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# WISDOM



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Phone: +374 10 597 065;  
E-mail: hovhannisyanshsmik25@aspu.am; hovhannisyanshsmikh@gmail.com

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## EDITORS' FOREWORD

The philosophical community of Armenia is opportunely expanding and deepening the scope of contacts and quality cooperation with foreign colleagues, partners, and international organisations.

In June 2023, the Armenian Philosophical Academy (APA) was proud and delighted to gain full membership of FISP (Fédération Internationale des Sociétés de Philosophie/ International Federation of Philosophical Societies). We are proud to state that the Editorial Board of WISDOM and the scholars contributing to the journal have had a proactive role in this achievement.

The professional affiliation between APA and FISP can currently count on a considerable background history. In different years, the members of the Editorial Board of the journal WISDOM and the foreign members of APA, Professor Evandro Agazzi and Professor Peter Kemp, have chaired FISP. We are thrilled to inform our readers that the renowned philosopher, current President of FISP, President of the 25<sup>th</sup> World Congress of Philosophy and General Editor of the Journal Diogenes, Professor Doctor Luca Maria Scarantino, has honoured the Editorial Board of WISDOM with his engagement.

The present issue of WISDOM comprises valuable publications on the most recurrent, relevant and curious issues in the domains of science philosophy, methodology and epistemology, socio-political philosophy, educational sciences, language, law, religion, and art philosophies.

The geography of this volume's contributors is also quite impressive: Armenia, China, Indonesia, Malaysia, Russia, Spain, Ukraine, etc.

The increasing interest and positive feedback towards the papers published in WISDOM, together with the respective citations and mentions in other scientific publications, evidence the scholarly value and merit and positively motivate our contributors.

The Editorial Board extends the sincerest gratitude to all the authors, reviewers, professional critics, and assessors of the papers published here.

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 necessarily coincide with those of the Editorial Board.

*Editorial Board*

PHILOSOPHY OF SCIENCE, METHODOLOGY  
AND EPISTEMOLOGY

## AN AXIOMATIC SYSTEM OF PHILOSOPHICAL ONTOLOGY

Robert DJIDJIAN<sup>1,\*</sup>  | Hasmik HOVHANNISYAN<sup>1</sup> 

<sup>1</sup> Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Republic of Armenia

## \* Correspondence

Robert DJIDJIAN, 17, Tigran Mets ave. 0010, Yerevan, Republic of Armenia  
E-mail: r.djidjian@gmail.com

*Abstract:* For the first time in the history of philosophy, this article presents an axiomatic system of philosophical ontology intending to demonstratively solve “eternal” questions related to the most fundamental problems of human cognition of the natural (material) world. The corresponding system of axioms and definitions of philosophical ontology is proposed. Proofs of the first 20 theorems of axiomatic ontology are presented as solutions to traditional and modern *aporias* (incompatible alternatives) of ontology. Finally, the principles and most general laws of modern physics, including the Mircroworld and cosmology, are used as an empirical base of the theoretical system of philosophical ontology.

*Keywords:* philosophical ontology, axioms and definitions of ontology, *aporias* of ontology, theorems of axiomatic ontology.

## Introduction

The central structural part of modern philosophy, of course, is the theory of cognition. For this reason, we started our project of the axiomatic representation of philosophical knowledge with the theory of cognition, or epistemology (Djidjian & Hovhannisyanyan, 2023). This experience allowed us to undertake an axiomatic presentation of philosophical ontology with greater confidence. In the aspect of meta-theoretical and meta-philosophical research, we see the main advantage of the axiomatic representation in its argumentative power (Hovhannisyanyan, 2015; Hovhannisyanyan & Djidjian, 2017). Since we dwell on this aspect of the axiomatic method in our article mentioned above on axiomatic epistemology, here we confine ourselves to reminding that we will follow the traditional structure of the axiomatic presentation of the theory: an explicit for

mulation of the initial statements (axioms), definitions of the concepts used, and the derivation from axioms and definitions of consequences (theorems) using the rules of formal logic.

It is necessary to point out the next moment as well. We consider the criterion of success of the axiomatic presentation of philosophical doctrine to be the evidential resolution of the “eternal” questions of philosophy, which we present in the form of paradoxical questions (*aporias* - difficult questions in the Aristotelian understanding).

We also note that modern natural science’s corresponding general statements (principles, laws, provisions) serve as the initial empirical material for our construction of philosophical ontology.

Further presentation of the axiomatic construction of the ontology will proceed according to the following plan:

- explicit formulation of *aporias*, axioms, and

- definitions,
- detailed proof of theorems of axiomatic ontology,
  - comparison of proved theorems and corresponding *aporias*,
  - additional discussion of some of the difficulties of modern natural science concepts and hypotheses.

Let us start our enterprise with an explicit formulation of the traditional “eternal” questions of philosophical ontology - incompatible alternatives of possible answers.

*Aporia 1.* Is the world around us material, or rather it is based on ideas?

*Aporia 2.* Do the form and the matter have an independent existence, or instead, they exist as different aspects of the objects of reality?

*Aporia 3.* Is the source of motion an internal quality of matter, or rather motion in the world is provided by some external source?

*Aporia 4.* Is the motion contradictory by its very nature, or can we afford a non-contradictory description of motion?

*Aporia 4a.* Is Zeno’s “Arrow” *aporia* a reflection of the “dialectical contradiction,” or rather it is based on some logical error?

*Aporia 5.* Is space a receptacle for material bodies, or instead, space is a general characteristic of relations in the world of material objects?

*Aporia 6.* Is the Universe spatially infinite, or rather the world space is finite?

*Aporia 7.* Is matter infinitely divisible, or rather its truly indivisible bricks, “real atoms” exist?

*Aporia 8.* Does total determinism operate in nature, or only the average values of the characteristics of phenomena of reality are subject to determinism?

*Aporia 9.* Did the material world have a beginning in time, or instead, the world is eternal concerning the past and the future?

*Aporia 10.* Does the probability express our inability to describe natural phenomena unambiguously, or instead, physical interactions are probabilistic by their very origin?

*Aporia 11.* Is mechanical motion an attribute of matter, or instead, there are structures in the material world in which there is no mechanical motion?

*Aporia 12.* Is nature explicable based on a particular group of fundamental interactions, or rather principally, new scales of the natural world have their specific features and laws?

## Axioms and Definitions of Philosophical Ontology

*Axiom 1.* Existence is inherent, first of all, in the objects (things) of the external world.

*Axiom 1a.* Every existing object (thing) consists of something.

*Axiom 1b.* Every existing object can interact.

*Axiom 2.* All objects of the world are in constant change and motion.

*Axiom 2a.* The material world is eternal, has no beginning, and there will be no end.

*Axiom 3.* The source of any motion and change in the world is the interaction of material objects.

*Axiom 4.* The basic types of physical interaction are the eternal qualities of physical bodies (elementary particles).

*Axiom 5.* Objects of the world have extensions and are in a specific mutual arrangement.

*Axiom 6.* The phenomena of the world have duration and alternate.

*Axiom 7.* The influences of surrounding bodies on a given body are summed up and superimposed.

*Axiom 8.* The effect of numerous and variable factors can only be estimated statistically, on average.

*Axiom 9.* The interaction of elementary particles is characterized as probabilistic by their very nature.

*Axiom 10.* The world as a whole cannot be given to man in his empirical experience of limited space and time.

*Axiom 11.* Different scales of reality have principally different laws.

*Axiom 12.* Interactions and transformations of material objects comprise an infinite chain.

## Definitions

*Definition 1.* An object is a spatially separated material structure with a stable set of properties.

*Definition 1a.* Object 2 is a philosophical category for the subject of thought.

*Definition 2.* The category *form* denotes the set of essential properties of an object.

*Definition 3.* The *matter* is a philosophical category for designating *that from which* objects of the world are composed.

*Definition 4.* Form and matter are two exhaustive and complementary aspects of objects.

*Definition 5.* The essential properties of an object are those properties from the totality of which other properties, relations, and manifestations of the object follow.

*Definition 6.* The category “world” denotes the totality of all existing objects.

*Definition 6a.* The category “world” is equivalent to the expressions “material world,” “real world,” “outside world,” and “the world around us.”

*Definition 6b.* The world, considered in the aspect of ongoing physical interactions, is called nature or the physical world.

*Definition 6c.* The term phenomenon denotes a change in the material world (in nature).

*Definition 6d.* To exist means to be in interaction.

*Definition 7.* (Mechanical) motion is a change in the spatial position of objects.

*Definition 8.* Space is a philosophical category for expressing objects’ extension and relative position.

*Definition 9.* Time is a philosophical category for expressing the duration and alternation of phenomena.

*Definition 9a.* The infinite chain of interactions and transformations of material objects is called eternity.

*Definition 10.* Physical change is a concept denoting the ability to have a particular type of physical interaction.

*Definition 10a.* The unchanging and eternal quality of bodies is their inalienable quality.

*Definition 11.* An *attribute* is an internal, inalienable quality of bodies.

*Definition 12.* The cause of a phenomenon is the interaction that directly generates the phenomenon in question.

*Definition 12a.* The concepts “source of a phenomenon” and “cause of a phenomenon” are equivalent.

*Definition 13.* A set of objects and phenomena of the surrounding world that have a noticeable influence on the interaction under consideration form the *conditions* for its impact.

*Definition 14.* *Determinism* is the concept that a given cause produces the same effect under the same conditions.

*Definition 15.* A change leading to the appearance of a new object or phenomenon is called *emergence (genesis)*.

*Definition 16.* Development is a change in which

a qualitative improvement of some essential feature takes place.

*Definition 17.* “Nothingness” is that which, apart from nothing, does not contain anything.

## Derivation of Theorems

So, let us turn to a detailed derivation of consequences from the suggested system of axioms and definitions of philosophical ontology.

*Theorem 1.* The world is material.

Proof

Consider jointly Axiom 1a and Definition 3:

Axiom 1a. Every existing object (thing) consists of something. (1)

Definition 3. *The matter* is a philosophical category for designating *that from which* objects of the world are composed. (2)

Premises (1) and (2) directly imply:

Corollary 1. Every existing object (thing) is material. (3)

Let us use Definition 6:

Definition 6. The category “world” denotes the totality of all existing objects. (4)

From premises (3) and (4), we directly obtain:

Corollary 2:

The world is the totality of all material objects. (5)

This corollary is equivalent to the shorter formulation:

The world is material. (6)

Theorem 1 is proved.

*Theorem 2.* The world around us is material.

Proof

Consider jointly Definition 6a and Theorem 1 proved above:

Theorem 1. The world is material. (1)

Definition 6a. The category “world” is equivalent to the expressions “real world,” “outside world,” and “the world around us.” (2)

Premises (1) and (2) directly imply Theorem 2:

The world around us is material.

Theorem 2 is proved.

*Theorem 3.* Form and matter are complementary aspects of the objects (things).

Proof

Consider jointly Axiom 1 and Definition 4:

Axiom 1. Existence is inherent, first of all, in the objects (things) of the external world. (1)

Definition 4. Form and matter are two exhaustive and complementary aspects of objects. (2)

Premises (1) and (2) directly imply:

Form and matter are the two complementary aspects of existing objects. (3)

Theorem 3 is proved.

*Theorem 4.* The paradox of the finiteness of the world, formulated by Archytas, is resolved by the modern definition of space.

Proof

Consider the formulation of Archytas' paradox:

If world space is finite, then it must have a boundary. However, where will the spear that can be thrown by a person who has approached the border of the Universe? (1)

It follows directly from the formulation of Archytas' paradox (1) that space is understood in it as something substantial:

Space is the repository of all objects of the material world. (2)

Now let us use the definition of space accepted in the modern philosophy of physics:

Definition 8. Space is a philosophical category for describing objects' extension and relative position. (3)

It is obvious that statement (2) is incompatible with the modern understanding of space (3).

This contradiction refutes statement (2) and thus resolves Archytas' paradox.

Theorem 4 is proved.

*Theorem 5.* Zeno's aporia "Arrow" is resolved by defining (mechanical) motion as displacement during a non-zero-time interval.

Proof

Consider the formulation of Zeno's aporia "Arrow."

At each instant in time, the flying arrow is in some place in space; therefore, at each particular instant, the flying arrow is motionless. (1)

It is not difficult to show that "instant of time" in Zeno's argument means zero-time interval. (2)

Indeed, if the "instant of time" in Zeno's aporia "Arrow" meant a non-zero interval of time, then during this interval, the flying arrow would have moved. This motion would disprove Zeno's argument (1) that at every "instant of

time," the flying arrow is in some place in space.

On the other hand, since Zeno understands the "instant of time" as the zero-time interval, he cannot assert that the arrow is motionless during the zero-time interval. Therefore, whether the arrow is moving or not can only be determined by setting the motion of the arrow during a non-zero interval of time, as required by Definition 7.

The unacceptability of argument (1) resolves Zeno's aporia "Arrow."

Theorem 5 is proved.

*Theorem 6.* Zeno's aporia "Achilles and the Tortoise" is not a paradox because his argument represents the time interval for which Achilles will catch up with the tortoise in the form of an infinite series. However, this series is a convergent series, the sum of whose terms gives a finite value.

Proof

Consider the formulation of Zeno's aporia "Achilles and the Tortoise":

"Let the quick-footed Achilles be at point A, while the slow tortoise is located a few steps at point B ahead of Achilles. To catch up with the tortoise, Achilles from point A must go to point B. The tortoise from point B will move to point C during this time. When Achilles reaches point C, the tortoise will already be at another point D, and so on *ad infinitum*. (1)

To analyze Zeno's reasoning, let us denote the initial distance AB between Achilles and the tortoise by  $L_1$  and the ratio of the speed of Achilles  $V_1$  to the speed of the tortoise  $V_2$  - by  $N$ , that is,  $V_1 = NV_2$ . (2)

The time interval for which Achilles will cover the distance  $L_1$  from point A to point B will be  $T_1 = L_1 / V_1$ . (3)

During this time interval, the tortoise will move from

point B to point C at a distance  $L_2 = T_1 \times V_2 = (L_1 / V_1) \times V_2 = L_1 / N$ . (4)

When Achilles moves from point B to point C, he spends time  $T_2 = L_2 / V_1$ . Substituting here the value set in (4) for  $L_2 = L_1 / N$ , we obtain  $T_2 = (L_1 / N) / V_1 = (L_1 / V_1) / N = T_1 / N$ . (5)

By a similar elementary calculation for the next interval  $T_3$ , during which Achilles moves from point C to point D, we get  $T_3 = T_1 / (N)^2$ . (6)

The next intervals will be  $T_4 = T_1 / (N)^3$ ,  $T_5 = T_1 / (N)^4$  etc. (7)

Now we can sum up the terms of the series

described by Zeno:

$$T = (T_1 + T_2 + T_3 + T_4 + T_5 + \dots) = (T_1 + T_1/N + T_1/(N)^2 + T_1/(N)^3 + T_1/(N)^4 + \dots) \quad (8)$$

The expression in the last parenthesis is a geometric progression, a well-known convergent series, the sum of whose terms is easily calculated using the school formula. Thus, Zeno's expression "and so on to infinity" actually turns out to be finite time, which in the era of Zeno was unknown.

Theorem 6 is proved.

*Theorem 7.* The thesis of Kant's first antinomy about the spatial infinity of the world is resolved by pointing out the incompatibility of the substantial and relational concepts of space used in his argument.

Proof

Let us reproduce the argumentation of the thesis of Kant's first antinomy:

Let us assume that the world is spatially finite. (T<sub>1</sub>) Then, an empty out-of-world space would have to exist outside the world. (T<sub>2</sub>) But the idea of empty out-of-world space is incompatible with the very concept of space. (T<sub>3</sub>)" (1)

It is easy to see that from assumption T<sub>1</sub>, the conclusion of the statement T<sub>2</sub> can be carried out only on the basis of the *substantial* concept of space, which admits an empty world space outside the limits of the material world. (2)

In turn, it is easy to see that objection T<sub>3</sub> is based on the *relational* concept of space. (3)

Meanwhile, in the modern philosophy of natural science, it is established that the substantial and relational concepts of space are incompatible. (4)

The incompatibility of the substantial and relational concepts of space demonstrates the inconsistency of the argumentation of Kant's first antinomy thesis.

Theorem 7 is proved.

*Theorem 8.* The *antithesis* of Kant's first antinomy about the spatial finiteness of the world is resolved by pointing out the inaccuracy of his argument.

Proof

Let us reproduce the argumentation of the antithesis of Kant's first antinomy:

"Let us assume that the world space is infinite. (A1) Now, if we introduce some cubic measure of world space, then it will appear as an

infinite set of these "cubes." (A2), But since the world actually exists, this means that the considered infinite set of cubes also exists actually. (A3) Infinity, by its very definition, is potential and cannot be actual. (A4)" (1)

Actually, the statement (A2) of Kant's argument contains a significant inaccuracy. To get the "many cubes" of world space, you need to measure this volume. That is the "set of cubes" of the world space is not given to us actually but is formed as a result of the process of (mental) measurement of the world space, thus forming a *potential* infinity, contrary to Kant's statement (A2).

Theorem 8 is proved.

*Theorem 9.* The source of any motion and change in nature is an attribute of matter itself.

Proof

Consider jointly Axiom 3 and Axiom 4.

Axiom 3. The source of any motion and change in nature is the interaction of material objects. (1)

Axiom 4. Interaction is an internal, inalienable quality of material objects. (2)

Premises (1) and (2) directly imply:

The source of any motion and change in nature is the internal, inalienable quality of material objects. (3)

Let's use Definition 11 "Attribute of the matter is an internal, inalienable quality of material objects."

From the corollary (3) and Definition 11, it follows:

The source of all motion and change in nature is an attribute of matter itself. (7)

Theorem 9 is proved.

*Theorem 10.* The cause of motion in the material world is *the materia* itself.

Proof

Consider jointly Definition 12a and Theorem 9:

Definition 12a. The concepts "source of a phenomenon" and "cause of a phenomenon" are equivalent.

Theorem 9. The source of any motion and change in nature is an attribute of matter itself.

It follows directly from Theorem 9 proved above and Definition 12a:

The cause of all motion and change in the material world are the attributes of matter.

Or in the equivalent form:

The cause of all motion and change in the material world is materia itself. (The famous principle *Materia est causa sui*).

Theorem 10 is proved.

*Theorem 11.* The effect of the influence of the cause depends on the conditions of the influence.

Proof

Consider jointly Axiom 3 and Definition 6c:

Axiom 3. The source of any motion and change in the world is the interaction of material objects.

Definition 6c. A change in the material world (in nature) is denoted by the term phenomenon.

It follows directly from these premises:

The source of any phenomenon is a (concrete) interaction. (1)

Let's take a look at the cause:

Definition 12. The cause of a phenomenon is the interaction that generates the phenomenon under consideration. (2)

Premises (1) and (2) directly imply:

Every phenomenon is caused by a (concrete) interaction. (3)

Let us use the axiom about the imposition of the action of many bodies:

Axiom 8. The influences of other bodies on a given body are summed up and superimposed on each other. (4)

Premises (3) and (4) directly imply:

The primary influence that causes this phenomenon is superimposed by the influence of other (surrounding) objects. (5)

Let us draw the definition of the concept of condition:

Definition 13. A set of objects and phenomena of the surrounding world that have a noticeable influence on the interaction under consideration from the conditions of influence. (6)

Premises (5) and (6) directly imply:

The primary influence that causes this phenomenon is superimposed by the influence of conditions. (7)

Statement (7) immediately leads to a more concise conclusion:

The effect of the influence of the cause depends on the conditions of the influence. (8)

Theorem 11 is proved.

*Theorem 12.* There is no phenomenon without a cause.

Proof

Consider together Axiom 5 and Definition 6b:

Axiom 5. The material objects' interaction is the source of any motion and change in the world. (1)

Definition 6b. The world, considered in the aspect of ongoing physical interactions, is called nature or the physical world. (2)

Premises (1) and (2) directly imply:

The source of all motion and change in nature is the interaction of material objects. (3)

Let us use the definition of the phenomenon:

Definition 6c. The term phenomenon denotes a change in the material world (in nature). (4)

Premises (3) and (4) directly imply:

The source of every natural phenomenon is the interaction of material objects. (5)

Premise (5) directly implies:

Every natural phenomenon has a source. (6)

Let us use Definition 12a: The concepts "source of a phenomenon" and "cause of a phenomenon" are equivalent. (7)

Premises (6) and (7) directly imply:

Every natural phenomenon has a cause. (8)

This conclusion (8) is logically equivalent to the statement:

There is no phenomenon without a cause. (9)

Theorem 12 is proved.

*Theorem 13.* From "nothingness," nothing can arise.

Proof

Consider Definition 17:

"Nothingness" is that which, apart from nothing, does not contain anything. (1)

This definition directly entails:

"Nothingness" contains no source of change in the material world. (2)

Let us use Definition 15:

A change leading to the genesis of a new object or phenomenon is called emergence. (3)

From premises (2) and (3), it follows:

Nothing can arise from "nothingness" (*ex nihilo nihil fit*).

Theorem 13 is proved.

*Theorem 14.* The question of the origin of the world as a whole, in principle, cannot have a demonstrative solution within the framework of scientific knowledge.

Proof

Consider Axiom 11 about the relationship be-

tween the world as a whole and man:

Axiom 11. The world as a whole cannot be given to man in his limited empirical experience. (1)

It follows directly from this:

Science is not allowed to assert anything demonstrative about the world as a whole. (2)

Statement (2) can be given an equivalent formulation:

The question of the origin of the world as a whole, in principle, cannot have a demonstrative solution within the framework of scientific knowledge. (3)

It follows directly from this:

The origin of the material world can only be postulated.

Theorem 14 is proved.

*Theorem 15.* Zeno's aporia "Dichotomy" is based on the wrong understanding of convergent infinite series.

Proof

Zeno's argument goes like this: in order to traverse a path, one must first traverse the first half of it; and to go half-way, you must first go half a half; and so on *ad infinitum*. (1)

Let us analyze Zeno's argument. Consider an equivalent task of moving from point A to point B. Let us denote by the letter S the distance between the points A and B. To move from A to B, one has to pass half-way  $\frac{1}{2} S$ , then half of the half-way  $\frac{1}{4} S$ , and so on. The sequence of "halves of halves" builds a convergent infinite series  $\frac{1}{2} S, \frac{1}{4} S, \frac{1}{8} S, \dots$  (2). For Zeno and for any human without knowledge of convergent infinite series is quite clear that the sum of elements of convergent infinite series is infinite. But modern-time high school algebra teaches pupils that the sum of the elements of the convergent infinite series  $\frac{1}{2} S, \frac{1}{4} S, \frac{1}{8} S, \dots$  (2) is equal to S, a finite value. This simple algebraic knowledge refutes Zeno's argument.

Theorem 15 is proved.

*Theorem 16.* Kant's argumentation of the thesis of the temporal part of the first antinomy contains an erroneous proposition that deprives it of probative force.

Consider Kant's argumentation of the thesis of the temporal part of the first antinomy:

Thesis: The world has a beginning in time.

Assume the opposite: the world did not have a beginning in time. Then, up to any given instant of time, eternity elapsed, and, therefore, an endless series of successive states of things passed. But this would mean the completion of infinity, which contradicts the very essence of infinity as potency, as the possibility of an unlimited continuation.

Kant's reasoning sounds almost flawless here. However, the assertion of completeness, that is, the actual existence of an infinite series of past states of things, turns out to be erroneous. Here we can be helped by considering the following pair of similar cases. First, let's consider a series of natural numbers on the real axis, starting from 1 and moving toward positive infinity. This series of natural numbers is a potential infinity, which could be extended indefinitely. Quite similarly, the negative integers from -1 towards negative infinity form a potentially infinite series. That is, both the series of positive natural numbers increasing towards positive infinity and the series of negative integers towards negative infinity are potentially infinite. If we now replace the numerical axis with the time axis, then the sequence toward positive infinity will express the events of the future, and the sequence toward negative infinity will express the events of the past.

Consider now, in light of what has been said, the sequence of world events in the direction of the past. Here we need to understand that the number of world events of the past can be considered as extending in the direction of negative infinity without limit. *A series of past events toward negative infinity is also a potential infinity.*

Therefore, when we follow Kant's argument and assume that the world had no beginning in time, then we have no right to say that "eternity has elapsed" before any present time. It would be correct to say that the series of past successive states of things can be continued indefinitely, forming a potentially infinite series. Such a picture is entirely consistent with the concept of potential infinity and does not cause any contradiction or form any paradox.

The analysis carried out above demonstrates that the argumentation of the thesis of the first antinomy's temporal part contains an erroneous provision that deprives it of probative force.

Theorem 16 is proved.

*Theorem 17.* Kant's argumentation of the antithesis of the temporal part of the first antinomy contains an erroneous proposition that deprives it of probative force.

Consider Kant's argumentation of the antithesis of the first antinomy:

*Antithesis.* *The world has no beginning in time.*

*Assume the opposite: the world had a beginning in time. Then we had to accept the existence of an empty pre-world time. But such a position completely contradicts the concept of time.*

Here the same error is repeated, which we revealed in the argumentation of the antithesis regarding the spatial extension of the world. Namely, the conclusion about the existence of empty pre-world time comes from a *substantial* understanding of time as a container of phenomena and events. While mentioning that the concept of the "empty pre-world time" contradicts the very essence of the concept of time, Kant comes from the *relational* concept of time, where time is inextricably linked with the phenomena of the material world.

Since the substantial and relational concepts of time are incompatible, this error demonstrates that the argumentation of the antithesis of the temporal part of the first antinomy is devoid of probative force.

Theorem 17 is proved.

*Theorem 18.* At the level of the Microworld, spatial relations, and mechanical quantities do not play a significant role.

*Proof*

Already at the level of processes in atomic nuclei, the description of physical states and interactions, as well as the theoretical explanation of the observed phenomena, is carried out in terms of energy characteristics without any use of spatial relations and mechanical quantities.

Theorem 18 is proved.

*Theorem 19.* At the level of elementary particles, the concept of the spatial structure of particles cannot be applied.

*Proof*

The assumption of the spatial structure of elementary particles leads to a contradiction with the data on the interaction of elementary particles at high kinetic energies. It has been reliably established that the collision of two high-energy

particles can produce particles whose mass is much greater than the masses of the initial interacting particles. Assuming that the produced particles were in the structure of the original particles, we come to the logically contradictory conclusion that particles with a small mass contained particles with a superior mass.

Theorem 19 is proved.

For the convenience of the reader, we compile the list of proven theorems:

*Theorem 1.* The world is material.

*Theorem 2.* The world around us is material.

*Theorem 3.* Form and matter exist insofar as they are sides of the objects of reality.

*Theorem 4.* The paradox of the finiteness of the world, formulated by Archytas, is resolved by the modern relational definition of space.

*Theorem 5.* Zeno's aporia "Arrow" is resolved by defining (mechanical) motion as displacement during a *non-zero-time interval*.

*Theorem 6.* Zeno's aporia "Achilles and the Tortoise" actually is not a paradox.

*Theorem 7.* The thesis of Kant's first antinomy about the spatial infinity of the world is resolved by pointing out the incompatibility of the substantial and relational concepts of space used in his argument.

*Theorem 8.* The antithesis of Kant's first antinomy about the spatial finiteness of the world is resolved by revealing the fallacy of his argument.

*Theorem 9.* The source of any motion and change in nature is the attribute of matter itself.

*Theorem 10.* The cause of motion in the material world is matter itself.

*Theorem 11.* The effect of the influence of the cause depends on the conditions of the influence.

*Theorem 11a.* The effect of the interaction that causes the phenomenon under consideration can only be estimated statistically, only on average.

*Theorem 12.* There is no phenomenon without a cause.

*Theorem 13.* From "nothingness," nothing arises.

*Theorem 14.* The question of the origin of the world as a whole, in principle, cannot have a demonstrative solution.

*Theorem 14a.* The origin of the material world can only be postulated.

*Theorem 15.* Zeno's aporia "Dichotomy" concerns the divisibility of a segment of the path

but has nothing to do with the problems of physical motion.

*Theorem 16.* Kant's argumentation of the *thesis* of the temporal part of the first antinomy contains an erroneous proposition that deprives it of probative force.

*Theorem 17.* Kant's argumentation of the *antithesis* of the temporal part of the first antinomy contains an erroneous proposition that deprives it of probative force.

*Theorem 18.* At the level of the Microworld, spatial relations, and mechanical motion do not play a significant role.

*Theorem 19.* At the level of elementary particles, the concept of the spatial structure of particles cannot be applied.

### Answers to the *Aporias* of Ontology

The axiomatic system proposed in this article gives the following demonstrative answers to the questions of the *aporias* of ontology.

The answer to *Aporia 1* ("Is the world around us material, or rather it is based on ideas?") is given by Theorem 1 ("The world is material").

The answer to *Aporia 1a* ("Is the eternity of the world based on the eternity of ideas, or rather the eternity of the world is based on the eternity of matter?") is given by Axiom 2a ("The material world is eternal, had no beginning and there will be no end to it").

The answer to *Aporia 2* ("Do form and matter have an independent existence, or rather the form and the matter exist only as separate sides of objects of reality?") is given by Theorem 3 ("Form and matter have existence only insofar as they are sides of objects of reality").

The answer to *Aporia 3* ("Is the source of motion an internal quality of matter, or rather the motion in the world is provided by some external source?") is given by Theorem 4 ("The source of any motion and change in the world is an internal quality (*attribute*) of matter").

The answer to *Aporia 4* ("Is motion contradictory by its very nature, or rather a non-contradictory description of motion is possible?") is given by Theorem 5 ("Zeno's *Aporia* "Arrow" is resolved by defining (mechanical) motion as displacement during a non-zero-time interval").

The answer to *Aporia 5* ("Is space a recepta-

cle for material bodies and phenomena, or rather space is a general characteristic of relations in the world of material objects?") is given by Axiom 5 ("Objects of the external world have an extension and are in a certain mutual arrangement") and Definition 8 ("Space is a philosophical category for expressing the extension and relative position of objects").

The answer to *Aporia 6* ("Is the Universe spatially infinite, or the world space is finite?") is given by Axiom 10 ("The world as a whole cannot be given to man in his empirical experience of limited space and time").

The answer to *Aporia 7* ("Is matter infinitely divisible, or there are its "last," hereinafter indivisible bricks, "real atoms"?) is given by Axiom 11 ("At the level of principally new scales of the natural world, there are specific, irreducible features").

The answer to *Aporia 8* ("Does total determinism operate in nature or only the average values of the characteristics of objects and phenomena of reality are subject to determinism?") is given by Axiom 7 ("The influences of other bodies on a given body are summed up, superimposed") and Axiom 8 ("The effect of numerous and variable factors can only be estimated statistically, only on average").

The answer to *Aporia 9* ("Did the material world have a beginning in time, or rather the world is eternal both in relation to the past and the future") is given by Axiom 2a ("The material world is eternal, it had no beginning and will not have an end"), Theorem 14 ("The question of the emergence of the world as a whole, in principle, cannot have a demonstrative solution") and Theorem 14a ("The answer to the question on the beginning of the material world can only be postulated").

The answer to *Aporia 10* ("Does the probability express our inability to describe phenomena unambiguously, or rather there are initially probabilistic interactions operating in nature?") is given by Axiom 9 ("The interaction of elementary particles is characterized as probabilistic by their very nature").

The answer to *Aporia 11* ("Is mechanical motion an attribute of matter, or rather there are structures in the material world in which there is no mechanical motion?") is given by Theorem 18 ("At the level of the microworld, spatial relations, mechanical motion, and mechanical quan-

tities do not play a significant role”).

The answer of *Aporia 12* (“Is nature explicable on the basis of a certain group of fundamental interactions, or rather the principally new scales of the natural world have their specific features and laws?”) is given by Axiom 11 (“At the level of principally new scales of the natural world, there are specific, irreducible features”).

## Notes

*Note 1.* The authoritative “Stanford Encyclopedia of Philosophy” gives the following explanation: “*Ontology*, as etymology suggests, is the study of being, of what there is. The ontologist asks: What entities or kinds of entities exist? Are there abstract entities, such as sets or numbers, in addition to concrete entities, such as people and puddles and protons? Are there properties or universals in addition to (or instead of) the particular entities that, as we say, instantiate them?” (Bricker, 2016).

*Note 2.* Thomas Ainsworth (2020), in his review of the history of the discussion of the relationship between the philosophical categories of *form* and *content*, gives the following general assessment of Aristotle’s position: “Aristotle famously contends that every physical object is a compound of matter and form. This doctrine has been dubbed “hylomorphism,” a portmanteau of the Greek words for matter (*hylē*) and form (*eidos* or *morphē*). Highly influential in the development of Medieval philosophy, Aristotle’s hylomorphism has also enjoyed something of a renaissance in contemporary metaphysics”.

*Note 3.* Logicians and mathematicians found long ago that Zeno’s aporias receive an unambiguous resolution with the help of strict definitions and appropriate knowledge about the sum of terms of convergent infinite series. But in works where Zeno’s aporias are discussed at the level of philosophical reasoning without the use of clear definitions and without concretization of the context, Zeno’s aporias get such complex and confusing formulations that even logicians cannot cope with them (see Huggett, 2019).

*Note 4.* The historical confrontation between the relational and substantive concepts of space and time has given rise to a wide variety of ideas, approaches, and subtleties that are incredibly

hard to figure out (Torretti, 2000; Maudlin, 2012). Here is how a group of modern authors summarizes their vision of the current situation: “We will see that similar concerns pervade all these works: Is there any kind of privileged sense of motion: a sense in which things can be said to move or not, not just relative to this or that reference body, but ‘truly’? If so, can this proper motion be analyzed in terms of motions relative to other bodies – to some special body or the entire Universe, perhaps? (And in relativity, in which distances, times, and measures of relative motion are frame-dependent, what relations are relevant?) If not, then how is the privileged kind of motion to be understood as relative to space itself – something physical but non-material – perhaps? Alternatively, can some kinds of motion be best understood as not being spatial changes – changes of relative location or place – at all?” (Hoefer et al., 2023).

Only axiomatic ontology can resolve the situation.

Moreover, there is a fact that denies the concept of absolute space. This fact is that Lorentz’s transformations of coordinates are verified in 20<sup>th</sup>-century physics to an absolute degree. However, on the other hand, Lorentz transformations rigorously reject the concept of absolute space.

*Note 5.* Since the time of Aristotle, the daily rotation of the stars has been taken as unequivocal evidence of the existence of a stellar celestial sphere. Aristotle postulated that the stellar sphere is the boundary of the material world, outside of which there was no matter, no space, no time. Telescopes of modern astronomers “destroyed” the firmament, and Newtonian mechanics and Cartesian coordinate axes formed the belief in the spatial infinity of the world. Einstein’s concept of the unity of space, time, and the gravitational field allowed him to offer a fantastic model of a spatially finite but without a boundary.

Unfortunately, it was soon found that this model of the Universe is gravitationally unstable, subject to gravitational collapse. Moreover, the hypothetical model of the Big Bang (self-expansion of the world space) that replaced it faces the threat of observational refutation since ultra-distant galaxies have already been discovered whose age has come close to the hypothetical age of the Universe itself.

Today, it would be correct to admit that science is unaware of any observational data that

testify in favor of the spatial finiteness of the world. However, understanding the infinity of the Universe is a rather tricky task. The authors of the review article “Infinity” (Easwaran et al., 2021) conclude it with the following words: “We are well aware that our discussion of infinity is incomplete - but then, so is any such discussion. We take some comfort from the fact that it is impossible to give balanced coverage to a boundless set of issues in finite space. Nevertheless, ... overall, the prospects for our relationship with infinity are good: we can indeed live with it”.

*Note 6.* Since the end of the last century, observational data have appeared that needed to fit into the framework of the widely accepted theory of the Big Bang - the so-called lambda-CDM model. Initially, it was assumed that the self-expansion of the world proto-atom would eventually slow down and stop, and then a new phase of contraction would begin. Moreover, it could not occur to any supporter that the most distant galaxies can accelerate their movement. The discovery of such a radically contradictory fact would have to mean the complete unacceptability of the accepted Big Bang model concept. However, as has always been the case in the history of science, supporters of the lambda-CDM model began to come up with additional factors to save it. First, the idea of “dark matter” was proposed, and then the more radical (and less understood) idea of “dark energy” (Peebles & Ratra, 2003; Durrer, 2011). Quite naturally, articles like “The End of Cosmology” appeared in several journals (Krauss & Scherrer, 2008).

*Note 7.* The problem of knowing the Universe as a whole

One of the lessons of the history of science is the law of the different scales: “*Different scales of reality have principally different laws*” (Djidjian, 2002, p. 291). Just this law we have chosen as the Axiom 11 of our system of philosophical ontology. The term “scale” of reality that we use justifies itself verbatim when we compare the Mega-world and the Microworld with our surroundings – the Macroworld. At the same time, the difference in scale does not mean at all that worlds of different scales do not have common laws. Today, scientists are convinced that electric and gravitational charges operate in all worlds. At the same time, the quantum nature of radiation and absorption of energy manifests itself precisely at the level of atomic phenomena.

Hubble’s empirical redshift law prompts theorists to consider the possibility of the variability of physical constants on the scale of billions of years of time.

Of course, hasty interpretations contain a high probability of putting forward erroneous hypotheses. Niels Bohr and Werner Heisenberg were ready to abandon the newly born quantum mechanics in the name of a more striking revolutionary idea. Niels Bohr proposed that the fundamental law of conservation of energy might appear not necessary on the level of individual subatomic events. Werner Heisenberg considered the possibility of the “quantized” structure of space to build the theory of interactions of high-energy elementary particles.

The law of the different scales most vividly demonstrates itself in physical sciences. For example, the study of the atomic world revealed that even the conception of the space-time motion of bodies loses its meaning on this level.

Some scientists dream of developing “the theory of everything” and explaining the Universe as a whole, drawing its present picture and trying to reveal its genesis from the very “beginning.” Already Aristotle mentioned this peculiar human striving: “They wondered originally at the obvious difficulties, then advanced little by little and stated difficulties about the greater matters, e.g., about the phenomena of the moon and those of the sun and the stars, and the genesis of the universe” (Aristotle, ca. 350 B.C.E./n.d., A 2, 982 b11). For example, believing in the infinity of the Universe, Isaac Newton realized well that there was a complicated problem with the masses of innumerable stars creating infinite gravitational tension at any point in space.

Modern astrophysics has established that the observable Universe is a network of galactic filaments immersed in absolute emptiness (Tempel et al., 2014). So nothing prevents you from getting used to this bizarre picture of the Universe. Nevertheless, these filaments comprise billions of galaxies, and each galaxy contains, on average, billions of stars.

Let us also consider that at the level of galaxies, the only acting force is gravitational attraction. It becomes clear that no life span will be enough for humans to think up conditions under which gravity could compress the matter of the Universe into billions of billions of stars in thin galactic filaments spanning millions of

light years.

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## THE PROBLEM OF THE SUBJECT AND OBJECT OF COGNITION IN POSTNONCLASSICAL SCIENCE

Kadzhik OGANYAN<sup>1</sup>  | Vladimir OGORODNIKOV<sup>2</sup>  | Karina OGANYAN<sup>1,\*</sup>  |  
Kamilla PROZOROVSKAYA<sup>3</sup> | Victor BASHKIRTSEV<sup>2</sup> | Anatoly SOLOVYOV<sup>2</sup>

1 National State University of Physical Culture, Sports and Health named after P. F. Lesgaft, Saint Petersburg, Russian Federation

2 Educational Institutions of the Ministry of Defense of the Russian Federation - Military Space Academy A. F. Mozhaisky, Saint Petersburg, Russian Federation

3 St. Petersburg State University of Economics, Saint Petersburg, Russian Federation

\* *Correspondence*

Karina OGANYAN, 197 227, prospect Ispytateley, 8/2 – 62, Saint Petersburg, Russian Federation  
E-mail: karina\_oganyan@mail.ru

*Abstract:* The article clarifies the change in the content and essence of subject-object relations in different periods of the development of scientific knowledge. The analysis of the main interpretations of the concept of “subject” in post-nonclassical science is carried out. Attention is drawn to the negative consequences for scientific cognition of attempts on the one hand to break the irreducible unity of subject-object relations, and on the other - to bring this unity to a complete fusion of components. The authors, based on the evolutionary connection between the formation of human consciousness and cognition in the process of activity, reveal the main determinants of the evolution of subject-object relations.

*Keywords:* formation of consciousness, evolution of subject-object relations, stages of development of scientific cognition, cognizing subject, reflection, epistemological product, epistemological situation, cognitive process.

### Introduction

The problem of changing the subject of scientific knowledge at various stages of the development of science has become most acute in connection with the discoveries of natural science at the turn of the XIX-XX centuries. This problem becomes even more acute in the middle of the twentieth century, due to the emergence of a new unity of science and practice, marked by a scientific and technological revolution. From this moment, new scientific achievements begin to directly determine qualitative changes in the entire social production. These processes have been noted in the philosophy of positivism, pragmatism, structuralism and, finally, postmodernism. Each of

these philosophical schools has tried to solve the problem of the subject, method and object of cognition in its own way. But, all the new interpretations tended towards a subjective-idealistic interpretation of the process of cognition in general and scientific cognition in particular. All these philosophical trends are characterized by the rejection of the materialistic credo, according to which the essence of consciousness and cognition is associated with the idea of reflecting the material-objective in the ideal-subjective.

It should be noted that despite the successes of philosophical science in the study of the mechanisms of the evolution of scientific theories, types of knowledge, their genesis and relationship, further development and efforts of phi-

losophers and natural scientists are still required before we have sufficient knowledge about these processes.

The relevance of the chosen topic becomes especially clear when applied to those areas of science where there is no clear classification of types of knowledge, which leads to the identification of lower forms with higher ones. Theory is often replaced by less developed forms of knowledge: phenomenological construction - inductivism (Mill et al.), speculative concept - conventionalism (Poincare et al.), theoretical program - programmism (Lakatos et al.), theoretical scheme, theoretical hypothesis, false theory - falsificationism (Popper et al., etc.) (Oganyan & Ogorodnikov, 2019; Ogorodnikov & Oganyan, 2020; Oganyan et al., 2021).

The philosophical understanding of the nature of knowledge based on the principle of development, unlike all concrete scientific approaches, consists in recognizing it primarily as a special result of subjective-objective interaction - the process of reflection. In other words, knowledge is primarily an epistemological image (or, in general, a system of such images) (Oganyan, 1984). It is further clear that not every act of reflection as a reproduction of the quantitative and qualitative characteristics of the reflected and reflecting ends with the emergence of an epistemological image in general, knowledge in particular. At the pre-social levels of such interaction, various kinds of physical, chemical, physiological, etc. are produced, and in more complex situations - mental formations that correspond to their objects to one degree or another.

Knowledge, therefore, is really the result not of any reflective process, but only of one purely social in its essence, its form - cognition. Cognition, although, as a rule, it is defined again by the concept of "reflection", in fact, it is not reduced only to it. Its identification with a simple, direct reproduction of an object in mental structures leads to a completely unjustified broad interpretation of this process, which sometimes takes place even in the specialized literature.

Logically, this idea leads, ultimately, to the attribution of knowledge to animals. The specificity of social information is that, unlike the non-social (unconscious) information that animals possess, it is conscious, i.e. it represents self-reflection.

Cognition and its most important result -

knowledge, on the one hand, and reflection, on the other, do not completely coincide. Reflection is a phenomenon that is known to be much more widespread. "...It is logical to assume that all matter has... the property of reflection" (Lenin, 1968, p. 91). This property consists in copying what belongs to the object.

Reflection or mapping, taken from the procedural side, is, although defining, fundamental, but still only one side of the cognitive process. It should be borne in mind that "thought (= man) should not imagine the truth in the form of a dead calm, in the form of a simple picture (image), pale (dim) without aspiration, without movement..." (Lenin, 1968, pp. 176-177).

Cognition in a certain sense "goes" beyond selection. Its second important aspect is determined by the active, creative attitude of the knower both to the process of image formation and to relatively complete, different in their epistemological significance spiritual formations, since consciousness not only reflects the objective world, but also creates it.

The activity of the epistemological subject, manifested in real cognitive processes, can neither be absolutized (as representatives of classical idealism did) nor ignored, like the creators of pre-Marxist materialistic systems. Considering that objective results are the main strategic goal of cognition in general and scientific in particular, it should be borne in mind that the more the knowledgeable delves into the studied objects, the more complex the forms of reflection become. This complication occurs for a number of reasons, among which an increasing subjective interference occupies a special place. Only in the end, in the "sum", in the tendency, the objectivity of knowledge is achieved. That is why the explanation of cognitive forms - their nature, properties, content and external structure - cannot be given in the way of direct comparison with their sensory-empirical concrete objects, without taking into account the results of subjective mediation.

The objective grounds for the activity of the cognizing subject are rooted in the pre-social levels of reflection, where the structure and shape of the "copy", "impression", "snapshot" depend not only on the features of the displayed, but are essentially determined by the properties of the display. In knowledge, as a purely social process in its essence, this activity is derived

from the subject-practical activity of a concrete historical subject. "...People who develop their material production and their material communication also change their thinking and the products of their thinking along with this activity" (Marx & Engels, 1954, p. 25).

In a number of various ways of manifestation of the subject's activity in cognitive situations that somehow affect their results, his evaluative actions occupy a special place. These actions reflect the special attitude of the knower to the emerging epistemological images that arise during the application of socially developed standards and assessments to them.

It should be noted, that in Marxist literature, the value aspect of cognitive reflection was not immediately considered, since the theory of values was developed initially mainly applied to ethical and aesthetic problems. Because of the discussion that has developed in recent years, the thesis about the fundamental inclusion of evaluative components in cognition is not only not rejected, but also becomes generally recognized.

Since knowledge, like any image, is a product of display, so much is it characterized by adequacy - a certain degree of conformity to its object. The concept of adequacy in modern literature is often revealed using the general scientific terms "isomorphism" and "homomorphism". It is assumed that, firstly, the mapping is caused by the displayed, secondly, the relation of the image and the displayed is equivalent to the identity of structures and the one-to-one correspondence of their elements, and, thirdly, the components, which are in relation to isomorphism and homomorphism to the components of the displayed, are related to the latter similarity relation.

A certain degree of structural and qualitative conformity to the original is inherent in both mental and logical images and, together with them, the results of pre-social ways of reflection.

It is formed, although in the course of subjective-objective interaction, but in an objective way, i.e. without any special reflection on the part of the knower, without his special intervention, without awareness, without subjective mediation. Such an undetected and unapproved relation of the image to the displayed by the subject is sometimes called "truth -in -itself" (Smirnov, 1971, p. 86; Volov, 1983).

The ratio of the degrees of coincidence and discrepancy between the image and its object

corresponds to the dialectic of certainty and uncertainty. The fundamental incompleteness inherent in any image is its vagueness in the sense that this image did not reflect all the features, all the content displayed (Gott & Ursul, 1971, p. 51).

One or another combination of certainty and uncertainty inherent in the adequacy of the display, as the analysis of real epistemological situations shows, is determined not by one, but by a whole complex of complexly intertwining circumstances.

In the most general form, inadequacy," conditionally equated to uncertainty, arises during and because of the interaction of the subject and the object of cognition, more precisely, their mutual influence on each other. Firstly, based on the fact that, as modern science shows, the universal object of cognition is inherently characterized by uncertainty, and also taking into account the fact that the subject to one degree or another can adequately reproduce the features of the object, it is logical to conclude about the possibility and necessity of objective reproduction of objective uncertainty. This is especially noticeable when forming knowledge about objects or systems with so-called "probabilistic behavior".

A. D. Ursul (1975) writes: "Knowledge, if it adequately reproduces the object, should fix in its forms not only the definiteness of the object of knowledge, but also its definiteness. This uncertainty is not non-knowledge, but knowledge, more precisely, is as important a component of knowledge as its certainty" (p. 154).

Secondly, the emergence of uncertainty in the epistemological image is greatly facilitated by the active interactions of the subject with the object, especially noticeable at the modern level of scientific knowledge. The formation of an indefinite component of knowledge is influenced by the imperfection of the cognizing subject, which in some respects has an insufficiently high organization for the emergence of an adequate image in this situation.

The third circumstance is the presence of so-called "noise" in the theory of information, "interference" in the very process of reflection, manifested in the form of the influence of objects external to the cognitive process. It is impossible to refine cognition and present it as a pure subjective-objective relationship. Its fundamental inclusion in the network of natural and social

processes determines the constant occurrence of many “disturbances” leading to the deformation of this relationship, which has both positive and negative effects. Therefore, in one case, they lead to a distorted reproduction of the object, in the other; on the contrary, they contribute to increasing its accuracy and adequacy.

While epistemological images always include the unity of certainty and uncertainty, in specific cognitive situations, the role of these components is unequal and manifests itself in different conditions in different ways; in the sense, that one or the other comes to the fore.

The movement of knowledge is not only a transition from uncertainty to certainty - an increase in the degree of adequacy, but also a constant generation of new uncertainty. An increase in the specific weight of certainty increases the number of opportunities to identify uncertainty.

So, knowledge can be considered as a unity of certainty and uncertainty in the sense indicated here, and the latter is an indispensable condition for its development, an integral property that characterizes its adequacy and objectivity. Knowledge devoid of uncertainty, in principle, cannot be (although there may be knowledge where this uncertainty has not yet been identified). The clarification given here allows us to refer the term “knowledge” to the sphere of images that “do not fully adequately reflect reality.

*Results.* Thus, summing up the brief results of the knowledge analysis, its nature, its inherent properties, carried out here, we can conclude that it represents, like all other results of the cognitive process, an epistemological image. From epistemological forms close to him, he is distinguished by the unity of characteristics - truth and reliability (validity). Of course, these properties are not absolute, but relative, since they change, deepen (and sometimes are rejected altogether) with the constant changes in the ways and means of cognition and practical achievement in society peace, as well as with the reassessment of social, including epistemological values. In this connection, it is further clear that the scientific model of knowledge proposed here is a kind of epistemological ideal, which is actually achieved not at a particular stage of cognition and not by a separate individual, but only in a trend. In fact, in cognitive practice, it often appears in the form of its various modifications (including in the form of immature forms such as opinions, beliefs, as-

sumptions, guesses, prejudices, prejudices, or vice versa), in a more mature form - true beliefs, the consideration of which is not within the scope of our research.

## Discussion

Problems of the evolution of the subject of scientific knowledge (Stepin and Foucault). The rejection of the theory of reflection led to the rejection of the dialectical-materialistic doctrine of truth (as the theory of “correspondence”).

The gap between the theory of cognition and the theory of reflection caused fundamental changes in the worldview of many Western and Russian epistemologists. They have become objective idealists and have already published entire libraries of works in which they strive to show that a person receives all knowledge about the world and himself from some universal “information field” that governs the Universe. At the same time, the arguments put forward in favor of such a “concept” are no weightier than the speculative constructions of Plato, who postulated the “world of ideas”, or Descartes, who found (because of painstaking analysis of the brain of the deceased) a certain “pineal gland”, which he defined as a receptacle of “innate ideas”. Truly, “simplicity is enough for every wise man,” but with what pleasure serious scientists and philosophers reanimate these old mythologems.

One of the few, who tried to solve the problem of the evolution of the subject of scientific knowledge as the evolution of rationality, while remaining on a materialistic platform, was academician V. S. Stepin (1934-2018).

The periodization of the modern science evolution into classical, non-classical and postclassical science belongs to Stepin. The differences of the stages are characterized by different types of rationality, determined by different ratios of the subject, the instrument and the object of cognition at each of the stages (Stepin, 2000; *Man. The science. Civilization*, 2004).

It is very characteristic that V. S. Stepin says that a change in the types of rationality is determined by changes in the object being cognized, and not vice versa – a change in the subject (his mentality, value orientations, philosophical views and applied research methods, the structure of the language) determines a qualitative

change in the interpretation of the object. The latter approach is the basis of various subjective-idealistic concepts. For example, it is not by chance that M. Foucault calls one of his main works “Words and Things”, putting words ahead of things. In this work, he tries to prove that some “epistemes” as sign invariant linguistic structures formed at a certain moment in the development of the culture of a particular people determine the very possibility of cognition of something real. Epistemes are, according to Foucault’s own phraseology, peculiar “historical a priori” that make cognition possible as a priori forms of sensual contemplation in I. Kant.

In the New European culture, according to Foucault, there were three epistemes that acted as the foundations of three stages of cognition, as a connection of words and things:

1. renaissance in the XVI century defined the identities of words and words, until their complete interchangeability;
2. classical, characteristic of the rationalism of the XVII and XVIII centuries abolished the direct similarity of words and things. The word is connected with the word only by thought;
3. the modern episteme (functioning since the beginning of the XIX century, to this day) determines the ever-increasing separation of words from things and leads to the fact that the language acquires full independence closes on itself, becomes self-valuable (Foucault, 1966, pp. 318-320).

Thus, the modern episteme turns language into an object of cognition, into a thing that has a history of its existence. The problem of knowing this story comes forward in relation to the knowledge of some external things. Therefore, cognition of objective reality becomes practically a transcendent act. The cognition of the object is determined by the self-knowledge of the subject.

In addition, it is worth noting that Foucault, like many other linguistic structuralists, does not distinguish between a word and a concept. In the modern language, the word as an element of the language is a symbolic sign. This sign is connected with the concept that it represents only in a sign situation created by a person. Here, the role of a sign can be played by any element of objective reality accessible to sensation – sound, visual image, action (movement) or its absence, and the like. The element of thinking is not a

sign, but a concept reflecting the essential general characteristics of a certain class of moments of action.

Any concept does not exist a priori as some “innate idea” or “episteme”, but arises in the process of joint purposeful human activity, in which it is checked for compliance with what it reflects.

As can be seen from the analysis, Foucault’s position in determining the determinants of cognition is opposite to V. S. Stepin’s position. This opposition directly determines the opposite of the grounds for classifying historical periods of the development of scientific knowledge. The basis of any classification must be essential, that is, represent the essence of the classified. Foucault tries to connect the essence of scientific knowledge with a certain invariant linguistic structure and therefore offers a subjective-idealistic interpretation of the periods of the formation of science.

In contrast to Fuko, V. S. Stepin proceeds from the fact that the development of science is determined by the development of human activity, which encounters qualitatively new objects in its properties in this activity. The objects stimulate the development of technic, technology and methodology of cognition (Stepin, 2017, p. 6).

Describing the specifics of the subject of non-classical science, Stepin emphasizes that the cognizing mind is not distanced from the world here, as in classical science, but is determined by this world and is inextricably linked with it (Stepin, 2017, p. 11). Activity inextricably binds the subject and the object of cognition, preventing both their identification, merging to the point of non-discrimination, and their separation from each other, opposition. However, some modern authors, as we have already found out by the example of the concept of M. Fuko, fall into such extremes.

Today, there are many options for the absolutization of the role of the subject in the process of post-non-classical scientific cognition. All of them, one way or another, are based on the characteristics of the post-non-classical stage, which is given by V. S. Stepin. From his point of view, the rationality of post-classical science is determined by the complexity of the object with which it deals. This object is a complex self-organizing system, represented at all levels of the organization of matter – from Metagalaxy to human society. The knowledge of such systems

is possible only with the use of not only new tools and technology, but also a new methodology, including the development of new categorical matrices, such as the synergetic categories “self-organization”, “bi-furcation”, “attractor” (Branskij et al., 2018; Oganyan, Bransky, & Oganyan, 2018; Oganyan et al., 2018; Oganyan 2022; Oganyan & Branskij, 2018). The old categorical postulates - “causality”, “space-time”, “possibility and reality”, “necessity and chance” - are also subject to radical revision.

At the same time, at the point of bifurcation of the development of the system, a range of possibilities arises, the implementation of which also depends on the conscious intervention in the process of the researcher. The latter can create such external conditions under which only certain possibilities can be realized, and the entire other spectrum will be eliminated. Here one is tempted to interpret such an implementation as a subjective construction of the process itself.

However, such a model of the “construction” of the process is used throughout the history of purposeful human activity. The non-classical and post-non-classical stages of the development of scientific knowledge do not represent any exception here. Therefore, when primitive man processed a tree trunk with a stone knife-scraper, creating a pyrogu, each of his movements realized one of the possible changes in the surface of the tree. The result showed that the activity was guided by an idea-knowledge that adequately reflects all the main objective possibilities of changing this tree trunk, that is, true knowledge. No subjective arbitrariness in human activity is impossible, and subjectivism in cognition leads to confusion. Therefore, any considerations about the possibility of separating the subject of cognition from the object are groundless. The closer to subjectivity, the further from the truth.

In connection with the above, it is necessary to analyze the term of modern epistemology “empirical subject”. This term is interpreted as a return from an abstract subject of classical science to a specific cognizing person of a certain age, gender, specialization, hobbies, worldview, and value orientations, inscribed in a certain micro-socium. It is argued that all these characteristics must be taken into account when considering the process of cognition, since they have a significant impact on this process (Mikeshina, 2015). Of course, these characteristics affect the process

of cognition. If, for example, a scientist is a convinced pacifist, then he will shy away from developing a new perfect weapon of mass destruction. However, the singular always represents a certain slice of the general. Our thinking is a social phenomenon. Children who were from birth brought up with animals do not become *Homo sapiens*, do not acquire consciousness, and the loss of connection with society sooner or later leads to the loss of thinking abilities in real “Robinsons”.

Therefore, joint labor activity is the basis of existence, formation and development of consciousness, acts as the main determinant of a specific subject of cognition. This provision clarifies the content of the concept of “empirical subject”. In fact, in science, as in all other types of human activity, there is no purely individual subject of activity. Every scientist, on the one hand, relies on the developments of other scientists in his field of scientific knowledge, and on the other hand, represents and implements the interests and goals of the society to which he belongs, is a kind of “collective subject”. Such an understanding is most adequate to the current state of affairs in scientific cognition, when interdisciplinary research is constantly expanding, the integration of humanitarian and natural science cognition is deepening, which requires a more complex object of cognition. But the subject of cognition has represented society since prehistoric times, when people were even more controlled than today by certain mythological patterns of activity, cognition and behavior, which impose taboos on what and how one can learn and what cannot be investigated, but only take on faith: “The ways of the Lord are not confessable”.

Another term characterizing the scientific knowledge of the post-classical stage, V. S. Stepin and many of his followers call “human-sized object”. Science, we are told, must take into account the fact that the object of its cognition at this stage is not purely external, natural systems, but systems that include a person, his interests and needs, his existence (Stepin, 2017, pp. 15-16).

However, from the beginning of his existence, a person is interested in precisely those objects that are “human-sized” in the sense that they can be included in his being, somehow affect this being. Therefore, the “empirical subject” and the “human-sized object” do not represent

any special specificity of post-non-classical science. On the other hand, the contents of these concepts clearly converge with each other. The “empirical subject” objectifies the subjective, and the “human-dimensional object” subjectifies the objective. Of course, such an interpretation of the subject and object of post-non-classical cognition reveals some implicit structure of the cognitive process, but at the same time leads to an implicit, but epistemologically dangerous identification of subject and object.

The first danger of such identification is in the occurrence of possible hypostasis. The classical and historically first hypostasis is Plato’s teaching about the world of ideas, *eidos*. In the future, this technique is widely used in all objective-idealistic systems up to Hegel and modern theological constructions (Oganyan et al., 2018).

Hypostasis is implicitly present in many of today’s natural-scientific and humanitarian concepts-constructs such as “black hole”, “dark energy”, “string theory”, “anthropic principle”, “democratic society”, “social equality” and the like. In all such cases, the conceptual scheme is given the status of an objective reality, after which it “successfully resides” in the world of things. It is clear that the criticism of these concepts as hypostasis is a separate and quite time-consuming task that we have tried to solve in other publications (Ogorodnikov & Oganyan, 2020).

The second danger of identifying the subject and the object of cognition is related to the fact that this leads to anthropocentrism and anthropologism in knowledge.

These diseases are old and have always been inherent in man. The ancient man endowed the whole nature with “human-sized” properties. Already the Architect in his hierarchy of forms, representing the evolution of the living form of all forms, made God, the next step on the ladder of evolution going down was occupied by man. In addition, the latter are lower animals and plants. The level of development was determined by the level of approximation to a person. Today, anthropocentrism and anthropologism are most clearly manifested in the concept of the “anthropic principle”.

It seems to us that the philosophical basis of this fashionable principle today (the “anthropic principle” is included even in many philosophy textbooks) is a misunderstanding of the objective

dialectic of the determination of any processes associated with the unity of necessity and necessity.

Avoiding absolute necessity to absolute chance is observed everywhere in politics, in everyday life, and even in science. Therefore, the now fashionable concept of synergetics, proceeding from the teachings of the Nobel Prize laureate Ilya Prigozhin on the self-organization of dissipative systems, rests on the same metaphysical (anti-dialectical) opposition of random fluctuations and the need for the formation of order from chaos.

The “anthropic principle” postulates the teleological necessity of the development of the universe from a singular state to a person. The “proof” boils down to the fact that if at the beginning of the formation of the Universe (about 14 billion years ago according to modern concepts) the physical constants would have been different, then the current state of the Universe and (most importantly) man on planet Earth would not have existed. However, any process that we consider in retrospect and from the standpoint of pancausalism, which does not include non-causal determinants that serve as accidental additions, seems necessary. One of the interpreters of the anthropic principle presented it well through a paraphrase of Descartes’ famous statement “I think, therefore the world is as it is.” In other words, man is a direct and necessary consequence of the causal chain coming from the singular state of the universe.

The same absolutization of randomness is observed in the newfangled “Chaos theory” by Edward Lorenz. Lorenz and his followers point out that in many cases a qualitative change in the system can be caused by minor reasons. Meteorologist Lorenz provided the following example as an illustration of his theory: “The flapping of a butterfly’s wing in Brazil can cause a tornado in Texas” (Woods, 2005, p. 118). In other words, small random causes can lead to big consequences. Everything here is built on pancausalism – everything is determined only by the cause, there are no non-causal determinants. It turns out that an absolute random cause paradoxically causes an necessary causal chain. As we can see, formally opposite concepts converge.

The analysis of the retrospective of any development, including the development of the Universe, establishes only a causal chain, dis-

carding non-causal determinants of the process. As a result, the retrospective and prospects of the development of the world are revealed to us, as a demon of Laplace, as an absolute necessity of a causal series. Hence, it is quite logical to assume that every process obeys *saisa finalist* - the goal reason laid down by the creator. This reason was the main one among the four creative reasons for Aristotle, who created this concept. At the same time, in contrast to his teaching about the target cause, Aristotle, in the work "On Interpretation" of Chapter IX, devoted to statements about the future, writes: "The destruction of the case entails ridiculous consequences... If there is no case in phenomena, then everything exists and happens out of necessity; so it would not be necessary in such a case to decide or try, believing that if we do this, it will happen, and if we don't do it, it won't happen" (Aristotle, 1978, p. 99-100).

A person who reflects on his place in the universe, willy-nilly, connects with this the problem of the meaning of his existence. Therefore, we can agree with the statement of A. V. Nesteruk (2017): "The cosmological search is based on basic human anxieties about understanding one's place in the universe. The paradox of human subjectivity lies at the foundation of cosmology as a condition for the impossibility of overcoming the opposition between subject and object" (p. 17).

However, it is impossible not to notice that what has been said applies to all human cognition, and not only to cosmology. In addition, at the same time, overcoming this "opposition" is a necessary condition for any scientific knowledge. Even if we are talking about subject-object relations in post-non-classical science.

Science – overcoming subjectivity – access to objective laws. In addition, if someone is subjectively and psychologically hurt and frightened by our human objective insignificance in relation to the universe, then this can turn him away from the objective world and, perhaps, make him believe that he is the crown of creation. However, what does science have to do with it?

This consideration could be used as another argument for the need to strictly distinguish between the conceptual and the objectively real.

A. V. Nesteruk tries to prove the inevitability of using theology in all constructions of cosmology and that it is the teleological approach that makes it possible to combine into a whole, into a

single, what in empirical facts looks like a set of accidents.

At the same time, Nesteruk (2017) notes that such a systemic unity cannot be represented as a speculative reconstruction of the objective past: "Since we are talking about formal teleology, the *telos* – constituted past of the universe does not belong to the past in the ontological sense, remaining nothing more than an ideal and norm of cosmological cognition" (p. 270).

With this approach, the anthropic principle looks like nothing more than an ideal construct that does not have any referents in objective cosmogonic processes.

Here it is appropriate to recall E. Husserl's (1994) statement that transcendental-phenomenological reduction is designed to solve the problem of correlation between "constitutive subjectivity and constitutional objectivity" (p. 132). At the same time, it must be admitted that there really is such an epistemological problem, but only one cannot follow the path of orthodox subjective idealism here, declaring every objective a subjective construct. With this approach, there is a radical abolition of objective reality, and, consequently, of all knowledge, including scientific knowledge of the cosmos. Subjectivity is also destroyed in this way, because the subjective as such exists only in an indissoluble connection (and this is repeatedly rightly emphasized in the dissertation) with the objective. At the same time, it is impossible to allow a return to the exhaustively criticized position of R. Avenarius about the "fundamental coordination" of the object and the subject, their inseparable connection. This connection is not symmetrical - there is no subjective without objective, but there is objective without subjective (of course, we are not talking about concepts, but about the entities behind them – the contents of concepts).

Otherwise, the objective loses its essence and existence - the past, when there was no subjective, the present, when there is no actual connection of this objective with some subjective and the future, when there is no subjective reflecting this objective. The idea of fundamental coordination has found a powerful practical refutation in attempts to use it in interpretations of the discoveries of physics of the late XIX - early XX century. Thus, the outstanding physicist Henri Point career, based on the absence of a direct connection between the cognizing subject and the mi-

cro-object (electron), stated that matter at the level of the microcosm “disappears”, only the describing equations remain. Post-nonclassical science includes in the description of the discovery of the cognizing subject with his philosophical and scientific attitudes. However, this makes it possible to establish the connection of obtaining truth with dialectical-materialistic philosophy.

Based on what has been said, one can question the effectiveness of phenomenological analysis not only of cosmological theories, but also of any theoretical constructs in general. For the truth never lies on the surface of the phenomenon, but it is not comprehended intuitively, as evidenced by all the examples of the operation of “creative intuition”. Thus, the legend, which was dissolved during the life of D. I. Mendeleev, claimed that the periodic table of chemical elements appeared to an outstanding chemist in a dream. It is known that the author of the discovery treated this legend very ironically, and noted that the table was the fruit of more than two years of persistent research.

Truth is connected with an objective essence, recognized as a relative necessity in the study of a multitude of accidents as forms of its manifestation. As Plato taught, true knowledge 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, the eternal in the transitory (Oganyan et al., 2018, pp. 31-32).

Another idea of A.V. Nesteruk (2017) is the parallelism of the formation and development of man (as an individual) and the universe that he noticed. The author relies on the “principle of genetic similarity”, put forward by one of the opponents of this dissertation – Professor A. N. Pavlenko. We are talking about the fact that in the Big Bang hypothesis, the universe begins with a singular state and a person, at the stage of a fertilized cell, is a kind of “micro-object”.

At the same time, “for three hundred thousand years of its evolution before the epoch of separation of matter from radiation, the universe has increased in size by 52 orders of magnitude, over the last almost 14 billion years, the size of the universe has increased only a thousand times, that is, from 10<sup>25</sup> to 10<sup>28</sup> cm.” The same disproportion is observed in human development - between “the spatial increase in intrauterine hu-

man development from the size of the chromosome 10<sup>-7</sup> cm to a size of about 50 cm at the time of birth, and all subsequent human development to adulthood, when the body size increases only three to four times” (Nesteruk, 2017, pp. 271-272). It seems to us that the identification of this “parallelism” in development cannot be used in any way to argue for the inextricable connection of cosmology and anthropology for subsequent considerations. The first is that the principle of genetic similarity reveals parallelism in the quantitative parameters of processes, leaving behind fundamental qualitative differences. Exactly the same space-time parallelism can be established between the development of the Universe and the development of any living being on Earth, for example, an elephant, whose stages of development practically coincide with human ones. Then what does anthropology have to do with it?

## Conclusion

One of the reasons for the revision of subject-object relations in the knowledge of the microcosm is, as is known, the fundamental non-observability of micro-objects and micro-interactions. Science encountered observability even at the time of the formation of classical electrodynamics by J. Maxwell (Oganyan et al., 2018). In addition, if we talk about cosmology, then even at the time of the emergence of the geocentric system developed by Anaximander of Miletus in the sixth century BC, which was supported by Aristotle and conceptualized by Ptolemy in the second century AD. By the way, this suggests that the philosophical cosmology of the ancients cannot be considered essentially unchanged until our time. The place of a person in space, the essence and meaning of his existence is very different and even opposite from the standpoint of geocentric and heliocentric cosmology. Today’s physical cosmology has thrown the Solar System to the periphery of the Milky Way. Non-egocentrism has acquired a global character and in this regard, returning the Earth and man to the center of the Universe by postulating the anthropic principle looks like a return to Ptolemy.

The principle of reproduction of phylogeny in ontogenesis has much greater heuristic potentials, to which E. Haeckel drew attention back in

1866. This principle can also be successfully used when considering the spiritual formation of society, the development of consciousness. In this case, in contrast to the principle of genetic similarity, the social essence of a person will be taken into account. However, we doubt that this principle can be used to argue for the continuity of the connection between the development of the universe and man.

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## SOCIAL PHILOSOPHY

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## COALITIONS AS A FACTOR IN THE INSTITUTIONALIZATION OF THE TRANSITION TO DEMOCRACY

Edgar ALEKSANYAN<sup>1,\*</sup>  | Mariam MARGARYAN<sup>1</sup> 

<sup>1</sup> Public Administration Academy of the Republic of Armenia, Yerevan, Armenia

\* *Correspondence*

Edgar ALEKSANYAN, Bashinjaghyan 185, ap. 30, Yerevan 0014, Armenia  
E-mail: edgar.aleksanyan@paara.am

*Abstract:* The article studies the behavioral models of parties in democratic change in terms of building coalitions and concluding “pacts” within the framework of their own value system. The party coalitions established as a consequence of Armenia’s presidential and legislative elections over the past 20 years are analyzed. Since 2003, and to this day, coalitions in Armenia have assumed only the consolidation of political personalities pursuing power and the formation of coalitions with “minimal gain”. The ineffectiveness of the political coalition is due to the formal nature of thematic and doctrinal discussions as a result of the absence of genuine communication between the ruling elite. The method is supported by evidence that the inefficiency of coalitions established in Armenia during the democratic transition period suggests that coalitions are one of the causes of political growth crises only in terms of maintaining their own interest-based system.

With this method, the authors demonstrate the persistence of Armenia’s political development crises in the context of democracy transition.

*Keywords:* Democratic transition, political system, parties, party system, coalition government, parliamentary governance, responsibility, quality of democracy, political elite, parliamentary culture.

Party coalitions formed during the democratic transition actively coordinate their forces in order to obtain a position and role in political power. Based on election outcomes, this or that party applies to join forces with other party forces, and based on the value system of the political game of the time, the parties sign a contract establishing the principles of cooperative action and program provisions. However, whether the pacts are made with a zero or non-zero outcome, the

parties do not relinquish their viewpoints or fundamental disagreements. It is worth noting that the pact’s conclusion, theoretically based on the level of institutionalization of the democratic transition, contains the principles of the parties’ compromise actions, with the ensuing logic of reform implementation intertwined with the public agenda. In modern political science, studies performed from the standpoint of analyzing the efficacy and responsibility of coalition ma-

nagement in the process of democratic transition are addressed in numerous ways. In this regard, political scientists studying the pact-based politics of democratic transition (particularly the Moncloa Pact formed in Spain in 1977) M. Laver and K. Shepsley's (1996) approach, according to which ministers are responsible for the effectiveness of coalition administration of the "portfolio allocation" model (pp. 174-192). Furthermore, the political entity that has the most mandates is held accountable for coalition policies. At the same time, according to this model, the public's expectations of this branch department are directly dependent on the party responsible for the creation and implementation of the relevant ministry's policy.

