in the workplace, when doing shopping, making (facilitating) choices about the government structure or participating in elections. Manipulations are always intentional and manipulators also often acknowledge the unethical nature of their attempt to interfere with the freedom of thought of a third person, and yet it has always been and remains present in our lives. So it would be naïve to assume that one day, because of its unethical nature, manipulations would stop taking place. But what has made current-day manipulation significantly different from that of Wilde's age is the information and communication technologies and utilization of AI for collecting and processing data, tracking and predicting individual and collective behaviour, which makes psychological manipulation easier and less obvious (hidden), the expected outcome more precisely predictable, the outcome more targeted and large-scale, capable even of affecting public relations and government structures. So if in case of single instances of manipulation, i.e. intervention into the freedom of thought domain of one person by another person, the state should not reasonably be expected to have an obligation to protect the freedom of thought of the person being influenced, in our opinion, the opposite assumption should be true when dealing with certain cases of large-scale manipulation conducted by using new technologies. In casual interpersonal manipulation both: the information receiver and the manipulator are in horizontal and symmetric relations. Both have equal opportunities in seeking and receiving information, choosing what information to impart, what to believe in, and what to ignore, with whom to interact, etc. New information technologies and almost limitless possibilities of AI put manipulator into a better position, transform the

nature of manipulator-information receiver relations into vertical and asymmetric. This, in our opinion, calls the necessity for the state intervention to protect the “weak” side from possible intervention into the freedom of thought. While any manipulation in and of itself is immoral, we argue that **large-scale intensive manipulation (interference into the freedom of thought domain) by using special big data processing tools (including AI) with the aim to shape the information receivers’ decision-making process in order to reach a certain (approximately pre-calculated) outcome motivated by self-interest is not just immoral but also unlawful.**

Big data is a term used to describe large and inter-connected data with high volume and a wide variety of information, as well as high speed of collecting and processing (McGregor, Calderón, & Tonelli, 2013, p. 1). Data mining and pooling tools allow to aggregate and combine the large quantity of information from many different sources and collected by different, in one way or another, interconnected agencies, the so-called data warehouses, to then integrate and analyse it, categorize the useful information and identify individual and collective characteristics and features, as well as trace behavioural trends, while these patterns, in their turn can be either focused or not, either applied on a wide-scale population or targeted at a certain group depending on the aim of data analysis (Kulhari, 2018, pp. 26-27; McGregor, Calderón, & Tonelli, 2013, p.1). It has been widely discussed that data mining, pooling and its subsequent (automated or human) processing often fairly raise questions in the context of posing risks to person’s privacy (Fienberg, 2006, pp. 143-154; Pavolotsky, 2013,

pp. 217-225).¹¹ One of the approaches to address the issue of privacy is accepting the consequences of the rapidly developing world and adapting to the new situation. As the co-founder of Sun Microsystems Scott McNealy famously said yet in 1999 to a group of reporters: “You have zero privacy anyway... Get over it” (Sprenger, 1999). Later argued that these words were taken out of the context, however, in essence, this approach not just has fairgrounds, but it has become even more topical with the development of the new information technologies. The opposite approach, i.e. attempt to regulate the use of new technologies and balance it with the right to privacy, has also been considered. One suggested solution has been the “privacy by design” concept aimed at ensuring privacy protection *ex-ante* and included in the design of the new technology. This concept got pioneered by Ann Cavoukian, formerly Ontario’s Information and Privacy Commissioner, who also elaborated seven principles of privacy by design: proactive and preventative, privacy as the default setting, privacy embedded into the design, full functionality – positive-sum, end-to-end security – full lifecycle protection, visibility and transparency, user-centric approach (Birnhack, Toch, & Hadar, 2014, pp. 55-114). Another very striking example of the balanced protection approach has been the adoption of General Data Protection Regulation (GDPR) implemented in May 2018 and applicable to the territory of all European Union (EU) member states.¹² After the GDPR adoption,

¹¹ See also Data mining, dog sniffs and the fourth amendment, Harvard Law Review Association, HLR Vol. 128, No.2 (December 2014), pp. 697-698.

¹² European Union (2018). *General Data Protection Regulation, 2016/679* of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, at: <https://eurlex.europa.eu/eli/reg/2016/679/oj>.

many states also outside the EU have taken steps to improve respective legislation on data protection. This movement is reaching even the USA (Serrato, Cwalina, Rudawski, Coughlin, & Fardelmann, 2018).

With massive discussions still ongoing states can choose between the “zero privacy” approach and regulation of the field to protect privacy, *inter alia*, in accordance with international human rights standards. The situation is different with balancing the application of new information technologies and mental autonomy. Discussions on the necessity to view the application of automated data processing techniques *inter alia* in the light of freedom of thought, and the “challenges to cognitive sovereignty” have started to take place recently with a focus on such aspects as possible future AI application, for instance, equipment capable of reading the mind of a person through the interface (McCarthy-Jones, 2019; Gilbert, 2019) or manipulation strategies used by social media (Băncău-Burcea, 2017). The legal regulation of the first scenario would be necessary but more pre-emptive and proactive in nature, and the second scenario, in our opinion, remains in the domain of social media ethics. In the meantime, “Big Techs” like Facebook and Google already today have very significant power exerted from the bottom up, via the advanced technologies, the so-called surveillance capitalism, which “allows them to divide and conquer us in ways that the oligarchs of the past could only dream about” (Ferozhar, 2019). “Domination!” was the proclamation with which, as reported, Mark Zuckerberg used to end meetings in the early years of Facebook (Kuchler, 2019). Indeed, recently we have often been hearing that social media is influencing the results of elections, such as Cambridge Analytica scandal (Confessore, 2018), or that it served as

the main tool for generating government structure changes, like Arab Spring dubbed as “Revolution 2.0” (Hochwald, 2013, pp. 21-27).

These trends reasonably give rise to the legal discussions concerning the protection of the freedom of thought. Interestingly, unlike the Orwellian approach to possible limitation of the freedom of thought through restricting the freedom of expression, nowadays a shift took place often arguing the lawfulness of factual limitation of the freedom of thought by the necessity to ensure the freedom of expression. This argument, however, does not seem to be well-grounded. In our opinion, the protection of the freedom of thought does not need to be realised by imposing unbalanced or unlawful restrictions to the freedom of expression, but rather imposing only reasonable, necessary and proportional limitations. A number of organizational and legislative measures at national and international levels could be undertaken by the state and businesses in order to ensure full and effective protection of the right to freedom of thought.

What could and should be done to Protect Freedom of Thought: Summing up

The absolute nature of the right to freedom of thought in International Human Rights Law (IHRL) and the states’ obligation to ensure and protect it against violations call for the necessity of specific measures at international and national levels to address the risks in the context of widespread utilization of new technologies and algorithmic processes.

At the universal level, the ICCPR regulations ensure full protection of the freedom of thought, while the regional level protection seems to have room for improvement and updated interpretation.

The necessity of enhancing the freedom of thought protection has already been emphasized by the Council of Europe (CoE) member states. Thus, acknowledging that machine learning technologies and tools can be used to predict choices, influence thoughts and subject people to manipulation, CoE has called on member states to address the risk in February 2019. As a result, a Declaration on manipulative capabilities of algorithmic processes (Declaration)¹³ was adopted along with further draft recommendations of the Committee of Ministers (Draft Recommendations) to member-states addressing the impacts of algorithms on human rights¹⁴. The Declaration, as reflected in its paragraph 9, encourages member states to address the risks to human rights by, *inter alia*, “initiating, within appropriate institutional frameworks, open-ended, informed and inclusive public debates with a view to providing guidance on where to draw the line between forms of permissible persuasion and unacceptable manipulation. The latter may take the form of influence that is subliminal, exploits existing vulnerabilities or cognitive biases, and/or encroaches on the independence and authenticity of individual decision-making; [as well as] taking appropriate and proportionate measures to ensure that effective legal guarantees are in place against such forms of illegitimate interference”. The Declaration also stresses the need to put in place a stronger regulatory body or to take other measures for oversight and monitoring with spe-

cial emphasis on political and electoral processes, research and raising awareness campaign, etc. The Draft Recommendations, in their turn, stipulate details of the suggested cope of the obligation of the states and responsibilities of the businesses with respect to rights and freedoms in the context of advanced algorithmic systems.

Additional measures at European level, in our opinion, should include: broader interpretation of ECHR article 9 in the framework of ECtHR case-law to define “thought” as including all aspects of thought not limited to a religious context. As it was first acknowledged in Tyrer case, ECHR is a “living instrument”, and its interpretation should be adopted to the current-day conditions.¹⁵ Such approach also referred as the principle of effectiveness, is dictated by the necessity to give the rights and freedoms of the ECHR “fullest weight and effect consistent with the language used and with the rest of the text and in such a way that every part of it can be given meaning” (Merrills, J. as cited in White, Ovey, & Jacobs, 2010, p. 73). It seems to be the right time to give meaning to the word “thought” in article 9 via case-law. Such developments could, certainly, be facilitated by the evolution of CoE soft law.

As the ACHPR does not specifically regulate the freedom of thought, regional initiatives could be launched aimed at analysing and assessing the data on the use of specific technologies or algorithmic processes with capacities to influence decision-making. The results of such analysis could then serve as the basis for drafting legal regulations ensuring full and effective protection of the freedom of thought.

As to the ACHR, it might be interpreted as having relevant guarantees for ensuring full pro-

¹³ Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes (Adopted by the on 13 February 2019) Decl. (13/02/2019)1.

¹⁴ Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT), Addressing the impacts of Algorithms on Human Rights Draft Recommendation of the Committee of Ministers to member States on the human rights impacts of algorithmic systems (status – draft, 2018).

¹⁵ Tyrer vs United Kingdom, ECtHR (App.5856/72) 25 April 1978, para. 31.

tection of the freedom of thought embedded in article 13. Thus, the wording of the third paragraph of the ACHR article 13 could be interpreted broadly as a relevant tool for protecting the freedom of thought. According to the mentioned clause “indirect methods or means of restriction, including abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions”. This regulation is, *prima facie*, aimed at ensuring full exercise of the right to information rather than the freedom of thought as such: dealing with the freedom of thought from the Orwellian perspective. However, taking into account that the development of ACHR takes place through its interpretation, which in its turn shall keep pace with the current developments, it could as well be argued that the prohibition of “equipment used in the dissemination of information or any other means tending to impede the communication and circulation of ideas and opinions” should be broadly interpreted as applicable to and relevant for imposing restrictions, *inter alia*, on targeting technologies and software which are technically capable of selectively suiting people on the basis of data-driven profiling and by this indirectly impeding the circulation of ideas and opinions.

At the national level, states could also undertake certain measures aimed at protection of the right to the freedom of thought. Thus, state constitutions represent the highest legal act by which the freedom of thought could be guaranteed. If the constitution of a given state is silent on the right to freedom of thought, it should be interpreted as acknowledging that right by the force of IHRL as a customary norm or a general principle of law constituting the core of human

dignity. States, where freedom of thought is guaranteed by the constitution should carefully choose the wording making sure that it leaves no room for misinterpretation of the scope of protection of the right to the freedom of thought in consistence with their international legal obligations.

States should, in our opinion, also take additional efforts to enhance their national legislation with mechanisms aimed at full and effective protection of the freedom of thought. One such measure could be envisaging legal *responsibility (liability) for large-scale intensive manipulation (interference into the freedom of thought domain) by using special big data processing tools (including AI) aimed at shaping the information receivers’ decision-making process and by that resulting in a certain (approximately pre-calculated) outcome and motivated by any form of self-interest*. The described situation imposes positive obligations on the state to protect people from possible violations against freedom of thought. This approach seems to be necessary, reasonable, proportionate and consistent to the international human rights standards. And imposing liability for the already realized conduct would ensure no unnecessary interference with the freedom of expression.

Other preventive legislative measures at the state level could include: envisaging legislative requirement for the technology companies to embed the freedom of thought guarantees into the design of a technology or an algorithmic system similar to “privacy by design” concept. This could be done by default disclosure of all third parties with whom the information provided by a person may be shared, all purposes of processing the data and receiving the periodic informed consent of the platform user, or by means of informing him/her of the origins of the advertisement,

video or any similar materials and indicating the parameters that served as a basis (reasons) for showing the given content to the given platform user, the patterns identified, including the latter's belonging to a certain category of users based on the relevant parameters – labelled as a *targeted advertisement* in every such case.

In our opinion states should also proceed with stipulating restrictions or prohibition on the dissemination of targeting advertisement (content) concerning political and electoral processes, as well as the adoption of do-not-track laws, fake news laws, and establishing independent oversight and monitoring mechanisms as complementary measures.

Acknowledging the significant role of fake news in facilitating large-scale manipulation (*inter alia* with the use of automated data processing tools) a number of states have already taken action against online manipulation via fake news. Such actions include elaborating state strategies and action plans, launching media literacy campaigns, setting up government task forces, signing public-private agreements, setting online reporting portals and fact-checking sites, adopting special legislation (Funke & Flamini, 2019). One of the toughest regulations on online manipulation is the “Protection from Online Falsehoods and Manipulation Act” (POFMA), passed in May 2019 by the Parliament of Singapore (Wong, 2019). Singapore has invoked POFMA for the first time against Facebook (Palma, 2019). POFMA and similar laws are treated with caution for the risks to the freedom of expression. Indeed special care shall be taken by states to ensure that any action aimed against spreading online misinformation does not constitute a violation of the freedom of expression and is in consistence with international human rights standards. At the same time, it should be ack-

nnowledged that the freedom of expression is not an absolute right and states have a certain margin of appreciation in lawfully limiting it, including via legislation (this approach is reflected, *inter alia*, in the ICCPR article 19 clause 2, ECHR article 10 clause 2, ACHR article 13 clause 2). By contrast, as analysed *supra*, the freedom of thought, encompassing all matters, is an absolute right to which no limitations and from which no derogations should be allowed. States have positive obligations to secure this right and protect it from violations not only by state agents but also by private persons or entities (White, Ovey, & Jacobs, 2010, pp. 99-102). In other words, the necessity to ensure the right to freedom of thought, in our opinion, could serve a legitimate ground for imposing restrictions on the right to freedom of expression given certain conditions are fulfilled.

The practice of do-not-track bills has already been adopted in the USA. Thus, as a mechanism to ensure privacy and data protection Assembly of California has passed a bill, the so-called Do Not Track Bill (AB 370), on amending California Online Privacy Protection Act.¹⁶ The main purpose of the Act is to provide the Internet users with the opportunity to opt out of online tracking schemes (McGregor, Calderón, & Tonelli, 2013, pp. 3-4). In May 2019 a similar piece of legislation to enact a national do-not-track system and to limit the targeted advertisements was introduced to the Senate (currently pending) by privacy and freedom of choice pioneer Senator Josh Hawley.¹⁷ These kinds of initiatives not on-

¹⁶ State of California Assembly (2013). *An act to amend Section 22575 of the Business and Professions Code, relating to consumers*, available at: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB370.

¹⁷ Hawley, J. (2019). *A Bill to protect the privacy of internet users through the establishment of a national Do Not Track system, and for other purposes (S.*

ly enhance privacy protection but also serve as supplementary tools for ensuring the right to freedom of thought. Moreover, in the protection of freedom of thought Senator Hawley has also suggested passing a bill “to prohibit social media companies from using practices that exploit human psychology or brain psychology to substantially impede freedom of choice, to require social media companies to take measures to mitigate the risks of the Internet addiction and psychological exploitation, and for other purposes”.¹⁸ Despite the almost no chances for the draft to be approved, Josh Hawley’s action is one more signal drawing attention to the necessity of thinking of special mechanisms or regulations aimed at enhancing the protection of the freedom of thought.

In addition to the above-mentioned measures, in our opinion, action should also be launched to make businesses and state agencies responsible for data processing via specific algorithmic systems to elaborate and adopt business ethics rules specifically addressing the mechanisms that are used to ensure the freedom of thought. An example of such mechanism could be, for instance, providing every user with a right to access an interactive online chart with the entire massive of depersonalized, categorized databases and datasets with identification only of that given user. And last but not least, states should ensure that the civil society is well aware of the legal content of the right to the freedom of thought in the context of new technologies, as well as familiarized with the means for its pro-

tection against violations by the state or private companies.

It should be acknowledged and ensured that the freedom of thought remains the right of every person. “Think for yourself and let others enjoy the privilege of doing so too.” Voltaire (Essay on Tolerance).

Conclusion

Freedom of thought is recognized as a fundamental human right in a number of international and regional human rights instruments. At the same time at the national level, there is no uniform approach towards regulation of the right to freedom of thought. Thus, in constitutions of some of the randomly selected states, the regulation of the freedom of thought is directly linked to the freedoms of conscience, religion, faith or belief, or to the freedom of expression, in other states the freedom of thought is at all absent from constitutional regulations. Similarly in some states, where the freedom of thought is guaranteed under the basic law, the relevant constitutional provision explicitly envisages the freedom of thought as a right, in other states the freedom of thought is stipulated as freedom however clearly implying the corresponding state obligation to effectively ensure it. Some of the analyzed state constitutions provide no possibility for derogations or restriction of the freedom of thought, and others envisage generic grounds for reasonable restriction of all rights and freedoms in general (including the right to the freedom of thought) by law provided that such restrictions are in consistence with international human rights standards.

While the right to freedom of thought is undoubtedly perceived as an absolute right to which no restrictions are possible in practice, the

1578), available at: <https://www.congress.gov/bill/116th-congress/senatebill/1578/text>.

¹⁸ Hawley, J. (2019). *Draft Bill “Social Media Addiction Reduction Technology Act” (SMART)*, LYN19429, (para.1), available at: <https://www.hawley.senate.gov/sites/default/files/2019-07/Social-Media-AddictionReduction-Technology-Act.pdf/>.

rapid technological and scientific development, in our opinion, calls for the necessity of evolution of the law on the protection of freedom of thought, *inter alia* by revealing the legal content of the right to the freedom of thought in the present-day realities, as well as determining the scope of positive obligations of the state to ensure its full and effective protection. This argument becomes specifically topical in the context of using machine learning technologies and tools for large-scale data processing aimed at reaching a certain outcome motivated by self-interest, i.e. large-scale manipulation facilitated by the use of new technologies (including AI). We conclude that while any manipulation in and of itself is immoral, the large-scale intensive manipulation (interference into the freedom of thought domain) by using special big data processing tools with the aim to shape the information receivers' decision-making process in order to reach a pre-calculated outcome and motivated by self-interest should also be interpreted as unlawful under IHRL and, consequently, reflected in national legislation. Such approach should be advanced by developing the interpretation of the right to freedom of thought regulations of relevant international treaties addressing the risks posed by technological development, as well as by ensuring states undertake appropriate measures to fulfil their positive obligation in protecting the absolute right to freedom of thought.

REFERENCES

- Băncău-Burcea, A. (2017). Social Media and Freedom of Thought. *Proceedings of the RAIS Conference: The Future of Ethics, Education and Research*. Retrieved from: <https://ssrn.com/abstract=3085972>.
- Birnhack, M., Toch, E., & Hadar, I. (2014). Privacy Mindset, Technological Mindset. *Jurimetrics*, 1(55), 55-114.
- Bublitz, J. C. (2014). Freedom of Thought in the Age of Neuroscience: a Plea and a Proposal for the Renaissance of a Forgotten Fundamental Right. *Archives for Philosophy of Law and Social Philosophy*, 1(100), 1-3.
- Confessore, N. (2018, April 4). Cambridge Analytica and Facebook: The Scandal and the Fallout So Far. *The New York Times*. Retrieved from: <https://www.nytimes.com/2018/04/04/us/politics/cambridge-analytica-scandal-fallout.html>.
- Fienberg, S. E. (2006). Privacy and Confidentiality in an E-Commerce World: Data Mining Warehousing, Matching and Disclosure Limitation. *Statistical Science*, 2(21). *A Special Issue on Statistical Challenges and Opportunities in Electronic Commerce Research*, 143-154.
- Foroohar, R. (2019, December 8). How to Take Back Control from the Big Tech Barons. *Financial Times*. Retrieved from: <https://www.ft.com/content/1274db2e-1276-11ea-a7e6-62bf4f9e548a>.
- Funke, D., & Flamini, D. (2019). A Guide to Anti-Misinformation Actions around the World. Retrieved January 2020 from: <https://www.poynter.org/ifcn/anti-misinformation-actions/>.
- Gilbert, B. (2019). Facebook Reportedly Spent More than \$500 Million to Buy a Mind-Reading Technology Startup - and People are Calling the Move "Gross" and "Scary". *Business Insider*. Retrieved from: <https://www.businessinsider.com/facebook-mind-reading->

- [tech-ctrl-labs-acquisition-backlash-2019-9](#).
- Harutyunyan, G. G., & Vagharshyan, A. G. (Eds.). (2010). *Hayastani Hanrapetut'yan Sahmanadrut'yan meknabanut'yunner* (Commentaries to the Constitution of the Republic of Armenia, in Armenian). Yerevan: "Law".
- Hochwald, Th. (2013). How Do Social Media Affect Intra-State Conflicts other than War? *Journal Connections*, 12(3), 9-38.
- Kuchler, H. (2019, March 28). How Facebook Grew Too Big to Handle. *Financial Times*. Retrieved from: <https://www.ft.com/content/be723754-501c-11e9-9c76-bf4a0ce37d49>.
- Kulhari, S. (2018). *Building-Blocks of a Data Protection Revolution: The Uneasy Case for Blockchain Technology to Secure Privacy and Identity*. Nomos Verlagsgesellschaft mbH.
- Lemetti, J. (2012). *Historical Dictionary of Hobbes's Philosophy*. The Scarecrow Press Inc.
- McCarthy-Jones, S. (2019, October 21). Freedom of Thought is Under Attack – Here's How to Save Your Mind. *The Conversation*. Retrieved from: <https://theconversation.com/freedom-of-thought-is-under-attack-heres-how-to-save-your-mind-124379>.
- McGregor, V. K., Calderón S. H., & Tonelli R. D. (2013, November). Big Data and Consumer Financial Information. *Business Law Today* (pp. 1-9). Retrieved from: <https://www.jonesday.com/en/insights/2013/11/big-data-and-consumer-financial-information-ibusiness-law-today>.
- Orwell, G. (1949). *1984*. Retrieved from: <https://www.planetebook.com/free-ebooks/1984.pdf>.
- Palma, S. (2019, November 29). Singapore Government Orders Facebook to Correct Social Media Post. *Financial Times*. Retrieved from: <https://www.ft.com/content/1274db2e-1276-11ea-a7e6-62bf4f9e548a>.
- Pavolotsky, J. (2013). Privacy in the Age of Big Data. *The Business Lawyer*, 69(1), 217-225.
- Serrato, K. J., Cwalina, Ch., Rudawski, A., Coughlin, T., & Fardelmann, K. (2018). US States Pass Data Protection Laws on the Heels of the GDPR. *Compliance and Risk Management*. Retrieved from: <https://www.dataprotectionreport.com/2018/07/u-s-states-pass-data-protection-laws-on-the-heels-of-the-gdpr/>.
- Shaw, M.N. (2014). *International Law* (7th ed.). Cambridge University Press.
- Sprenger, P. (1999). Sun on Privacy: 'Get Over It'. *Wired News*. Retrieved from: <https://www.wired.com/1999/01/sun-on-privacy-get-over-it/>.
- White, R. C. A., Ovey C., & Jacobs, F. G. (2010). *Jacobs, White and Ovey: The European Convention on Human Rights* (5th ed.). Oxford University Press.
- Wilde, O. (2011). *The Picture of Dorian Gray*. Retrieved from: <http://www.planetpublish.com/wp-content/uploads/2011/11/ThePictureofDorianGrayNT.pdf>.
- Wong T. (2019, May 9). Singapore Fake News Law Polices Chats and Online Plat-

forms. *BBC News*. Retrieved from:
<https://www.bbc.com/news/world-asia->

48196985.

PATRIOTISM AND ARMENIAN STATEHOOD IN THE NORMS OF ARMENIAN LAW

Abstract

The purpose of the article is to study and present the sources of Armenian law that contain provisions on patriotism and Armenian statehood.

To achieve this goal, our task is to investigate the legal and patriotic labour standards of Hakob and Shahamir Shahamirian's *Girk Anvanial Vorogayt Parats (Snare of Glory)*. It is no secret that the work "*Vorogayt Parats*" is one of the most important documents of Armenian law, which for the first time in the reality of Armenia presents a holistic and orderly system of norms of various branches of law.

As a result of the research were applied both scientific (analysis, the principle of historicity) and special (comparative-legal) methods.

The study of the above mentioned legal and patriotic norms gives us the opportunity to conclude that they play a key role in the development of our national, legal, political thought and are a kind of value radiating patriotism.

Keywords: patriotism, Armenian law sources, formation of Armenian statehood, *Vorogayt Parats*, Shahamir Shahamirian, Artsakh, khamsa.

As we know, legal norms of customary law have historically emerged after the formation of families; due to this, matriarchy, and then patriarchy formed. Based on family ties, tribes and clans were later formed.

At the initial stage these were types of peoples' communities, later, due to the emergence and development of labour division and trading relations, appeared state institutions with their mechanisms, leverages, supervision and enforcement bodies. Simultaneously, the legislative law emerged and developed.

Labor refers to such sources of Armenian law that contain patriotism. We will present the legal – patriotic norms of Hakob and Shahamir

Shahamirians' "*Vorogayt Parats*"¹, we will also briefly address some legal norms containing patriotism, democracy, humanity.

The very existence of the state implies the emergence of law and legal norms, and they are interrelated.

Historically the procedures of emergence and development of the state and the law took place also on Armenian Highland. It was the Armenian world, where Armenian statehood arose and developed.

¹ On how the social-philosophical, political-legal world-views of Armenian enlighteners of the XVIII century are considered in their main works, in particular Shahamir Shahamiryans "*Snare of Glory*" (1773) see Hovhannisyanyan, 2001.

In the Bible, the Armenian Highland was the earthly paradise, where originated paradise rivers – Araks (Genon), Tigris, Euphrates and Pison (Jorokh) and where Adam and Eve had settled for the first time (Nelson, 2010, p. 8).

Armenian Highland was considered to be the land of legal knowledge and sacred rituals. The climate, geographical location and the abundance of natural resources created good conditions for the emergence and development of crafts and trade. They, naturally, raised the need for legal regulation of trade, economic, social and other relations. Necessarily, legal norms appeared and developed that regulated those relations, the forms and mechanisms of their emergence and adoption. The demand for legal knowledge was subsequently developed.

The state of Armenian forefathers was called Aratta – Araratyan (“Ar” was the highest God). The state was famous for its governing structures and state mechanisms.

The creation of Armenians’ state relates to V-IV millennia BC. In legends, Prince Hayk Askanaz on the shores of Lake Van, after the victory over the Babylonian King Bel, joined the possessions of Armenian princes within the borders of one kingdom, which was called Hayq-Hayastan-Armenia.

Thus, the foundation of Haykazuni Kingdom was led. It lasted for 1776 years, following dynastic succession.

The head of the state was the Ruler – monarch. He obeyed Gods and personally communicated with them in the Holy Temple. The Ruler as well was proclaimed God, he was the bearer of absolute power, and only he could rededicate to other persons or groups the implementation of certain parts of his power. The will of the Ruler had the force of law. He was prescribing rights and obligations, and he was creating official po-

sitions and governing bodies, he was making appointments. The monarchic title was hereditary. The Armenian monarchic dynasties and kings’ forenames of the V-III millennia BC were reflected on clay tablets.

Clay inscription is depicting Armenian Aramazd God as the ruler of the earth, waters and sky demonstrating the attributes of his absolute power. With his left leg, he leans to a seal – Law.

Armenian legal thinking created numerous legal monuments, which had survived to us in the form of hieroglyphs, cuneiforms, stone obelisks, scrolls, printed and manuscript press and in other forms and means.

Ancient philosopher and law-maker Shuruppak in his “Admonitions” demands: “Do not ignore the admonition that I give, do not break the speech that I speak”.

“Do not violate your speech; your speech is the basis what you beat with power that will ruin you. Who will ruin houses, will stay under the ruins. Who will rise against men, will be attacked by men. Do not try to catch the water in your hands, your will stay exhausted. Do not steal, do not destroy yourself” (Lambert, 1996).

It is notable that admonitions contain practical, domestic, philosophical, as well as legal thoughts and rules, due to that we will consider them as legislative. Shuruppak attached great importance to public opinion, public evaluations. Guarantees of the significance of a man he is considering as redundancy, subordinate position – “Do not guarantee, in order not to stay dependent... Witness of a man is his city”.

Separate norms of “admonitions”, as we see, contain direct sanctions: “Thief is a lion, and a slave when caught”.

Shuruppak treats with great respect the heroes: “We should bow our heads to heroism”. He put heroes on the same level as the sun.

Constitution of the United States of America and 18 years before the Constitution of France. It remained a project because the Armenian liberation movement did not end in victory.

From the letter addressed by Shahamir Shahmirian to Hovsep Arghutyants (Argutinsky, Primate of Diocese) on 3 September 1786 (preserved in Matenadaran, manuscript number 2699, page 98) we are becoming aware that Prince Potemkin commanded to translate into Russian and publish “Vorogayt Parats”.

Arghutyants considered “Vorogayt Parats” to be a treasure (Arghutyan, n.d.), political and legal genius of the Armenian nation. In reality, it is a vivid example of the new ideology of 17-18 centuries.

The process of adoption of the idea of a legal state which is guided by the standards of democracy, legitimacy, representative government and free entrepreneurship is usually referred to the era of English and French revolutions, while they were clearly and vividly formulated in “Vorogayt Parats”.

Shahamirian was of the opinion that the failure of Armenian statehood was caused by violations of lawfulness and legal order, as well as disobediences. “Only laws should be the Armenians’ king and rule the Armenian land” (Avagyan, 2002, p. 37), – he is writing.