Political scientists M. Lanny and J. Vanberg (2014) argued for the necessity to shift from non-institutional ("institutions-free") to institutional methods. The duty of coalition parties in the creation and successful integration of implemented public policy is not formalized under the "institutions-free" approach. As a result, from the standpoint of coalition agreement's efficacy, the institutional method is preferable for both monitoring government actions and procedurally controlling and reviewing legislative instruments. If, under conditions of democratic transition, the regime is unable to operate according to the aforementioned logic, then the socio-political plans produced by coalition administrations are unable to deliver a decisive influence in terms of the optimality of public policy. During the institutional approach, it is feasible not only to regulate the coalition government's parties, but also, if required, to question the actions of this or that minister and sector policy if they deviate from the coalition plan. It is evident from the preceding statement that the behavioral models of the parties in terms of forming a coalition, making compromises within it, and concluding "pacts" within the framework of their positions have a direct impact on the effective operation of executive and legislative institutions, as well as the quality of interaction between the legislative and executive branches of government. Using that as a foundation, let us show the party coalitions created as a consequence of the presidential and legislative elections held throughout the RA's democratic transition. It is undeniable that the "portfolio allocation" and "institutions-free" modes of establishing party coalitions coexisted

in RA. As a result of the methodical comparison of these models, each party's political duty, which has been of game nature for many years, has resulted in marginalization and alienation.

According to this rationale, the *first coalition* government in RA was created and functioned as a consequence of parliamentary elections held on May 25, 2003, between the Republican Party of Armenia- Rule of Law-Armenian Revolutionary Federation political forces in the third convocation of the National Assembly. However, during the normal session of the Parliament on May 22, 2006, the Chairman of the National Assembly A. Baghdasaryan announced his resignation. The exclusion of the party Rule of law from the ruling coalition was commented by A. Baghdasaryan with the coalition's differences compared with that of other parties, they were also related to existing social problems, the fight against corruption, the implemented privatization policy, European integration processes, and the possibilities for the development of relations with NATO (*NA speaker presents his resignation*, 2006). However, in this regard, it is necessary to state that in the memorandum of the political coalition, only one provision was fixed about the coalition's activity plan "1.2. The undersigned parties that supported the candidacy of Robert Kocharian in the presidential elections certify their responsibility to develop and implement a unified program of the government's activities based on the pre-election program of the President of the Republic and by coordinating their pre-election programs" (*Memorandum of Political Coalition*, 2003).

The fact that, according to the first point of the 2003 memorandum, the President of the Republic was a supporter of the coalition memorandum, while the real parties were considered sides (R. Kocharyan was not a member of any of the parties that signed the memorandum) is also noteworthy. However, with the powers granted by the 1995 Constitution, the president of the republic had a higher status over the other bodies of government (*RA Constitution*, 1995). He established the cabinet on the Prime Minister's recommendation and safeguarded the independence of the branches of government. According to the 2003 pact, the RA president proposed three ministers while the RPA nominated seven. The ideal of equality between political forces was clearly breached in the coalition's memoran-

dum, i.e., the real parties were players in a non-zero political game, which made the parties' conversations formal in achieving concessions. However, in addition to non-zero-sum processes, the requirements specified by the parties on public policy, which are aimed at defining the policy directions, principles, and methodology of the branch departments' strategic plans, are critical. The program priorities of the Republican Party of Armenia-Rule of law-Armenian Revolutionary Federation political coalition were correctly fixed within the framework of the coalition's memorandum; however, they did not reflect the parties' clear positions in the issues of overcoming the country's current political development crises, making the optimality of each party's activity and the coalition government in general even more vulnerable.

Following the legislative elections on May 12, 2007, a *second coalition* was established in the National Assembly of the fourth convocation, which differed in format from the first coalition, thus RPA and Prosperous Armenia signed coalition agreements, and with ARF cooperation agreements were signed. However, on April 22, 2009, following the signing of the Armenian-Turkish agreements, the ARF announced that it abandoned the coalition. There was one important difference between the 2007 political agreement reached by the parties and the 2003 political pact. A provision was included in the coalition agreement about choosing a single candidate for the 2008 presidential elections. However this provision was removed in the cooperation agreement with the ARF (*The coalition agreement is declassified*, 2007). However, the pact suffered from the same substantive flaw as the 2003 political coalition memorandum. The priority of the actions stated in the agreement did not represent the parties' stances in resolving the country's internal and foreign difficulties and challenges. This became the basis for the coalition agreement's early termination.

*The third coalition* was formed after the presidential elections on February 19, 2008 between four parties Republican Party of Armenia, Rule of Law, Armenian Revolutionary Federation, Prosperous Armenia. Unlike the two previous coalition agreements, the parties themselves considered this document unprecedented. According to Armenia's newly elected President of the Republic S. Sargsyan, the episode was

unique, as previous coalition agreements for the establishment of a coalition government had been signed. According to Rustamyan (authorized by the Armenian Revolutionary Federation for signing the coalition agreement), the document's signature has been delayed due to protracted discussions. "Here you will not find the now-familiar question of who has what positions, who should have what portfolios; we did not place any emphasis on this." We saw the key challenge as coordinating political concerns with the difficulties confronting our country today." According to G. Tsarukyan, society has expectations that each party should be held accountable for. "We must act instead of speaking." According to A. Baghdasaryan, the signed document was exceptional in that it established the political duty of the parties to confront the country's internal and exterior concerns (*The quadrilateral coalition is signed*, 2008).

However, the coalition agreement was unexpectedly terminated: the ARF withdrew from the coalition agreement in 2009, and the Prosperous Armenia withdrew after the 2012 parliamentary elections.

Following the 2012 parliamentary elections, the RPA and Prosperous Armenia signed the *fourth coalition* agreement, which was only valid for two years. On April 16, 2014, A. Baghdasaryan declared his desire to leave the power alliance, claiming that the coalition's collaboration was ineffective. A. Baghdasaryan believes "The RPA has an absolute majority in the National Assembly, which is sufficient to make nominations in crucial political positions without the permission of the coalition partner, denying the Rule of Law of having any influence in the process of making such significant decisions" (*The decision of the Rule of Law political council on the "inexpediency" of remaining in the coalition*, 2014).

The paradigm of governance set by the Constitution is critical for assessing the performance of political coalitions. It allows political forces to play their share of duty while reflecting the amount of interaction between the arms of legislative-executive authority. Under this connection, J. J. Linz identifies the characteristics of the operation of political coalitions in presidential and parliamentary governance models throughout the democratic transition process. In contrast to legislative government, the presidential

governance model, according to J. J. Linz's viewpoint, has few overwhelming incentives for coalition formation and successful functioning. In this situation, the following three motivations stand out: 1) The president's viability is not dependant on parliamentary support, and the president does not engage with political parties that are not "his"; 2) Because the president is independent from the legislative body and chosen through national elections, he overestimates his capacity to manage himself; 3) the presidential model of governance implies the premise of "winner gets all," which discourages collaboration or coalition building (Linz & Valenzuela, 1994). Based on these three motivations, the function and value of coalitions created under presidential administration models in terms of maintaining the optimality of public policy are heavily debated.

In 2017, the Republican Party of Armenia and the ARF signed the *fifth coalition* agreement, which was the shortest collaboration agreement signed in Armenia up to that moment in terms of the total number of political procedures. The ARF announced its withdrawal from the power coalition on April 28, 2018, citing internal political conflicts and stated its priorities such as resolving the political crisis, setting clear policies, and conducting genuinely democratic snap parliamentary elections (*This can't continue that long: the ARF leaves the coalition*, 2018).

After being elected Prime Minister on May 8, 2018, a member of the board of the "Civil Contract" party and a co-founder of the "Yelk" alliance, as well as the leader of the "Velvet Revolution", N. Pashinyan formed a temporary government together with his partners of the mentioned alliance before the extraordinary parliamentary elections were held. With the participation of "Republic" and "Bright Armenia" parties. However this government has not overcome the harsh disagreements between the parties that arose as a result of the revolutionary internal political processes of 2018. In addition, the government was formed not under a coalition memorandum or agreement, but under the inertia of the existence of the "Yelk", before the 2018 snap parliamentary elections.

Snap parliamentary elections were held on December 9, 2018, in which the Republican Party did not participate, and the Bright Armenia party participated as a separate political force, having

received 18 mandates in parliament. The Civil Contract party took part in the elections in the My Step alliance, among which also the Mission party and representatives of civil society.

In reality, as expected, post-revolutionary Armenia saw a major political realignment in 2018. In other words, a memorandum "On conducting snap parliamentary elections RA in December 2018 (*A memorandum on conducting snap parliamentary elections Armenian in December 2018*, 2018)" was signed between RA Prime Minister N. Pashinyan and G. Tsarukyan, president of the National Assembly "Tsarukyan Alliance". Of course, we can't call this a coalition pact.

Summing up the experience of the formation and operation of party coalitions in the process of democratic transition in RA, we can conclude that 1) from 2003 to the present, both legislative and executive authorities have manipulated control of public objectives while concluding the political pact as an institutional tool for consolidating public interests. It was transferred to the realm of "behind the scenes" and informal connections, and 2) by expanding the institutionalization of the agreement as a consolidation of public interests, Armenia's political problems generated a persistent danger of revolutionizing the marginalized groups.

This conclusion allows us to justify the approach taken during the democratic transition process, namely that coalition formation in the post-Soviet space does not imply political responsibility, but rather the consolidation of political figures seeking power and the formation of "minimum-winning" coalitions (Melville, 2020). Furthermore, "minimum-winning" coalitions are extremely vulnerable when it comes to preserving the democratic character of public policy and decreasing marginality (Margaryan, 2019, pp. 110-111). At the same time, we believe it is important to emphasize that the formal character of programmatic and ideological arguments, as a result of a lack of genuine communication between diverse segments of the political elite, is one of the reasons for the pact's ineffectiveness.

Outlining the failed experience and ineffective activity of the political coalitions formed in RA, we believe that coalition memoranda should be concluded not only to overcome possible political development crises in current realities, but also to ensure the stability of the party system

and the consensus of civil and cooperative cultures in the future.

Civil and cooperative cultures developed by parliamentary and extra-parliamentary forces around a common public and political agenda under democratic regimes sustain the political system's cycle of "entrances" and "exits," legitimizing the space where the political elite functions. The cycle of "inputs" and "outputs" of the political system is guaranteed in developed democratic nations by active collaboration between political parties and civil society organisations. The quality of the latter's interaction influences the political system's stability. According to research, in the context of post-Soviet socio-political transformations, the neglect of "structuralist" factors and the overestimation of "exogenous quasi-standards" have resulted in 1) the formation of a low level of institutionalization of party systems and 2) electoral variability, that is, changes in the electorate's behavioral patterns in the period between electoral processes (Melville, 2020). These issues of normal modernization of the party system throughout the democratic transition are elements that have a direct influence on the quality of democracy and the political system's stability. As a result, the party system's institutionalization is impacted by the consistency of electoral democracies, political competition and representation, as well as the legitimacy of electoral processes and the organizational status of parties determined by the specific details of a region's cultural development.

R. Rose and W. Mishler (2010) developed an interactive model of party system institutionalization in the context of comparative analyses of party systems in contemporary democracies, wherein the political elites determine the rules for electoral process organization and also decide which parties shall participate in elections. The voters determine the destiny of the political elites. This level is based on the supply-side concept. Following the presentation of election results, people abandon unpopular parties in favor of those that consolidate the voters' demands. The demand-side model is represented at this level.

However, when marginal individuals or groups striving to join the elite frequently alter, leaving a party and/or forming new ones, electoral instabilities are caused as a result.

The latter is due to a lack of programma-

tic/ideological discourse among political parties or a low degree of development, which pushes the electorate's identification with the system's parties to the margins.

The efficiency of the institutionalization of the RA party system, in our opinion, is conditioned by the formal exercise of political rights and freedoms (guaranteed by the RA Constitution) by the Armenian society. A key factor is the breakdown of constitutional, legal and legislative norms regulating the activities of parties. Overcoming the aforementioned occurrences in RA is only achievable with the advancement of civil culture. In this context, civic culture can assist to build a more realistic picture of the changes implemented by political authorities throughout the democratic transition process, as well as citizens' political behavior and motivations. G. Almond and S. Verba (1989), American political scientists, described civic culture as a synthesis of political culture in which individuals' conscious engagement is fundamental. According to the authors' concept, a person who carries civic culture is a potentially engaged citizen rather than a consistently active citizen. This formula underpins one of the most significant processes of civic culture, which leads to the true participatory activity of democratic institutions in society, rather than just declarative ones. The mechanism's rationale is as follows if there are continual changes in the country's socio-political life based on public interest, then a person with civic culture is politically inactive, and this passivity helps the ruling class to accomplish its role. However, when large-scale conflict-related public political and economic problems emerge in the country and there is a public desire for a solution, a person with a civil culture gets active. Furthermore, persons with political subjectivity may successfully express their interests and desires by engaging in a variety of civic groups and networks. At the same time, the governing class with a civic culture promotes people's political subjectivity and considers public opinion while making political choices. The efficacy of changes in public awareness is shown as a phenomena supporting a person's socialization process with the support of civic culture. In this context, civic culture gives a chance to develop a more realistic knowledge of the changes implemented by political authorities throughout the democratic transition process, as well as people's

political behavior and underlying reasons. Besides, it is feasible to improve control over the activities of the parties within the framework of civil culture. In this context, we believe it is vital to analyze new methods to party activity, their role, and relevance. According to democratic transition theorists (Diamond et al., 1997), the representational, communicative functions, and the deliberate expansion of the public agenda developed on the basis of input from society assure the efficacy of the parties in that multidimensional process. The significance of these tasks is underlined not only in the publications of political scientists researching the democratic transition, but also in the laws and legal acts that provide the constitutional and legal framework within which the parties operate. The international legislative framework for the protection of the rights of political parties is based, first of all, on the Universal Declaration of Human Rights (*The universal declaration on human rights*, 10 December, 1948), as well as in the International Covenant on Civil and Political Rights (*International covenant on civil and political rights*, adopted on 16 December 1966 and entered into force on 23 March 1976) and the European Convention on Human Rights and Fundamental Freedoms (*The Convention for the Protection of Human Rights and Fundamental Freedoms*, signed on 4 November 1950, Rome. Signed by RA on 25 January 2001, ratified on 26 April 2002, entered into force on 26 April 2002) reserved for the freedoms of self-expression and self-realization, the formation of “package” alliances of ideologically diverse parties, and the organization of peaceful assemblies.

The constitutional and legal framework for controlling the activity of political parties is critical for the rule of law because it provides the required foundation for political socialization and civic education. In reality, in societies undergoing democratic transition, if political parties do not evolve in response to current difficulties and, as a result, do not socialize their voters, these societies become marginal and no longer evaluate the need to address numerous challenges. As a result, the knowledge of the need for long-term socialization and the natural process of modernization is first automatically denied, and society’s mobility steadily diminishes. This generates favorable conditions for certain marginal sections of society to “swing,” while others are alienated

exercising their right to participate in decision-making.

From the foregoing, it is clear that the efficacy of political party operations is governed by each society’s political traditions, culture, historical memory, as well as its political and legal consciousness. Thus, the procedure for the creation and functioning of political parties in the Republic of Armenia is outlined by the Republic of Armenia’s Constitution and the RA Law on Parties. Despite the fact that the RA Constitutional Law “On Parties” issued in 2016 has experienced significant modifications since the previous one (2002), it still needs revision in terms of text and implementation. It is true that the existence of many parties does not signal the emergence of a multi-party system or ideological diversity. Only 10 of Armenia’s more than eighty legally recognized parties or party coalitions participate in the electoral procedures. Thus, five parties took part in the 2017 parliamentary elections (Republican Party of Armenia, Armenian Revolutionary Federation, Free Democrats, Armenian Renaissance, Communist Party of Armenia) and four party alliances (“Yelk”, “Ohanyan-Raffi-Oskanian”, “Tsarukyan”, “Armenian National Congress-Armenian People’s Party”), and in the 2018 early parliamentary elections-nine parties (“National Progress”, “Prosperous Armenia”, “Bright Armenia”, “Armenian Revolutionary Federation”, “Republican Party of Armenia”, “Sasna Tsrer”, “Citizen’s Decision”, “Christian-Folk Revival”, “Rule of Law”) and the bipartisan bloc (“My step”, “We”).

A remarkable circumstance characteristic of the Armenian political culture is also the fact that extra-parliamentary parties are active only 5-6 months before the election processes. In terms of the activity of the parties, the situation is relatively unsettled in the run-up to the elections. The required elements for the registration of parties are stated in Article 9 of the present Law of the Republic of Armenia on Parties. However, they are insufficient in terms of public oversight of their future operations. Following the conclusion of the electoral process, the majority of registered parties in Yerevan and the Republic of Armenia’s territory suspend operations. Furthermore, their offices are closed, and all contact information (official website, Facebook page, phone numbers) is no longer functional.

According to Article 32 of the RA Law “On Parties,” a party’s activity may be suspended if it “in the course of its activities committed a gross violation of the law” or “did not participate in the elections to the National Assembly or the Council of Elders of the cities of Yerevan, Gyumri, Vanadzor twice in a row independently or as part of a party bloc or as part of the list of another party”. Part 2 of the same article defines a gross violation of the law as “violation by the party of the procedure established by law for the disposition of donations, publication of the party’s annual reports or provision of documents established by law, and within thirty days after being brought to responsibility in accordance with the procedure provided for by the RA Code of Administrative Offenses, not eliminating the violation or allowing such violation of the law”.

It is also crucial to assess the criteria for suspending the activity of parties in line with the legal procedure from the standpoint of the content put forth in a certain period. Thus, the provision established by law that “did not participate in the elections to the National Assembly or the Council of Elders of the cities of Yerevan, Gyumri, Vanadzor twice in a row” is insufficient, because participation twice in a row is not a sufficient condition for assessing the ideological activity of the party. In reality, enshrining such misleading language in the legislation leads to numeric expansion of parties but never to competition in the party system for pluralism, ideas, programs, and concepts. The relevant provision of the RA Law on Parties should explicitly clarify the mechanism for suspending parties based on qualitative measures of party activity between election cycles.

The condition of participation in elections to the National Assembly or the Council of Elders of the cities of Yerevan, Gyumri, and Vanadzor twice in a row should be reformulated in paragraph 2 of Part 1 of Article 32 of the RA Law “On Parties,” excluding the possibility of suspending parties on the list of party coalitions or another party. The efficiency of the party as a separate political entity should be examined in the management of the results acquired during the past two national elections as well as in the adjustment period in the process of developing the party system. The suggested legal modifications are important for the growth of the party system as well as the successful operation of the coming

coalition government. Simultaneously, the process of decreasing the number of parties within the scope of the proposed reforms, generates a genuine ideological and programmatic competition between them, contributing to the elimination of marginality.

To summarize, constitutional and legal restrictions on party activity are insufficient for the growth of the party system and the establishment of efficient coalitions. The degree of ideological involvement of the country’s parties in the democratic process, as well as the level of development of civil culture, are crucial in this context. In this regard, we believe it is necessary to specify legislatively the requirements and level of responsibility for their ideological and representational actions in order for the parties to grow as a vital institution of the RA political system. In other words, parties should not only compete for power, but also conduct civic education and constantly socialize their members, making them active participants in the decision-making, implementation, control, and result management processes.

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## THE DENOTATION OF SOCIO-POLITICAL INFANTILISM IN THE CONTEXT OF RA DEMOCRATIZATION

Sona DUMANYAN <sup>1,2\*</sup> 

1 Yerevan State University, Yerevan, Armenia

2 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia

\* *Correspondence*

Sona DUMANYAN, 55/5 Tsarav Aghbyur st., ap. 126, Yerevan 0052, Armenia

E-mail: [sona\\_dumanyan17@alumni-uaa.am](mailto:sona_dumanyan17@alumni-uaa.am)

*Abstract:* The primary goal of this article is to highlight the connection between socio-political infantilism and civic subject culture. Some realities of Armenian family life contributing to the occurrence of socio-political infantilism are discussed. The analysis of the results of the research done by the in-depth interview method confirmed that social infantilism makes political infantilism inevitable and subject culture is a consequence of socio-political infantilism. Thus, it also becomes clear that socio-political infantilism is an unfavorable factor in democratization processes.

*Keywords:* socio-political infantilism, subject culture, democratization, civic culture, family, leadership, political perceptions.

### Introduction

In the modern world, democracy has become one of the most important categories for characterizing a number of advanced or developing states and societies, if not the most important. The continual process of democratization adopted by many developing and developed countries, faces various obstacles, the full study of which requires interdisciplinary approach. Among the socio-psychological obstacles to democratization, the phenomenon of socio-political infantilism is remarkable and topical. The spread of socio-political infantilism in Armenian society is caused by very different realities; a typical Armenian family, for example, is one of them.

It is important to distinguish between democracy as a system of governance and democratic value system or culture and civic consciousness, which are necessary prerequisites for the smooth operation of a democratic system of governance. Civic consciousness is not the same in any two

different societies, and even in the same society it has internally disharmonious and fundamentally distinct layers. Despite such differences, the generation of ideological ideals is vital to the establishment of democratic institutions. In which societies is the democratic system of governance concordant and effective with the given society? What are the responses of civil societies to democracy or what are the established political cultures? What are the obstacles to the establishment of participatory democracy? It is the incompleteness of the answers to these questions that once became the basis for political scientists Gabriel Almond and Sidney Verba's work "The Civic Culture: Political Attitudes and Democracy in Five Nations" (1963, p. 13), which "represents a study of the political cultures of democracy and their underlying social structures and processes".

The work (Almond & Verba, 1963) has also become the theoretical basis of our research, not to do the same research in the Armenian society,

but to understand what is the socio-psychological basis of the formation of one of the types of political culture described by the authors: subject culture.

#### References to Socio-Political Infantilism in Almond and Verba's Work "The Civic Culture: Political Attitudes and Democracy in Five Nations"

According to the authors, the work (Almond & Verba, 1963) is based on the thesis that "along with political, economic and social factors, subtle and inherently complex values, attitudes and skills play an important role in democratization and democratic stabilization" (Almond & Verba, 1963, p. 10). As a result of a comparative political analysis of the USA, Great Britain, Germany, Italy, and Mexico in the context of the establishment of democracy, Almond and Verba identified three main directions of political culture, the different combinations of which in turn lead to different variations of political culture. According to the authors, the main types of political culture are: parochial, subject and participant (Almond & Verba, 1963, p. 33). Types of cultures were distinguished according to four dimensions: cognitive, value, emotional, practical.

As a vivid example of parochial political culture, the authors mention a number of African tribes. "This community does not have clearly defined political roles and the scope of responsibility of the political, religious and economic leaders of the tribe is quite blurred. The political orientations of the members of that society are equally unclear. They are difficult to separate from religious and social orientations. Parochials are also characterized by indifference to any changes in the political system, by and large, the parochial does not expect anything from the political system" (Almond & Verba, 1963, p. 34). Both this and the other two forms of political culture almost do not exist in the "modal" state: the authors argue that there are no absolutely parochial, absolutely subject, or participant societies. It is also noteworthy whether being a bearer of a given political culture is an emotional or a normative or a conscious act for that society or one of its groups.

Participant culture bearers generally tend to have an active role and involvement in public

and political life. Individual representatives of participant culture have extremely different positions towards this or that political object (Almond & Verba, 1963, p. 36). Western developed democracies typically have a developed participant culture. The existence of a participant culture is one of the best prerequisites for the successful integration of the democratic value system and civic consciousness, especially in the case of Western democracies.

The next type of political culture identified by Almond and Verba is subject culture. The bearer of this culture may have active demands addressed to the bureaucratic system, but his orientation toward active political processes, active entities and his perception as an active participant is close to zero (Almond & Verba, 1963, p. 35). Moreover, those who generate the subject culture can have a clear awareness of the specifics of the existing political system, have a strong emotional orientation about it, which is mostly a feeling of complete hatred or pride. The government is legitimate or illegitimate for them, but the existence of this orientation does not make them active citizens participating in political processes (Almond & Verba, 1963, p. 35).

As an example of a subject culture bearer, Almond and Verba describe someone who prefers monarchism to a democratic system: "In those political systems where there are developed democratic institutions, the subject culture will be more emotional and normative, rather than cognitive. Thus, the existence of democratic institutions is well known to the French royalist: he just doesn't perceive them as legitimate". It can be concluded that even in the most developed democracies there are gaps and they mainly appear in the form of communication gaps between the political system and its holders. As a result, the cooperative character of this interaction relatively decreases, the level of overall efficiency of the political system-society as a whole declines. Especially in countries where democratic institutions are far from being established and power is de facto inherited, the need for a subject culture to ensure the smooth running of such a democratic farce is obvious. With all that, even the establishment of participant democracy implies the existence of a subject culture, with the difference that the subject of subjugation changes.

Putting aside the proportion of cognitive and

emotional bearers of subject culture in advanced democracies, the authors do not hesitate to point out that the continuous development of democratic institutions is also met with resistance due to various realities arising from subject culture. Why are there relatively more or less manifestations of political subject culture among a person or a group of people? This is an indicative circumstance marking the existence of such a reality, which determines the degree of dissemination of subject culture, as well as the cognitive or emotional outcome of its manifestation.

In 2010 Samvel Manukyan found out in the framework of his dissertation that “6.3% of Armenian society belongs to participant, 88% to subject and 5.7% to patriarchal political cultures. Therefore, the society of Armenia has mostly subject political culture” (Mkrtichyan & Ver-mishyan, 2018, p. 375).

The above-mentioned reality also has a socio-psychological character and coincides with the content of socio-political infantilism. From the socio-political infantilism of a person, groups of people and society, subject culture is formed. In their work, Almond and Verba implicitly allude to socio-political infantilism, but sidestep it by saying that they consider “the phenomenon of political socialization and not child development or parenting in general”. At the same time, they emphasize that they do not deny the psychological and anthropological theories that confirm the connection between a person’s political positions and a number of other personal characteristics. The authors state that their “research would be impossible if there were not all those social philosophers, sociologists, historians and psychologists who saw this connection also in the context of the communications of countries and their peoples” (Almond & Verba, 1963, pp. 26-27).

And yet, the work does not specify which socio-psychological feature of a person or society resonates with the given political culture and to what extent.

### Socio-Political Infantilism; How Does That Happen?

In the professional literature, infantilism (lat. *infantilis*-childlike) means slowing down or stopping of development. Originally, the term was used to refer to the presence of a number of

childlike physical and psychological characteristics in adults. Later, a more differentiated approach was formed and various forms of infantilism began to be distinguished: psychological, personal, political, social, etc. Thus, infantilism has both a physiological and a sociocultural nature.

Infantiles should not be confused with those who have preserved the healthy and natural spontaneity in adulthood, freedom of thought, and creativity specific to children: these are powerful safeguards of maturity, but have been suppressed among many adults for various reasons. The latter are different circumstances and also stereotypes, one of the most prominent of which is, for example, the widespread stereotype of associating maturity with artificial seriousness.

Russian researchers Sabelnikova and Khmeleva (2016) state that infantile people “are characterized by immature emotions (childlike reactions, lack of will, lack of self-confidence), an external locus of control (everything is to blame for others), high self-esteem, not being demanding of oneself and egocentrism” (pp. 89-105). It turns out, however, that this is not always the case. It happens that the lack of will is replaced by supernatural manifestations of will, self-doubt by fighting spirit; without such transformations, the realization of great social movements and revolutions would be impossible. During the Armenian “Velvet Revolution” in 2018, a large number of people eagerly and absolutely rejected a number of political figures and their regime. However, it is noteworthy that some of the rejecters supported those they rejected with the same enthusiasm in the next elections. This is an example of the signs of more entrenched infantilism hidden under the guise of self-confident and self-willed behavior.

The universally high level of infantilism was probably the reason for the separation of a new layer of society, which is called “kidult” (*adult/-kidult*). Kidult is a relatively new term, which was first used by journalist Peter Martin (1985), however, such a phenomenon was described earlier by Jung: *Puer aeternus* - eternal youth - avoids responsibilities, does not want to take responsibility. Modern psychologists embodied this image in such literary heroes as Peter Pan, The Little Prince, etc. As a rule, the infantile does not have a clear idea of what he/she really wants, instead he/she has local and sometimes senti-

mental desires, which must be achieved for the sake of survival. This can be seen everywhere; in the store, school, church and elsewhere. At the store, when they jump the queue for no good reason, the infants get a little euphoria of victory. After answering a lesson in school, a student may not study the next lesson, thinking that it is unlikely that he/she will be asked again during the next lesson. The scenes of demonstrative faith tell about infantilism in the church: for example, whoever stands closer to the altar is closer to God and, therefore, will be punished less or may not be punished at all. A person who steals goods from a supermarket is mean to an infantile, but he can applaud big thieves.

It is difficult to give a single definition of socio-political infantilism, but today it can be understood as a concept that characterizes the gap between biological and socio-political maturation of a person (Koroleva et al., 2017).

Socio-political infantilism is more than relevant today and is the intersection of all types of infantilism. *Socio-political infantilism is the manifestation of infantile reactions and judgments in an individual's or community's perceptions, interpretations and corresponding behavior of socio-political realities.* Socio-political infantilism is, in a sense, one of the expressions of nihilistic tendencies in the modern world. The socio-politically infantile rejects the need to mature.

In order to reveal the manifestations of socio-political infantilism, research field work was carried out using the in-depth interview method. Qualitative methodology is preferred for this research, since the primary objective is to study the relationship between the infantile principles of integration in social institutions and the fundamental principles of political consciousness among the youth, and also to understand what the phenomenon of socio-political infantilism and the political subject culture defined by Almond and Verba have in common. The interviews were conducted in an informal environment, which was facilitated by the efficient approaches employed by the interviewer to collect complete and unbiased research data.

Socio-political infantilism is a multifactorial phenomenon, one of the primary links of which is the family in which the child grows up. The Armenian family is based on the paternal-authoritarian model, built on authoritative rela-

tions, where the unerring principle of the older generation is the basis of the relationship between the older and younger generations. Within the family, young people are prevented from participating in important family decision-making and sharing responsibility. The older generation has a myriad of responsibilities, which include the solution of almost all issues related to the life of the younger generation. In this environment, authoritarianism and paternalism take the first steps of their formation.

One of the respondents (male, 27 years old), to the question whether the man should make decisions in the family, answered: *“Yes, decisions in the family should be made by the man of the house alone”*.

It is also important to consider his response to another question, namely, whether democracy is the best way to govern the country. The answer was: *“For Armenia, democracy is not the best way of governing the country; it depends on the current state of the given state. Because Armenia is facing great challenges and the issue of border security is paramount... In this case, it is preferable that there be a monarchy, that there be a person, like Vazgen Sargsyan once was, who will gather strong politicians and soldiers to his side. Democracy is not good because dissent is not good and hinders the struggle for security”*.

These responses emphasize the importance of the image of the sole male decision-maker for the respondent in relation to family and state matters. It is also obvious how paternalistic notions of family life are projected onto perceptions of political realities.

In an Armenian family, the elders have the “right” to punish the child, mainly if he makes a mistake according to the elders. Hence the fear of the elder, the almighty. But the feeling of fear is accompanied by the right not to take responsibility, given to him by those very same adults as the greatest authorities in the child's life. He can make mistakes and be punished, and yet he will be punished by those who also care for him and love him. This is a beneficial reality for the child, it also looks fair, which is important to the child as well. Along with all of this, the child hears the phrases “enjoy while you are little”, “why are you in a hurry to grow up”, “childhood is the best period of life” from the adults around him/her, the meaning of which he/she still does not understand very well. The difficult period of

maturity is coming closer, and yesterday's child and today's teenager faces the task of becoming mature, which requires a lot of effort from him. With all the external and internal conditions, some are relatively successful in maturing, some are not. The latter represent a conscious or unconscious rejection of the imperative to mature and make efforts to recreate the times when maturity was not necessary at all; a person seeks to return to childhood. After that, the one who does not want to grow up joins new platforms of socialization: communities, state. Regardless of his or her will, he/she tries to adapt the rules and manners here, thus remembers that for his or her previous life activities he/she needs the same elders, authorities, punishers, but also lovers, those who take responsibility. This is where the demand for leaders of any kind is born. Children cannot self-organize, and neither can a society dominated by "children".

One of the participants of the interview (female, 21 years old) answered the same question whether democracy is the best way of governing the country: *"Democracy is not a bad option for us, but it is not the best. I would prefer something between democracy and authoritarianism, their golden mean. A lot depends on the head of the state and democracy is not needed everywhere. It can interfere with many decisions and in many situations. Therefore, there must be a leader who uses democracy at the right time, because it seems to me that this does not help our people, but hinders them"*.

The importance of the super-responsible person who also may not be democratic "at the right time" is emphasized again, which is similar to the "mandate" given by the child to the parent to punish him/herself.

It is quite predictable that the higher the level of socio-political infantility, the greater the sympathy for the authoritarian model of governance and the dominant political subject culture.

Thus, one of the interviewees (female, 28 years old) answered the question whether she is in favor of punishing the child: *"Yes, in some cases I am even in favor of physical punishment, hitting"*.

The same participant gave the following reaction to the idea of joining a powerful state: *"At the moment, I would prefer to join a powerful state for security reasons, because we are also under a lot of stress right now and it cannot go*

*on like this"*.

Her observation of the most difficult types of work for her is also noteworthy: *"Very responsible jobs are difficult, for example, doctor, judge... those jobs that are very responsible and decisive"*.

A high level of infantilism in communal life is also manifested by a low level of initiative. This is the result of a highly centralized government that stifles human and societal creativity, masking social degradation under the facade of stability. Half of the interviewees were not ready to organize a gathering that they could organize and would like to attend. And so in a reality where infantilism is inevitable, the structures serving it are also inevitable. From the family to the community, from the community to the state; one of the most basic missions of these institutions is the maintenance of social infantilism.

According to Ilya Latipov, the starting point for the formation of social infantilism is paternalism, an ideology based on the legend "the elders will take care of the younger ones" (Latipov, 2018). And obviously it is not about the age difference, but about opportunities of different scales, and therefore, also about the scope of responsibility. Weber's definition of paternalism presents it as a form of political tradition in which the "patriarch" using authority protects his subordinates, in return for which the latter repay him with subordination and dedication. It is this dedication and subordination, which seem to be good things for the sake of security, that give birth to numerous dangers and risks arising from not taking responsibility for one's own actions, even at the cost of blind self-denial. Should man's security be given to him at the price of irresponsibility and self-denial, dangerous for her/himself?

If the "child" does not have the level of abilities, knowledge, skills to be able to defend himself and remain loyal to her/his self, has her/his "father" been effective?

One of the survey participants (female, 27 years old) was sure that no argument could change her decision regarding her preferred candidate in political elections.

*"Even if he kills or brutally beats his employees. Of course, it is not desirable to have a leader with such values, but if the leader presents our country well abroad, strengthens the army, strengthens the economy, I do not care about his*

*personal qualities. If the leader brutally murders his employee, but builds a powerful army, I will vote for him. I do not deny the fact that when my close friends were killed, my emotions would prevent me from taking the right direction in the governance of the country. No matter how severe it is, all perfect leaders in history have corpses behind them. You may be a priest and with your purity you can lay solid foundations in your activities, but the state governance must have severe moments. Let's remember Napoleon, Stalin ... I don't know, all of them had it in their activities ... all of them have ... of course I would like justice, purity ... but no".*

The rate of rejection of paternalism is directly proportional to the rate of de-infantilization. It turns out that the opportunity of the political agenda is determined by the existence of social realities, in this case infantilism. It is at this stage of describing infantilism that the parallel existence of social and political infantilisms becomes clear: social infantilism makes political infantilism inevitable.

One of the surveyed participants (male, 27 years old) mentioned: *"If you have a good relationship with your boss and he/she helps you, then he is right for you in everything".*

The same participant answered the question whether he prefers to live in an independent Armenia or whether it is better for Armenia to join a powerful state: *"I'm not interested in politics at all, it's the first time I have thought about such issues..."*

Another man (male, 32 years old) answered the question as follows, whether the boss with whom he has a good personal relationship should undertake sponsoring him at work as well.

*"If you personally have a good relationship with your boss, she/he is somewhat obliged to help you, there should be a difference with whom she/he is close and with whom she/he is not".*

Political orientations and political behavior cannot exist independently of and beyond the stratified and boundless domain of socialization of the individual and society.

Family, school, workplace, community, associations of different scale and nature, and the state: the processes of communication with all these institutions and human integration in them have common patterns. Behavioral and cognitive models of being effective in these domains are consistent, and there is similarity in the destruc-

tive instances leading to failure. Socio-political infantilism is the expression of the individual's and society's unconquered social infantilism in the political domain, in the context of the hypothesis of the inseparability of social and political infantilism. The latent motivation of the socio-politically infantile individual's choices based on faith is the search for unquestionably regarded, incontestable and unconditionally accepted authority, according to his characteristic behavioral model of avoiding responsibility.

Among the respondents, the following answers were given to the question whether there could be someone who would influence the change of their preferred candidate in the political elections.

*"My father has always been the person whose advice I followed regarding the election, considering that he is experienced and intelligent"* (female, 31 years old). *"I think only my father can influence me to change my preferred candidate in the elections"* (female, 24 years old). *"Only my father's opinion can influence my choice, because I think he is smart"* (female, 28 years old).

The socio-political infantile subject lacks rational motives for critical reflection on the authority and ideas accepted by him. *Socio-political infantilism is a phenomenon of insufficient cognition, where its bearer lacks the components of self-reflection, critical analysis, and true judgement, from which his appropriate behavior in social and political domains is derived.* It is the projection of childish reactions and domestic judgements onto the political perceptions, orientations and behavior of an individual or community. Socio-politically infantile will find it difficult to assimilate democratic participant culture.

Comparing the analysis of the interviews with the results of the research done in Armenia during the different years of independence (Mkr-tichyan, 2006), we also reveal interesting details related to the relationship between subject culture and socio-political infantilism. It is obvious that the importance of the "decisive", "strong", "responsible", "intelligent" and sometimes "severe owner" is accompanied by the awareness that great responsibility is a difficult thing to avoid, or the same as more a great deal must depend on the decisions of significant others rather than one's own, and therefore the decisions of

others are more important. The search for that type of “owner” is also accompanied by political absenteeism, because in the case of artificial devaluation of one’s own person, both aggressive or dismissive behavior and indifference to what is happening are expected.

An example of political absenteeism. One surveyed participant (female, 23 years old) said the following about leadership: *“Perhaps the leaders know better what is good for us, in any case if they are the leaders they probably know better”*.

Then, while expressing her ideas about raising children, she said: *“It’s not always necessary for the parent to go ahead and let the child wear what she/he wants, so that she/he doesn’t think that it will always be as they want”*. Then she was asked whether she will participate in the upcoming elections and the answer to that question was negative. It is important to notice another circumstance here. As a parent, the respondent already has a clear concern that the child must learn that it does not always have to be what he/she wants, and at the same time, as a citizen, she becomes such a “child” in her relations with the state, even refusing to express any of her desire in the governance of the state. The latter is a collective example and is fundamentally similar to all cases in which the following pattern applies: if as a parent a person subjugates, as a citizen he is being subjugated. People making socio-politically infantile judgements are also often similar to the French royalist described in Almond and Verba’s work, as in the example above, where the respondent states that she wants purity and justice, but at the same time believes that particular brutality in the character of the leader is almost mandatory.

Similarly, another participant (female, 26 years old) stated: *“The man should have the final word in all matters in the family. If you trust your husband and start a family with him, you can be sure that he will make the right decisions”*.

Then, during the conversation, she expressed another opinion, which shows the fear of the absence of a figure who makes sole decisions and takes full responsibility in the political context: *“Democracy is very inappropriate for us. In my opinion, it disturbs us”*.

Among the factors of delayed maturity, Sabelnikova and Khmeleva bring forth phenomena that are the result of the changing world and the

formation of a fundamentally new socio-cultural environment. Among them are the modern virtual forms of communication, the unknown future of professions, and therefore the difficulties in choosing them, non-traditional conceptions of married life due to the need for a more long-term process of self-knowledge. In the background of all this, the authors of the above mentioned work describe infantilization as a completely natural phenomenon.

A person’s or society’s perceptions of childhood can also be a factor influencing the prevalence of infantilism. An analysis of the scientific literature reveals two main and conflicting approaches to the issue. According to the first, childhood is a unique and extremely important period of life, and the people who are already deprived of the right to be a child (over 18) are responsible for its flawless and effective course. After all, if a person turns 18, it still does not mean that he/she is mature. The 20<sup>th</sup> century political philosopher Hannah Arendt recorded and thoroughly analyzed the fact that childhood is very special in her works. She believed that “children should be allowed to be children, to be fearless, to have the space to discover themselves, to make mistakes, to have secrets and to be childish” (Topolski, 2011). “Children should not be forced to grow up early, their childhood is wonderful both for them and for the world. It is in that sheltered stage of their lives that children should be able to discover themselves without having to deal with the harsh realities of public life” (Topolski, 2011).

Arendtian approaches to childhood in a sense tend to fetishize childhood, and the latter can undoubtedly interfere or delay the period of productive adulthood. A child should also have a range of responsibilities in line with his/her development and the transition from childhood to adulthood should not be abrupt. Therefore childhood should be a preparatory stage for effective adulthood and not a period of life separated from adulthood and fetishized.

Blaming older people for immaturity and simultaneously emphasizing the sweetness and uniqueness of childhood, in the context of the child’s unlimited freedoms and right to be absolutely irresponsible, create a suitable environment for the modernization of socio-political infantilism. “Many modern social theorists, based on the fact that maturity is necessary and desirable, have noted an antagonism between

social development and childhood” (Neustadter, 1993). This group of thinkers stands in stark contrast to romantic and Arendtian approaches to childhood. “According to Freud, the child is nothing more than a homunculus, a primitive form of the complex and higher being represented by a mature individual” (Neustadter, 1993).

## Conclusion

We can state that nowadays the legitimization of infantilism is as relevant as the concerns about its undesirable consequences are. There are also many people who have come to the conclusion that the infantile lifestyle may be a conscious human choice.

Knowledge, as a highly effective tool of enlightenment, is a decisive factor affecting political ideas and orientations. The majority of the respondents had not read or watched anything about democracy and as a result, a small part of the respondents were able to define the term democracy precisely. For one third of the participants, the responsible jobs are the most difficult and these participants do not accept a number of fundamental democratic principles of governance.

Let us also state that socio-political infantilism is a multifactorial phenomenon. The existence of civic subject culture is conditioned by the latter. Democratization is a multi-layered process, the feasibility of which depends on diverse factors, including the content of the civic culture of a given society.

Evidently, young people who make “infantile judgements” about family and leadership similarly have infantile principles underlying their political judgements.

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## VOCATION: THEORY AND PRACTICE

Svitlana KHRYPKO<sup>1,\*</sup>  | Qi YANG<sup>1</sup>  | Olesia STOLIARCHUK<sup>1</sup>  | Nataliia PROROK<sup>2</sup> 

Iryna SPUDKA<sup>3</sup>  | Svitlana KALISHCHUK<sup>1</sup>  | Olena LOBANCHUK<sup>4</sup> 

Viktoriia MISHCHENKO-DRIUCHYLO<sup>1</sup> 

1 Borys Grinchenko Kyiv University, Kyiv, Ukraine

2 G. S. Kostyuk Institute of Psychology of National Academy of Pedagogical Sciences of Ukraine, Kyiv, Ukraine

3 Zaporizhzhia Polytechnic National University, Zaporizhzhia, Ukraine

4 Mykhailo Drahomanov Ukrainian State University, Kyiv, Ukraine

\* *Correspondence*

Svitlana KHRYPKO, 18/2 Bulvarno-Kudriavska Str, Kyiv, Ukraine, 04053  
E-mail: s.khrypko@kubg.edu.ua

*Abstract:* The core paradigm of the role of the phenomenon of vocation in being of a human as a spiritual mystery and a rational choice at the same time is emphasised. We consider the problem of the mystery of vocation in the spiritual-axiological (Christological) context of consideration and secular (so-called profane) understanding with a logical approach to modern-rational, research, and empirical paradigms of understanding and representation.

The work analyses the results of the study of the guidance and actions of Ukrainian psychology students regarding the realisation of one's vocation in the field of spiritual searches, in real life and virtual life space. The phenomenon of vocation is considered as a significant personal construct, which becomes a factor in its successful life self-realisation and achievement of psychological well-being. It is stated that a conscious vocation is a key to the successful professional self-determination of a young person and a factor in the effectiveness of their further professionalisation.

*Keywords:* vocation, calling, self-realisation, answering the calling, harmony, future psychologists, charisma.

### Introduction

Vocation... Calling... The answer to the calling... For each person, these words first outline the breadth of the space of incomprehensible, indecipherable concerns in the soul of a young person; then - the desire and will to find their place in life; further - a desire for professional self-determination; the need to find one's self, to understand it, to comprehend it, to make sense of it..., therefore - the realisation of what has be-

come an accentuated expression of the phenomenon of vocation and, finally, - either satisfaction from the rightly chosen life path, or contradictions and a sense of error, mistake, lost time and wasted life... Vocation is the embodiment of the mystery of an inexplicable desire to find answers and understand the meaning of "eternal questions", the path to oneself, the mystery of the reasons and foundations for the essence of a particular choice, the mystery of touching the truth...

The source knowledge base from the Christo-

logical context of the actualized problem usually includes representatives of the Catholic and Greek Catholic theological traditions of understanding the phenomenon of vocation.

A characteristic feature of local literature on the issue is a noticeable focus on the pragmatic paradigm of empirical results or the family and antitheistic (the one related to sacralization of the land) perspective of reflective research attention.

The modern cut of the actualization of this problem embodies the following accents and reflections - it is not enough for the modern human of the postmodern era to simply satisfy their basic living and mental needs while living in peace and stability. The simple experience of well-being appears to be insipid and stagnant as a result of increased individual tolerance to the uncertainty of social development. A modern person as a subject needs challenges, steep piques in the implementation of their own life strategy, conquests, publicity, recognition - and against the background of these achievements, experiencing a state of happiness, euphoric enjoyment of bright self-realisation. Such new trends are accompanied by the traditional dilemma of the relationship between the form and content of life creation. At the same time, saturation, dynamism, fullness, completeness, and even extremity of life in a certain sense appear as the desired form. But the content of the question is more complicated.

Local mass media and social networks are currently promoting a generalised, collective image of a successful specialist - a businessman who effortlessly "makes money" and then spends it on entertainment. His life and professional credo is to get to the right place at the right time. At the same time, the image of a weak, neglected and embittered pensioner is shown, whose circle of interests is focused on the problems of increasing prices for products and medicines, and rising tariffs for communal services. Self-centeredness, mercantilism and pragmatism of a modern person have become their widespread psychological characteristics, typical qualities of a market personality according to E. Fromm (1976). An individual's response to the dominance of the worldview position of "having" over the position of "being" becomes a powerful experience of an existential crisis, when a person feels devastated due to the collapse of relationships or loss of status, unfulfilled due to a

neglected identity, overshadowed by a feeling of total hopelessness due to burnout and resource depletion. Therefore, solving the issue of the content of life-making requires an appeal or rather a return of the individual to their own authenticity, spiritual essence and the construction of an individual trajectory of self-realisation on this basis.

Life self-determination of Ukrainian youth takes place against the background of complicated social dynamics, such as warfare, deterioration of the economic situation, impoverishment of the population, migration processes, rising unemployment, uncontrolled market resource and financial transformations, etc. On the one hand, this creates anxiety, confusion and uncertainty about the future, and on the other, it encourages a young person to be more conscious and responsible towards professional choice and further professional training, based on internal motives, including the identification and realisation of one's own vocation as a deep psychological construct. At the same time, the question arises: what semantic meaning does a young person attach to the concept of "vocation"? We consider this question to be particularly relevant for future psychologists who are concerned with the problem of finding and realising a vocation from two perspectives: firstly, as subjects of their own life path, and secondly, as future specialists, who in the future will work with problems of self-realisation of their clients. And these two perspectives are closely intertwined since a psychologist, who carries out his professional activity based on an embodied vocation, has the potential to provide quality psychological assistance to clients, including in matters of their life self-determination and self-realisation.

The objective of the article is a dualistic presentation of the vocation phenomenon in a philosophical-sacred section followed by analysis in a modern-pragmatic empirical context. The analysis of the results of the study of the instructions of psychology students regarding the vocation as the leading motive of the life self-realisation of the individual is presented.

## Material and Methods

The focus of our scientific investigation, in accordance with the analysed issues, was on stu-

dents who are studying psychology at the Boris Grinchenko Kyiv University. The total number of research participants was 165 students, the average age of the respondents was 21 years, the youngest was 17 years old, and the oldest was 25. All research participants were informed about its purpose and compliance with the principle of confidentiality due to the anonymity of their answers and expressed their voluntary consent to participate in it. The research was carried out from September-December 2021 - 2022. At the first, diagnostic stage, the questionnaire method (the author's development of the content of the questionnaire) and semantic differential method were used, then at the stage of data processing, the methods of quantitative and qualitative analysis were applied - average values, percentage ratios, ranking - with the help of the statistical program IBM SPSS Statistics (version 26). The study was completed with the interpretation and generalisation of the received diagnostic data.

### The Spiritual and Theoretical Context of Accentuation of the Problem

Comprehension of one's calling (the question of the meaning of life) becomes especially relevant in times of life upheavals and trials, difficult moments and existential crises. After all, the desire to find one's calling often arises when a person is in a state of despair and disappointment regarding the life path they have passed. And this desire quite often focuses on the sacred, religious context of world understanding. The path of finding "yourself", the touch of finding "meaning, especially the path to "your place under the sun"... is sometimes accompanied by the "way to God", and, of course, these paths can meet and cross in the sphere of finding one's vocation. The secret of this intersection is equally related to people from the secular world, from the realm of priestly service, and from the world of monasticism or hermitage.

According to the Christian creed, all people are created in the "image and likeness of God" (*English Standard Version Bible*, 2001, Gen. 5.1), therefore, by nature, every person has the aspiration in their heart to become the image and likeness of God, to become holy, "because God is holy": "...Be holy people to me, ... for I am

holy" (*English Standard Version Bible*, 2001, Ex. 22, 30; Lev. 11, 44). So, the call to holiness, according to Christian ethics, is the calling for all people, but each individual realises this universal calling in a specific state of their life: in professional activity, surrounded by relatives and friends, in married life, in monastic life, etc.

The Christian theological tradition usually directly connects the question of finding one's vocation with the problem of being able to hear God's call as such. Hear and accept. At the very beginning of His missionary activity, Jesus Christ called the apostles, whom after his Resurrection he instructed and entrusted to continue this His mission, so that the Gospel would be preached to all people of all generations without exception. Christ's call was not only to the chosen apostles but also to all the faithful. Thus, the Church teaches that through the Holy Mystery of Baptism, a person becomes an apostle, a messenger, that is, he receives a calling from God to proclaim the Good News, God's Science among all the people of the earth (Decree on the Apostolate of the Laity, 1996).

From the above – according to the statement of the Krehiv monastery of St. Nicholas, hiermonk Panteleimon Samakha – the idea emerges that every Christian must be an apostle of Jesus Christ and His Gospel. This is the general calling of every Christian. However, one cannot forget the fact that Christ chose those apostles who left everything and devoted themselves only to the service of God and the continuation of His mission. Namely - the preaching of the Salvation News to all people. This is a vocation specifically to the monastic and priestly state (Kabal hiermonk Anastasii Andrii, 2008, p. 5). And, a priori, this is a special, exclusive vocation, before which both non-believers and those who are indifferent bow their heads.

French researcher Philippe Madre (2008), considering the problem of finding a vocation and fundamentally connecting its content with the ability to love and the desire to hear the call of God, among other things, states: "...the call of God opens the greatest happiness that is given to people on this Earth. The call of God is one of the most undeniable proofs of His love. The call of God reveals to man the meaning of his existence. God calls... but how?" (p. 5). In this context, it is appropriate to turn to the Eternal Book and state that many people have already recog-

nized their vocation, responded to it and are living it. There are many such people today who sacrificially responded to this calling of Christ: "Follow me!" (*English Standard Version Bible*, 2001, Jn. 21, 22).

It is interesting and significant that the Synod of Bishops of the Ukrainian Greek Catholic Church declared 2008 as the Year of the Christian Vocation (*Resolution 6 of the Synod of Bishops of the UGCC*, 2007). Therefore, it can be concluded that the Church as an institution is strongly focused on the problem of finding and understanding the mystery of vocation, fundamentally focuses the attention of believers on its fulfilment or, at least, on recognizing the key accents of their vocation, so that - as Kabal hiermonk Anastasii Andrii writes - "...in - the atmosphere prayers and intentions to listen to the words of Jesus Christ, where He speaks, who and what is the calling that He Himself gave them" (*Holy fathers on prayer and spiritual sobriety*, 2007).

From the point of view of Christological tradition, "every vocation is always a gift of God himself" (Kabal hiermonk Anastasii Andrii, 2008, p. 7). We read about vocation as the embodiment of God's gift from the prophet Jeremiah: "I knew you before I formed you in your mother's womb. Before you were born I set you apart and appointed you as my prophet to the nations" (*English Standard Version Bible*, 2001, Jer. 1, 5). Christ himself also speaks about this, saying to his disciples: "You did not choose me, but I chose you" (*English Standard Version Bible*, 2001, Jn. 15, 16). These words of the Holy Scripture state that every vocation is a self-sufficient gift that the Lord God bestows on every person. Even before birth, God the Creator gives a vocation to every person. The context of the fact that God gives a vocation even before birth is the unique vocation of the Holy Mother of God.

Thus, from the point of view of the Christian vector of understanding this problem - the Creator has his specific plan for each person, smaller or larger, but in the eyes of God they are important and unique. Every person has a vocation. There is no such person who would be deprived of it. However, before answering the question of his vocation, each person must first know it.

Theologians fundamentally and repeatedly emphasise that "...the call that God gives to a

person does not have the slightest sign of enslavement. Each person can accept or reject it in a completely free way".

So, it can be concluded that from a Christologically focused point of view, every person has a calling that the Lord God gave them even before their birth, however, before responding to this God's calling, it is necessary to know it. And in order to realise your vocation, you need to make an effort. However, in this recognition of your vocation, you cannot rely only on yourself and your efforts. It is necessary to trust and rely also on God and reckon with Him, because the Lord, who gives the call, assures us of His specific help: "Do not be afraid, for I am with you" (*English Standard Version Bible*, 2001, Jer. 1, 8). Vocation includes faith, full of hope in God and His help. From a religious point of view, God expects from a person complete trust and readiness to fulfil their vocation, to which He has appointed them.

Reflecting on the core questions in the process of discerning one's vocation, it is worth paying attention to the fact that, according to the observation of theologians, those persons who turn to their self in search of their own path, personal purpose, individual vocation mainly have the following three questions:

1. Provided that after some long time of searching for one's vocation, a person still cannot make a final choice. So, in such situations, the following questions often arise: what to do; what to change; and what is the point in this; in which direction to go next?
2. Provided that one already feels the direction or specific changes that will need to be made in order to enter the path of one's vocation, but at this stage, new questions may arise: is this really God's will; is this way of life or profession really my vocation, or just some momentary desire that prompts me to this or that way of life?
3. And finally, on the condition that a person is already firmly convinced of his or her vocation, to which God himself calls them. That is, these people are certain about their choice, but on the other hand, they may also have the following questions: is this the right moment to follow God's call, or should we wait to be even more certain about our calling?

Undoubtedly, the period of premonition of a vocation is the beginning of work on recognizing

one's vocation. At this stage, a person becomes aware that his life, which he is currently having, somehow does not suit him. Therefore, in this period, there is a desire to find a way of life that would make him happy and that would bring him peace.

This period stimulates a person to make some kind of gift to Christ out of himself, even if he still does not know how to do it. In general, this period of premonition of a calling appears often in everyone. At this very moment, the most important thing for everyone is to get involved in starting the process of recognizing their vocation in themselves.

So, from a spiritual and Christological point of view - when someone notices that he is in this period of premonition of his vocation, he should pay attention to the following things - namely, life events and signs (in order to know your vocation, you must first analyse events and signs, with which one could get some information about the vocation).

The problem of false questions on the path of discerning a vocation is more than relevant to the theological tradition. Researchers rightly draw attention to the fact that on the road to discerning one's vocation, people often put themselves in a state of unnecessary anxiety, asking themselves: "What if...?" So, this type of question "What if...?" brings only confusion and restlessness to the human heart. A classic example of this is when someone asks himself about the choice of his life state, in which there are many uncertainties: "The life of a monk or a married life? It very often happens that a young person does not reckon with what he or she likes, but worries about what will happen if...?" (Kabal hiermonk Anastasii Andrii, 2008, p. 16).

Very interesting and relevant examples of false questions on the way to understanding and accepting one's vocation are given by the Kabal hiermonk Anastasii Andrii, namely:

1. when one half-obviously says to God: "God, I will follow You. But not there and not there!" (that is, this person is already more or less convinced about his vocation, but he asks God to give (I will be a monk if it will be "so and so" or I will start a family if it will be "so and so");
2. or another form of the condition, i.e.: "God, if You do not send me such a woman as I would like, then in such a case, I will go to the mon-

astery";

3. or - "God, if You do not help me to enter this or that educational institution, then, in this case, I will go to the monastery" (Kabal hiermonk Anastasii Andrii, 2008, p. 17).

This is more than a wrong approach to choosing a vocation. It cannot and should not be so.

Summarising the sacred accents of the above, it is worth emphasising the following -

- in order not to make a mistake in choosing one's vocation, one should learn to feel the harmony between desires and life events because a vocation always consists of a constant supernatural desire and life events or signs that were in life and that a specific person is experiencing at this moment. Sometimes events are the opposite of desires (for example, someone wants to be a surgeon but is deathly afraid of blood. Such a person will be a bad surgeon, no matter how much he wants to be a good one because the vital signs contradict his desire).
- it is also worth remembering that charisma (in Christianity, the term charisma means a gift from God; in Church Slavonic and Ukrainian translations of the New Testament and other texts, charisma is usually used interchangeably with the word "grace") is not the most important factor, according to which one needs to determine his or her vocation. Charismas can be helpful in knowing one's vocation, but they are not the most important factors on which to base oneself in discerning one's purpose. It is worth taking time and not waiting for one hundred percent readiness for a certain calling. (Conscious assurance of one hundred percent certainty and identity to enter the path of one's vocation is very rare - claim representatives of theology - in general, all who choose their state of life do not always feel complete certainty about their vocation. This feeling is quite normal, therefore, there is no need to be afraid to take risks). It is worth remembering that it is wrong and unrealistic to believe that there are such instructions with the help of which one can fully know their calling. This is impossible because there are no two similar people in the world. The creator of humans speaks to them personally and in the only possible unique way shows them their individual vocation.
- stepping on the path of one's vocation, the

inner readiness of a person must completely surrender to what the voice of the mental desire. There is also a widespread tendency to consider the phenomenon of vocation from the perspective of a person's life experiences. Thus, S. Dobrow and J. Tosti-Kharas proposed to consider vocation as "an all-encompassing, meaningful passion that people feel in relation to a certain field" (Dobrow, 2011, p. 1003).

To recognize a vocation and follow it unconditionally is the ideal of a Christian understanding of this idea. This is clearly illustrated by many evangelical testimonies, in particular, about the calling of the apostles themselves, where they, hearing Christ's call, immediately followed Him without asking what would happen next or how it would happen. This moment can be seen even more vividly when one of the first apostles asked Christ about where He lives, then Christ did not explain anything to him, only said: "Go and see" (*English Standard Version Bible*, 2001, Jn. 1, 39). Without questions. Without a doubt. Forever. Even more - for ages.

The above-mentioned sacred format of understanding the mystery of vocation sounds somewhat new in the modern version of the pragmatic empirical context of understanding and representation.

Analysing the historiogenesis of the concept of vocation, researchers J. Bunderson and J. Thompson single out three approaches to its interpretation. The classic approach to considering a vocation involves seeing it as a person's vital duty. The neoclassical approach is based on the interpretation of vocation as a source of transcendent meaning, identity and significance, and at the same time as an unwavering duty, sacrifice and vigilance. In contrast to the classical approach, vocation in the neoclassical sense has a secular meaning, that is, it is not based on a person's religious beliefs. The modern approach, while not excluding the interpretation of vocation as a person's duty, shifts the vector of this duty to the person. That is, a person has a duty to fulfil the vocation. For a person, along with the social usefulness of the results of his work from a vocation, his own self-actualization and self-realisation also become important. For example, J. Bunderson and J. Thompson (2009) emphasise that vocation through the prism of the modern approach is characterised as a personal choice,

which people can make as a result of a certain passion or obligation, but definitely not because it was determined that way.

Within the framework of the modern approach, a number of scientists study vocation in the space of human activity. In particular, A. Wrzesniewski et al. (1997) consider the individual's attitude to work as to work, to career and to vocation.

B. J. Dik and R. D. Duffy (2007) consider vocation as a combination of three components - a transcendent vocation that is formed outside of a person; the vital role of a person, which is focused on obtaining a sense of purpose and meaningfulness in work; orientation towards others, i.e. pro-social values of a person are prioritised.

### Empirical Results of the Work

At the beginning of the survey, respondents were asked to provide their own interpretation of the concept of vocation. Analysis of the content of these interpretations revealed several trends. First, some respondents understand vocation as a person's internal motive for activity, self-realisation. This is illustrated by the following answers: an internal inclination to a certain activity or profession; the mental desire, which helps to find the inner self; internal drive, inclination to something; the desire of the soul for something; a previously planned inner drive to something, using which a person can realise himself or herself. At the same time, another part of the students associated the vocation with a certain business, field of activity. This is reflected in their answers: it is a business that a person is good at doing in life; activities that bring pleasure, ensure success and are not imposed by anyone; a hobby or the main activity in life, a passion. This distribution of answers indicates a different time orientation of the content: the first group of answers expresses the perception of a vocation as a life perspective that must be achieved, and the second indicates a vocation as an actual fact, a specific business that a person is engaged in.

Secondly, a different semantic core of the concept of vocation can be traced in the answers of future psychologists. Some of the interviewees associate this concept with abilities, potential, their compliance with the needs of self-development and self-realisation. We have examples of

such answers: a predetermined activity vector corresponding to abilities; a set of abilities, skills and a person's desire to act with an element of intuition; a sphere for the realisation of abilities and oneself; a training ground for success, development of skills; a matter that suits a person as much as possible, in which he or she will reach heights. A significant number of respondents emphasised in their interpretation of vocation its emotional connotation, usually, a positive one (attractiveness, satisfaction). This, for example, is reflected in the following answers: a matter that impresses and interests a person; classes at one's own will; a matter in which a person feels as comfortable and safe as possible; a thing that makes a person happy; the work of life, which brings pleasure. A small number of respondents reflected in the concept of "vocation" an echo of meaning, values, faith, such as: God's appointment, which leads to success; a sense of satisfaction in a certain activity, which becomes the meaning of life; a business that helps a person to be socially significant; a cause for which a person sacrifices his capabilities, strength, meaning of life; the purpose of human birth. This data differs from the views of scholars E. Laguda, K. Ogunyemi, and E. Ohu (2018), who singled out three common elements characterising the vocation phenomenon: a task based on service, a sense of purpose and identity, and a prosocial orientation.

Apart from that, future psychologists perceive vocation in the realm of personal free choice of an attractive trajectory of life self-realisation, rather than social obligation, sacrifice, or innate inclination. This is partly consistent with the opinion of J. S. Bunderson and J. A. Thompson (2009) about a person's choice of a vocation, which he makes following his passion or obligation, that is, the aspect of the certainty of a vocation in advance is devalued.

In addition to that, it was established that the priority aspect of the value of the vocation, in the opinion of the interviewees, is its beneficial effect on the life of the individual, and not social benefit. Moreover, the individual vector of the embodiment of a vocation involves both mental values, such as self-improvement, realisation of personal potential, and vital ones - the achievement of success, status, and well-being. These preferences of the respondents contrast with the results of J. T. Bigham and S. J. Smith's (2008)

study of vocation in the aspect of choosing a teaching profession among students at a Christian university. Interviewed future teachers tend to consider a vocation as any career not motivated by material factors, or an activity aimed at improving society, or the result of the influence of a "higher power" on a person. In its essence, it is an occupation that requires a certain "sacrifice" from the individual.

When asked about in which spheres of a person's life their vocation can be manifested, the respondents' answers reflected an active approach, since the majority of future psychologists (65%) put their profession and hobby first. Also, 35% of respondents noted public activity as a training ground for the realisation of a vocation, and 27% of respondents pointed to training and education as a platform for its realisation. At the same time, only 18% of respondents believe that family relationships can be a field of manifestation of vocation. These answers fully reflect the established public opinion, formulated by the Ukrainian philosopher H. Skovoroda (1994) about congenial work as the only way to happiness.

Answering the question about when people usually begin to realise their vocation, a small majority of respondents were inclined to choose the period of youth (51%). 22% of students believe that adolescence or early adulthood can be favourable periods. Only 11% of respondents consider childhood as a training ground for realising a vocation. It is noteworthy that although 41% of future psychologists emphasised the individual temporal nature of a person's awareness of his vocation, not a single respondent chose the answer option "advanced age". We assume that this may indicate echoes of ageism in the worldview of the interviewees.

The next step of the survey was to find out the opinion of the respondents regarding the influence of the vocation on the quality of a person's life. The analysis of the answers of the interviewees showed that, in general, future psychologists associate vocation with favourable, emotionally positive mental manifestations, since only the answers of two persons appear, conditionally speaking, problematic aspects of this phenomenon - "the mental desire that helps to find oneself" and "the matter, for which a person sacrifices his abilities and strength". More than half of the respondents emphasise that an unreal-

ized vocation can provoke crisis experiences. However, the specific impact of a vocation on the quality of a person's life appears ambiguous in the vision of the students we interviewed: both

as a leading driver of self-realisation, as a source of additional responsibilities, and as a reason for experiencing life crises. The distribution of answers is shown in detail in Table 1.

Table 1.

Impact of Vocation on the Quality of Life

Answer options	The number of respondents' choices* (%)	Ranking position
A discovered and realised vocation contributes to self-realisation and personal development	77	1
An unfulfilled vocation can cause a feeling of desolation and purposelessness of existence	56	2
A person can be successful only thanks to intelligence, will and activity, without a realised vocation	29	3
The realisation of a conscious vocation deprives a person of spontaneity and adds responsibilities	6	4

\*the question allows for selecting multiple answer options at the same time

The established dominant trend in students' views on the positive impact of a realised vocation on the quality of a person's life correlates with the research of scientists B. J. Dik, R. D. Duffy, B. M. Eldridge (2009), which revealed a direct connection between a vocation and a higher level of career and general well-being of a specialist.

It is obvious that the realisation of a vocation is preceded by the process of discovering it, which is influenced by certain factors. The survey was designed to gather information from students about the factors that contribute to finding their calling. It was found that the most influential factor leading the rating was, according to the interviewees, a person's knowledge of his or her talents and abilities (Table 2). This once again emphasises the majority of students' vision

of vocation as a phenomenon of successful realisation of one's personal potential. Formed life goals are in second place, which indicates ambiguous attitudes of the surveyed students. Formed life goals can appear both as a result and as a factor in realising a vocation. The third position of the rating reflected the instrumental factor - developed intelligence and will, which are used by a person in the process of finding a vocation. Thus, the triad of leading factors is concentrated around the individual as the subject of awareness of his or her own vocation, and the support of the environment is inferior to these three factors in the view of the respondents. According to the rating, having a rich life experience is not considered very important and has been ranked fifth. Individual students mentioned faith in God as a source of awareness of their vocation.

Table 2.

Factors of Vocation Awareness

Factors	The number of choices (%)*	Ranking position
Knowledge of one's talents and abilities	71	1
Formed life goals	65	2
Developed intelligence and will	52	3
Support and advice from close friends and family	31	4

Rich life experience	27	5
Faith in God	2	6

\*the question allows for selecting multiple answer options at the same time

In the process of research, it was important to find out the results of reflection by psychology students of their own profession. It was established that the majority of students - 55% believe that they have already realised it. At the same time, only 26% of the future psychologists involved in our research emphasised that they are already mastering the profession that corresponds to their vocation. Instead, 45% of respondents indicated that they are still in the process of searching. The data we obtained correlates with the study of E. Mulyarchuk (2017),

who found that only 25% of the students he interviewed declared that they had a vocation to the chosen teaching profession.

For those students who believe that they have realised their vocation, an additional question was formulated to determine the scope of this vocation. It was shown that a part of the students consider self-development to be the priority direction of their vocation, and slightly fewer respondents chose the field of helping people, which positively correlates with their chosen psychological profession (Fig. 1).

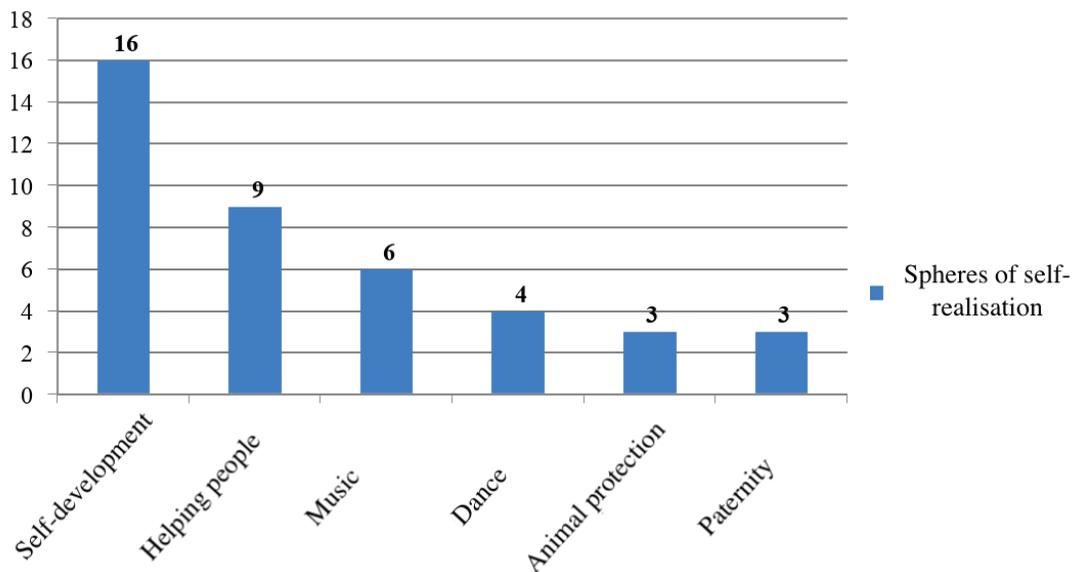


Figure 1. Dominant Spheres of Vocation Implementation (In % of Choices)

Also, in some individual answers of students, such spheres of realisation of their vocation appeared: becoming a manicurist, taking an active part in student self-government, writing poetry, and overcoming illness.