This is based on the priority principle that the Armenian nation can be saved by the legislative body elected in the result of joint national will, and the laws adopted by it; they should derive from nature and reason – from divine laws; they should act following the social morality and prosperity principles.

A question is raised: what did cause the creation of the project of the Armenian statehood constitution? What did make it valuable? What practical importance did it have? In order to an-

swer the above-mentioned questions, let us analyze some episodes of Armenian liberating movement of the mentioned period.

The recreation of Armenian statehood and its preservation is a philosophical and political theory. It directly influenced the emergence and development of national thinking, the system of Armenian self-governance. The national ideology and the tasks of the state policy related to it, its practical use are closely connected to the law and legislation, the formation and influence of their epistemological and scientific purposes. The attachment of great importance to the lawfulness approved by law makes it worthwhile by very law itself as the expression of the will of nations, peoples, population (in Shahamirian’s work, the nation, because only the Armenian had the right to vote).

In the mentioned era, Armenia was divided between Ottoman Turkey and Iran. The second half of the 18th century for progressive forces in Armenia and outside Armenia was the era of the liberation struggle. Shahamirian and collaborates were concerned with the issue of formation of a political system of the future Armenian state. They worked out a full project of the struggle for the liberation of Armenia, the main axle of which was the necessity of joining Georgian King Erakle II and Karabakh meliks².

The program was intended to be implemented due to the military and political assistance of Russia. Armenian figures in order to

² There were 5 Karabakh melikdoms, they were also called Khamsa melikdoms: “khamsa” is an Arabian word and means “five”. Some nations are still using the word in the mentioned meaning. Muslims, when saying “khamsa”, mean five members of Muhammad’s family. It also means Saint Mary’s hand palm consisting of five fingers, and Muslims mean Fatima who had a mascot meaning (brings success). In case of meliks, “khamsa” also is explained as hand palm consisting of five fingers, and when they are joined and clenched they are becoming a fist.

implement that purpose worked out two projects between Armenia and Russia, one of them was authored by Hovsep Argutinski³, the other – by Shahamirian. The precondition for this programming idea was the Treaty of Georgievsk, and Hovsep Argutinski contributed to its signing: Russia set a protectorate over the Kingdom of Kartli-Kakheti, preserving its self-governance.

In 1786 Erakle II granted to Shahamirian the title of Prince, and the latter suggested the number of reforms in Georgia, due to which the country shortly should become stronger. Highlighting the issue of population growth in Georgia, he advised the king to apply to all Armenians around the world with an address promising discounts, insurance of life and property.

The 19th-century famous Armenian historian Aleksand Yeritsyan mentioned that Shahamirian suggested to Erakle II that the King's family, following his example, liberate all the serfs. Shahamirian was even ready to contribute with the necessary amount of money as a ransom price for the villagers belonging to church (Yeritsyan, 1883).

On 15 October 1787 in his letter addressed to Georgian King Erakle II, Shahamirian writes: "Remember, that not the people were created for you ... You were selected by the destiny for your people... and your people prosperity and liberty are your liberty..."

Shahamirian also sent to Erakle II the coat

of arms created by him for the joined state of Armenia and Georgia, designed in gold, diamonds, and asked him to approve it.

Erakle II with his signature and seal approved the template of the coat of arms, and on 4 December 1790 sent it to Shahamirian to Madras, where the King's proclamation was published and distributed in 1000 printing copies (Nersesyan, 1990, pp. 547-548).

Shahamirian had an active correspondence with Catholicos of Gandzasar Simeon Yerevantsi and Karabakh meliks. The national liberation movement headed by Shahamirian called for rebellion, being sure that the rebellion was the only way. Under the Iranian pressure, Shahamirian, together with his associates, was exiled from Georgia. Catholicos Simeon Yerevantsi believed that rebellion was premature, and would deepen the revenge and pressure by despots, leading to grave consequences.

On 15 January 1779, in his letter addressed to Gandzasar Catholicos Hovhannes Shahamirian, following the example in Bible, suggests: "First of all it is needed to recruit from clergy and seculars 12 teachers, instruct them to teach literacy to children, second – oblige everybody to send their children to schools ... in order the youth, by reading books, be able to learn the history of its nation, to be inspired with liberation spirit ... it is necessary to compile "*a book of laws that care about the needs of society...*" to adopt an obligation of obeying them. Armenians do not reach the condition, as Jewish, Egyptians or Greeks, they partially have national power, which should be protected from those who have a weak will or are selfless" (Nersesyan, 1990, pp. 135-137, 366-373). Speaking about the national power, Shahamirian meant Karabakh melikdoms. He had a dream to create a national state on the territory of five Artsakh melikdoms, in

³ Hovsep Argutinski (Hovsep Arghutyan, 1743-1801) archbishop, outstanding representative of Armenian liberation movement. Representative of Arghutyan-Erkaynabazuk's oldest princely family. In 1773 was the Primate of Diocese of Russian Armenians. Personally knew Catherine II (Catherine the Great). Led active political correspondence with Georgian King Erakle II, Karabakh meliks, Shahamir Shahamirian and other Armenian figures. Actively participated in resettlement of Crimean Armenians and in foundation of New Nakhijevan, was elected Catholicos, but was not anointed, because died suddenly in Tbilisi on the way to Echmiatsin.

future their economic and military power would liberate the whole Armenia. Inspired by these ideas and standards, Armenian nation, especially intellectuals, were fighting for the liberation of Armenia divided between Turkey and Iran. Their legal-political thinking was directed to building an Armenian state. Shahamirian and his associates, for the first time, integrated and structured the Armenian political and legal-legislative democratic ideology, the level of which has not been exceeded up to now. That is a well-balanced mixture of laws and morality in its ideological sense. “If we want to be liberated and to be the lords of our land... protect human honour and dignity, to cleanse the mud of the past, to live with a clear conscience, first of all, we should build our own state order, work out the laws which will coincide with liberty, interests of our nation..., in that case, people would be dependant only on the laws adopted by the people, but not by individuals, when people are governed by laws and not by one individual. Those laws are our lords and our religion, our ruler and our king” (Avagyan, 2002, p. 3).

Shahamirian died in 1797 in India when he was 74 years old. One year later died the King Erakle II. The idea of creating the state – the dream of those outstanding figures remained a project.

Unfortunately, “Vorogayt Parats” did not become the constitution of independent Armenian state and remained just a project, a doctrine with its national content and orientation. It awakened Armenian national legal awareness. The introduction of “Vorogayt Parats” is the highest value of patriotic demonstration of political, national-liberation ideology. “...The most gifted, the most beautiful and the most special is the Land of Ararat, which by its highest Masis mountain was created by the Lord as the king

over the earth and all the mountains, which, as the divine paradise became the foremother for our forefather Adam, so Ararat together with Masis became the land for the settlement of our forefather Noah, became a harbour for him. Thus, the Lord gave his blessing to the House of Nakhijevan and the Land of Ararat” (Avagyan, 2002, pp. 31-32).

Roman historian Flavius Josephus (37-100 years) in his work “Antiquities of the Jews” is referring to: “Noah saw that the world is dry of water, and he stayed yet another seven days, released from his ark the animals, and he also left the boat with his family... Armenians call this place Nakhijevan and people living there up to today are showing the preserved remnants of the ark” (Flavius, 1996, p. 14). It was the will of God that Armenian King Abgar, without the preaches of clergies, without prophets and without witnessing magic, believed the word of the incarnation of the living God’s son Jesus Nazirite – Christ, and for the first time in Armenia in 301, Christianity was adopted as state religion after the magic of Grigor Lusavoritch (Gregory the Illuminator) Pahlavuni.

“Vorogayt Parats” is a democratic, parliamentary republic’s constitution based on a fundamental principle that the power derives from people and reports to people. It was based on principles of supremacy of law, the freedom and equality of rights of nations and ethnics, the equal protection of their rights, separation of powers, freedom of religion. It was prescribed that the legislative and executive powers were elected. Shahamirian was referring to fundamental principles of Armenian national ideology, and sources of Armenian law emerged and established during previous historical periods – the natural divine origin of law and legal superiority, freedom, justice, considering a human being with

its natural rights as a basis for the legislation.

The highest legislative body in Armenia Shahamirian named “Armenian house”, there was excluded the presence of foreign nationals, gentiles and cultists, whose occupation of posts also in executive power was forbidden constitutionally. According to “Vorogayt Parats”, every citizen regardless of his ethnicity, religion, gender, social and property status, within the law has the rights to freedom of speech, expression of his opinion and of conscious, to the choice of place of residence, to leave the state and other rights. As Christians, the other gentile foreigners also could freely enter Armenia and reside under the protection of the state, paying taxes, dues, accepting Armenian judicial legislation and procedures that prescribed responsibility for their actions.

In the draft of the constitution there were also articles on military rules (proclamation of emergency situations) – including the norms on manufacturing, importing and exporting weapon.

Humane treatment was prescribed for the populated areas, soldiers and population occupied by the Armenian army. The agreements contradicting to natural human rights and laws, as well as limiting human freedom and humiliating human dignity, circulating in that historical period, especially in eastern countries, were proclaimed non-valid.

The 1st Article of the constitution proclaimed the whole territory and natural wealth as Armenia national wealth, also inherited, and only Armenian state had the right to dispose of it, according to the constitution. The right to land ownership and sell had only Armenians who accepted the religion of the church. Foreign nationals and gentiles could use and own land and resources but could not dispose and could not alienate them. According to the mentioned Article,

as Armenian borders were considered to be between the Mediterranean, Black and Caspian seas, locating on the territories of Mets Hayk (Kingdom of Armenia) and Cilician State, which “is the heritage of Armenian people, not an inch can be added or diminished from this land, here always should be preserved the Armenian House according to Armenian constitution”. Constitution proclaimed that everyone who was born on Armenian territory “has the honour to be named Armenian” regardless of his nationality and religion. To speak and read, Armenian was compulsory (Article 2).

In the draft, Labor and Education were not only freedom and rights but obligation, because Armenians were obliged to take part in the economic growth of the state, which was the basis for the prosperity of people. The care for scientists, inventors, teachers and other professionals was considered to be the state’s obligation. Severe punishments were prescribed for crimes against Armenian statehood and Armenian Church. It was clearly prescribed that punishment was not only retribution but had an educational effect.

In the court drafted by Shahamirian, there were 24 juries, the election of 12 of them was the procedural right of the accused.

Separate articles directly obliged the Armenian House to take care of and educate the illegally born children and children who lost their parents, to take care of the unworkable disabled people, elders who left without care and those who were in need.

The collected means should be spent with the purpose to strengthen security in Armenia, organize and develop the education and healthcare in the state.

The head of the highest executive body was the minister-president. He is the head of the state

– “the first official and the servant of Armenian people”.

Shahamirian demonstrates great respect to the followers of the Armenian royal house. In particular, if one of the representatives of Bagratuni royal family, accepting the laws and decisions of “Armenian House”, would wish to become a minister, he could be elected to that position for life, while ministers could be elected for three years period.

Very surprisingly the 3rd Article of “Vorogayt Parats” is actual: “Everyone regardless male or female... are equally free in their actions, no one has the right to rule the other”. This norm of the Constitution is constant to John Lock’s philosophical ideology on human freedom by the provision that natural human condition is the condition of absolute freedom. “Freedom is the behaviour not forbidden by the law – to follow his own wishes and not to be dependent on some other self-willed person’s non-stable, non-definite and unknown will” (Lock, 1962, pp. 6-17).

Armenian people’s wisdom proclaims: “You are free, but is not free to disturb others’ freedom”.

The 5th Article is admiring: Everyone living on Armenian land with the tradition under which he worships the Lord, with the same strength he stays true to his belief and no one regardless who does not have right to be an obstacle for him. In an obvious way and clearly is defined as the right to freedom of conscience in today’s concept and definition.

The 8th Article of the draft is titled: “On the right of an Armenian to buy and sell lands”. It determines: “Everyone, who is Armenian by his nationality and member of the Armenian community, christened by Christ and believer of Christ, can buy land as property and sell it only

to representative or representatives of his nation and his religion”.

Everything is said clearly and simply.

If all the Armenian people had the right to vote, the right to be elected was prescribed only to men population having Armenian nationality and Armenian Christian religion: “... A respectable and humble man, having Armenian nationality, who is Christ’s worshipper under the religion of the Armenian Holy Church, and born in Armenia” (Article 14).

It was prescribed that the members of parliament from each voting house should receive half silver *monets* annually, totally six thousand silver *monets* in order to be free of domestic arrangements and to be able to devote their time freely to the implementation of decisions and actions directed to people’s prosperity. For the election of all the officials as a compulsory requirement was prescribed: “to be Armenian national and Armenian Holy Church’s worshipper”. The 4th Article in the Constitution on the Armenian religion is considering as an honour the worshipping ritual of Armenian Holy Church, that is faithfully preached to us “from the patriarchic Vaghrshapat our patriarchic highest chair – Ejmiatsin’s lightning Holy Church, by the truthful voice of Armenian patriarch”. The Armenian national who being christened betrayed his belief was convicted to death.

Unique content and sense have the 126th Article prescribing the description of money. It is titled “On the form of money” and required that the text “Prosperity to Armenian people” was written on a coin. Everyone who would come in touch with coins, by reading the mentioned text should vividly understand that money should, first of all, serve to the Armenian Statehood and Armenian people’s prosperity.

In “Vorogayt Parats” (Article 82) it was prescribed that before a church wedding, spouses should sign a marriage contract, “... so that we can accept the blessing of our Creator Lord by the hand of the clergy of Armenian Holy Church, in order to grow and breed, to serve to our Lord, for the sake of high and caring Armenian state”. If one of the spouses “reject and not perform his duties on due implementation of the contract he is obliged to pay five thousand *monet* to Armenian almshouse”. The growth and reproduction of the nation are also prescribed as a compulsory provision, as national and state interest.

The 118th Article is obliging the parents to buy one gun and one sword at their own expenses for their children who become 18 years old, as the first heritage.

On the whole territory of the Armenian state, all people are obliged to have two teachers for 25 houses, one of the teachers – to teach children reading and writing Armenian, the other – to teach military service to male children (Article 101).

The draft of Constitution prescribes the requirement to leave the land undeveloped, every year the lands should be ploughed, sowed and fertilized on the proper time to receive a good harvest. And if someone is leaving the lands and gardens undeveloped, the plough and sow of the lands are implemented by the state. And if after that, the owner of the land does not solve the problem with the land, i.e. does not develop it, that land is becoming the ownership of the Armenian House.

If a person is suffered hooliganism or theft of is property, the ruler of the region, after getting confident in those facts, is obliged to restore the suffered material damage to the person, to take measures to find out punish and offender and to receive the restored money (Article 112).

As we see, the state assumes the obligation of restoring the damage caused to a person by the crime, because the state is undertaking the responsibility to eliminate the consequences of the crime committed against persons on his territory, and to recover the damage. It is obvious that Shahamirian is of the opinion that each state must keep his citizens away from criminal offences. By the recovery of the material damage caused by the crime among certain officials is increased the level of responsibility of solving the crime in order be able, alongside with punishing the offender, to recover the amounts paid from the state funds.

In the constitutional legal norms researched by us, partially such substantive solution we observe in the Constitution of Japan adopted in 1947. Namely, the 17th Article says: “Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.” The given constitutional legal provision refers only to those cases when the damage has been caused by the illegal act of any public official, and the damage recovery is implemented in accordance with procedural means and through judicial decisions.

According to the 3rd Article of the RA Constitution of the 6th of December, 2015, together with amendments, the state is providing the protection of fundamental rights and freedoms of persons and citizens, including the protection of the right to property. The European Court of Human Rights specifying the frameworks of the state obligations in the protection of the right to property guaranteed by the 1st article of the European Convention on Protection of Human Rights and Fundamental Freedoms developed further the idea of the state’s positive obligations. It means that real and effective implementation

of the right to property also requires certain positive measures; in particular when there is a link between the effective performing of person's right to property and the measures that a person may legitimately expect from the state to take.

That expectation also relates to a lawful obligation of the state to protect persons and citizens right to property from criminal offences. We are underlining that the recovery of caused damage in all cases is implemented under the judicial procedures, and it also should be mentioned that often this is happening after long court bureaucracy and may last for years.

Shahamirian in "Vorogayt Parats" is defining very simplified administrative procedure, and in particular, the following is said: "The administrator of the province takes the oath from him (the aggrieved person) on Holy Testament to get ensured that a man has lost his property, and, as an administrator of the province, he is obliged to recover the value of the lost property to that man, then search and find the thief or hooligan in order to receive back the amounts recovered and judge according to the law" (Avagyan, 2002).

All types of documents, both commercial and contractual, regardless of who has signed it, if contradicting to Armenian legislation and vital natural functions of a human, are recognized to be non-valid. The law obliges the state also to undertake the protection of everyone, who is living on his territory, and if he is captured, Armenian state "is obliged to save him and to return to his house and family" (Article 138).

To every Armenian resident is prescribed the right to bring a claim at court against any person without exclusions, including officials. Penitentiaries, dark prisons should be clean and comfortable not to harm the prisoner's health and constant to the actions of the offender (Article 153).

Shahamirian's legal definitions regarding women are unique. In particular, he says: "Females should not be captured, no matter Christian or pagan... female individuals cannot be enforced if they do not commit a crime". And in the 371st Article, the servants upon the order of princes or high officials are forbidden to enter females rooms, especially married women's rooms, because these rooms are «sacred and sinless and we want no noise, conflict disturbs our mothers and women who gave birth to our sons. Excluding the cases when a criminal offender or someone punished to death should be arrested".

As we see, "Vorogayt Parats" is a new level of Armenian political and constitutional legal thinking and has a unique value in the world's constitutional culture. From this work, patriotism is radiated. That was a flight of social-political thinking, and it was seemingly the only possible strong progressive idea of anti-serfdom and Republican order in the 18th century Armenia under Turkey's and Iran's rule, the realization of which should be desired.

Shahamirian is considering himself as "one of the least worthies and the most humbles in Armenian land, and writing the constitution of his state he does not expect anything for himself, neither power, nor prosperity, nor glory", but he is guided only "by love towards his own nation and our country".

Hakob Shahamirian died at the age of 29 in Malacca of Malaysia, where he had vast holdings of cigarette. On his cemetery is written: "Welcome to you, who read the word on my cemetery, tell me about the freedom of my nation I always desired, if someone among us has been elevated as a saviour and a ruler that I desired forever and severely in the world..." (Aghjean, 1993, pp. 215-225).

REFERENCES

- Aghjean, M. A. (1993). *Handipumner* (Meetings, in Armenian). New York.
- Arghutyan, H. (n.d.). *Matenadaran, dzeragir tiv 2949 ev 1778 noyemberi tr.-i namak* (Matenadaran, manuscript number 2949 and the letter of November tr. 1778, in Armenian).
- Avagyan, R. (2002). *Hay iravakan mtqi gandzaran* (Treasury of Armenian Legal Thinking, in Armenian). (Vol. 2). Yerevan.
- Ayvazyan, S. (2013). *Nachala zakonodatel'nogo prava Armenii* (The Basis of Armenian Legislative Law, in Russian). Yerevan: Avt. izd.
- Finkelstein, G. (1969). The Laws of Ur-Nammu. *Journal of Cuneiform Studies*, XXII, 66-82.
- Flavius, J. (1996). *Evreiskoe staroslovie* (Antiquities of the Jews, in Russian) (Vol. 1). Moscow.
- Gurney, O. R., & Kramer, S. N. (1965). Two Fragments of Sumerian Laws. *Assyriological Studies*, 16, 13-20.
- Hovhannisyan, H. H. (2001). The Arguments of Force and the Force of Arguments (Violence and Progress) in Armenian Enlightenment Thought. In V.Cossy et D.Dawson (Eds.), *Progrès et Violence au XVIII^e Siècle* (pp. 145-163). Paris: Honore' Champion Editeur, Diffusion hors France: Editions Slatkine Gene've.
- Kramer, S. (1954). Ur-Nammu Law Code. *Orientalia*, 23(1), 40.
- Lambert, W. (1996). *Instructions of Shuruppak: Babylonian Wisdom Literature*. Winona Lake, Indiana: Eisenbrauns.
- Lock, J. (1962). *Izbranniye filosofskie proizvedeniya* (Selected Philosophical Works, in Russian) (Vol. 2). Moscow.
- Nelson, T. (2010). *Nelson's Complete Book of Bible Maps and Charts* (3rd ed.). Nashville: Thomas Nelson Publishers.
- Nersesyan, M. (1990). *Armyano-russkie otnosheniya v 18 veke, sbornik dokumentov 1760-1800* (Armenian-Russian Relations in 18th Century, Collection of Documents of 1760-1800, in Russian) (Vol. 4). Yerevan: Institute of History of Armenian SSR.
- Shahamiryan, Sh. (1773). *Girk Anvanial Vorogayt Parats* (The Book which is Named the Snare of Glory). Madras.
- Yeritsyan, A. (1883). *(1841-1902) Hndkastani harust ktaknery* (Indian Rich Inheritances, in Armenian). *Caucusus*, 94.

FEATURES OF FUNDAMENTAL RIGHTS IN THE CONTEXT OF THE PHILOSOPHY OF LAW

Abstract

The article explores the notion and peculiarities of fundamental rights of the individual in the modern, legal state. In this research, the author implements versatile, holistic, systematical (methodical) analysis of content and distinguishing features of the structural elements of the concept “legal status of the individual”. Therefore, the theoretical and practical research of problems of development of fundamental human rights gives an opportunity to find new solutions in protections of relations concerning the individual’s legal status.

This study is also focusing on various approaches of well-known jurists on the essence, content and legislative consolidation of the fundamental rights of the individual.

The author comes to a conclusion that in recent decades, the philosophy of law (with the theory of state and law) took under its active protection and guardianship man with his rights, freedoms and legitimate interests, and which have ceased to be the subject of national legislation’s regulation, and moved to the international legal platform. Consequently, the government is obligated to guarantee fundamental human rights and freedoms. Hence, theoretical, methodological and practical analysis of problems of the individual’s legal status and elaboration of suggestions concerning the enhancement of national legislation, is one of the most actual problems of jurisprudence.

Keywords: fundamental human rights and freedoms, the legal status of the individual, legitimate interests, globalization, duties, citizen, democratic state, government.

A democratic, legal, and social state is a form of human coexistence where there are mutually agreed human relations, where the state and society assume a mutual obligation to help those in need, to influence the distribution of material goods, based on such principles of justice that guarantees of a decent life are created for everyone, as well as rights, freedoms and legitimate interests are protected (Harutyunyan, 2005, pp. 110-112; Yeritsyan, 2007, pp. 106-108). Consequently, the study and clarification of the concepts of human rights and fundamental free-

doms, which are at the core of a person’s legal status, are at the heart of the theory of modern philosophy of law (Huymens, 1995). Moreover, it is necessary to conduct a *comprehensive study of the essence and content of rights, freedoms, legitimate interests of the individual in a modern democratic state*. The system of rights, freedoms, legitimate interests and obligations that form the core of a person’s legal status, as well as guarantees of their protection, is based on the fundamental principle of values, according to which a person is the highest value in the Repub-

lic of Armenia. Moreover, the inalienable dignity of a person is an integral basis of his or her rights and freedoms.

The legal status of a person includes a combination of the rights, freedoms, duties and legitimate interests of the person, which, in turn, is a means of legal regulation that regulates the social status (position) of the person.

It is noteworthy that some of the modern legal scholars consider rights, freedoms and obligations as the main elements of the legal status of a person, and legitimate interests as additional (or derivative) ones (Rideau, 2003, pp. 23-24; Vitruk, 2008, p. 105).

In our opinion, this division of rights, freedoms, and duties has contributed to the humiliation of the essence of legitimate interests, as well as their important role in law, as a result of which this concept continues to be poorly studied in the legal literature. Based on the above, we propose to consider the rights, freedoms, duties and legitimate interests of the individual as the main elements of the legal status of the individual in the context of the philosophy of law.

Analysis of the Fundamental Rights and Freedoms of the Individual

It is obvious, that in the states which stand in the way of democracy, the rights and freedoms of the individual are not stationary and eternal, but are constantly changing and developing concepts (Marchenko, 2014, pp. 204-206; Trion, 2012, pp. 105-107). In addition, the basic rights and freedoms of the individual are not assigned by the state, since they do not exist because of formal consolidation, which is also very important, but because of the social capabilities of the person arising from the system of social relations. Furthermore, the source of individual

rights and freedoms in a democratic society are real social relations, not the will of the legislator.

The conducted research shows that the social capabilities of the individual are social prerequisites for the formation, the regularity of development and the ability to use the advantages of legal rights, freedoms, legitimate interests, as well as the real content of duties. Therefore, a person's rights and freedoms are the social opportunities of the person enshrined in the law to possess certain goods to meet his or her needs. Moreover, legal rights and freedoms of a person acquire clear boundaries as a result of the state's implementation of legal regulation, and violation of these boundaries by a person is considered as illegal behaviour. In this case, of course, the legislator only considers the social opportunities to meet the needs of mankind, which, by stipulating in the norms of coexistence of public life, formally acquire the opportunity to be called human rights. Moreover, ideas about human rights, penetrating into the human masses, turn into a powerful material force, and for the state there is a need to fix the list of human rights determined by historical development in the law, that is, to establish the rights of a citizen as the legal rights of a person.

The idea of human rights also has a substantive basis, which was studied by K. Marx and F. Engels. They, considering man as a "result of history" and simultaneously leading the political and civil life of the subject, define the natural rights of the individual as historically formed bourgeois-democratic rights and freedoms, where the individual and the citizen are private owners (Marx & Engels, 1955, pp. 390-391)

Taking the above idea as a basis, as well as the analysis of the material justification of human rights and social content, many soviet lawyers, such as I. Farber and G. Malcev (1969) be-

gan to distinguish basic human rights from the rights of a citizen (pp. 26-27).

According to P. Nedbaylo (1965), the socio-political preconditions formed in the state and society are crucial to the formation of legally recognized, inalienable rights and freedoms of a person. In this context, L. Voevodin (1997) rightly points out, that the real content of human rights as a socially conditioned opportunity, which in its essence is a requirement for the possession of certain social benefits (p. 115).

Meanwhile, V. Kartashkin (2018) proposes to distinguish the fundamental rights and duties of citizens (social category) from constitutional rights and responsibilities (legal category) (pp. 48-49). *Based on the conducted research, we consider, V. Kartashkin's that approach to fundamental rights is exaggerated and may complicate the process of defining, examining the substance, content and elements of a person's legal status.* Moreover, these opportunities for the person exist before their legislative confirmation.

According to the universally recognized definition, human rights are an opportunity to determine the extent of one's own behaviour. All other persons, public authorities, organizations must refrain from interfering with this behaviour (Ayvazyan, 2008, p. 12).

At the same time, various definitions and comments on fundamental human rights and freedoms can only be accepted partially and with certain reservations, since they generally do not fully reflect the essence and content of this concept, for example, according to Yu. Troshkin (1998), the fundamental rights are only those rights that are enshrined in the Constitution and the most important human rights documents, define the ideals of humanism in society, limit the power and protect people from their arbitrariness (pp. 30-31). Therefore, this definition is narrow

in content, since it does not fully disclose the essence and meaning of fundamental rights.

Moreover, studies have shown that, due to modern political and legal processes, individual rights and freedoms are gradually becoming a standard for the development of society, the establishment of the idea of the rule of law and a stable factor in international legal cooperation.

In the modern world, the category of universal (fundamental) rights of the individual has been formed in the context of the universal equality of people, which has a common, generally accepted and legal meaning for the world community (Loth, 1998, pp. 22-24).

It is obvious that human rights and freedoms have ceased to be an object of domestic policy and practice of the state, and have become a problem of the entire international community.

Nowadays, the scope of individual rights and freedoms is determined not only by the specific characteristics of a particular society but also by the development of the civilization of all mankind, as well as the degree and level of integration into the international community of a given state. Therefore, fundamental rights become a high level in the international legal plane, below which any state, claiming to be a democratic, legal and social state, cannot descend. It is undeniable that a new phase in the history of human rights began after World War II when the processes of cooperation and integration of states developed and human rights gained universal recognition through international joint affairs. Thus, the UN General Assembly adopted the Universal Declaration of human rights (10.12.1948), which became the first-ever international universal document on the list of human rights and fundamental freedoms.

Thus, human rights are basic (fundamental) rights that are universal (extend to all who be-

long to the biological type of *Homo sapiens*) and which are egalitarian (all are equal), as well as ensure a dignified life and development of the person in the context of the achievements of modern historical-social progress (Ebzeev, Ay-bazov, & Krasnoryadtsev, 2006, pp. 54-57).

Considering a modern democratic, legal, social state, it becomes obvious that the priority of norms and principles of the internationally recognized human rights law in relation to domestic norms and principles is a categorical imperative of the international community.

At the same time, we agree with the opinion formed in recent years in the judicial literature and philosophy of law that the process of globalization cannot be the reason for the universalization of human rights, because the right to preserve the native language, culture, customs is the natural, inalienable right of every nation, ethnicity (Vencent 1989, pp. 49-54).

In our opinion, human rights and freedoms must correspond to the needs of a particular society and can have multiple forms of expression.

H. Behruz and M. Monshipouri rightly pointed out, that only those individual rights that correspond to the social problems of the society take into account cultural characteristics, religious traditions and beliefs, the accumulated experience of previous generations, and the moral principles of society can be recognized as universal rights (Behruz, 2006, pp. 20-22; Monshipouri, 1994). Consequently, there are objective justifications for both doubts and opposition to the universal nature of fundamental human rights.

First of all, there are regional, civilizational, and cultural differences in which people are born, raised, act, and think (Islamic, Jewish, etc.).