Regarding another sample of students, which was 45%, the question was formulated as whether they take any steps to realise their vocation. A fifth of students answered negatively, that is, they are currently not concerned about finding their own vocation. Suppose that they postponed the process of realising their future for later. Among the descriptions of the 80% of future

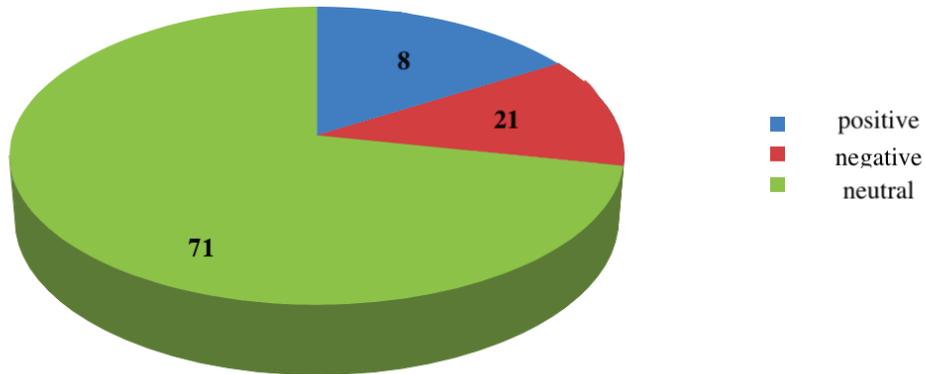
psychologists who answered affirmatively, such actions aimed at realising one's vocation, such as self-testing in various fields (30% of choices) and self-education, which were mentioned by 22% of respondents, appeared most often. 11% of students use communication as a means of realising their vocation, and 13% use self-analysis. Individual students mentioned prayers and their own good deeds in their answers (2% each, respectively).

In the process of research, it was important to find out the opinion of the interviewees regarding the influence of society on the processes of

awareness and realisation of vocation by Ukrainians. It was found that the majority of future psychologists place the responsibility for this on the individual, considering the influence of society to be insignificant (Fig. 2). About a fifth of the respondents pointed to the adverse influence of

society, as the instability of the society's development forces a person to think not about a vocation, but about survival. And less than a tenth of students believe that the society helps Ukrainians to realise and implement their vocation through free choice of profession, hobby, and status.

**Influence of the society**



*Figure 2. The Influence of Society on the Awareness and Realisation of a Calling (in %)*

Since our respondents were young people in the status of students, it was important to gather their perspectives on the influence of the university environment on the awareness and realisation of a vocation. The answers to this question echo the data presented by us regarding the connection between the vocation of students and

their future professional activities since almost half of the respondents emphasised that the university environment contributes to their awareness and realisation of their vocation through the possibility of acquiring the desired profession or deepening psychological competence (Table 3).

*Table 3.*

**The Influence of the University Environment on the Awareness and Realisation of the Vocation by Students**

Aspects of influence	The number of choices (%)*	Ranking position
Assistance through opportunities to acquire a desired speciality or deepen knowledge of psychology	44	1
Vocation is not related to the student status	40	2
Support through the organisation of education and leisure	36	3
Education interferes with the realisation of a vocation	16	4

\*the question allows for selecting multiple answer options at the same time

On the other hand, 40% of respondents pointed out the lack of connection between their professional training and vocation. It is evident that the students' decision to pursue a career in psychology is influenced by external factors. Some

respondents linked their profession to extracurricular education or scientific research, as well as recreational activities hosted within a university environment. It is worth noting that many students believe that pursuing professional

training hinders their ability to pursue their true calling. This can be explained by various factors, for example, an unsuccessfully chosen profession that does not correspond to the potential or expectations of a young person. Or, in the case of alternative spheres of realisation of the vocation (ones different to the field of study), the students' busyness with educational tasks prevents them from doing so.

Taking into account the focus of the respondents' professional training, we included a question about whether psychologists can successfully carry out professional activities if they have

chosen a profession that is not their vocation. Students' answers were different, but almost a quarter of respondents (26%) consider vocation to be the leading factor in the success of a psychologist's professional activity (Table 4). Over half of the respondents hold the opposing position, in their opinion, the lack of a vocation as a motive for a psychologist's activity can be compensated by a sense of duty, responsibility or professional experience. Also, 51% of students are convinced that a vocation realised outside the professional activity of a psychologist can distract from the quality performance of the duties.

Table 4.

The Success of a Psychologist's Activity When Choosing a Profession without a Calling

Answer options	The number of choices (%)*
Is impossible, because a job or occupation by calling will attract more	51
Is impossible, because the work will burden and depress	26
Is possible if the psychologist is guided by a sense of duty and responsibility	23
Is possible if the psychologist gains sufficient professional experience	32
Is possible if the psychologist starts enjoying the professional activity over time	28

\*the question allows for selecting multiple answer options at the same time

Some of the respondents are optimistic, as they believe that the lack of a vocation as a leading motive for choosing a profession as a psychologist will not prevent them from appreciating and enjoying their profession over time and working successfully.

We did not aim to establish a clear differentiation between the categories of vocation and destiny, as some researchers have done. We also recognize that our study can advance the use of standardised diagnostic questionnaires, which will contribute to the collection of valuable empirical material on the relationship of vocation to self-esteem, psychological well-being, etc.

## Conclusion

People are not always aware of their influence on society due to the individual significance of their activity, but they are always the subject of their own life trajectory, which can be built and implemented more effectively, based on a vocation.

The phenomenon of vocation is a significant psychological construct included in the core of an individual's orientation, which becomes a factor in the successful life self-realisation and achievement of psychological well-being. The study of students' views regarding the definition of "vocation" is important, as it opens up the possibility of monitoring and psychological support of their professional formation at the stage of professional training. A well-informed vocation becomes a key to the successful professional self-determination of a young person and a factor in the effectiveness of further professionalisation. It has been established that the students' beliefs regarding their vocation are dominated by the tendency to perceive this phenomenon as an attractive activity that allows them to successfully realise their own potential. The surveyed students place the responsibility for recognising and implementing their vocation on the individual. However, only a fourth of those interviewed admitted that they are mastering a profession that corresponds to their vocation. It has been estab-

lished that about half of future psychologists are in search of their own vocation. Clarifying the future psychologists' understanding of the content and functions of the vocation is important in the context of the prospects of providing psychological assistance to clients with difficulties in professional self-realisation and career building.

The spiritual component of understanding the phenomenon of vocation will always be fundamental, pivotal in significance in the search for one's life path. Empirical studies will always be relevant and necessary, as they sharply emphasise "points of intersection", "points of no return" and the edge of "the ability to start all over again" in one's life, destiny, vocation.

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## PSYCHOLOGICAL STUDY OF THE ENVIRONMENTAL FACTORS OF PERSONAL CREATIVITY MANIFESTATION

Sona POGHOSYAN<sup>1,\*</sup>  | Ruben AGHUZUMTSYAN<sup>1</sup>  | Ani KHACHATRYAN<sup>1</sup>  |

Khachatur GHAZEYAN<sup>1</sup> 

<sup>1</sup> Public administration academy of the Republic of Armenia, Yerevan, Armenia

\* Correspondence

Sona POGHOSYAN, Kievyan st. 8/1, Yerevan 0028, Armenia  
E-mail: sona.poghosyan@paara.am

*Abstract:* The manifestation of a person's creativity is determined by the complex interaction of the conducive and obstructive factors of the environment. We propose a model for the study of creativity, which takes into account the conducive and obstructive factors. The purpose of the article is to study the ratio of conducive and obstructive factors to the manifestation of a person's creativity. The characteristics of the creativity of modern managers are determined by a unique ratio of conducive and obstructive factors, according to which the impossibility of making independent decisions is an obstructive factor for them; and the freedom to express their thoughts is an conducive factor, the fear of making mistakes and the fear of criticism are obstructive factors; and the spark of new thoughts and ideas, the inspiration and enthusiasm to create new ideas are considered to be conducive factors. Such a correlation of contributing and hindering factors of personal creativity is the basis for developing a new model of studying and developing personal creativity. Thus, the creativity study model is built from the level of creativity, standards, personal qualities of creativity, the relationship between them, the factors contributing to and hindering creativity, their unique relationship.

*Keywords:* creativity, person, barriers of creativity, relationship, manifestation, study, model.

### Introduction

Nowadays, when we witness the construction of the new world, we cannot refute the fact that it is necessary to think in a new format, in a new way. Changes in modern life are challenges to a person. And creativity helps him/her to face and

adapt to these challenges.

Creativity is the challenge to the new world. It allows the creation of new tools, new methods and technologies. As G. Abel (2009) mentioned, creativity is the creation of something new that has never existed before. Creativity has to do with bringing something new into being, into the

world. It refers not to mere novelty but to something genuinely new, something that was not used to exist.

The construction of the new world is based on the creativity of a person, which is a complex of the most important intellectual and personal qualities.

Along with its necessity and importance, the manifestation of creativity in a person's activity is quite complicated. It is not always an obvious quality contributing to a person's activity. Often creativity is pushed to the background and does not become important. One of the dangerous trends today is that very often creativity is considered as a fashionable phenomenon and is rejected without going deep into its essence. There is a misleading impression that it is possible to be creative without knowledge.

Many authors (Sternberg, R., Weisberg, R., Amabile) consider that knowledge is important for creativity, even in R. Sternberg's theory, knowledge stands out as a component of creativity.

There is in opinion, that knowledge about a field can result in a closed and entrenched perspective, resulting in a person's not moving beyond the way in which he or she has seen problems in the past. Knowledge can thus either help or hinder creativity (Sternberg, 2009, p. 30).

We also consider, that knowledge is important for manifestation of creativity.

In professional activity we constantly face the problem of creating conditions for the manifestation of creativity. Until now, there are few studies aimed at identifying the factors contributing to or hindering the manifestation of creativity.

Today, in the conditions of digital society, the manifestation of creativity becomes more important in teams and organizations, where the phenomenon of synergy and mutual motivation exist. However, at the same time, creativity is not always visible in teams and organizations as a result. Our studies have shown that a person most often values the manifestation of other qualities than creativity in his/her activity. So the question arises, why it is not highlighted. One of the reasons is the barriers to creativity and the lack of favorable conditions that will allow a person to fully express his/her creativity.

Creativity can be expressed only in the environment with favorable conditions. This kind of environment is a set of factors that include na-

tional, cultural and social elements. Each of these elements' role is indispensable and unique in the expression of creativity. But one thing is clear: they work together and have a systemic impact. Ignoring any of these elements makes a systematic study of creativity incomplete. That is the reason we propose a creativity study model, which includes both supporting and hindering factors of creativity. Barriers to creativity are numerous and multifaceted, but in fact, they are strong barriers at the level of consciousness and do not allow a person to realize his/her potential.

The purpose of the article is to analyze the factors hindering and supporting the expression of creativity in a theoretical and experimental way. The object of research is the influence of objective and subjective factors on the manifestation of creativity. We put forward the following hypothesis: the characteristics of the creativity manifestation of a modern manager are due to the unique correlation of hindering and supporting factors.

## Methods

The methodological principles of our research are the systemic approach and the principle of development of psychological qualities. The methodological basis of this research is the psychometric approach to creativity, the representatives of which (Guilford, 1950; Torrance, 1968; Williams, 1986) define the indicators of creativity, since setting indicators makes creativity measurable. F. Williams' methodology evaluates both cognitive and personal-individual qualities of creativity. Cognitive factors of creativity are fluency of thinking, flexibility, originality, and elaboration. The personal-individual factors of creativity are the ability to take risks, complexity, curiosity, and imagination. Research was done using the methods of diagnostics by F. Williams for creativity assessment and for discovering the individual qualities of a creative person. The level of creativity was measured by F. Williams's divergent thinking test, which includes the parameter of fluency, flexibility, originality, elaboration, and verbal creativity (to use the word creatively) (Tunik, 2003, p. 5).

We conducted a study among 200 executive and mid-level managers of different organizations. 116 of them are men, 84 are women. Test-

ing and expert questionnaire methods were applied. We use the methods of survey, testing, mathematical statistical analysis for this study. The study was done by groups and by individuals. The study of barriers and contributing factors was done in some groups in group format, at first a discussion was organized, then they completed the questionnaire.

The results of the research were analyzed by SPSS-23 mathematical-statistical software.

## Literature Review

The article has theoretical and practical significance. The theoretical significance is that the concepts of creativity are supplemented, a new model of creativity study is put forward, in which obstacles and supporting factors of creativity play a special role.

The practical significance is that this study can be a basis for the development of creativity of a person and for creating the best conditions in organizations for its manifestation.

The scientific novelty is the model for the study of creativity, that includes the level, personal qualities of creativity, contributing and hindering factors of creativity.

The creativity was studied by some researchers (Maslow, 2022; Lubart, 2001; Gardner, 1988; Mednick, 1962; Simonton, 2004; Runco, 2004), but until now no one has given the final definition, which led to the absence of joint research system. Due to this we offer a new model of a person's creativity.

The role of environmental factors, which is still one of the controversial issues in the concepts of creativity and has been subject to long discussions, is particularly emphasized in the creativity study model proposed by us. We will briefly review several theoretical approaches, which emphasize the role of environmental factors and will complement them with our studies.

The interaction between creativity and environment is considered in not all concepts of creativity. Today, one of the most important concepts of creativity is the investment theory, which takes into account the role of social factors. As Peter Meusburger (2009) points out, the original concepts of creativity do not address the issue of interaction with the environment. Researchers state that creative people have a special talent

that others do not have, that creativity is a gift or innate talent that cannot be acquired or taught.

However, later on, the role of environmental factors is emphasized more. P. Meusburger (2009) states that more scientists began to accept the fact that creativity is not an innate quality of a person, no matter how talented and clever he is (p. 97). They began to accept that creative ideas arise and develop as a result of a complex dynamic interaction between the creator and his/her environment.

In other words, creativity requires time and certain environmental conditions.

A. Cropley (2006) notes that interest in the impact of environmental contents, attitudes, and relationships on creativity emerged only in the late 20<sup>th</sup> century (p. 402). The author considers the reason for this delay is the fact that new, unique and valuable ideas often meet resistance because they threaten traditions and can destroy existing paradigms and ruling relations. Both ignorance and the highly valued prior knowledge of experts can block novel ideas, so that thinking leads only to production of tried and trusted, "correct" answers.

We cannot disagree with this point of view, because our experiments have also shown that very often managers refuse to accept new ideas proposed by employees as they are a threat to stability and known ideas. Also, employees often avoid using new methods and tools, because there are already reliable and correct options. Such comments are often heard. "If the previously used method brings us results, why do we need a new method, the usefulness of which we do not know?"; "If there is an easy way, why do we need to take a difficult way?" Even the new methods of problem solving presented during the training cause rebellion among them. Such attitudes do not allow employees to get out of the mental patterns they have built, to take risks, to try and find new ways and methods, to improve the system. Meanwhile, we cannot deny the fact that the global paradigm of management has changed: the employee has a desire to push his/her ideas forward, to participate in the decision-making process.

Frensch and Funke (1995) put forward another original observation. They state that creative potential must be realized in the family, school environment, role models, organizational structures, culture, and professional career opportuni-

ties (p. 18). This interaction is not mechanical. Creative people are not only nurtured, they are included in the environment, where they can develop their abilities, interact with other people, get the necessary support, get excited, solve problems and have the necessary resources. "Joint problem solving involves effective interaction with the problem solver and situational conditions. It includes the problem solver's knowledge, cognitive, emotional, personal and social abilities".

Creativity is the ability to create the result that is new and corresponds to the content of the surrounding reality, the limitations of the situation (Amabile, 1982; Amabile & Pillemer, 2012; Lubart, 2001; Mackinnon, 1962).

T. Amabile (1996) finds, that there are three components for creativity: domain-relevant skills, creativity-relevant processes, and task motivation.

M. Csikszentmihalyi (2015) thinks in a similar way noting that creativity is not in the head, but in the field of interaction between human mind and socio-cultural context (p. 29).

The interaction of a person and the environment is important for the manifestation of creativity, because a person can be creative, but the environment does not allow his manifestation.

We consider creativity as a complex of thinking and personal qualities that allows us to solve problems in a new way, get new methods of solving, tools. A feature of creativity is the presence of each parameter of fluency, flexibility, originality, elaboration, from the sum of the indicators of which the level of creativity is obtained. If a person is characterized only by originality of thinking, or only flexibility, this is not creativity yet and we cannot get a level of creativity. Creativity is a combination of thinking criteria - fluency, flexibility, originality, elaboration and personal qualities - the ability to take risks, complexity, curiosity, due to which new solutions are proposed. Our vision is that if a person has only a high level of creativity, but personal qualities are needed, the combination of which will allow us to talk about creativity.

We believe these are the key issues that cannot be ignored in the process of developing creativity, since our studies have found out that most employees do not show their creativity as their managers do not value their ideas.

Here are some examples: "Leaving the im-

portant issues, you are busy painting a butterfly", "Your proposal is not relevant now. We need to use a lot of resources to implement it".

The role of environmental factors is highlighted in the comments that emphasize the importance of creativity in terms of benefiting the organization and the environment. The article of Meusbarger (2009) presents a number of authors' approaches (p. 101). For example, Briskman (1980), argues that one of the characteristics of a creative result is its relevance, the internal connection that exists between the result and the background where it arises. Stein (1953) suggests that creative work is the new one that is accepted by a group as reasonable, useful, or satisfying at some point in time. Oldham and Cummings (1996) describe creative activity as a result, idea or process that meets two conditions: first, they are new and original, second, they are relevant or useful to the organization. In the field of management, Woodman, Sawyer and Griffin (1993) describe creativity as the creation of a valuable, useful new product, idea or process by people working together in a complex social system.

Many authors have the same opinion and we also share their opinion, that the originality is one of the main and important criteria of creativity, which leads to new solutions.

Although the mentioned authors point out environmental factors, they do not propose methodologies and models of the study, which will reveal the influence of environmental factors.

These comments prove once again that creativity, as the creation of something new and valuable, cannot be considered outside of the system and the structure where it is created, which means that the impact on it should also be considered within the specific structure and system. This further expands the methodical approaches to creating favorable conditions for the development of creativity, that is, when suggesting a program for the development of creativity, it is necessary to take into account the environment and the structure in which it should be implemented.

We are also inclined to the approach that creativity is a quality expressed by the influence of the environment, which is also approved by our research. It is obvious that proper conditions are necessary for the manifestation of creativity.

Favorable environmental conditions allow not only to create new ideas, but also to make them real.

When addressing the factors contributing to the manifestation of creativity, we are directly related to the issue of collective creativity, which is considered a priority in organizations due to its type and demand.

D. Harrington (1990) considered creativity as a joint activity, since individual creativity is always the product of interaction with a wider social environment.

When considering the characteristics of the manifestation of creativity in joint activities and the organizational environment, it is necessary to take into account the organizational environment, the influence of the factors of that environment on the manifestation of creativity. In this context, the approach of Kratzer et al. (2003) is interesting, according to which the creative nature of developing something new requires the involvement and cooperation of different members of the organization, which means that the communication model in the group is an important factor contributing to the expression of creativity. Manifestation of creativity in the level of individuals and collectives largely depends on how much attention the management of the given organization pays to the creation of favorable conditions. The team's collective creativity and individual creativity are activated if the organization supports and stimulates the creative processes of its employees.

According to C. Andriopoulos (2001), there are five organizational components that can be used to influence employee creativity: Organizational climate, organizational culture, organizational structure, allocated resources, skills and abilities.

The organizational culture that promotes the manifestation of creativity has a key role for employees, as it becomes their way of life. It is not considered as an advantage or a privilege, but a natural process.

The manifestation of creativity in the organizational environment is greatly influenced by the

leader's willingness to accept new thoughts and ideas and to promote their implementation. Creative ideas and thoughts cannot be brought forth in an environment where there is constant criticism and opposition to those thoughts. In this regard, the manager's personality and his attitude to the promotion of new ideas, as well as bringing them into the field of practical application, are highly important.

According to Neumann (2007) and Edmondson (1999) joint problem solving is one of the factors supporting creativity. This gives an opportunity to create an atmosphere of mutual support in the group, which contributes to the promotion of joint decisions and makes it possible to apply techniques that contribute to collective creativity.

The feeling of psychological security both at the individual and group level is an important psychological factor contributing to the formation and manifestation of creativity. So it is important to create an atmosphere of mutual cooperation and trust.

It is also necessary to take into consideration the fact that it is important to have people with different thinking styles in the group. The inclusion of people with different professions in the group is also considered as a contributing factor. This provides an opportunity to advance multi-content, diverse, cross-sectoral ideas and generate new ideas, which have a broad spectrum.

Based on the theoretical approaches, we also did an experimental study of the factors promoting and hindering the manifestation of creativity. The study aimed to identify which factors promoting and hindering the manifestation of creativity are most pronounced among modern managers.

## Results and Discussion

The results of the research conducted among managers showed that the level of their creativity is above average ( $M=69$ , according to the test, 131 is considered a high score of creativity).

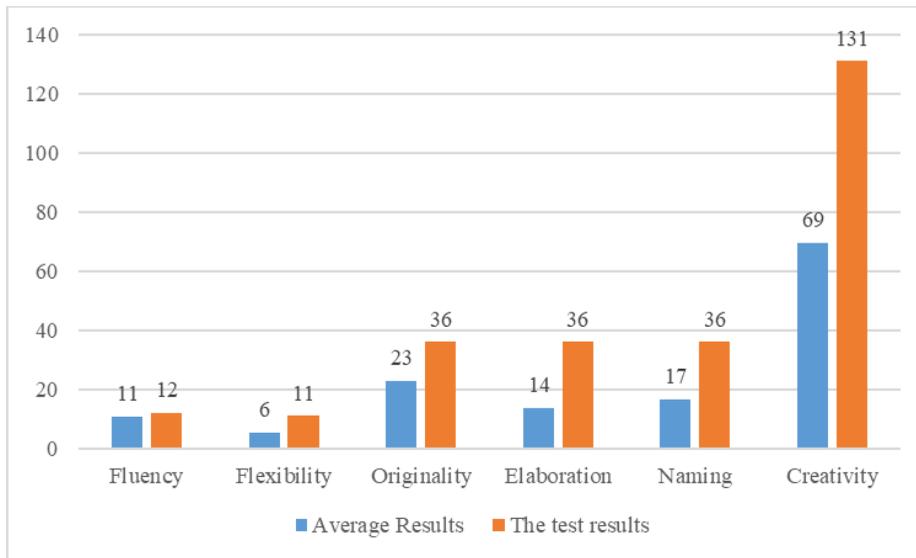


Figure 1. Creativity Level of Managers and indicators of Creativity: Average Results (n=200).

The creativity standards such as fluency (M=11, according to the test, 12 is considered a high score of fluency) and originality (M=23, according to the test, 36 is considered a high score of originality) recorded a high level. It means they can propose new, unique ideas, but they do not develop, improve or use the speech

creatively. The flexibility measure is above average, indicating that they do not always come up with ideas in a different category (see Fig. 1).

Self-esteem of creativity among managers is low, which means that they do not value their creativity (see Fig. 2).

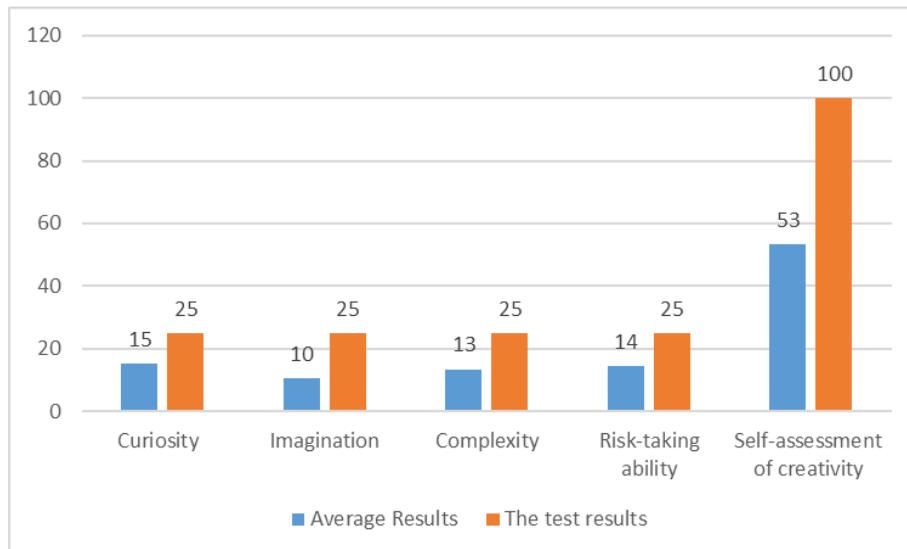


Figure 2. Personal qualities of creativity of Managers: Average Results (n=200).

From personal qualities of creativity, managers have middle level of Curiosity (M=15), Risk-taking ability (M=14), Imagination (M=13). Self-assessment of creativity is above average (M=53, the test norms is 100).

The correlation analysis showed that there are significant relationships between speed, flexibility and risk-taking ability, which means that the higher the risk-taking ability of managers from the personal qualities of creativity, the more they

propose a large number of ideas that belong to different categories.

The relationship is significant between originality and complexity ( $r=,166$ ,  $P < 0,01$ ), elaboration and complexity ( $r=,169$ ,  $P < 0,01$ ), which means how much managers tend to solve complex problems, put forward their own ideas and thoughts without paying attention to the reactions of others, set themselves high goals and try to achieve them.

They allow themselves the possibility of making mistakes and failures, they like to explore new ideas or things, not obeying the opinion of others, they are not satisfied with one answer, so they tend to put forward unique, unusual ideas, develop them, improve them. The relationship between self-esteem of creativity and elaboration ( $r=,143$ ,  $P < 0,01$ ) also indicates that the higher the self-esteem of managers' creativity, the more they improve their ideas and elaboration.

The relationship between curiosity ( $r=,163$ ,  $P < 0,01$ ), imagination ( $r=,151$ ,  $P < 0,01$ ), complexity ( $r=,173$ ,  $P < 0,01$ ), creativity self-evaluation and naming ( $r=,192$ ,  $P < 0,001$ ) means that managers use words creatively when they are interested in various phenomena, when studying new thoughts and ideas, when thinking about unknown phenomena, imagining, posing complex problems, when valuing their creativity.

The significant relationship between complexity ( $r=,211$ ,  $P < 0,001$ ), risk propensity ( $r=,173$ ,  $P < 0,01$ ), self-assessment of creativity and creativity ( $r=,185$ ,  $P < 0,01$ ) states that the extent to which managers pose complex problems, show persistence in achieving their goals, offer very complex options for problem solving, like to explore new ideas or things, not obeying to the opinion of others, take risks rate their creativity highly, the higher the level of creativity is. Thus, the correlation between the personal qualities of creativity and the criteria of creativity proves that among the personal qualities of creativity among managers, in case of curiosity, complexity, imagination, risk-taking, high self-esteem of creativity, they demonstrate a high level of creativity, speed of thinking, flexibility, originality.

We believe it is because of the barriers they have. In accordance with these principles, we have developed a questionnaire aimed at identifying the specifics of the emergence of barriers to creativity. The expert questionnaire included

19 factors that can hinder the expression of creativity. The expert should evaluate them on a scale of one to six ( $n=200$ ).

Those barriers are fear of making mistakes (2.9), fear of being criticized (2.6), limited number of solution options (2.8), laziness (2.6), distrust (2.7), rigidity of thinking (2.6), working under time constraints (3), thinking in patterns and by the same way (3), inability to make independent decisions (2.8), yielding to the opinion of the majority (2.9).

These results prove that it is hard for managers to propose creative ideas when there is a shortage of time. When they do not have the opportunity to make independent decisions, they yield to the opinion of the majority, which may be because of the fear of being criticized, making mistakes, and the lack of confidence. If we combine our results with the opinion of the T. Amabile (Amabile et al., 2005), we will see, that the shortage of time doesn't let the incubation process lead to creative thought.

According to the results of the research of contributing factors ( $n=200$ ), it is clear that managers highly value the desire for self-improvement and self-development (5.4), the encouragement of new thoughts and ideas (5.2), the inspiration to create new ideas, enthusiasm (5.2), freedom to express thoughts (5.3).

Psychological safety and the ability to take creative breaks are the lowest rated ones (4.2). Thus, if we compare the contributing and hindering factors of the managers' creativity, it is noticeable that they emphasized those contributing factors, the presence of which is a way to overcome the obstacles, in particular, the impossibility of making independent decisions is an obstacle and the freedom to express thoughts is a contributing factor.

We can conclude that in the case of freedom of expression, the managers will be able to make independent decisions. They will not be limited or constrained. Likewise, the fear of making a mistake and the fear of being criticized are the obstacles, and the encouragement of new thoughts and ideas, the inspiration to create new ideas and the enthusiasm are supporting factors. So there is a need to encourage creative ideas, enthusiasm and inspiration and exclude criticism.

We believe that psychological safety and taking creative breaks as the contributing factors have low scores and are not valued by managers

because they are still unable to realize their creativity fully. It is in the conditions of fully expressed creativity that there is a need to give creative breaks, while in our sample there are still many barriers for the managers to realize their creativity.

## Conclusion

From the theoretical and experimental study, we can conclude that environmental factors have a special role in the model of studying creativity of a person. When studying the creativity of a person and a group we should take into account the contributing and hindering factors of its manifestation. The creativity of a modern manager is at an average level, the indicators of fluency and originality are high, they are able to put forward a large number of ideas, but they do not develop. The flexibility measure is above average, indicating that they do not always come up with ideas in a different category. Self-esteem of creativity among managers is low, which means that they do not value their creativity. The correlation between the personal qualities of creativity and the criteria of creativity proves that among the personal qualities of creativity among managers, in case of curiosity, complexity, imagination, risk-taking, high self-esteem of creativity, they demonstrate a high level of creativity, fluency of thinking, flexibility, originality, improving ideas, using the word creatively.

The characteristics of creativity manifestation of the modern manager are determined by the unique correlation of hindering and supporting factors. The impossibility of making independent decisions is an obstacle and the freedom to express thoughts is a supporting factor, the fear of making a mistake and the fear of being criticized are obstacles and the encouragement of new thoughts and ideas, inspiration to create new ideas and enthusiasm are supporting factors. Such a correlation of contributing and hindering factors of personal creativity is the basis for developing a new model of studying and developing personal creativity. Thus, the creativity study model is built from the level of creativity, standards, personal qualities of creativity (the ability to take risks, complexity, curiosity, and imagination), the relationship between them, the factors contributing to and hindering creativity, their unique

relationship.

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## CONCEPT OF PUBLIC ADMINISTRATION IN THE CONTEXT OF GLOBALIZATION

Lubov POSTNIKOVA <sup>1,\*</sup>  | Gulnara DZHANCHAROVA <sup>1</sup>  | Yulia KAPITONOVA <sup>2</sup>  |

Veronika KOZHINA <sup>3</sup>  | Polina ROSTOVTSEVA <sup>4</sup>  | Aleksandr SHELYGOV <sup>5</sup> 

1 Russian State Agrarian University – Moscow Timiryazev Agricultural Academy, Moscow, Russian Federation

2 Russian Biotechnological University, Moscow, Russian Federation

3 Moscow International University, Moscow, Russian Federation

4 Financial University under the Government of the Russian Federation, Moscow, Russian Federation

5 Moscow Polytechnic University, Moscow, Russian Federation

### \* Correspondence

Lubov POSTNIKOVA, 49 Timiryazevskaya Str., Moscow, 127434, Moscow, 125080, Russian Federation  
E-mail: lpostnikova@rgau-msha.ru

*Abstract:* The article considers the constitutional foundations of public administration in the context of globalization. The current legislation in the field of public service does not meet the quality requirements of the law since it does not establish the basic principles, the sequence of stages, and their essence regarding the competition, promotion, and certification of public servants. Therefore, this issue has been regulated at the level of by-laws, which contradicts the constitutional order. This concerns both the scope and content of human rights and freedoms, as well as the criteria for their restrictions provided by the Constitution and laws. In practice, the appointment of officials to bodies and institutions will mean reaching a consensus since it considers the representation of political forces. Members of such independent bodies and institutions should be appointed for a certain period and have a limited right to hold office. They cannot be dismissed at the discretion of public authorities but only through a judicial procedure. This will guarantee the independence of these bodies in the context of globalization transformations.

*Keywords:* constitution, public administration, globalization, consensus, state, rights, representation, procedure.

### Introduction

According to a fundamental legal position, society does not have an acting constitution if there is no separation of powers. The separation of powers is instrumental since it aims at limiting or preventing administrative arbitrariness. It also determines the degree of state intervention in the sphere of private autonomy, i.e. it predetermines the system of guarantees of human rights and

quality requirements for the exercise of public powers (in particular, in the field of public administration) and protects the freedom of an individual.

The separation of powers is often regarded in the context of republicanism, which is not a universal principle. The principle of republicanism comprises three elements: the derivative nature of public power from the sovereign will of the people and accountability and control of state

power to the people. However, the constitutional monarchy has a more sophisticated mechanism for decentralization: through the system of parliamentarism and judicial law-making, for example, in the United Kingdom.

In general, the idea of distributing state powers among separate institutions with their inherent functions of legislation, administration, and justice can be considered in a broad and narrow sense. In the first case, it means a certain constitutional and legal principle, in accordance to which the mechanism of state power or state administration as a form of exercising power should be formed with due regard to the division into legislative and executive powers, as well as the independence of the court.

In a narrow sense, the separation of powers is often considered from the standpoint of division and structural-functional differentiation in the daily activities of legislative and executive authorities. In the USSR, this approach was often based on the prosaic nature of the separation of powers as a distribution of control functions and management operations.

The issues related to public administration are considered by Bazhina (2020), Belov (2021), Bondar et al. (2022), Donnelly (1982), Gorbacheva et al. (2021), Kosilova et al. (2022), Magomedov et al. (2017), Maltseva (2012), Mantelero and Esposito (2021), A. Mihr (2022), Novikova et al. (2021), Revina and Zemlyanikin (2021), Singh (2023), Koruts (2021), Volodenkov and Fedorchenko (2022), etc. Nevertheless, this works do not pay to the justification of the constitutional foundations of public administration.

In the study, we consider the principle of subsidiarity as the basis for the vertical separation of powers and institutions of civil society. It provides their free initiative, self-organization, and self-regulation. We also need to specify the financial, budgetary, tax, and resource instruments of economic self-sufficiency within local self-government to transform local state administrations into institutions of power similar to the French prefect designed to exercise administrative control over the activities of public administration bodies.

## Methods

The methodological basis of the study includes

the following general scientific methods: analysis and synthesis of existing theoretical and methodological approaches, provisions, and scientific developments on the issues of public administration; the structural and logical systematization of factors influencing the constitutional foundations of public administration; factor analysis in determining the impact of factors on public administration in the constitutional environment.

The informational base of the study consists of legislative and regulatory legal acts, statistical materials of public authorities and local self-government bodies, and scientific publications on forming the constitutional foundations of public administration (Agamirova et al., 2017; Grakhotsky, 2022; Potekhina et al., 2022).

## Results and Discussion

The separation of powers is widely substantiated by political and legal doctrine which is manifested in modern public administration or in the form of a constitutional principle. This is the basis of power in any democratic state and a political guarantee to exclude the possibility of establishing an authoritarian or totalitarian political regime.

The functional purpose of the separation of powers includes not only the specialization and differentiation of power functions but also the provision of balancing and mutual control in the system of public administration. This is the key purpose of this principle based on the constitutional maxim and its body (goal), i.e. limiting arbitrariness. Without a system of checks and balances, mutual control and balancing, public power is doomed to the dominance of a certain element. Such a dominant element might be the executive branch: either the president (sovereign) or the government.

For example, the fact that the government of V. Orbán has been in power in Hungary since 2010 with his populist-conservative policies proves how dangerous the concentration of power in the hands of the parliamentary majority is. This combines the qualified majority of the mandates and decisions that go against the fundamental principles of constitutional values, moderating the political process and marginalizing the Constitutional Court.

The requirement to limit arbitrariness determines the functional, organizational, and human aspects of the separation of powers. These are as follows: from a functional viewpoint, each of the three branches is competent in its specific area, i.e. the legislator owns the will of the state from which the Constitution requires the form of a law or which should regulate a certain branch of state activity using the law.

The executive power is empowered to implement these rules. Judicial proceedings consider specific cases with the help of special techniques of jurisprudence. From an organizational

perspective, the separation of powers into three branches is manifested in the fundamental independence and separation of bodies exercising the relevant power. The issues related to personnel address the compatibility of various posts.

Under such conditions, the established views on the three branches of power seem to be insufficiently substantiated. This principle is introduced to rationalize the activities of power institutions. This mechanism expresses the main idea of the Constitution of the Russian Federation, i.e. to limit the arbitrariness of public power and ensure the legitimacy of power decisions (Fig. 1).

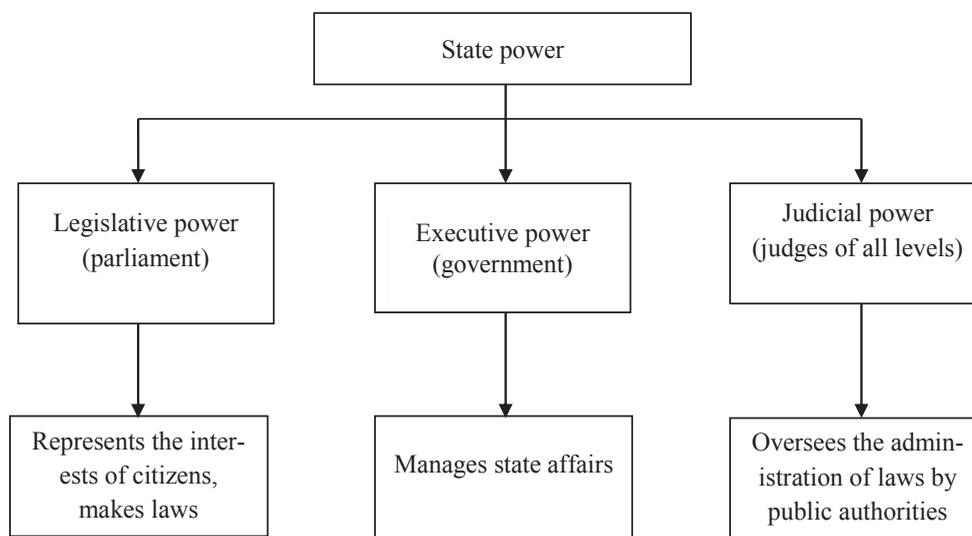


Figure 1. Branches of power in the Russian Federation.

It is difficult to completely separate powers. This principle is embodied through 1) organizational independence (including personnel) and 2) independence in decision-making (Lebedev et al., 2020; Nesterov et al., 2022; Besshaposhny & Dzhancharova, 2019; Kosilova et al., 2022; Otchesky et al., 2023). The constitutional status of public authorities depends on the definition of the subject of their functioning rather than the dogmatic interpretation of the Constitution. The latter creates an incorrect conclusion that there are only legislative, executive, and judicial branches of power.

The concept of a branch of power is conditional and realized through a legal construct. For these reasons, it is inappropriate to reduce the existing types just to these branches of power. The constitutional formula can be filled with real content if we pay attention to the constitutional definition of an organ of power. There is no ab-

solute separation of powers since there is a very close relationship between the parliament and the government.

After the government is formed, the center for coordination and decision-making can be placed outside the parliament since the parliamentary majority, on which the government relies in its activities, according to the requirements of fractional discipline, is predominantly inclined to make appropriate decisions that are developed by the government. Therefore, the well-balanced separation of powers grants the opposition access to the decision-making process of the parliament and the government, and the real ability to influence decisions of the parliamentary majority and the government, as well as to propose alternative solutions and bring these controversial processes to the attention of society.

Thus, the separation of powers is substantiated in the constitutional doctrine and manifested

in two forms: horizontal and vertical. The horizontal separation of powers is of functional nature (the distribution of the functions of legislation, administration, and justice). The vertical separation of powers is embodied through centralization and subsidiarity. The separation of powers is ensured using the following tools.

1. Balancing government authorities. Balancing the status of government authorities determines the mechanism of interaction between the legislative and executive authorities. Balancing the status of government authorities determines that they are constituted at the level of the Basic Law. However, this does not exclude conflicts between public authorities. This might be due to different interpretations of the Constitution and the activities of different authorities. Since these conflicts are not always resolved properly within the political process, legal procedures for resolving disputes between public authorities need a legitimate basis. Therefore, such a system excludes the dominance of a certain authority or monopoly over the interpretation of the Constitution.
2. The separation and independence of public authorities. It is embodied in functional independence that endows public authorities with exclusive powers but does not allow them to interfere with any other authority. The necessary elements of functional independence are the subject of jurisdiction, powers, and competences of a particular authority.  
In a constitutional state, power is exercised with the help of specially created bodies functioning in separate spheres. This provision aims at preventing the abuse of power. Therefore, the separation of powers is not only a means of preventing authoritarianism but also the rational organization of the public power system, which allows mutual control through an appropriate system of checks and balances.
3. Balancing relations between public authorities. There is no ideal model for the separation of powers since it is about determining their general functions. Therefore, the separation of powers in the context of balancing relations can be considered in two aspects: 1) as a rational way of distributing power functions in the system of public power; 2) as a condition for preventing the usurpation of power and its abuse by public authorities or officials.

The primacy of the legislative power over other branches of power cannot be absolute because it is illusory and contradicts the basic foundations of constitutionalism. On the one hand, it exists in the same system of public power along with the executive and judicial branches. On the other hand, it is limited by the principle of separation of powers, the Constitution, and human rights. Legislative power does not always provide a balance of interests or the proper course of legislative work.

Preventing the concentration of power in a single individual or body by strengthening the monopoly and adopting or amending the Constitution is the goal of ensuring a balance within the separation of powers. The use of various approaches to the organization of public power is due to the fact that public authorities are called upon to interact with each other to effectively fulfill their functions.

4. The distribution of power functions and the determination of the mechanism for decision-making. According to the principle of separation of powers, a public authority is called upon to make power decisions only in a certain area. When disputes arise regarding the application of the law and its understanding by the parties to legal relations, this contradiction is resolved by an independent court. The implementation of the principle of separation of powers is influenced by the constitutional tradition of a particular country and the practice of constitutionalism.

Under these conditions, the requirements of control and balance determine the main legal directions of state policy. Otherwise, it leads to conflicts between authorities regarding the ways of its implementation or the delimitation of powers. Balance in making power decisions also means the subordination of public authorities. Subordination does not imply a hierarchical dependence of authorities but expresses a mechanism for coordinating power decisions.

This can be exemplified by the Constitutional Court of the Russian Federation which, when considering a case on communal services, introduced separate approaches to understanding the subordination of public authorities. In resolving the legitimacy of the regulation of tariff rates for housing, communal, and public transport services, the Court faced the problem of interpreting the separation of powers to regulate tariff rates

between various authorities.

5. The mechanism of checks and balances. The separation of powers in the constitutional practice of the Russian Federation is supplemented by a system of checks and balances. In the absence of a mechanism of checks and balances or its violation, the separation of powers is not just an empty declaration but also an obstacle to ensuring the effective implementation of state power, state administration, and approval and protection of political freedom in society and human rights. In this case, the main goal of the constitutional principle of separation of powers is, first of all, to ensure human rights and freedoms.

Functional isolation in the system of public power corresponds to the activities of government bodies, which are difficult to attribute to a specific branch of power. These issues affect the organizational structure of public administration that should meet constitutional requirements. In this regard, the constitutional and legal requirements for public administration are reduced to the following key elements:

- Being the order of legitimation, organizational law should establish what forms it needs to fulfill the constitutional and legal requirements, the requirements to the level of legitimation, and the structures of a public organization to implement not only the external conditions of legitimation but also generate their ability to act in favor of the community;
- As an informational order, organizational law should give a legal form to communication processes within the organization. The organizational and legal spheres should be mutually

ordered in conformity with the order of legal relations. Information flows should be coordinated with them. If it is an issue of data protection, security is ensured with the help of special measures. Thus, the dualism of internal law and external law is replaced by a spectrum of legal relations, which can also give insight into the consequences of false information processes;

- Being an order for control, organizational law should develop new control mechanisms going beyond the established forms of legal, special, and official supervision. It is worth mentioning accountability, new forms of assessment, and integrated control, in particular, the role of society as a control tool.

In the case of updating the Constitution with an innovative approach, it is necessary to define the system of public administration and the status of public servants. Since there is a trend to update the understanding of the separation of powers within the framework of new independent institutions, the neutral term “public administration” is proposed. It can refer not only to ministries, departments, and local self-government bodies (executive authorities) but also to executive bodies of local territorial collectives or independent bodies with mixed status.

Under such a system, local self-government bodies should function as bodies for coordinating state and local policies, ensuring the rule of law, and adjusting local police and national security issues. To reach this goal, local self-government bodies should register legal acts and, if necessary, challenge them in court to ensure legality (Fig. 2).

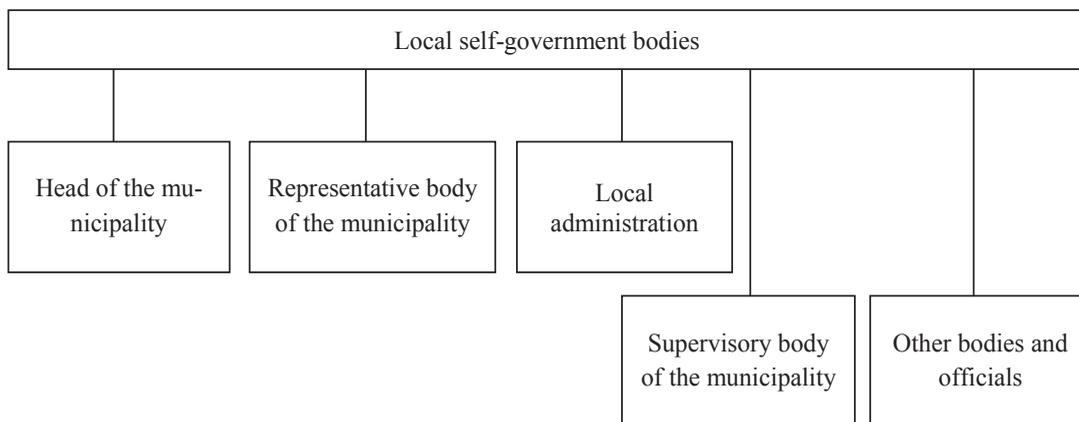


Figure 2. The Structure of Local Self-Government Bodies.

The suspension of legal acts of local self-government bodies should not be introduced together with an appeal to the court. It is also proposed to establish a rule that public service is headed by the Chairman of the Government of the Russian Federation.

The public service corps is made up of civil servants who serve the Russian people, are independent and neutral, exercise their powers on a professional basis, and contribute to the realization of human rights and fundamental freedoms.

Since it is difficult to ensure the separation of powers in the established triad (legislative, executive, and judicial) due to globalization, as well as to build an appropriate system of checks and balances, the status of independent bodies should be defined in a separate chapter of the Constitution.

In practice, the appointment of officials to independent bodies and institutions will mean reaching a consensus in the parliament since the latter considers political representation. Members of such independent bodies and institutions should be appointed for a certain period with a restriction on their right to hold office. This will serve as an adequate guarantee of the independence of these bodies.

By their nature, these bodies are difficult to imagine either as bodies of the legislative power or as bodies of the executive power. Among them, entities such as the Accounts Chamber lean toward functioning in a judicial manner, meaning that they operate as quasi-judicial bodies. However, their decisions are subject to judicial review and they cannot exercise the function of justice. By exercising legal regulation, they implement regulatory policy based on the law, ensuring a balance of private and public interests.

The law has a certain margin of appreciation for the implementation of regulatory policy, i.e. legal provisions should be sufficiently flexible but legislative regulation will not be relevant and have the desired effect. Discretion should be granted to such an extent that, on the one hand, it does not result from the replacement of the legislator by an administrative body. On the other hand, the law must be sufficiently flexible so that it is possible to adapt it to changing social circumstances through regulatory acts.

The absence of regulation through legal acts harbors the potential for conflict, as it is likely to

give rise to a range of disputes within administrative or even constitutional jurisdictions. The European Court of Human Rights is ambiguous about the criteria for the legitimacy of laws and regulatory acts, as well as their differentiation. The Court highlights two of the most important requirements arising from the expression “established by law”. Firstly, the law must be clear: each citizen, corresponding to specific circumstances, must know which legal norm applies in a particular case. Secondly, a legal norm should be clear enough that each citizen could adjust his/her behavior: with the help of competent advisers, they must be able to foresee, within reasonable limits and based on specific circumstances, what consequences a particular act might have in the context of globalization.

These consequences cannot be predicted with absolute certainty: as practice shows, this is impossible to achieve. Although it is desirable to strive for absolute clarity in the presentation of norms, this sometimes leads to inflexibility, while the law must take into account specific circumstances. That is why the texts of many laws are somehow unclear, and their interpretation and application depend on practice.

Thus, the function of executive authorities and independent bodies and agencies is to specify legal provisions, whose quality criterion is legal certainty, i.e. the ability to foresee the operation of the law independently or with the help of legal advice. Under these conditions, the separation of powers is also vertical because there is a constitutional distribution of powers at various levels of the government.

Indeed, such an interpretation of the separation of powers to some extent blurs its primary content as the distribution of powers between the highest bodies of the state since it refers to the hierarchical structure of power. The Constitution contains an important clause on the guarantee of local self-government as an independent type of public authority and calls for the power of municipalities. Equally, this applies to independence in the form of an autonomous republic, although its unbalanced implementation can reveal its destructive potential by balancing the centralization and decentralization of public power.

Without the transfer of land and material resources and real and effective fiscal, financial, and institutional instruments, the constitutional

provisions on local self-government in the context of globalization become a post-modern myth as an exchange of signs and symbols concealing strict centralization and regional displacement under the central government. However, the institutional component of local self-government is the principle of coherence, namely, the coordination of regional policies for equalizing the development of regions through subventions and grants from the state budget.

These cases are not observed in the world practice; therefore, there are no clear rules and procedures for the functioning of communities and regions, and even more so for their reproduction and multiplication. Since there is no functioning self-government in many countries, the construction of a federal state structure entails an increase in local abuses and hinders the full-fledged formation of local self-government.

The problems inherent in the functioning of power are as follows: a significant imbalance in the distribution of powers between public authorities, the predominance of authoritarianism and hierarchical ties, non-transparency and lack of openness, excessive formalism caused by inadequate guarantees of the due process of law, the interpretation of democracy mainly through the principle of majoritarianism.

The coordination of local and state policies in the context of globalization should be ensured through reforming the tax system based on the decentralization of the administrative-territorial structure and the formation of public authorities based on subsidiarity of state, intermediate public authorities, and local self-government bodies (Fedotova et al., 2021; Lukiyanchuk et al., 2020; Voskovskaya et al., 2022; Zavalko et al., 2017).

This organization of power determines its decentralization. In the context of globalization, the Russian Federation has not achieved proper public administration at the level of local self-government. There are generally no prospects for the federal government but subsidiarity can be interpreted as the distribution of powers between local councils and their executive committees, which is incompatible.

Democratic principles are not directly related to public administration and public service since they have a hierarchical relationship. This traditional view is based on the opposition of public administration and civil servants, although the latter are an integral part of the people and are

also citizens of the country. In combination with republicanism, democracy determines the qualification and ethical requirements for public servants, their accountability and control, the level of management procedures, and the legal acts of public administration. From the viewpoint of public service or a person applying for such a position, democracy grants equal and fair access to public service, career advancement, certification and advanced professional training, and responsibility for removal from office.

Constitutions can establish the principle of democracy for the organization of state power and as a component of the people's sovereignty. The constitutional regulation of democracy determines the legal basis for legitimizing power. The power of the people is formalized as the participation of citizens in the management of public affairs through elections, referendums, and other forms of direct democracy guaranteed in a democratic constitutional state.

The content of democracy is not abstract and should be associated with the specific state of society, its inherent structure and relationships, and a specific historical situation. In this regard, the system of constitutional government is based on the will of the people. Democracy presupposes that a balance of interests of the majority and the minority is ensured, the interests of the minority are specified in the guarantees of human rights. The balance of interests of the majority and the minority follows from the principle of equality. Under these conditions, individuals possess an equal capacity to exercise self-determination, engage in rational decision-making, and strategize the course of their own lives. On this basis, democratic procedures are established for the formation of public control bodies.

According to a democratic audit, the legitimacy of public administration is measured by the following parameters:

- How systematic and open to public control are government consultations regarding public opinion and relevant interests in the formulation and implementation of policy and legislation?
- How broad is the power of parliament to oversee legislation and government spending and to oppose the executive branch? How effective are these powers?
- To what extent are the courts able to ensure that the executive branch is subject to the rule

of law? How effective are their procedures to ensure that all public institutions and officials are subject to the rule of law in the exercise of their functions?

- To what extent is the judicial branch independent of the executive branch? To what extent is the administration of law subject to effective public control?
- To what extent do citizens have access to the courts, ombudsmen, or tribunals to protect their rights in the event of abuse of power or the failure of the government or public authorities to meet their legal obligations? How effective are the available remedies?
- To what extent are appointments and promotions in public institutions based on equal opportunity? Do the conditions of public service violate the civil rights of their employees?
- To what extent do lower-level government measures meet the people's demand for accessibility and responsiveness?
- What is the development of voluntary associations to support and monitor the rights of citizens? Are they subject to violation?
- How effective are the procedures for informing citizens about their rights and procedures for training future citizens to enjoy them?
- How free of arbitrary discrimination are the criteria for allowing refugees or immigrants to live in a particular country? How easily can such people assert equal citizenship rights?
- To what extent are the main institutions of civil society subject to external regulation in the public interest?
- To what extent do the tradition and culture of society support the basic democratic principles of people's control and political equality?
- How much confidence do people have in the ability of the political system to solve the main problems faced by society and in their ability to influence it?

Democracy is regarded as a prerequisite for the legitimacy of constitutional government. Accordingly, the essence of democracy is the balance of the interests of the majority and the minority, as well as the legislative support of legal procedures for making political decisions. Democracy is manifested in political and ideological pluralism, parliamentarism, local self-government, the participation of citizens in public affairs, ensuring basic freedoms, and holding regular and free elections, referendums, and other

democratic procedures. Democracy and justice are interconnected concepts that often support and influence each other within a political system. While democracy and justice are distinct concepts, they are closely interwoven. A thriving democracy is likely to foster justice, and a just society is more likely to sustain democratic principles. However, it's also worth noting that the presence of democratic institutions doesn't automatically guarantee justice, as democracies can have flaws and injustices. Ongoing efforts are needed to ensure that both democracy and justice are upheld.

The interaction of democracy and public administration embraces the following aspects: a) democratic institutions of society act as their form, and their content is power and administrative activity; b) goal setting is the mechanism for forming the goals of public administration based on objective needs and interests of people in the methods and means of achieving such goals; c) the organizational and state structure of society, as well as the set of functional components embodied in the system of state bodies; d) feedback between the effectiveness of governance and the perfection of democratic institutions; e) feedback between law and democracy.

Public administration and public service can be regarded as embodying the principle of empathy, which is founded on a comprehensive analysis of citizens' access to public services, as facilitated by senior management. This type of interaction corresponds to a certain way of communication between those who govern and those who are governed. To be close means to be accessible, receptive, and able to listen; it also means to respond and give explanations, not hiding behind the functioning of the institution.

This means to be within sight, to act transparently in relation to the public, to allow society to speak out, and to consider its opinion. The concept of proximity also means paying attention to the specifics of each situation. This means being close to each other, acting in a variety of contexts and conditions, and giving preference to the informal settlement of problems over the mechanical application of legal norms.

Democratism comprises the following elements: 1) the assumption that everyone can participate in public affairs; 2) the consideration of reservations from all members of the community and its elected representatives when making im-

portant decisions; 3) limiting the power of command to the necessary minimum; 4) changing the status of administrative functionaries (from heads to civil servants). However, the assumption that everyone can participate in public administration hardly corresponds to principle of equal opportunities. Not every citizen may be equally competent in the management of public affairs.

We can talk about the level of competence and the degree of participation of citizens in the management of public affairs. Hence, there is a wide range of democratic procedures that determine the participation of citizens in the field of public administration.

1. Local initiatives. They are often used in the system of democracy and can manifest themselves in at least three forms: local law-making initiative, public works, and self-determination by residents of the territorial community. In particular, public works are provided by the legislation of some countries. In general, it is connected with the status of persons vested with certain public functions at the level of local self-government. According to §17 of the Regulations of the Communities of the Land of Baden-Württemberg in Germany, a person who is entrusted with a public work must perform it disinterestedly and responsibly.

A public worker is obliged to exercise his/her functions on a confidential basis, and cannot represent anyone's interests to the disadvantage of the community if the latter does not act as a representative of the law. In particular, the community might be entrusted with the performance of public works related to municipal elections or other important social and domestic tasks. This provision focuses on the discipline and responsibility of the community under the threat of administrative measures.

2. Public hearings. At the level of local self-government, public hearings are often used. They are also a form of direct democracy that provides guarantees for periodic reports from deputies of local councils and direct meetings of voters with heads of rural, township, and city governments. According to the principle of democratic participation, a form of public hearings is public expertise and public discussion of draft legal acts issued by local authorities.

3. Public reviews of draft legal acts issued by public authorities. This procedure demonstrates the transparency and publicity of public authorities. The discussion of the content and intended consequences of legal acts issued by public authorities is an important element of their democratic legitimacy. It is important to listen to the conclusions of professional experts, analytical centers, and research institutions specializing in public relations, which should regulate the draft legal act.

To attain this goal, it is necessary to ensure the expert cooperation of relevant organizations and institutions, which is ensured by prior notification of the following discussion of draft legal acts. The timely adoption of legal acts without public examination is admissible only as a statement and must comply with the principles of proportionality, which must ensure a balance between public and private interests with the help of sufficient and appropriate means of pursuing a legitimate goal.

4. The freedom of assembly, rallies, marches, and demonstrations is an important means of identifying public interests and a means of public pressure on the activities of public authorities. Citizens do not use these forms of popular sovereignty to support public authorities, protest and influence public authorities. Citizens cannot express their position on a certain issue using the media.

5. Gatherings. At the level of local democracy, a significant role is played by gatherings of citizens that allow territorial communities to discuss local issues and make power decisions. In contrast to referendums and elections, gatherings are joint discussions that are a necessary means of civil participation in the implementation of various self-governing functions. This form acts as a method of increasing the level of responsibility in the implementation of local self-government.

The multifunctional institution of civil gatherings creates wide opportunities for their influence on the activities of local self-government bodies and their officials. The legal registration of public service is determined by the legal nature of this institution and its understanding. The most common methods are two theories of public service: statutory and contractual common to the Anglo-American doctrine.

In the UK, persons who are employed by ministries in a civilian capacity and are financed from the state budget based on an act of the parliament are recognized as employees. The statutory law gives broad powers to ministries to conclude contracts with their employees. If we consider public service from the viewpoint of ensuring competent managerial decisions and their succession regardless of the changing political course, there is a problem of qualification of public service within administrative relations.

However, the discussion about returning to classical public administration has recently resumed, in particular, to revising the system of responsibility and approving various possibilities of administration (Potekhina et al., 2022; Skabeeva et al., 2022; Zavalko et al., 2017; Dzhancharova et al., 2022; Nesterov et al., 2022; Nurutdinova et al., 2023). The solution to this issue is especially relevant for the Russian Federation since there are some shortcomings in the system of organizing public service: 1) the insufficient differentiation of officials, which increases the dependence of the latter on the economic course; 2) the lack of an adequate system of consultations between officials and politicians in making managerial decisions.

The formation of civil servants through recruitment is an important component in the system of state-service relations. In addition, it is generally recognized that the civil service is based on a merit system. This system provides that the formation of public service should meet the following criteria: a) qualification eligibility of the applicant for the position (age, education, business qualities, length of service, and a set of skills); b) prohibited recruitment and advancement in public service based on various motives and assessments.

Thus, the professionalism and stability of public service and its isolation from political activities and expediency are guaranteed. The opposite of a merit system is the formation of public service according to the acquisition system which provides for the formation and promotion of public service based on socio-political considerations.

In this system, any employee can be removed from office for various reasons without proper legal justification. In authoritarian regimes, this can be manifested in periodic rotations of the state apparatus. Such arguments can be as fol-

lows: the dismissal of officials who worked in the previous regime and are unable to properly perform their duties under the new regime; maintaining the old apparatus is not advisable.

A modern modification of a merit system is a patronage system. The existence of such a system is justified by the need to determine, based on the law, patronage positions that combine all two main elements: a) this category of employees is appointed according to the political procedure, as a rule, by the heads of state or heads of government, sometimes by agreement of the parliament (deputy ministers, secretaries of state, senior police officials, heads of central departments); b) based on discretionary powers providing for a wide margin of appreciation, personal assistants or advisers to heads of state, heads of government, ministers, and other figures are appointed.

The patronage system embraces the relationship between policy management. The Constitution might guarantee equal access to public service. The list of patronage positions is determined by the law to keep state secrets. Other categories of employees are recruited in accordance with a merit system.

The Basic Law defines the activities of public servants in the sphere of public administration and local self-government: a) guarantees of equal access to a vacant position in state and local self-government bodies; b) the presumed suitability of the applicant for the position, which must meet the criteria for admission to public service specified in the law, primarily with respect to the appropriate level of education, personal moral and business qualities; c) the formation and maintenance of a system of effective education and personnel retraining that allow the applicant to receive proper education and practical skills for the implementation of the functions and tasks assigned by the law to a public servant; d) the obligation to pass an open competitive selection for a vacant position in accordance with the qualification criteria established by the law.

The reliability of the above-mentioned approaches is confirmed by the fact that, according to the legal position of the Constitutional Court of the Russian Federation, the law establishes criteria for certain categories of civil servants, in particular, qualification requirements. These are due to the activities of officials and therefore cannot be regarded as a restriction of citizens in

equally accessing public service. Qualification requirements include life experience and social maturity acquired upon reaching a certain age. The criterion in the legislative formation of qualification requirements for age is expediency.

According to the rule of law, equal access to public service is a foundation of a democratic system and the free development of an individual. In conformity with the constitutional principle of equal access to services in state and local self-government bodies, citizens of the Russian Federation who have reached the age of majority and have professional education and a proper command of the state language have such a right.

The basis of the legal mechanism for ensuring equal access to public service in the Russian Federation is the selection of procedures for accepting public service positions and all further appointments during the promotion. In most democratic countries, the competitive procedure is the only possible way to get access to public service, and therefore this is the main feature that distinguishes public service relations from labor relations of the citizens employed in public authorities.

Upon hiring for the first time for a position classified according to the level of education and professional training necessary for their replacement, public servants are promoted to further positions based on the results of the selection procedure. A comparative legal analysis of public service shows that different countries use various mechanisms for replacing posts.

In France, recruitment to public service is combined with an open competition with further training (about two years) in schools for civil servants. Then exams are taken and an appointment is made. In Spain, a competitive selection is a sufficient condition for filling a position in public service. Unlike in France, training in a special administrative school is not required.

Germany has one of the most stringent systems for selecting personnel for public service. After obtaining an academic degree, candidates must pass the first state examination, having completed two to three years of preparatory service (internships in various positions and professional training). Then they must pass the second state exam and receive the title of assessor. The selection of candidates for vacancies in public service is completed with an interview.

Unlike the Russian Federation, some coun-

tries have no personnel reserve in public service. Indeed, training in special management schools and internships in the state apparatus fulfills the functions of the personnel reserve in some European countries. Under these conditions, the competition for filling positions is applied to the vast majority of civil servants, although legal regulation in this area requires improvement.

Competition is a procedure for the selection of personnel according to the decision of the competition committee and based on certain qualification criteria and the competence of applicants. The legal procedure of recruitment for public service is competitive and administrative by its nature. Competitive proceedings have the following stages: 1) preparation for holding a competition; 2) conducting a competitive examination and interview; 3) making a decision on the results of the competition; 4) appealing against the decision; 5) implementing the decision.

## Conclusion

Summing up, it can be noted that persons can be admitted to the patronage service out of the competition, which is justified by the nature of their service related to the execution of instructions received from the relevant leaders. In contrast to some countries, the Russian Federation expands the range of civil service positions for which citizens can be hired without competition.

In addition, the current legislation in the field of public service does not meet the quality requirements of the law since it does not establish the basic principles, the sequence of stages, and their essence regarding the competition, promotion, and certification of public servants. Therefore, this issue has been regulated at the level of by-laws, which contradicts the constitutional order. This concerns both the scope and content of human rights and freedoms, as well as the criteria for their restrictions provided by the Constitution and laws.

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## PHILOSOPHY OF EDUCATION

## FORMATION OF THOUGHT STYLE IN ORGANIZING THE EDUCATIONAL PROCESS AND TRAINING OF MEDICAL STUDENTS

Elena SHADRINA<sup>1,\*</sup>  | Zakir KULIEV<sup>1</sup>  | Elena SCHASTLIVTSEVA<sup>2</sup> 

1 I. M. Sechenov First Moscow State Medical University (Sechenov University), Moscow, Russia

2 Vyatka State University (VyatSU), Kirov, Russia

\* *Correspondence*

Elena SHADRINA, 8-2 Trubetskaya Str., Moscow, 119991, Russian Federation

E-mail: legem1@yandex.ru

*Abstract:* The purpose of the paper is to analyze thought style as a foundation for understanding the operation of scientific education. The theoretical and methodological basis of the work is formed by the concepts of development of science through paradigm shifts, philosophical analysis of thought style, and heuristic capabilities of philosophical comparativism in combination with the hermeneutic method of text interpretation as applied to the sociocultural paradigm of science. The training of a specialist in any scientific field is realized in the framework of the given thought style because the style directs the perception and determines the nature of work with the empirical material and the form of solving problematic situations. Training provides not only an increment of specialized knowledge but also a projection of a general cultural communicative orientation. Thus, the construction of how one should perceive, understand, evaluate, and apply can be viewed as the construction and implementation of an appropriate educational strategy. The concept of thought styles is one of the most successful methodologies for explaining not only the movement of science but also the implementation of education in science.

*Keywords:* science, philosophy of science, philosophy of education, science education, paradigm, thought style, thought collective, gestalt.

### Introduction

While the members of the Vienna Circle of Logical Empiricism were interested primarily in science as a system of knowledge, the new philosophers of science, post-positivists (among which are S. Toulmin, P. Feyerabend, and T. Kuhn), problematized the relationship of science methodology with sociology, psychology, and history

of science. The emphasis on the fact of science being, first and foremost, human activity allowed psychological and sociological arguments to come to the fore in the traditional debate about the nature of science. In his turn, L. Fleck foresaw some influential ideas that are now known as the provisions of Kuhn's concept. In fact, "It was only after his death that western scientists rediscovered the theory of thought-styles. It all

happened thanks to the curiosity of an American philosopher and science historian, Thomas Samuel Kuhn” (Sak & Pawlikowski, 2012, p. 215). The uniqueness of the concept of thought styles lies in its openness. In other words, many questions concerning not only scientific knowledge but also affecting a whole range of cultural phenomena can be actualized through the prism of this concept. In particular, a recent study of Fleck’s work “Genesis and Development of a Scientific Fact” conducted by a professor of the University of São Paulo A. Martins finds a reference to the fact that critical elements of Fleck’s epistemology (“thought style”, “initiation of novices in a thought style”, “education”) may provide a significant foundation for possible research in teaching. As pointed out by Dr. Martins (2020a), there are “elements of this author’s thinking that allow to characterize the openness of his work, that is, aspects that could potentially be interesting for science education when problematized, expanded and articulated” (p. 1211).

Many modern philosophers of education (Beatty et al., 2020; Haynes, 2020; Peters et al., 2022; Pozdniakov, 2014) continue to discuss the goals and objectives of modern education, the peculiarities of the construction of the educational process, and the nature of education itself, focusing, among other things, on the search for appropriate methodologies, explanatory structures that would satisfy the solution of many problems in education. For this reason, in this study, we turn to the concept of thought style in connection with the question about the possibility of a directed construction of the educational process.

The present study thus aims to analyze thought style as a foundation for understanding the operation of scientific education.

## Methods

The theoretical and methodological basis of the work is formed by Kuhn’s concept of the development of science through paradigm shifts formed in the post-positivist philosophical discourse, which emphasizes the cultural-historical, sociological, and psychological aspects of this development and which was formed in the course of post-positivist philosophical discourse; the concept of philosophical analysis of thought

style; and the heuristic capabilities of comparative analysis of the two philosophical concepts of scientific knowledge in combination with the hermeneutic method of text interpretation as applied to the sociocultural paradigm of science.

The scientific works of Kuhn and Fleck serve as a methodological prerequisite for substantiating the possibility of studying the philosophical concept of thinking styles as part of correlating the two authors’ positions. Some influence on the development of ideas contained in this study comes from the works of J. Sak, J. Pawlikowski, B. I. Pruzhinin, and K. M. Olesko.

## Results

Kuhn’s relativist model of the development of science presents an attempt to move the consideration of knowledge from the methodological to the sociocultural plane. Kuhn’s concept of scientific knowledge builds upon the fundamental thesis that science, above all, is the activity of scientific communities conditioned by the specifics of their respective paradigms. Kuhn bases his theory on the idea that changes in science are intermittent. They occur in revolutions, followed by periods of relative calm. Some of the factors responsible for the occurrence of revolutions are external to science, and some can only be explained by psychology or sociology. The key term here is “paradigm” or “paradigmatic science”.

In “The Structure of Scientific Revolutions,” a 1962 book that once revolutionized the discussion of science, Kuhn (2003) writes: “‘paradigms’ ... I take to be universally recognized scientific achievements that for a time provide model problems and solutions to a community of practitioners” (p. 243).

In “The Functions of Dogma in Scientific Research”, Kuhn (1963) suggests that in paradigmatic science, scholars belonging to a community of researchers act in accordance with an established set (sets) of existing rules, which are unquestioned and based on a set (sets) of established examples of scientific behavior. Manuals and teaching aids play an important role in mediating these accepted rules. Observation, seeing, thinking, describing – all are determined by this set of prescribed rules.

Kuhn’s model of scientific knowledge defines

the development of science as a change in fundamental paradigms resulting from competition between different scientific communities. Science that develops within a generally accepted paradigm Kuhn calls normal, believing it to be the most characteristic state of science. Kuhn (2003) specifies that “‘Normal science’ means research firmly based upon one or more past scientific achievements, achievements that some particular scientific community acknowledges for a time as supplying the foundation for its further practice” (p. 67).

The goal and purpose of normal science is not the discovery of new things, but the elucidation of phenomena relevant to the paradigm. Normal science can therefore be compared to solving puzzles. In this sense, the paradigm influences not only the explanation of current phenomena but also lays the foundation for the future discoveries of revolutionary science.

According to a renowned specialist in the philosophy of science, H. Andersen (2001), who has studied Kuhn’s work, one possible interpretation of his theory is that “we do not increase our knowledge of the real world over time; we can call ourselves lucky if we belong to the group of scientists who adhere to the latest paradigm” (p. 90).

Thus, according to the popular version of the philosopher of science Professor Kuhn, science is a human enterprise. Departing from the understanding of science as a system of knowledge changing according to the universal norms of logic and methodology, Kuhn conceptualizes scientific knowledge as the fruit of the concerted efforts of scientists, as the activity of scientific communities.

All members of a scientific community, the so-called experts, adhere to a certain thought style. This thought style forces those committed to seeing the world in a particular way (as opposed to other modes based on different thought styles). The fact that thought styles force an expert member to see the world differently is related to the Gestalt view of the world. Thus, for the adherents of the thought style *S*, there is a thought obligation (a constraint, almost a moral duty) to see the world in this way (meaning a certain image, manner), a certain mode.

Those entering a scientific community must be initiated in the thought style of the group (the community’s scientific discourse). Initiation,

during which the ruling paradigm is embedded in the mind, is an initiation into the Gestalt view of things. Kuhn’s philosophy of science thus asserts that in science there are phases of relative calm that alternate with phases of unrest and upheaval, during which a new Gestalt view is developed.

The German philosopher of science P. Hoyningen-Huene (1989) rightly points out that “the Kuhnian method of historical reconstruction of scientific knowledge largely shaped the trend that emerged in science at the end of the 20<sup>th</sup> century” (p. 510). To this we can add that, having brought to light the problems of scientific methodology in its relation to sociology, psychology, and the history of science, Kuhn’s method remains relevant more than a quarter of a century later. The question we are asking may be formulated as who or what served as the inspiration for Professor Kuhn himself, who in his time declared a historiographical revolution in science.

Among the thinkers who had a significant influence on his worldview, along with A. Koyre (1939), E. Meyerson (1930), and B. L. Whorf (1956), Kuhn (1999) especially singles out the Polish microbiologist and epistemologist Fleck. Kuhn admits to the fact that Fleck anticipated many of his own ideas. As testified by his biographers, notably the German sociologist T. Schnelle (Cohen & Schnelle, 1986, p. 468), Fleck, while still studying medicine at the University of Lviv, became interested in philosophy and after graduation continued to dedicate his time to philosophy, sociology, and the history of science. In 1935/36, Fleck published his major philosophical monograph “Genesis and Development of a Scientific Fact” written in German and translated into English almost 40 years later (Fleck, 1999). Fleck’s work is a parallel presentation of two case studies. In chapters 1 and 3, Fleck describes the history of sexually transmitted diseases. In chapters 2 and 4, we can find Fleck’s sociological account of what happened epistemologically. The latter is of interest in the context of the current study.

Science can never get rid of its past. Fleck finds ample evidence for this hypothesis in the discussion of the concept of venereal disease. The past lives on in concepts, technical terms, language, and institutions. Fleck argues that many claims of scientific fact can be traced back to pre-scientific proto-ideas (Urideen) (Flecksikon, n.d.), to the archetypal structures which are

the formative principles of thinking and seeing. This brings to mind an analogy with I. Kant's cognitive a priori.

Kant made us realize that while we learn about nature from experience, we must learn something before experiencing something. According to Kant, a priori synthetic knowledge is constant and plays an active role in cognition. Our picture of the world is shaped not only by things in themselves, but also by our forms of perception and categories of thought, and we can never know how or when this picture resembles something that exists independently of our cognitive actions.

Fleck does not share Kant's epistemology in general but does refer to it when looking for confirmation of his own claims. In particular, he accepts Kant's thesis on the active role of the cognitive a priori. An empty mind will neither perceive nor think. Thus, before the mind begins to experience, and on the basis of experience begins to think, it must be filled with some initial knowledge.

Fleck reasons that philosophical principles, once established, tend to ignore change. This means that a closed conceptual system, once fully formed, is asserted and will stubbornly resist everything that contradicts its meaning.

Fleck notes that the attitudes of a certain group of professionals towards controversial views are characterized by the following features: 1) What does not fit into the system will be missed; 2) It will not be mentioned, even if it has been noticed; 3) If it is repeated, much effort will be spent to prove that it does not contradict the system; 4) It will be described in terms of an established theory.

Thus, there is a general conservative attitude among members of the specialist group and, consequently, in the development of the theory during the calm phase (Fleck calls it the phase of "classicality" – "Klassizität"), during which problems can be solved without changing the pervasive theory, and then in the post-classical phase, during which problems accumulate and can no longer be solved.

All knowledge is socially conditioned, states Fleck. Therefore, we must never claim that X knows fact F, but rather that X knows fact F based on thought style S as a member of thought collective C.

Fleck (1999) defines "thought collective" ("Denkkollektiv") as "a community of persons mutually exchanging ideas or maintaining intellectual interaction" (p. 64). The thought collective is a vehicle for the field of thought, the transport of a particular set (fund) of knowledge and culture (García Sánchez, 2021). The thought collective can be scientific or non-scientific. It is made up of individuals, but it is an integral whole with inherent synergy and characteristic dynamics.

The deeper a scholar's knowledge in his field of specialization, the more dependent they will be on their thought style, and the weaker will be their ability to think independently and in different ways. Contrary to the notion of basic terms, Fleck believes that descriptions purely of what is observed (rein Beobachteten) are always unclear. Ambiguity even proves the quality and originality of essence perception (knowledge). "This is the case with all really valuable experiments. They are all of them uncertain, incomplete, and unique" (Fleck, 1999, p. 112). Once they become repeatable, clear, and precise, they are only good for demonstration.

As a philosopher of medicine, Fleck relativizes the nature of disease. He applied medical reasoning to demonstrate the relativity of truth in science, seeking to show that the definition of disease is arbitrary and depends solely on the thought style in which it is studied (Solska, 2015; Shepetiak & Shepetiak, 2020). As an epistemologist, Fleck proposes that cognition should be viewed as a function of three components. It is the relationship between an individual subject, a particular object, and a given thought community. This – the realization of a cognitive (and indeed social) act – only 'works' when a particular thought style originating from a given community is used.

Fleck (1999) defines "thought style" ("Denkstil") as

the readiness for directed perception, with corresponding mental and objective assimilation of what has been so perceived. It is characterized by common features in the problems of interest to a thought collective, by the judgment which the thought collective considers evident. (p. 150).

When a group of people speak about

something important, they start talking about things that would not occur to them if they were alone, and that they would not talk about if they were in another group of people. There emerges a style of thought characteristic of this group. (Fleck, 1999, p. 153).

When a thought style developed and used by the collective becomes sufficiently sophisticated, the collective breaks up into a small esoteric circle – a group of initiated specialists, and a larger esoteric circle – for all those who are affected by the style but do not play an active part in its formation. Exoteric circles only have access to the right style of thinking through esoteric circles, for example, by listening to clergy preaching or reading popular literature written by scientists. However, all members of exoteric circles certainly create public opinion that justifies the efforts of specialists and gives them the incentive to continue their work.

Fleck thus creates a rather inquisitive architecture of the thought community. Many cognitive psychologists, epistemologists, and philosophers who have formed the post-positivist tradition in the philosophy of science are at least following in the wake of this interesting idea.

It seems indisputable that the popular version of Kuhn's paradigmography shows much in common with Fleck's work. Both authors prefer to focus on an analysis of the "subjective" side of scientific activity, leading essentially to the conclusion that the rationality of science is not reducible to its logicity. The rationality of science is somehow correlated with its psychological and socio-cultural certainty. Our task, according to Kuhn, is to clarify this correlation. "Most part and perhaps even the entirety of scientific knowledge is conditioned by historical, psychological, and sociological factors, and these must be taken into account when trying to explain this content" (Fleck, 1999, p. 49).

At the time Fleck wrote his famous work, European philosophy of science was heavily influenced by the ideas of the Vienna Circle, united by the program of logical positivism. Comprehension of the phenomenon of thought community was thus a step ahead of the evolution of the Western philosophy of science by almost a quarter of a century. The notions of thought style, thought collective, and lines of collective thought

developed by Fleck and Gestalt interpretations of the theory of the burdenedness of experience laid the foundation for a research program in the philosophy of science that differed from logical positivism in its focus on the personal element of scientific discovery. It can be said that the concepts of thought style and thought collective, as developed by Fleck, were the schemata of the concepts of scientific community and paradigm by Kuhn.

Discussing the fact that individuals with different thought styles do not fully understand each other when they meet, Fleck repeatedly uses the term "incommensurability". At the core of it is the idea that there are no invariants in the historical development of science. When discussing the so-called "active" and "passive" elements of the thought style, apparently principles, proto-ideas, and their historically and culturally determined interpretations, Fleck observes that science is distinguished by attempting to add as many passive elements to its system as possible. Thus not only proto-ideas, prerequisites, but also passive elements can serve as a starting point for the creation of the new. Fleck does not delve into this idea. As the Polish scientists Sak and Pawlikowski (2012) note in their study, "we are again to lament that he did not develop the idea that could have aided in understanding the mechanism of those transformations that Kuhn later called scientific revolutions" (p. 217).

The style of scientific thought is a complex perceptual and epistemic structure responsible for the way scientists act and perceive in a particular fashion. The style establishes the internal order and the organization of researchers. Ideas and norms and values, which are the substantive elements of the thought style, condition the way the scientific community functions.

Thought style defines a common space of worldview preferences, methodological tools, and language culture. This space is at the same time the space of communication between members of the scientific community based on the commonality of ideological orientations, categorical and conceptual apparatuses, values and goals. Within this space they understand each other and exercise a kind of identification of the cognitive and axiological field, by

which they contrast themselves with other style groups (Khadzharov, 2010, p. 88).

In a nutshell, the thought style solves the most important ideological and cultural task: it represents itself as a system of priority values, predictions, and ideological reference points, through which the image of the world, the cognitive model of the world, is formed. The system of cognitive values is defined in accordance with this model.

The thought style solves an ideological problem under which the scientific community makes some effort to defend and promote the values to which they adhere. Other cognitive and normative preferences that are inconsistent with their adopted value system are regarded as extra-scientific.

As a cultural, philosophical, and ideological system of dominant values, the style of thought integrates scientists into a single scientific community, thereby defining a common horizon of meaning and giving a character of commonality to their intellectual work.

Thus, through the introduction to the philosophy of science and the active development of conceptualizations that are now known as thinking style, paradigm, scientific community, or thought collective, a largely social constructionist view of scientific knowledge was prepared. It became possible to justify as a key element of any model of the scientific cognitive process a style of thinking (a way of determining what can be thought and perceived), inseparable from its bearer – the collective communicator.

The methodology of Kuhn is certainly more widely known than the corresponding views of Fleck and includes interpretations that take on an even greater significance when juxtaposed with Fleck's ideas.

Fleck took as the subject of his analysis of scientific knowledge the notions of thinking collective and thought style and, by defining the latter also as previous knowledge produced in a particular way, under particular conditions, he raised the question not only of the need to study the genesis process of previous knowledge (which is the only way to access it) but also of the need to concentrate on the conditions of this genesis, the space of formation of conditions that in turn facilitate the formation of thought style. In the Fleckian concept, therefore, the place of hon-

or in the link between the communicator and thought style is held by the educational platform, which creates the conditions for communication and constitutes the habits of thought or thought style that are formed.

In the concept of knowledge created by Fleck “science education, including science popularization, was the key institutional site for creating conditions conducive to this kind of intersubjective communication” (Olesko, 2020, p. 52). This concept emphasizes that science education can and should demonstrate how science works, including in the social sphere.

The training of a specialist in any scientific field is carried out within a given style of thought, as the style (or discourse) guides perception, and determines the nature of handling the empirical material, and the form of resolution of problematic situations. The style, however, also shapes the general position of the specialist with regard to the culture of knowledge and their interpretation of this culture. Thus, at all its stages, training provides not only an increment of specialized knowledge but also a projection of a general cultural communicative orientation. As Fleck convincingly demonstrated with his analysis of the thought style, this concept defines the formation of the scientist, the specialist in a fairly broad worldview sense, but, more importantly, this concept is itself a determinable one. This means that the construction of the method of perception, understanding, evaluating, and using can be considered as the construction and realization of the respective educational strategy.

An interesting example is given by the American historian of science Olesko (2020, p. 56), in her study of the debate on medical pedagogy that broke out back in 1928. The debate was initiated by H. A. Bethe, a physiologist and doctor at Frankfurt University, and was concerned with clarifying the question of whether physiology or anatomy should be the scientific basis of medical training. Bethe himself argued in favor of physiology because too much emphasis on anatomy loaded students with excessive detail and accustomed them to pointless mechanical rote learning (a skill more useful to scientists than doctors). Physiology, with its strong physical and chemical basis, has more relevance to medical practice because, unlike anatomy, it is a dynamic field of research. The ensuing criticism of the anatomical tradition forced Bethe to finally acknowledge

that each side of the argument was thinking in different structures, which by definition made it difficult to choose between the morphological or the functional approach.

According to Professor Olesko, this exchange on medical pedagogy, to which Fleck drew attention at the time, provided him with compelling evidence of how thought style works and how its restraint on thinking impedes communication between adherents of different communication styles.

Fleck, a philosopher and historian of medicine, being himself part of the professional medical community, was well aware that the field of medical knowledge was one of the most conservative, where the restraining but necessary role of a given canon of thought is most evident. However, medical thinking, in his view, cannot be interpreted in a purely positivist, logical way. The evaluation of real cases occurring in the real world, Fleck argues, requires the development of a kind of specific intuition which, as a way of constructing a canon of thought, would allow the specialist (particularly the medic) to change their perspective in response to the course of problems or non-standard situations that arise and to deviate from constant thought patterns. Thus, central to Fleck's analysis is not only and not so much the recognition of the incommensurability of different thought styles, and their consequent known limitations, as the exploration of the possibility of influencing the formation of thought style components to increase perceptual flexibility. Since this concerns the purposeful formation of a thought style that operates in a broad educational environment, one of the most important problems of philosophical analysis of science is that of education.

Fleck, drawing on his professional interests, derived his conclusions from a study of the activities of the medical community and the style of medical thought. Yet these interpretations can also be considered in the broadest context, implying the formation and existence of a thought style in any intellectual environment.

Thus, Fleck attributed a central role in maintaining the style of thought and the thought collective to science education. He believed that the use of special methods of teaching also fulfills the upbringing purpose of training specialists and scientists. The emerging style of thought (scientific discourse) reveals not only cognitive but

also moral and axiological components in its structure. Fleck also believes that the educational space not only provides the acquisition of knowledge and specialized skills but also prepares the positioning of oneself in the world. In this way, the social responsibility of education is established as its most important priority.

Fleck proceeded from the position that there cannot be styleless observation and styleless perception. The restraining, limiting role of a certain style of thought manifests itself in the fact that, conventionally speaking, vision is accustomed to seeing some forms, while not seeing others. An education that accumulates cognitive and worldview traditions provides readiness for stylized thinking. Education turns out to be capable of changing the personality. Thus, the responsibility for the student's ability to learn and, more importantly, to discern themselves, to form the thought-stylized attitude that is most adequate, and thus sufficiently flexible and able to minimize the dogmatic element, rests with education.

## Discussion

Although the conceptual structure of the famous works of Kuhn ("The Structure of Scientific Revolutions") and Fleck ("Genesis and Development of a Scientific Fact") has been discussed and analyzed extensively, there continue to appear works that explore not only the reciprocal relationship of these concepts but also the possibilities of using the interpretations offered by the scholars in discussions of a wide variety of philosophical issues.

Kuhn's paradigms, same as Fleck's thought styles, successfully explain the mechanisms of the evolution of scientific knowledge (in Fleck's case, especially medical knowledge). However, based on some of the studies we have been interested in (Ciesielska & Jarnicki, 2021; Martins, 2020a, 2020b; Olesko, 2020; Peña-Guzmán, 2020; Sankey, 2021), we can reasonably argue that interest in these concepts is not limited to the traditional topics of philosophy and the methodology of science. For example, Doctor of History and Philosophy of Science, professor at the National University of Tres de Febrero (Argentina), C. Lorenzano in his work "Philosophy and History of Science in South America" mentions that Kuhn, in explaining the purpose of the paradigm,

also touches on the question of learning science or teaching science and the manipulative capacity of the paradigmatic structure that emerges in this process. In this sense, the paradigm turns out to be “not fully explained by Kuhn and analyzed only out of the needs of the philosophy of science” (Lorenzano, 2004, p. 95). Fleck's concept of thought styles, which many (including Dr. Lorenzano) see as a kind of introduction to the epistemology of Kuhn, expands the field of philosophical analysis of science. Through this concept, we come to such questions as the importance of the adequate training of future professionals in science, and thus of an adequately constructed educational strategy, questions about the importance of a historical study of science education to ensure the future credibility of science in the social environment.

Now, answering the question on the comparability of the French epistemological school and the concept of Kuhn and Fleck, we can state the following. First, in both cases, science is presented as a community activity, a certain communicative act. Second, this activity is subject to change and criticism. Fourth, the concepts of both schools refer to a style of scientific thought, otherwise known as scientific discourse, formed by the broadly communicative actions of the scientific community, which imply addressing the socio-cultural environment with its wide range of possibilities.

The History and Philosophy of Science course for medical students has traditionally included an overview of the leading methodological concepts, especially those that have produced a social constructionist view of scientific knowledge. Introduction to some of the positions substantiated at different times by historians, philosophers of science, and philosophers of education suggests that the concept of thought styles is perhaps one of the most successful methodologies for explaining not only the movement of science but also the implementation of education in science. “Education is a blending of ideas, a balanced tension between academic content, the student as a person, and social behavior” (Parhusip, 2020, p. 22). The concept of thought style, which reflects and equally constitutes all these aspects of the educational space, can be viewed as an essential part of educational methodology.

Similarities between the positions of Kuhn and Fleck are evident. Both worked on similar

conceptualizations, now known as paradigm and thought style (or scientific discourse in French historical epistemology). Yet Fleck himself always believed that his theory of cognition was not just a philosophy of science. Thought styles are not limited to science – all thought occurs in languages, in groups, in the languages of groups, be they scientific, artistic, journalistic, or other. Fleck was open to all these manifestations of thought and styles of thought and tried to integrate them into his theory. He tried to show that his theory was valid in general and specifically for science. Kuhn, on the other hand, by concentrating on science, and there mainly on physics, is in some ways limiting his field of study.

As noted many times before, the Kuhnian paradigm is to a certain extent determined by the influence of Fleck's concept. However, in the process of our consideration and comparison of the concepts, it is difficult not to agree with the opinion of the famous Soviet and Russian philosopher Pruzhinin that the concept of style of scientific thought is more productive for modern philosophical and methodological research than paradigm.

The lack of semantic integrity in the scientific inquiry was compensated for within the notion of the paradigm of scientific inquiry by the sociologicalization of mechanisms for achieving scientific consensus. This led to the relativization of the criteria of objectivity of scientific cognition. The notion of the style of scientific thought holds the idea of semantic integrity of the history of cognition realized in its style as a specific characteristic of the language of different periods of scientific development, as well as the idea of multivariance, diversity of expression of knowledge about the same fragment of the world in the scientific language (Pruzhinin, 2011, p. 65).

## Conclusion

Both Fleck and later Kuhn followed the path of explicating the cultural-historical, sociological, and psychological factors of scientific cognition. The experiences of these scholars, which have

demonstrated the possibilities of relating different subfields within academic philosophy, have been very productive both for their mutual development and for a significant expansion of the field of philosophical inquiry.

The theme of intersubjective communication, which emerged out of reflection on the mechanisms of development of scientific knowledge, provided a legitimate justification for the question of the conditions conducive to this kind of communication, in other words, the question of the educational environment. Fleck justifiably assigned the key role to science education in shaping the final image of science, the adequate assessment of its possibilities, and the consequences of the implementation of its results in social practice. Developed within the framework of academic philosophy, the philosophy of education has successfully synthesized the experience of historical philosophy and the possibilities of its application to reflection on the nature of the educational process. Philosophy of education is a philosophically disciplined method of thought, proven techniques of analysis, and argumentation designed to deal effectively with educational problems. Thinking about the philosophy of education in a broadly teleological way, this methodological corpus aims to justify the value of educational efforts and to bring the educational process into harmony with other social processes.

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## PEDAGOGICAL POTENTIAL OF THE PHILOSOPHY OF ATHEISTIC EXISTENTIALISM AND HUMANISTIC PSYCHOANALYSIS

Natalia SHAFAZHINSKAYA<sup>1, \*</sup>  | Natalia BONDARENKO<sup>2</sup>  | Irina POLOZHENTSEVA<sup>1</sup>  |  
Irma MOLCHANOVA<sup>3</sup>  | Vladimir KOZLOV<sup>4</sup>  | Alexey ALESHKOV<sup>5</sup>  |  
Said-Umar VOZKAEV<sup>6</sup>  | Vladimir SEKERIN<sup>7</sup> 

- 1 K. G. Razumovsky Moscow State University of Technologies and Management (The First Cossack University), Moscow, Russian Federation
- 2 Pyatigorsk Institute (branch), North-Caucasian Federal University, Pyatigorsk, Russian Federation
- 3 Peoples' Friendship University of Russia (RUDN University), Moscow, Russian Federation
- 4 Volgograd Institute (branch) of Plekhanov Russian University of Economics, Volgograd, Russian Federation
- 5 Khabarovsk State University of Economics and Law (KSUEL), Khabarovsk, Russian Federation
- 6 Chechen State University named after Akhmat Abdulkhamidovich Kadyrov, Grozny, Russian Federation
- 7 V. A. Trapeznikov Institute of Control Sciences of Russian Academy of Sciences, Moscow, Russian Federation

\* *Correspondence*

Natalia SHAFAZHINSKAYA, 73 Zemlyanoy Val Str., Moscow, 109004, Russian Federation  
E-mail: shafazhinskaya@mail.ru

*Abstract:* The study assesses the relevance of developing the worldview of modern pedagogy and presents the main criteria that can be followed when choosing philosophical concepts and pedagogical teachings. The authors conduct an academic analysis of the current state of philosophy associated with the postmodern approach to equalizing subjectively significant aspects. Based on the analysis of philosophical works of the 20<sup>th</sup> century, they substantiate the French atheistic existentialism and existential (humanistic) psychoanalysis as philosophical concepts that form a productive worldview of modern people. It is concluded that atheistic existentialism and humanistic psychoanalysis are among the most important trends in philosophy, especially in the 20<sup>th</sup> century. The above-mentioned philosophical concepts can influence education by promoting a more holistic approach to teaching and learning that considers the intellectual, emotional, and ethical aspects of human experience. These perspectives can help educators create a learning environment that promotes personal growth, self-awareness, and critical thinking, as well as foster the development of more empathetic, responsible, and engaged citizens.

*Keywords:* philosophy of pedagogy, atheistic existentialism, religious existentialism, existential (humanistic) psychoanalysis, postmodernism, atheism, romanticism.

### Introduction

The formation of a child's worldview is a priority task of pedagogy and is of particular importance for upbringing and education. In this con-

text, it is relevant to refer not only to psychology (traditionally associated with worldview problems (Schneider et al., 2015; Schwieler, 2017; Znakov, 2016)) but also to philosophy. At the present stage of human development, the latter is

the form of social consciousness in which one's worldview orientations are rooted (Adams & Clarke, 2016; Loifman, 2002; Bogdanova, 2016).

On the contrary, pedagogy is a science that differs from philosophical knowledge since classic philosophy did not address certain pedagogical problems but somehow expresses some pedagogical views (Rozin, 2007). As a modern sphere of humanitarian knowledge, the philosophy of pedagogy has an interdisciplinary and human-centered nature but it cannot be created without relying on spiritual achievements.

Under the given circumstances, the choice of the right strategy, which would integrate certain philosophical concepts and teachings into pedagogy, requires the main criteria that could guide this choice.

Firstly, it is more expedient to choose those philosophical concepts in which human-centered problems dominate. Being a product of human consciousness, any philosophical doctrine ultimately addresses the problem of a human being. However, it is necessary to consider the concepts covering this issue in a more sublimated form.

Secondly, we need to focus on more recent philosophical concepts originating in the 20<sup>th</sup> century. Indeed, this does not mean that the philosophical and pedagogical works, for example, by J.-J. Rousseau (1762) or J. Locke (1693), should be set aside. These might have great potential for solving the current problems in the future. However, the analysis of such works requires that additional historical and philosophical preparation, and knowledge of the social realities to which the authors of pedagogical works refer, etc. Then it is possible to adequately interpret these works and apply them to modern realities.

Thirdly, the latest philosophy of pedagogy should have one more important feature, i.e. consistency in relation to the basic tasks of pedagogy. This does not refer to the tasks of pedagogy as a whole but rather the tasks at the intersection with philosophy, i.e. orientational and worldview-based.

Let us formulate the basic principles of this ideological approach to pedagogy from the viewpoint of philosophy. First of all, philosophy in the broad sense is a basic component of the worldview formation that makes it integral (rather than syncretic and mythological, which is typical of both children and adults (Richard,

2014)).

An important component of this productive worldview is the problem of life meaning. Its basic principles can be formulated by the following questions: "Who am I (as a member of a family, team, or society)?", "Why do I exist here and now?", "What is my purpose as a person?", "What is the main goal of my life and does it relate to similar aspirations of other people?". To avoid contradictions with relevant pedagogical tasks, the philosophy of pedagogy must be subject-oriented and pay much attention to the human personality.

This study aims at determining the potential of French atheistic existentialism and existential psychoanalysis to form the foundation of modern pedagogical philosophy.

## Methods

We applied a polymethodological approach, i.e. we used general methods of scientific research (analysis, synthesis, description, definition, and interpretation) and a set of other approaches and methods.

The conceptual and categorical apparatus was formed using general scientific methods. The historical-problematic (problem-category) method was used to study postmodern philosophy. Systemic, phenomenological, descriptive, and historical approaches laid the basis for substantiating the need to refer to the philosophy of atheistic existentialism and existential (humanistic) psychoanalysis to develop the worldview foundations of modern pedagogy.

The main source for the study was the works of the predecessors of existential philosophy (Heine, 1958; Kierkegaard, 1843) and representatives of the philosophy of existentialism (Heidegger, 2006; Jaspers, 1994), including atheistic (A. Camus, J.-P. Sartre), religious (E. Mounier, N. Berdyaev, G. Marcel), and existential (humanistic) psychoanalysis (E. Fromm, V. Frankl, A. Maslow).

An additional source for the study was contemporary works on the analysis of postmodern philosophy.

At the first stage of the study, we analyzed the position of postmodern philosophy toward leveling the subjectively significant aspects.

At the second stage, we substantiated French

atheistic existentialism and existential (humanistic) psychoanalysis as philosophical concepts based on the analysis of philosophical works of the 20<sup>th</sup> century. Subsequently, we formed a productive worldview of a modern person.

## Results and Discussion

Our analysis revealed that modern philosophy is associated with the postmodern attitude to leveling the subjectively significant aspects, which is expressed by the famous postmodernist postulate of the “death of the subject” (Dolin, 2013). This attitude reflects the impotence of modern philosophical attempts to form a holistic worldview that is adequate to modern challenges and escape from the most difficult task into abstract manipulations with artifacts (texts). In turn, it gives rise to several problems. Firstly, issues on the meaning of life are removed from the sphere of active philosophical search because they require the maximum personal approach. Given the absence of a universal life meaning, individuals must personally undergo experiences and challenges to discover and attain their own sense of purpose. Secondly, the rejection of subjectivity automatically affects creativity (which is reflected in the postmodern postulate of the death of the author). The essence of creativity stems from the unique gifts and perspectives of an individual. True creativity cannot be reduced to a mere algorithmic process or the compilation of existing creations. It is a deeply personal and subjective expression of one's imagination, originality, and innovative thinking. By its very nature, creativity defies rigid formulas and standardized methods. The personal touch is what distinguishes genuine creativity from mere replication or imitation (“quoting”, in postmodern terms (Skoropanova, 2000)) or imitation (the creation of postmodern simulacra (Skoropanova, 2000)). It is through embracing and nurturing individuality within the creative process that true innovation and groundbreaking achievements emerge.

The circumstances require a critical and thoughtful attitude since they contradict the requirements placed on the modern philosophy of pedagogy and are not able to solve the problems that it faces. It is worth mentioning that the postmodern paradigm is more criticized by post-postmodernism, whose main idea is to consider

individuality (Mozheiko, 2012). In our opinion, post-postmodernism is still not able to offer a worthy ideological alternative to postmodernism due to an insufficient emphasis on the life-meaning component in relation to individuality.

Post-postmodernism interprets individual subjectivity as a problem of “I” and “Other” who need to establish a connection according to mutually acceptable laws of communication (Lipskii, 2012). However, not just communication is required but the establishment of an emotional connection between members of society (the meaning of one's being cannot be realized without the participation of other personalities), which would provide the necessary potential of this society in the fight against the global problems of our time.

Thus, a natural question arises: on what philosophical concepts can a modern person rely? In our opinion, the key to solving this problem is offered by two interconnected powerful philosophical trends of the 20<sup>th</sup> century: the French atheistic existentialism and existential (humanistic) psychoanalysis. Such a choice requires additional justification.

There is a simplified understanding of the existential aspect of modern philosophical atheism which is interpreted as a purely decadent nihilistic phenomenon provoked by rationalistic positivist philosophy associated with the loss of true spiritual guidelines, which became the ideological core of the quasi-religion of socialism rooted in the Soviet totalitarianism (Yudin, 2017). Moreover, the atheism that was propagated by the Soviet authorities meant a rollback to even more archaic and primitive, in comparison with Christianity, forms of religiosity associated with the cult of the “living God” (“leader of peoples”) and the belief in the onset of the “golden age” (building a communist “paradise on Earth”).

If we talk about the traditions of atheism in modern existential and psychoanalytic spheres, according to I. Garin (1992), they have their origins in the era of romanticism, when individuality was first comprehended as “the ideal position of an individual in the world”. Consequently, the scholar had reason to consider romanticism an early existentialism.

From the standpoint of a fundamentally scientific approach to the history of religion, H. Heine (1958), who defined the era of romanticism, traced the evolution of the image of God from

mythological origins to self-denial in his fundamental work “On the History of Religion and Philosophy in Germany”. Writing about the “dying God”, Heine (1958) was several decades ahead of the famous thesis of F. Nietzsche “God is dead” (Bokov, 2015). According to J.-P. Sartre (2001), the latter laid the basis of atheistic existentialism and referred to comprehensive studies of representatives of existential philosophy (“Nietzsche and Emptiness” by M. Heidegger (2006), “Nietzsche and Christianity” by K. Jaspers (1994)).

The concept of “the death of God” (Bokov, 2015) has proved to be crucial for modern philosophy in many aspects and is one of the key provisions of postmodern philosophy. In the 20<sup>th</sup> century, each philosophical trend dwelled on this concept, and a large number of philosophical trends were a direct response to it and the subsequent crisis of religious consciousness.

For example, the forerunner of existential philosophy S. Kierkegaard, who laid the foundations of traditional Protestant existentialism as opposed to orthodox Christianity (a “religion of salvation”), stated the tragedy of human existence, in which the search for God and faith only strengthens and justifies the “extreme situation” (i.e. extreme state of despair), when a person must bear responsibility for their action if it contradicts the norms of traditional morality as a necessary prerequisite for spiritual growth intended to prove the Old Testament story about Abraham and Isaac (Shchittsova, 2006). The issue of despair as a permanent position of a person in the world introduced by S. Kierkegaard influenced the entire tradition of both religious and atheistic existentialism.

Therefore, in dealing with the issue of freedom (key to existential philosophy), the founders of religious existentialism had to compromise the positions of Christian orthodoxy. For example, N. Berdyaev, a prominent representative of religious existentialism, distinguished between passive objectified being and freedom as a sphere of personal creative self-expression. The scholar declared, “God has unlimited power over existence but not over freedom” (Berdyaev, 1993, p. 196). According to the philosopher, the idea of the first irrational freedom forming the core of the universe is directly connected with the doctrine of the fall of man.

The concept of “philosophical faith” as faith

“that exists only together with knowledge” was introduced by K. Jaspers (1994), who can be called not only one of the founders of Christian existentialism but also a forerunner of humanistic psychoanalysis. However, it contradicts the orthodox theological understanding of religious faith as a rejection of knowledge. Thus, this concept is similar to E. Fromm’s views on “rational faith”, including faith in oneself, one’s abilities, and the abilities of other people. In contrast to irrational religious faith, it is a vital component of any mentally healthy and creative person (Fromm, 1990). The thinking of representatives of traditional religious existentialism could not develop within the framework of the orthodox religious tradition.

In the 20<sup>th</sup> century, there was a popular trend when religious philosophers, such as E. Mounier (1995) or G. Marcel (2007), wrote critical essays on the main works of J.-P. Sartre and A. Camus but had to acknowledge them, recognize, to a certain extent, the legitimacy of a non-religious approach to the issue of human existence, and try to adopt them even if they contradict the main idea of atheistic existentialism. Since atheist existentialists also profess humanistic values, they have to take just one more step towards a religious worldview, without which a person loses moral support. According to such philosophers, it is possible to truly comprehend existential problems only within a religious paradigm. In particular, the existential religious approach to the issues under study can be exemplified by the position of Mounier (1999), who defined the freedom of an individual in close connection with religious transcendence.

The acute vulnerability of the religious-existential understanding of freedom is demonstrated by representatives of Protestant existentialism. R. Bultmann, a founder of dialectical theology prepared “New Testament Mythology and Other Basic Writings.” The book conducts an existential interpretation of the mythological concepts of the New Testament and largely uses the categorical apparatus of M. Heidegger. While equating human freedom with willfulness, Bultmann disagreed with Heidegger at the core of his concept. Bultmann (1992) associated freedom defined as self-will with manifestations of selfishness, self-confidence, pride, or sin for the sake of flesh, including “not only the material things of life, but all human creation and achievement

pursued for the sake of some tangible reward” (p. 96). The only manifestation of freedom for a believer is “freedom for obedience”, which means “renunciation of self-belief and complete trust in God” (Bultmann, 1992, p. 108). Under the terms of humanistic psychoanalysis, this is an “escape from freedom” (E. Fromm).

As A. Camus (1955) wrote in his book “The Myth of Sisyphus”, representatives of atheistic existentialism believed that freedom (the key to existential philosophy) should be understood regardless of religion.

In “The Future of an Illusion”, S. Freud, the founder of classical psychoanalysis, denied the idea that a person should be considered religious if they “confess a sense of human poverty and feel powerless to the whole world”. After all, the core of religiosity is not this feeling but a response to it and seeking help to fight this feeling. The one who is “humbly content with the miserable role of man in the vast world is rather non-religious in the most literal sense of the word” (Freud, 1961, p. 43).

Therefore, statements about the insignificance of a person in the universe, which can often be found in the works of atheistic existentialists, are not provoked by despair and despondency. Or vice versa, such awareness and experience at the artistic level of the fundamental tragedy of human existence is a necessary condition for posing the question of existential freedom. While substantiating this thesis, J.-P. Sartre claimed (2001), “Existentialism is nothing else but an attempt to draw the full conclusions from a consistently atheistic position. Its intention is not in the least that of plunging men into despair. And if by despair one means as the Christians do – any attitude of unbelief, the despair of the existentialists is something different. ...And it is only by self-deception, by confining their own despair with ours that Christians can describe us as without hope” (p. 367).

Thus, the irresistible tragedy of the human lot and the indispensable orientation of a human being into nothing are only the starting point for existential problems based on rebelliousness and constant readiness to fight for human values despite fatal circumstances – existential rebellion (Camus, 1991). French atheistic existentialists grant ideological significance to this concept. Indeed, a person for whom religious precepts do not have the power of indisputable authority and

the otherworldly dimension of being does not exist rebels against everything that threatens their human essence with their own life if it is fruitful, aimed at creative self-realization, and corresponds to human nature. Such a person challenges their own lot, including the world order, which is anti-human in the sense that a person cannot establish and impose their own laws.

In absolute philosophical terms, this fundamental idea to understanding the essence of existential rebellion is expressed by A. Camus (1991) in “The Rebel”: “in the sacrosanct world, the problem of revolt does not arise; it is because no real problems are to be found in it – all the answers having been given simultaneously. ...The rebel is a man who is on the point of accepting or rejecting the sacrosanct and determined on creating a human situation where all the answers are human or, rather, formulated in terms of reason. ...In this manner, only two possible worlds can exist for the human mind, the sacrosanct or the rebel world” (p. 231).

Particular attention should be paid to those intersections that bring together representatives of French atheistic existentialism and existential (humanistic) psychoanalysis. Both directions unanimously recognize S. Freud as a pioneer and researcher of new areas of the human psyche which can shed light on the inner world of a person and overcome the practice of Freudian psychoanalysis in favor of the most existentially oriented variants of psychoanalysis (“existential psychoanalysis” by J.-P. Sartre, “humanistic psychoanalysis” by E. Fromm, “existential logotherapy” by V. Frankl, “ethics of self-actualization” by A. Maslow, etc.).

This is important from the methodological viewpoint because existentialism in a broad sense (primarily atheistic) was how humanistic psychoanalysts tried to overcome the crisis of classical psychoanalysis, with its inherent biological reductionism, fatalism, etc. The constructive criticism of the real vices of French atheistic existentialism was conducted by representatives of humanistic (existential) psychoanalysis, including E. Fromm, V. Frankl, A. Maslow, and R. May. They not only relied on the existential approach to a person and tried to find points of intersection between existentialism and psychoanalysis but also developed the philosophy of existentialism to overcome its methodological weaknesses and fill it with practical content

(Frankl, 1984; Maslow, 1998). There is also feedback exemplified by J.-P. Sartre's "existential psychoanalysis".

Representatives of humanistic psychoanalysis recognized existentialism (primarily atheistic) as an integral philosophical basis for their psychoanalytic concepts. Thus, Frankl's existential logotherapy is entirely based on understanding the psychoanalytic dimension of classical existential categories, such as "freedom", "responsibility", and "meaning of being" (Frankl, 1984).

The outstanding psychoanalyst Maslow tried to comprehend the main points of intersection between atheistic existentialism and psychoanalysis. The scholar highlighted that existential issues united European philosophers and American psychologists. For psychologists, it is crucial that existentialists can integrate authentic philosophy into psychology, which the latter lacks (Maslow, 1968). According to Maslow, the best idea of existentialism for existential psychoanalysis is the "deep dimension of being" or "the tragic meaning of being" often opposed to petty and frivolous existence. The latter can be regarded as a "reduction of being", i.e. a kind of protection from the ultimate problems of existence. Devoid of a deep dimension, psychology does not bring the desired results. The renowned psychoanalyst worried that what is called the "norm" in modern psychology was the "psychopathology of normal" lacking any drama and being so widespread that psychologists ceased to even notice it. Existential studies on the true personality and true human being help "to shed a powerful ray of pure light on this big lie, on this life of illusion and fear – and see that this is a common disease". In the end, Maslow (1998) summed up "that existentialism would not only enrich psychology. It might also give an additional impetus to the creation of a new field of psychology, i.e. the psychology of self-actualization and personal way of being" (p. 121).

## Conclusion

The French atheistic existentialism and humanistic psychoanalysis can be considered one of the most significant trends in philosophy in general and the philosophy of the 20<sup>th</sup> century in particular. Searching for an ideological answer to the unprecedented catastrophism of the 20<sup>th</sup> century

(two world wars, mass genocides, and totalitarian regimes), they put unique human subjectivity at the center of philosophical reflection. While preserving and developing subjectivity, a person can withstand world catastrophes, where they often act as a grain of sand picked up by the wind of history or a nameless cog in the state machine.

This approach is still relevant due to several reasons. The first half of the 20<sup>th</sup> century was marked by the common belief that, at least at the cost of extra efforts and human losses (which gave rise to the phenomenon of totalitarianism), one can conquer nature by imposing its own rules on it and, consequently, guide humanity in the golden age of happiness and prosperity. On the contrary, the 21<sup>st</sup> century has much more sober assessments and shows that humanity has entered a phase of development characterized by both social and geopolitical stability of catastrophism. The former is associated with a drop in living standards and the latter is the result of the geopolitical war of all against all and the deterioration of the planetary ecological situation.

Thus, the philosophy of atheistic existentialism and existential (humanistic) psychoanalysis offers several significant worldview preferences since they are not just a response to challenges, albeit tragic current situations. They also comprehend the meaning of human life and seek such universal principles on which a person could rely not to lose themselves in any historical circumstances. This requires highlighting the universal human position in the world with due regard to the unique social properties inherent in a person. Based on this universal and individual situation manifested in the life of each person, it is necessary to build the basic worldview foundations of the future philosophy of pedagogy.

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## EVALUATION MODEL FOR VIRTUE EDUCATION IN BUSINESS ENGLISH COURSES

Jingjing SHI<sup>1,2</sup>  | Suthagar NARASUMAN<sup>1\*</sup>  | Johan @ Eddy LUARAN<sup>1</sup> | Jie XIANG<sup>2</sup>   
Wanwan LI<sup>2</sup> 

<sup>1</sup> Universiti Teknologi Mara (UITM),  
Selangor, Malaysia

<sup>2</sup> Taizhou Vocational & Technical Col-  
lege, Zhejiang, China

\* *Correspondence*

Suthagar NARASUMAN, Faculty of  
Education, Universiti Teknologi MA-  
RA, 42300 Bandar Puncak Alam,  
Malaysia

E-mail: suthagar@uitm.edu.my

*Abstract:* Virtue education is an effective way to cultivate youth's values through their day-to-day learning activities. However, it is difficult to evaluate the effectiveness due to the implicit and accumulative property of virtue education, which is coherently consistent with self-efficacy. Thus, a processive evaluation model for Business English (BE) was designed, in which, virtue education is divided into three dimensions, and their coherence with self-efficacy is supported by literature. A 3-level index system was constructed based on CIPP. As a core component of this evaluation system, a bilingual 35-item College Academic Self-efficacy Inventory from Virtue Perspective (CASI-V) was developed, which is derived from CASI. The reliability and validity analysis were then conducted to test the quality of the scale. The results show that the instrument is qualified to be used in subsequent research.

*Keywords:* virtue education, teaching evaluation, self-efficacy, index system, CASI-V.

### Introduction

#### *A. Background to the Study*

With the deepened exchanges between Chinese and foreign ideologies, cultures and values, new generations in China are increasingly diverse and changeable in their mindsets, which poses historical opportunities and challenges for education. As an important position and channel of youth values education, colleges are also facing a series of new requirements: how to dynamically combine the cultivation of youth values with teaching activities to enhance the effectiveness of values

education; How to conduct the social mainstreamed value orientation and improve the rationality of values education; How to improve the curriculum design of values education and enhance the systematization of values education. These are all important issues that need to be solved urgently in our values education at present. Colleges and universities are an important field to carry out youth values education and shoulder the important mission of helping and guiding college students to form correct values, improve the level of positive value cognition and establish correct value evaluation standards.

### *B. Definition of Virtue Education*

The Chinese term “Kecheng Sizheng” (“Kecheng” means course, “Sizheng” means ideology and politics, so this term literally translated as “Course Ideology and Politics, shortened as KCSZ in the following) was first proposed in 2014, and it has become one of the most important subjects of teaching reform in colleges and universities at present. There is another similar term “Sizheng Kecheng” (literally translated as “Ideological and Political Course), referring to ideological and political courses in colleges and universities, which occupy an independent module in the whole curriculum. While KCSZ refers to the integration of values education into professional courses, which means a comprehensive educational concept of building a pattern of values education with the overall efforts of all staff, throughout the whole process, and implemented in all courses, forming a synergistic effect between professional courses and ideological and political courses, and taking “cultivating people by virtue” as the fundamental task of education (Cai et al., 2021). Specifically speaking, it is the practice that while delivering knowledge in professional courses, teachers explore, embody and infiltrate ideological and political elements and socialist core values in the teaching activities through ingenious methods, and promote the combination of knowledge enhancement and moral cultivation, that is, the combination of “preaching” and “teaching” (Zhang & Yang, 2021).

At present, KCSZ is often translated as “curriculum ideology and politics”, which is improper in the following two aspects. Firstly, during practice, it usually refers to the teaching-learning activities in a specific course rather than the whole curriculum; secondly, KCSZ is actually a kind of values education conveying the twelve words of core values of socialism, namely “prosperity, democracy, civilization, harmony, freedom, equality, justice, rule by law, patriotism, dedication, honesty and friendliness”, which has a much wider range of meaning than ideology and politics. What’s more, values education is not unique to China. Many countries around the world have similar practices. For example, the United States, as an immigrant country with multi-culture, multi-race, and multi-religion, has formed many beneficial practices in the educa-

tion of youth values in colleges and universities in recent years. One major feature of its values education is to carry on its value guidance and education for the youth relying on the general courses widely offered in colleges and universities and has formed a trinity of youth values education system with conceptual goals, contents & methods, and evaluation (Zhang et al., 2019). The quality evaluation of general education courses in American colleges and universities pays great attention to the questioning of educational value. External evaluation institutions and internal evaluation institutions of colleges and universities develop special tools to evaluate students’ achievement in knowledge, ability and values. Taylor conducted a comparative survey in 1993 and gave a profound overview of values education in 26 European countries, including the “Moral Education and Australian Values” in Australia, values education in India, the five principles of Pancasila in Indonesia, civics and moral education programs in Singapore, Citizenship Culture and Ethics in Slovenia, “spiritual, moral, social and cultural development (SMSCD)” in the United Kingdom, and so on. Liu & Han compared the values education in the United States, South Korea, and Singapore, concluding that four forces matter in the values education, namely the government, schools, society, and the law. KCSZ in China, no difference in the core, is also a kind of moral education, a practice of the educational concept of “moral education” in teaching activities. Besides that, there is another term “labor education” which is usually mentioned synonymously with KCSZ. Decades ago, workers and labor are those kinds of words that are shiny with glory, nevertheless, young generations nowadays, who have grown up in a society with abundant supplies, have little awareness of admiring labor or willingness to take part in working. Therefore, it is just the right time to revive this concept, especially in colleges and universities, where the new working force is trained. And in this research, all these terms are unified as “virtue education”.

### Literature Review

#### *A. Evaluation System for Virtue Education*

Educational assessment is the systematic process

of documenting and using empirical data on knowledge, skill, attitudes, and beliefs to refine programs and improve student learning (Allen, 2004). While teaching evaluation is an objective standard to evaluate the process and object of teaching activities by analyzing whether the process of teaching activities conforms to the predetermined teaching design, measuring whether the teaching objectives meet the expected standards, and evaluating the level and quality of teaching activities (Zhang & Yang, 2021).

Therefore, with the functions of diagnosis, guidance, regulation and encouragement, the evaluation system of virtue education tests the overall implementation of virtue education (Liu, 2021), and plays an important role in completing the important task of virtue education, improving the teaching effectiveness and teachers' educational ability. As the effective guide of teachers' teaching activities and an indispensable step in virtue education practice, the evaluation system analyzes and evaluates the implementation of virtue education in all aspects of teachers' teaching activities, so as to effectively evaluate the construction and implementation effectiveness of teachers' virtue education (Liu et al., 2022). A reasonable evaluation system can provide a basis for the optimization of teaching objectives, and determining teaching contents and methods, which is conducive to adjusting the existing teaching methods and concepts to be oriented towards the final purpose of virtue education (Zhang & Yang, 2021).

At present, colleges and universities in China are actively carrying out the construction of virtue education, and the evaluation tools for it are also being developed one after another. CIPP (Context, Input, Process and Product) evaluation model is a Program evaluation model which was developed by Daniel Stufflebeam and colleagues in the 1960s, which is a decision-focused approach to evaluation and emphasizes the systematic provision of information for programme management and operation (Robinson, 2002). Xu and Wang (2022), Ma (2020) and Yin (2019) all try to construct an evaluation system from these four dimensions.

Lasswell's model of communication is one of the first and most influential models of communication (Steinberg, 2007). It was initially published by Harold Lasswell in 1948 and analyzes communication in terms of five basic questions:

“Who?”, “Says What?”, “In What Channel?”, “To Whom?”, and “With What Effect?”. Hu et al. (2021) analyze the evaluation system of virtue education from five basic elements in the process of educational information dissemination based on Lasswell's model. Ni and Liu (2022) and He (2021) pay attention to the achievement of the goal of virtue education and construct an evaluation system based on OBE concept. Tan, Guo, and Wang (2020) constructed the evaluation index system of virtue education from three different levels of courses, majors and colleges based on the theory and method of professional evaluation. Liu, Min, and Liao (2022) and Cao et al. (2020) adhere to the teaching goal of virtue education and determine the evaluation index from three aspects: teaching design, teaching process and teaching effect.

There are many ways to evaluate virtue education, but there is also something in common. First, they emphasize the combination of quantitative analysis and qualitative analysis; second, they attach importance to the combination of process evaluation and final evaluation (Wang, 2020); third, they highlight the combination of students' subject role and teachers' leading role; fourth, they advocate diversified evaluation perspectives. The evaluation system is becoming more and more detailed and novel, and various evaluation systems of virtue education emerge based on different specialties, but there is not enough long-term follow-up, and all these systems need further proof.

## *B. Virtue Education for Business English Majors*

Under the new conditions, integrating virtue education into professional courses has become an inevitable trend and the actual demand of teaching, which is also an opportunity and challenge for the curriculum reform for Business English majors.

Business English (BE) is a branch of ESP, and the quality requirements of its personnel training are highly coupled with the fundamental task of “virtue education”. Business English majors should not only focus on students' language skills, business knowledge, and business handling skills but also cultivate students' ability to analyze problems and recognize the essence of

things. Many domestic scholars explore its path and mode in the practice of virtue education reform. For example, Yang (2018) proposed to improve students' professional quality through typical case analysis and cultivate cultural confidence through comparative learning; Shen (2020) pointed out that virtue education should be included in the student assessment system; Huang (2022) analyzes English textbooks from the perspective of virtue education via its discourse function. Li (2022) combines virtue education with the cultivation of students' critical thinking abilities. However, there is not much research on how to carry out the process evaluation for BE majors from the perspective of virtue education.

### *C. Self-Efficacy and Virtue Education*

Students in higher vocational colleges usually lack self-confidence in learning foreign languages. While self-efficacy and virtue education are highly consistent and coupled in the aspects of mindfulness of goals, gradual improvement, implicit cognition, and unquantifiable evaluation. Therefore, we can stimulate students' learning motivation and improve their comprehensive spiritual status by integrating self-efficacy and virtue education.

Self-efficacy theory is a concept put forward by psychologist Albert Bandura (1977), which means that individuals believe that they have the ability to perform necessary behaviours in order to achieve specific results. Self-efficacy judgement (SEJ) emphasizes the role of individual subjective psychological factors in behaviour and

has been widely used in various fields. Academic self-efficacy refers to students' expectations and judgment on whether they have the ability to complete a learning task or carry out a specific learning activity in their learning activities, and it is the performance of self-efficacy in the academic field. On the basis of a lot of research, Bandura summarized many factors affecting self-efficacy into four sources of information, as presented in Figure 1:

1. Performance accomplishment (PA): Experience of success or failure of individual behaviour;
2. Vicarious experience (success or failure experience of others) (VE): The corresponding sense of self-efficacy when student see peers with similar abilities complete a certain task;
3. Social persuasion (SP): Teachers' praise or classmates' affirmation;
4. Physiological and Emotional status (PS): Nervousness and anxiety.

Main approaches may include establishing and setting up professional models to enhance students' career identity through the development of a career idol database; improving students' self-recognition and learning attitude of not being afraid of suffering and striving for perfection through the practice of work-based learning tasks; cultivating students quality in the four functional areas of learning self-efficacy (learning behavior choice, learning effort, thinking mode and difficulty coping) through step-by-step tasks, phased affirmation and gradual skill improvement so that students can be effectively stimulated to improve their English learning ability.

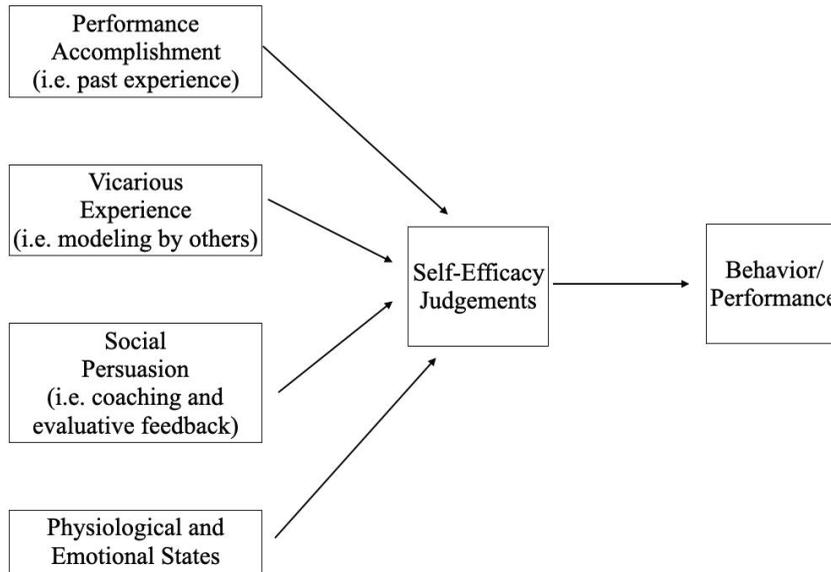


Figure 1. Self-efficacy Theory (Bandura, 1977).

Since the research on the subject of KCSZ is mainly carried out in China, the research chooses CNKI as the database, and search with the combination of keywords of “课程思政 (KCSZ)” and “自我效能 (self-efficacy)” Fig. 2 illustrates the results that there are 109 articles in the last ten years (2012-2022), and the publication time

is mainly concentrated in 2020-2022. According to the keyword frequency sequence and cluster diagram (Fig. 3), it can be seen that self-efficacy was introduced earlier, and “KCSZ” gradually became a research hotspot after 2019. However, there are few studies on the combination of the two fields.

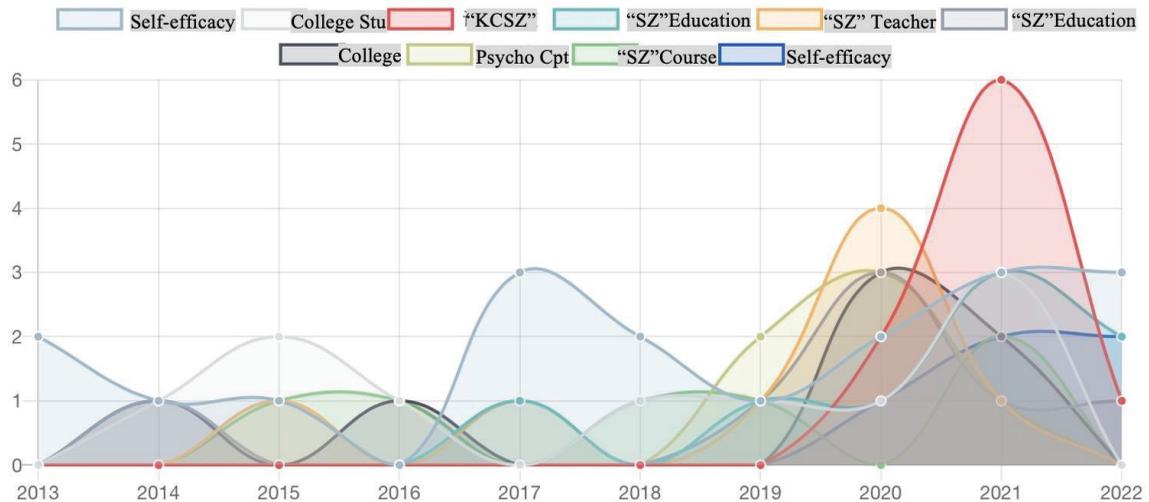


Figure 2. Keywords Frequency via SATI



tural confidence and self-efficacy program on the academic performance and well-being of international students in the United States.

Meanwhile, Kotluk and Kocakaya (2017), and Chang and colleagues (2020) found that higher self-efficacy was associated with better critical thinking skills among university students. Mariano and colleagues (2017) examined the impact of self-efficacy on critical thinking among nursing students and found that students with higher self-efficacy were more likely to engage in critical thinking and problem-solving activities during clinical practice.

Overall, the research suggests a strong relationship between self-efficacy and the cultural dimension of virtue education, which have a positive impact on academic performance, well-being, and social integration in multicultural contexts.

There are more studies in the relationship between self-efficacy and career identification. Lent and Brown (2000), Betz and colleagues (1996) found that self-efficacy was positively associated with career identification among college students. Yao's team (2023) explored the mediating effect of career identification on ideological and moral values and self-efficacy of nursing students, and found that ideological and moral values, career identification and self-efficacy are positively correlated ( $r=0.179$ ,  $r=0.698$ ), and ideological and moral values and professional identity are positively correlated ( $r=0.118$ ). Career identification plays a partial intermediary role between ideological and moral values and self-efficacy of nursing students, accounting for 46.68%. They believe career identification promotes the effect of ideological and moral values education of undergraduate nursing students and can inspire their self-efficacy at an early stage. Wang (2022) found a significant positive

correlation between career decision-making self-efficacy and career values of preschool education students in higher vocational colleges, and he also found that ideological and political education can effectively improve the students' self-efficacy of career decision-making.

As early as 1999, Bandura's team and colleagues (1999) proved that self-efficacy was positively associated with self-identification among college students. Similarly, another study by Lent and colleagues (2005) found that higher levels of self-efficacy were associated with greater clarity of self-concept among young adults. Mohammed H. Abood (2020) defined a statistically significant positive correlation between extroversion, openness to experience, academic self-efficacy and academic adaption in his study among university students in Jordan. Moreover, a study by Lent and colleagues (2000) found that self-efficacy beliefs played a significant role in shaping the vocational identity development of college students. The authors suggest that interventions aimed at improving self-efficacy may enhance self-identification and identity development among young adults. Kim and colleagues (2019) evaluated the impact of a self-efficacy and identity exploration program on the personal and academic growth of college students. The program was found to be effective in improving both self-efficacy and self-identification among the participants.

Overall, it can be further inferred that the three dimensions of virtue education in Business English have a coupling effect with their academic self-efficacy. This relationship involves what Bandura called an inevitable exchange between personality factors and behaviour. Fig. 5 illustrates the above question in a more visualized way:

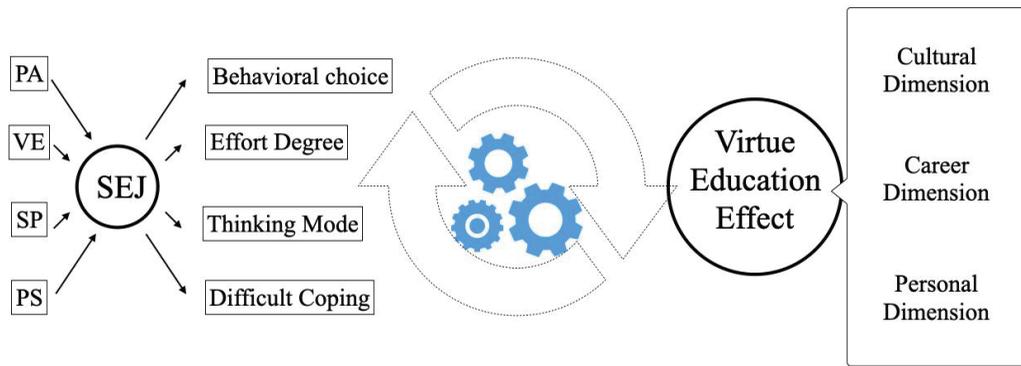


Figure 5. Coupling Effect between SE and Virtue Education

### Evaluation Model For Virtue Education

Based on the above study, the present research will then construct an evaluation model for virtue education based on the approach of developing students' self-efficacy, which will include three items: 1. A processive evaluation model for virtue education; 2. An index system for virtue education; and 3. A virtue education self-efficacy scale for students.

#### A. A Processive Evaluation Model

The educational effect is mainly reflected in following aspects: students' sense of their own cultural consciousness, their critical thinking on their own values, their understanding of socialist core values, their firmness in and hardworking and professionalism, their dedication to the

career and their self-confidence. As a result, the abstractness of the educational effect puts high demands on specific evaluation methods. What's more, students' cognition achievement comes from implicit psychological changes and always develops along with dynamic changes. In addition to evaluation of the improvement of students' language skills by traditional testing methods, this research also designs an evaluation system of students' own quality and moral development potential from four dimensions, namely students' learning behaviour choice, willingness to make effort, thinking mode and difficulty coping attitude. The evaluation will be carried out through an AI system, peer evaluation, teachers' and employers' observation, and so on, thus forming a complete evaluation system of virtue education effectiveness, as shown in Fig. 6.

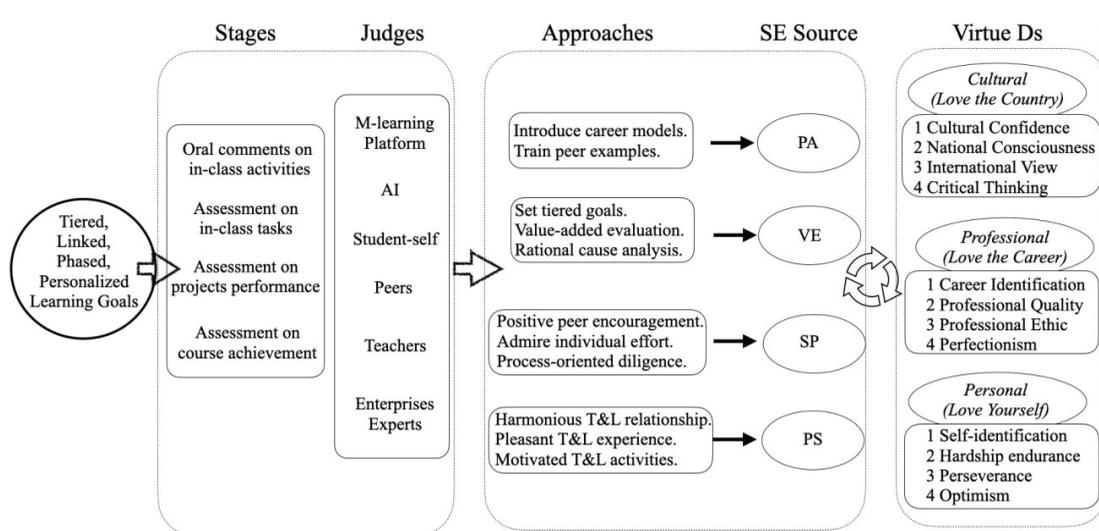


Figure 6. Processive Evaluation Model for Virtue Education in BE

*(a). Subjects: Multiple*

In order to ensure the rationality and objectivity of the evaluation system, it is necessary to construct an evaluation system involving teachers, students, teaching supervisors, and employers.

Teachers, as the direct implementers of virtue education, are the first responsible persons. They have their own personal experience and feelings about the implementation process and the effect of virtue education. Their evaluation focuses on the inherent logic of virtue education, and their dominant position is highlighted in the evaluation system, which can show the fairness and professional characteristics of virtue education evaluation.

Students are the first perceivers and beneficiaries of teaching and have the most direct feelings about the effect of virtue education, so they have the most powerful say in the effect of virtue education and can make suggestions based on their own feelings.

The teaching management department is the key organization to ensure all teaching activities are carried out in an orderly way, and it can objectively evaluate the teaching quality and effect of virtue education from the perspective of a third party.

Employers are the final organizations to receive college graduates, and the quality of students directly determines their performance in employers. It is more in line with the perspective of development and objectivity for employers to test the teaching effect of virtue education.

*(b). Objects: Teachers and Learners*

The receptors of virtue evaluation are the evaluation objects, so it should include the main participants in teaching and learning activities. Teachers are the first person in charge of virtue education. In order to continuously improve professional teachers' virtue education awareness and teaching ability, it is necessary to conduct a comprehensive investigation on whether teachers integrate virtue education into professional

knowledge and skills teaching and whether they complete the task of virtue education at a high standard, so as to vigorously promote teachers' consciousness, enthusiasm and professionalism in carrying out virtue education.

Students are the direct recipients of the teaching, and they should have the most intuitive response and feedback. Evaluating students' learning status and specific behavior after virtue education can further determine whether virtue education has enabled students to perceive the core concept and improve their professional ability and overall quality.

*(c). Methods: Processive and Sustainable*

On the one hand, the evaluation method should reflect the whole process, pay attention to the value-added changes in the learning process, integrate virtue education into the whole process of professional teaching, and avoid limiting the evaluation to the final assessment. On the other hand, the requirements of students' virtue education should be constantly adjusted with the development of society and the change of the external environment's demand. We should make the evaluation criteria not only suitable in the college, but also extend to the workplace, which is beneficial to students' career growth.

*(d). Instruments: Both Quantitively and Qualitative*

Evaluation instruments should combine quantitative and qualitative methods. As mentioned above, one of the reasons why it is difficult to evaluate the effect of virtue education is that its development is potentially hidden and difficult to quantify. Nevertheless, some quantitative tools should be used to increase the transparency of evaluation testability. For example, by means of tech-integrated teaching, students' classroom participation and self-study after class become explicit and recordable, and at the same time, some scales can be developed to evaluate students.

Based on the above principles, the final three-level index system is shown in Table 1:

Table 1.

Index System For Virtue Education Effectiveness

Level 1	Level 2	Level 3	Objects	Subjects	Instruments
Context	Course setting	Has formed a complete virtue education system in line with the characteristics of the course.	Teacher Student	Supervisor Teacher	Questionnaire Interview

	Teachers	Understand the requirements of virtue education, fully explore the relevant elements, and properly integrate into the teaching.			
		Familiar with the development trend of related disciplines of the courses.			
		Familiar with the learning situation of students and adjust the teaching strategies according to individual differences.			
	Students	Understand the requirements of virtue education.			
		Understand the course requirements and learning objectives and observe the classroom order.			
Input	Resources	The syllabus meets the requirements of the subject and is integrated with virtue education.	Teacher	Supervisor Teacher	Portfolio
		The teaching objectives are in line with the personnel training objectives and the needs of enterprises.			
		Textbooks and other teaching resources have correct values.			
		There are real-time updated online teaching resource database and enterprise teaching resource database.			
		The choice of teaching resources conforms to the characteristics of vocational education and students' study habits.			
	Environment	Teaching hardware can meet the needs of classroom teaching activities.			
		The teaching environment is suitable for inquiry learning and interactive learning.			
		The preparation of educational technology is adequate and reasonable.			
Process	Content	Teaching content is organically integrated with virtue education elements.			Portfolio
		The teaching content covers the frontier information of scientific development and that from enterprises.			
	Design	The design of teaching activities reflects the correct guidance of values.			
		Create a student-centered classroom and realize harmonious interaction between teachers and students.			
		Consciously cultivate students' professional consciousness and quality.			
		The teaching process is complete, standardized and well designed, forming an effective closed loop.			
	Methods	Rich teaching methods can effectively implement moral education.			
		Teaching methods serve teaching objectives and effectively improve classroom efficiency.			
		Teaching methods are in line with stu-			

		dents' preferences and reflect new technologies and new thinking.			
	Assessment	Can reflect the assessment of the sense of acquisition in terms of virtue education.			
		The evaluation process is open, transparent, fair, and equitable.			
		Evaluation attaches importance to process evaluation and value-added evaluation.			
		The evaluation means are diversified and the evaluation subjects are diversified.			
Product	Effect	Students' English communication ability and language application ability have been trained and improved.	Student Teacher	Students Teacher Supervisor Employer	Questionnaire Portfolio Interview
		Students' problem-solving ability, learning ability and innovation ability are trained and improved.			
		Positive changes of students' attitudes, emotions and values towards the culture, the career, the team, and themselves.			
		The promotion of students' career development potential.			
	Performance	Students have high attendance rate and positive learning attitude.			
		Students are interested in participating in classroom activities.			
		Students actively carry out regular off-class autonomous learning.			
		Students practice professionalism and abide by professional norms in project-based training.			
	Satisfaction	Students' satisfaction with teachers is high.			
		Teachers are highly satisfied with their students.			
		Graduates are highly satisfied with their majors and schools.			
		Employers are highly satisfied with graduates.			

*B. A College Academic Self-efficacy Inventory from Virtue Perspective*

*(a). Instrument Development*

The present research chose CASI (College Academic Self-efficacy Inventory) by Owen and Froman (1988) as the original instrument. Its 33 items were tested with the pilot sample of 40 students to measure reliability correlation, coefficients were measured in accordance with the total degree (0.26 – 0.67). All correlation coefficients were statistically significant. Reliability

was measured by internal consistency according to Cronbach's Alpha, on the independent group of 40 (0.81). The overall potential ranges from 33 points for the highest amount of confidence to 165 points for the lowest.

The adaptation process consists of translation, experts review, virtue dimensions integration, and back-translation. the CASI needs to be translated (Hambleton et al., 2004; Schweizer & DiStefano, 2016) into the local language (Chinese) for better understanding. This process is carried out to maintain the validity of the CASI,

wherein the “meaning” of each item must be understood in the same context as in the original language (Geisinger, 1994; Hambleton et al., 2004). While, at the same time, the adaptation process should be carried out objectively, to avoid cultural biases (Canino & Bravo, 1999; Jones et al., 2001).

And then, a panel of experts reviewed the translated scale and screened the itemed to delete those are not suitable for target students.

The next step is to integrate the three dimensions of virtue education for Business English into the screened scale. And this version was later proceeded with the back translation from Chinese into English. According to Brislin (1980), back translation is the process where someone

who is considered bilingual to translate the scales from the target language (Chinese) to the source language (English).

The final stage is to compare the quality of the original instrument in English to the translation results, which is also in English. Both of these instruments were compared using the language for each item. To avoid bias that might arise and get the aimed results, the researchers asked independent third parties to conduct the examination.

Thus, the CASI was developed into a bilingual 35-item College Academic Self-efficacy Inventory from Virtue Perspective (CASI-V) for students. Table 2 lists all the items:

Table 2.

35-item CASI-V

	Item	Dimension	Corrected Correlation
1	Taking well-organized notes during a lecture.	ASE	0.763
2	Listening carefully during a lecture on a difficult topic.	ASE	0.832
3	Writing a high-quality assignment.	ASE	0.778
4	Earning good marks in most courses.	ASE	0.872
5	Attending class regularly.	ASE	0.461
6	Studying enough to understand the content thoroughly.	ASE	0.868
7	Understanding most ideas you read in your texts.	ASE	0.904
8	Understanding most ideas presented in class.	ASE	0.887
9	Making good use of the library or online learning resources.	ASE	0.891
10	Participating in competitions related to your subject.	ASE	0.844
11	Participating in extracurricular events (sports, clubs).	Cultural	0.728
12	Spreading out studying instead of cramming.	Cultural	0.916
13	Having a good idea about the reason you take the course.	Cultural	0.868
14	Exploring different cultures in different countries.	Cultural	0.875
15	Being proud of introducing traditional Chinese cultures to foreigners.	Cultural	0.812
16	Challenging what you read or browsed in a book or on the internet.	Cultural	0.874
17	Having a clear judgment on the right or wrong of an action.	Cultural	0.808
18	Applying lecture content to a social activity or training program.	Career	0.884
19	Knowing major local industries, brands, and enterprises.	Career	0.840
20	Participating in volunteer activities, social practice, or summer internship.	Career	0.819
21	Visiting a company or a factory related to your subject.	Career	0.790

22	Talking to a professional privately to get to know him or her.	Career	0.818
23	Gaining good results in a professional accreditation or a competition.	Career	0.870
24	Looking for a working opportunity in relating fields.	Career	0.869
25	Looking for an opportunity to practice what you have learned.	Career	0.905
26	Having a good idea about what you will do after the graduation.	Career	0.849
27	Having a good idea about what you need to learn for your future job.	Career	0.883
28	Participating in a class discussion.	Personal	0.859
29	Answering a question in class.	Personal	0.853
30	Asking a teacher in class to review a concept you don't understand.	Personal	0.832
31	Helping another student in study.	Personal	0.848
32	Performing English role-play, presentation, or other activities in class.	Personal	0.872
33	Talking to a teacher privately to get to know him or her.	Personal	0.871
34	Challenging a teacher's opinion in class.	Personal	0.841
35	Going on with a task (working or learning), even though you know it is challenging.	Personal	0.843

(b). *Sampling*

The researcher then chose a random sample of 158 students from Grade 1 and Grade 2 of Business English major in a higher vocational college. Table 3 represents the distribution of the samples. In order to avoid misunderstanding, the questionnaire is bilingual, and was distributed via “WenJuanXing”, an online survey platform based in China, to ensure the efficiency. And data such as learners' demographic information, learning characteristics, academic self-efficacy scale and virtue awareness are collected and analyzed. Obtained data were then analyzed to test the CASI-V' validity and reliability.

(c). *Validity Analysis*

Validity analysis is used to study whether the question effectively expresses the conceptual information of the research variables or dimensions. Generally speaking, it indicates whether the design of the research question is reasonable or whether the question represents a certain variable. In order to improve the quality of the questionnaire and the value of the whole study, it is necessary to analyze the validity of the scale.