Second, there is a significant difference in the social conditions where people live in differ-

ent countries, regions and continents.

Third, mutual disrespect for national and religious values in immigration processes.

It is hard to agree with the opinion of several modern researchers that the list of human rights and freedoms enshrined in a number of declarations on fundamental human rights and freedoms including the Universal Declaration of Human Rights (1948), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), International Covenant on Civil and Political Rights (1966), is based solely on European values (Mutua, 2002, pp. 82-83; Mattelman, 1996, p. 110). It is no coincidence that regional acts such as the American Convention on Human Rights (1969), the African Charter on Human and People Rights (1981), the Arab Charter of Human Rights (1994) are anchored not only on Universal Declaration of Human Rights but also on other human rights acts. Definitely, the organizations, which adopt those documents, take into consideration cultural characteristics and do not exclude other interpretations of international human rights norms. *Actually, in all cases, there are even fundamental differences between the principles and reality proclaimed in international legal and regional instruments. For example, the status of women in Islamic countries, "inviolable" in India.*

Therefore, progress is realized in any cultural civilization, in the process of gradual convergence of perception and implementation of the fundamental principles of human rights and, of course, is facilitated by the globalization of economic and law, immigration, exchange of cultural values, solution of global problems related to drug trafficking and the fight against international terrorism, natural and man-made disasters.

In our opinion, there should be progress on the path of social and humanistic development and not the destruction of traditional values and the fall into prehistoric society.

On this issue, E. Lukasheva (2006) noted that the artificial acceleration of the process of adoption of international human rights norms, which contradicts the political, customary, cultural ideas of individual countries, regions is impermissible.

Therefore, we consider that it is necessary to respect a different world order and not try to change it through universal democratic and forcible implementation of human rights standards. It is important to have a constant dialogue of civilizations, a gradual and long-lasting process of perception, and adaptation to generally accepted norms and values, which opens the way to preserving the diversity and richness of the world.

It is known that those rights and freedoms that are more vital for the individual, society, and the government are enshrined in the Constitution and are called “basic rights and freedoms”.

For example, Chapter 2 of the Constitution of Republic of Armenia: “Basic Rights and freedoms of the Human Being and the Citizen” includes such fundamental rights and freedoms of persons living in the territory of RA as the right to life, right to physical and mental integrity, the right to inviolability of the home, freedom of thought, conscience and religion, freedom of expression of opinion, right to judicial protection and the right to apply to international bodies for the protection of human rights etc. In addition, in Armenia, basic rights and freedoms of the human being and the citizen are regulated by other branches of law, which are not considered fundamental in their content, and therefore do not receive constitutional protection. Furthermore, rights enshrined in the current legislation specify,

supplement and develop constitutional rights, which are based on the latter, and thus don't diminish the significance of constitutional rights and freedoms, their direct effect. For example, on the basis of these constitutional norms, the Criminal Code of RA contains many norms regarding sanctions provided for violations of the basic rights and freedoms of citizens. Moreover, according to article 81 of the Constitution of RA, the practice of bodies operating on the basis of international treaties on human rights, ratified by the Republic of Armenia, shall be taken into account when interpreting the provisions concerning basic rights and freedoms enshrined in the Constitution.

This leads to the conclusion that sectoral rights Supplement constitutional rights also for the reason that the latter are designed to fully cover the legal capacity of the individual in all spheres of various social relations, are independent and run parallel to the constitutional rights.

Consequently, branch rights supplement constitutional rights also because they are meant to fully cover a person's legal capacity in all areas of social relations, are progressing in parallel and independently of constitutional rights.

In other words, the ratio is not a ratio of whole and part, since both the basic and the rights established by the rules of the branches of law are independent. The correlation between these two groups of rights is that basic rights determine the content and main role not only of a particular right but also of the entire human rights system. Basic rights are rights that belong not to a particular group of people, but to each person. Therefore, we can say with confidence that basic rights are not only constitutional but also subjective rights.

Conclusions

Summing up the results of explored issues and considering the fundamental rights as a dynamic phenomenon of the philosophy of law, we conclude that it is necessary to consider the rights of the individual, based on the combination of social conditions in this society and the state and the legal norms built on their basis. Social opportunities for a person enshrined by the state in the Constitution and laws become legal requirements that are subject to the protection (guarantee) of the state. Moreover, human rights are an opportunity to determine the extent of one's own behaviour. As a result of our research, we have come to the simple conclusion, that if a specific fundamental human right is not enshrined in the Constitution of a state, then it must be recognized in that state, regardless of its constitutional provision.

It is obvious that basic human rights are the inalienable, socially necessary opportunities guaranteed by the government, to freely, consciously and responsibly possess the vital material and spiritual goods.

REFERENCES

- Ayvazyan, V. (2008). *Mardu iravunqner* (Human Rights, in Armenian). Yerevan: Tigran Mets.
- Behruz, H. (2006). *Evolyutsiya islamskogo prava: teoretiko-sravnitel'noe issledovanie* (The Evolution of Islamic Law: a Theoretical and Comparative Study, in Russian). (PhD dissertation). Odessa.
- Ebzeev, B., Aybazov, R., & Krasnoryadtsev, S. (2006). *Globalizatsiya i gosudarstvennoe edinstvo Rossii* (Globalization and State Unity of Russia, in Russian). Moscow: Formula prava.
- Farber, I. (1967). *Prava cheloveka, grazhdanina i litsa v sotsialisticheskom obshchestve* (Human Rights, Citizen and Person in a Socialist Society, in Russian). *Jurisprudence, 1*, 39-46.
- Harutyunyan, G. (2005). *Sahmanadrakan mshakuyt. Patmutyan dasery yev zhamanaki martahravernery* (Constitutional Culture: the Lessons of the History and the Challenges of the Time, in Armenian). Yerevan: Nzhar Publishing.
- Huymens, J. (1995). Post-Cold War Imposition and Globalisation: Liberalism Running Past Itself. *Millennium: Journal of International Studies, 24(3)*, 88-87.
- Kartashkin, V. (2018). *Prava cheloveka: mezhdunarodnaya zashchita v usloviyakh globalizatsii* (Human rights: international protection in the context of globalization, in Russian). Moscow: Norma.
- Loth, W. (1998). *The Division of the World - 1941-1945*. London: Routledge.
- Lukasheva, E. (2006). *Prava cheloveka. Konflikt kultur* (Human Rights. The Conflict of Cultures, in Russian). *Russian justice, 6*, 15-24.
- Malcev, G. (1969). *Sotsialisticheskoye pravo i svoboda lichnosti (teoreticheskiye voprosy)*. (Socialist Law and Personal Freedom (Theoretical Issues), in Russian). Moscow: Yuridicheskaya literatura.
- Marchenko, M. (2014). *Teoriya gosudarstva i prava*. (Theory of State and Law, in English) (3rd ed.). Moscow: Yurayt.
- Marx, K., & Engels, F. (1955). *Sochineniya* (Works, in Russian) (2nd ed., Vol. 1).

- Moscow: State Publishing House.
- Mattelman, J. (1996). *Globalization: Critical Reflections*. New York: Lynne Rienner pub. Boulder.
- Monshipouri, M. (1994). Islamic Thinking and the Internationalization of Human Rights. *The Muslim World, LXXXIV*, 217-239.
- Mutua, M. (2002). *Human Rights: A Political and Cultural Critique*. Philadelphia: Philadelphia Univ. Press.
- Nedbaylo, P. (1965). *Aktual'nye voprosy sovet-skoi yuridicheskoi nauki* (Actual Issues of Soviet Legal Science, in Russian). *Abstracts of the Republican Interuniversity Scientific Conference Dedicated to the Problems of Soviet Law* (p. 5). Odessa: Publishing house of the State University I.I. Mechnikov.
- Rideau, J. (2003). *Droit institutionnel de l'Union et des Communautés Européennes. 4ème éd.*. Paris: L.G.D.J.
- Trion, N. (2012). *Théorie générale du droit: Droit, pouvoir, savoir. 2ème éd.* Paris: Lancier.
- Troshkin, Y. (1998). *Prava cheloveka (Human Rights, in Russian)*. Moscow: Polygraphhouse of Administration of Moscow reg.
- Venent, R. (1989). *Human Rights and International Relations*. Cambridge: CUP.
- Vitruk, V. (2008). *Obshchaya teoriya pravovogo polozheniya lichnosti*. (The General Theory of the Legal Status of a Person, in Russian). Moscow: Norma.
- Voevodin, L. (1997). *Yuridicheskii status lichnosti v Rossii* (The Legal Status of a Person in Russia, in Russian). Moscow: Norma.
- Yeritsyan, A. (2007). *Mardu iravunqneri yev drants pashtpanut'yan himnakhndir-nery globalizatsiayi darashrjanum* (Problems of Human Rights and their Protection in the Age of Globalization, in Armenian). Yerevan: Heghinakayin hratarakchutyun.

PHILOSOPHY OF ART

DOI: 10.24234/wisdom.v14i1.306

Lucio GIULIODORI,
Aisana BOLDYREVA,
Anna BOBUNOVA,
Vladislav BORANENKOV,
Elena NOTINA

SURREALISM BETWEEN PSYCHOLOGICAL INVESTIGATION AND ARTISTIC COMMITMENT

Abstract

Deciphering the mysteries of the unconscious was one of the central aims of Surrealists who, in order to achieve this goal, experimented with the most different techniques. The unconscious, displaying the contents that then can be painted, turned to be both a way to embark on inner exploration and a source of creativity.

My paper firstly sheds light onto this marriage of art and psychology which, in Surrealism, harmoniously blended generating a fascinating and fruitful combination between creation and self-creation - art as a tool of self-knowledge and even inner evolution is one of the main consequences.

Lastly, this study examines the surrealist scene today, considering how and why, through the decades, the painters' aims changed and why we should or shouldn't still call them "Surrealists".

Keywords: surrealism, paintings, contemporary art, aesthetics, philosophy of art, psychology, unconscious.

"We do not want to reproduce, we want to produce, like a plant which produces a fruit, directly and not by intermediary. We want to produce directly. Not indirectly."

Hans Arp

An Inner Journey

At the end of World War I, many of the main characters of Dada gathered in Paris; Picabia, Tzara, Ray, Duchamp and Ernst were among the leading figures. The periodical *Littérature* set up by Breton and Soupault in collaboration with Aragon was the main laboratory whose experiments would then later lead to Sur-

realism itself – which was partly inspired by the "metaphysical investigations" carried out by De Chirico. However, what was Surrealism's main aim? According to Flaminio Gualdoni (2008):

"The objective was still that of total art, i.e. of a wide-ranging artistic attitude that cultivated all means of expression, from poetry to music, from drama to painting, playing down specific techniques and

languages in favour of creativity that was linked entirely to the moods of the individual and that chose, on each occasion, the most suitable medium with which to work” (p. 7).

On top of that, surrealists’ concerns turned out to be linked with psychology, more precisely with the “discovery” of the unconscious, to which Surrealism owes a great deal. Even though Assagioli thought that this discovery could have been compared to the discovery of a new continent¹, Massimo Recalcati argues that Freud basically didn’t discover the unconscious rather, through his narrative, he *invented* it (Recalcati, 2007). Taking everything into account, poets, philosophers, artists or mystics who lived much before Freud, in different ways, mentioned or even experienced inner journeys of all kinds - “altered states of consciousness” as we would define these involvements today. As a matter of fact, when the walls of consciousness are crossed, we can only find the unconscious - or whatever name we assign it.

According to Fiona Bradley (1997): “Surrealism sought communication with the irrational and the illogical, deliberately disorientating and reorientating the conscious by means of the unconscious” (p. 9). That was exactly its main aim. To achieve this target, the first surrealists used to experiment with the most different techniques, from *frottage* to automatic writing, from *assemblage* to *cadavre exquis*, from dripping to hypnosis and, last but not least, drugs itself. As Dorothea Eimert (2013) states:

“Surrealism made use of the experiences of the others in the spheres of unsettling

¹ “The importance of the discovery of the unconscious, has been compared to that of America, of a new continent. One can even compare it to the revolution caused by the substitution of the geocentric conception with that heliocentric” (Assagioli, 1993, p. 17. My translation).

dream reality and the unconscious. At first, it was the writers Paul Éluard and André Breton, who, having joined together in 1921 in order to enrich their art, sought to stage dreams, visions, uncontrolled associations and experiences of intoxication. It was known that in the 19th century, writers like Stéphane Mallarmé used drugs to broaden their senses in order to open up new dimensions for their writing” (p. 104).

They were literally looking for another – surreal - dimension:

“The marvellous was thought to occur naturally, in spaces where the curse of reason had yet to penetrate: in childhood, madness, sleepiness and drug-induced hallucination; in so-called “primitive” societies whose members were thought to be closer to their instincts than to the learned sophistication of “civilisation”; and, crucially, in dreams, the conditions of which the painters attempted to reproduce” (Eimert, 2013, p. 9).

Summing up, René Breton (1969) beautifully defines Surrealism as a way into a mental world of endless possibilities, “a certain point of the mind at which life and death, the real and the imagined, past and future, the communicable and the incommunicable, high and low cease to be perceived as contradictions” (pp. 123-124).

Aragon is even more precise concerning surrealists’ perception of reality, and the quotation is not brief, nevertheless worth being mentioned:

“First of all, each of us regarded himself as the object of a special disturbance struggled against this disturbance. Soon its nature was revealed. Everything occurred as if the mind, having reached this crest of the unconscious, had lost the power to recognize its position. In it subsisted images that assumed form, became

the substance of reality. They expressed themselves according to this relation, as a perceptible force. They thus assumed the characteristics of visual, auditive, tactile, hallucinations. We experienced the full strength of these images. We have lost the power to manipulate them. We had become their domain, their subjects. In bed just before falling asleep, in the street, with eyes wide open with all the machinery of terror, we held out our hand to phantoms..." (Nadeau, 1989, p. 46).

Aragon died in 1897, yet those phantoms are still the main characters in contemporary Surrealism, a movement which never really died. Uppermost pillars such as Leonora Carrington, Leonor Fini, Paul Delvaux and René Magritte laid the foundations for an astounding artistic phenomenon which undoubtedly and ineluctably, is a far cry from running its course, rather the issues it has raised remain central to current debates.

Painters are still involved in decoding the mysteries of something which, undeniably, is *still* deeply cagey and mysterious: the unconscious indeed.

Dreaming, Creation and Self-Creation

As far as psychologists' commitment is concerned, a final definition of the unconscious is still yet to come.

Moreover, this is a hard problem to tackle as the object of investigation is indeed invisible to the five senses, and as such, it can't be analysed by using the mechanist-scientist model.

However, if science has not yet yielded any results², art (Surrealism) carves itself out quite a

² The mechanist model will never manage to decode the unconscious, that is why Wolfgang Pauli hoped physics and psychology could meet, giving birth to a new language able to describe the absurdity of the

significant role in displaying the unconscious landscapes. Among the various techniques tested by surrealists, dreaming is certainly the main one as it is the most powerful³. Dreaming does open the door to the abyss of the unconscious, and this is precisely what surrealists were/are looking for: deciphering and painting it through dreaming.