## Conclusion

With the deepening of the research on virtue education in China, the theoretical logic and historical logic of it are gradually clear. What's more,

some practical problems have been effectively coped, and the practices such as the construction of virtue education system, development of teachers' awareness, curriculum and teaching reform, and the construction of teaching resources tend to be more systematic. However, the construction and improvement of the evaluation system of the implementation effect of virtue education has not been completed, and the self-improvement mechanism of virtue education has not yet been formed. Based on the theory of self-efficacy, this study attempts to explore the processive evaluation system of professional ESP courses from the perspective of virtue education. Through the imperceptible integration of virtue education in the daily teaching activities, students' self-efficacy in English learning can be aroused, so as to further enhance the effect of virtue education. On the practical level, this project constructed 1. a processive evaluation model for virtue education; 2. an index system for virtue education based on CIPP model; and 3. a virtue education self-efficacy scale for students developed from CASI. The processive evaluation model starts from tiering the learning objectives, dynamically monitors and cumulatively manages the progress process through an objective multi-dimensional evaluation system, and probes into the virtue evaluation model based on information technology integration. However, as far as the current research is concerned, the sample size of

this questionnaire is too small, and only a simple reliability and validity test was carried out and the dimensions of the questionnaire need to be further clarified. So, the follow-up research will continue to optimize the questionnaire and to conduct ANOVA analysis to examine the variances among different dimensions. Besides that, measurement tools such as semi-structured interviews with teachers and students will be developed to complete the evaluation kit for virtue education and try to improve its popularization.

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## PHILOSOPHY OF RELIGION

# ISLAMIC NOMOCRACY: MUHAMMADIYAH'S PHILOSOPHY ON THE RELATIONSHIP BETWEEN RELIGION AND THE STATE IN INDONESIA

Rifqi Ridlo PAHLEVY <sup>1</sup>  | Absori ABSORI <sup>2</sup>  | Aidul Fitriadi AZHARI <sup>2</sup>  |  
Kelik WARDIONO <sup>2</sup>  | Tomás Mateo RAMON <sup>3</sup>  | Vanka LYANDOVA <sup>4</sup>  |  
Arief BUDIONO <sup>2,\*</sup> 

<sup>1</sup> Lecturer, Universitas Muhammadiyah Sidoarjo, Sidoarjo, Indonesia.  
Student Doctoral of Law Universitas Muhammadiyah Surakarta, Surakarta, Indonesia

<sup>2</sup> Universitas Muhammadiyah Surakarta, Surakarta, Indonesia

<sup>3</sup> Universitat Internacional de Catalunya, Barcelona, Spain

<sup>4</sup> Saint Petersburg State University, Saint Petersburg, Russian Federation

\* *Correspondence*

Arief BUDIONO, Universitas Muhammadiyah Surakarta, Jalan A. Yani, Mendungan, Pabelan, Kec. Kartasura, Sukoharjo Regency, Central Java, Indonesia 57169  
E-mail: ab368@ums.ac.id

*Abstract:* As one of the oldest Islamic societal organizations, Muhammadiyah is involved in the constitution formation process. This paper aims to analyze Muhammadiyah's contribution to the state constitution from the start of the independence up to the amendment in the Reformation Era. Results showed that with its mostly Muslim population, the Islamic nomocracy idea that was developed in the dialectics of the Islamic societal organization largely influence Indonesia's constitutional formation and legal construction Pancasila. The Islamic nomocracy idea offered by Muhammadiyah dynamically developed in line with the social, political, and religious dynamics in Indonesia from the independence up to the Reformation era. In that conception, the state of Pancasila is a final form of the co-existential relationship between religion and the state.

*Keywords:* Islam, nomocracy, Muhammadiyah, religion, state, relationship, philosophy, Indonesia, Pancasila.

## 1. Introduction

Philosophically, Indonesia is a legal state based on the values of Pancasila (the Five Principles). It becomes a philosophical basis for developing the legal system in Indonesia. As a legal state, Indonesia has a long history in the process of forming its constitution. Since its independence in 1945, Indonesia has experienced four constitutional formation phases, from the 1945 Constitution's formation at the beginning of the independence up to its amendment in the Refor-

mation Era (Siburian, 2022, pp. 35-66).

As a multireligious country, in its historical trajectory, Indonesia has always faced issues between religion and the state. This can be seen from debates on the relationship between religion and the state in the process of changing and forming the state constitution (Mukrimin, 2012, pp. 367-390). Dialectics on religion and the state arrive along the trajectory of the state constitution formation process. Indonesia has experienced some changes in its constitution that are often linked to issues of religion and the state.

One of the examples is the second amendment of the 1945 Constitution in 2002, which regulated the freedom of religion and equality in the face of the law. Even though most Indonesians are Muslims, this state adopts the principle of religious freedom and equality in the face of the law with the slogan of *bhinneka tunggal ika* (a Hindu slogan, which means unity in diversity) (Hosen, 2007, pp. 75-99).

Interestingly, the life-long dialectics presented in the state constitution's changing and formation processes always involve almost the same actors. One of the important actors from the Islamic group is Muhammadiyah. As one of the oldest Islamic societal organizations with a great basis mass and charity business, Muhammadiyah is involved in every state administration process in Indonesia. Even, important ideologies in the constitution formation process at the start of the independence are closely linked to their figures (Suyaman, 2020, pp. 1-11).

As a large and influential religious societal organization, Muhammadiyah has played an important role in the state's constitutional philosophy. This organization has been involved in debates on the relationship between religion and the state. It has also strived for the rights of religious minorities in Indonesia. In a more extensive context, Muhammadiyah has also played an important role in promoting the philosophical values of Pancasila, building a harmonious relationship between religion and the state in Indonesia (Chandranegara, 2016, pp. 359-379).

After the reformation, Muhammadiyah was one of the most successful religious societal organizations in proposing the annulment of some legal products through the submission of judicial review applications to the Constitutional Court. Muhammadiyah argued that some laws philosophically and substantively deviated from the Constitution. The movement that aimed to align various legal products with the Constitution was a mandate of Muhammadiyah's One Century *Muktamar* (Deliberation) in City of Yogyakarta (*Constitutional Jihad, Muhammadiyah's New Jihad*, 2015).

Jihad in language means struggle and not only "war" or "battle" as many people interpreted and constitutional jihad means that Muhammadiyah chooses the path of struggle through legal means in accordance with the constitution and Islamic

principles. Muhammadiyah is waging jihad by filing lawsuits over legal products or law that are not pro-people to the Constitutional Court to ask for annulment. With this new direction of struggle, it was not carried out by violent methods at all.

As an Islamic societal organization, the spirit and values of struggle manifested in the effort to guard the Constitution were based on the Islamic philosophical thought's attachment to Pancasila. Therefore, Muhammadiyah sees this as an effort to uphold virtue and its commitment to apply the *dawah* (Islamic missionary activities) of *amar ma'ruf nahi munkar* (inviting to do good and preventing harm) (Fachrudin, 2016). Fundamentally, it marked the transformation process of understanding the constitution among Muhammadiyah, especially concerning the relationship between religion and the state. This long process traverses various eras and influenced the state legal tradition in Indonesia.

Considering Muhammadiyah's crucial role in Indonesia's constitution formation process, it cannot be denied that Muhammadiyah has an important role in philosophically contributing Muhammadiyah's thoughts on the state constitution from the start of the independence up to the reformation era (Syiafullah, 2015).

## 2. Method

This paper presents the results of the analysis of Muhammadiyah's constitutional thoughts that were Revealing from available literary data. The data were systematically collected based on the need to illustrate the development process of the constitutional thoughts in the realm of Muhammadiyah from the start of the independence in 1945 up to the reformation era in 1998. Authors obtained information from officially-issued organizational documents recorded in various media, as well as works of figures' thoughts that represent Muhammadiyah's political attitude at its time. This paper applied the historical approach which was conducted by analyzing the development of constitutional thoughts. In this paper, the data were inductively analyzed by developing conclusions based on the growth and development processes of Muhammadiyah's constitutional thoughts from time to time.

### 3. Discussion

#### 3.1. *The Islamic Nomocracy Philosophy*

The nomocracy philosophy is a state administrative philosophy that refers to the government based on a general preference for faith. Nomocracy principles state that the law must be applied justly and consistently, without discrimination and personal interests, so that society can obtain the same treatment from the government. As a transcendental legal state as stated in the constitution, the philosophy of nomocracy becomes crucial in maintaining stability and consistency in the Indonesian legal system and government. The concepts of legal state and nomocracy complete and support each other to create a just, transparent, and open governmental system for all Indonesian people. Therefore, the philosophy of nomocracy must be well-implemented in the legal system and government to create a better system for the people (Asshiddiqie, 2005).

In the Islamic tradition, (Islamic) nomocracy is a philosophy of state establishment that combines Islamic and democratic principles in a governmental system. This concept is based on the belief that Islam does not only concern the spiritual aspect. But it also gives comprehensive guidelines for the social and political lives of society. Islamic nomocracy stands upon the basic philosophy that there is a co-existing relationship between religion and the state. In Islamic nomocracy, the ontological problem of the existence of religion as a separate or linked entity to the state no longer exists (Az-Zuhaili, 2011, pp. 309-324).

The dialectic issue left in the context of religion and the state is a debate that is relevant all the time, especially in the epistemological realm on the ideal relational model of religion and the state for a country. In Indonesia, religion and the state are linked and are absolutely inseparable. But, how to harmonize these two elements so that they do not cause conflicts and chaos becomes an issue that many countries still face. Some countries like Indonesia and Turkey have adopted different relational models in handling this issue. With its Pancasila, Indonesia places religion as a source of morals and ethics but without appointing a certain religion as the state's official religion. Meanwhile, Turkey applied the secular state model, where religion is separated from stately and governmental affairs.

In the context of Indonesia, the Islamic nomocracy concept is crucial as most of its population is Muslim. In this case, the Islamic Nomocracy in Indonesia refers to the principles of justice, equality, and welfare, extracted from Islamic teachings. This concept encompasses various aspects such as a just government, the protection of human rights, and societal participation in the process of making decisions.

Even though the Islamic nomocracy concept upholds Islamic principles, it does not mean that the governmental system must be dominated by Muslims or that the law must always refer to Islamic teachings. On the contrary, the Islamic nomocracy philosophy can be applied in a more extensive context as an inclusive governmental system, where Islamic principles are combined with democratic principles and universal human rights.

This is according to the spirit of *bhinneka tunggal ika* as a basis for Indonesia which is a Pancasila-based state. To apply the Islamic nomocracy concept in Indonesia, societal diversity and the freedom of religion must be acknowledged, as well as the application of inclusive and tolerant Islamic principles. In this case, the Islamic nomocracy concept in Indonesia can become a basis for the creation of a just and democratic governmental system for all Indonesians.

Muhammadiyah is categorized as a modernist Islamic group that carries the renewal of Islamic society. As a modernist Islamic movement, Muhammadiyah carried the concept of Islamic nomocracy philosophy as a foundation for establishing the state, which historically contributed to coloring the constitutional formation and change in Indonesia.

Muhammadiyah's political track record started before the independence. During the Dutch colonial era, Muhammadiyah was brave enough to counter laws on *partikelir* (private) schools and rejected laws on registered marriage, as they were deemed as discriminative (PP Muhammadiyah, 2012, p. 73). In the independence era, Muhammadiyah's role became even more significant through the involvement of some of its figures in preparing for independence, especially in the formulation process of the constitution script (*The General Secretary of the Republic of Indonesia's People's Representative Assembly*, 2019).

The most historical moment was the phase of

the agreement on the formulation of Pancasila's first principle by Islamic figures. Before, the first principle was "Belief in God with the obligation to carry out Islamic sharia for its embracers". Then it was changed into "Belief in the one and only God". This agreement reflected Muslims' great spirit, as they didn't mind decreasing their ideological demands for the establishment of Indonesia. Two Muhammadiyah figures who became keys to the final formulation of Pancasila's first principle were Ki Bagus Hadikusumo and Kasman Singodimejo (Al-Hamdi, 2020, p. 135). Ki Bagus Hadikusumo which at that time represented the Islamic group's spirit of struggle stood at the position of striving for Indonesia's concept as an Islamic state (Yamin, 1959). Meanwhile, Kasman Singodimejo took the role of a figure that bridged the deliberation process between the Islamic group and the nationalist group that demanded Indonesia become a nationalistic (secular) state. This mediating role was carried out well, as the two groups trusted Kasman's capacity which was deemed to represent the moderate Muslim group (Raditya, 2019).

As the nation's philosophy and ideology, Pancasila is perceived as a local genius from Indonesia's national tradition. The process of its arrival represents national political dynamics. It also reflects the constitutional awareness of Indonesian Muslims (Kaelan, 2013, p. 169). The final formulation of Pancasila conceptually contained Indonesian Muslims' state administrative perspective on the relationship between religion and the state (divinity). The acceptance of the Islamic group towards the concept of Indonesia as a nation-state does not mean their acceptance of the secular state concept. The final formulation of Pancasila's first principle and the preamble script of the Republic of Indonesia's 1945 Constitution marked the final agreement on Indonesia as a transcendental state. Formally, Indonesia is a republic rather than a religious state. But substantially, the transcendental value and the principle of diversity become the basis for its management (Kaelan, 2013, p. 169).

Ki Bagus' desire to soften his demands showed the moderation process of religious understanding on the constitutional issue at that time. The long dialectic and deliberation process in forming the constitution systematically guided the moderation process of Islamic figures' constitutional awareness at that time. The essential

and substantial concept of the relationship between religion and the state as written in the preamble of the 1945 Constitution can be seen from Muhammadiyah's final attitude toward the Indonesian stately concept at that time. Ki Bagus' willingness was also inseparable from the fact that changes in the first formulation, do not conceptually change Indonesia's stately construction that is based on the oneness of God or *tauhid* (Mu'arif, 2020).

Muhammadiyah's attitude and understanding of the relationship between religion and the state can be seen as a consequence of the characters and ideologies of its modern and rational movement (Nashir, 2020). This moderate character made their figures willing to shift their ideals of struggle from formalism to a substantive Islamic state, to achieve Indonesia's independence. Muhammadiyah's attitude towards the existence of the state of Indonesia has essentially never changed. Muhammadiyah placed the state of Indonesia as an instrument of struggle to manifest its visions of a truly Islamic society (Suara Muhammadiyah, 2021).

Muhammadiyah's attitude and perspective on the relationship between Islam and the state are stated in the Mandate of Muhammadiyah's Board of Directors delivered on August 17<sup>th</sup>, 1946. On the first anniversary of Indonesia's independence, it was stated, "We realize that the independence of our country Indonesia is an absolute requirement for the perfect application of the Islamic religion, and it becomes an absolute requirement for Indonesian citizens' welfare and prosperity" (P.B. Muhammadiyah, 2012, pp. 55-60).

Muhammadiyah even aligned the introduction of its articles of association (*Muqadimah Anggaran Dasar Muhammadiyah/MADM*) with the Indonesian nomocratic philosophy. MADM which was approved in the Muhammadiyah *Tamwir* (Deliberation) of 1951 was inseparable from the nationalistic and publicity dialectics at the start of the independence. The use of the terminology in MADM's formulation even has conceptual similarities with the preamble of the 1945 Constitution, as MADM used the term "the blessings and mercy of Allah and encouraged by..." to state the birth of Muhammadiyah.

This terminology was also used in the preamble of the 1945 Constitution to state the establishment of Indonesian independence. MADM

also stated that the organizational management was run “based on *syuro* (conference) led with the wisdom in *muktamar* deliberation”. This formulation has redactional and usage context similarities with the formulation of Pancasila's fourth principle (“Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives”). These similarities were possible, considering that Muhammadiyah, through its figures, has been involved in formulating the constitution. This was so that the meaning and construction of the understanding of the two contexts in the MADM can become a reference to understand the construction of the republic and democracy in the 1945 Constitution.

The MADM contained seven main ideas. It contains Muhammadiyah's core ideologies, models and principles in striving for the Muhammadiyah movement (Suara Muhammadiyah, 2021). In MADM, Muhammadiyah perceived that the formation of the state as part of the societal process is *sunnah* (habitual practice) from Allah (God). Because of that “A prosper, safe, peaceful, and happy society can only be manifested under justice, honesty, brotherhood, and togetherness, with the basis of the truest law of God.”

The main ideas contained in that formulation showed Muhammadiyah's position and support towards the existence of the state of Indonesia (P.B. Muhammadiyah, 2012). Muhammadiyah assessed that the social welfare ideal for all Indonesians can only be manifested under justice, honesty, brotherhood, and togetherness based on the law of God. This formulation showed the dynamics of Muhammadiyah's internal stately perspective up to 1951, which still opened a dialectic room on Indonesia's ideal concept as an Islam state. Muhammadiyah's internal dialectic on the ideal concept of Indonesia's form of state and the relationship between religion and the state was not final, as illustrated in the process of the 32<sup>nd</sup> Muktamar's organization in Purwokerto. This forum brought up a suggestion on the importance of formulating the Islamic state concept. The suggestion that was encouraged by Muktamar participants was followed up by the formation of a team of formulators, led by A. Kahar Muzakir (Nakamura, 2019).

In the face of the constituent court, Prof. A. Kahar Muzakir represented Masyumi (*Partai*

*Majelis Syuro Muslimin Indonesia/Indonesian Muslim's Deliberation Assembly Party*). He responded to Mr Soeripto's statement from PNI (*Partai Nasional Indonesia/Indonesian National Party*). He described his perspective on Pancasila's conception as a “gentlemen's agreement”, as the formulation and creation processes of the 1945 Constitution preamble and contents were mutually agreed upon by Nationalist and Islamic groups as the state foundation formulation and Indonesia's state ideal as written in the Jakarta Charter (Argenti, 2020, pp. 37-57).

Prof. Haji Abdul Malik Karim Amrullah Datuk Indomo (popularly called HAMKA) in his speech stated that the spirit of proclamation is not Pancasila, but rather the spirit to be free from colonization based on religious teachings. It was a form of a strong transcendental awareness of each supporter of the nation (HAMKA, 2001a, pp. 97-142). For HAMKA, Islam's existence precedes Pancasila. More Indonesians embrace Islam than they embrace the Pancasila. The construction of the state of Pancasila is part of the Islamic philosophy-based state conception. For HAMKA, Islam's state form and governmental system concepts are dynamic, exceeding eras. It is a state concept based on a law that is not democratic.

Pancasila is perceived as a value concept sourced from Islam. It does not socio-historically represent the Indonesian nation. Pancasila tends to be perceived as a result of a discussion on stately values in an emergency condition that is not final (Muzakir, 2001, pp. 95-96). Thus, it necessitated being changed. HAMKA does not deny that Pancasila's values are in line with Islamic teachings. Even, due to the harmonious principles, with Indonesia's first principle that is Belief in God Almighty (the Oneness of God), thus the existence of all principles is protected (HAMKA, 2001b, pp. 143-165).

The third Muhammadiyah figure who spoke in the constituent court was Kasman Singodimejo who represented Masyumi (Singodimedjo, 2001, pp. 286-305). He stated that Islam and its teachings have answers to all of Indonesia's issues and need to achieve their ideals of independence.

As a central figure in the deliberation process on Pancasila's formulation on August 18<sup>th</sup>, 1945, Kasman tried to remind of the mutual commitment to the Jakarta Charter as the mutually

agreed upon constitution formulation (Singodimedjo, 2001, pp. 317-318). Islamic figures' sincerity in accepting the new formulation of the first principle is a form of Muslims' *tasamuh* (connivance) for Indonesian independence. As Islam is embraced by most citizens, it is the national character. As Singodimedjo (2001) said, "Islam is the most fundamental factor of the Indonesian nation" (pp. 315-316).

On the other hand, the support of the Indonesian Communist Party (*Partai Komunis Indonesia*/PKI) towards Pancasila who are deemed to be atheists strengthened Islamic groups' doubt towards Pancasila as the state foundation. The Islamic group perceived PKI's support as communists' efforts to hitchhike Pancasila. They worry that the existing formulations are misinterpreted by PKI to guarantee atheists' existence in Indonesia. After going through a long struggle in the parliament since 1957, the Islamic group's struggle to place Islam as the state foundation stopped along with the constituent's dissolution through a 1959 Presidential Decree. It also marked the end of the national ideological struggle of Muhammadiyah through political parties.

In the constitutional formation process during the independence and the constituent era, Muhammadiyah figures' constitutional awareness was moderate. Muhammadiyah perceived the state as *sunnatullah* (habitual practice from God), i.e., an instrument to achieve welfare. As *sunnatullah*, to fulfill the state's ideals, the state administration must be based on religion (Islam) (HAMKA, 2015, p. 21). In this context, the legal state concept places Islamic values as the basis of the state. Muhammadiyah perceives the 1945 Constitution as a legal and state framework. Muhammadiyah withdrew from Masyumi membership in 1958, as there was an idea to strive for an Islamic state through the unconstitutional route among Masyumi members in several regions (Syaifullah, 1997, pp. 241-242).

After the end of the constituent period and Masyumi's dissolution, Muhammadiyah withdrew from practical politics (Al-Hamdi, 2020, p. 153) and focused on religion, education, health, and creating social welfare. This significantly influenced Muhammadiyah's discourse developments and state political movements.

After the Old Era's fall in 1965, Muhammadiyah only issued a statement on the state constitution in 1968 through KH Ahmad Bada-

wi's speech in the 37<sup>th</sup> Muhammadiyah Muk-tamar in Yogyakarta. Muhammadiyah criticized efforts to discredit Muslims, with the issues of Jakarta Charter and DI (*Darul Islam*/House of Islam), TII (*Tentara Islam Indonesia*/Indonesian Islamic Army), and PRRI (*Pemerintah Revolusioner Republik Indonesia*/The Republic of Indonesia's Revolutionary Government). Badawi stated that Muhammadiyah committed to a mutual agreement on the Constitution and the state of Pancasila. It upheld the commitments of the president and the head of the People's Representative Assembly, that Pancasila's state philosophy is based on religious teachings (Badawi, 2012, pp. 96-108).

This speech marked Muhammadiyah's position on state power management during the New Era, at least up to the Reformation. It placed Muhammadiyah as a strategic partner of the state in governmental management and public interest establishment (Al-Hamdi, 2020, pp. 217-223). Muhammadiyah's Islamic movement character was critical, moderate, independent, and helpful (Pasha & Darban, 2013, p. 132).

### 3.2. Muhammadiyah's Thought Framework During the Reformation Era

Rebellion against the government strengthens along with the uncontrolled state management under the New Era regime. The government's failure to handle the 1996 economic crisis increased people's distrust of the government, ending with the 1998 Reformation movement. Muhammadiyah showed its moderate character by being structurally uninvolved with that movement. Even so, on April 18-19<sup>th</sup>, 1998 Muhammadiyah organized a plenary meeting. It issued seven national statements (Al-Hamdi, 2020, p. 251), namely:

1. Stating profound concerns over the ongoing moral crisis;
2. Encouraging constitutional political, economic, and legal reformation that is gradual and peaceful by maintaining national unity;
3. Muhammadiyah and the Indonesian nation encourage all straightforward and substantial reformation steps to cleanse the nation of nepotism, corruption, and collusion chronic diseases;
4. Demanding the government to handle multi-

faceted crises by emphasizing more concrete, certain, and fundamental resolution efforts.

5. Hoping that as the state and the nation's backbone, ABRI (*Angkatan Bersenjata Republik Indonesia*/the Republic of Indonesia's Armed Forces) can have a positive and creative attitude;
6. Praying so that the nation's leaders and citizens obtain guidance to exit from the various ongoing crises;
7. Asking society and Muhammadiyah members to carry out the *amar ma'ruf nahi munkar da'wa* tasks and not be influenced by provocations or anyone's opinions outside of this statement (Al-Hamdi, 2020, p. 251).

During the process of amending the 1945 Constitution in 2000-2002, one of Muhammadiyah's important figures was M. Amien Rais, who was head of the People's Representative Assembly of the 1999-2004 period (Pasha & Darban, 2013, pp. 133-134). Many of Muhammadiyah's attitudes were represented by its figures during the amendment process. Muhammadiyah was involved in four 1945 Constitution amendments through its figures who became People's Representative Assembly members. Its figures in the reformation fraction stated that the 1945 Constitution's Preamble that contained Pancasila needed not to be inserted into the amendment agenda, as it historically contained noble national agreements (Hambali & Subekti, 2010, p. 115).

A similar attitude was expressed by Muhammadiyah representatives in the parliament when suggesting that transcendental and religious values should become the normalization framework and boundaries in implementing human rights. Concerning whether or not Islamic sharia should be confirmed in Article 29's amendment concept, they emphasized the need to strengthen the binding of religious teachings for the embracers. This represented the outline of Muhammadiyah's attitude at that time which viewed Pancasila as conceptually harmonious with Islamic teachings. This attitude was written in Circular Letter No. 10/EDR/1.0/I/2002.

In the next step Muhammadiyah's philosophies and ideologies carried its cadres in political parties is this organization's political tradition since the Masyumi era. This tradition was a strategy to maintain its identity as an independent Islamic movement that still provides effective

substantial and philosophic colors to accommodate its ideological politics (Al-Barbasy, 2017, pp. 99-125).

The practical politics constellation that marginalizes religious organizations and the weakening ties with political parties makes it difficult for Muhammadiyah to escort the formation of state regulations. As a result of the One-Century Muhammadiyah Muktamar in 2010 in Yogyakarta, Muhammadiyah submitted judicial reviews against some laws to the Constitutional Court to make sure that the laws do not violate the Constitution. This was Muhammadiyah's response towards the state management that is deemed to deviate from the constitution.

For Muhammadiyah, the constitution is a national philosophy in the form of a fundamental law (*grundnorm*) to guarantee the achievement of Indonesia's ideals. Muhammadiyah views that the law formation process in Indonesia deviates from the legal ideals of the constitution. Although legal products are meant to bring welfare to the people, they actually represent the power interests of several people. Muhammadiyah noted that aside from the five laws they submitted for review, there are still more than a hundred laws that deviate from the constitution (Fachrudin, 2016).

This step represented the constitutionalism perspective that developed in Muhammadiyah after the Reformation. Philosophically, those who participated in the One-Century Muhammadiyah Muktamar committed to perceiving Indonesia as a *Darul Ahdi was-Syahadah* (A State of Agreement and Testimony). The use of this concept to understand the relationship between the state of Pancasila and Islamic teachings is a new thing. This concept can be deemed as Muhammadiyah's *ijtihad* (philosophical thinking) to increase this relationship and its consequences towards all national elements, especially Muslims. Thus, constitutional jihad was placed as a step to direct the "Nation's *Kiblat* (Direction)" (Syamsuddin, 2020, pp. 8-14).

For Muhammadiyah, Pancasila and the 1945 Constitution's Preamble are noble agreements and national consensus that ties together all national elements. As a State of Agreement (*Dar Al-'Ahd*), Indonesia's state formation does not only have a political dimension but also a religious one as it was motivated by religious teachings and ideals. The issue of Islam's formaliza-

tion as the state's basis is deemed no longer relevant, as the 1945 Constitution's Preamble already represents Islamic transcendental values and ideals (PP Muhammadiyah, 2010, pp. 18-25). The state of Pancasila is deemed an ideal form of the plural Indonesia. The issue lies in the nation's incapability to transform constitutional values in all of its stately aspects (Syamsuddin, 2011, pp. 1-7).

Apart from that, Muhammadiyah also places the *Darus Syahadah* (The State of Testimony) identity onto Indonesia. Syamsuddin (2011) conceptually defines this as, "A state where citizens or citizen groups compete to show testimony or proof to other citizens or citizen groups on their work and performance to realize the mutual ideal to build the state. In a state of testimony, all citizens or citizen groups have the same role to participate in building the state and the results they received highly depend on how great their roles are" (p. 5). This concept shows Muhammadiyah's perspective on the ideal form of state management, where the government must be professionally managed by opening room for a just participation of the public to achieve state ideals.

Muhammadiyah's perspective that places Islam as *rahmatan lil 'alamin* (blessing for the whole universe) can also be seen from the constitutional issue they strive for. Almost all lawsuits or judicial reviews submitted by Muhammadiyah have a philosophical and substantial dimension. In these cases, Muhammadiyah represents the people's interests that were harmed or those whose constitutional rights were threatened. When submitting judicial reviews on the Law on Oil and Gas and the Law on Natural Resources, Muhammadiyah raised the issue of the reduction of the state's sovereignty in those sectors. Muhammadiyah wanted to save the Indonesian people's rights that were harmed due to the oil and gas mismanagement as well as the commercialization of water by private sectors (Chandranegara, 2016, pp. 370-377). Apart from using religious arguments, Muhammadiyah also stood upon the government's responsibility to develop public welfare. The use of religious arguments described Muhammadiyah's constitutional perspective that places Islam as the basis of its thoughts and values. Then, the use of the principle of the government's responsibility to develop public welfare showed its

commitment to the agreed-upon state ideals (*al-'ahdi*).

In the judicial review of the Law on Societal Organizations and the Law on Hospitals, Muhammadiyah fought for protection over the freedom to associate and gather. This issue basically concerns their sustainability as a religious organization that provides health services. Even so, this review represented the interests of many previously existing religious organizations (Aditya, 2014). In these judicial reviews, Muhammadiyah demanded the state be responsible for guaranteeing the existence of a religious society that provided a great role in Indonesian independence (Saputra, 2013).

On one hand, these four demands represented Muhammadiyah's commitment to the State of Pancasila as *Darul 'Ahdi*, whose maintenance demanded mutual commitment. On the other hand, this step represented Muhammadiyah's understanding of the *Darus Syahadah* concept. Their rejection of state policies on the Law on Societal Organizations and the Law on Hospitals is Muhammadiyah's commitment to contribute to Indonesia by making sure that the state is loyal to the constitution and the Islamic nomocracy (Kamal, 2018, p. 169).

From the description above, Muhammadiyah's stately gait in guarding the legal formation is a transformative process of *da'wa* development. This transformation can be seen from the widening rooms and *da'wa* models of Muhammadiyah in the legal realm (Azhari, 2017). The constitutional struggle is not only the cultural and structural routes through political parties and parliamentary membership. Political dynamics and national power since the independence up to the reformation era force Muhammadiyah to adapt and accommodate their constitutional processes (Primadi, 2020).

The choice of this struggle can be seen as a saturation point in Muhammadiyah's relationship with political parties and political agents in the parliament at that time. Political parties are deemed to strive for popularity and power, thus neglecting their functions as educational instruments in the public's political struggle. For them, politicians' capacities that political parties bring into the parliament must be doubted, considering that they arrived without going through an adequate political regeneration process (Maradona, 2010). In such a situation, Muham-

madiyah returns to maintain the same proximity with all powers. This allows them to keep the

critical tradition that they have so far developed (Margiyono, 2010).

Table 1.

Muhammadiyah's Thought Development on the Relationship between Religion and the State

<i>Point of view</i>	<i>At the Start of the Independence</i>	<i>Before the One-Century Mukhtamar</i>	<i>After the One-Century Mukhtamar</i>
The relationship between Islam and the state	The state is an instrument to manifest Islam's goal	The state is a facility to manifest the true Islamic society	The state of Pancasila as <i>Darul 'Ahdhi Was Syahadah</i> (informal-substantial)
An ideal form of the state	A Unified State based on the Islamic Law	A Unified State based on the Oneness of God (Pancasila)	A Unified State based on Pancasila
Constitutional Idea	Islam is the basis of the state (Jakarta Charter)	Pancasila (Preamble of the 1945 Constitution) as the basis of the state	Pancasila (Preamble of the 1945 Constitution) as the basis of the state
Method of Struggle	Structurally through the political route (Parliament/Masyumi- Parmusi [ <i>Partai Muslimin Indonesia/Indonesian Muslim Party</i> ]) and the socio-cultural route.	Structurally through the political route (Parliament/PAN [ <i>Partai Amanat Nasional/National Mandate Party</i> ]-PMB [ <i>Partai Matahari Bangsa/Nation's Sun Party</i> ]) and the socio-cultural route.	The structural route was through courts and the cultural route.

Table 1 above shows a shift in the Islamic nomocracy philosophy in Muhammadiyah's environment during their three organizational development phases. Its idea of Islamic nomocracy at the beginning of independence was based on the basic assumption that an ideal state is based on Islamic law. The state is substantially and symbolically inseparable from religion. For Muhammadiyah, the state was an instrument to achieve its religious goal. Therefore, the substance of the stately agreement written in the Jakarta Charter is deemed as a formulation and an ideal form of Indonesia's constitution. This idea grew in Muhammadiyah's political struggle process and their figures up to the constituent era.

The second phase of Islamic nomocracy's development started in line with Islamic societal organizations' failure to strive for the Islamic religion-based stately concept through the constituents. After the constituent era, during the New Order Regime, the Islamic nomocracy offered by Muhammadiyah became more moderate (or realistic). Thus, Muhammadiyah accepted the New Order Regime's offer on Pancasila as the single ideology (Wijaya, 2016, pp. 63-84). In the second phase, Pancasila was deemed as an

ideology that did not oppose Islamic values and rather represented them. The stately ideality was not an Islamic state, but a state of Pancasila inspired by the Oneness of God.

In the third phase, Muhammadiyah developed the Islamic nomocracy in the Reformation era, where there was a strengthening of liberalism and the transnational Islamic ideology (Aswar et al., 2020, pp. 171-191). During the democratic transition, Muhammadiyah brought up the *darul 'ahdi wa ssyahadah* concept in the *wasathiyah* (balance between belief and tolerance) Islamic paradigm. It was a concept that tried to build the value basis from the Islamic State in a non-dichotomic scientific framework. The focus was no longer the Islamization of the state, but the contextualization of Islam as a teaching of blessings.

Interestingly, the series of structural advocacy activities carried out by Muhammadiyah was a lack of mass movement usage, unlike common societal organizations with great masses. Even, contrary to other societal organizations, Muhammadiyah did not mobilize their mass to influence the Constitutional Court's decision during the constitutional jihad. This shows that Mu-

hammadiyah can capitalize on the advantages of their basis in the submission argumentation arrangement as well as through the series of arguments in court.

#### 4. Conclusion

The Islamic nomocracy arrives as a philosophical basis for Muslims to find an ideal construction for stately and national life. Islamic nomocracy departed from the reflective argument on the inseparable existence of religion and the state. In Islamic nomocracy, religious values and teachings are placed as bases and corridors in developing legal and governmental orders. With its mostly Muslim population, the Islamic nomocracy idea that was developed in the dialectics of the Islamic societal organization largely influence Indonesia's constitutional formation and legal construction Pancasila, the state foundation and philosophy, was born from the ideological dialectics that involved an idea on the Islamic nomocracy. Muhammadiyah is an element that is actively involved in that dialectic process. The Islamic nomocracy idea offered by Muhammadiyah dynamically developed in line with the social, political, and religious dynamics in Indonesia from the independence up to the Reformation era. In that conception, the state of Pancasila is a final form of the co-existential relationship between religion and the state.

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## LIBERALISM AND RELIGIOUS MODERATION: THE DILEMMA IN INDONESIA

Sri Lumatus SA'ADAH<sup>1,\*</sup>  | Khusniati ROFIAH<sup>2</sup>  | Abdul MUN'IM<sup>2</sup>  |

S. Maryam YUSUF<sup>2</sup>  | Mochammad CHOTIB<sup>1</sup> 

1 Universitas Islam Negeri Kiai Haji Achmad Siddiq, Jember, Indonesia

2 Institut Agama Islam Negeri Ponorogo, Ponorogo, Indonesia

\* *Correspondence*

Sri Lumatus SA'ADAH, Jalan Mataram No. 1 Mangli, Jember Regency, East Java, Indonesia.

Email: srilum.saadah@uinkhas.ac.id

*Abstract:* Liberalism was born from European society's condition that was oppressed by feudalism. It is a paradigm that is easily accepted due to its principle of freedom and its emphasis on the human ratio. In its development, liberalism influenced various aspects of the Eastern world, including Islam as the religion of the majority of Indonesians. The two basic problems of this research are: (1) how does liberalism influence Islam and (2) what efforts are required to prevent liberalism's influence on Islam. This research used the qualitative method with the literary and historical approaches. Results showed that liberalism is currently the mainstream paradigm of thought and culture in the world. The atmosphere of thought as well as the constellation of contemporary humanity are dominated by this paradigm. One of the important efforts to prevent liberalism and extremism is to strengthen the scholarly system of Islam through religious moderation that still strongly holds on to the Qur'an and Hadits, making people knowledgeable and religious. Serious studies on Islamic thoughts should be conducted to be placed from the Islamic worldview perspective. There should be the development of science using the Islamic concept and perspective, rather than using Western methods to assess Islamic concepts.

*Keywords:* domination, liberalism, religious moderation, Islam, moderate.

### Introduction

Western philosophy was estimated to be founded in the 7<sup>th</sup> century B.C., although some also opined that it was founded in the 6<sup>th</sup> century B.C. Differing opinions on the exact century of philosophy's establishment is not shocking as there

are no official documents that explain in detail the date, month, and year Thales created philosophy (Hamdi, 2021, p. 155). Philosophy keeps on developing up to the modern era.

Historically, the modern century started from the Middle Ages. It started in the 15<sup>th</sup> and 16<sup>th</sup> centuries in Europe, as a movement that de-

manded the return of all of the philosophic and cultural glory as what happened during the Renaissance era and during the golden age of Ancient Greek. Renaissance means the rebirth, i.e., the rebirth of the Greek and Roman cultures (Wiramihardja, 2009, p. 59).

At that time, the symptoms of society's efforts to break free from the restricting church dogma started to be visible in Europe. Even so, philosophy did not find its form in the Renaissance Era, but it was founded in the era after it. In that modern era, science experienced development and many findings on the results of scientific development were found. This implied the weakening the power of Christian Church (Tafsir, 2000).

The emergence of philosophy is closely linked to various issues in human life. Philosophy sought answers and solutions to every problem using the ratio as the main instrument, including those related to God's existence, the reality in the universe, to the issues of human essence as creatures (Hidayat, 2001). In reality, it is not only philosophy that seeks responses to various basic problems in human life, but religion also has the ability to answer them (Anshari, 1982).

Philosophy's arrival as a thought method has different patterns according to each era. Every era has its own characteristics that are influenced by the demands of the time. Thus, each has differences and specific characteristics. This keeps on occurring, making philosophy develop and have different characteristics according to its areas. Thus, the terms "Eastern philosophy" and "Western philosophy" were created, and conveyed by each of their figures. Philosophers use philosophy to resolve the issues around them. They radically discuss all occurring issues starting from those related to the reality of nature, the reality of God, up to human culture using the ratio as the first instrument (Jauhari, 2020).

Apart from that, philosophy was developed to find causes of various occurring problems. There are many unresolved issues, one of them being injustice. Philosophy has also created various differing paradigms that sometimes oppose each other. Even so, justice becomes a very disturbing problem. It is just that philosophy has found that in the reality of life, humans hope for justice to always be present and they committed to achieving it (Arif, 2018).

The development of philosophy, as well as the emergence of various paradigms in the West, has brought influences to Islam. An example of this is the emergence of the liberalism paradigms in the West that historically originated from Ancient Greek. It is one of the most crucial elements in the Western civilization. But when tracked to the Middle Ages, liberalism was triggered by the conditions of the economic and political systems that were dominated by the feudal system. In such a system, kings and aristocrats had special rights. Meanwhile, grassroots were not given an unrestricted chance to use their rights, especially their rights to participate in the social mobilization that can deliver them to become part of the higher class (Zarkasyi, 2009).

Through colonialism, the West tried to influence the use of their concepts, philosophies, and thoughts (including the liberalism paradigm) on the heads of Muslims. This coercion is known as Westernization (Latouche, 1996) and globalization projects. The use of the terms "fundamentalist Islam", "liberal Islam", "traditional Islam", "modern Islam" etc. are some examples of how Western terminologies and concepts were introduced to Muslims. To counter the spread of the field of Islamic thought, the Orientalism movement was used. This was to extend the acceptance of Western cultures and beliefs.

The West's efforts to spread Western values, ideas, concepts, systems, and cultures to the Islamic world became ever rampant. Cohesive teamwork between colonialists and orientalist happened in Aceh province, Indonesia (formerly the Dutch East Indies), where the Dutch succeeded in defeating Aceh after undergoing profound research with Orientalist executors such as Snouck Hurgronje. The change of the era led to the change of methods. Thus, the media used to spread liberal concepts and thoughts in the form of scientific works such as books, papers, and workshops. They can also be in the form of opinions in electronic and mass media. But the most effective medium to spread theories, concepts, and ideologies are university classrooms through the oral transmission of intellectuals, Islamic scholars, scientists, and cultural practitioners. Through this facility, Western liberalism paradigms, ideas, concepts, systems, and theories are technically spread to the Islamic world (Zarkasyi, 2009). In this case, Islam in Indonesia also obtained influence from the entrance of this liberal-

ism.

Ellian (2008) suggested that Western countries that are rooted in the liberalism, pluralism, and secularism trilogy have a role in the development of science, technology, and economy. Based on that, he and some other liberal Islam figures wanted to ignite the spirit of Muslims to reach development by adopting these thoughts. But in its journey, he obtained sharp polemic-causing critiques from Kamrava (2006) about this idea. The peak was the issuing of the *fatwa* (legal pronouncement) of the Indonesian Islamic Scholar Assembly (Majelis Ulama Indonesia /MUI) which prohibited liberalism (Samsudin & Lubis, 2019).

## Research Method

From the background above, the two basic problems of this research are: (1) how does liberalism influence Islam and (2) what efforts are required to prevent liberalism's influence on Islam. Methods from this research was juridical normative with philosophical approach. This research used the qualitative method with the literary and historical approaches. Then, the obtained data were analyzed deductively.

## Results and Discussion

### *The Concept of Liberalism*

Liberalism is currently the mainstream paradigm of thought and culture in the world. The atmosphere of thought as well as the constellation of contemporary humanity are dominated by this paradigm. Various changes that gave birth to global idioms, such as the freedom of the press, free market, as well as democracy, seem to be inseparable from liberalism as their departing point. These idioms imperatively force changes in various areas of the world. It does not only influence the political and economic order, but it has also influenced culture and even religion (Tibi, 2007).

Etymologically, the word "liberal" originated from the word *liberté* in French and *liberty* in English, meaning freedom or independence (Rachman, 2018). In Latin, *liber* means free or not a slave. It refers to a condition where one is

free from another person's ownership (Zarkasyi, 2009). Up to the end of the 18<sup>th</sup> century, this term still referred to the concept of people who are independent from birth or those who are freed from slavery. Liberalism comes in a packet with the capitalist ideology.

Liberalism was born from the sick European people during the Dark Ages. The shackles of the king's dominance in the name of God threatened development, science, and technology. Kings collaborated with religious leaders to oppress people. The solution was that these shackles must be eradicated by providing people with the greatest liberty (Reed, 2002).

The peak of political liberalization happened in the 19<sup>th</sup> Century when the liberalism paradigm kept on rolling in the form of ideas on freedom and revolutionary movements in several European countries. From a philosophical perspective, liberalism means a system or a paradigm that highly upholds individual freedom and independence. It provides protection from any form of oppression. The contrary of this paradigm is power absolutism, despotism, or the authoritarian paradigm. In the economic sector, liberalism is a paradigm which grants individuals the freedom to undergo economic activities without state interference in economic life. Among the supporters of this paradigm was Adam Smith in the 18<sup>th</sup> century. This paradigm is contrary to the socialism and communism paradigm.

In the social sector, liberalism can mean different things depending on the subject. For women, for instance, it means emancipation, gender equality, the eradication of social control on individuals as well as the fall of familial values. There is also the freedom to choose gender and sexual preferences as well as feminism (Reed, 2002)

In other words, liberalism is a thought paradigm that orients towards individual freedom. There is respect for the independence of every individual. It also believes that the state's main task is to protect the freedom of its citizens, such as the freedom to think, the freedom to express thoughts, and the freedom of ownership. Such as what was illustrated in the thought of the Age of Enlightenment (*Aufklärung*), this concept positions human beings as gods in every aspect. This paradigm perceives that humans with all of their ratios can understand everything. Humans can develop themselves and their society through

rational and free activities. This paradigm was also built above the principle of secularity which glorifies humanity and which perceives that humans can automatically know all of their lives' needs (Burdah & Sudrajat, 2015).

Nicholas F. Gier (1980), from the University of Idaho, United States of America concluded the thought characteristics of American (Western) liberal figures are as follows:

*First*, the belief in God, but not the God in religious beliefs. Because their God is not orthodox, they are often called atheists. God's characteristics according to religious doctrines as a person with special characteristics were rejected by the liberal group as they prefer the concept of God extracted from the human ratio. In this belief, God is deemed to not know humans' lives in detail and He does not meddle with the affairs of individual humans.

*Second*, the liberal group separates Christian doctrines and Christian ethics. By decreasing the emphasis on doctrines or beliefs, they hold on to the principle that Christians and non-Christians must accept each other and carry out good deeds. A person becomes religious not only due to affirmations towards dogma, but due to one's ethics and moralist attitudes. This was what brought the liberal group to conclude that even atheists can become moralists.

*Third*, the liberal group do not believe in orthodox Christian doctrines. They reject part or the whole trinity doctrine, the divinity of Jesus, a birthing virgin, the Bible as literal words of God, fate, hell, Satan, and the creation from nothing. The only doctrine they believe in apart from the existence of God is the immortality of the soul.

*Fourth*, they absolutely accept the separation between the church and the state. The founders of the United States of America realized the impacts of governments in European countries that forced the application of certain religions' doctrines while oppressing other religions. Thus, the words "God" and "Christianity" cannot exist in the law. This situation was inseparable from the influence of liberal religious figures in the constitutional convention in 1787.

*Fifth*, they fully believe in freedom and tolerance in embracing religions. Initially, tolerance was only limited to sects in Christianity. But then, tolerance and full freedom for atheists and embracers of non-Christianity religions happened during the rule of Benjamin Franklin,

Jefferson, and Madison. The full freedom of religion does not only mean the freedom to embrace religions but also to be free from religion. It means that a person is free to either embrace a religion or not.

Thus, liberalism in Western civilization's social and political sectors has slowly marginalized or separated religion from political and social affairs. Religion is not given any space over social and political interests. When liberalism entered Catholic and Protestant Christianity's religious thought, it subordinated the church under political interests and humanism. It has also decreased the role of theology in the sectors of life. In the end, the liberalism of religious thoughts changed into secularism. This was influenced by post-modernist thought waves that highly upheld pluralism, equality, and relativism (Zarkasyi, 2009).

### *Liberalism's Domination in Muslim Countries*

Domination means great influence towards a certain thing or a community. Liberalism is a Western system, perspective, or ideology. Thus, for the West, Islam is a challenge to liberalism. Since its birth in the Western world, liberalism has been highly developed as it can easily be accepted by global society. This was because this paradigm emphasizes individual freedom and is only sourced from the human mind. The current domination of liberalism also poses a challenge to Islam.

Francis Fukuyama in his book juxtaposed Islam with the liberalism and communism ideologies, even though Islam has its own concepts of moral values, political doctrines, and social justice. According to him, because Islam's teachings are universal, it has become a challenge for liberal democracy and liberal practices. But he also acknowledges that Western liberal values are also a threat to Muslim society. In this case, Fukuyama (1992) stated: "*It cannot be denied, the Islamic world in the long term will seem to be weaker in facing liberal ideas rather than the contrary, because since half a century ago, liberalism has mesmerized many strong Islamic followers. One of the causes of fundamentalism's emergence was the strong threat of liberal and Western values towards the traditional Muslim*

*society*".

Fukuyama clearly placed Islam, liberalism, and communism as ideologies or thoughts with different doctrines that oppose and threaten each other. What is deemed as a threat is not one's shadow of fear towards the other. But it is a fact that liberalism and Islam are highly different. These differences can be tracked by the fact that humans are created in nations and all nations have their own civilization. Each civilization also has different ways of thinking and perspectives. These differences tend to be in the form of differences in perceiving life. They have different worldviews. The different worldviews between one nation and another are influenced by culture, religious beliefs, race, etc.

In an article entitled *If Not Civilizations, What?* (Samuel Huntington Responds to His Critics), Huntington stated that the substance or principle of civilization is religious and philosophical principles. Because of that, the factors to identify a person as well as the factors that lead them to be ready for war and death are faith, family, blood (read: race), and beliefs. Samuel P. Huntington also theorized and outlined differences in identities and then friction between one civilization or worldview and another as a "*clash of civilization*". The issue is not only due to differences between civilizations, but because Western civilizations and nations claim that their perspectives are "universal" and can be embraced by all of humankind.

The issue is that what the West deems as "universal" is actually not for Muslims. In fact, there are unnegotiable differences between Western and Islamic concepts. These differences in the level of social life may cause conflicts and clashes. According to Peter L. Berger, as quoted by Zarkasyi, it is called the collision of consciousness. At the individual level, it leads them to experience conflicts of thought. Then, at the conceptual level, it leads to an overlap or conceptual confusion. Indonesian Muslims are currently experiencing these wars of thought at the individual level. Thus, great-scale wars of thought are currently happening between Islamic civilization and Western culture, in other words between the Islamic and Western worldviews (Zarkasyi, 2009).

When perceiving from the aspect of its meaning, "liberal Islam" is highly contradictory. Etymologically, Islam came from the Arabic lan-

guage, meaning submission or compliance, while liberal originated from European languages, specifically from the Greek language, meaning free. Apart from that, liberalism in the Western perspective has a positive sense. But when it is brought to the Eastern world, especially to the Islamic world, it already has a bad and negative connotation. Even so, it is clear that these two terms clash. But there is a term called "liberal Islam", where according to its embracers, Muslims can also become liberal, meaning that liberalism can be accepted in the discourse on Islamic thought (Thoha, 2018).

Liberal Islam means an Islamic paradigm that is accommodative to the idea of individual freedom to encourage social advancement. According to Kurzman, liberal Islam is a style of thought that is a plenary blend between the dialectic critique philosophy, i.e., Socrates (470-400 B.C.) with the rationality of Descartes (1596-1650) and blended with the *Muktazilah* thought (a theological paradigm that emphasizes the ratio) (Rachman, 2018). The term "liberal Islam" is also often used by Western writers to analyze the development of Islamic figures that support the idea of freedom and development. Some figures that are famous in Indonesia are Leonard Binder and Charles Kurzman (Samsudin & Lubis, 2019).

Charlez Kurzman provided a basic character on what is called liberal Islam as follows, "There are various versions of Islamic liberalism. But a common element is its critique, both of customary Islamic traditions and revivalist Islam, that the liberals deem as backwardness, that, according to them, inhibits the Islamic world from enjoying the "fruit" of modernity: economic advancement, democracy, legal rights, etc. Apart from that, liberal traditions opine that Islam, if properly understood, is in line with – or even, is a pioneer of – the road of Western liberalism" (Kurzman, 2003).

For Kurzman, two things become the basic characteristics of liberal Islam. *First*, critique of customary Islamic traditions and revivalist Islam that cause the backwardness of the Muslim community. *Second*, the desire to achieve development by emphasizing Islamic values that are actually in line with Western liberalism, such as economic advancement, democracy, legal rights, etc. What Kurzman meant as customary Islam is the Islamic group that combines local customs

and general customs that apply in the Islamic world (Bachtiar, 2017).

This term is parallel with the term “traditional Islam” which was initially popular among researchers on Islamic movements in Indonesia, such as in the classical works of Deliar Noer (1993). Meanwhile, he juxtaposed revivalist Islam with Islamism, fundamentalism, and Wahabism. This tradition attacked customary interpretations that lack attention towards the core of Islamic doctrines. Such a definition is similar to that given by Kamal Hassan. He stated that the main idea that binds these various liberal Islam thoughts is that they always prioritize what they call the most universal values of Islam rather than the formality of the Islamic teaching’s practices. Either purposefully or not, these values actually have consequences towards the humanism and secularism values promoted by the West (Hassan, 1987).

Zuly Qodir provided a more rigid definition of liberal Islam, especially in the context of Indonesia, i.e., those who have an inclusive understanding towards Islam with the following characteristics:

1. placing al-Qur’an and hadiths as scriptures that are open to interpretation without being fixated on a form of hegemonic interpretation;
2. undergoing reconciliation between faith and modernity;
3. being willing to adopt the constitutional and cultural systems of the modern world;
4. having freedom in interpreting religion;
5. following modern-style education by adopting rationality;
6. not having sectarian thoughts, thus, they can understand the different perspectives that occur without judging other different parties;
7. acknowledging the existence of religious pluralism;
8. being inclusive-tolerant in practicing religion;
9. thinking and having opened characteristics exceeding the thought framework boundaries of Nahdlatul Ulama or NU (Indonesia’s largest Islamic organization founded in 1926) and Muhammadiyah (Indonesia’s second-largest Islamic organization founded in 1912) religious organizations, even though many liberal intellectuals in this country have the background of NU and Muhammadiyah;
10. being uninterested towards the idea of the formalized application of Islamic sharia; and
11. having a pluralist-inclusive theology, rather than an exclusive one (Qodir, 2010).

Polemics on the thought of liberal Islam were caused by differences in the paradigms of thought and methodologies in understanding Islamic teachings such as in seeing the reality that happens in society during the contemporary era. The liberal Islam group has a progressive paradigm of thought. Liberal Islam has great potential for dynamics. Meanwhile, groups that criticize liberal Islam use a neo-revivalist paradigm of thought, that epistemologically strives to undergo a purification of Islam, by always holding on to the basis of al-Qur’an and hadiths. Apart from the differences in the paradigm of thought, there are also methodological differences, where liberal Islam figures used hermeneutic and rational methodologies (*tafsir bi-ra’yu*) as well as uncovered the holiness of Islam’s teachings. Meanwhile, figures that are against liberal Islam use a methodology that departs from the revelation that was sanctified through a historical process, thus leading sanctification to occur. Then, it used the textual approach (*tafsir bil-ma’sur*). Thus, every one of its opinions is based on texts (Samsudin & Lubis, 2019).

Meanwhile, the negative influence of liberalism towards Islamic teachings that happened and their development are as follows:

1. Doubting Muslims, concerning the basic principles of Islamic teachings that are absolute in *aqidah* (Islamic creed), sharia, the nobility of its teachings, and its history.
2. Undergoing great efforts to market Western theories and philosophies that are not in line with Islamic principles such as the theory of freedom to undergo sex before marriage.
3. Undergoing great efforts to immediately legalize conventional laws sourced from Western laws in various aspects of life, such as the legalization of LGBT marriage.
4. Announcing moral depravity and blurring the noble values of Islamic teachings towards individuals as well as the extensive society so long as they do not disturb public interest.
5. Eradicating the curriculum of the Islamic religion and its teachings from the elementary school, middle school, high school, and campus (bachelor’s degree) levels.

6. Deviating the household institution and destroying the order of the relationship between husbands and wives, between children and parents with the mainstreaming of individual freedom.
7. Deviating the identity of the Islamic religion by directing its embracers to a "Western-style" life in the cultural tradition aspect that becomes special characteristics of some Indonesians, such as the *adat basandi syara* (customs based on religious teachings) of Western Sumatera Province.
8. Emphasizing nationalism and secularism as efforts to shift Islam and conflicting nationalism with religion.
9. Utilizing mass media, printed media, electronic media, as well as television channels to spread their ideas that harass Islam, al-Qur'an, and Prophet Muhammad such as what was carried out by a Danish cartoonist.
10. Carrying out efforts to spread cultures of promiscuity and immorality by emphasizing lust, inviting sexual deviations, and eradicating the natural limits of different genders (Zainuddin & Kadir, 2014).

The liberalization phenomenon does not happen accidentally, but it is something that has been elaborately planned and well-programmed. Their strategies resulted in quite a memorable product. It cannot be denied that liberal thoughts have spread in Indonesia, including at *da'wa* (Islamic missionary) institutions, education institutions, campus institutions, and even among university students.

At the start of the 1970s, simultaneous with the emergence of the New Era in Indonesia, some threats were posed to Muslim society. Some Muslim intellectuals tried to give a response towards the situation that is deemed to not provide freedom of thought. This group then created ideas on "The Renewal of Islamic Thought" that tries to interpret Islam, not only textually but with a greater tendency towards contextual interpretation.

They can be categorized as liberal Islam, in the sense that they reject *taqlid* (accepting one's opinion without knowing its source or basis), encourage *ijtihad*, as well as reject the authority that only certain individuals or groups have the right to interpret Islamic teachings (Mudzar, 2011). The Indonesian Islamic Scholar Assembly saw the dangers of the thought devel-

oped by this group. Thus, in its 7<sup>th</sup> National Deliberation on July 25<sup>th</sup> to 29<sup>th</sup>, 2005 they issued a *fatwa* that pluralism, secularism, and liberalism are paradigms that contradict the Islamic religion's teachings.

Because of that, it is prohibited for Muslim society to follow the liberalism and secularism paradigms. It is stipulated in the Decision of the Indonesian Islamic Scholar Assembly No. 7/MUNAS VII/11/2005 that what is meant by liberalism is understanding religious *nash* sources (God's revelation to Prophet Muhammad, i.e., al-Qur'an and As-Sunnah) using free ratio and only accepting religious doctrines that are in line with the ratio (Rachman, 2018).

Apart from liberal Islam, there is also the fundamentalist Islam group in Indonesia that is deemed to always monopolize truth and enforce them with methods that actually contradict Islamic values. Because of that, to inhibit or balance militant (Husaini & Hidayat, 2000) or fundamentalist Islamic groups and the liberal group, there needs to be religious moderation. Religious moderation means building a religious life that is based on respect for differences. Religious moderation supports and spreads religious ideas (especially Islam) that are pluralist, open, and humanist. Religious moderation prevents militant and pro-violence religious perspectives from overpowering the public (Ahmad, 2010).

The Liberal Islamic Network (*Jaringan Islam Liberal/JIL*) has agendas that are not much different from the extreme Islamic groups in general (Husaini & Hidayat, 2000). Islam certainly highly respects human rights. Thus, it also respects the freedom of expressing opinions (Ahmad, 2010). Thus, to become humanists and respect human rights and differences, there is no need to become liberal.

Religious moderation strives to open dialogue rooms that are free from the pressures of conservatism. They believe that the opening of dialogue rooms will spread healthy Islamic thought and movements. This is an effort to create just and humane social and political structures (Dinia et al., 2015).

Religious moderation strives to undergo several things, i.e., first, opening rooms of discussion, increasing people's critical capabilities and providing an alternative perspective that is different from both liberalism and extremism. Second, it strives to encourage the publication of

books and research. Third, in the long term, diversity can become a good alternative with more straightforward semantics compared to liberalism and extreme religiosity (Zainuddin & Kadir, 2014).

The paradigm of liberalism and extreme religious thoughts are deemed by Muslims to have deviated from the important aspects of Islamic teachings and destroyed the beliefs and understandings of society towards the teachings of the Islamic religion. Muslims also perceive that the supporters of these two paradigms have carried out a free (liberal) interpretation of religion without guiding principles, thus resulting in the *Ibahiyah* paradigm (permitting any action based on freedom) which relates to ethics and religion as well as other impacts. Meanwhile, extreme Islam paradigms easily condemn others as infidels and they are not shy from committing violence (Sajari, 2015).

As one of the great religious thoughts and philosophies that still exist up to now, Islam has special historical roots and intellectual traditions. Every civilization writes their civilization's history according to its perspectives. It is worse if people become a priori towards Islamic traditions and scholars, and then easily criticize or blaspheme great Islamic scholars without undergoing serious and profound studies.

Early Islamic scholars also came into contact with thoughts from foreign cultures. They also adopted and filtered foreign thoughts. But they certainly do so after they have truly mastered the intellectual tradition and perspectives of Islam. Thus, what happened was the Islamization of foreign concepts, leading to the Islamic golden age with a strong scientific culture while staying religious. This also applies to Western thinkers. They took the thoughts of Muslim intellectuals in various sectors. But then, they also filtered them so that they still embrace the Western life philosophy.

Seeing the increasing efforts of liberalism in Indonesia that try to denounce Islamic teachings, one of the efforts to inhibit this is by developing religious moderation. The word *moderation* originated from English, meaning the act of being in the middle and or having a non-excessive attitude. Thus, moderate people can accept existing differences. They believe that being different does not mean hostility. But differences are an absolute beauty (Nisa & Yani, 2021). People do

not need to become liberal to undergo *ihsan* (to carry out beautiful things, excellence). Justice means a manifestation of equality and balance between rights and responsibilities. Human rights cannot be decreased due to obligations.

Efforts for religious moderation in the effort to decrease the negative influences of liberalism and extremism are carried out by strengthening the method and scholarly system of Islam while simultaneously undergoing serious research on Islamic thoughts to be placed and assessed in the perspective of the Islamic worldview. Public and private Islamic universities in Indonesia must become the centers of the Islamization of contemporary sciences. The concepts of religious pluralism, inclusivism, moderatism, gender equality, rationalism, etc., may be studied, placed, and accessed in the Islamic perspective, rather than the contrary. This is the great task of Muslims from all over the world, especially Muslim scientists, which must be seriously and sustainably carried out. The religious moderation that emphasizes the Qur'an and Hadits must become the main direction in developing moderate Islam and *rahmatill'alamiin* (blessing for the universe).

Thus, according to Adian Husaini, the existence of religious moderation is a manifestation of communion, peace, and tolerance, both at the local and national levels. Thus, to manifest this, it is currently very crucial to undergo what *al-Attas* called the "Islamization of science", where one of its activities is the application of deliberalization and dewesternization of science and education for the moderate young Muslim generation (Dinia et al., 2015).

## Conclusion

Liberalism was born from the condition of European society that was shackled by the domination of kings under the name of God, threatening the development of science and technology. The kings collaborated with religious leaders to oppress the people. Thus, the people strived for their rights to obtain freedom, including the freedom to carry out political activities, economic freedom, social freedom, etc. Liberalization believed in freedom as a principle and orientation; motivation and goal; as well as the core and result in human life. Liberalism is a thought system used to characterize the free activities of human

beings.

Liberalism brings changes to the thought and methodological paradigms in understanding Islamic teachings, such as the use of hermeneutic and rational methodologies (*tafsir bi-ra'yu*) that emphasize ratio as well as uncover the holiness of Islamic teachings. Apart from liberalism, there is also religious extremism that likes to undergo persecution and violence. They claim the truth for themselves and like to condemn other parties as infidels.

One of the important efforts to prevent liberalism and extremism is to strengthen the method and scholarly system of Islam through religious moderation that still strongly holds on to the Qur'an and Hadits as the guidelines for knowledge. Thus, people can become knowledgeable and religious at the same time. Serious studies on Islamic thoughts should be conducted to be placed and assessed from the Islamic worldview perspective. There should be the development of science using the Islamic concept and perspective, rather than using Western methods to assess Islamic concepts. Thus, religious moderation can make Indonesia the largest center of scientific studies in Indonesia, as it emphasizes the values of truth in science is above the value of justice and tolerance, which must exist in science.

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## PHILOSOPHY OF ART

# RAPHAEL'S "THE SCHOOL OF ATHENS": A HYPOTHESIS ON THE IDENTITY AND SYMBOLIC MEANING OF THE FIGURE IN WHITE CLOAK: THE TRUE MUSE OF RAPHAEL

Vahan BEZIRGANYAN<sup>1,\*</sup> 

<sup>1</sup> Yerevan, Armenia

\* *Correspondence*

Vahan BEZIRGANYAN, Shiraz st. 50,  
ap. 30, Yerevan 0088, Armenia  
E-mail: wahan275@yahoo.com

*Abstract:* Raphael's fresco "The School of Athens" is rich with figures of prominent philosophers who are identified by their certain characteristic details. The identity of a figure in Raphael's "The School of Athens" Plato group traditionally attributed to Francesco Rovere, is currently being questioned. Present article brings forward a new hypothesis on this matter: the aforementioned figure is seen as a collective figure that symbolizes the unity of a man and a woman, in this case, Raphael and his muse. Besides, this figure also encodes the year when the fresco was painted. As a key to the code, the blackboard containing the Platonic perfect number 10 immediately at the figure's feet is important, as well as the positions of some of the figures in the first row on the left part of the painting. The article also makes some revelations about Raphael's real muse, who, according to the author, was the courtesan Imperia. Evidence of this is the fact that Imperia is portrayed in many of Raphael's works.

*Keywords:* Raphael, "The School of Athens", Francesco Maria della Rovere, Imperia, Raphael's muse, Margherita Luti, "Four Sibyls".

## Introduction

The main subject of Raphael's "The School of Athens", as the title shows, is philosophy. Philosophical schools are creations of Greek genius. The most famous are the following 6 schools of ancient Greek philosophical thought: the Platonist, the Aristotelian, the Stoic, the Epicurean, the Skeptic, and the Pythagorean schools. Despite the impressive number of original thinkers of many philosophical schools in the history of human culture, two philosophers are incompara-

ble in the extent of their recognition in educated circles of both distant history and the modern world. These are the great thinker Plato and his brilliant student Aristotle. The former is the founder of the school of objective idealism, the latter is the founder of theoretical philosophy. Although Aristotle spent about 20 years at Plato's Academy, they lived and worked as if in parallel worlds. Plato considered the earthly world to be an imperfect, distorted reflection of the ideal world, the perfect world of eternal and unchanging ideas. Aristotle is the embodiment of

common sense and of the limitless power of human thought. He believed, that existence is inherent, first of all, in the objects of the earthly world, and the eternity of the world lies, according to the interpretation of the great Stagirite, in the infinity of the chain of mutual transformations of material bodies. Two great Teachers of human race were opposing each other also in the central point of philosophical teachings. Plato's concept of truth is not much convincing. According to the founder of idealist philosophy, true thoughts are the memories of the human soul about the state of affairs in the ideal world where human souls lived happily before landing to the earthly world. In Aristotle's concept the true thought is an adequate reflection of reality. He taught that the truth about the essence of the phenomena of the material world can be revealed only to those who are completely immersed in their study, become related and merged with them.

In the light of the foregoing, it can be considered quite natural that Raphael gave the central place in his famous fresco "The School of Athens" to the two thinkers with world recognition – Plato and Aristotle. With the finger of his right hand pointing vertically upwards, Plato inspiringly directs the interlocutor's thought upwards, to the heavenly heights of the ideal stay; Aristotle's reciprocal gesture – the balanced horizontal position of the right hand with the palm down – symbolizes the orientation of his interests towards the earth, the center of the universe of Aristotelian cosmology. For complete unambiguity, Plato's left hand is invested with his work *Timaeus*, while with Aristotle, his work *Nicomachean Ethics* serves the same purpose of identification.

Researchers of the Raphael fresco believe that the elderly man, enthusiastically explaining

something to his two interlocutors, is the image of Socrates, Plato's teacher. This interpretation is supported by the fact that this character, depicted in profile, is noticeable by his snub nose, a feature uncharacteristic for the Greek ethnos. But the snub nose of Socrates was a well-known facial feature of the outstanding thinker. Another argument concerns the character of Socrates, who was in constant search of an interlocutor. And on the fresco in question, Socrates is immortalized in the process of his favorite pastime – a discussion (undoubtedly moral and philosophical) with a group of interlocutors.

Quite recognizable is also another character of "The School of Athens" – a middle-aged, casually dressed thinker lying comfortably on the steps of the temple stairs. Since artists in all ages strive to express the typical in the singular, it is natural to assume that the dismissive attitude of this thinker to the conventions of public behavior is a characteristic position for him. Therefore, the interpreters of the fresco of Raphael unanimously identify this thinker as Diogenes, the founder of the Cynic philosophy.

Besides the above-mentioned, some other characters can be identified, such as Epicurus on the left side, Heraclitus in the middle, and Pythagoras between them, in the so-called group of Pythagoras. Some of these characters were already mentioned by Vasari in his "Life of Raphael", others were identified later by different scholars. Interestingly, Plato is identified with Leonardo da Vinci, while Heraclitus is associated with Michelangelo. However, some characters and relationships are still disputable, and the issues in dispute are not only the details of "The School of Athens", but also sometimes by extension the personality and intimate world of Raphael himself.



Figure 1. Fragment of "The School of Athens", Group of Pythagoras

Raphael's "The School of Athens" is one of his best known works. It is significant not only due to the young artist's comprehensive ideas, due to their magnificence, the harmonious and orderly interpretation of what is to be transmitted to the viewer but also due to his tremendous influence on further generations, attesting to Raphael's presence, in fine arts, as that of an established, perfect figure of that time already. This piece of work has long been the subject of numerous discussions and has been studied by both the present and past time scholars; it has enriched the undeniable value system of art for quite a long time, just like many of Leonardo's and Michelangelo's masterpieces; and seems, it succeeded in being thoroughly introduced to humanity's competent mental set. However, in contrast to the great geni of his time, whose works, as a rule, were viewed and are still being viewed in the light of both mystery and uniqueness, the works by Raphael, including "The School of Athens", are largely deprived of any such approaches, in quest of mystery. While representing one of the pillars of the Renaissance and miraculously causing to awaken from the centuries long drowsiness of the Middle Ages, Raphael, obviously, deep down, had determined the marvellous and unusual mentality of that "miracle"; both his life and his art are wrapped in a no less fabulous mist, characteristic of others. Being a great figure in the time of the Renaissance means renewing each time one's own vision of the truth rather than the aesthetic means of expression merely; it also means presenting at its best the profound, sophisticated, sudden, and often mysterious peripeteia of one's soul in confrontation with the truth. Below, an attempt is being made to show that "The School of Athens" is, first of all, the outcome of just that very dialogue with internal impulses; and secondly, by illustrating the statements with factual examples, it is necessary to make most viable the idea that it must not be viewed in the light of common assessment criteria characteristic of aestheticism and fine arts but instead be viewed as the most powerful means that incorporates the artist's innermost peripeteia of his soul; and that the evaluation of the painting from this viewpoint may and, most probably, will cast light upon certain details of Raphael's life which so far have not been disclosed.

## The Hypotheses

111 Detail from the School of Athens: Francesco Maria della Rovere (?). Stanza della Segnatura.

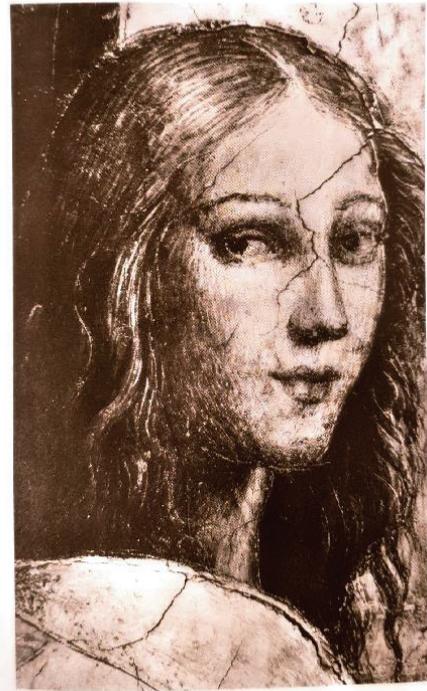


Figure 2. The Picture from "The Complete Work of Raphael" (Becherucci, 1969, p. 96)

"The School of Athens" depicts a fragment which is extremely noteworthy in form while opinions on its content still vary. The arguments are stirred up around the figure with a white cloak over his shoulders standing out from the group, portrayed in the front row, on the left side of the fresco. The figure is widely believed to belong to the Duke of Urbino, Francesco Maria della Rovere (Cocke & Vecchi, 1966), whom Raphael had known since the years in Urbino, the former being on a short visit in Rome at that time. This hypothesis that has reached us through Giorgio Vasari, apparently gives way to serious doubts among scientific circles. Nevertheless, the sources referring to it either avoid commenting on the identity of the person, or accompany it by an additional question mark (Becherucci, 1969), or merely write "According to Vasari" (Lübke, 1878, p. 271), applying such wording as if to disclaim responsibility. In fact, such "approach", revolving around the figure in question, has well-

grounded reasons. The thing is that there exist two more paintings depicting Francesco Maria della Rovere wherein the man portrayed substantially differs from the Francesco portrayed in "The School of Athens". One of these paintings is believed to belong to Raphael, too, while the other one, painted chronologically at a later period, is attributed to Titian. Both paintings are displayed in Uffizi, Florence. However, one must be a man of a somewhat wild imagination to seek resemblance between the assumed Frances-



Figure 3. Raphael: Portrait of Francesco Maria della Rovere, Uffizi Gallery

According to Wilhelm Stein (1923), a German scholar, this figure "den Familienzug rafaëliſcher Bildniſſe trägt" [has got features predominantly peculiar to Raphael] rather than bears any resemblance to Francesco Maria's famous portrait (p. 129).

"He has been thought to be the portrait of some prince, which may or may not be the case, but what is certainly true is that he has the formal function of supplying the necessary vertical in the tangle of curves" (Wölfflin, 1952, p. 96).

From the above mentioned, it becomes evident that Wölfflin is also of the opinion that this figure has nothing to do with Francesco Rovere, and is a matter of merely technical importance. However, on the other hand, the aforementioned white cloaked young man from "The School of Athens", sitting in the front row, is so eye-catching, his slender figure and peculiar features making him stand out from the surrounding monotony so that hardly could it be said to have

co Rovere of "The School of Athens" and between, particularly, the one portrayed by Titian. Besides, Francesco Maria della Rovere became famous not much later than the painting was created (during the Bologna wars) as a result of cardinal Alidosi's violent murder, this sometimes being the reason for identifying him with Cesare Borgia's bloody personality – something that seems absolutely incompatible with appealing and kind expression of the white cloaked young man from "The School of Athens".



Figure 2. Titian: Portrait of Francesco Maria della Rovere

been depicted in order to iron out some minor, composition related wrinkles. With this regard we have our own, seemingly well-grounded viewpoint. According to our hypothesis, instead of the assumed Francesco Rovere portrayed in the fresco, this figure had been depicted by Raphael in order to impart some peculiar, symbolic meaning to it; it could possibly be a woman or as we think, neither a man nor a woman but rather something in between-something common to and combining both, let's say between Raphael himself and a woman in close relation with Raphael (the hypothesis that this figure may be representing a woman, namely Greek mathematician Hypatia, has been circulating in the Internet for quite some time). A symbolic "proof" of our hypothesis as of an alternative reference, can be found in the right side of the fresco, in Euclid's group, where on the board, inserted in a circle, there are two, equal-sided triangles one on top of the other but upside down, the so called

“Solomon’s Seal” which often comes to symbolize the male and female indivisible unity (according to other interpretations it also represents the unity of fire and water; and as is well known, Raphael’s astrological element is the fire). Besides, depicting the two mutually loving, heterogeneous creatures in one single, imaginary unity is an old tradition. As an example, we can even take Plato’s ten-member, primary creatures symbolizing the true, ideal love (in this respect Plato’s figure 10 symbolizes the ideal love) where the four legs, four hands, and the two faces are united harmoniously in one single body (Plato, 2008). Or the same can be referred to Dante’s “Divine Comedy” where in the part related to Francesca and Paolo’s tragic love story an analogous phrase is being exclaimed twice, “It [love] still will not leave me”, “He who will never be separated from me.” At the same time, when delving deeper into the logical course of reasoning, a question arises and that is, who is embodied then in the controversial figure of “The School of Athens”?

To be able to give a satisfactory answer, in the first place one needs to present another very important observation which scholars surprisingly have failed to notice so far. In fact the “young man” from “The School of Athens” with his intent look directed towards us is the eleventh in the front row from left. In addition, there are two other looks directed towards us from the left side of the fresco – in this case those of children – occupying the first and fifth seats respectively. On resuming these numbers we arrive at 1511 which is the year when “The School of Athens” was completed. We suspect that the above mentioned fact is a special code aforethought by Raphael which at the same time seems to emphasize ever more the importance of the figure in question; because if it indeed reveals the year when the painting was created, then it is only natural that the key solution given to the painting could not have been completely deprived of meaning.

Raphael is well known for his thirst for love and his voluptuous nature. Obviously, a great many women must have played a role in his life and naturally enough there must have been one among them who had influenced greatly the painter’s life and creation. We do not believe that Margherita Luti, Raphael’s so far alleged mistress, could have been claimed to justifiably as-

sume the role of “this mysterious woman” for Raphael because if we reckon that the intimate relationship between Raphael and the former goes back to the time when the artist had been working in Stanza della Segnatura, then it is less likely that the fact had remained unnoticed for so long among the painter’s circles and had only reached us at “third hand” through Vasari, taking into account the fact that the woman’s humble origin merely could have never become a ponderous reason for the painter to thoroughly conceal their close relationship. The same reasoning applies to Raphael’s sonnets that have reached us today, part of which can be found in a handwritten form on the pages of preparatory sketches of a fresco under the title “Disputa”. Thus, they could not have been addressed to the aforementioned Margherita Luti. Moreover, a “closer” study of the period when Stanza della Segnatura frescoes had been created causes us to think that the woman who was destined to have a significant influence on Raphael’s life and who left traces in the painter’s soul in his further life, must have been Imperia – the courtesan who was famous in Rome for her unparalleled beauty; and so Raphael had to conceal this for obvious reasons.

There is very little reliable information about Imperia. Imperia, “real name Lucrezia de Cognati” was born circa 1485; Imperia was in the greatest demand in Rome and her clients were the famous and influential people of the time. Her lover and patron during the recent years had been Agostino Chigi – the banker of incredible might who had built the magnificent villa in the Trastevere area for his mistress and who was Imperia’s only daughter’s – Lucrezia’s likely father. The circumstances of Imperia’s premature death remain rather vague. The most widely spread opinion is that she had committed suicide in the summer of 1511. According to Matteo Bandello’s narrative, the reason for the suicide had been the unrequited love for some nobleman Angello Bufallo which however cannot be treated as a valid reason and is most probably the result of idealization characteristic of the novel. In this context, when examining the circumstances of Imperia’s death and assuming that Imperia had indeed committed suicide and that there had been well-grounded reasons, then her intricate relationship with Agostino Chigi himself can be more noteworthy. The thing is that despite the

particularly intimate relationship with Imperia, in the spring of 1511 Agostino Chigi, on his way from Venice to Rome, brought with him his future wife Francesca Ordeachi; this was rather unexpected under the circumstances and could have indeed been the reason for the courtesan's sufferings. On the other hand, Chigi's continuous accusations and jealous scenes towards his lover may have driven the courtesan to despair if we assume that the latter went on seeing her former clients.

The reason for speculations about the likely intimacy between Raphael and Imperia lies in the hypothesis that in a number of images Raphael had created, he embodied Imperia herself. In fact, Raphael had a lot of occasions to meet Imperia. Agostino Chigi had been patron of many artists of his time, including Raphael. The painter would frequent the Trastevere villa – presently Farnesina – where he would create a number of his illustrations ordered by this wealthy client and now considered masterpieces. More often it is the popular literature rather than that shows that Raphael's fascination for Imperia had been reflected in a number of images created by the painter during this period; however, there are

quite many academic references as well. According to them Imperia is allegedly identified with Sappho – the female poet of antiquity from "The Parnassus" fresco in Stanza della Segnatura (King, 2003); with the Phrygian sibyl from the "Four Sibyls" fresco in the Santa Maria della Pace church (Servadio, 2005); with Galatea from villa Farnesina (Servadio, 2005); as well as with the character of a kneeling woman in the painting "Transfiguration" (Benediktov, 2006, p. 135). This list seems to have tendency to increase, and even Fomarina is included in it (King, 2003). Some of the aforementioned characters have obviously common features in terms of appearance and style: the position of the trunk, the turn of the head, the style of the hair, and the features as a whole. It is also obvious that in a way all this speaks of the peculiarity of the painter's style and should we follow the same logic, one can also find other similar analogies in Raphael's works. At the same time, considering the aforesaid, we would like to bring several arguments which prove that if not all of the characters specified, then at least some, as a matter of fact, imply Imperia.



Figure 5. Raphael: Fragment from "The Parnassus"

a) In "The Parnassus" fresco in Stanza della Segnatura, Sappho has the Hellenic lyre in her hands. Even though it has been proved that in Sappho's times this instrument had not been in use, it is nevertheless essential for our study

that Imperia too could play this instrument, and wrote sonnets like the Greek poet Sappho – something that once again stresses the similarity between the two characters: Sappho and Imperia. It is also possible that it is from

Imperia herself that Raphael had inherited the desire to write sonnets.

- b) Chronologically, the next to come is the frescoes of the Farnesina villa that had been created after Imperia's decease. In this regard Raphael's famous lines about "Galatea" addressed to Castiglione where he mentions that for lack of beautiful women he had to follow his own "imaginary" ideas on what beauty is

in order to get a complete image, are of particular interest, and can be interpreted in two ways: either Raphael indeed intended to say that in this way he recreated Imperia in his mind as Imperia was no longer alive at the time or, on the contrary, by using the distracting expression – "imaginary ideas" – he intended to conceal his one-time feelings towards the deceased woman.



Figure 3. Raphael: Fragment from "The Four Sibyls"

- c) Furthermore, Imperia is supposedly identified with the image of phrygian sibyl portrayed in the "Four Sibyls" fresco over the Agostino Chigi chapel, in the Santa Maria della Pace church in Rome where next to the fortune-teller there is the Latin inscription by Virgil "IAM NOVA PROGENIES" (now a new race descends). As if deliberately this sentence reveals only those letters that are sufficient to communicate to us the "confession" "EGO AMO IMPERIA" (I love Imperia). If this turns out to be true, then probably this circumstance had caused Chigi to change his previous intention and to be buried posthumously not in the chapel of Santa Maria della Pace church but in that of Santa Maria del

Popolo where later his brother's, Sigismondo Chigi's body will be buried too and with whom Agostino had been on hostile terms during his lifetime.

- d) And finally, the aforementioned leads us to Raphael's painting, the "Transfiguration", considered to be his last masterpiece where the woman with her look turned towards the left is pointing in the opposite direction to a young man in the crowd (allegorically might be Raphael himself) suffering from epileptic fits, in a state of severe agony. A painting which later on will accompany the dead body of the painter in the funeral procession as per his will and will find refuge in the Pantheon for some time.



Figure 7. Raphael: Fragment from "The Transfiguration"

And now, going back again to "The School of Athens" where as we believe Raphael most probably used Imperia's or his and Imperia's common image for the 1511 code, we would like to bring some more reasons to support our viewpoint and make it more comprehensive. If we take a close look at the frame depicted in the Pythagoras group in the left side of "The School of Athens", the first thing that catches the eye is the already above specified absolute numeral ten which is possibly the reflection of harmonious platonic love incorporating the two sexes in one single entity. This frame is in the hands of the tenth person from left sitting in the first row which once again comes to prove Raphael's covertly manner of numbering his characters and of making the best use of this circumstance to bring his ideas into life. What is no less important is that this board also depicts the respective strings of the antique lyre – as we know – the instrument symbolizing Imperia and which is not at all a coincidence but rather well thought of, and is placed at the feet of the ambiguous character with the white cloak over his shoulders.

## Conclusion

Summarizing all the aforementioned, one can arrive at the following conclusions:

1. The figure portrayed in "The School of Athens" in the front row from left, with a white cloak over his shoulders, possibly belongs to a collective figure symbolizing Raphael and Imperia's unity, and not to Francesco Rovere as had once been believed. The above specified figure is ingeniously codified in intent looks towards the viewer from the first, fifth, and eleventh positions from left, which is interpreted as 1511 – symbolizing the year when the painting was completed.
2. In fact, Raphael's mysterious mistress is thus Agostino Chigi's former mistress – the courtesan Imperia, and not a certain Margherita Luti, of whom no mention had been made among Raphael's circle. This explains Raphael's love for sonnets; likewise it is she who was the source of inspiration for his sonnets that have reached us today.



Figure 8. Chapel of Agostino Chigi in the Church Santa Maria del Popolo, Rome

3. The relationship between Raphael and Agostino Chigi had not been cloudless at all. Most probably, Chigi had objective suspicions with regard to the real relationship between his former mistress and Raphael. A circumstance that may have played a role in causing Imperia to commit suicide (or maybe in the motives to be killed). Raphael had been trying to consistently conceal his close relationship with Imperia, however at the same time wishing to eternalize the possible memories of her in his further works. Raphael's reference to another woman who is in no way involved in all this, and namely to Margherita Luti, is an attempt by Raphael to dispel the existing suspicions.
4. The circumstances, under which Raphael and Agostino Chigi had died, remain rather vague. The unexpected death of the "two inseparable friends" that struck both of them within a four day difference seems surprising. Nobody knows why Agostino Chigi had rejected the idea of burying his dead body in the Santa Maria della Pace church, in his chapel (under the "Four Sibyls" fresco) as had been previously envisaged but instead had preferred another chapel in Santa Maria del Popolo church.

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PHILOSOPHY OF LANGUAGE AND LITERATURE

## THE ASSOCIATIVE CHARACTERISTICS OF LINGUOPHILOSOPHICAL CONCEPT “FREEDOM” IN ENGLISH, ARMENIAN AND CHINESE LINGUOCULTURES

Gevorg GRIGORYAN <sup>1</sup>  | Wenxuan REN <sup>2,3\*</sup>  | Huichun NING <sup>1</sup> 

<sup>1</sup> Jiangxi Tellhow Animation Vocational College, Nanchang, China

<sup>2</sup> Faculty of Education, Universiti Teknologi Mara (UITM), Selangor, Malaysia

<sup>3</sup> Zhejiang Ocean University, Zhejiang, China

\* *Correspondence*

Wenxuan REN

Deans' office, Zhejiang Ocean University, No.1 Haida South Road, Lincheng Street, Dinghai District, Zhoushan City, Zhejiang Province, China, 316022, E-mail: renwenxuan@zjou.edu.cn

*Abstract:* The article entitled “The Associative Characteristics of Linguophilosophical Concept “Freedom” in English, Armenian and Chinese Linguocultures” is devoted to the study of the linguophilosophical concept “Freedom” in different linguocultures, which is deeply related to the formation of the meaning of life for any individual and the main axiological functions of personality.

The *aim of the study* is to give a complete characteristic of the linguophilosophical concept “Freedom” in the above mentioned linguocultures.

The *novelty of this work* is determined by representing the construction of the model of “freedom” as a linguophilosophical concept, as well as defining its philosophical, cultural, linguistic and associative characteristics. This study is also important in identifying the ways of expressing “Freedom” in the lexical-phraseological system of language and communicative behavior.

*Keywords:* linguoculture, universal concept, freedom, linguophilosophy, association, liberty, notion.

### The Notion “Concept” in Linguoculturology

21<sup>st</sup> century is widely characterized by its scientific tendency to cross-penetration of multiple branches. The latter has triggered the activation of linguoculturalogical investigation i.e. the in depth investigation of culture, language and their nature of human activity.

Currently, there is a tendency towards the development of linguoculturology and philosophy into science devoted to the study and description of correspondence of language, culture and phi-

losophy in synchronous interaction. Undoubtedly, each newly-formed branch of science needs its own terminological apparatus. Henceforth, idea of concepts, which is intensely developing, can serve as a solid background for such a terminological apparatus.

It is worth mentioning that the term “concept” is widely implemented both in linguistics and in philosophy. In modern linguistics the notion of *concept* is one of the most widely discussed and controversial. If in the previous century a lot of linguists consider concept as synonymous element to the word “notion”, in modern linguistics

the picture has drastically changed. Different scientists hold controversial viewpoints in term of this. According to Russian linguist Stepanov these terms belong to different sciences. According to him “Notion” is excessively used in philosophy, in logic, as well as in linguistics whereas “concept” was primarily used in mathematical logic and later on in culturology (Stepanov & Proskurin, 1993, p. 40).

In order to provide an in-depth understanding of the terms “concept” and “notion”, the etymology of these terms should be considered first.

In modern English the dictionary meanings of the terms “notion” and “concept” by and large coincide. There are two main directions to consider the relations “notion-concept”.

In regard to concept-notion relations in modern Linguistics there are two contradictory directions. In the work of some linguists (A. Babushkin, N. Shvedova, G. Lakoff, A. Khudyakov and others) concept and notion are represented as interchangeable alternatives.

This basis of their idea is mainly accomplished through the abstraction and with the help of which objects and situations are classified to special descriptions. The notions are represented through terminological units. Some of them are defined by their duality: externally (through spectrum of objects) and internally (through component representation).

At the same time in the works of V. Maslova, L. Cherneiko, V. Karasik and others the terms “notion” and “concept” are not equal to each other.

In the works of these linguists we can notice that concept serves as a “fetus” of the word-meaning, hence it is not accidental that concept-based analysis of word-stock is truly formed on the semantic analysis of word-forms. So, the in-

terconnection of the terms concept and notion is not synonymous.

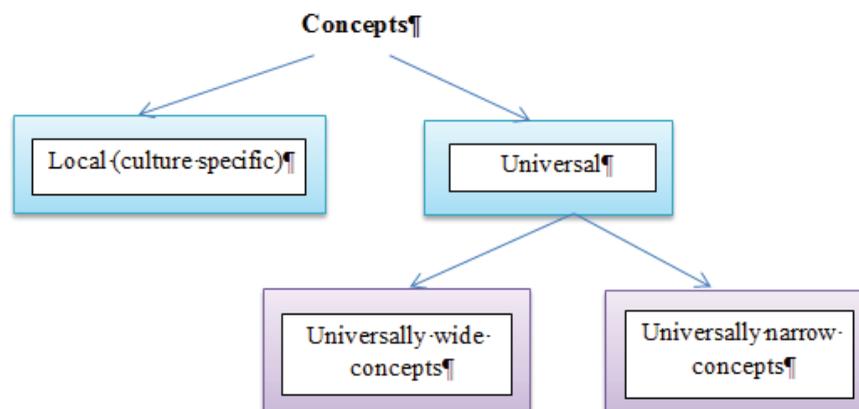
In the works of these linguists we can notice that concepts are considered wider notions, condensing more complicated system of demonstration, meanwhile notions are considered as subordinate localized illustrations. Notions are more static, accurate while concepts more dynamic.

According to D. Khairullina (2018) a concept is semantically deeper than a notion. It is close to a human mental world, culture and history... (p. 303).

In English the terms “concept” and “notion” are interwoven. In Armenian, the loanword “կոնցեպտ” is used in philosophy with the meaning “ընդհանուր հասկացություն, ըմբռնում, պատկերացում”. In Chinese the terms “concept” and “notion” are also interwoven. It is hard to clearly make a distinction among their semantic boundaries.

Initially the above-mentioned terms were mainly used in logic and philosophy. S. Askoldov (1997) was the first to use the term “concept” in the aspect of humanitarian sciences. Then, only during the second half of the 20<sup>th</sup> century the linguists tried to define the peculiarities of concept and find its place in the scientific linguistic table.

Despite the existence of diverse interpretations of the term “concept” researchers in different fields of science state that the “concept” is a condensed illustration of mental activity. In our attempt to observe concepts in philosophy, language and culture, we have noticed that all concepts are mainly divided into two groups: local and universal. In our perspective universal concepts should also be divided into two subgroups: universally narrow concepts (regional) and universally wide concepts (worldwide).



In the works of modern linguoculturologists (Vorkachev, Karasik, Gurevich and others) much attention is paid to the formation of certain types of concepts. For instance, they distinguish between *teleonomic concepts* (Vorkachev, 2003) related to high values such as happiness, motherland, love and so on and regular concepts (Karasik, 2001). There also exist *ethnospecific concepts*, expressing a special understanding of this or that ethnos (*privacy, punctuality, art of living*). From another point of view conceptual groups or fields are analyzed (such conceptspheres as *tolerance, war and will*), *individual-authoric* concepts in the consciousness of philosophers and writers are discussed.

Based on the above-presented material we can state that a concept is a multifaceted unit of collective consciousness about general, basic, sacral values and about the surrounding environment.

In fact, different concepts can have different value scales depending on historical specificity of relations towards the given “concept”, the impact of religions under the influence of which this or that kind of culture has been formulated within the frame of which “concepts” are being discussed.

In the course of time under different circumstances (socio-political transformation, replacement of dominant ideology, change of moral norms, emergence of new value-system) the object of universal concepts can be transformed.

### Brief History of the Concept “Freedom”

Throughout human history it is widely believed that freedom is a universal value. No value is more charged semantically than that of freedom. “Freedom” is defined as “the state of being free to any political, social, civil or other pressure, restraints or confinement”.

Freedom for many people is associated with free will, the ability to make choices that are free from coercion. It is believed that “Freedom” is enjoyed by all individuals except those who are in prison. If we carefully examine the idea and reality of freedom throughout the human evolution, we can notice that what we humans call “freedom” is in fact an ideal that consists of three interwoven elements: 1) national freedom,

2) political freedom, and 3) individual freedom.

In history the concept of freedom has been perceived differently. To assume that these three ideals of freedom always go together is not true. History proves that some of them can be exclusive as well. Citizens of different countries may enjoy national freedom with the exclusion or inclusion of political or individual freedom (Nazi Germany under the tyranny of Hitler, North Korea are some examples). In fact, the desire of independence as a representation of national freedom is the most essential of all human freedoms. National freedom is above all concepts and values for lots of people. Citizens clearly perceive that through national freedom they can only get individual and political freedom.

In the literature of philosophy one can frequently come across to examples of political and national freedom but not individual freedom. For instance, ancient Sparta had national and political freedom but none of individual freedoms we expect today.

The comparative analysis of history demonstrates that one of the most basic human feelings is the desire for national freedom.

A bright example of national freedom is China. Chinese people always stratify national freedom above all the freedoms. While American history provides us more examples of the importance of group or individual freedom. African-American fought for their individual and political rights, females put forward the priority of equality. 16-21 Amendments clearly demonstrates that people in the USA value personal freedom over country’s freedom.

Armenians, throughout the history have been under the tyranny of lots of countries, have faced lots of wars, lost their independence. All these factors affected Armenian mentality. In Armenian collective memory national freedom always comes the first.

Many philosophers, politicians and writers have written about “freedom” in contrast to political freedom.

Rousseau (1954) opened his treatise on “The Social Contract” with the famous words “Man was born free, and he is everywhere in chains” (p. 6). When Rousseau spoke of “Freedom” in this context, he usually meant freedom from the constraints of advanced political institutions of modern European civilization. Freedom from such constraints is promoted by a return to more

primitive and natural ways of living. It can be called the Romantic image of freedom.

At the time of Roman kings, for example “freedom” was unequivocal. It meant freedom from the rule of the kings. But when that rule ended, when freedom was achieved, “freedom” ceased to be unequivocal. With the abolition of the Roman monarchy, as Dr. Wirszubski (1957) has pointed out, the Romans began to shift the reference of the word “liberty” to something positive (p. 58). “Libertas” meant no longer the absence of monarchy, but a concept of popular government embodied in the republican constitution of the commonwealth.

Charles the First is reported to have said from Scaffold on the 30<sup>th</sup> of January 1649: “For the people and truly I desire their liberty and Freedom as much as anybody whomsoever, but I must tell you, that Liberty and Freedom consist in having of Government, and those laws by which their Life and their Goods may be most of their own. It is not having a share in Government, sir, that is nothing pertaining to them” (Gregg, 1981, p. 347).

This seems to be royal definition of the word “freedom” or to be more exact, a redefinition. And it is clear what effect the royal utterance was designed to achieve. By proclaiming himself in favor of freedom (redefined) the King stole the colors of the rebels, or rather he stole the shorthand sign “freedom” which they had made to stand for “freedom from Stuart rule” and made that sign stand instead for “freedom from anarchy” (Gregg, 1981, p. 348).

Another, no less thoughtful President, Franklin D. Roosevelt, it is remarkable among the statesmen of history in having seen that it is not enough to speak of “freedom” unless one explains what one wishes to be free from or free for. Thus, when he proclaimed as the goals of Allied policy in the Second World War, four

*freedom-freedom from fear, freedom from want, freedom from worship and freedom of speech*—Roosevelt made his program meaningful. It was perhaps an unrealistic, Utopian program, but at least it could be understood (Crantson, 1967, p. 454).

When you talk of freedom, you cannot be sure of making your meaning clear by putting an adjective in front of the substantive. We often hear, for example, of “economic freedom” and “religious freedom” “freedom of speech”, “freedom of movement”. Neither is unambiguous.

Modern world has placed freedom in the first place in the list of its values (Bauman, 2011, p. 74) which can be illustrated by the frequency of appeal to the concept of freedom as an argument in favor of breaking taboos. The concept of “freedom” is often verbalized with the help of lexical units with the meaning of “being beyond the boundaries” and interpreted with the help of the metaphor “open-close”.

#### Method: Participants and Data

In order to thoroughly reveal the perception of the concept “Freedom” in Armenian, Anglo-American and Chinese culture, a quantitative method of investigation was employed. Empirical data was collected in the form of questionnaires. Answers are mainly collected from college students and people aged 30-40. Over 200 people took part to this questionnaire.

Participants were asked to complete the questionnaire anonymously. After the identification and determination of survey, the probable common perceptions and associations of the concept “Freedom” were investigated. An attempt was made to include people living in different geographical locations with different cultural, religious, ethnic and linguistic backgrounds.

Table 1.

Associations (cultural, historical, social, political connotations)

	Direct	Reversed
Freedom(Arm)	Life in abroad, Armenia, social, political, historical (15 participants)	Independence of Armenia 1991 (15 participants)
Freedom (Western)	America, cultural, historical, banner (symbol of freedom), black (Afro-American), political, social	July, day of Independence, USA, America, Wall of Berlin, jeans (22 participant)

	(22 participant)	
Freedom (CN)	America, cultural, historical, abroad, foreign countries (30 participant)	New York, Los Angeles (30 participant)

Table 2.

Notion of Freedom

	Direct	Reversed
Freedom(Am)	Wanted, everyone, life, is granted, for everyone, forever, necessity, tent, euphoria, happy, hope, summer, peace, excellent fine, joy, barricades, struggle, achieve, conquer, burden, limitation, rare, nonsense (25 participant)	Richness, youngsters, youth, danger, happiness, finish, adolescence, idleness, idle, diploma, call, break, to walk, vocation, wait, victory, lecture, imagination, hobby, to struggle, conquest, eagerness, burden, interrelated, do not believe, do not see, none (25 participant)
Freedom (Western)	Alive, life, love, peace, good, happiness, hope, lovely, youth, ills, impossible, nothing, More (13 participant)	Luxury, betterment, happiness, harmony, victory, holidays, leisure, amusing, camping, relax, adults, holiday, mountaineering, vocation, weekend, bedsit, campaign, twenty-one, apartment, bedsit, commune, detached (13 participant)
Freedom(Cn)	Good, hope, peace, Nowhere, mutual Peace, good, great, yes, happiness, life, love, adult, ambitious, apartment, college, fun, jest, joy, summer, bravery, honesty, shelter (17 participant)	Peace, meditation, unite, ideal love, money, apartment, graduate, graduation, pass, door, marijuana, outdoors, responsibility, pride, creativity (17 participant)

Table 3.

The Semantic Elements of the Concept “Freedom”

	Direct	Reversed
1) Freedom as a sign of imprisonment, bonds.		
Armenian	Under valve, jail	Jail, balusters– “freedom”,
Chinese	“freedom” – guilt, prison, mill, lock	imprison, jail, prisoners, security, preserved – “freedom”
Western	“freedom” – jail, prison	–
2) Freedom as a characteristic of slavery		
Armenian	–	
Western	“freedom” –captivity, slavery, “liberty” – slave, chains	slavery – “freedom”
Chinese	“freedom” – slavery	–

Table 3.

The Semantic Elements of the Concept “Freedom”

	Direct	Reversed
<b>3) Freedom beyond the constitutional rights and human rights</b>		
Armenian	“freedom” – independence, power, democracy, force	democracy, human rights, republic, Wall of Berlin, communism, nation, unique individuality, community, reconstruction – “freedom”
Western	“freedom” – black, democracy, independence, imperialism, individual, justice, liberal, vote, “liberty” justice, revolution.	individual, oppression, individuality, July (Independence day), justice, rights, socialism, democratic, demonstrate, independent, injustice, international, passport, patriotism, prejudice, socialist, unequal – “freedom”
Chinese	“freedom” – blacks, Democracy, apartheid, independent, justice, privilege, communism, July, rights, war. “liberty” – justice, law, nation, privilege.	democracy, rights, constitution, independent, justice, Africa, patriotic righteousness, veteran – “freedom”, justice, constitution, independent – “liberty”
<b>4) Freedom as an exit from somewhere</b>		
Armenian	–	permit, permission – “freedom”
Western	“freedom” – release, escape	escape, escapism, release, away, released, abandon, out of, rescue, dismissed, ended, confess – “freedom” escape – “liberty”
Chinese	“freedom” – escape, hostage.	escape, release, flee – “freedom”
<b>5) Freedom as an absence of obstacles and restricted factors (dependence, place, motion)</b>		
Armenian	–	obstacle, release – “freedom”
Western	“freedom” – wall. “liberty” – bodice	bondage, resistance, relief, spacious, unbound – “freedom”
Chinese	“freedom” – bondage, jam, rules	limit, relief – “freedom”
<b>6) Freedom as a) absence of duties (work, classes), b) vocation.</b>		
Armenian	b) “freedom” – summer, tent, beer, beach	Release, finish, bell, break, graphic, idleness, diploma, lectures – “freedom”, b) walk, to go for trip, imagination, hobby – “freedom”
Western	a) “freedom” – work	a) ended, service, compulsory – “freedom” b) holidays, leisure, amusing, campaign, holiday, vacation, relax, vacations, weekend, mountaineering, travel – “freedom”.
Chinese	b) “freedom” – fun, jest, joy, summer	a) “freedom” – graduate, graduation, pass b) “freedom” – marijuana, outdoors, reading

Table 3.

The Semantic Elements of the Concept “Freedom”

	Direct	Reversed
7) Freedom as a single unmarried state		
Armenian	–	–
Western	“freedom” – alone	unmarried, sever – “freedom”
Chinese	–	–
8) Freedom as an age of maturity, out of paternal care		
Armenian	–	–
Western	–	twenty-one, adults, apartment, bedsit, detached – “freedom”
Chinese	“freedom” –adult, apartment, college	Apartment – “freedom”

For the results of the following column we included 32 participants (10 Armenian, 10 Western and 12 Chinese).

Table 4.

Linguistic Expressions and Collocations

	Direct	Reversed
Freedom Armenian	Freedom of speech, complete, total freedom of actions, freedom of election freedom of conscience gender freedom, freedom of sex, freedom of speech and conscience (25 participant)	Give, <i>give freedom, recommend freedom, Singer- singer of freedom, Symbol- symbol of freedom, Degree- degree of freedom, Nurture- nurture freedom, Fighter- struggle for freedom, Press- freedom of press, farewell freedom, devote freedom, at last freedom, responsibility of freedom, human rights and freedom of human rights flag, flag of freedom, rob steel freedom</i> (25 participant)
Freedom Western	Speech- <i>freedom of speech, Fighter- freedom fighter, Fighters- freedom fighters, fight freedom fight, country freedom of a country, city the freedom of city, press freedom of the press, sex freedom of sex, world free world</i> (9 participant)	choice, <i>freedom of choice, Individual, individual freedom, Rights, human rights and freedoms, access free access, attain to attain freedom, defend to defend freedom, defender freedom defender, degree degree of freedom, sexual sexual freedom towards toward freedom</i> (9 participant)
Freedom Chinese	Fighter- <i>freedom fighter, Forever- freedom forever, country freedom of a country, Speech- freedom of speech, choice freedom of choice, concept of “freedom”</i> (18 participant)	Choice- <i>freedom of choice, Movement- freedom of movement, expression freedom of expression, religious freedom</i> (18 participant)

## Associative Characteristics of the Concept “Freedom” in English, Armenian and Chinese Linguocultures

In our attempt to thoroughly investigate the structure of the concept “Freedom” includes not only analysis of its semantic content, but also an analysis of associations and images that occur in the consciousness of the representatives of this or that linguoculture (in connection with the given concept).

In linguistics, associations are mentioned in the works of Humboldt, who talked about the connection between words and corresponding images in the human mind. These images are similar, but not identical. The study of associative links of words helps to reveal the deep and condensed meanings of universal concepts.

It should be mentioned that the first free association experiment was conducted in 1880 by the English psychologist F. Galton, who wrote the first two words associated in his mind with word-stimulus. Later on he published the results of his experiments, and since then his idea was used by many psychologists. Slightly, modified, his method is used to this day (Galton, 1907).

Subsequently there have been developed various methods of associative polls. Association experiments differ: 1) according to the degree of control: *free* (the respondent can answer any word come to mind) *controlled (directed)*-the answers are limited to certain semantic categories (e.g. asking only lead synonyms); 2) by the number of reactions: *discrete*-the respondent should give one response to a stimulus presented once, etc.

In this article we also made an attempt to conduct similar experiment with Armenian, Chinese and Western students. The survey was performed among the students of different courses of different universities in China, Armenia and Europe (Ireland, England, Italy and Poland).

### *Direct Interactions*

The total number of various interactions in different dictionaries is as follows: հայ-“Ազատություն”, 103/62, Western-“freedom” 97/63, Chinese-“freedom” 140-67. Such a condensed form of associative sphere of the term “freedom” leads us to the conclusion that “freedom” is considered to be an obsolete notion and gradually it

is moving into the lexicological periphery of the language.

“Reversed interactions” have not caught the proper attention of researchers, at the same time “reversed interactions” reveal the fact that freedom/unfreedom is often considered in the consciousness of interviewees, unlike the direct interactions, which show what the concept of freedom is intertwined with. If we ask someone what freedom, (love, etc) is, he or she can’t give a definite and convincing answer. In the sphere of “reversed interactions”, we observe the representation of idea in the consciousness and to achieve it we start with the “reversed interactions” (...*is freedom*). When a definite impulse is represented, a concept arises in the consciousness of a human being and he or she is trying to name it. For this very reason we come to the conclusion that reversed interactions not only show the components of the concept, which are more or less understandable and known, but also the components which are subconscious, not definite but inherent, the revelation of which is quite difficult in other ways.

All the associations are classified into the following groups: 1) *synonymous and antonymous associations, related concepts*; 2) *associations (cultural, historical, social, political connotations)*; 3) *colloquial expressions and collocations*; 4) *notion of freedom*; 5) *other (individual) associations*

The section of “Synonymous and antonymous associations, related concepts” includes associations which are closer to the dictionary description of appropriate concepts.

However, such kind of associations do not give us the chance to catch the clue of constituent parts of concepts, nevertheless the quantitative index of these associations amazes us.

The section of “Synonymous and antonymous associations, related concepts” is represented with the help of collective cognition of social bonds, various phenomena of reality and philosophical categories and is interpreted in a broad sense by interviewees.

The section of “Political associations, social, cultural connotations” (see Table 1, Associations (cultural, historical, social, political connotations)) includes associations which are linked with the concept of freedom but does not include words: *ազատություն, freedom (liberty)*. These associations indicate events and phenomena which are

perceived as an embodiment of freedom by interviewees.

Europeans consider their countries to be an embodiment of freedom, however they think the center of freedom in the world is America. The latter emphasizes the universally well-known viewpoint that America is a country of freedom and democracy. English-speakers associate freedom with the independence of the country like the wall of Berlin. In their turn Armenians associate it with the independence of Armenia in 1991 and the collapse of the Soviet Union. For Chinese people independence and freedom of their country mainly associate On October 1, 1949, when Mao Zedong, Chinese Communist leader, declared the creation of the People's Republic of China.

The three groups discussed above provide us with the opportunity to compute the main groups, with the help of which the semantics of the concept is carried out on the basis of the material in direct and reversed books of associative dictionaries.

The group of associations which links freedom with the layer of public-political concepts and even with precedential situation is widely represented, when a country becomes independent and then the inhabitants gain constitutional rights and freedom. The enumeration of various constitutional freedom is represented in the section of “linguistic expression and collocations”, which emphasizes how deep these expressions have taken roots in the consciousness of contemporary human beings. Freedom is contradicted to *power, force, imperialism, inequality, pressure, stagnation*. As an inextricable component of democracy, it is widely linked with *independence, human rights, justice, liberalism, suffrage and equality to law*. Any action, which brings freedom is a victory: *the destruction of the Wall of Berlin, reconstruction, the independence of the Republic of Armenia in 1991, the declaration of Independence of the USA*. For some people *freedom* is something like communism or socialism.

Being free means being away from restricted factors. This kind of associations can be found in the English literature, which emphasizes once more the importance of personal striving on the way to achieve freedom. The absence of various duties is considered to be an essential component of freedom for people as well. It is worth mentioning that this sphere is founded on the re-

versed parts of dictionaries. The existence of this notion in reversed parts of dictionaries, as well as the vast quantity of impulses arising associations and the presence of these associations in Armenian and English cultures verify the fact, that in everyday consciousness freedom is perceived in the mentioned meaning. So, first of all, freedom for people first of all is *the absence of duties and relaxation*. For students, freedom is *the end of study, the opportunity to drink beer, vacation, or rest*. The dominance of perceiving freedom as the absence of duties or rest is confirmed once more according to the surveys carried out on the Internet “I am free if..., I am free when...”. In English context freedom is perceived with conditioned like *freedom from violence, freedom from tyranny, freedom from supervision*, whereas in Armenian culture it is perceived as *the absence of duties (job, education, family, etc) and holidays (travelling, leisure time, etc)*. English youngsters associate the concept of “freedom” with *the end of studies (break, vacation, etc)*. The concept of “freedom” is perceived as a sign of maturity in European consciousness, and is closely related to the tradition of living separately from parents: *Western-twenty-one, adults, bedsit (bedroom+sitting-room), detached, commune, Chinese-adult, apartment, college, foreign country*. Only one of the students in Armenia mentioned the word “campus” so emphasizing the concept of “freedom” *by means of living separately from parents*. In Armenia, it is probably connected with financial opportunities of the youngsters.

The section “Linguistic expressions and collocations includes a wide variety of associations, which are considered to be the appellation or equivalents of constitutional rights and freedom: *խոսքի ազատություն, խղճի ազատություն, ընտրության ազատություն, իրավունքներ և ազատություններ, մարդու իրավունքներ, մասնկի ազատություն, սեռի ազատություն, Western-freedom of speech, freedom of choice, civil liberty, rights and freedom, freedom of the press, freedom of sex, sexual freedom, freedom of the country, liberty of sex: US-freedom of choice, freedom of the country, freedom of movement, freedom of expression, religious freedom*. In Armenian the most distinctive linguistic expression is “ազատության երգիչ” which even has a folklore characteristic.

Freedom is a value. Everyone needs it, so it is

a kind of necessity for everyone. Besides, freedom is vital and crucial.

The dominating part of figures of freedom has positive emotional coloring and they attract people. That’s why they are used in so-called emotional (associative) local commercials. The commercials may include the representative-name of the concept or simply exist without it. Commercials which are linked with the concept of “freedom” are classified into two groups:

- commercials, which emphasize the semantic explanation of the concept,
- commercials, which include figures of “freedom”.

## Conclusion

The concept “Freedom” has a very subjective perception and people may have different imagination about it. In this respect the factors of culture, mentality, history, national philosophy are of paramount importance. People who share the same culture and mentality are more likely to have the same understanding for it. However, different people’s understanding about it may be, there is still something in common in perceiving “freedom”.

Generally, the basic meaning of linguophilosophical concept “Freedom” in English, Armenian and Chinese is considered to be common:

- the absence of duties and obligations
- the state of not being in prison
- the opportunity to do what X wants to do

The peculiar meanings of the appellation of the concept “Freedom”, which exist in comparative linguoculturology and linguophilosophy, embrace the semantic and associative field of the concept and constitute its national peculiarities. Generally, in every concrete state a person can either underline the absence of restrictions or behave in a way he or she wants. The concept “Freedom” is generally used with the following group of verbs in language:

- verbs of acquiring and losing freedom
- verbs of giving and depriving freedom

The concept “freedom” is also associated with the possibility to leave, to go away (especially in Armenian and Chinese cultures), which is probably linked with the possibilities of the country. In all cultures for youngsters, the concept “freedom” is mainly perceived as a sign of

maturity and is related to the tradition of living separately from parents. The concept “Freedom” as an ease and anarchy is present only in English-speaking environment. In Armenian and Chinese linguocultures, except the legal perception, the concept “freedom” is expressed in the forms of relax, leisure time, enjoyment, etc, as well. This fact proves once more that Armenians and Chinese try to combine freedom with happiness.

Overall, this study confirms once more the importance of the concept “Freedom” in English, Armenian and Chinese linguocultures.

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## THE BASIC PRINCIPLES OF PERCEPTION OF PHENOMENA IN EASTERN AND WESTERN FOLKLORE

Vachagan GRIGORYAN<sup>1,\*</sup>  | Ara ARAKELYAN<sup>2</sup>  | Ani NAZARYAN<sup>1</sup> 

Naira ISKANDARYAN<sup>3</sup> 

1 Gavar State University, Yerevan, Armenia

2 Yerevan State University, Yerevan, Armenia

3 Russian-Armenian University, Yerevan, Armenia

\* *Correspondence*

Vachagan GRIGORYAN, Street 10,  
Hrazdan 2318, Armenia, 2318

E-mail: vachik\_grigoryan@mail.ru

*Abstract:* The two main principles of perspective of phenomena are analyzed in the study for the first time. The epic works of European and the Near East are interpreted with the help of comparative, combinative, and historical – investigation methods.

In European heroic epics, the privilege is given to spatial dimensions, meanwhile in Eastern epics and in the Bible time recognition is more important. The spatial interpretation of the phenomena and Homer’s approach to creating the characters is spread upon the European epic works. The characters do not undergo sufficient changes in time; they go out of the process of action just the way they have gone inside.

In European works, time is a representation of some historical events and is connected with social life changes. In Eastern works the changes connect to the civilization’s long-lasting time, which refers to one’s inner world.

*Keywords:* spatial perception, time perception, East, West, Western epic, “Gilgamesh and the Land of the Immortals”, “Sasna Tsrer”.

### Introduction

Comparative literature is the main way to explore Armenian and European epic research. It is mainly focused on the analogy of the works. The discovery of plots and heroes is taken into consideration. This initial principle gives the basis for the investigation of the events and appearances of the heroes. Our study aims to investigate the folklore works on the edge of Eastern and Western worldviews. The analysis of the quality of mentality is more prioritized than that of the

events, which is connected with spatial and time perceptions.

Time and space are general ways of life. E. Kant (2006) links that they are given to one a priori and at the same time he separates different levels of their perception (pp. 64-91). If space is the consequence of the way of our “outer experience”, then time is that of “inner experience” (Cassirer, 2006, p. 78). Almost the same approaches we see in Spengler’s (2007) thoughts: “The understanding of space is “outer experience” itself... the one that is present, it exists in

our emotional world, while time is a discovery which can be realized by thinking only” (p. 207).

This differentiation of time and space is expressed in different types of art, specifically in the East and the West. In the Eastern cultural matrix time is important, while in the Western one space is. This idea has been expressed in different comments in the works of E. Cassier, C. Yung, and A. Toynbee.

The ancient Greek philosophy of consciousness presents the best evidence for Western spatial thinking. Consider first Socrates, then Aristotle, Euclidean geometry, and so on. The prophecies, and the science of death, are the best example of the timing culture in the East.

The contradiction over time and space is expressed in literature and folklore. Sergei Averintsev contrasts Greek and Near East literature and thus singles out two main principles of understanding a person and an environment (Averintsev, 1971, p. 66). This division spreads upon the folklore works in the first place as those represent human mentality and outlooks characteristics. The Bible world is “Olam”, and the world is considered to be a history. Olam is the century, the stream of time, and it possesses everything within itself. Space within “Olam” is represented in a temporal mode and as a “repository” of irreversible events... The Greeks live in the present, while the Easterners live within the time. “The poetics of the Near East is the poetics of a fable (the “Bible” is its complete example): so, the time limits the Greek “cosmos”, and people are represented in the connections of meanings while “Olam” streams in time and is eager to get through the limits of the meanings; the story revolution outreaches its borders and the moral of the fable passes through its morals” (Averintsev, 1971, p. 66).

The epic time of the tales in European folklore, such as “The Song of Nibelung”, “The Song of Roland”, “The Song of El Cid”, “Prince Marco” (Bulgarian epic), and so on, are strictly limited and connected to a historical event. The Eastern works, such as “The Return of Gilgamesh”, the Iranian “Avesta”, “Sasna Tsrer”, “Mahabharata” and the “Bible” as well, are about the civilizational timeline: it is not the change of the social life but the change of the person that becomes the problem to be solved during millenniums. The characters in European folklore almost don’t change psychologically:

the persona with positive or negative character traits remains the same, while the Eastern works are meant for a person’s rebirth.

### Spatial Dimensions in the West, and Time Dimensions in the East

The comparative examination of Armenian and European epics shows that the basic principles of phenomena depiction clearly define folklore works as an expression of Eastern and Western thinking. In Eastern mentality, time is prioritized, meanwhile, in Western one, they prioritize spatial dimensions.

The cultural achievements created in the East - “The Return of Gilgamesh”, the Bible, “Sasna Tsrer” - are located in the temporal mode. The Greek epic, as the main principle of phenomena characteristic of the West, emphasizes spatial dimensions.

The epics of the Near East and the Bible differ from the Western ones in terms of their starting point and the problems they pose, which is closely related to the basic principle of understanding phenomena.

The epics “The Return of Gilgamesh” and “Sasna Tsrer” have become typical characteristic works of Eastern linguistic thinking and overcome the borders of history. Just like this, the stories in “Old Testament” strive to overcome the borders of history. This is the poetics of epic, the morality of which overcomes the borders of the genre.

Homer’s “Iliad” is a record of events that take place within certain limits. Everything is definite, both in terms of space and time. The events during the tenth year of the Trojan War are told here. Homer tells a story that leads to a conclusion in a purposeful order, and the result obtained as a result of the unfolding of events is important to him.

Homer’s purpose in telling the story is to bring it to its end. Moreover, the last events referring to the war are not included in the work. It ends with the description of Hector’s death and funeral. Everything is definite within these borders and no continuation is needed as there is no second and inner plan or metaphor. This is a one-layer structure with a combination of further extensions of the space. What is essential here is the object, not the subject, that is – the teller, who

tells the truth. The impulse comes from the object so the environment, the heroes, their movements, feelings, etc. are important here.

It turns out that Homer hadn't been telling about Ilion (Troy), although the title indicated that. The tale here is about Achilles' rage.

*"Sing, O muse, of the rage of Achilles, son of Peleus, that brought countless ills upon the Achaeans"* (Butler, 2021, p. 7).

It is the thirteenth year that the Trojans have been facing the siege of the Achaean (Greek) forces. The forces concentrated mainly on the plain between the city and the sea, in front of the ships which are anchored on the shore. The Achaeans destroy the nearby settlements, capturing people. The main action takes place in this area. The Trojan Council observes the events happening on the battlefield.

This time Homer gives detailed descriptions of the separate characters. Achilles gives his weapons to Patrocle. During the fierce battle, he forgets that Achilles had told him not to leave the Greek camp and return to the military base. *Excited by the success, Patrocle reaches the Trojan Gates. The parts describing Achilles' shield with illustrations are the phenomena that had to be depicted in the space and these phenomena are considered to be the highest peak of the poem* (Butler, 2021). Hephaestus "has miraculously sculpted many wonderful sculptures" (Averintsev, 1971, p. 355). The sky and the land, the sun, the moon, and the stars, as well as two splendid cities with descriptions of weddings, parties, etc., are highlighted here (Apresyan, 2015, pp. 31-46).

*It is obvious that Homer follows or creates the Greeks' perception of phenomena, that is – the dominant principle of showing the images, events, and heroes in space.* Spacious images depict everything in the present. *The Greeks live in the present.* The poem seems to be a play – the audience is following the actions which take place on the stage.

The space meant for gods is wider. In this case, the discourse is not about horizontal spacious images but about vertical ones. Ultimately, the Greek mythical approach differentiates Heaven, the Earth, and Hell. They make unity (Apresyan, 2015).

Mythical understanding differentiates *personal* and *transpersonal* space with a slight demarcation. In general, the "Iliad" and the *general*,

*great time are separated.* Everything *here breathes with the anxiety to endow the future generation with a heroic story.* This is a curious and demarcated environment. Here those who fought and fell for their fatherland have to be praised for personal authority and glory. To accomplish this goal, Homer created a separate world where everything develops according to the gods' will – *everything is parred for the course and far from any ambiguity.*

The spacious perception of phenomena at some point contributed to the accomplished development of the characters as well. Their initial description or some trait typical for the character seems to remain the same in the development of the action or in time. This refers to the people of the high class, of the morals formed by the noble, and to their attitude. The highest point of the poem is Achill and Priam's meeting. Here we see a different characteristic of Achill; he is forgiving and affectionate. This is reckoned as another spacious image that continues the other images.

Homer speaks about the social elite class. He isn't interested in other classes. From this point of view, the "Iliad" is a story about the Aristocracy's morals, passions, and undertakings.

The story of the aristocratic class is represented in the French "Song of Roland". The base is the feat of Count Roland. He participated in Charlemagne's 778 expeditions to Spain. Roland was killed while defending the French rearguard regiment. Chivalric pride does not allow him to blow the pipe in the hope of help. In the French epic, everything is centred around the battle in Roncevaux Pass where the knights lose their lives for the sake of 'sweet France'. Returning, Carlos kills all the Moor, and orders to cut Ganelon into four pieces but still, it was impossible to revive Roland. As the epic is made of an example of some events and the lives of historical characters, space and time are especially important in it. It is a *boundary* environment. The images here are strictly definite and as a result, everything is concluded by the hero's death.

"In the beginning, was story ... and the story was the song of a secular poet – a living story for those who, not knowing literacy and Latin could not have known the history of the written prose in the Latin images of withered and dead clergy" (Menéndez Pidal, 1959, 429-430).

The same may be said about the Spanish epic ("The Song of My Cid") where the hero fights

against the Moor, reunites with the king, marries his daughters with descent men, becomes worthy of everyone's love, and so on. "Even though "The Song of My Cid" is less majestic than "The Song of Roland", it is less barbaric and more realistic at the same time. It is more living, more humanistic, and more understandable for people of all times (*The Library of the World Literature*, 1976, p. 19).

The discovery of individual passions is the core of the German epic "Song of the Nibelungs" (Arakelyan, 2007). Although the mythic layer is obvious, the cases and events are closely related to individual human psychology and practices. Compared to the previous epics, this poem is multi-layered, the mythical in it is combined with the historical. Everything is subject to the author's sober intelligence. Interestingly, the theme is not so much about national problems, but about the events based on one's awakening innermost world, and passions. With all this, the passage of time is quite slow, it is even difficult to talk about epic time, purely in the sense of duration. Here it stretches for thirty-eight years. After that, Kriemhilda devotes twelve years to the problem of avenging her husband. "Song of the Nibelungs" is as close as possible to the novel genre. The author tells in detail about the preparation of the road, clothes, and preparation of the army. All this testifies to the author's aesthetic principle of creating spatial images and seeing phenomena.

The plots within "The Song" show that the way of representing the action, the person, or the item, was very important for the author "How Siegfried Saw Kriemhild" in "*The Song of Nibelungen*" (2007), "How Siegfried Made his way to the supporters" and "How the Burgundians were fighting" in "*The Song of Nibelungen*" (2007) (Arakelyan, 2007).

The main principle of Homer's character creation is extended to "The Nibelungs". Heroes' ages do not change, they do not change their character. They leave the field of the actions the way they enter it. The author of the song looks at the Burgundians and Nibelungs impartially just as Homer looked at the opposing heroes. However, even with the presence of different courses of time, "The Nibelungs" hasn't become a "Pan-German worth" because there wasn't any background for historical Germany to be united again (Arakelyan, 2007). It is obvious that German

thinking was practical: it was making its history and the events that had happened even more meaningful, and if there was something that didn't become a reality, it was excluded from the borders of the tale.

Generalizing, we can say that heroic epics are *mostly meant to make the historical timeline meaningful* ("The Song of Roland", "The Song of My Cid", "Carl Marco: The Bulgarian Epic", and "The Song of Nibelungs") are meant to represent the epic song of a nation that did not reunite. These are the works representing some certain time, thus they *make the historical period meaningful*. Here the spatial and time dimensions are primary. The French, the Spanish, the Germans, and the Bulgarians live in the present just like the Greeks; for them, the spatial dimensions are the essential starting point to start outlining the phenomena.

Unlike the West, the East lives inside the whole time. That's why it is difficult to speak about time restrictions or the time of some historical events. In this sense, the significant works of the East, like "Gilgamesh", the Indian "Mahabharata", "Sasna Tsrer", and the "Bible" also *are not interrupted in time*. The poetics within them remains as the poetics of a fable, where there isn't much importance in transforming the description of phenomena into an object, but it is even more essential to discover the meaning of the connections between them. *Spatial dimensions concede time dimensions and visual images concede hearing ones*.

Generally, the history of the cultures is a history of a conversation. The cultures make a dialogue, just like The West and the East, but that does not concede the borders and the essential settlements of mindset between them. The European epics mainly emphasize the changes that taking place in social life, for example in the Balkans, Marco Kraleovich is a historical character. He is not chained and may leave the cave (Stefonovich, 1987, pp. 425-426). On Christmas Eve, an angel appears to Dane Holger, who was sleeping under Kronborg Castle in Elsinore. When asked about the situation in Denmark, he replied that everything was fine in Denmark and that he was sleeping (Andersen, 2017, p. 5).

The Irish hero, who is also a wizard, Gerald, Earl of Kildare, sleeps with his retinue in a shelter on the ground floor of the castle. Every seven years he goes out on horseback and roams

the Curragh Plains in County Kildare (*Irish Legends and Fairy-Tales*, 1960, p. 98).

Once the earl went to the Curragh at night, a passer-by entered the open cave and unwittingly woke one of the warriors, who asked: "What, it's time?" He ingeniously answers: "Not yet" and runs away from the cave (*Poetry of Ancient East*, 1982).

In the West, heroes' goals are very specific and related to changes in social structures. They primarily aim to protect and reign over their homeland.

In the East, the individual is not oriented to the transformations of public life, but to the transformations taking place in a person's internal world. In this sense, expectations are related to the future, and the West prefers the present.

Conventionally, it can be said that in the West, epic songs give meaning to historical time, and in the East, to civilizational time, which together with the material forms a certain spiritual-cultural level.

French historian Fernand Braudel (2015) distinguishes three time periods: short, long, and medium (pp. 32-40). He calls the long time civilizational, the middle-time economic, and the short time related to political history. In European epics, the time related to political history prevails, that is – historical time; in the East, civilizational time prevails, which has incomparably wide boundaries and emphasizes the improvement of spiritual qualities of a person next to material achievements.

The unique epic book of the ancient East is Gilgamesh, which precedes the Bible in terms of creation. The earliest mentions date back to BC. 2500 years ago. Babylonian literature evolved from Sumerian in terms of plot. If in the last case, Gilgamesh appears in separate sections, then the Babylonian one is a monumental whole, built with an author's clear attitude. The depth of thought and the tragedy of the characters gather the rest of the topics around their axis. Sumerian heroes are shown as if they are in fairy tales, they owe to a powerful patron, Babylonian Gilgamesh stands through time (*Poetry and prose of the Ancient East*, 1973). In the beginning, he is the frenzied Duke who goes through the stages of mental development, to root out evil, the despair of the death of a friend, the rejection of Sidur's love, the hope of finding the flower of eternal youth, and finally the awareness of his defeat.

The main conflict is the death of his friend Enkidu, which changes the course of Gilgamesh's life. He is looking for immortality. In the Sumerian "Novel of Gilgamesh", for this purpose, on the advice of the god of the sun, the hero goes to the land of Aratta (Armenia), where the sources of the Euphrates and Tigris rivers were located, the southern borders of which were bordered by the Masu mountains (Masius in the Greek version).

In Mesopotamia, the poisonous serpent Gilgamesh and the land of the immortal were the sources of the Akkadian epic, Gilgamesh.

*The idea of immortality implied the eternity of time itself, so spatial dimensions hadn't been able to enclose it within the borders.* Although recent research found out that this hero is a historical character, the fifth leader of the First Dynasty of Uruk (27-26 centuries BC), *the Eastern mindset still sees a philosopher and a fighter for eternity in him, not a historical figure.* Here it is about the linear time, not the vertical one. *One's tragedy is about the impossibility of reaching immortality (Myths of the World Nations, 1980, p. 250).*

This is not a historical stage, but the civilizational time where there is no declaration of the fact: the duration of knowing the life and the man is being discovered in time.

Gilgamesh, being a defeated hero and experiencing deep disappointment, differs from the logic typical of ordinary fairy-tale heroes. The feeling of vanity will not let him go. Gilgamesh is different from Logi. This subject is the main point of "The Ecclesiastes" of the Bible. The famous conclusion is "Vanity of vanity, all is vanity" (*The Old Testimony*, 1994). As a result, "they are unable to satisfy men completely and internally" (Kalantzakis, 2020, p. 490). He is a defeated hero, experiencing deep disappointment, and is therefore typical of heroes in common folklore. The feeling of vanity will not let him go.

The methodology for creating scriptures is: also related to Gilgamesh. It is a world that exists in time and it never ends. Even if it is an individual story, there is no end because it is a topic related to a big era.

"The Book of Hob" is an exceptional example of creating a character, revealing the psychology of an individual in time in world literature. Here, spatial images are replaced by

internal connections being unfolded in time.

A decent and innocent man, without any reason, is put to the test, who “though he was a heathen born of an idolatrous environment, yet showed a powerful devotion to the worship of the true God” (Kalantzakis, 2020, p. 460).

Hob was a lucky Easterner, the devil suddenly hits him with a series of misfortunes. No matter how sympathetic the friends are, they explain, Hob is not satisfied with their rational interpretations. In the end, God intervenes and refers to Hob “the effects of His omnipotence, wisdom, justice, and mercy, so that Hob’s inability and impotence in examining God’s will be clear” (Kalantzakis, 2020, p. 471). In the end, Hob again becomes happy and the owner of a great fortune. But this is not the important thing. The point is that Hob changes psychologically, he rediscovers God through suffering, and he understands that he is God’s son, that God gives and God takes away (Rohr & Martos, 2002, pp. 112-113).

*The transformation of human psychology is one of the important qualities of the Old Testament. In this sense, the Iliad and the Odyssey are inferior to the heroes of the Testament, which take place in time.*

“Avesta”, which is considered an ancient Iranian poetic heritage, is established over time. It is about one of the most mysterious characters in the East – Zoroaster (7-6 centuries BC). The topic here refers to the uniqueness of perception of the thinking, and the phenomena. The doctrine of Zoroaster has a dualistic essence. The kind lives in the light, while the Evil lives in the dark. This theme is the main drama in Zoroastrianism. Ahura Mazda has given Ahrimani three thousand years of diverse authority, and another three thousand years of diverse authority must follow that, and after another such kind of authority, Ahriman must accept his defeat. The encounter of kind and evil has only a defensive essence. According to Zoroaster and his disciples, will provide the victory of kind against evil (*Poetry of Ancient East*, 1982).

The Armenian “Sasna Tsrer”, as an expression of Eastern thinking, represents the flow of actions mainly in time, not in space.

Unlike the “Iliad” and the “Odyssey”, “Sasna Tsrer” presents the unfolding of phenomena in time and not in space. In the Armenian epic, it is impossible to show such details in the descrip-

tion of events that have spatial dimensions. They are not descriptions of a place or an event, but developments in time. Nothing stops here, everything moves, and everything is transformed. The Greek approach to seeing the phenomena in space has limited the process of developing the psychological changes, which cannot be referred to as “Sasna Tsrer” where time is always in the continuation.

Of course, space could not be missing in “Tsrer”, it can be said that it is second to time. Here the space does not have a detailed description, which is the starting point for the “Iliad”, which ends at the end of the given story.

In “Tsrer”, absolute time rules over everything. If Homer emphasizes the incident or the hero and brings it to the foreground and only time and space are noticeable in its background, then in “Tsrer” the hero or the incident is immersed in time, in this sense, everyone is equal.

Archaic thinking conditioned the perception of time in many ways. Two actions cannot happen at the same time, they continue each other. If necessary, one action can be interrupted and then continued to another, and so on. There is no going back to the past with memory in “Tsrer”, although the possibilities were great. To justify their actions, in this case, revenge, the heroes could go to the past, recall what had happened before, and then also “continue the present”. There is nothing like that in the epic, everything follows each other, and the principle of the irreversibility of events and time is mainly preserved.

Everything is happening in the present, the past is brought to the present. The self-recognition of the heroes is delineated within the now which is the most real, the most touchable time compared with the past and the future as well.

Even a dream comes closer to the natural stream of time with its duration. *Concluding, we can say that the fabula time aligns with the plot time.* The main and the secondary events are represented with equal importance and duration.

In “Tsrer”, if the action is interrupted for another one to start, nothing happens to the previous character, everything remains the same until the plot gets a logical ending. After that, the story connected with the previous character is continued.

Moreover, space also has a time dimension, which is primary and becomes an important

means of measuring phenomena. What is important for the speaker is not to represent the distance, but the action determined by time. In Tarontsi Krpo's version of "David of Sassoon or the Door of Mher", the fight between David and Msramelik, which has a central place in the structure of the Armenian epic, is subjected to the measurements of time:

"Msramelik went on a three-day journey

And he came hastily, struck a hammer, and said:

You are soil, now become soil again" (*Dare-devils of Sasoun, the Armenian National Novel*, 1977, p. 32).

Pulse strength is measured not by distance but by pulse after 3 hours of driving. The order of temporal expansion by the loop is preserved.

But in doing so emerges a larger and more general time that encompasses all four of his branches of epic poetry. The space in Agravakar is so small and in the case of Mher, who says almost nothing, there are a couple of candles and a tree in it which have a purely symbolic sense has nowhere to go, and in the sense of time, Mher has overcome the present, the times and *lives to reach a perfect time worthy of the human description on impulse* (Hovsepyan, 1977, p. 507).

This approach is not related to Mher only. There are versions that Mher's behaviour is determined by *the life David had lived, and the experience he had gained*. Consequently, such an idea becomes complete in the entire internal logic of the creation of the epic (*The House of Sasoun*, 1951).

"Sasna Tsrer" in this sense becomes one of the high cultural points of both in the East and the West (Mher as an individual who opposes the accepted order). The goal that Mher has set before him is much *more realistic and practical* than what we see in the case of "Gilgamesh", where the hero for the first time deeply contemplates life and death. For him, the goal, the flower of eternal youth, becomes an overriding problem.

The Armenian epic "stopped" Gilgamesh long ago. The flower of youth being the equivalent to the biblical tree of life he received from the Armenian plateau, is never mentioned in the Armenian epics (Movsisyan, 1992). The issue of immortality is at stake here too, but it is already in the sense of human progress. All evil forces

and all tyrants eventually drop out of the survival process. The only acceptable, real, and immortal thing is people and their improvement. Mher does not ask the gods for immortality, nor, like Gilgamesh, wanders from world to world to obtain the Great Flower. For him, immortality is a punishment, not a reward. This is the greatest and heaviest punishment a human being can receive. For Mher, the problem is not to remain immortal, but to become human.

This philosophy, developed in Sasna Tsrer, overcomes the impasse problem of the Sumerian-Bavarian epic that portrays the East. The serpent steals mankind's dreams because otherwise, it would not be possible. "Sasna Tsrer" suggests a more realistic and non-abstract method. The "phenomenological" annual cycle of endlessly repeating years has often had social significance, but it has a very different meaning. The rejection of the accepted world order and the previous rejection of human behaviour by the new material order. With the new description, the spare drive becomes the primary drive.

But the story doesn't end here. Mel lives in a completely different time logic in Van's Stone. God's will have no power here. Mel forgets asking for his death and awaits his second coming. He has other concerns. The main character is interested in how the world has changed since he entered the stone. She followed the instructions of an old man who brought an egg rolled in a handkerchief to her godfather, accidentally walked through her mother's open door, and who, if not the girl her mother told the horses to graze, can you provide complete information? The message sent to the cave protagonist from the outside world is evident from a single word, as well as her desire to complete the mission. The answer is unexpected: Girl, tell me your name.

"I only know my old man

I put you in front of your horse" (Shekoyan, 2008, p. 126).

Feeding a horse with the tip of a spear is unacceptable for a hero.

Since the impulses from the world do not suggest anything good to him, then there remains an incomprehensible answer for the reporter from the world: "My horse doesn't like grass." This answer is addressed to the world, but more important is Mher's conclusion from the ageing world to himself.

“Mher says – This world is cruel, I will not live in this world” (Shekoyan, 2008, p. 126).

So, the world is still evil and that does not satisfy the hero. But there is a more important conclusion: *he cannot live in an evil world. Why? It can have only one answer – Mher has become kinder than the evil world where he can't live. Or the world has become eviler during his absence.*

At the end of the epic is an important symbol, the egg, which is directly related to the idea of regenerating the Earth. This image is completely Christian in nature. Associated with the hope of spring, it is located in the symbolic tradition. In Easter rituals, the egg is a symbol of rebirth. There is a series of myths that the emerging egg symbolizes origin, existence, and microcosm, from which all forms of life emerge (Tresidder, 2005, pp. 431-432). The myth of the birth of the world tends to be a symbol of rebirth. For example, the bird Phoenix dies in a fire and is reborn from an egg, and Dionysus, the rebirth of nature's spring, is represented by an egg. Mher conveys the expectation-desire of rebirth to the world, they are in a mutual relationship. The longing to be reborn is in humans as well as in Mher. Otherwise, they would not have waited for him.

Mher is oriented towards waiting for millenia, *where a year has a duration of one minute.* (Hovsepyan, 1977, p. 507) He presents humanity with a problem that will take millennia to solve. Mher will come out when the world order will completely change. The primary thing for him is the moral improvement of a person, the birth of a new person. In the new time, weapons and power will no longer work, all that will be replaced by a spiritual order.

*Mher's goal is not related to the idea of the prosperity of his country or the strengthening of the House of Sasna. His expectations are moral, which is not related to spatial images but is meaningful in time.*

## Conclusion

We can testify that the folklore and cultural works created in the East have a naturalistic content, in contrast to the West, where the utilitarian nature of the interpretation of phenomena is quite significant. “Gilgamesh”, “Bible”, and

“Sasna Tsrer” work unfolding on the universal landscape. They present problems of a civilizational nature, which are primarily related to the improvement of the moral profile of a person, his essence. The realization of those tasks unfolds in time, and the realization of goals is connected with the future.

In contrast to the East, Western thinking sees the unfolding of phenomena in space. The difference in the perception of phenomena, in one case spatial, in another case temporal, conditions the peculiarities of character creation. The heroes in space are excellently performed in an unchanged state, while the heroes in time are having psychological changes.

The heroes of Western epics (“Iliad”, “Song of Roland”, “Song of the Nibelungs”, “Song of my Sid”, “King Marko: Bulgarian epic”, etc.) address social issues that are connected with the present, while in the East, the goals are civilizational, related to the future, their poetics is the poetics of a fable and goes beyond the limits of what can be said (“The Return of Gilgamesh”, “The Bible”, “Sasna Tsrer”).

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## A LINGUISTIC-PRAGMATIC STUDY ON COLLOCATIONS IN BUSINESS MEDIA DISCOURSE

Elena N. MALYUGA<sup>1,\*</sup>  | Elena I. MADINYAN<sup>1</sup> 

<sup>1</sup> RUDN University, Moscow, Russian Federation

\* Correspondence

Elena N. MALYUGA, 6 Miklukho-Maklaya St, Moscow, 117198, Russian Federation  
E-mail: malyuga-en@rudn.ru

*Abstract:* This study investigates the linguistic-pragmatic characteristics of “conflict activity” (CA) collocations in English business media discourse through a lexical-semantic analysis. By examining a corpus of articles from prominent American business news outlets, we identified 426 collocations that constitute the CA lexical-semantic field. These collocations were scrutinized for their expressiveness, cultural markers, appellative function, and their role in conveying business realities. The research found that language in American business media discourse exhibits a blend of informative and expressive functions, prevalence of clichés, engagement techniques, culturally marked units, and a dominance of the appellative function. The study also highlighted how stylistic devices like metaphor, metonymy, antithesis, and hyperbole endow expressiveness to the core lexemes. Findings contribute to our understanding of the lexical-pragmatic characteristics of business media discourse and offer a nuanced insight into their role in shaping readers' perceptions and attitudes.

*Keywords:* linguistic manipulation, business media discourse, collocations, lexical-semantic field, linguo-pragmatics.

### Introduction

Over the past 20 years, there has been a significant shift towards the study of semantic relationships, fields, and groups of lexical units. The investigation of these connections within the framework of linguo-pragmatics has gained particular significance in order to track and identify patterns between semantic features of words and their pragmatic potential. Language is considered one of the tools for exerting influence in business media discourse. Through the analysis of speech by individuals or groups, their interests, evaluations, and perspectives are revealed. Influence

can be achieved through the use of special linguistic formulations aimed at implanting specific judgments and opinions into an individual's consciousness.

In contemporary English business media discourse, linguistic-pragmatic features play a significant role in shaping reader understanding and influencing perception. Collocations, common pairings of words that convey more than the sum of their meanings, are one such feature. They offer valuable insights into how language is used to portray conflict activities (CA), which is the focus of this lexical-semantic study.

The term “collocation” has emerged relatively

recently and is primarily associated with the studies that attempted to define the term “collocation” and characterize it from the perspective of syntax, combinatorics, and the connection of these aspects with the meaning of a phrase. However, the functioning of collocations in the linguo-pragmatic aspect, especially in the realm of business media discourse, remains insufficiently explored, highlighting the relevance of this research.

In the field of business media discourse, conflict activity is a recurrent theme, often painted through the use of figurative language and stylistic devices such as metaphor, metonymy, antithesis, and hyperbole. Thus, collocations constitute an essential area of interest for scholars examining the lexical-pragmatic field of business media, primarily given their inherent pragmatics and potential to subtly or overtly manipulate reader perception.

Importantly, the study of language within the business media discourse extends far beyond mere linguistics, intersecting with areas of philosophy and the methodology of science (Malyuga et al., 2016; Grishechko et al., 2021). Through the lens of philosophy, we can investigate the underlying principles governing the use and interpretation of language in the business media context. It invites us to probe the notion of truth and its manifestation in discourse, understand the ethics behind persuasive communication, and contemplate the impact of societal, cultural, and ethical norms on language usage. Simultaneously, from the perspective of the methodology of science, the systematic examination of lexical-semantic properties of collocations offers insights into the nature of knowledge creation, validation, and dissemination within business media discourse.

Presently, the interplay of language and influence in media discourse has become a focal point of concern within the broader scope of communication studies. Amidst an era of increasing digitalization, the omnipresence of media content and the heightened importance of effective business communication, understanding the subtle manipulations and implications of language use in the business media discourse is more critical than ever (Malyuga et al., 2019). This study contributes to these pressing concerns by conducting a rigorous analysis of “conflict activity” collocations in American business media discourse, fo-

cus on the pragmatic characteristics of related collocations, their cultural connotations, and their impact on shaping reader perceptions and attitudes. It is thus intended to expose the nuanced ways in which language in business media can inform, influence, and engage the audience.

## Theoretical Background

Linguo-pragmatics emerged as a field of study in the second half of the 20<sup>th</sup> century. According to Crystal (2003), linguo-pragmatics investigates language from the perspective of its use in different communication situations, specifically the selection of particular lexical and grammatical means during speech and the impact of this choice on the recipient.

Malyuga & McCarthy (2020) state that linguo-pragmatics examines the speech situation, which consists of an utterance, its meaning and context, as well as the speaker and the recipient. Linguo-pragmatics is thus viewed as a science that presents language as a tool used by individuals in their activities, studies the behavior of signs in real communication situations, and emphasizes the study of the relationship between signs and their users. Extra-linguistic factors such as the speaker’s intention, the conditions of utterance, and the social relationship between the speaker and the recipient help to understand the processes of language functioning.