As Mary Ann Caws (2010) puts it:

"Dream is, of course, commonly considered as the peak of the unconscious mind's experience, and a resource for the conscious analysis of that experience. The opening up of the field of possibilities was never more exciting to the group than in dream phenomena, whether interpreted collectively or singly. Far beyond the dull colours of the real, as the young Surrealists perceived them, stretched this glorious uncontrollable openness, as far as the mind could reach" (p. 20).

Surrealists always considered dreaming as an immense source of knowledge:

"Why should we not concede to the dream, Breton asks, hat we sometimes refuse to attribute to reality – the weight of absolute certainty? Why should we not expect more of the dream than we do from consciousness? Cannot dreams as well be applied to the solution of life's fundamental problems? When confronted

nature of the unconscious. Let us consider his words: "We should now proceed to find a neutral or unitary language in which every concept we use is applicable both to the unconscious and to the matter, in order to overcome this old belief that the unconscious psyche and matter are two separate things" (Teodorani, 2011, p. 82). My translation.

³ As we all know, Sigmund Freud represented one of the main sources of inspiration for surrealists and, to this regard, it's worth mentioning a brief correspondence between him and Breton about a topic which was of interest for the creator of the surrealist *Manifesto*: the relationship between dreaming and artistic creation.

However, contrary to Breton, Freud was not so interested in that topic and the correspondence ended shortly.

with the value or importance of the dream state, wakefulness appears to be nothing more than a complete obstacle" (Adonis, 2016, p. 188).

Dreaming in Breton's perspective gains in symbolic weight by virtue of the power of meaning in representation, setting off a chain of multi-valent reactions in terms of a radical shift of perception. This perspective still applies today.

Now, focusing on the main point: creativity is for surrealists quite peculiar as it is at the same time the *a priori* of the final result, the picture itself, and a way to embark on an inner exploration, almost a self-analysis: dreaming is a source of inspiration, but it is also a wide-open window to the inner world, to the hidden sides of the psyche. The main consequence is that in Surrealism, art and psychology, harmoniously blend generating chemistry between creation and self-creation. An inner investigation cannot but produce changes in one's life, at best an effective improvement: if dreaming unveils secret sides or even unresolved problems or complexes, the consequence, it is a stance on the vigil.

The artistic creation, specifically a painting, configures itself as a kind of x-ray, the photo of what exactly one should work on, the oneiric dimension often discloses what the vigil keeps concealed - both dimensions depict two different layers of the same reality. Creativity in Surrealism, clearly merges with a kind of self-knowledge, hence its nobility: Surrealism is not merely art. Surrealism can be seen as a movement pivoted in a principle of change, of improvement: artists, by painting, explore themselves, become themselves, by creating, they create themselves.

To the question: Can we consider art as a tool of inner evolution somehow? The contemporary surrealist painter Steven Kenny says:

"Yes, but that's each artist's choice. For some, it is an aid to psychological, intellectual, and spiritual development; for others, art is simply something they do to make a living. I have learned a lot about myself through my work over the years. The fact that each painting is a new beginning forces me to reconsider all that I know. I struggle not to repeat myself and to discover something new with each painting".⁴

No surprise, his images, as is typical among surrealists, are deeply oneiric.

Contemporary Surrealism is an infinite source of amazing artists who feature the world of the unconscious in numerous and mesmerizing ways, among them noteworthy, just to mention a few: Andrea Kowch, Timothy Cummings, Aron Wiesenfeld, Mike Worrall, Renata Palubinskas, Rodney Wood, Shinji Asano, Simona Bramati, Alessandro Bulgarini, Scott Hess, Eddy Stevens, Michaël Borremans, Jolanda Richter, Guy Kinnear, Pamela Wilson, Steve Da Luz, Michael Pearce, Graham Toms, Salvatore Alessi, Ilaria del Monte, and Nojus Petrauskas⁵. These painters, through paintings, dig into the deepest sides of the unconscious.

Main Divergences between Early and Contemporary Surrealists

Even though today's painters are still involved in decoding the mysteries of the unconscious, albeit, in another way (which will be analyzed shortly), two main differences separate the two groups.

The first dissimilarity makes reference to politics and the second to psychology.

⁴ See: <http://www.luciogiuliodori.net/steven-kenny-s-interview.html>, retrieved December 04, 2018.

⁵ They are all living artists.

The first Surrealists were fascinated by Marxists theories and, at least at the beginning, tried to add a Marxist tone to their narrative, here is what Breton (1935) stated about it: “*Transformer le monde, a dit Marx; “Changer la vie”, a dit Rimbaud; ces deux mots d’ordre pour nous n’en font qu’un*”. This famous statement by André Breton underscores the surrealists’ view about Communism.

To this regard, Robert Short (1966) affirmed:

“Not that the Surrealists ever had a decisive effect on the course of political events, or made any original contribution to political theory. The interest of the movement’s political history lies in its tenacious efforts, set forth in some highly articulate polemical writing, to associate its intellectual, artistic, and moral preoccupations with the aims and methods of international communism. The issues at stake may be reduced to three: the reconciliation of a generalized spirit of revolt with revolutionary action; the reconciliation of the idea of a “spiritual revolution” and its accompanying insistence on ethical “purity” with the practical necessities of political effectiveness; the reconciliation of an independent revolutionary art with the demands for propaganda and didacticism made by the communist party” (p. 17).

Contrariwise, contemporary artists are very far from Marxism and Communism, for the historical context changed drastically. As a matter of fact, the faith in Communism, through the last decades, decreased enormously and not only among Surrealists: the soviet tanks in Prague and Budapest, the gulags, the estimated twenty million people killed in total and, in the end, all the Stalinist terror unveiled by Khrushchev well-nigh thawed out even the strongest believers.

Today, Surrealism is everything except a politicized movement, even less a communist or Marxist movement. To this regard, we should look at this fact as an amazing achievement indeed: the noble search of the inner world and the unconscious has nothing whatever to do with Communism.

If in political terms there’s not even comparison, a similar clash doesn’t apply psychologically. Nowadays, the majority of painters don’t experiment with techniques anymore as the first Surrealists did; nevertheless, what they paint is unequivocally related to the unconscious. They don’t experiment anymore⁶ as, again, the historical context changed: the unconscious is not a brand new concept anymore, at least as it was at the beginning of the 20th century when Freud’s theories spread⁷.

The great part of contemporary painters relates to the unconscious in the way it best fits them: only painting indeed. They are still fascinated by the riddles that the concept of the unconscious rises, and they still paint oneiric subjects, world-dreams scenarios are still central in their work yet their involvement is, generally, limited to painting (with certain exceptions: Dino Valls for example).

Nowadays, there is no Manifesto, no guidance to share, that is why artists don’t belong to a specific closed group. They are absolutely free in their commitment. However, they do represent the heritage of the movement created by Breton in 1920.

To sum up, even though that specific movement died, there are still artists today in-

⁶ They don’t because the first Surrealists tried quite a wide range of techniques which, in the end, didn’t yield significant results in terms of an ultimate definition of the unconscious.

⁷ It 1920 the American psychologist G. Stanley Hall invited Freud to visit Clark University in Worcester, Massachusetts, to deliver a series of lectures.

volved in depicting the contents of the unconscious, and they do so in different ways. Whether calling them Surrealists or not is still an unsolved question, it is as fascinating as hard to tackle.

As long as we still haven't reached an objective definition of the unconscious itself - for science hasn't found it yet⁸ - we shouldn't consider the surrealist chapter as closed for good. As scientists and artist are still facing up to its mysterious nature, we - yet being acknowledged of their history - should probably keep calling them Surrealists, contemporary Surrealists.

Dino Valls

Within the various and jagged context of Contemporary Surrealism, the Spanish contemporary painter Dino Valls stands out as a beautiful exception.

In the Vallsian output, painting is a synonym of inner investigation for what he does is literally "psychoanalysis through art". Let us consider his words:

"The figures I paint are incarnations of the subconscious-projection of my soul. Just like a psycho-analyst-easel. There, psychoanalysis walls and mirrors of the collective unconscious are exposed. Sciences and religions claim to explain the eternal question of the meaning of existence, the profound dichotomy between the material and the spiritual. Art must unite this duality; its realm is the space between one and the other" (Trabacchini, 2010)⁹.

⁸ Psychology has struggled with it over the past decades and, needless to say, a breakthrough in finding new answers is still yet to come. To deepen the matter see the famous and detailed work by Ellenberger, 1970.

⁹ I have also delved deeper the issue on this short article on my website: <http://www.luciojuliodori.net/notes-on-surrealism-.html>, as well as in other four essays

Valls undoubtedly assigns art a hard undertaking. However, what matters here is his conception of art and his way of being an artist: "A psycho-analyst-easel".

Valls uses a Jungian technique called "active imagination" through which he manages to see the contents of his unconscious which provides the material he would then paint. This technique was very important for Jung's psychotherapy:

*"In his final great work *Mysterium conjunctionis*, he shows how active imagination is the way to self-knowledge ("Know thyself"), and the process of individuation. From his mature perspective, he is describing much more than a specific meditative procedure or expressive technique. In the deepest sense active imagination is the essential, inner-directed symbolic attitude that is at the core of psychological development"* (Chodorow, 1997, p. 17).

This famous technique should be performed keeping the conscious mind awake; it could be described as a kind of "contemplation" where conscious and unconscious literally meet – it goes without saying that we are extremely far from the early surrealist techniques where only the unconscious mind was involved while the conscious was totally rejected.

"Jung speaks of the need for systematic exercises to eliminate critical attention and produce a vacuum in consciousness. This part of the exercises is familiar to many psychological approaches and forms of meditation. It involves a suspension of our rational critical faculties in order to give free rein to fantasy.

The special way of looking that brings things alive (betrachten) would be relat-

partly published on my Academia.edu page: <https://rudn.academia.edu/LucioGiuliodori>.

ed to this phase of active imagination. In his *Commentary on The Secret of the Golden Flower (1929)* Jung speaks of the first step in terms of *wu wei* that is, the Taoist idea of letting things happen” (Chodorow, 1997, p. 10).

Valls then could be considered as the coryphaeus of this new generation of surrealist painters which are characterized by this mix between innovation and heritage¹⁰.

By innovation, I refer to overcoming the strict rules exposed by Breton, especially those relating to the rejection of the conscious mind, while by heritage I make reference to a kind of fidelity to the surrealist core itself: the depiction of the unconscious – it is self-evident that the depiction must be preceded by some sort of investigation which nowadays totally differs from the early Surrealism’s.

Conclusion

André Masson, echoing Jung, once described Surrealism as a collective experience of individualism. Jung himself, stated that “the unconscious manifests itself through images” (Jung, 2009), hence dreaming is a perfect tool of individual investigation for surrealist artists whose main task is painting.

Moreover, the more an artist connects with the unconscious, the stronger the connection becomes. The reproduction itself is not only art – as Hans Arp puts it: “We do not want to reproduce, we want to produce, like a plant which produces a fruit” (Paldam, 2015, p. 97).

¹⁰ To this regard see my essay: *In search of the Self, through paintings-beyond paintings: Dino Valls*. Proceedings of the Conference: *How and where are we going?*, Finance University, Faculty of Philosophy, Moscow. Retrieved May 17, 2019, from: https://www.academia.edu/39176029/In_search_of_the_Self_through_paintings-beyond_paintings_Dino_-_Valls.

In conclusion, surrealist painters by incessantly glimpsing and reproducing the unconscious, become familiar with the recesses of it. They manage to have a symbiosis with their inner world, as they break down, step by step, the barriers that separate the conscious and the unconscious.

Therefore, surrealist painting is a sophisticated exercise of interaction with the unconscious, which in turn is not merely a source of creativity and inspiration, but rather an indicator of what lies behind the conscious wall. Surrealist art unveils a marvellous invisible world, which, amid archetypes and shadows, lives within.

REFERENCES

- Adonis (2016). *Sufism and Surrealism*. London: Saqi Books.
- Assagioli, R. (1993). *Psicosintesi*. Roma: Astro-labio.
- Bradley, F. (1997). *Surrealism*. London: Tate Publishing.
- Breton, A. (1935). *Position Politique Du Surréalisme*. Paris: Sagittaire.
- Breton, A. (1969). *Manifestoes of Surrealism* (R. Seaver & H. R. Lane, Trans.). Ann Arbor: The University of Michigan Press.
- Caws, M. A. (2010). *Surrealism*. Abridged: Phaidon Press.
- Chodorow, J. (1997). *Introduction to Jung on Active Imagination*. Princeton: Princeton University Press.
- Eimert, D. (2013). *Art of the 20th Century*. New York: Parkstone.
- Ellenberger, H. (1970). *The Discovery of the Unconscious: The History and Evolution of Dynamic Psychiatry*. New York: Basic Books.

- Gualdoni, F. (2008). *Surrealism* (Ch. Evans, Trans.). Milano: Skiria.
- Jung, C. G. (2009). *The Red Book*. New York: W. W. Norton & Company.
- Nadeau, M. (1989). *The History of Surrealism*. Harvard: Belknap Press.
- Paldam, C. S. (2015). *Art, Technology and Nature: Renaissance to Postmodernity*. Routledge: London.
- Recalcati, M. (2007). *Elogio dell'inconscio*. Milano: Bruno Mondadori Carl Gustav.
- Short, R. S. (1966). The Politics of Surrealism. *Journal of Contemporary History*, 1(2), 3-25.
- Teodorani, M. (2011). *Sincronicità. Il Legame Tra Fisica e Psiche da Pauli e Jung a Chopra*, Cesena: Macro Edizioni.
- Trabacchini, A. (2010). *Tele pazze per l'uomo saggio. Intervista a Dino Valls*. Retrieved April 03, 2020, from: <http://telepazze.blogspot.com/2010/04/intervista-dino-valls.html>.

NOTES TO CONTRIBUTORS

SUBMISSION

The publication fee for the articles accepted to publication in the scientific journal WISDOM is 400 USD.

There is **no fee** for the manuscript review. The manuscripts that pass the review process are being guaranteed to publication. On this issue, the authors receive an official letter. After receiving the official letter the author of the manuscript must make the online payment of publication fee (400 USD). Only after that, the manuscript will be accepted to publication.

Every submitted manuscript proceeds through a rigorous review process. The members of the journal reviewer's bank are committed to objective and fair double-blind peer reviews of submitted manuscripts and will evaluate manuscripts following:

- COPE politics
- Publication Ethics & Plagiarism Policy
- Open Access Policy.

For manuscript submission, it is necessary to register at the website: <https://wisdom-periodical.com/index.php/wisdom/submit>.

MANUSCRIPT MUST BE SUBMITTED

- in English,
- printed and in electronic versions: the author is obliged to guarantee the compliance of the manuscript to the topics of the periodical and provide the final copyright version,
- in Microsoft Office Word,
- page size - A4,
- font face - Times New Roman,
- footnotes should be given at the bottom of the page, references - at the end of the arti-

cle,

- font size for the text of the article - 12, for the footnotes - 10,
- line spacing for the text of the article - 1.3, for the footnotes - 1, first line - 0.8 cm.