Linguo-pragmatic research can be divided into two types: (1) the investigation of the pragmatic potential of lexical and grammatical means that constitute texts, sentences, words, and others; and (2) the study of the functioning of language means in different types of discourse, which are an integral part of human speech during interaction. The linguo-pragmatic approach in business media discourse allows for the integration of the aforementioned directions to some extent, considering the specific nature of print business media discourse. This study examines the linguistic means that are of interest for their functioning in media discourse and their manipulative impact on the recipient. Therefore, the linguo-pragmatic approach in business media discourse represents a combination of these two directions and merits further detailed examination.

The linguo-pragmatic approach to studying

lexical units in business media discourse is justified and substantiated by its ability to analyze not only the form of lexical units but also their content, intended usage, and various means of influencing the audience.

Proper perception and scientific description of the processes of information creation and transmission are essential for successful social development, particularly in an era of increasing influence from mass media on all aspects of life in an information society.

One of the most significant applied aspects of linguo-pragmatics in media discourse is the exploration of mechanisms for shaping the information worldview and, consequently, influencing individual and mass consciousness. Skillful manipulation of discourse directs the reader's attention to specific messages while veiling unfavorable information. These intentions are facilitated by various language functions, including emotional, expressive, evaluative, informative, communicative, and appellative functions, which, along with other persuasive techniques, are examined within the framework of manipulative rhetoric.

Ponomarenko (2017) notes the prevalence of the appellative function in business media discourse, supported by the notion that even an article or news report containing dry facts assumes persuasive characteristics. In these genres, the author or presenter's primary task is to employ verbal means to create the illusion of addressing each reader. This technique, accomplished through the use of imperative mood and emphasis on the recipient's personal experience, contributes to the reader perceiving the text as a personal address and is an effective method of audience opinion management.

In addition to language functions, scholars also identify lexical-stylistic means of manipulative rhetoric, such as synonyms, epithets, personification, metaphors, euphemisms, allusions, repetitions, hyperbole, antithesis, and others (see Malyuga & McCarthy, 2021; Sibul et al., 2019). A notable feature of these means is that they are typically realized within one to four words. This allows for their examination through the lens of collocations, which serve as building blocks in both business media discourse and professional communication.

The social conditioning and pragma-semantic features of business discourse shape the proper-

ties of linguistic phenomena encountered within it. This influences the selection of lexical items and their combinations, leading to the formation of collocations. The formation and use of collocations in business discourse are influenced not only by syntactic and lexical parameters but also by speech traditions and the linguistic thinking of the speaker.

Defining and studying collocations in business discourse allows for the analysis of the meanings of their components and the identification of their impact on the recipient, thereby helping to determine the lexical-semantic and linguo-pragmatic characteristics of collocations.

There are various interpretations of the term "collocation". Akhmanova (2004) views it as "a lexically and phraseologically determined combinability of words in speech as a realization of polysemy" (p. 193). Patekar & Košuta (2022), define collocation as a weakly idiomatic phraseological unit predominantly with the structure of a word combination. Kjellmer (2013), considers collocation as a "grammatically correct sequence of words that occurs more than once" (p. 124). According to Nesselhauf (2004), a collocation is "a type of fixed word combination allowing for some freedom" (p. 20).

Thus, scholars view collocations either within the framework of phraseology, emphasizing their idiomatic nature, or within the framework of combinatorial linguistics, relying on the frequency of occurrence of collocation components and their semantic connectedness, which, however, preserves relative combinatory freedom. In this study, collocations are described from the perspective of combinatorial linguistics since this study assumes that idiomaticity is not an inherent characteristic of collocations, unlike their semantic and grammatical conditioning.

This study draws from a corpus of articles from a leading American business news outlet CNN. The time frame for the articles was January 2023 to April 2023. A qualitative content analysis approach was adopted for identifying CA-related collocations within these texts. Initially, lexical units associated with conflict activities were determined. These lexical units were categorized into a three-tiered structure: the core, the close periphery, and the far periphery, based on their relevance and reliance on context for semantic understanding.

Collocations were identified using AntConc,

a freeware corpus analysis toolkit, which allowed us to extract two-word and three-word collocations based on frequency and MI score (a measure of collocational strength). In the analysis of collocations, the close periphery and the far periphery represent different degrees of semantic connectedness and relevance to the core components of a collocation. The close periphery refers to lexical units that have a direct and immediate association with the core collocational components. These units contribute to the primary semantic interpretation of the collocation and play a crucial role in its overall meaning. They are characterized by a high degree of semantic cohesion and exhibit a strong semantic relationship with the core components. The close periphery can include words or phrases that are closely related in meaning, syntactic function, or thematic context to the core collocational units.

On the other hand, the far periphery includes lexical units that are indirectly related to the core collocational components. These units provide additional contextual information and contribute to the overall interpretation of the collocation but have a weaker semantic connection compared to the close periphery. They may introduce nuances or contextual variations to the collocation without being essential for its immediate comprehension. The far periphery can consist of words or phrases that are thematically related, but their semantic connection to the core components is less prominent.

Differentiating the close periphery and the far periphery in two-word and three-word collocations involves examining the strength and directness of the semantic relationships between the components. The close periphery elements are typically more tightly connected and have a greater impact on the core meaning of the collocation, while the far periphery elements contribute to the overall contextual understanding but are less central to the core semantic interpretation.

This differentiation helps in analyzing the collocational structure in more detail, understanding the varying degrees of semantic cohesion within a collocation, and capturing the nuanced semantic and pragmatic characteristics of the collocational units.

The identified collocations were then examined for their lexical-semantic characteristics and pragmatic potential. Linguistic pragmatic analy-

sis involved the study of expressiveness, cultural markers, and appellative function.

## Material and Methods

This study also delved into the stylistic devices employed in these collocations, such as metaphor, metonymy, antithesis, and hyperbole. The aim was to understand how these devices enriched the expressiveness of collocations and influenced their pragmatic potential.

Finally, case studies were selected to provide in-depth analysis and illustration of the identified characteristics of the CA lexical-semantic field in American business media discourse.

It should be noted that different criteria exist for identifying lexically and semantically related groups of lexical items due to the various approaches and methods used by scholars in their works. Therefore, there is currently no unequivocal definition of this phenomenon, which, however, is crucial for lexical-semantic studies as it provides systematization through the grouping and organization of words connected in content and helps identify semantic nuances of lexical units. The identification of core and periphery within semantic groups, in turn, contributes to linguo-pragmatic analysis by allowing for the differentiation of lexemes into neutral and emotionally charged ones.

In choosing the lexical-semantic group, we relied on the study by Malyuga and Aleksandrova (2020), which identified five most frequent semantic groups in English business discourse: (1) a group in which business processes are attributed human properties; (2) a group in which business relationships are compared to marital ones; (3) a group that highlights similarities between business processes and features of military actions; (4) a group related to the process of being in transit, moving forward; (5) a group that draws parallels with activities of tracking and acquiring something.

Although these semantic groups possess pragmatic potential and are indispensable for speech manipulation, which plays an important role in business discourse (Akopova, 2013; Malyuga & Orlova, 2016), the CA lexical-semantic group is of greatest interest for the present study. Firstly, empirical sampling revealed that this group contains the largest number of colloca-

tions. Secondly, the analysis of collocations containing conflict sememes allows for the identification of methods and tactics of pragmatic influence on the recipient through precedence (Malyuga & Akopova, 2021), primarily aimed at instilling negative perceptions about a particular event into their consciousness.

## Study Results

Through the analysis of articles from American business media discourse, the study identified 426 collocations that form the CA lexical-semantic field.

The goal of articles in these journals is to convey information related to various business realities to potential readers, considering their social and cultural background when selecting language means for informing and influencing.

Linguistic-pragmatic analysis of language means, particularly collocations, allowed us to identify five key characteristics of language in

American business media discourse: (1) combination of informative and expressive functions; (2) presence of clichés; (3) use of language means to engage and retain audience attention; (4) utilization of culturally marked units; (5) dominance of the appellative function.

As mentioned in the theoretical overview, the expressiveness of collocations largely depends on whether at least one of their components belongs to the far periphery, as components that constitute the core and close periphery and are used in their literal sense are less likely to realize their pragmatic potential. However, the analysis revealed that collocations within the CA lexical-semantic field in business media discourse are formed through stylistic devices such as metaphor, metonymy, antithesis, hyperbole, and others, which endow expressiveness even to the lexemes forming the core of the semantic group. The core, close periphery, and far peripheries of the CA lexical-semantic group are presented in the following table (Table 1).

Table 1

Lexical Units in the CA Lexical-Semantic Group

Core	Close periphery	Far periphery
Conflict	Force	Peace
Fight	Engage	Backlash
Hostility	Encounter	Cut
Violence	Aggression	Campaign
Confrontation	Resistance	Action
Struggle	Offensive	Raid
Clash	Defense	Crisis
Standoff	Skirmish	Information
Feud	Antagonism	Win
Tension	Dispute	Lose
Combat	Aggravation	Propaganda
	Showdown	Aftermath
		Competition
		Trigger
		Target
		Catapult
		Beat
		Miss
		Tit-for-tat

The core of the CA lexical-semantic group are hypernyms for many other lexemes that constitute the close and far periphery. The close periphery includes independent units that do not require context to manifest their pragmatic potential within the examined semantic group,

while for the lexemes in the far periphery, context is necessary for them to fully reveal their pragmatic possibilities. Culturally marked allusions are included in both the close and far periphery, indicating their diversity and primarily presented as collocations that cannot have one of

their components removed or replaced without losing the meaning and allusiveness of the phrase. Therefore, the manipulative intention of the author would not be achieved.

Selected examples below are intended to illustrate and clarify the key points of the study results.

- (1) *The reaction to Best Buy's move mirrored customer backlash after changes to Dunkin' and Starbucks' rewards programs last year* (Meyersohn, 2023b).

In (1), “customer backlash” implicitly draws the reader’s attention to the fact that the changes in the bonus program were met with resistance. The lexeme “backlash” carries pragmatic connotations and creates a vivid representation in the recipient’s mind of opposition, aligning with the etymology of the word itself (the reaction of the wheels of a machine to each other caused by an unstable load). Due to its vividness and metaphorical nature, this collocation serves to fulfil expressive and appellative functions.

- (2) *A supply shock triggered by the deadliest outbreak of a highly pathogenic avian influenza in US history has driven up prices* (Meyersohn, 2023a).

In (2), the collocation “triggered by outbreak” is formed through a metaphorical transfer of the lexeme “trigger”, denoting a device that releases a latch or spring and activates a mechanism. This meaning has given rise to related collocations such as “to pull the trigger” and “trigger-finger”. The collocation “triggered by outbreak” conveys the sharpness and unpredictability of the situation through an implicit comparison to pulling the trigger of a gun. It also carries a pragmatic charge and serves as an example of an expressive function.

Moving forward, collocations with the lexeme “target” are widely used in business media discourse due to their semantic and linguo-pragmatic features. The lexeme “target” originally meant “the edge of a shield”. The meaning of “a round object to aim at when shooting” was first recorded in 1757 and used in relation to shooting with a bow. Therefore, this lexeme reflects the goal-oriented nature and sharpness of the business world, carrying a pragmatic charge. Also of note is the collocation “target audience”, which refers to the intended recipients of a message or marketing efforts.

- (3) *In December last year, Twitter was also*

*accused by dozens of former employees of various legal violations stemming from Musk's takeover of the company, including targeting women for layoffs and failing to pay promised severance* (Reuters, 2023b).

In (3), a literal translation of the collocation “to target women” reflects the process of selecting women for dismissal. Presenting the selection process as a purposeful activity adds expressiveness to the collocation and creates an association in the reader’s mind with the inevitability of the situation.

- (4) *Bankruptcy isn't a good thing for shareholders, who are typically the last to be paid out if a company goes out of business. In many cases, they don't get anything at all. But investors appear to be betting that the retailer will somehow avoid that fate, and their bets are catapulting the stock upwards* (Goodkind, 2023a).

In (4), the author chooses to use the collocation “to catapult the stock”. The verb “to catapult” originated in the English language in the 1570s from the French “catapulte” meaning “a machine for hurling” and it means “to throw or launch something using a catapult at high speed”. In this collocation, it is used metaphorically, allowing for an implicit parallel between the rapid increase in stock value and the principle of a catapult’s operation which is fraught with an ensuing conflict. This comparison serves an expressive function as it reinforces the author’s message about the speed and rapidity of growth.

- (5) *Both chains increased the threshold to earn rewards, part of what Liu-Thompkins said was a larger trend of companies devaluing points, miles and other benefits to combat higher costs* (Meyersohn, 2023b).

In (5), the author uses the pragmatically charged collocation “to combat costs” to convey the information to the reader in the most expressive way that the listed measures were indeed taken to combat costs. The comparative adjective “higher” further strengthens this collocation, emphasizing the increasing trend of prices and the need to specifically combat them.

- (6) *“We expect earnings to take the center stage going forward,” wrote Bank of America strategists Savita Subramanian*

and Ohsung Kwon in a note on Friday. They noted that over the last three quarters, S&P 500 reactions to earnings beats and misses have soared higher and have now surpassed the one-day market reaction to both CPI inflation and Fed policy meeting decisions (Goodkind, 2023b).

In (6), the collocation “beats and misses” represents an antithesis and exerts a significant pragmatic impact on the recipient through the effect of contrast. This effect is also achieved by the presence of both positive and negative connotations within the phrase. The expressive function and pragmatic charge of the collocation draw attention to the gap in profit indicators and their volatility, thereby reflecting the market situation.

- (7) *While some in Scholz’s coalition government are growing nervous about Germany’s economic ties with China, Berlin is hardly in a position to rock the boat with Beijing as it grapples with the challenge of reviving its struggling economy* (Madhok, 2023).

In (7), the collocation “struggling economy” serves an emotive-evaluative function due to the nature of the adjective “struggling”, which means “making great efforts to succeed despite difficulties”. Similar to the previous example, it carries both positive and negative connotations. The author also employs this collocation to personify the economy, attributing human qualities to it, which evokes feelings of compassion and empathy in the reader.

- (8) *Analysts had said the Chinese price cuts would boost demand and increase pressure on its rivals there, including BYD (BYDDF), to follow suit in what could become a price war in the largest single market for electric vehicles* (Reuters, 2023a).

In (8), the author uses two collocations related to the CA lexical-semantic field: “price cuts” and “price war”. By repeating the word “price”, the author directs the reader’s attention to the fluctuating situation surrounding prices, emphasized by the components “cuts” and “war”. In the collocation “price war”, there is also personification of the lexical unit “price”, adding an emotional component to the phrase. These collocations carry a pragmatic charge and serve emotional and

expressive functions.

- (9) *Scholz and European Commission President Ursula von der Leyen said talks with the United States to find a solution are ongoing. But EU leaders stressed the need to quickly roll out a bold investment package of their own, raising concerns that a tit-for-tat subsidy fight may be brewing* (Horowitz, 2023).

In (9), the pragmatically charged collocation “tit-for-tat fight” performs expressive and conative functions due to its component “tit-for-tat”, which is a distortion of the expression “tip for tap” (meaning retaliation in kind). The collocation carries a negative connotation and is used to emphasize that any action by a competitor will be met with a corresponding response.

Among the culturally marked collocations of the CA lexical-semantic field are proper names, geographic names, and military-historical periods. Below are a couple examples of the most representative collocations.

- (10) *“Our government invited us and others to step up, and we did,” said JPMorgan Chase CEO Jamie Dimon. He said the deal is also a good one for his bank’s shareholders and fails are just Vietnam flashbacks* (Isidore & Dmitracova, 2023).

In (10), the allusive collocation “Vietnam flashbacks” serves as a powerful metaphorical reference to vivid recollections triggered by traumatic events in people’s minds. These events, known for their lasting impact on American society and collective memory, are often associated with a range of emotions, including trauma, disillusionment, and the sense of an enduring and painful legacy. By employing this collocation, the author aims to convey a sense of negativity and draw attention to the potential negative consequences or memories associated with the mentioned “fails”. The strongly negative connotation of the collocation carries a pragmatic charge, serving the emotive-evaluative function, and shaping readers’ perception of the failures mentioned in the discourse.

Another example is the comparison of article subjects with well-known figures from a particular era that helps succinctly characterize and convey perception of the individual. One of the most common allusions is the comparison to Marcus Junius Brutus, the assassin of Julius Cae

sar.

(11) *Iran's clerical leadership is either unwilling or unable to address its festering economic problems, exacerbated by a US sanctions regime and by Brute-like behavior of some politicians* (Karadshah et al., 2023).

In (11), the collocation “Brute-like behavior” employs a proper name, “Brute”, as a metaphorical allusion. The name “Brute” is synonymous with “traitor” and is often associated with the historical figure Marcus Junius Brutus, who famously assassinated Julius Caesar. By utilizing this collocation, the author seeks to characterize certain politicians through a negative allusion, evoking a strong negative connotation and manipulating readers’ perceptions. The use of “Brute-like behavior” suggests a comparison between the behavior of the mentioned politicians and the treacherous act committed by Brutus, thereby portraying them as disloyal or untrustworthy. The collocation carries a negative pragmatic charge and serves an emotional-evaluative function, emphasizing the author’s negative perspective on the politicians in question.

These examples highlight the power of culturally marked collocations in evoking emotions, shaping perceptions, and influencing the overall persuasive and evaluative impact of business media discourse. By drawing upon shared cultural knowledge and allusions, authors can tap into readers’ existing associations and manipulate their interpretations. This contributes to our understanding of the nuanced ways in which language is employed in business media discourse to convey meaning, evoke emotional responses, and shape reader perspectives.

## Discussion

Our qualitative analysis of the identified collocations in American business media discourse has revealed several significant linguistic-pragmatic characteristics. These findings deepen our understanding of the language use within this context and provide interesting data on the communicative strategies employed to inform, engage, and influence readers.

One prominent characteristic observed in the analyzed collocations is their blend of informative and expressive functions. Business media

discourse aims to convey information about various business realities while also employing vibrant language to captivate and retain readers’ attention. The expressive elements within collocations serve to evoke emotional responses, enhance the overall impact of the discourse, and contribute to reader engagement.

Another noteworthy aspect identified is the presence of clichés within collocations. These recurring phrases and expressions create familiarity for readers and facilitate comprehension. While clichés aid in conveying information efficiently, they may also lead to a sense of predictability or monotony, potentially diminishing readers’ interest and reducing the novelty of the content. It is important for business communicators to strike a balance between using clichés for accessibility and ensuring fresh and engaging language.

The use of various stylistic devices, such as metaphor, metonymy, antithesis, and hyperbole, is prevalent in the collocations analyzed. These devices enhance the expressiveness of the language and contribute to the vivid portrayal of business realities. Metaphorical and figurative language captures readers’ attention, adds depth and nuance to the discourse, and facilitates a more memorable and engaging reading experience.

Cultural markers also play a significant role in the analyzed collocations, highlighting the influence of social and cultural contexts on language use. The inclusion of culturally marked units in collocations allows for a more nuanced understanding of the discourse. These units encapsulate cultural connotations and references that subtly shape readers’ perceptions and contribute to the overall meaning and impact of the language used.

Moreover, our analysis revealed the dominance of the appellative function in business media discourse. Language is strategically employed to shape reader opinions, attitudes, or behaviors. The use of emotionally charged words, persuasive language techniques, and strategic framing of information within collocations exemplifies this function. Business communicators employ such techniques to shape readers’ perspectives and elicit desired responses.

The findings of this study contribute to the existing body of knowledge on lexical-semantic analysis in the context of business media dis-

course. By exposing the linguistic-pragmatic characteristics and communicative strategies employed, this research provides valuable findings for business communication practitioners, journalists, and educators. These findings can furthermore serve as a foundation for future comparative studies, exploring similar characteristics in different contexts or across various media types. Such studies can uncover broader patterns and data-driven conclusions unveiling language usage and communicative strategies employed in business media discourse.

## Conclusion

This research set out to explore the linguistic-pragmatic characteristics of “conflict activity” (CA) collocations in English business media discourse, recognizing a notable research gap in this area. While substantial work has been done in the field of linguistics and media discourse, there has been a dearth of targeted studies examining the pragmatic features of collocations in the business media discourse, specifically within the CA lexical-semantic field. Therefore, the primary aim of this study was to identify and analyze the lexical-pragmatic properties of CA collocations within this specialized discourse, contributing to a more nuanced understanding of how language is manipulated in business news outlets to inform and influence reader perceptions.

To achieve this aim, the research adopted a lexical-semantic approach, which involved analyzing a broad corpus of articles from American business media discourse. The analysis sought to identify key collocations that form the CA lexical-semantic field and further scrutinize their characteristics and functions in the discourse.

The results of the study yielded a total of 426 collocations, further classified into core, close periphery, and far periphery lexemes within the CA lexical-semantic field. The analysis unveiled five key characteristics of language usage in American business media discourse: the combination of informative and expressive functions; presence of clichés; use of language means to engage and retain audience attention; utilization of culturally marked units; and dominance of the appellative function.

The findings highlighted the importance of stylistic devices such as metaphor, metonymy,

antithesis, hyperbole, and others, which were observed to endow expressiveness even to the lexemes forming the core of the semantic group. This underlines the intricate complexity of the business media discourse, where even ostensibly straightforward terms are laden with layers of expressiveness, shaped by stylistic choices that enhance the pragmatic potential of the collocations.

In addition, the research findings draw attention to the subtle manipulation of language in business media discourse. The utilization of culturally marked units and the dominance of the appellative function underscore the pervasive influence of cultural and social contexts on language use, as well as the strategic manipulation of language to influence readers’ attitudes and behaviors.

Implications of this research are manifold. Firstly, it provides a rich understanding of the language usage within American business media discourse, offering valuable insights for business communication practitioners, journalists, and educators in the field of business and media studies. Secondly, this study contributes to the broader field of linguistics, offering an in-depth examination of the linguistic-pragmatic characteristics of CA collocations, which can serve as a foundation for future comparative studies in different media discourses or across various cultural contexts. In this context, the possibility of these tasks and implications being rendered less relevant due to the emergence of language models might become a topic of debate. However, while language models have indeed revolutionized natural language processing and have the ability to generate human-like responses, it is important to note that they are trained on large datasets and do not possess domain-specific expertise or contextual understanding beyond what has been learned during training. Therefore, there remains significant value in conducting empirical research, such as the one presented in this study, to investigate specific linguistic-pragmatic characteristics within targeted domains like American business media discourse. This study provides findings that go beyond the capabilities of language models by examining actual language usage within a specific context and capturing the nuances and intricacies of collocations within that domain. The findings of this study offer practical implications for business communication practitioners, journal-

ists, and educators, as they provide a deeper understanding of the language patterns and conventions prevalent in American business media discourse. Moreover, this research contributes to the broader field of linguistics by offering an in-depth analysis of collocations in the context of conflict activities. While language models can assist in generating language, they do not offer the same level of analytical depth or contextual understanding as empirical studies. Therefore, this study serves as a foundation for future comparative studies across different media discourses or cultural contexts, enabling researchers to explore variations in language usage and linguistic-pragmatic characteristics.

In conclusion, this study underscores the intricacy of business media discourse, characterized by a fine balance of information provision and expressive engagement, underscored by cultural markers and strategic language manipulation. It is hoped that this exploration will inspire further research into the fascinating interplay between language and influence in business media discourse, and the wider implications it holds for reader perceptions and decision-making.

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## SYNTACTIC STYLISTIC DEVICES OF SPEECH MANIPULATION IN THE ENGLISH-LANGUAGE LIFESTYLE MEDIA DISCOURSE

Alexandra RADYUK<sup>1,\*</sup>  | Margarita NIKOGOSYAN<sup>1</sup> 

<sup>1</sup> RUDN University, Moscow, Russia

\* Correspondence

Alexandra RADYUK, Miklukho-Maklaya st., 6, Moscow, 117198, Russia  
E-mail: radyuk-av@rudn.ru

*Abstract:* The article is devoted to the study of manipulative syntactic stylistic devices in the English language based on the articles about style, fashion, trends and their place in the sweepingly emerging lifestyle discourse.

The relevance of this research is due to the dynamics of the pragmatic design of speech in connection with current changes in the fashion world and society's attitude to modern trends. The purpose is to systematize manipulative syntactic devices in the English-language media discourse in connection with the actualization of self-expression, individuality, and originality. The study of how these principles are promoted in media discourse could make a significant contribution to discursive research.

Articles about style, fashion and trends from the quality press and lifestyle magazines were selected as the empirical material. As a result, the identified devices were subjected to functional and stylistic analysis, which made it possible to classify the main communicative purposes for which various syntactic stylistic devices are used.

The authors come to the conclusion that the use of syntactic stylistic devices is conditioned by the manipulative potential of the lifestyle discourse and is concentrated around the following functions: insisting on a certain opinion or attitude, exaggerating the value, endearing the reader.

*Keywords:* discourse, media discourse, manipulative rhetoric, manipulative means, stylistics, syntax, syntactic stylistic devices.

### Introduction

An analysis of modern print and online media shows that articles, messages, editorial notes and print ads are highly pragmatically colored. Traditionally,

the desire to influence the behavior of the audience is associated with the concept of manipulation – an impact aimed at acting contrary to the speaker's own goal or covert psychological influence. It should be added that verbal

means of manipulation are currently widely used, which makes this mechanism a relevant object of study for linguists.

This article analyses manipulative rhetoric of the mass media and its pragmatic properties. Manipulation is a complex process that affects both the stage of speech planning and the stages of implementation of the impact and reflection – an analysis of the effectiveness of the chosen means, a decision on communicative success or failure. Taking into account the intentions of the author, his practical goals, the influence of extralinguistic factors together contribute to an appropriate verbal formulation of the message.

However, functional peculiarities of syntactic stylistic means in various subdivisions of media discourse remains understudied (Tominc, 2017; Popp, 2006; Machin & van Leeuwen, 2007; Spencer & Gregory, 2010; Gribach et al., 2019; Koshevaya, 2011; Kozhina, 2014; Lenkova, 2016). In this paper, a comprehensive study of the pragmatic means of media discourse influence continues, following lexical means (Radyuk & Nikogosyan, 2022), we aim to describe syntactic manipulative means.

Stylistic devices have always been an integral part of pragmatic coloring of speech (Freeman, 2019; Jeffries & McIntyre, 2010; Machin & van Leeuwen, 2007; Stockwell, 2014). Each stylistic device has its own function as well as every particular one can convey different functions according to the context (Aminova, 2021; Avanesova, 2010; Basovskaya, 2020). Syntactic stylistic devices increase the pragmatic potential of the text and give originality to speech.

The use of syntactic stylistic devices in articles about fashion, trends and style allows not only to attract the attention of a potential audience, but also to reinforce the influence of the media text. Such forms of impact are actualized on a cognitive-pragmatic level of communication and among others are realized by various syntactic stylistic devices. They help to create a pragmatically intensive semantic space in the media discourse and evoke certain feelings that affect the behavior of the reader (Popp, 2006). A stylistic device is a way of organizing the utterance of a text, enhancing its expressiveness, that figures of speech are also used as a stylistic device (Popov, 2019).

Media discourse has been on object of studies in the field of text linguistics, sociolinguistics,

cognitive linguistics, functional stylistics and content analysis, critical discourse analysis, (G. G. Pocheptsov, E. A. Kozhemyakin, T. G. Dobrosklonskaya, G. Ya. Solganik, N. A. Kuzmina, V. V. Krasnikh, M. R. Zheltukhina, N. Fairclough, D. Croteau, W. Hoynes, M. Montgomery, R. Fowler, A. Bell, A. O’Keeffe, D. Machin, T. van Leeuwen, R. Wodak). According to Gribovod (2013), media discourse is a set of all processes and derivatives of speech activity in the field of mass media, including the issues of their coordination with all its complexities (p. 118).

Taking into consideration the key concepts of speech manipulation currently accepted in linguistic science we can single out the following features.

Media manipulation imposes qualitative interpretation of events (O’Keeffe, 2011). This method of speech influence comes down to the use of various language and speech means in combination with the presentation of facts, the interpretation of various concepts and the interpretation of events in a way that is beneficial for the author.

One of the most frequent pragmatic influence methods remains reasoned comment (Kozhemyakin, 2010). With all the prevalence of the implicit expression of the author’s point of view, explicit argumentation is widely used as a method of speech influence.

Interpretation of key concepts and assessment of the ongoing events or people, characterization and presentation of them in a favorable light for the author can also be considered a manifestation of speech influence. This method of speech influence is based on the manifestation of the category of subjective modality (Wodak & Meyer, 2009; Shiryayeva, 2013).

Print media apply a variety of graphic means of highlighting individual fragments of text. Color, font and composition are widely used to attract more attention (Lagrandeur, 2003).

Concerning the composition of the media text, speech influence consists in the impact by constructing a coherent structure to enhance the speech impact on the recipient – naming the topic, narration, description, proof, refutation, conclusion (summary) (Breuer & Naphine, 2008).

Auxiliary methods of speech influence operate at all levels of the language and consist in the use of punctuation marks, expressive means and

stylistic devices. The most common auxiliary methods of speech influence include:

- Graphic and phonetic techniques – alliteration, assonance, puns, idioms, etc.
- Lexical, morphological and syntactic methods of speech influence. Media discourse is characterised by the presence of words and phrases with positive or negative connotations of expressive vocabulary with subtext. Therefore, the media uses linguo-stylistic means of expression that enhance the expressive function.
- Stylistic expressive means are also methods of speech influence. They include stylistic figures and tropes: metaphor, metonymy, simile, allusion, epithet, personification, meiosis, oxymoron, etc. Tropes have a strong speech impact due to their uniqueness.

So, it is possible to call syntactic stylistic devices discussed in this article a tactical method of speech influence.

Obviously, media discourse includes a wide variety of material on completely different topics. Fashion, style, trends articles were chosen as the material under research, since this topic is very popular in the modern society, especially young generation who always pays attention on latest fashion breakthroughs, people pay a lot of attention to such a phenomenon as self-expression. Diversity has become one of the major principles of many areas such as social science, business, economy and international relations. Nowadays, it is considered that a different worldview, opinion, lifestyle, behavior and customs should be discussed in public, press, on the Internet.

Today, fashion is quite an actual phenomenon. People need to correspond to a certain social status, and it is fashion that helps in finding and creating their own style. Despite the fact that fashion and style are different concepts, they are inseparable. Style, whether in linguistics, in architecture, in fashion, is formed by the person itself. Fashion, in turn, is reflected in clothes, makeup, books, hairstyles, and interiors. Similar to the worldview, fashion tends to change rapidly, today the trend can be one thing, and tomorrow completely different.

Often articles on this topic are written in such a way as to criticize the new trends, artists, designers or vice versa to express admiration. Also,

articles can manipulate the perception or attitude towards something, this is all achieved by using stylistic devices that reinforce or soften the emotional coloring. In this case it is necessary to identify manipulative speech means intended for covert influence.

The theoretical significance of this research is predetermined by the necessity to analyze the syntactic stylistic devices in fashion articles and connected problems of linguistics, the theory of stylistic devices, speech influence theory and media discourse. Moreover, this research can extend the scientific comprehension of the approach applied to analysis of stylistic devices as long as there are not so many works devoted to this issue.

The examples, which serve as an integral part of empirical body of the present research, were taken from famous newspapers and magazines such as VOGUE, The Guardian, ELLE, CNN, Cosmopolitan, etc.

Syntactic stylistic devices play a key role in persuasive language. They emotionally color the speech, enliven the language, express feelings, mood and attitude of a person towards different situations.

The theoretical novelty is connected to the development of previous researches by various scholars. Also, it is based on the choice of the material under research as long as the fashion became a hot issue nowadays and it arouses discussion in the media space of lifestyle discourse.

The objective of the article is to analyze syntactic stylistic devices in media discourse and determine their influence on the text conveying different functions based on the fashion articles.

The tasks of the article are:

- to determine functions of syntactic stylistic devices and peculiarities of their use in media discourse;
- to study the speech impact of using syntactic stylistic devices in lifestyle media discourse;
- to describe and analyze the role of syntactic stylistic devices in manipulative rhetoric of media discourse.

The practical implication of this work is that the analyzed material can be used in the practical courses of rhetorics, linguistic pragmatics and stylistics. The research is determined to identify how widespread the use of syntactic stylistic devices in lifestyle media discourse is.

## Materials and Methods

This work deals with articles about fashion, which are part of the lifestyle media. Many people believe that this area is exclusively entertaining, but it also performs a sociocultural function that changes the perception and worldview of a person, this is also facilitated by expressive speech, the features of which are studied by stylistics.

As the material under research were chosen articles from CNN news, the Guardian, ELLE, VOGUE and Cosmopolitan.

The methods of research used in this work are:

- method of functional analysis;
- contextual method;
- descriptive method.

The paper relies on theoretical studies outlined in the works of I. V. Arnold, I. R. Galperin, P. Stockwell, P. Spencer, M. Gregory, L. Jeffries, R. Wodak, Meyer, T. van Dijk.

For example, speaking about stylistics and its role in speech impact, I.R. Galperin highlights the absolutisation of the pragmatic approach to the problem of language style. Also, the language style is considered only in terms of the “message effect” (Galperin, 2014). With such a formulation of the issue, the linguistic aspect disappears and science acquires a clearly psychological direction.

As for discursive approach, N. Fairclough stated that discourse is often used to construct or maintain structures of power in society. He introduced his critical discourse analysis approach as a way to highlight and expose when language has been used in this way (Fairclough, 1989).

I. V. Arnold’s approach supposes that the stylistic function is an ideological impact on the reader’s holistic personality, and not only on his logical thinking. The idea is realised in the language structure of the work, where all elements have form and content (Arnold, 2002).

We base our study on T. van Dijk’s understanding of discourse. In a broader sense, discourse is a communicative event that occurs between the speaker in the process of communicative action in a certain context. In a narrow sense, discourse is a speech or written speech result that is interpreted by recipients (van Dijk, 1977).

Discourse analysis is a set of analytical methods for interpreting various kinds of texts as

products of people’s speech activity carried out in specific socio-political circumstances and cultural and historical conditions. The purpose of discourse analysis is to identify the social context, to study the relationship between language and social processes. The interpretation of language as a discourse includes the attitude towards it as a form of social action, directly rooted in the social conditions of its implementation (Wodak & Meyer, 2009; O’Keeffe, 2011).

Discourse analysis embraces a set of analytical methods for interpreting different styles of texts as products of speech activity carried out in specific circumstances and conditions. An Austrian linguist Ruth Wodak dedicated her research to discourse analysis and critical discourse analysis. Wodak states that critical discourse analysis aims to investigate critically social inequality as it is expressed, signaled, constituted, legitimized and so on in discourse (Wodak & Meyer, 2009, p. 2).

The benefit of discourse analysis is that it refers to the study of texts, hidden meanings, context, interpretations, and reactions of the audience to these texts.

The following research was carried out in several steps:

1. to analyze relevant examples of manipulative language from magazines and newspapers;
2. to interpret and categorize data by method of functional analysis;
3. to draw conclusions basing on syntactic classification of stylistic devices.

## Theoretical Basis

In linguistics, a big attention is paid to the issues of manipulative speech impact, since all the people face the problem of effective implementation of professional tasks with the help of linguistic means; and, in turn, English as the language of international communication plays a significant role in the harmonization of interethnic and interpersonal interaction in the world (Ponomarenko, 2004).

One of the most common types of speech influence is manipulation – a hidden influence that forces the interlocutor to somehow react, but unconsciously or contrary to his own opinion (Noggle, 2022). The main signs of manipulation are psychological influence, its secrecy and the

use of special techniques and knowledge. Speech is manipulative if it is purposefully using peculiar features of language structure and usage. Based on these techniques, various speech strategies and tactics are consciously applied (Parshin, 2000).

The prerequisites for speech impact lie primarily in the communicative nature of the language. The limited means of language in the expression of an unlimited stream of thought creates the basis for the appearance of ambiguity, implications, and vagueness. Other prerequisites are the stereotyping of consciousness, the implicitness of the communicative code, the symbolic structure of the language and the variable interpretation of reality.

The disguised exploitation of these communication factors can serve as a powerful tool for manipulative speech influence. Manipulation is based on the attitude towards the interlocutor as a means to achieve goals; and their nature and direction present a special problem for linguists (Malyuga & Aleksandrova, 2022). Based on this fact, E. I. Docenko develops a typology of human relationships from the point of view of influence. Dominance, manipulation, rivalry, partnership, solidarity can be singled out. Relationships are built on a scale of “the interlocutor as an equal/the interlocutor as a tool” (Docenko, 2000).

The number of manipulative strategies is not fixed, but nevertheless, one should not underestimate their extreme importance for understanding many socio-economic, political, cultural processes in modern society. Therefore, in this article, the goal is to look at this communicative phenomenon in the context of its constructive/destructive role in shaping the pragmatics and semantics of the English lifestyle discourse.

We consider manipulative syntactic means in the framework of functional linguistics. It is an approach to language that considers the functionality of a language in order to better understand linguistic processes. The theory of functional linguistics suggests that language is a kind of tool, which means that its structures are best analysed using the functions and tasks that they perform in a certain context (van Dijk, 1977; Issers, 2003; Parshin, 2000).

Functional analysis implies identifying the theme of speech, communicative aims of the communicants and the verbal means (strategies

and tactics) realizing these aims. A functional approach to the analysis of speech activity allows to trace which speech means and what their ratio allows for more or less effective communication. In the process of developing this approach, the dynamic component gradually increased, which is based not only on the analysis of the specific functions of specific language means implemented in speech, but on the study of the versatile interaction of language units and their functions in the course of building the functional perspective of discourse. Revealing the characteristic properties of the functional space of discourse is impossible without revealing its structural, semantic, pragmatic components of speech in interaction with each other (Ponomarenko, 2004).

Media discourse is a set of processes of speech activity in the field of mass communication in all the richness and complexity of their interaction. It has been an object of studies in the field of linguistics and intercultural communication (Sviridova, 2013; Solganik, 2005; Vishnyakova & Polyakova, 2017; Muzaffarova, 2022; Malyuga et al., 2019). Media discourse includes such areas as business discourse, political discourse, as well as lifestyle discourse.

In the last decade, lifestyle media has been gaining rapid popularity, which makes it relevant to turn to lifestyle media as an object of study. In addition to the growing popularity of the segment, there are also specific transformations of the genres used by these media (Molodychenko, 2019).

The study of everyday discourse of the lifestyle segment is no less significant task than the traditional objects of discourse analysis, such as political discourse, due to the important sociocultural role. Lifestyle discourse is one of the driving forces of opinion formation (Tominc, 2017).

Lifestyle media includes topics such as the preparation and consumption of food and drink; fashion, style, personal care, home improvement, garden, interior and exterior, self-development, travel, shopping and body positivity (Molodychenko, 2019).

Stylistic characteristics of lifestyle discourse are characterized by simplicity, which is explained by the communicative purpose of the producer of the text to perform a didactic task: to regulate the lifestyle of the recipient (Ivanova, 2019).

Language is used differently depending on

the different situations, so the same thought can take on different forms depending on the style, situation, status of the interlocutors, their interpersonal relationships, their attitude to the topic of conversation and, of course, on their assessment of the conversation. All these pragmatic factors of the communicative situation are optional, respectively, all these factors do not appear all at once.

Stylistics have always remained a controversial issue in linguistics. In linguistics style is a set of methods of using a language that differs from other methods of language by the peculiarities of the language composition units and their organization into a single semantic and compositional whole (Somova et al., 2017).

Stylistic studies of media language do not lose their relevance in applied linguistics research. I. V. Arnold defined stylistics as a branch of linguistics that explores the principles and effect of the choice and use of lexical, grammatical, phonetic and linguistic means in general to convey thoughts and emotions in different communication conditions (Arnold, 2002, p. 10). Stylistics studies texts by considering how they convey content, not only following norms, but also on the basis of meaningful deviations from these norms.

Stylistic devices sometimes are difficult to understand and require a certain level of efforts to decode their meaning, sometimes it depends on the context and sometimes one needs some background knowledge, because they carry a greater amount of information which is not that obvious. Stylistic devices According I. R. Galperin's classification, "expressive means and stylistic devices are divided into 3 large groups: phonetic, lexical and syntactic" (Galperin, 2014).

Syntax deals with the relationship between words in a sentence. Syntax studies intonation and structure of sentences, and also deals with expressiveness. Thus, syntactic stylistic devices deal with the expressive possibilities of word order, types of sentences and syntactic connection. The main problem of syntactic expressive means in the language and the stylistic devices closely related to the problem of the intonation of a sentence.

Today there are many different classifications of syntactic stylistic devices, since they function integratively as a result of synergy of their pragmatic effects and the effects of other

speech levels.

## Study and Results

About fifty articles published in ELLE, VOGUE, CNN, Cosmopolitan and the Guardian over the past few years were analyzed, but in this paper the most colorful examples and the most frequently used syntactic stylistic devices were mentioned.

The study lasted for several months, the releases of new articles on the topic under analysis were monitored, irrelevant empirical material was discarded.

All syntactic stylistic devices perform one or several functions, in the context of lifestyle discourse, a huge number of functions can be distinguished in general. Narrowing down the selection within a specific topic (fashion, style, trends) allows to identify a number of functions.

The results of the study showed that mainly lifestyle discourse dwelling on fashion topic directs its syntactic stylistic devices to three basic functions:

1. insisting on a certain opinion or attitude;
2. exaggerating the value;
3. endearing the reader.

## Syntactic Stylistic Devices Performing an Insisting Function

When it comes to performing insisting function, rhetorical questions are the best, as long as the answer is already clear and while reading it feels like the recipient agree with the opinion.

The first example might not be the brightest, unless one knows the background. K-pop culture spreads like a wave all over the world, it has millions of fans, because of hard-working artists, their dedication to their work, quality music and perfect example they set for their fans. So, the answer on that question is obvious.

*"Why K-pop rules fashion week?"* (Why K-pop rules fashion week, 2023).

The next example is taken from the article about trends that are dominating in 2023. The headline of the article speaks for itself. Many outfit ideas are represented there and asking that question the answer is of course predictable.

*"How about a dopamine-inducing, bright*

*sweater?*” (7 non-trend trends that are already dominating in 2023, 2023).

Another example is about Oscar nominations, author remembers all gorgeous actresses that appear at award show and go home with no Oscar statue, which is extremely sad and even when the reader hasn't thought about this, after the question one cannot disagree.

*“It’s always a bit sad to see girlies in magnificent dresses leaving empty-handed, but what can you do?”* (On the high highs – and chaotic lows – of this year’s Oscar Slate, 2023).

The next three examples are taken from article where holiday outfits are discussed. Author comments on 22 outfits in informal manner, so it feels like a conversation with a very good shop assistant who insist one to buy this or that dress and consumer cannot even say a word, just immediately buys offered clothes.

*“So why not go even bigger with a dress that dazzles almost as bright as you do?”* (22 showstopping holiday party outfits that’ll instantly make you best dressed, 2022).

In the example below the author makes readers change their misconceptions about wearing black. In this question the answer is not even hidden, because it is clear enough that it is nothing more than a stereotype.

*“Who says wearing black has to be boring?”* (22 showstopping holiday party outfits that’ll instantly make you best dressed, 2022).

*“How fun are these high-waisted shorts?”* (22 showstopping holiday party outfits that’ll instantly make you best dressed, 2022).

Another article from Cosmopolitan is also about party dresses and again author seems a shop assistant who does a great job insisting and making the recipient believe that the outfit is beautiful, but of course it is true, still someone has to be convinced of this.

*“Um, can we talk about how incredibly chic this entire look is?”* (22 showstopping holiday party outfits that’ll instantly make you best dressed, 2022).

### Syntactic Stylistic Devices Performing an Exaggerating Function

The key point of all articles is to be eye-catching and attract readers, sometimes authors like to hyperbolize the value of some events or overes-

timate achievements of celebrities, especially if the author is a fan. To perform such a function there are two syntactic stylistic devices that do the best – detachment and different types of repetition (anaphora, ordinary repetition and root repetition are the most common).

For example, the first two examples are from the same article about fashion week. The author writes about his favorite moment during the event – famous people. The effect is pretty much exaggerated, as long as not everyone might be interested in who is there but interested in new clothes collection.

*“But the most interesting part – at least to the outside world – is who’s there”* (Fashion statement: Why TV stars shine brighter than the models at fashion week, 2023).

The next thing detachment is represented by parentheses. Talking about a large number of fans who came to watch their favorite artist, the author was clearly among the invited guests at this event and the article paid quite a lot of attention to this moment, which, it would seem, is not the most important.

*“For me, it just makes it more stressful getting to my seat. (The crowds outside Dior were absolutely nuts.)”* (Fashion statement: Why TV stars shine brighter than the models at fashion week, 2023).

Another example is taken from the article about new Gucci creative director. The author focuses attention on the most important event in the fashion world, in his opinion, and then uses a colon to clarify what is being said. Of course, many people will disagree with “fashion’s biggest question mark”, but here it is exaggerating function.

*“One of fashion’s biggest question marks has been answered: On Saturday, Gucci announced that Sabato De Sarno would join the brand as creative director.”* (Gucci announces new creative director, 2023).

The article about kpop influence during the fashion week is full of syntactic stylistic devices, detachment is not an exception. The author is definitely a BTS fan, because the readers can notice the parenthesized detachment about this boy band.

*“The phenomenon shows no sign of slowing down: in the past week alone, appearances by Korean stars including EXO’s Kai at Gucci, Enhypen at Prada and J-Hope (from supergroup*

*BTS) at Louis Vuitton have helped to light up social media with men's fashion week content"* (Why K-pop rules fashion week, 2023).

In the same article the example of repetition is found. This example shows the influence of South Korean artists on the fashion world and fans, their contribution is becoming bigger and bigger, fashion houses and brands want to cooperate with them. Surely, it will not be an exaggeration to talk about it in such a manner, but still there are people who are not familiar with their work and have no idea about such a hype.

*"But as South Korean pop music becomes an increasingly global obsession, and as luxury megabrands sign more and more deals with its leading stars, K-pop groups' fanatical young followers have become a fixture"* (Why K-pop rules fashion week, 2023).

Another example is taken from an article that highlights the strange trend of toe and shoes in the form of feet. The author is clearly not too positive about such a fashion breakthrough, so the root repetition is used here to exaggerate the emotional effect.

*"They're fetishizing fetish," she said over a video call. "It's fetishizing the whole mystique of fetish, for humor and fun."* (Why the fashion world has a fetish for toes, 2022).

### Syntactic Stylistic Devices Performing an Endearing Function

Last, but not least, the function that will be discussed in this article is the endearing function. All fashion articles are written in such a way when one gets the feeling that the author is familiar with the reader. This is the peculiarity of this genre - the absence of a formal style and strict rules. This function is best conveyed by an ellipsis - the omission of one of the main members of the sentence. In almost every article regarding this device is found at least one time.

The first example is taken from the article about 22 outfits to shop in 2022. The whole article is written in extremely friendly way, so it feels like it is a piece of advice from a good acquaintance. Author used three syntactic devices such as detachment before ellipsis and rhetoric question (which performs an insisting function mentioned above), but the emphasis is placed on the second one. There are a few words used in a

separate sentence, that manner is typical for oral speech.

*"And you're looking at this list like: So. Many. Festive. 'Fits! So little time, right?"* (22 showstopping holiday party outfits that'll instantly make you best dressed, 2022).

The next example produces the same thing, what is more onomatopoeia is used here that creates informal effect.

*"And so to the nom nom noms."* (On the high highs – and chaotic lows – of this year's Oscar Slate, 2023).

The example below is taken from article about October's best fashion drops, it is a question that usually addressed to the familiar person in the situation where one can share the latest news.

*"Hear that?"* (The launch: October's hottest fashion drops, 2022).

Another example is from the hair care article, while reading this one, women can imagine that they are talking casually to their friends about beauty routine tips, because it sounds like a basic conversation.

*"Rosemary oil? Done it. Hair growth shampoos? Why not. Avoid heat? Haha, sure."* (Is castor oil the secret to hair growth?, 2022)

Another example of ellipsis is not about friendliness, but about catching readers; attention, as long as one can read it and be intrigued by the concise statement.

*"From South Korea to the world"* (Why K-pop rules fashion week, 2023).

### Conclusion

The results of the research showed that when analyzing media discourse, it was possible to distinguish three functions of syntactic stylistic devices, such as

1. insisting on a certain opinion or attitude;
2. exaggerating the value;
3. endearing the reader.

In this article, syntactic stylistic devices such as ellipsis, rhetorical question, detachment, different kinds of repetition were considered. Syntactic stylistic devices are an important component of manipulative speech. In the research the influence of syntactic stylistic devices in a specific type of media discourse – lifestyle discourse was presented.

After analyzing all syntactic stylistic devices in articles about lifestyle and fashion, it is possible to come to the conclusion that rhetorical questions are the most useful in performing insisting effect, the best examples were presented in the articles where the best outfits for holidays were discussed, as long as the recipient can change the opinion.

As for the exaggerating function, there is no doubt that repetitions and detachment are the best, they help to express author's personal opinion toward the situation, even if it is a bit too emotional.

When it comes to endearing function, ellipsis can be observed most frequently. It can easily immerse the reader in a pleasant atmosphere where the author becomes "a friend".

Syntactic manipulative stylistic devices contribute to the functioning of the lifestyle discourse within the framework of media discourse. These manipulative rhetorical means allow to identify specific features of lifestyle discourse such as presenting a specific philosophy and worldview (in our case – fashion), a semantic space promoting the ideas of self-expression, uniqueness and creativity, communicating these values to a wide audience of the print and online media, intensive pragmatic load of verbal means realizing various communicative goals.

During the study, a theoretical review of the latest works on lifestyle discourse was carried out, including fashion articles, which in turn can be divided into fashion news, style ideas, latest trends, celebrities' life, etc.

Functional analysis of the articles made it possible to verify that language in this genre is especially expressive and most of the time informal. Syntactic stylistic devices contribute to the formation or change of a certain manipulative opinion about a particular issue.

Syntactic stylistic devices are used in the language for the emotional reinforcement of the utterance, text or speech. They have been worked out by social practice, understood from the point of view of their functional purpose and recorded in dictionaries.

It is important to note that the topic of this work is long-range and needs to be analyzed more, since the results of different researchers can vary, since the material used for the analysis plays an important role in functional linguistics and stylistics. The more research is done, the

clearer will be the understanding of manipulative functions of stylistic devices.

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## PHILOSOPHY OF LAW

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## HUMAN RIGHTS AND FREEDOMS: ENSURING A BALANCE OF PUBLIC INTERESTS

Lyudmila FOKINA <sup>1,\*</sup>  | Iurii PUTRIK <sup>2</sup>  | Rimma LIVANOVA <sup>3</sup>  |

Nataliya DROBYSHEVA <sup>4</sup>  | Polina ROSTOVTSEVA <sup>4</sup>  | Ekaterina AGAMIROVA <sup>5</sup> 

1 Russian Biotechnological University,  
Moscow, Russian Federation

2 Likhachev Russian Research Institute  
for Cultural and Natural Heritage,  
Moscow, Russian Federation

3 Russian State Agrarian University -  
Moscow Timiryazev Agricultural  
Academy, Moscow, Russian Federation

4 Financial University under the Gov-  
ernment of the Russian Federation,  
Moscow, Russian Federation

5 Moscow City University, Moscow,  
Russian Federation

### \* Correspondence

Lyudmila FOKINA, 11 Volokolamskoe  
Sh, Moscow, 125080, Russian Federa-  
tion

E-mail: fokinalv@mgupp.ru

*Abstract:* The article considers human rights and freedoms in the context of ensuring the balance of public interests. The nature of law, its goals, functions, and mechanisms for implementing and influencing the actors of public life have been topical issues of the theory and practice of regulating public relations and ensuring the stability of a state-organized society. Law is not a natural but rather a social phenomenon. It reflects socio-economic conditions of society and its spiritual culture. It is transformed into a legal reality through the worldview of social actors and its acceptance as a social value that realizes the goals of life. The stability and balance of social relations include the consolidated interests of society members, their culture, and the well-being of the people. Ensuring the balance of public interests requires observance of the principles of law. Administrative-legal relations arise in a special sphere of public life in connection with the implementation of executive and administrative activities by management bodies and officials. Under these conditions, the main features of administrative-legal relations that distinguish them from other public relations are the administrative powers of official administrative bodies and the imperative method which implies the inequality of participants in public relations.

*Keywords:* rights, freedoms, inequality, powers, relations, feature, principle, activity.

### Introduction

Human life is a complex and multidimensional system, whose significant part complies with the principles of law. Thus, it is relevant to understand its nature, origins, essence, mechanisms of

influencing a person, and interpretation as a natural duty, an external force, or a manifestation of the human art of goodness and justice.

Therefore, the nature, goal, legal function, and impact on a person as a party to social relations are urgent problems of philosophical, theoretical,

and practical understanding of human existence in society throughout the history of civilization. The foundations of this process are laid in myths that remain productive forms of understanding legal reality, determining social progress, and implementing human rights. However, their nature is extremely contradictory.

If we begin with the assumption that interest is the driving force behind human life and its subsequent expression in society, then it's impossible for these expressions to exist without it in social interactions. Interest is intrinsic to all facets of human life. As human life is a source of various contradictions, these contradictions can also be considered as drivers for societal progress.

From this viewpoint, legal law aims at balancing such contradictions to the possible level and ensuring at least an elementary harmony of social relations, their ordered and stable functioning of society at all levels of its life activity (Kellman, 2021).

The complexity of this problem lies in the contradictory nature of a person as a social being. The thinkers of ancient Greece explain this phenomenon by the impossibility of most members of society knowing the divine Logos that provides for the harmony of social life. These ideas also underlie the classical theological theories (Augustine of Hippo, Thomas Aquinas). These philosophers explained the sinfulness of human behavior by the deformation of the free will granted by the Creator and the imperfect nature of human beings.

Therefore, the increasing complexity of social interactions is an inevitable part of the evolution of civilization and deepening disagreements at various levels, such as interpersonal, group, corporate, regional, and international. The source of these complexities is twofold. On one side, it's the diverse interests that individuals or groups have. On the other side, it's the differing ideas on how to achieve these interests and objectives in social life.

At first glance, law appears as a sufficient and effective tool for resolving these contradictions. However, F. Bustreo and other scholars (2021) noted that law is an expression of equality and equal opportunities for social actors. This is an objective result of both the natural factors of a person and social factors derived from them. This can also explain the impossibility of realiz-

ing the immaculate principle of communism: from each according to his ability, to each according to his needs.

In our opinion, this has led to the complete collapse of the utopian ideal of the communist theory of the Kingdom of God on Earth. Considering the above-mentioned considerations, it is quite difficult to implement this idea in the earthly life. L.O. Gostin et al. (2022) emphasized that the need was explained by the nature of law, the evolution of ideas about its nature, forms, and methods of manifestation and correlation with positive (human) law. T. Jafarov (2021) rightly pointed out that the phenomenon of law in public life was one of the key myths that have been comprehended over various eras in political and legal history.

The ideal balance of public interests expresses the initial understanding of law as "the divine principle of maintaining balance in nature and society" (Mantelero & Esposito, 2021, p. 23). For atheists, this formula can replace the "divine" principle with "natural" and interpret these concepts as identical. Such an approach to understanding law concludes that there is no need for "positive" law. Unfortunately, social life shows that this principle is not valid.

## Methods

The methodological basis of the study included general and special methods of scientific cognition: formal-logical, theoretical-prognostic, philosophical-legal, historical-comparative, comparative-legal, philological criticism, structuralism, analytical and synthetic jurisprudence, as well as the principle of "double recognition" (Ilkevich et al., 2022; Potekhina et al., 2022). In combination with analytical jurisprudence, the formal-logical method was the basis for the dogmatic interpretation of the problem stated, i.e. the basis for analyzing the current legislation in the Russian Federation on the rights and freedoms of citizens.

The theoretical and prognostic method allowed for making proposals for improving the current legislation in the field of the rights and freedoms of citizens. We used philosophical, legal, and synthetic jurisprudence for teleological, cause-and-effect, and systemic interpretations of the free will concept within the conflict of laws.

The historical-comparative method was used to study the emergence and formation of the rights and freedoms of citizens.

The comparative-legal method was used in the study of the mechanisms of legal regulation and the relevant legislation of foreign countries and international agreements, summarizing their experience and examining the possibilities of borrowing specific norms and institutions to implement them in the legislation of the Russian Federation.

The normative base of the study is the Constitution of the Russian Federation, the decisions (legal positions) of the Constitutional Court of the Russian Federation and the European Constitutional Courts, the constitutions of European countries, the decisions of the European Court of Human Rights, the Resolutions of the Plenum of the Supreme Court of the Russian Federation, the legislation of certain foreign states, as well as other legal acts regulating the constitutional rights and freedoms of citizens.

Among other research methods, we used formalization to structurally substantiate the components of the system regulating rights and freedoms in the context of ensuring a balance of public interests. The procedure also included the formalization of the main provisions of human rights and freedoms, which allows formulating a clear plan and creating a foundation for developing measures to achieve public consensus.

## Results

At the mythical stage, there were no contradictions in understanding the nature of law. Such written monuments of ancient Egypt as The Instructions of Ptahhotep (the 27<sup>th</sup> century BC), The Book of the Dead (the 27<sup>th</sup> century BC), The Sixth Heracleopolitan King Merikare Khety (the 22<sup>nd</sup> century BC), and The Code of Hammurabi (the 18<sup>th</sup> century BC) confirm the divine source and essence of power and law.

Visiting Egypt in the 5<sup>th</sup> century BC, the ancient Greek historian Herodotus described the beliefs of the Egyptians that pharaohs had been ruling the country for only 11,340 years. Before that, Gods had ruled Egypt. They lived among people, and when they taught their earthly protégés the art of government, they ascended to heaven and transmitted their will to the Egyp-

tians through pharaohs. Therefore, the laws of pharaohs are the will of the Gods that must be obeyed implicitly. This idea also underlies the power of the emperors of China, i.e. the subjects of earthly power, through which heaven broadcasts its will to the inhabitants of the Celestial Empire.

The above-mentioned opinion conditions the divine essence of laws and power, their conformity to the will of the Gods, and the requirement of their unconditional execution. In this construction, the will of heaven (natural law) and positive (human) law are identical. The ruling circles were interested in establishing such a worldview in the mass public consciousness.

On its basis, they asserted an understanding of the balance of public interests and the eternity and justice of the legal orders existing on Earth as divine. This approach is also shared by the prominent philosophers of ancient Greece and Rome who could not overcome the dominant worldview of their era and interpreted slavery as a natural and even useful phenomenon.

The search for ways and mechanisms to achieve balance and overcome permanent contradictions between people was considered by Greek philosophers. They saw their reasons in the inability to recognize the primary source of law, i.e. Logos (divine law). In this context, Logos can be regarded as the divine principle of maintaining balance in nature and society.

On this basis, a prominent representative of the political and legal philosophy of ancient Greece, Heraclitus (approximately 544 or 540-483 BC) analyzed the essence of law and the state and argued that life in the city-state and its laws should correspond to Logos (Douch et al., 2022).

Heraclitus sneezed at his fellow citizens, most of whom were incapable of comprehending Logos pervading all. Therefore, the democratic procedure for approving the laws of the city-state became unacceptable. Because of inequality, only some of them could be free and virtuous. Those managed to objectively cognize the laws of the Universe and the corresponding laws of society, and behave according to their prescriptions. Heraclitus held the view that what is beneficial for most people lies beyond their individual liberties. It consisted in their subordination to the artificial instructions of people, i.e. the laws of the city-state.

The same idea was developed by the ancient Greek philosopher Democritus (460-370 BC). He was the first thinker of antiquity to deny the divine source of laws and considered them as a product of the human mind. Laws are derived from nature and proceed from the natural order of things, i.e. they are socially conditioned.

The philosopher regarded law obedience as a criterion for the charity of citizens and a guarantee of the well-being of the state. This means that only wise people (philosophers) who were able to comprehend the laws of nature and the highest justice were truly free and charitable. They should not follow the artificial laws of the city-state, as well as did not need the state and state guardianship.

In modern understanding, their characteristics can be defined by the term “decent people”. There is no objection that the key criterion of law is the idea of justice. Further developing the ideas of Heraclitus and Democritus about the nature and source of laws, Plato (427-347 BC) expressed the opinion that justice and justified laws (positive) were ideas of ideal entities realized in the life of the city-state.

The fundamental principle here is that each individual should perform their own tasks and not seize what belongs to others, ensuring they do not lose their own possessions in the process. Plato's viewpoint that ideal forms or entities are the sources of positive law could lead to a conceptual dead-end in understanding the primary source of law. On one side, Plato rejected Logos as the divine, fundamental origin of law. On the other, he proposed an ideal subject, which logically could be interpreted as a natural or legal entity.

Thus, the ideal entity was considered a dead end. We did not find its criteria either in Plato's or other philosophers' works. We proceed from

the fact that the ideal is a movement rather than a state, and there are no criteria for the ideal of an individual or legal entity.

This interpretation of the essence of power, law, and justice has been dominating human history for a really long time. The approach was partially adopted by Christianity. The Epistle to the Romans by the Apostle Paul expresses this concept in the following manner: “For there is no authority except from God, and those which exist are established by God!”. However, the social and legal reality was different. Obedience was accompanied by endless protests against social oppression and enslavement, including religious movements.

From the ontological viewpoint, the nature of law is transformed into a question about its “being” and “living law” in the external world or human experience, i.e. about its reality.

Practicing lawyers pretend that they know the reality of law they are dealing with, but only until they are asked to substantiate their views. The problem statement surprises them, and they have to turn to the theory of knowledge. As a result, they quickly lose the sense of the reality of their theoretical and practical knowledge. Subsequently, there is a dilemma of how to find a way out.

The lack of a single answer to the question “What is law?” can be explained by various methodological approaches of legal schools: psychological, analytical, sociological, normative, historical, solidary, etc. Each of them is based on its own logical model of the search for truth. It is extended to the entire legal reality, where approaches come into conflict with one another.

The main thing in the reality of law is the special manifestations of its influence on a person and their perception of legal reality (Fig. 1).

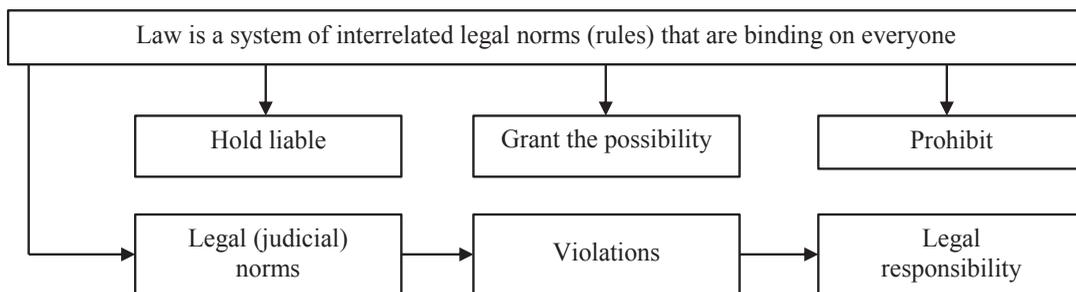


Figure 1. Essential Parameters of Legal Relations.

The sources of this action are inner urges rather than external causes. This is a special, moral logic, according to which empirical means of cognizing the world of law are combined with evaluative, which have a completely different nature.

Law is the ideal reality of relations between people as a special kind of their being that sets up a person. Law is expressed in one's mental attitudes, ideas, and theories, character-based symbolic norms and institutions, human actions and relationships, as well as various manifestations of legal reality. All this requires analyzing law from the standpoint of the protection of human rights, i.e. from the standpoint of what is due and not what is.

According to B. Custers (2021), the understanding of law often comes down to a real, positive, and artificially created manifestation of the imperious will of social actors, primarily the state. Therefore, it has a normative character and is intended to embody uniform norms for streamlining social relations. In this case, law does not lose its values-based character. However, the understanding of human values requires overcoming subjectivism on the basis of personal, group, and corporate interests.

To narrow down different understandings of the nature of law, it is possible to base the concept of legal reality on a means of understanding the existence of law. In this context, the legal reality is formed by the legal worldview and the current law that exists in legal consciousness, where theories of different levels (including philosophical), legal ideology, regulatory documents, and practical experience interact.

Legal reality serves as a framework for structuring and interpreting specific aspects of social life and human existence. Without it, the tangible human (social) world would be devoid of order and might seem to vanish. Legal reality doesn't just cover what exists, but also what is due or obligated. Therefore, we can view law as a unique realm – an autonomous aspect of human existence that follows its own logic and patterns. Ultimately, legal reality is a means through which the presence of law is actualized in an individual's existence.

The ontological basis of law and its origin have nothing to do with its positive reality. Since the basis of law is not of physical nature, it is built over the rules of the Universe. The exist-

ence of real law can only be based on the cognition of such rules, nature, and their use by a person in their own interests. The ancient ideas about the divine foundations of law live on today. There are many attempts to revive them. However, the reality and social practice of organizing legal life are not connected with this approach.

The science and practice of cognizing law are based on the realities of legal life. The following postulates form its basis: a) law is an extranatural phenomenon and there are no natural grounds for it; b) nature is the realm of natural objects, and its laws and patterns can only be learned and used by a person but not changed; c) law is the realm of social subjects since law creates the possibility of limiting subjective arbitrariness in their life and acts as a norm of communication.

The concept of human rights, as it evolves through generations, is grounded in these principles. These principles categorize rights based on various aspects of life - personal, political, economic, social, and cultural - and when they came into existence. The first generation of rights, for instance, includes civil (personal) and political rights, which are aimed at curbing the arbitrary use of state power, protecting personal freedom from state interference, and assuring a citizen's right to participate in the political life of their country. These are the rights to life, protection of dignity, freedom, personal integrity, inviolability of the home, equality before the law, freedom from arbitrary arrest, the right to use one's native language, etc.

These rights are derived from liberal values, which were the result of the evolution of capitalist relations and were enshrined in the Magna Carta (England, 1215), the Declaration of the Rights of Man and of the Citizen (France, 1789), the United States Bill of Rights (USA, 1791), etc. Under these conditions, the second generation comprises social, economic, and cultural rights that guarantee decent living conditions for a person, defining the state obligations to provide those in need with minimum means of subsistence, obligations for social security, the satisfaction of primary needs for physical and spiritual development: the rights to work, property, entrepreneurship, strikes, social security for elderly care and sickness benefits, loss of a breadwinner or disability; the right to education and participa-

tion in cultural life. These rights emerged in the early 20<sup>th</sup> century but were first internationally recognized in the Universal Declaration of Human Rights (United Nations, 1948).

The third generation covers collective rights: solidarity, i.e. the rights of peoples, nations, communities, and associations based on the solidarity of people. For the first time, the right to development, the right to a healthy environment, the right to use the economic and cultural potential of humankind, the right to peace, etc. were defined by documents adopted under the auspices of the UN in the 1980s.

In view of the foregoing, it is necessary to consider the issues of compliance with the principles of law in order to ensure a balance of public interests. Law enforcement agencies often neglect their consideration. The highest principles of law in Russia are declared in the Constitution of the Russian Federation. Paradoxically, court decisions almost never refer to the Constitution but they mention by-laws (sometimes directly or indirectly contradicting each other), constitutional principles, and legal traditions.

In recent years, a controversial phenomenon in the Russian Federation has become the issue of repaying a significant number of foreign currency loans. The growth of foreign exchange rates and inflation of the national currency have complicated the process of paying off debts. In these relations between creditors and borrowers, the interests of debtors who have become victims of force majeure circumstances are unjustifiably ignored.

The debtor's exemption from liability in case of force majeure was developed and enshrined in

ancient Roman law. However, creditor banks ignore this principle with the tacit consent and blessing of the state. Otherwise, the lawyers of creditor banks find such wordings in agreements, under which the borrower loses under any circumstances. This is possible only when the principles are ignored and the consequence is arbitrariness. Unfortunately, there is no effective mechanism for overcoming these contradictions. As a result, permanent imbalances in social relations destroy the state consolidation of society.

The problem of ensuring rights and freedoms in the field of public administration is always relevant for any democratic state. Public administration as the authoritative activity of public administration entities, namely executive authorities and local self-government bodies, determined by public needs in the interaction between the state and civil society and based on the existing regulations can both restrain and contribute to the development of rights and freedoms.

Several fundamental rights and freedoms in the sphere of managing state and local affairs are enshrined in the Constitution. However, the legal consolidation of even the most progressive constructs does not mean their automatic implementation in the sphere of public relations. If there is no implementation mechanism, the proclaimed rights and freedoms remain declarative and contribute more to the development of legal nihilism among the population than to the formation and strengthening of civil society. To study the mechanism of legal regulation, it is necessary to consider such elements as the rule of law, legal facts, etc. (Fig. 2).

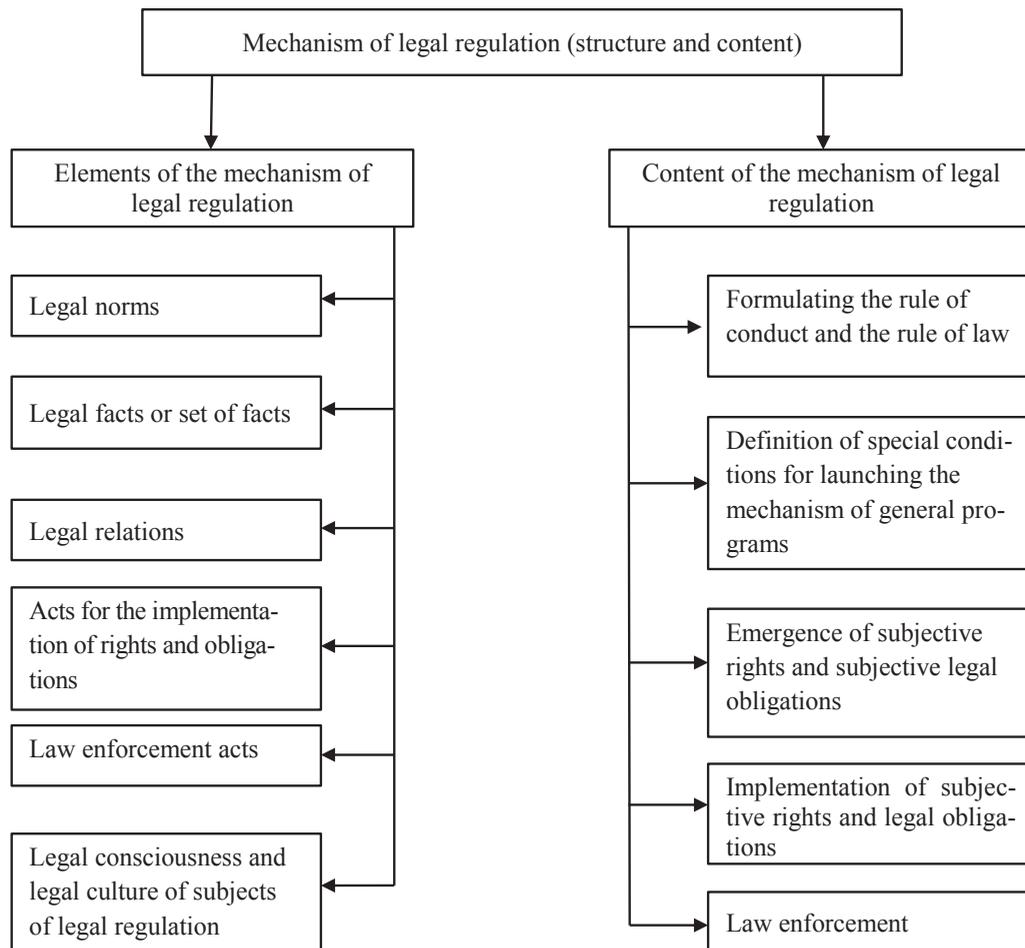


Figure 2. The Structure and Content of Legal Regulation.