ARTICLE LENGTH

Not exceeding 8000 words.

ARTICLE TITLE

- should outline the general scope of the article and not exceed eight words,
- uppercase,
- font size-14.

AUTHORS' DATA

- first name(s), last name(s), and CVs of the manuscript author(s)
- full name and postal address of each author's workplace, organisation,
- position, rank, academic degree,
- e-mail and phone number,
- the surnames and the first letter in names of authors should be full and in uppercase.

ABSTRACT

- should not exceed 200 words,
- should be informative and not contain general words and phrases,
- the abstract should describe the research and the results,
- should reflect the main content of the article taking into consideration the following viewpoints: subject, purpose, research results and conclusions,
- the information contained in the title should not be duplicated in the abstract,

- the abstract should provide a good perspective on the final message of the article.

INTRODUCTION should

- reflect the article's contribution to the scopes of philosophy and methodology of science,
- reflect the current concerns in the area,
- specify the research objectives.

CONCLUSIONS should be clearly formulated and presented.

KEYWORDS

- should be up to ten,
- should be separated by a comma.

REFERENCES

- The manuscript should be constructed according to the APA citation system. For instance: (Soros, 2001, p. 10) (Toulmin, 1958, pp. 56-57) (Hilbert & Bernays, 1934).
- The Latin transliteration of all the non-Latin-lettered references should be included as well. For instance:
Бругян, Г. А. (1992). *Очерк теории аргументации*. Ереван: Изд-во АН Армении.
Brutian, G. A., (1992). *Ocherk teorii argumentatsii* (Outline of Argumentation Theory, in Russian). Yerevan: NAS RA Publication.

For a book by a single author:

Toulmin, S. E. (1958). *The Uses of Argument* (updated ed., 2003; reprint, 2006). New York: Cambridge University Press.

For a book by two authors:

Calfee, R. C., & Valencia, R. R. (1991). *APA guide to preparing manuscripts for journal publication*. Washington: American Psychological Association.

For a book by an editor:

Ayer, A. J. (Ed.). (1959). *Logical Positivism*. Glencoe, Illinois: The Free Press.

For an article in a journal:

Jacoby, W. G. (1994). Public attitudes toward government spending. *American Journal of Political Science*, XXXVIII(2), 336-361.

For a book section:

O'Neil, J. M., & Egan, J. (1992). Men's and women's gender role journeys: A metaphor for healing, transition, and transformation. In B. R. Wainrib (Ed.), *Gender issues across the life cycle* (pp. 107-123). New York: Springer.

For an article in a periodical:

Djidjian, R. Z. (2016). Paradoxes of Human Cognition. *Wisdom*, 7(2), 49-58.

In case of citing various works of the same author published in the same year, it is necessary to apply to a letter differentiation method, i.e. a, b etc.:

(Hovhannisyan, 2006^a; Hovhannisyan, 2006^b; Hovhannisyan, 2006^c).

For a website publication:

Texts of the articles submitted in a website usually vary from their printed versions that is why in case of citing the latter website versions, it is necessary to indicate the appropriate electronic address, moreover, the citation of the printed version is not accepted:

- Djidjian, R. Z. (2015). Understanding Capacity as the Principle Difficulty in Building Artificial Intellect. *WISDOM*, 4(1). Retrieved May 26, 2016, from: <http://www.wisdomperiodical.com/index.php/wisdom/article/view/115>.
- Djidjian, R. Z. (2016). Paradoxes of Human Cognition. *WISDOM*, 7(2), 49-58. doi:10.24234/wisdom.v2i7.137.

GRAPHS AND DIAGRAMS

If the manuscript contains non-alphabetic characters (e.g. logical formulae, diagrams) then:

- the PDF version of the text should be attached for the demanded verification,
- all the images (diagrams, line drawings and photographic images) should be numbered sequentially with Arabic numerals and submitted in electronic form,
- photo images should be of high quality,
- all the images should be attached as separate files,
- diagrams, line drawings, charts should be submitted in EXCEL or EPS format.

VARIOUS KINDS OF MANUSCRIPT

FORMATTING PECULIARITIES

Publication of Archive Materials and Translation Sources

- A complete description of archive or publication material, according to which the translation has been done, should be comprised in the manuscript.
- A brief prologue under the title *Publication Prologue* may precede the publication (1-3 pages long, approximately 4000 characters). Long prologues are regarded articles and should be written under separate titles.
- If the publishing source contains references, they are presented as a part of a body text and are each numbered sequentially and precede the body text-source.
- Publisher or translator may present references about the publishing source at the end of a body text.
- Via the references one may present foreign word translations, explanations of abbreviations etc. contained in the text may be present-

ted in the source text in square brackets.

- It is advisable to choose up to 40.000 character source for the published materials in the periodical. In case of an abundant source, it is necessary to shorten (select) for preparing material for the periodical.
- Translations and archive sources should have enough comments and full introductions; otherwise, they could not be considered scientific publications and could not be submitted for publication.

Essays of various symposiums and scientific events

- Information about the symposium organisers, place and time should be included in the paper.
- The symposium members' name, surname, workplace and city (in brackets) should be mentioned, and in the case of international symposiums, the name of the city is also included.
- Essays should not coincide with the symposium projects or their final documents.

Reviews and bibliographical essays

- The length of a review should be from 5-10 pages (10.000-20.000 characters).
- Final information, name of a publication and number of pages of a studied book should be presented before the body text.
- References are not included in the review.

Argumentative notes, essays, records

Materials that are composed in free writing style and are free of particular requirements for scientific articles are accepted for publication. Such kind of works cannot be involved in the official records on scientific work as a scientific publication.

AUTHORS

Hafiza BAICHOROVA is Lecturer in the Department of Russian Language at Military Academy of Logistics-Technical Support, Russia. Her areas of interest include quality of education, military pedagogy and psychology. Hafiza Baychorova is the author of more than 30 scientific publications among them 2 collective monographs and 19 articles in scientific journals recommended by the HAC. Recent publications: “Theoretical Justification for Continuity Formation of other Language Communicative Competence to Foreign Cadets by the Concurrent Pedagogical Management of Russian-Language Educational Micro-Media”, “Assessment Technique of the Mediated Pedagogical Management of the Russian-Speaking Educational Media Microenvironment in the Foreign Military Personnel during their Absence”.

E-mail: baj-hafizka@mail.ru

Natalia BIGUNOVA (Dr. of Science in Philosophy) is Professor at the Chair of Theoretical and Applied Phonetics of the English Language, Odesa I. I. Mechnikov National University, Odessa, Ukraine. Her areas of interest include pragmatics, cognitive semantics, axiology, discourse studies, phonostylistics. Bigunova is the author of a monograph and 80 scientific articles. Recent publications: “Positive Evaluation: From Cognitive Judgment to Communicative Utterance”, “Cognitive Pragmatic Regularities in Communicative Manifestation of Positive evaluation”, “Illocutionary Aims and Perlocutionary Effect of Praise and Compliment Speech Acts in Modern English Literary Discourse”, “Paraverbal Means Expressing Positive Evaluation in English Film Discourse”, “Status and Gender Relationship of Compliment and Flattery Speech-Act Participants”.

E-mail: natalbig@ukr.net

Anna BOBUNOVA Senior Lecturer at RUDN University, Department of Foreign Languages, Agrarian Technological Institute, Moscow, Russia. Her areas of interest include the development of moral qualities of ESL learners, integration of ICT and linguistics. Publications: “Integration of Linguistic and Aesthetic Education: An Integrated Cultural Approach for Teaching Medical English”, “Development of Middle School Students’ Moral Qualities and Aesthetic Features in E-Learning Language Courses”, “The Use of Moodle in Teaching a Foreign Language: Development of Moral and Aesthetic Qualities of Students”. Ms. Bobunova is a member of the committee conducting linguistic competitions among Moscow secondary school.

E-mail: bobunova2011@mail.ru

Aisana BOLDYREVA is Lecturer at People’s Friendship University of Russia, Department of Foreign Languages, Agrarian Technological Institute.

E-mail: aisana.boldyreva@mail.ru

Vladislav BORANENKOV is English and French languages Lecturer at RUDN University, Department of Foreign Languages, Agrarian Technological Institute, Russia. His areas of interest include foreign language teaching methods, translation theory and practice, linguistics, cross-cultural communication.

E-mail: boranenkov_vk@pfur.ru

Roman BULAT (Dr. of Science in Pedagogy) is Associate Professor, the Head of the Department of Pedagogy and Psychology of Extreme Situations Saint-Petersburg University of GPS of EMERCOM of Russia. His areas of interest include personnel management, quality of education, military pedagogy and

psychology, clerical work. Bulat is the author of 6 monographs and 117 scientific articles. Recent publications: “Management of Personnel in Construction”, “Unification of the Quality Management of Vocational Training in Military Technical Colleges”, “Legal Norms and Psychological Support of Personnel Management in Construction”.

E-mail: bulatrem@mail.ru

Alena BULATETSKAIA (PhD in Sociology) is Associate Professor of the Department of Sociology at Perm State National Research University, Perm, Russia. Her areas of interest include intellectual potential, knowledge studies, cognition processes, social transformation, personality development. Bulatetskaiya is the author of 2 monograph and 11 scientific articles. Recent publications: “Risks in the Management of Corporate Intellectual Potential”, “Life Cycle of Reproduction of Intellectual Potential of Personality”, “Scientific Knowledge as a Factor of Social Transformations of a Modern Society”.

E-mail: alena.bulatetskay@gmail.com

Yelena ETARYAN (Dr. of Science in Philology) is Associate Professor, lecturer of the Chair of German at Brusov State University, Yerevan, Armenia. Her field of research is modern German literature. Her research interests are metafiction and other forms of literary self-reference, functions and methods of literary self-reflection based on the texts of Thomas Mann and Günter Grass. Etaryan is the author of 1 monograph and more than 50 scientific articles.

E-mail: etaryan@mail.ru

Arusyak GEVORGYAN is a PHD student and a lecturer in the Department of Psychology at Kh. Abovyan Armenian State Pedagogical University and in the Department of Social Sciences and Psychology at the Police Educational Complex of RA, Yerevan, Armenia. The scope of scientific interests covers social psychology, the theoretical-methodological problems of legal psychology, and psychological peculiarities of human resources management. Recent publications: “Psychological Problems of the Activities of Officers of Internal Affairs in Extreme Situations”, “The Psychological Side of Maintaining the Characteristics of the Activities of Law Enforcement Officers”.

E-mail: gevorgyanarusyak-6@aspu.am

Lucio GIULIODORI (PhD, Dr. of Science in Philosophy) is Senior Lecturer of Italian at People’s Friendship’s University, Moscow, Russia. His areas of interest include the avant-gardes, Italian studies and perennial philosophy. He is the author of about thirty scientific articles. Recent publications: “Umbrian Futurist Landscapes: Gerardo Dottori’s Aeropainting”, “Paintings and Hallucinations: Giorgio De Chirico’s Aura”, “In Search of the Self, through Paintings-Beyond Paintings: Dino Valls”.

E-mail: luciogiuliodori@gmail.com

Hayk GRIGORYAN (PhD in Law) is the Chairman of the Investigative Committee of the Republic of Armenia, Third Class State Adviser of Justice. His areas of interest include criminal law, international criminal law, international public law, criminalistics, criminology. He is an author of 45 scientific articles and works.

E-mail: hayk.grigoryan@investigative.am

Anahit HAKOBYAN is PhD student at Yerevan State University, Faculty of Sociology, Chair of Applied Sociology, Armenia. She has been working as a lecturer at Brusov State University, Public communications technologies scientific-educational center, since 2016 and currently also teaches at Yerevan State

University, Faculties of Sociology and Journalism. Her areas of interest include media and communication studies, internet studies, civic participation, behavioral science. Recent publication: “Fake News and its Spread on Social Media”.

E-mail: anahit1989@gmail.com

Davit HARUTYUNYAN (PhD in Technical Sciences) is the founding partner of Davit & Partners Law Firm; as well as Director at Luys Foundation, Armenia. He has more than 20 years of professional experience and is well acknowledged in professional circles as one of the most experienced and accomplished lawyers in Armenia with rich and diverse qualifications, as well as unique insight into the legal field. His areas of academic interest include, *inter alia*, negotiations, logic, comparative law, constitutional law, private law, ethics and legal compliance. Harutyunyan is the author of two monographs and more than 20 scientific articles.

E-mail: davithar@gmail.com

Aghvan HOVSEPYAN (Dr. of Science in Law) State Counsellor of Justice, RA Honoured Lawyer. Former Prosecutor General, former Head of the Investigative Committee (Yerevan, Armenia). Full member of Academy of Documentaries, Security and Natural Sciences and international academies, member of RF Academy of Security, Defence and Legal Order Issues and RA Academy of the Problems of Humanism. Author of numerous scientific works, articles and monographs. He was honoured by several state, governmental, international, departmental awards.

Lilit KAZANCHIAN (PhD in Law) is the Director of the Institute of Philosophy, Sociology and Law of National Academy of Sciences (NAS) of the Republic of Armenia, Yerevan, Armenia; Her areas of interest include philosophy of law, theory of state and law, human rights, constitutional and international law. Kazanchian is the author of 4 monographs, 2 handbooks and 36 articles. Recent publications: “Features of the Presumption of Innocence in the Context of Rulings of the European Court of Human Rights”, “Fundamentals of Parliamentary Law in the Republic of Armenia”, “Main Issues of the History of Armenian Law”.

E-mail: lilit_law@mail.ru

Nonna KHACHATRYAN (PhD in Economics) is Assistant Professor at the department of Management and Business in Yerevan State University, Yerevan, Armenia. Her areas of interest include philosophy of economics, business management, economics theory, business administration, education management. Khachatryan is the author of 2 monographs and 68 scientific articles. Recent publications: “The Philosophy of Ethics Presence in the Management Activity”, “Effective Teaching Strategy in Doctoral Programs”, Economy Development and National Value Interdependence in Armenia”.

E-mail: nonnakhachatryan@yahoo.com

Igor KOLOSOV is postgraduate student of Chair of History of Law and State of the Institute of Law at Peoples’ Friendship University of Russia, Moscow, Russia. His areas of interest include legal philosophy, epistemology, consequentialism, history of philosophy, political and social philosophy, law and economics, history of legal thought, private law. Kolosov is the author of 16 scientific articles. Recent publications: “Political and Legal Consequences of Evolutionary Utilitarianism”, “Utilitarianism and John Roll’s Theory of Justice: Legal Aspects” and “Reception of Legal Ideas of J. Bentham and I. Kant in the Modern Utilitarianism Tendencies”.

E-mail: i.v.kolosov@yandex.ru

Inna KRAVETS is Senior Lecturer of Department of Ukrainian Culture and Language at National University “Odessa Maritime Academy”. Ukraine. The area of interest includes suggestive linguistics, onomastics, experimental studies of the language. Kravets is author of 3 monographs and 13 articles. Recent publications: “The Language Concept of W. von Humboldt in the Theory of the National Picture of the World” and “Actual Problems of Teaching the State (Ukrainian) Language in a Specialized School in Bilingualism Environment”.

E-mail: innkravets@gmail.com

Natalia KUTUZA (Dr. of Science in Linguistics) is Professor of Department of Applied Linguistics at Odessa I. I. Mechnikov National University, Ukraine. Her areas of interest include communicative suggestion, suggestive linguistics, neurolinguistics programming, influencing aspects of advertising discourse, experimental language studies, lexicography. Kutuza is the author of 9 monographs and 75 scientific articles. Recent publications: “Neuropsychophysiological Basis of Communicative Influence”, “The Pole of Advertisements in the Conditions of Eurointegration: Influencing Aspect”, “Communicative and Speech Influence: Differentiation of Concepts”, “Psychological Aspects of Communicative Impact: Theoretical Dimensions“, “Communicative-Speech Impact: Differentiation of Concepts”.

E-mail: kutuza@i.u

Yakov MARGULYAN (Dr. of Science in Sociology) is Professor of the Department of Human Resources Management at Saint-Petersburg State University of Economics, St. Petersburg, Russia. His areas of interest include social security, philosophy of education, management, sociology of organization, social technologies, public administration, and social policy. Margulyan is the author of 12 monographs and 36 scientific articles. Recent publications: “Social Regulation Mechanisms in the Post-Modern Changing World”, “Bases of Social Security of the Population of Russia”, “Sociology of Organization and Management”.

E-mail: margulyn@rambler.ru

Elena NOTINA (PhD in Linguistics and Translation Theory) is graduate of the Maurice Thorez Institute of Foreign Languages, Professor, the head of the Department of Foreign Languages at RUDN University. Her research focuses on comparative linguistics, translation theory and practice, cross-cultural communication. Elena has published over 200 scientific papers, including monograph “Translation and Scientific Communication” and manuscripts “Modern Scientific Communication and its Efficacy through the Prism of Science Education: Dialectic Interaction between Cognition and Discourse Phenomena”, “The Mosaic of Ecological Discourse in the Light of Translation Studies and Cognition”, both in collaboration with Nebojša Radić, Director of Cambridge University Language Programmes.

E-mail: lena.notina@yandex.ru

Kadzhik OGANYAN (PhD, Dr. of Science in Philosophy) is Professor of the Department of Social and Humanitarian Disciplines at the National State University of Physical Culture, Sports and Health named after P. F. Lesgaft, St. Petersburg, Russia. His areas of scientific interest include synergetic philosophy of science, the methodology of scientific researches, human philosophy. Oganyan is the author of 10 monographs and more than 200 scientific articles. Recent publications: “Synergetic Philosophy of History”,

“Personality’s Philosophy”, “Social Innovation in Human Research Management”, “Philosophy and Methodology of Social Science”.

E-mail: koganyan53@mail.ru

Vladimir OGORODNIKOV (PhD, Dr. of Science in Philosophy) is Professor of the Department of Training and Professional Excellence of Teachers in the Educational Institutions of the Ministry of Defence of the Russian Federation - Military Space Academy A. F. Mozhaisky, St. Petersburg, Russia. He specializes in the problem of determinism. He is the author of 11 monographs and 190 articles. Recent publications: “History and Philosophy of Science”, “The Problem of the Criterion of Truth and Pseudoscience”, “Philosophical Problems of Space Exploration”, “Economic, Political and Ideological Determinants of Modern War”.

E-mail: ogo-vladimir@yandex.ru

Ganna OLIINYK (PhD in Philology) is Senior Lecturer at the English Language in Ships’ Engineering Department, National University “Odessa Maritime Academy”, Odessa, Ukraine. Her areas of interest include cognitive linguistics, communicative linguistics, pragmatics, phonostylistics. Oliinyk is the author of a dissertation and 7 scientific articles. Recent publications: “The Philosophical Reflection of Misunderstanding Phenomenon”, “Implicit and Explicit Communicative Means of Expressing Misunderstanding in Artistic Discourse”, “The Communicative Realization of Misunderstanding in English Artistic Discourse”, “The Frame Conflict as a Reason for Misunderstanding in Dialogue Communication”, “Explication of False Understanding and False Misunderstanding in Reproduced Discourse”.

E-mail: oliinyk.ha@gmail.com

Natella PAVLENKO is a postgraduate student of the Department of Social Philosophy and Administration at Zaporizhzhia National University, a Lecturer of the Department of Social Studies at Zaporizhzhia State Medical University, Ukraine. Her areas of interest are social philosophy, philosophy of medicine, philosophy of history. N. Pavlenko is the author of 8 scientific articles. Recent publications are “Wealth Perception in the Preindustrial Era: Social and Value Aspects”, “Socio Cultural Nature of Wealth Phenomenon”, “The Wealth Phenomenon Essence”.

E-mail: vnatellav@gmail.com

Nadezhda POKROVSKAIA (Dr. of Science in Sociology) is Professor of the Human Philosophy Institute, Department of Public Relations and Advertising, at Herzen State Pedagogical University of Russia, St. Petersburg; Professor of the Peter the Great Saint Petersburg Polytechnic University, Russia. Her areas of interest include regulation, knowledge, argumentation theory, cognitive modelling, and digital economy. Pokrovskaia is the author of 27 monographs and 330 scientific articles. Recent publications: “Global Harmonization of Tax Regulation within Digital Economy of Knowledge”, “Educational Services for Intellectual Capital Growth or Transmission of Culture for Transfer of Knowledge - Consumer Satisfaction at St-Petersburg Universities”.

E-mails: nnp@herzen.spb.ru, nnp@spbstu.ru, nnp@europe.com

Hrachya SARGSYAN graduated with a Bachelor’s Degree in Foreign Regional Studies from St. Petersburg State University of Economics and a Master’s Degree in Economics and Management of the Faculty of Economics and Management from Yerevan State University. Currently he is doing MA in Cultural

Studies in the Faculty of Humanities of Javakhishvili Tbilisi State University. His scientific interests are regional and world economics and philosophy of economics.

E-mail: hrachyasargsyan9@gmail.com

Olena SELIVANOVA (Dr. of Science in Philology) is Professor at the Chair of Translation Theory and Practice, The Bohdan Khmelnytsky National University of Cherkasy, Ukraine. Her areas of interest include communicative linguistics, cognitive linguistics, text linguistics, onomasiology. Recent publications: “Linguistic Encyclopedia”, “The Basis for the Theory of Speech Communication”, “The World of Conscience in Language”, “Modern Linguistics: Trends and Problems”.

E-mail: oselivanova@ukr.ne

Konstantin SIGALOV (PhD in Philosophy, Dr. of Science in Law) is Professor of the Chair of Theory of State and Law of Kikot Moscow University of the Ministry of Internal Affairs of Russia, and the Chair of History of Law and State of the Institute of Law Peoples’ Friendship University of Russia Moscow, Russia. His areas of interest include legal philosophy, political and social philosophy, history of philosophy, civil society, theory of law. Sigalov is the author of 9 monographs and 213 scientific articles. Recent publications: “Gnoseological and Mental Grounds of Legal Consciousness”, “Time in the Concept of Historical Methodology”.

E-mail: sigalovconst@mail.ru

Alla SINITSYNA (PhD in Philosophy) is an Associate Professor of the Department of Ukrainian Studies and Philosophy at Ivano-Frankivsk National Medical University, Ivano-Frankivsk, Ukraine. Her areas of interest are philosophy, religious studies, study of the activity of little-known figures of Ukrainian philosophers. Sinitsyna is the author of more than 40 scientific articles. Recent publications: “The Phenomenon of Health and a Healthy Nation”, “Humanistic Projections of the Education of Peter Lodius”, “Ukrainian Romanticism - Present and Realities”.

E-mail: aljusha25dozent@gmail.com

Svetlana SNISARENKO (PhD in Sociology) is Associate Professor of the Department of Management of Personnel at Saint-Petersburg University of Management Technologies and Economics, St. Petersburg, Russia. Her areas of interest include social technologies, social policy, human capital, institutional approach, sociological study of community, and social responsibility. Snisarenko is the author of 3 monograph and 14 scientific articles. Recent publications: “Social Engineering and Digital Technologies for the Security of the Social Capital Development”, “Institutional Confidence and Economic Intelligence for the Performance at Macro and Micro Networks”, “Human Capital in the Social Development of a Modern Organization”.

E-mail: sos60@inbox.ru

Natalia SPYTSIA (PhD in Philosophy) is Associate Professor of the Department of Social Studies at Zaporizhzhia State Medical University, Zaporizhzhia, Ukraine. Her areas of interest are social philosophy, philosophical anthropology, philosophy of medicine, bioethics, deontology in medicine. Spytisia is the author of more than 50 scientific articles. Recent publications are “Implementation of Humanistic Technologies in Education in Response to the Challenges of Time”, “Problems of Teaching Philosophy at Medical Universities: a Methodological Aspect of Consensus-Seeking”, “Existential Philosophy of N. I. Pirogov:

Non-Institutional Approach”, “Medicine and Philosophy: Methodological Synthesis of the Implementation of the New 4P-Paradigm”.

E-mail: spitsa16@gmail.com

Irina UTIUZH (Dr. of Science in Philosophy) is Professor, the head of the Department of Social Studies at Zaporizhzhia State Medical University, Zaporizhzhia, Ukraine. Her areas of interest include philosophy of medicine, social philosophy, philosophy of education, philosophy of science, logic. Irina Utiuzh is the author of 3 monographs, 1 textbook and more than 100 scientific article. Some recent publications are “Self-Caused Mental Disorders of the Era of Global Internet Communication. Medical and Philosophical Aspects”, “The Contours of Social Singularity: Existence in a Decaying State”, “New Standards of Social Singularity”, “Implementation of Humanistic Technologies in Education in Response to the Challenges of Time”.

E-mail: ytyh13@ukr.net

Lilit YEREMYAN (PhD in Law) is Senior Lecturer at the Chair of International Law at the Russian-Armenian University; Assistant to the President of Armenia (on legal matters and presidential initiatives), and ad hoc researcher at Davit & Partners Law Firm. Areas of her academic interest include comparative law, constitutional law, legal ethics, public international law. Yeremyan is the author of one monograph and 15 publications. Recent publications: *Persona Grata*, professional interview titled “IHL: A View from Armenia” in *Eurasian Law Journal* N9 (136) 2019; *Topical Issues of the Law of Armed Conflicts*, teaching manual, RAU publ. (2018) Yerevan.

E-mail: lilityer@gmail.com

ՎԻՍՊՈՄ

1(14), 2020

Լրատվական գործունեություն իրականացնող՝ «Խաչատուր Աբովյանի անվան
հայկական պետական մանկավարժական համալսարան» հիմնադրամ

Վկայական՝ № 03Ա1056715, տրված՝ 19.04.2016 թ.

Հասցե՝ Երևան 010, Տիգրան Մեծի 17

Համարի թողարկման պատասխանատու՝

գիտական պարբերականի գլխավոր խմբագիր Հասմիկ ՀՈՎՀԱՆՆԻՍՅԱՆ

Տպաքանակը՝ 200

Ծավալը՝ 184 էջ

ARCHBISHOP ARAKEL SYUNETSI (1350-1425)

Armenian bibliographer, master of acrostics, poet, philosopher, grammar and connoisseur and theorist, archimandrite, archbishop, 1407-1425. Metropolitan bishop of Syunik, Abbot of Tatev Monastery



The first pages of “Adam’s Book” circulated in 1799

Arakel Syunetsi received his education at the University of Tatev: he was the student of eminent of the time scholars Hovnan Vorotnetsi and Grigor Tatevatsi. He greatly contributed to the prosperity of the Scientific-educational center in Tatev. He dwelled on the major issues of national and religious traditions, Christian piety and morality. In ontological issues, particularly, the issues of theology and wisdom, faith and reasoning, correlations of concepts and material objects. Moreover, in epistemology, he was the partisan and promoter of the progressive nominalist and sensualistic ideas and traditions of Tatev School. He admitted the consistency of the thesis of cosmological proof of the existence of God. In socio-ethical domain, Syunetsi grounded his standpoints on the idea of free will: every evil and good is the result of the freedom of human actions and will. He was committed to the studies and further elaboration of Armenian historians’ writings on Hakob Mtsbnatsi, Gregory the Illuminator, Grigor Narekatsi. In his endeavors, he touches upon the “Song of Songs”. In his manual “Explanation of Grammar”, the grammatical system is observed as the forerunner of wisdom: he emphasizes the importance of the knowledge of different languages prioritising the knowledge of mother tongue. In 1407, he illuminated the Gospel written by his brother, martyr priest Barsegh.

Arakel Syunetsi was also interested in the issues of theory of music. His musical legacy comprises a number of songs that marked the pages of the New Age Armenian Literature. Some of them have survived to this day as the Armenian Divine Liturgy chants (“Gardener”). The liturgical chants by Syunetsi are not duly studied yet – the theory of music perspectives.

The works by Arakel Syunetsi are as follows:

- “Adam’s Book” (1403, republished in 1799) – written as a treatise including three poems with 1740 couplets of verse. The book is based on the biblical story of the fall of Adam and Eve disobeying God, their banishment from the Garden of Eden. Syunetsi describes the human suffering of the first human couple. “Adam’s Book” is a sample of the Paradise Lost poem of global coverage. “Adam’s Book” is also supposed to be presented as a musical mystery. The English translation of “Adam’s Book” was published in 2007 by Oxford University Press. The translation and the foreword were authored by Professor of Hebrew University Michael Stone (Michael E. Stone, “Texts and Concordances of the Armenian Adam Literature”, Society of Biblical Literature: Early Judaism and its Literature, 12; Atlanta: Scholars Press, 1996).
- In “Eden Book” – an endeavor with an immediate reference to “Adam’s Book”. Arakel Syunetsi appears to undertake human beings’ – banished from Heaven and doomed to suffering – return to the eternal paradise of heavenly blisses. In everyday language terms, he opposes the respective images and strives for good and sin.
- Educational poems dedicated to Jesus Christ, the Virgin, and the Saints,
- Acrostics about heavenly bodies,
- Issues of music theory and aesthetics – reflected in some parts of the work “Grammar Comments”.

TATEV MONASTERY



<http://ter-hambarzum.net/tatzevi-vankhi-patmuthyune-nkarner/>

The publication endeavoured by Khachatur Abovian Armenian State Pedagogical University Foundation
Certificate № 03A1056715, issued 19.04.2016
Address: 17 Tigran Mets Ave., Yerevan 0010, RA
Phone: (+374 10) 59 70 65; Fax: (+374) 59 70 08
E-mail: wisdom.periodical@gmail.com
Official webpage of Periodical: <http://wisdomperiodical.com>
Responsible for the issue: Hasmik HOVHANNISYAN, Editor-in-Chief
Print run: 200
Number of pages: 184