To clarify the mechanism for ensuring rights and freedoms, it is necessary to determine the meaning of “ensuring” and its interpretation in the administrative and legal framework. In this case, the definition has a fairly broad meaning and is regarded as the creation of reliable conditions for implementation; guaranteeing something; the protection and defense of someone or something from danger (Agamirova et al., 2017; Skabeeva et al., 2022; Van Daalen et al., 2023).

In this regard, scientific literature uses various terms: to “ensure”, “implement”, “realize”, or “guarantee” human rights and civil freedoms. The term in question also means providing (supplying) something or someone in sufficient quantity, creating all the necessary conditions for the implementation of something, guaranteeing something.

To comprehend what exactly should be understood as a mechanism for ensuring the rights

and freedoms of citizens in the field of public administration, it is necessary to define legal support and the scope of its application. In this case, legal support is a targeted impact on people’s behavior and social relations with the help of legal means (Ahmed et al., 2023; Lebedev et al., 2020; Valea, 2012).

According to L. Kazanchian (2020), legal support is the impact of certain legal means, primarily the rule of law. Based on the above-mentioned statements, we can conclude that legal support is provided by the state with the help of legal norms, regulations, and a set of means for streamlining social relations, their legal consolidation, protection, implementation, and development.

Subsequently, the legal support of rights and freedoms in the field of public administration is carried out by the state with the help of administrative and legal norms and a set of administra-

tive and legal means of streamlining public relations. All this is done in order to legally consolidate, protect, exercise, and develop such rights and freedoms in the activity of public authorities and local self-government bodies.

Since public relations are regulated by administrative law, the legal provision of rights and freedoms in the field of public administration is an administrative and legal task. The sphere of legal support is a set of rights and freedoms that can and should be streamlined with the rule of law and legal means. In addition, this area includes only relations that are subject to legal regulation. There are also various classifications of areas of legal support.

M. F. Moll and other scholars suggested the following classification of areas of legal support: 1) the sphere of economic, mainly property, relations: production, exchange, and distribution; 2) the sphere of political, mainly managerial, relations within the country and in the international arena; 3) the sphere of socio-cultural, including personal non-property relations, covers the sectors of health protection, education, culture, science, and social security; 4) the sphere of judicial and law enforcement relations, i.e. relations related to the protection (distracted and suppression of violations) of public order (Moll et al., 2022; Nesterov et al., 2022; Zavalko et al., 2017).

The provision of human rights and civil freedoms is among the most important features of the rule of law and developing democracy. Unfortunately, the mechanism for ensuring such rights and freedoms in the Russian Federation is still under development, and their feasibility and security remain at a considerably low level.

In addition, the desire to build a democratic and socially oriented state in the Russian Federation and form structures for civil society presupposes finding effective mechanisms for ensuring fundamental human rights and freedoms. Therefore, the administrative and legal provision of rights and freedoms in the field of public administration is realized through the functioning of the administrative and legal mechanisms for ensuring these rights and freedoms.

In general, the mechanism for ensuring the rights and freedoms of citizens in public administration has many common features with the mechanism of legal regulation, implementation, and provision of constitutional rights, freedoms,

and duties. In the relevant scientific literature, mechanisms are defined as an internal structure, a set of states and processes combined in a certain phenomenon (Lukiyanchuk et al., 2020; Szegda & Tylec, 2022).

In addition, we can consider the internal construction of such phenomena as a) a mechanism for ensuring the rights and freedoms of citizens; b) the main features of this mechanism; c) its elements and stages. Having studied these issues, we can formulate the concept and determine the structure of the mechanism for ensuring such rights and freedoms in public administration.

In science, there are many approaches to ensuring the rights and freedoms of citizens. Thus, M. N. Tag claimed that the mechanism for ensuring human rights and freedoms is the activity of state and local self-government bodies, public associations, and citizens to create conditions (guarantees) for their lawful and permanent implementation and protection (Tag & Degirmen, 2022).

In turn, A.S. Voskovskaya et al. (2022) stated that the protection of human rights and freedoms was the mechanism for ensuring subjective rights by the competent authorities or the subject of these rights. "The mechanism for ensuring human rights and freedoms is a process of purposeful activity of the competent authorities to promote the realization of human rights and freedoms, their security and protection," A. Mihr (2022, p. 70) highlights.

Based on these concepts, the administrative and legal mechanism for ensuring human rights and civil freedoms in the field of public administration is an activity of state bodies and local self-government bodies to create conditions for the implementation and protection of such rights and freedoms from any illegal actions by using material and procedural legal means and methods.

In legal practice, there are a small number of well-founded theoretical views regarding the structure, forms, and functions of the mechanism for ensuring human rights and freedoms in the field of public administration: some scientific studies put forward only certain aspects. These works describe the means and methods of ensuring human rights and civil freedoms. Some authors argue that rights and freedoms need only protection, and the mechanism for ensuring these rights and freedoms is not considered at all.

All mechanisms are ordered and well-organized systems, and each system has its own structure. Generally, a structure is the internal construction of something. This is a certain composition of the elements (components) of the object. A. Montelero and others believed that the mechanism for ensuring human rights and freedoms in the field of public administration was represented by legal principles and norms (legal guarantees), as well as conditions and requirements regarding the activities of public administration bodies and their officials (Mantelero & Esposito, 2021).

A system of interrelated legal norms establishes the fundamental rights and freedoms of citizens and guarantees their implementation. A system of public administration bodies and its mechanism ensures and protects the fundamental rights and freedoms of people. In this case, the mechanism for ensuring such rights and freedoms includes the following elements: a) the rule of law; b) legal relations; c) acts of the direct realization of rights and obligations; d) acts of application of the rule of law.

The mechanism of administrative and legal support of human rights and freedoms consists of functional components that significantly affect its effectiveness (optional components). In other words, the functional components have the ability to qualitatively change the mechanism of administrative and legal support. They also influence its reliability (for example, the higher the level of legal consciousness of parties to administrative and legal relations, the more reliable this mechanism is).

However, the structures for safeguarding rights and freedoms can operate autonomously. They include the following:

1. A legal fact is a specific life circumstance associated with the emergence, change, and termination of administrative judicial-legal relations. The norms of administrative law do not work by themselves, they are launched by certain circumstances.
2. The legal consciousness of the subjects of administrative and legal support is a system reflecting legal reality in the views, feelings, and ideas of citizens. Legal consciousness consists of a) legal ideology; b) legal psychology; c) legal behavior.
3. Legality is the legal regime of public life characterized by the strict observance of the

rule of law by all subjects of legal relations. As a functional component of the mechanism of administrative and legal support of rights and freedoms, lawfulness is required by the social environment, the state, and citizens. Legality contributes to the quality of public administration. For a person, legality is a means by which they are protected from violation of rights, freedoms, and legitimate interests.

4. Acts of interpreting the rule of law ensure a process that aims to establish its content with a view to its correct implementation. The importance of interpreting the rule of law as a functional component of the mechanism of legal support is difficult to overestimate. The need for interpreting the rule of law often arises due to gaps in lawmaking.

Both the official (carried out by authorized state bodies) and the unofficial interpretation of the rule of law (carried out by any person) affect the mechanism for ensuring rights and freedoms since the correct interpretation is one of the conditions for the correct provision of the rule of law, which regulates the relevant social relations.

5. Acts of applying the rule of law are a manifestation of the authoritative instruction of public administration aimed at providing conditions for the exercise of subjective rights, freedoms, and obligations of parties to legal relations. The application can be perceived as one of the options for ensuring the rule of law but only the competent authorities have the right to put it into practice. Its result (the act of applying a law) is the consideration of a particular legal case.

In turn, those elements that determine the essence of this phenomenon can be regarded as important components of the mechanism for ensuring the rights and freedoms of citizens in public administration. These components are as follows: 1) the rule of law; 2) acts of implementing the rule of law; 3) legal relations. Having analyzed the above-mentioned classifications of mechanisms for ensuring the rights and freedoms of citizens, we can formulate the following structure: a) the rule of law; b) legal relations; c) acts of implementing the rule of law; d) legal facts; e) acts of applying the rule of law; f) acts of interpreting the rule of law; g) legality; h) legal consciousness; c) legal culture.

The rule of law is the original element and the normative basis of the mechanism of legal support. The rule of law is a general mandatory model of behavior that arises as a possible (sub-

jective legal rights) and necessary variant of behavior (subjective legal obligations). At the same time, the rule of law has a certain structure (Fig. 3).

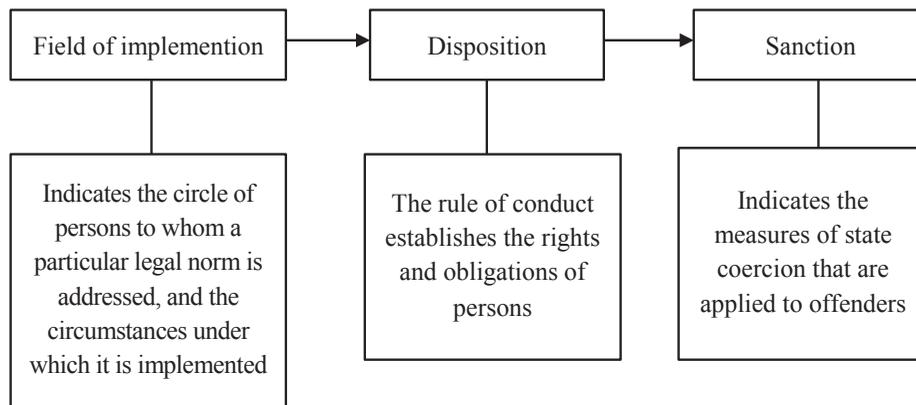


Figure 3. The Structure of the Rule of Law.

The rule of law in the mechanism of legal support aims to: a) determine the general circle of people to whom it applies; b) establish the content of social relations (the behavior of the subject), as well as the objects of legal relations; c) determine the circumstances under which a person should be guided by this rule of conduct; d) reveal the rule of conduct, an indication of the rights and obligations of parties to regulated relations, the nature of their relationship with each other, as well as the state-coercive measure that is applied to persons in case of failure to fulfill their legal obligations.

In addition, the rule of law is expressed in a normative legal act which ensures its effectiveness. Such legal acts serve as the normative basis of the mechanism of legal support. The clarity and effectiveness of legal support depend on the correct interpretation of the rules of law. Therefore, the mechanism for ensuring human rights and freedoms in the field of public administration predetermines the regulation of social relations with the rule of law.

Legal relations in the mechanism of legal support are a means of translating general legal norms into subjective rights and obligations for these subjects. The corresponding practice has shown that legal relations in the mechanism of legal support perform the following functions: a) determine persons who are subject to the rule of law at that moment; b) fix specific behavior that citizens should or can follow; c) condition the

possible activation of special legal means (by the prosecutor's office, court or police) in order to ensure subjective rights, duties, and responsibilities.

In relation to the force of law, legal principles as a whole play a crucial role. For the mechanism of legal support, they only realize law. When reflected in the mind of the law enforcer, they form various positions in a particular situation. For the mechanism of influence, the principles formulated by the legislator and enshrined in the rules of law are decisive. They do not belong to the latter unless they are part of its special legal entity.

The relevant studies demonstrate that structural components of the mechanism for ensuring rights and freedoms are guarantees of their implementation understood as the conditions, means, and methods that realize and protect such rights and freedoms. The concept of "guarantees" covers the whole set of objective and subjective facts aimed at the provision of rights and freedoms, and the elimination of possible obstacles to their full or proper implementation.

The mechanism for ensuring rights and freedoms is a process consisting of logically interrelated stages, including 1) the regulation of public relations, i.e. the development and adoption of legal norms that formulate rules of conduct for participants in relations in the field of public administration. At this stage, there is a law-making activity of government bodies to create legal

norms and regulatory legal acts; 2) during the emergence of subjective rights and legal obligations, there is a process of transition from the general to the particular, from general prescriptions of legal norms to a specific pattern of behavior of a particular actor in legal relations. The starting element is a legal fact (actual composition). At this stage, the rules of behavior are clarified; 3) the actual use of subjective rights and legal obligations.

## Discussion

Drawing parallels between various stages of the mechanism for ensuring human rights and freedoms and its organic components, we can draw the following conclusions. Firstly, the rule of law establishes a certain rule of conduct, then the subject of law ensures the specified rule of law (through compliance, execution, use, or application), and, finally, the corresponding legal relations arise.

The mechanism of legal support should include relations with the following features: firstly, these are relations that reflect both the individual interests of members of society and general social interests; secondly, the mutual interests of participants are realized in these relations, with each of them going against their interests in order to satisfy the interests of the other; thirdly, these relations are based on an agreement to comply with certain rules and recognize the binding nature of these rules; fourthly, these relations require the observance of rules, whose binding nature is supported by effective powers.

In addition, the mechanism of legal support is characterized by certain methods and means. Overall, three groups can be distinguished. The first group includes means that ensure rights and freedoms in the field of public administration, which excludes the possibility of their violation. As a result, conditions are created for the comprehensive implementation of legal opportunities, prevention of offenses, and elimination of their causes.

Once we determine conditions for ensuring subjective rights in the field of public administration, we are able to see and highlight the creative and organizational role of national law. An emphasis is laid not on exceptions (for example, ensuring the procedural rights of persons held

accountable) but on the rule of law, i.e. positive law fixing those results that are achieved by all people in the system of legal support managing economic, socio-cultural, administrative, and political spheres.

The role of legal support is manifested in the actions aimed at ensuring the rights and interests of people. With the help of legal support, the system and structure of public administration are improved, work with personnel is carried out, and internal and external activities of public authorities and local self-government bodies are regulated.

To implement legal support, public authorities, and local self-government bodies consolidate official discipline, guarantee a normal psychological climate in relations with people, and control the performance of duties by officials and employees that correspond to the rights and freedoms of citizens.

All these actions are based on legal norms and directly relate to the provision of human rights and freedoms, as well as their protection from violations. In terms of volume, they are much wider than jurisdictional activity. They are associated with various positive management activities aimed at developing market relations in economic, organizational, and socio-cultural spheres, improving democracy, and ensuring human rights and freedoms.

The main goal is to identify the activity of all citizens in the field of public administration, create conditions for them to ensure these rights, and prevent their violation. Under this approach, attention is drawn to the object of protection and preventive properties of the analyzed means.

The second group of means is related to ensuring the rights and freedoms of citizens, i.e. mainly offenders who are subjected to coercive influence by public authorities and their officials and are, accordingly, subjects of procedural activity. The legal status of a person in the field of public administration can change at any given moment.

In a certain life situation, ensuring the rights and interests associated with one's legal position might acquire particular importance. Thus, it is necessary to determine the legal position in the status of a person, in which they become violators of legal norms. In such common cases, there is a need to ensure personal rights granted to the subject in accordance with the status of an of-

fender in the field of public administration on the basis of legal facts.

The relevant practice has shown that a democratic state is interested in streamlining and improving the procedural and jurisdictional activities of public authorities and their officials. In this sphere, clear rules are needed that will determine the procedure for applying appropriate measures of state influence and provide the necessary guarantees for the correct and justified exercise of legal jurisdiction and coercion. This study is consistent with the research of F. Bustreo et al., who noted that such activities should be regulated especially carefully since the protection of subjective human rights is crucial for the use of coercive measures (Bustreo et al., 2021; Moll et al., 2022; Szegda & Tylec, 2022).

## Conclusion

Summing up, the nature of law, its goals, functions, and mechanisms for implementing and influencing the actors of public life have been topical issues of the theory and practice of regulating public relations and ensuring the stability of a state-organized society.

It has been established that law is not a natural but rather a social phenomenon. It reflects the socio-economic conditions of society and its spiritual culture. It is transformed into a legal reality through the worldview of social actors and its acceptance as a social value that realizes the goals of life. In addition, the stability and balance of social relations includes the consolidated interests of society members, their culture, and the well-being of the people. Ensuring the balance of public interests requires observance of the principles of law

Thus, administrative-legal relations arise in a special sphere of public life in connection with the implementation of executive and administrative activities by management bodies and officials. Under these conditions, the main features of administrative-legal relations that distinguish them from other public relations are: firstly, the administrative powers of official administrative bodies; secondly, the imperative method which implies the inequality of participants in public relations.

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# METHODOLOGICAL FOUNDATIONS OF SOCIO-PHILOSOPHICAL AND LEGAL ANALYSIS OF CORRUPTION

Yeraniu MANUKYAN <sup>1,\*</sup>  | Ani STEPANYAN <sup>2</sup> | Marina ILYUSHINA <sup>2</sup> 

<sup>1</sup> Yerevan State University, Yerevan, Armenia

<sup>2</sup> All-Russian State University of Justice, Moscow, Russian Federation

\* *Correspondence*

Yeraniu MANUKYAN, Ajapnyak, Bashinjaghyan 188, apartment 56, 0054, Yerevan, Armenia  
E-mail: e.manukyan@ysu.am

*Abstract:* Corruption remains a pervasive global issue with far-reaching consequences for societies, economies, and the rule of law. To effectively understand and combat this complex phenomenon, a robust methodological foundation is essential for socio-philosophical and legal analysis. This article explores the key aspects of corruption analysis, highlighting the multidimensional nature of the problem. It emphasizes the need to examine systemic factors such as institutional weaknesses and transparency deficits, alongside understanding the individual and collective motivations that drive corrupt behavior. The article advocates for a multidisciplinary approach that integrates empirical research, theoretical frameworks, and ethical considerations to unravel the intricate dynamics of corruption. By delving into the economic, social, and political impacts of corruption, this analysis contributes to a comprehensive understanding of corruption's roots and consequences. The insights derived from this methodological exploration can inform the development of effective strategies to combat corruption and strengthen the foundations of a just and accountable society.

*Keywords:* corruption, anti-corruption, civil law, social problem, legal analysis, transparency, international cooperation, personal gain.

## Introduction

Corruption is a complex social phenomenon that has various forms of manifestation, which can be destructive and are able to disintegrate society, limiting its further development. In the professional literature, there are various formulations of the concept of corruption, which are not very characteristic and do not provide an opportunity to reveal the negative sides of the given issue.

The root of this phenomenon originates from the Latin concept “corruption”, which means “destruction” or “violation”, moral decline or immoral behavior. It is formed from a combination of the Latin words “corei” - “when several participants are in binding legal relations to one person and there is an object of dispute” and “rumpere” - “violation of anything” and particularly is considered as abuse of ethical set of norms by individuals for one’s own benefit. Ac-

ording to one of the most accepted interpretations, corruption is considered as the use by an official of the powers and rights entrusted to him for personal gain, contrary to the accepted laws and regulations. An obvious manifestation of corruption is the conflict between the actions of an official and their employer, or the actions of an elected person and the interests of society (Korabanov & Melkin, 2010). This type of conflict can be seen as a manifestation of corruption due to several specific reasons.

Firstly, when an official or elected person prioritizes their personal interests over the interests of the organization or society they serve, it indicates a deviation from their ethical and professional responsibilities.

Secondly, such conflicts often involve the abuse of entrusted power or authority for personal gain, which is a fundamental characteristic of corrupt behavior.

Thirdly, these conflicts undermine the principles of transparency, accountability, and integrity in public service, eroding public trust in the system.

Lastly, the persistence of such conflicts suggests the presence of systemic deficiencies in governance, oversight mechanisms, or ethical standards, all of which facilitate and perpetuate corrupt practices. Therefore, conflicts between officials or elected individuals and their employers or society serve as a clear indication of corruption and the urgent need for socio-philosophical and legal analysis to address these issues.

It is obvious that from time immemorial, issues related to the analysis of corruption, as well as measures to combat this phenomenon have been and continue to be faced by scientists from various points of view, but first of all, the legal analysis of corruption is of particular interest. Moreover, in the context of digitalization, the legal analysis of issues related to combating corruption becomes especially acute.

Corruption is one of the priorities and highly relevant topics for the Russian Federation (hereinafter referred to as the RF) and the fight against it should be aimed at creating an effective system of legal, economic, educational and other measures to prevent corruption (Ilyushina, 2017). The anti-corruption policy in the country should follow the path of improving the legal and regulatory framework of a wide profile.

Conducting a legal analysis of corruption, the

authors propose not only to improve the current legislation in this area, but also to create an effective system of legal, economic, social and other measures to prevent corruption.

## Legal Analysis of Corruption

The legal foundations of corruption in the RF are enshrined in the Federal Law of December 25, 2008 N 273-FZ "On Combating Corruption" (2008). On the first page the legal concept of corruption is fixed, which is understood as:

- a) abuse of official position, giving a bribe, receiving a bribe, abuse of authority, commercial bribery or other illegal use by an individual of his official position contrary to the legitimate interests of society and the state in order to obtain benefits in the form of money, valuables, other property or services of a property nature, other property rights for themselves or for third parties, or the illegal provision of such benefits to the specified person by other individuals;
- b) the commission of the acts specified in subparagraph "a", on behalf of or in the interests of a legal entity.

In many states, the issues of legal regulation of corruption and the problems of combating it are among the most acute and comprehensive, requiring consideration from various perspectives.

If we consider corruption as a social phenomenon, then there is a strong reason to characterize corruption as opposing the interests of the elite to the interests of the majority, the possibility of illegal use of material and other benefits (Okutina, 2022). According to the sociologist Yu. Levada (2000), the essence of corruption lies in the mass readiness of society "to reject or accept the conditions of a corrupt existence, a measure of forced adaptation" to the rules established in society (p. 65).

Corruption can be differentiated into different types: it is possible to distinguish "socially dangerous corruption", "socially harmful", "publicly condemned", as well as "upper", middle and lower (Okutina, 2022).

Corruption is also a legal category that affects all spheres of activity, and for the full development of society and the state, it should be eradicated first of all in the legal consciousness of in-

dividuals, since any of its forms cannot only go beyond the norms of morality and ethics, but also cause serious, and sometimes irreparable damage.

An analysis of international legal documents in the field of corruption shows that they lack common approaches to the definition of the concept of “corruption”, which makes it possible for different countries to independently fix it at the legislative level. Given the diversity of approaches to this concept, it is rather difficult to choose a common policy for all countries to develop a single concept and common approaches to combat corruption. Since it affects the sphere of state power and the authorities of local governments, the main burden of responsibility falls on the state itself in terms of increasing the effectiveness of anti-corruption measures. As N. N. Okutina (2022) notes, the main condition for the existence of corruption is the monopoly of the state on most of the types of activities, and the exclusivity of powers, lobbying and personal gain become accompanying components of the corrupt activities of persons vested with state and municipal powers. In this regard, the key can be called the eradication of the causes of the emergence of corruption (for example, a low level of legal awareness, imperfection of the legislative framework and management system, and much more), which is also a rather difficult task.

One of the key causes of corruption is the abuse of the position by officials, the low level of law enforcement practice, etc., which can be eliminated by tightening penalties for corrupt behavior, minimizing corruption risks not only in the system of state bodies, but also in the education system, the introduction in educational institutions of measures to explain corruption risks, measures to combat corruption.

The famous scientists V. V. Sevalnev and E. V. Cherepanova (2022) mention that in the modern world, an effective anti-corruption policy of states depends on the achievements of scientific and in particular technological progress, digitalization. The legal basis for this activity was the adoption of a number of legal acts on the digitalization of the economy and public life. In many countries, a total transition to the use of digital technologies is qualified as one of the effective measures to combat corruption, but it is difficult to take it unambiguously positively. And if in one case, the use of digital technologies increases

the efficiency of the activities of state and some other structures in the relationship between the state and entrepreneurs, then in other cases digital technologies can also be used for corrupt purposes (Sevalnev & Cherepanova, 2022).

The existing anti-corruption measures are not sufficient and require increased vigilance against corruption manifestations, as well as the introduction of more effective anti-corruption measures in such a way as to ensure maximum compensation for the harm caused. This is especially important in the modern world, when both at the national and international levels, work is underway to bring together, first of all, civil law means of counteraction.

At present, an international legal system of measures to combat corruption has been created, which is characterized not only by criminal law anti-corruption means of combating this social evil, but also by civil law methods of anti-corruption struggle, enshrined in the 1999 Civil Law Convention on Corruption (ETS N 174), which entered into force on November 1, 2003, but Russia does not participate in it. In accordance with the approach set forth in this convention, it is preferable for persons affected by acts of corruption to protect their interests precisely within the framework of civil law (Snegireva et al., 2020).

It should be noted that the current legislation lacks civil law mechanisms to combat corruption, which, in our opinion, is a serious gap. And although some authors talk about the need to consolidate certain legal norms on certain categories (for example, on the invalidity of corrupt transactions (Snegireva et al., 2020), we consider it more appropriate fixing the consequences of any manifestation of corrupt behavior in relation to subjects of civil, business and corporate law.

In Art. 10 of the Federal Law of December 25, 2008 N 273-FZ “On Combating Corruption” (2008) establishes the concept of “conflict of interest”, which means the direct and indirect personal interest of a person that can and does affect the proper, objective and impartial performance of official duties (exercise of powers), we believe that this is a clear illustration of corrupt behavior.

A conflict of interest is also a situation where a contradiction arises between the personal interest of an employee (representative of an organization) and the legitimate interests of an organization, which can lead to harm to the rights,

property and (or) business reputation of the organization (Semenova, 2020).

It is precisely under these “other consequences” that anti-corruption mechanisms can be indicated. Moreover, if any corruption scheme or behavior is detected when performing any action (and even inaction), the legislator should refuse to apply the statute of limitations, which, in our opinion, will increase the vigilance of participants in civil circulation, by amending Art. 208 of the Civil Code of the RF, including in the list of claims that are not subject to limitation of actions, claims for the protection of property and personal non-property rights as a result of corrupt actions and corrupt behavior. It is also necessary to clearly regulate the system of measures applied to participants in civil circulation.

The first part of Art. 13 of the Federal Law of December 25, 2008 N 273-FZ “On Combating Corruption” (2008) states that “Citizens of the Russian Federation, foreign citizens and stateless persons for committing corruption offenses bear criminal, administrative, civil and disciplinary liability in accordance with the legislation of the Russian Federation”. This rule entails compensation for losses and payment of a penalty (fine, penalty) in full. The value of civil liability lies in the fact that it is of a property nature and can be applied regardless of bringing the guilty person to other types of liability.

However, despite the specified normative consolidation, the basis of civil liability for corruption offenses in Russian legislation is primarily substantive norms of a general nature (Rezyuk, 2022).

As M. N. Ilyushina notes, this is a norm of a kind of innovation, orienting law enforcement agencies to the need to use not only criminal procedure, but also other branches of law in the fight against corruption. Accordingly, as an independent legal form of civil liability for a corruption offense, the civil law institution of obligations as a result of causing harm. This institution is suitable for forcing corrupt officials to fully or partially compensate for property damage caused to the state or municipality as a result of government decisions (illegal administrative acts) taken by them under the influence of selfish interests of officials that are obviously unfavorable for the state or local government (illegal administrative acts) (Ilyushina, 2009).

Moreover, liability measures in the civil law

sphere should be applicable not only to officials, but also to citizens occupying certain positions in the business and corporate sphere of activity. As support for this hypothesis, the provision of subpart. According to the Civil Code of the RF it is allowed to forcibly seize property from the owner by a court decision, property is transferred to the income of the Russian Federation, in respect of which, in accordance with the legislation of the Russian Federation on combating corruption, evidence of its acquisition with legal income is not presented.

And as noted by N. Snegireva, O. Novruzova and P. Snegireva (2020), maintaining a balance between private and public law, which accompanies the effective functioning of the anti-corruption mechanism, and civil law norms just contribute to this.

Thus, the use of such civil law mechanisms as the invalidation of not only corrupt transactions, but also the application of the consequences of such invalidity, the legislator’s refusal to apply limitation periods, will allow civil law methods to fight corruption, more effectively solve problems in the field of countering corruption.

## The Socio-Philosophical Analysis of the Problem of Corruption

The socio-philosophical analysis of the problem of corruption is justified by the fact that this problem is multi-branch and multi-content, so the search for ways to prevent corruption is not only within the framework of legal acts, it is necessary to distinguish the objective and subordinate reasons that make the manifestation of corruption obvious. In the professional literature, modern researchers distinguish the destructive consequences of corruption, considering it as the main obstacle preventing the formation and development of a democratic society. Modern civilizational developments prove that corruption in modern society is considered as a social phenomenon that destabilizes public relations and hinders the strengthening of democracy (Aleksiev, 2007).

In particular, speaking about the origin and causes of corruption, the famous researcher A. V. Makarov (2012) notes that corruption schemes operate even in countries guided by long established democratic traditions. It should be stated

that corruption is a public evil threatening the state reaching a cosmic scale, which is a real obstacle in the matter of state building. At the same time, the researchers found that “a quarter of our compatriots believe that corruption and the weakness of state power have already become the main obstacle to effective economic reforms in the country.” Thus, corruption causes real material damage to the country, therefore it can and should be considered as a political, legal, and economic phenomenon. Combining political, legal and economic components, corruption pre-determines the nature of social relations. For example, E. Lazarev (2011) sees corruption as a “self-sustaining political institution” (p. 8). D. Kazimbetova (2004) considers it as political crime where “public danger has increased” (p. 145).

According to the researchers, the presence of anti-corruption commissions will allow solving a number of serious social problems. This stimulates research interest in the search for reasonable means of combating corruption. Modern researcher Y. Okhotsky (2019) once mentioned “Overcoming corruption is equal to the establishment of proper order in the country, the real protection of the population from the further deterioration of the social, and first of all, financial situation” (p. 221).

Adopting a socio-philosophical perspective, corruption can be understood as a socially formalized but illegal conspiracy where one party seeks to improve their material status while the other gains access to previously inaccessible, hard-to-reach, and scarce social privileges. The pragmatic undertone inherent in such social relations determines the viability and perpetuation of this practice. Corruption manifests itself as a widespread objective in public relations, permeating various spheres of public life and emerging within diverse social interaction frameworks.

Understanding the far-reaching consequences of corruption is crucial for devising effective prevention strategies that go beyond legal measures. Corruption poses a significant obstacle to the formation and development of democratic societies, destabilizes public relations, and hampers the strengthening of democracy. Its pervasiveness, even in countries with long-established democratic traditions, highlights the urgency of addressing corruption as a public evil that threatens state stability and economic progress.

In addition, corruption changes the philosophy of a person’s life and the way to achieve the desired quality of life. In fact, it shows the diversification of ways to achieve the desired. In this regard, the state authorities are taking decisive steps to solve this problem.

Observing corruption from a socio-philosophical point of view, it can be concluded that it is a socially formalized (but illegal) conspiracy, where one side raises the material status, while the other gets previously inaccessible, hard-to-reach, scarce social privileges. The obvious pragmatic note that sounds in the ensemble of such social relations determines the viability of this practice. Corruption manifests itself as a widespread objective public relations. Corruption, which penetrated into various spheres of public life, began to form within the framework of various schemes of social interaction. As a result, the diversity of corruption manifestations allows researchers to identify the typology of corruption relations. Currently, it is becoming obvious that corruption has become a systemic social problem. At the core of the socio-philosophical analysis is the variety of reasons for the manifestation of corruption, separated by different determining factors.

*Governance and Institutional Factors:* Weak governance structures, ineffective law enforcement, and inadequate checks and balances can create an environment conducive to corruption. When institutions lack transparency, accountability, and independence, they are more prone to corruption. Inadequate salaries and benefits for public officials can also incentivize corruption as a means of supplementing their income.

*Socioeconomic Factors:* Socioeconomic conditions, such as poverty, inequality, and unemployment, can contribute to corruption. In societies where basic needs are unmet and opportunities for social mobility are limited, corruption can be seen as a way to gain access to resources, services, or employment.

*Cultural and Social Factors:* Cultural norms, values, and social expectations play a significant role in shaping corruption. Societies that tolerate or even reward unethical behavior, nepotism, and favoritism may have a higher prevalence of corruption. Additionally, social networks and personal relationships can be exploited to gain unfair advantages, leading to corruption.

*Political Factors:* Political instability, lack of

realized in a certain period of time, taken in their systemic unity. At the same time, in order to establish systemic links between these cycles, the modern legal science needs additional cognitive tools. This toolkit is based on the phenomenon of the legal pattern.

Recently, among domestic and foreign scientists, the category of “legal pattern” has become popular in the study of various regularities of legal regulation. Thus, a legal pattern is understood as: a means of determining the legal form (Tretyakov, 2022, pp. 182-209); a means of convergence of the theory of law and the doctrine of communication, or Luhmann’s system theory (Ladeur, 1999); content of regulatory legal arrays (Nesterov, 2020, pp. 11-16); the external form of legal information that is formed in a person’s mind as a result of a purposeful expression of will (Ivanskiy, 2013, 2014, 2016a, 2016b); a certain element of the legal system (Lebedev, 2022a, 2022b); etc. At the same time, the content of this category as a whole remains uncertain, and its application is situational.

According to the author’s opinion, the legal pattern should be considered, on the one hand, as a phenomenon, and, on the other hand, as a process. As a phenomenon, a legal pattern is an integrative concept that allows, within the framework of a single scientific category, to present: an intuitive legal understanding; a legal norm or institution, presented both as a text of the law and a certain logical structure; an unformalized sample of lawful behavior, acting as an expression of legal consciousness. As a process, the legal pattern allows us to explore the transition from an intuitive legal understanding to a legal norm representing the form–content of positive law, from a legal norm to an informal sample of lawful behavior, from such a sample to a legal code, that is, a means of overcoming of a regulatory crisis that compensates the insufficiency of personal experience of individual subjects of law due to a behavior model presented in a formalized (legal norm, institute of law) and in an informal view.

## Conclusion

Based on the above, we can draw the following several main conclusions.

One of the ways to present a rational picture of law is to establish systemic links that exist between different regulatory cycles.

The introduction of the category “regulatory cycle” by the authors into scientific circulation allows us to track the change in attitude to a particular threat, the prevention of which causes the need for legal regulation. The “regulatory cycle” also allows us to track the attitude of society to a particular threat from ignoring it through zero tolerance to its acceptance.

The regulatory crisis is a turning point in the regulatory cycle, when there is awareness of the threat and its acceptance. This is a very long, sometimes permanent, process within the framework of social development.

Social development involves the implementation of an indefinite set of regulatory cycles. Their specific number is directly related to the number of threats faced by a person and society. At the same time, the acceptance of one threat may give rise to new ones, which will also need their awareness.

The currently accepted ideas about the legal system through a set of legal norms combined into institutions are not sufficient to build a system of links between regulatory cycles. The modern legal science needs additional cognitive tools to establish them. According to the author’s opinion, the basis of this toolkit should be the category of “legal pattern”, considered as a phenomenon and process.

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and latent functions. For instance, the sale of academic degrees or positions can undermine the meritocratic principles of education, devaluing the qualifications of individuals. However, in certain societies with limited educational opportunities or biased admission processes, corruption may offer a pathway for marginalized individuals to access education and employment opportunities they would otherwise be denied. This latent function highlights the broader issues of inequality and systemic flaws in educational systems.

These cases exemplify the dialectic of dysfunction and latent function in the socio-philosophical perception of corruption. While corruption often leads to negative consequences and dysfunctional systems, it can also serve hidden functions that may provide short-term benefits or address specific social challenges. However, it is crucial to recognize that these latent functions perpetuate broader systemic problems and hinder the development of transparent, accountable, and just societies. Efforts to combat corruption should aim to address both the dysfunction and latent functions, seeking long-term solutions that prioritize ethical governance, social justice, and sustainable development.

### Exploring the International Dimension

Corruption has transcended national borders and become a global phenomenon with profound consequences. The international level of corruption is a critical aspect of understanding and addressing this multifaceted social problem.

*Global Consequences:* Corruption poses severe consequences not only at the national level but also on a global scale. It undermines sustainable development, erodes trust in institutions, distorts markets, hinders foreign direct investment, and exacerbates poverty and inequality. The World Bank estimates that corrupt practices drain over \$2.6 trillion annually from the global economy (World Bank, 2016). This staggering figure highlights the need for comprehensive international efforts to combat corruption.

*Cross-Border Networks:* Corruption often operates through intricate cross-border networks involving individuals, organizations, and even states. Illicit financial flows, money laundering, and bribery schemes can span multiple jurisdic-

tions, making it difficult to detect, investigate, and prosecute such crimes. Addressing corruption requires international cooperation and coordination to dismantle these networks and hold the perpetrators accountable.

*Global Anti-Corruption Initiatives:* Recognizing the international nature of corruption, several initiatives and organizations have emerged to combat this pervasive problem. The United Nations Convention against Corruption (UNCAC) is a notable example, serving as the principal global legal framework for anti-corruption efforts. It promotes international cooperation, asset recovery, and the implementation of preventive measures (United Nations Office on Drugs and Crime, n.d.). Additionally, organizations such as Transparency International work to raise awareness, monitor corruption trends, and advocate for stronger anti-corruption measures worldwide (Transparency International, n.d.).

*Transnational Bribery:* The issue of transnational bribery further emphasizes the international dimension of corruption. Multinational companies engaging in bribery to secure contracts or gain unfair advantages in foreign markets not only perpetuate corrupt practices but also undermine the principles of fair competition and hinder economic development in host countries. The enforcement of laws, such as the United States Foreign Corrupt Practices Act (FCPA) and the United Kingdom Bribery Act, underscores the need for international cooperation to combat transnational bribery effectively.

*International Cooperation:* Addressing corruption requires robust international cooperation, information sharing, and mutual legal assistance among countries. Extradition treaties, asset recovery mechanisms, and joint investigation teams are essential tools in combating corruption across borders. Strengthening the capacities of law enforcement agencies, judicial systems, and anti-corruption institutions globally is crucial to foster effective international collaboration.

*Global Reputation and Perception:* Corruption tarnishes the reputation of countries and affects their standing in the international community. It erodes trust among nations, deters foreign investment, and hampers diplomatic relations. Countries with high levels of corruption often face difficulties in accessing international aid and suffer from economic and political isolation. Recognizing the international repercussions of

corruption, governments have a strong incentive to prioritize anti-corruption measures to enhance their global image and foster stronger international partnerships.

The socio-philosophical and legal analysis of corruption cannot overlook its international dimension. Corruption's global consequences, cross-border networks, the existence of anti-corruption initiatives, transnational bribery, the need for international cooperation, and the impact on a country's reputation all highlight the imperative for comprehensive and collaborative efforts to combat corruption worldwide. By addressing corruption at both the national and international levels, societies can strive towards a more just, transparent, and equitable global order.

There are some factors that can low the efficiency and the level of engagement and participation of fighting against corruption:

*Lack of Awareness and Understanding:* One reason for the low level of engagement and participation is a lack of awareness and understanding among citizens regarding the detrimental effects of corruption on society. Many people may not fully comprehend how corruption undermines public trust, hampers economic development, and perpetuates social inequality. This lack of awareness can hinder citizens' motivation to actively participate in anti-corruption initiatives.

*Fear of Reprisals and Retaliation:* In societies where corruption is deeply entrenched, citizens may face significant risks when attempting to expose corrupt practices or participate in anti-corruption activities. Whistleblowers and activists who speak out against corruption often face threats, harassment, or even physical harm. The fear of reprisals and retaliation acts as a deterrent, discouraging citizens from actively engaging in the fight against corruption.

*Limited Access to Information and Resources:* Effective citizen engagement requires access to information, transparency, and accountability mechanisms. However, in many countries, access to relevant information regarding corrupt practices, government budgets, and public expenditure is limited. Additionally, citizens may lack the resources, such as legal support or platforms for collective action, to actively participate in anti-corruption efforts. These barriers impede the ability of civil society organiza-

tions and individuals to engage meaningfully in fighting corruption.

*Political and Institutional Constraints:* The level of engagement and participation of civil society and citizens is influenced by the political and institutional environment. In some cases, governments may restrict civil society organizations, impede their activities, or pass legislation that inhibits their ability to combat corruption effectively. Weak rule of law, lack of independent judiciary, and limited avenues for citizen participation further contribute to the low level of engagement.

*Mistrust and Cynicism:* Corruption erodes trust in institutions and can lead to widespread cynicism among citizens. When people perceive corruption as pervasive and deeply rooted, they may develop a belief that their efforts will have little impact in combating corruption. This sense of hopelessness and mistrust can dampen citizens' motivation to actively engage and participate in anti-corruption initiatives.

*Lack of Incentives and Recognition:* Another factor contributing to the low level of engagement is the absence of sufficient incentives and recognition for citizens who take a stand against corruption. In societies where corrupt practices are prevalent, individuals who expose corruption or engage in anti-corruption activities may not receive the support or recognition they deserve. Without adequate incentives and rewards, citizens may be less inclined to actively participate in the fight against corruption.

To address the issue of low engagement of civil society and active participation of citizens, it is essential to focus on creating an enabling environment that promotes awareness, protects individuals, and fosters a culture of transparency and accountability. Governments, civil society organizations, and international actors should work together to:

- Raise awareness about the detrimental impacts of corruption and the importance of citizen participation in combating it.
- Provide protection and support mechanisms for individuals who expose corruption or engage in anti-corruption efforts.
- Enhance access to information and resources necessary for citizens to participate effectively in anti-corruption initiatives.
- Strengthen legal frameworks and institutions

whistleblowers.

- Recognize and incentivize individuals and organizations that actively contribute to the fight against corruption.

By addressing these underlying factors and creating an environment that encourages and empowers citizens, we can foster a culture of active participation and engagement in the fight against corruption. Only through collective efforts and a comprehensive approach can we effectively combat corruption and build more transparent, accountable, and just societies.

## Conclusion

The study of the methodological foundations of socio-philosophical and legal analysis of corruption reveals the multifaceted and far-reaching implications of this pervasive problem. Corruption, especially at the international level, poses a significant threat to the fundamental principles upon which societies are built.

First and foremost, corruption undermines the rule of law, which forms the cornerstone of a just and equitable society. When corruption seeps into legal systems, it erodes trust in institutions and compromises the integrity of the justice system. This erosion of trust has dire consequences for democracy, as citizens become disillusioned and disengaged from the political process.

Moreover, corruption has a detrimental impact on human rights. It perpetuates inequality and injustice by diverting resources away from those who need them the most. Corruption also has severe consequences for effective governance and economic development. When public officials abuse their power for personal gain, it hampers the efficient functioning of government institutions. Resources that should be allocated for public welfare and infrastructure development are diverted to illicit activities, hindering economic growth and impeding progress.

Furthermore, corruption distorts competition by creating an uneven playing field in both the public and private sectors. The consequences of corruption extend beyond the economic realm. It poses a serious threat to the stability of democratic institutions and the moral foundations of society. When corruption becomes endemic, public trust is eroded, and societal values are compromised. This erosion of trust can lead to social

unrest, political instability, and a breakdown of social cohesion.

In the face of these challenges, it is crucial to recognize that the fight against corruption requires a comprehensive approach. While international organizations and national bodies play a role in combating corruption, a singular approach is unlikely to be effective. Instead, a combination of top-down measures from the government and bottom-up initiatives from civil society is necessary.

Governments must demonstrate a strong commitment to combating corruption by enacting and enforcing robust legal frameworks, establishing transparent and accountable institutions, and fostering a culture of integrity within the public sector. Simultaneously, civil society organizations, media, and citizens should actively engage in holding governments accountable, advocating for transparency, and promoting ethical behavior.

Moreover, effective anti-corruption measures require collaboration and cooperation between the government and the people. This partnership can facilitate the exchange of information, enhance citizen participation, and foster a sense of collective responsibility in tackling corruption. By working together, governments and citizens can create a culture of integrity, where corruption is not tolerated, and transparency and accountability are valued.

In conclusion, addressing corruption requires a holistic approach that encompasses legal, socio-philosophical, and institutional dimensions. It is a collective responsibility that demands the commitment of governments, the engagement of civil society, and the active participation of citizens.

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# THE LIABILITY OF CORPORATE GOVERNANCE BODIES AS A PHILOSOPHICAL-LEGAL CATEGORY

Karen MELIKSETYAN<sup>1,\*</sup> 

<sup>1</sup> Yerevan State University, Yerevan, Armenia

*\* Correspondence*

Karen MELIKSETYAN, Moldovakan st. 56, ap. 6, Yerevan 0062, Armenia  
E-mail: karenmeliksetyan1997@gmail.com

*Abstract:* In the light of philosophy of law given scientific research is devoted to the disclosure of the essence and content of corporate liability, the identification of the features of the liability of corporate management bodies and the presentation of proposals for solving emerging problems. The article examines the issues of corporate liability, proposes its definition, and analyzes the features inherent in corporate liability in venture joint-stock companies.

The scope of research embraces concepts, such as fiduciary duties (duty of care, duty of loyalty, the requirement for awareness and not allowing conflict of interests), business judgment rule, as well as the adverse effects of corporate offenses, corporate liability measures and specifics of liability applicable to venture joint stock companies.

As a result, the concept of corporate liability was given, as well as the features characterizing such liability in venture joint stock companies were highlighted

*Keywords:* corporation, corporate liability, obligation to act in good faith and reasonably, venture joint stock company.

## Introduction

In order to ensure the effective and normal functioning of corporations, there is a need to monitor their activity and to take measures to prevent the possible illegal behavior of the participants of the corporate legal relationship.

In civil legal relations in general and corporate law relations in particular, the issues of the nature and type of liability, on which there are dissenting approaches, are discussed.

I. Shitkina (2018) believes that it is inappropriate to distinguish “multi-branch” corporate liability in the doctrine, which combines different types

of liability, and it is correct to speak not of corporate liability, but of proprietary liability in the field of corporate legal relations (p. 698).

According to O. Gutnikov, the existence of relative corporate rights and obligations allows to separate another type of civil liability, the corporate liability, which is imposed for the violation of relative corporate rights and obligations defined by corporate legislation, constituent and other internal documents and/or corporate transaction.

According to him, there are also cases of legal liability before creditors that are not related to illegal behavior (e.g., voluntary obligation, pecu-

liabilities of the organizational-legal type of a legal entity and subsidiary liability of governing persons).

These cases are not considered corporate liability, but since they are stipulated by norms of corporate law and are connected with management of a legal entity, the author has called it “quasi-corporate” liability (Gutnikov, 2018, pp. 140, 143-145; Loos, 2016).

In EU member states, particularly in civil law jurisdictions, a direct legal relationship between directors, shareholders, and other constituencies may arise from an application of general principles of law, particularly tort law. The general tort law clauses that can be found in a number of jurisdictions may open that possibility as they provide for liability for any damage caused by intentional or negligent conduct.

In jurisdictions where legal tradition is usually characterized by narrower provisions these cannot be relied on as complements of the company law duties capturing general directorial misconduct, but they afford additional protection to shareholders and some other constituencies in particularly severe cases of wrongdoing like criminal offences.

Finally, a third group of civil law jurisdictions distinguish laws between internal liability of the director to the company and external liability to shareholders or third parties. External liability usually requires conduct that goes beyond mere mismanagement or conflicts of interest and is triggered by a breach of specific legal requirements of the legislation or the articles of association, conduct that affects exclusively the rights of the shareholders, or the drawing up of misleading accounts (Gerner-Beuerle et al., 2013, p. 11).

According to US law, the breaches of director’s duties (duty of care, duty of loyalty, etc) may raise the issue of the latter’s corporate liability. Delaware law permits a corporation to include a provision in its certificate of incorporation eliminating or limiting the personal liability of a director to the corporation or its stockholders for monetary damages for breach of fiduciary duty, provided that the provision cannot eliminate or limit the liability of a director for cases set forth in law (Forrester et al., 2016, pp. 34-35).

In our opinion, corporate liability is a separate, independent type of civil liability, taking into account its features listed below.

The main criteria for separating corporate liability as a special type of civil liability are:

- 1) arises in corporate relationships related to the management or participation of legal entities,
- 2) the basis of corporate offenses is the violation of subjective civil rights and corporate responsibilities established under legislation and/or the corporate contract, with respect to the management of legal entities (Gutnikov, 2018, p. 146),
- 3) the sources are corporate legislation, the founding and internal documents of the corporation, the corporate transactions,
- 4) is manifested in violation of integrity, reasonableness and/or obligation to act in favor of the company (fiduciary duties),
- 5) features of guilt and its proof,
- 6) the uniqueness of adverse consequences and sanctions.

A specific managerial decision may be unsuccessful, but imposing liability on the manager for any negative result in the company’s activities would result in the avoidance of the participation of responsible and proactive persons in the work of management bodies of legal entities (Bernam, 2006, p. 920).

The basis of corporate liability is the violation of subjective civil rights and corporate responsibilities set under the legislation with regard to management of legal entities, and the source is the norms of corporate legislation, corporate acts (founding documents and other internal documents of the legal entity), corporate contract (Gutnikov, 2018, pp. 145-146).

According to Article 90 (1) of the RA Law on Joint-Stock Companies (hereinafter referred to as “JSC Law”), the members of the board, the director (general director) of the company, the members of the management board, as well as the managing company and manager must act in the course of their duties based on the interests of the company, exercise their rights and perform their duties in good faith and in reasonable way, avoid real and possible conflicts between the personal and company’s interests (fiduciary duty).

The mentioned provision stems from the complex of the corporate governance bodies’ responsibilities to the company, the violation of which leads to the liability of the members of those bodies.

The duty of loyalty is based on a combination of subjective and objective criteria. Objective criteria describe the direction of the behavior of a member of the corporation's management body to the achievement of the interests of the company and suggests that when performing this or that actions, the latter must take all possible measures and take all possible risks to ensure the achievement of a more favorable result conditioned by the interests of the company.

And the subjective standard implies the subjective perception of the company's interests by defining the nature and content of the adverse consequences assumed for the company, the probability of their occurrence, the ability of organizing the neutralization of consequences in case of achieving them, the ratio of all costs compared to the advantages received (Pleshkov, 2011, pp. 71-78; Fedoseev, 2012, p. 137).

The content of duty of care is revealed through acting within the scope of his/her powers, exercising independent judgment, exercising reasonable prudence, and through demonstrating professionalism. In other words, the member of the management body of the corporation must demonstrate care and prudence in exercising his or her powers (while performing his/her duties), which in the same circumstances could be expected from a reasonable person (Gerner-Beuerle et al., 2013, pp. 74-126; Forrester et al., 2016, pp. 17-30; Fedoseev, 2012, pp. 139-140; Pleshkov, 2011, pp. 78-79).

It should also be added that the requirement for awareness (possessing the information necessary to make decisions and examining it) is included in the content of care, and the obligation to avoid conflicts of interest (competition or conflict of interests of the organization or its interests) is embodied in the obligation of loyalty (Karnakov, 2009, pp. 71-72).

Analysis of the RA Civil Code and the judicial practice in this regard shows that the debtor's misconduct, damage, causal link between the debtor's illegal conduct and damage and the debtor's fault are mandatory conditions for compensation. Moreover, in the absence of any of the mentioned conditions, the damage shall not be subject to compensation, except for cases prescribed under law (The decision of the RA Cassation Court No. EKD/2128/02/13, 2015; No. EKD/2600/02/10, 2013; No. HQD3/0016/02/08, 2009).

In case of corporate liability, the above-mentioned mandatory conditions have certain features, which must be taken into account in each particular case when resolving the issue of liability.

It is important to clarify the question which particular acts should be taken into consideration under the illegal behavior of a member of the governing body of the corporation, but, in other words, its activity should be evaluated from the moment of appointment to the moment of termination of its powers or the specific administrative decision (Pleshkov, 2011, p. 71).

Our view is that the assessment of illegal behavior within the scope of corporate liability should be carried out taking into consideration the peculiarities of a particular case. Namely, if there is a certain decision or action (inaction) of a member of the governing body of the corporation, which caused damages for the corporation, then the legality of that specific decision or action (inaction) should be discussed.

In addition to the above said, it is possible that the damages caused to the corporation are not caused by one specific decision or action (inaction), but are the result of a certain period of activity, in which conditions the legality of such activity should be assessed (for example, the director of the corporation allowed minor violations for several months or years, but in combination they have caused damages for the corporation).

In practice, taking into account the risk and unpredictable nature of business, sometimes there arise difficulties when proving the cause-and-effect relation between losses and illegal actions, which have arisen the need to introduce standard evidentiary presumptions of the existence of such a connection in corporate law when committing this or that corporate offense.

Contrary to contractual and delict liability, where the presumption of guilt acts, the obligation to prove the guilt of the person causing the damage in the event of a corporate liability lies on the plaintiff. It is related to the fact that the violation of the duty to act in good faith, reasonably and in the interest of the corporation means not only illegality, but also, according to the general rule, indicates the guilt of the relevant person (Gutnikov, 2018, p. 149, 153).

In this case, the plaintiff shall bear the obligation to prove the fact of causing damages to the

company, its size, the lawfulness of actions, causal link between the respondent's action (inaction) and the adverse consequences that have arisen, which stems from the presumption of legality of the actions of the members of the corporations' management bodies. We also agree with this point of view.

Nevertheless, the issue of the presumption of innocence/guilt (integrity and reasonability) and the allocation of the burden of proof of the members of the corporations' governing bodies in the professional literature is disputable: some scientists believe that the presumption of guilt works (Tikhomirova, 2002, p. 349; Yakovleva, 2009, p. 126), according to others, it is necessary to proceed from the presumption of innocence (good faith and reasonableness) (Sadikov, 1995, p. 29; Abova et al., 1996, p. 28; Molotnikov, 2006, p. 240).

Corporate relations are also characterized by a special notion of guilt when violating the obligation to operate in the interests of corporations, in a fair and reasonable way, which, in fact, identifies with a violation of the obligation to act honestly and reasonably (Gutnikov, 2018, p. 149). At the same time, it is necessary to take into account the business risks.

Therefore, the "business judgement rule" is also applied, according to which the person subjected to liability has the right to make not deliberate unprofitable decisions for a company in conditions of ordinary entrepreneurial and other economic risk. Despite the unprofitability of the decision and even the existence of damages related to that decision, the person subjected to liability is recognized innocent (not violating the obligation to act honestly and reasonable), if he manifested the level of care and veracity, which, due to the nature of turnover, is required from him under the conditions of ordinary entrepreneurial risk (Forrester et al., 2016, pp. 13-16; Klyuchareva, 2015, pp. 132-141; Tsepov, 2015, pp. 159-178; Fedoseev, 2012, p. 174).

The negative consequences for a legal entity itself do not reflect the director's actions (inaction) to be unfair and/or unreasonable, as such consequences may arise due to the risk of entrepreneurial and/or other economic activity. Consequently, the business judgement rule serves as a unique protection method for subjecting the company's managers to corporate liability (*Resolution of the Plenum of the Supreme Court of*

*the Russian Federation dated 23.06.2015 No. 25, 2015*).

Moreover, the Constitutional Court of the Russian Federation noted that it is designed to ensure the protection of the rights and freedoms of shareholders, instead of checking the expediency of the decisions of the board and the general meeting of shareholders, which are endowed with autonomy and wide discretion when making decisions in the business sector (*Resolution of the Constitutional Court of the Russian Federation No. 3-P dated 24.02.2004, 2004; Resolution of the Constitutional Court of the Russian Federation dated 12/16/2008 No. 1072-O-O, 2008*).

By the way, a number of typical situations are established in Russian judicial practice, in the conditions of which the manager is considered as acted dishonest or unreasonable. At the same time, despite the existence of such circumstances, the manager is not deprived of the opportunity to prove his innocence (*Resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation dated See 30.07.2013. No. 62, 2013*).

The peculiarities of corporate liability are also expressed in adverse effects of corporate offenses and the means of corporate liability (sanctions) corresponding to them. Moreover, it is noteworthy that they have not only proprietary but also non-proprietary nature.

The adverse effects of corporate offenses include not only causing damage but also special consequences such as loss of corporate control, loss of right to the share, the impossibility or significant difficulty of the legal entity to carry out its activity, the impossibility of achieving the goals of the legal entity's activity, the failure to receive profit (dividend), the impossibility of selling shares at a fair price, the impossibility or difficulty of exercising corporate rights, the deprivation or limitation of individual corporate powers.

Corporate liability measures, in addition to damages and penalties, include compensation, removal from a legal entity, deprivation or restriction of the part of corporate rights (prohibition of voting, suspension of membership or participation), early termination of the powers of governing bodies, recognition of the invalidity of transactions on a corporate basis, as well as acts of governing bodies (abolition of corporate of-

fense), imposition of additional obligations (obligation to pay dividends, investment in the property of a legal entity), deprivation of special rights (restriction of legal capacity), liquidation of a legal entity.

Taking into consideration that compensation for damages in civil law is considered as a primary means of liability, a question arises whether any violation of corporate rights and obligations leads to compensation for damages and the application of other means of liability or whether in the corporate law there should be differentiation of sources, subjects, grounds and sanctions.

The professional literature notes that corporate law does not directly envisage the general grounds and conditions of the obligation to compensate for damages caused by violations of corporate rights.

These grounds and conditions are *expressis verbis* provided under law in each specific case, in relation to relevant corporate offenses and, accordingly, the corporate legislation, based on the *numerus clausus* principle, defines the exhaustive list of corporate offenses, for which participants in corporate relations can present each other's requirements. The corporate law relates to civil law as *lex specialis* and *lex generalis* (Gutnikov, 2018, pp. 155-156, 158-162).

In general, we agree that the issues of corporate liability *mutatis mutandis* (to the extent not regulated under corporate law) may be regulated under civil law, provided that they do not contradict the essence and peculiarities of corporate relations.

Referring to subjects of corporate liability, it should be noted that, according to O. Gutnikov, such people are considered to be anyone who participates in corporate relations (actually or legally participates in governance), and by virtue of this, they have the opportunity to influence the management processes of a legal person in any way (participants, members of the governing bodies, leading persons, legal entities, creditors, investors, entities, bearing fiduciary duties) (Gutnikov, 2018, pp. 174-175).

While D. Pleshkov (2011) thinks that such subjects are members of the board, the sole executive body, the temporary executive body, members of the collegial executive body, the managing company, the manager, members of the supervising, calculating and liquidation com-

mittee, emphasizing the impossibility of wide interpretation of this list (p. 59).

The scientific community also discussed the issue of considering the corporation's management bodies as a subject of corporate liability. The mentioned approach has been considered unjustified, as the governing bodies, as such, are not considered a subject of civil law, a participant in civil-legal relations based on equality, autonomy of will and property independence (Sukhanov, 2011, pp. 191-192; Rubeko, 2007, p. 16; Lomakin, 2008, p. 285; Mogilevskiy, 2001, pp. 102-107).

We believe that corporate governance bodies are not subject to corporate liability, but their members are, these bodies are not subjects of civil law, and the proper exercise of the rights and interests of the corporation depends on the actions (inaction) of their members and the decisions taken by them.

Although the question of the liability of the executive bodies of corporations (director, general director, president) is mainly raised, it is necessary to highlight the characteristics of the liability of the board members and the participants (members) of the corporation.

The liability of the board members is characterized and distinguished by the fact that the board is a collegial body responsible for the general management of the corporation, therefore the issues under its jurisdiction are resolved and the decisions are adopted at the sessions of the board by the collegial order (by voting).

It follows from the above that in practice there are no cases when the personal liability of the board member is reached, because the decisions are taken collegially, so the liability of several members of the collegial body will be joint, and Article 90 (3) of the JSC Law defines that if several persons are liable for the damage caused to the company, they are subject to solidary liability to the company.

An interesting question is what is the nature of the liability (collegial or personal) in the event that the company's charter provides for the right to a decisive vote for the chairperson of the board in case of equal votes, and, accordingly, having the opportunity to block the adoption of this or that decision, cast his vote in favor of the decision, which later caused losses for the company (Pavlova, 2013, p. 182).

We think that in the aforementioned case it is necessary to find out whether there are grounds and conditions for corporate liability, in particular, whether there are violations, damages, the causal link between them, as well as the fault of the chairperson of the board (members of the board) and accordingly, to subject or exempt from liability.

Referring to the issue of the liability of the participants (members) of the corporations, it should be noted that it also has certain peculiarities.

According to A. Savikov (2003), for the participants of the company's meeting, who can be called the members of the company's management body, the law does not provide for the liability, however, that is provided for the members of other collegial bodies of the company's management (board, collegial executive body) (p. 19).

In O. Gutnikov's (2018) opinion, a wide range of persons is subject to corporate liability. In particular, it is possible to hold liable not only the director but also the participants of the legal entity, if the director acted on their instructions or in accordance with the decision of the participants. Moreover, it is emphasized that all persons who are related to the adoption of a decision that is unprofitable for the company are liable (p. 207).

In this regard, Article 90 (1) of the JSC Law stipulates that a person who has the opportunity to participate in the company's charter capital or to significantly influence decisions due to other circumstances should not prompt board members, the director (general director), members of the board and the management board, as well as the management company and the manager to make decisions that contradict the company's interests or the legitimate interests of shareholders that cannot have a significant impact on the company's decisions.

Consequently, unlike the other members of the corporate governance, the major participants (members) of the corporation, do not bear the fiduciary liability (for the benefit of the corporation, acting in good faith and reasonable manner), but have the obligation not to make decisions that contradict the interests of the company or small shareholders.

Summing up and combining the above-mentioned, we suggest the following definition

of corporate liability: *corporate liability is a separate, special type of civil liability, which is applied in the corporate relations (mutatis mutandis in parallel with civil law by applying the rule lex specialis derogat legi generali) and is distinguished by its grounds, conditions, sources, offenses, means of liability and other peculiarities.*

While referring to the application of corporate liability in the case of venture joint-stock companies (hereinafter "VJSC") (Meliksetyan, 2022), it should be noted that the above-mentioned mutatis mutandis is also related to them, but, nevertheless, it is also necessary to define the peculiarities of their nature:

1. In VJSCs, shareholders (founders) bear fiduciary duties not only towards VJSC, but also to venture investor shareholders, while the fiduciary duties and liability of venture investors may be limited, taking into account economic and control components,
2. In addition to fiduciary obligations to venture investors, the shareholders have additional obligations as well as other responsibilities according to investment agreements concluded with venture investors, the violation of which may also lead to the application of corporate liability,
3. In VJSCs, in case of corporate breaches, including the breaches of investment agreements, may result in the liability of the company's shareholders without fault on the grounds, conditions and peculiarities defined under the investment agreements,
4. In the case of VJSCs, the corporate offenses, the adverse effects and the applied sanctions are differentiated, special measures of liability can be applied to venture investors that are not applied to other shareholders, and vice versa, i.e. restriction or deprivation of special rights, privileges and/or benefits, e.g. pay-to-play, vesting, antidilution, etc.

## Conclusion

Based on research one can conclude that *corporate liability is a separate, special type of civil liability, which is applied in the corporate relations (mutatis mutandis in parallel with civil law by applying the rule lex specialis derogat legi generali) and is distinguished by its grounds, conditions, sources, offenses, means of liability*

and other peculiarities.

Meantime, the corporate liability in VJSCs is characterized by the above-mentioned peculiarities and the investment agreements allow to thoroughly and comprehensively regulate the issues of liability of venture investors and other shareholders.

Therefore, we suggest that in the case of VJSCs, the general rules of corporate liability are applied, taking into account the specifics provided under the applicable VJSC legislation. At the same time, it is proposed to provide a special measure of liability for venture investors, i.e. restriction or deprivation of their special rights, privileges and/or benefits.

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## THE IMPACT OF BEHAVIORIST THEORIES AND THE LEGAL SYSTEM LAWS DEVELOPED FROM THEM

Serine PETROSYAN<sup>1,2\*</sup> 

1 Institute of Literature after M. Abeghian of NAS of RA, Yerevan, Armenia

2 Yerevan State University, Yerevan, Armenia

\* *Correspondence*

Serine PETROSYAN, Deghatan 10, app. 6, Yerevan 0025, Armenia  
E-mail: serine.petrosyan@ysu.am

*Abstract:* The theories, which stress how environmental cues act as catalysts for criminal action, are based on ideas of imitation and learning. To comprehend criminal behavior as a learned or copied reaction to societal and environmental stimuli, this research emphasizes the significance of psychological deviations. The macro and micro layers of crimes are the main topics of this study's investigation of psychological theories of the criminal justice system. In order to understand how societal and environmental factors affect individual criminal conduct, sociological and psychological perspectives on crime are used in this analysis. The idea of a mentor or guide is introduced, making the argument that people frequently need assistance and direction to develop their personalities. This research concludes that in the 20<sup>th</sup> century, blatant crimes such as drug trafficking and gambling undermined the rights of others to life and permanently severed the person from the mental conscious level, transferring him to an unconscious, unreal, obscured, and incomprehensible reality. This article reveals that men struggle more than women to communicate and comprehend their emotions, which makes them more likely to be charged with crimes.

*Keywords:* behavioral psychology, fiction, crime, society, masculinity, conscious, unconscious.

### Introduction

“Psychological factor is the most essential cognitive aspect of any literary work, particularly novels” (Westen, 1999 p. 112). Psychological theories of the criminal justice system are aimed at scrutinizing the analyses of the macro and micro layers of crimes of any legal system. Hence, crime is viewed from the perspective of sociolo-

gy as a psychological macro substratum, the main purpose of which is to expose the social and environmental impulses of society that might affect how criminal behavior emerges in an individual. It is worth mentioning that psychological theories view crime as a manifestation of individual behavior that can cause significant dangers in various situations. However, macro and micro levels of psychological factors equally

contribute to the criminal behavior of an individual. The goal of this study is to examine how behaviorist ideas and the rules derived from them are reflected in the books “An American Tragedy” by T. Dreiser, “The Hoods” by H. Grey, and “The Godfather” by M. Puzo.

The importance of psychological abnormalities and the impact of society expectations are highlighted in psychological theories that link psychological diseases or pathologies to criminal conduct. These theories contend that external cues might act as a catalyst for criminal behavior and are based on the ideas of learning and imitation. Edward Thorndike first proposed the notion of learning and imitation in the 19<sup>th</sup> century, and psychotherapist Kazdin and many others later explored it.

Some psychological theories propose an interacting link between certain psychological disorders or pathologies and the criminal behavior of an individual. At the core of all this lies some psychological deviation of the individual, as a result of which crime is considered as a way in which an individual has picked something up or copied from the society surrounding him as well as the demands set upon him (Bandura, 1969, p. 78). It is also intriguing that this psychological statement begins with the notion of learning or imitation. This psychological theory is quite popular, especially in the literature, and examines the conditions that lead to a relationship between the response and the external stimuli (Miller & Donald, 1941, p. 58).

This psychological theory was first put forward in the nineteenth century by the American psychologist Edward Thorndike who conducted his initial study and experimentation on cats, demonstrating that food provided outside the box can be the secret to a chained cat’s success in removing its shackles. After conducting several experiments, the scientist was convinced that the appeal of external stimuli can operate as a stimulant for the arousal of instincts and the accomplishment of a goal. Thorndike (1898) described this process as a psychological theory of learning and imitation which is similarly expressed in the criminal behavior of humans (p. 22). The psychological theory of imitating criminal behavior was most widely studied by the American psychotherapist Kazdin (1989), who also put forward the “law of effect”, which is based on the thesis that the circumstances from which human

behavior arises help to learn or imitate (p. 47). It may be said that we are dealing with such an example in reality in the instance of Clyde Griffiths, the protagonist of T. Dreiser’s book “An American Tragedy” who replicates the premeditated and cruel murder that has previously drawn public criticism while also having certain mitigating circumstances.

In general, a man needs to discover his own personality, but he will never succeed alone. There is a point of view in psychology according to which a man must have another man accompanying him, who can be his father, teacher, or leader. A man’s path to true masculinity necessarily requires a guide, because a man does not often exercise his will. For instance, in this case, the important leader and teacher of life for the criminal clans is definitely the leader of the mafia.

Numerous psychological theories contend that men commit crimes and murder more frequently than women because men have difficulty expressing and manifesting their sensory fields and comprehending what is required of them next.

Both psychologists and psychiatrists believe that a person’s conduct has a direct impact on the environment and society, focusing more on behavioral conditions than motive. Criminal conduct, on the other hand, is influenced by environmental factors and is characterized by them. The qualities of an individual’s internal behavior are equally as essential as the interacting stimuli, linkages, and guiding forces of the environment, society, and individual conduct. Needless to say, a person’s intrinsic traits matter just as much as external influences. Theorizing how people are seen by others, American psychologist Rotter highlights the role of already learned or imitated behavior in the pattern of interaction between the person and the environment. Additionally, Rotter (1954) places a high value on personal conduct, which is shaped by an individual’s unique experiences (p. 125).

Later, the social perception theory advances three tenets based on the social cognition theory, whose fundamental ideas were proposed by American psychologist Bandura:

- Research, symbolic self-identifications, self-centered promotion, and self-inflicted circumstances
- Environmental conditions

The theory of determinism provides a thorough overview of a person's criminal behavior and the ensuing mutual perception, cognition, and other personal factors that are both directly related to the environment and society and play a significant role in determining each circumstance (Bandura, 1986, p. 45). In order to fully implement the social theory of perception, we may say that both internal and external pressures and impulses play a significant role in the construction of a person's behavior, which in turn influences how that person will act in the future. And it is due to these impulses that a person's illegal behavior develops as a result of causation.

The calamities of the twentieth century forced those who were born and lived through it to pay closer attention to and make better use of historical archetypes. They developed into men's guiding symbols that assisted them in learning a great deal about their own personality and behavior. They became the primary tools that could awaken the dormant untamed nature in a person that could manifest itself at any moment and under any circumstances. This untamed wild nature became an integral part of men, which is not the animal nature of man, but the manifestation of human psychology, which stands close to nature and consists of basic instincts, as a result of which crime is born. The instinctual, predatory, wild impulses that permeate both animal nature and the untamed nature of humans are also a part of who we are; they are the indwelling remnants of prehistoric, uncivilized people.

As is well known, K. G. Jung is the founder of the fundamental theory that describes the universal psychological pictures of the conscious and subconscious, dynamics, and structure that date back hundreds of years. Jung calls those psychological primitives, which owe their existence only to heredity, the archetypes of the collective unconscious.

According to archetypal psychology, if a boy is next to the water archetype, as in the situation with Clyde Griffiths in T. Dreiser's novel, then the man is at the threshold between two worlds; one - imaginary, the other - real. And shortly after, he leaves the imaginary world and enters the real one, where he becomes familiar with all challenges of life. Similar energies connect us to our origins and nourish our imaginations, balancing our vision of reality and our alignment with nature, say all twentieth-century literary critics,

psychologists, and culturalists.

Constantly adhering to one's instincts and being led by historical archetypes puts one in a fight for survival, which may force one to take drastic actions, including murder, to protect his species. All psychological theories that emphasize how a person's external impulses lead to crime take into account the fact that the criminal has significant internal problems. These theories, in particular, include the psychodynamic-psychoanalytic theory and the behavioral personality theory. In the case of the first theory, the fundamental provisions were given by the Austrian psychoanalyst Sigmund Freud, who argued that a person's personality develops at an early age and consists of three stages: id (identity), ego and superego (Siegel et al., 2006, p. 128). According to this theory, the id represents only the instinctive aspects of the person, the ego is impacted by accepted societal standards, which frequently cause identity damage, and the superego is said to represent moral wisdom. Therefore, crime emerges when one of these three elements is disrupted and when unconscious desires are not met. The conflict between identity and ego is the source of a significant number of external impulses that lead to internal and external contradictions. These impulses have unpleasant effects on the development of personality, which causes a person to shift all internal inconsistencies to the unconscious level (Shoemaker, 2005, p. 14).

The individual then develops defensive mechanisms as coping methods to deal with all the internal and external inconsistencies they experience, but these tactics also cause the person to develop problematic behavior which finally results in delinquency. In essence, we may say that criminal activity is seen as an outward sign of psychological disorders that exist within.

Of course, studying a number of psychological theories of personality behavior, we can state that based on psychological perception and psychoanalytical theories, we can also draw parallels with the criminal outcomes of our literary characters. In light of this, the main characters' criminal activity in H. Grey's "The Hoods," M. Puzo's "The Godfather," and T. Dreiser's "An American Tragedy" all clearly result from conflicts with their socio-economic environment on outside, which feed their inner criminal and motivate them to do specific crimes. Definitely sharing psychoanalyst Z. Freud's opinion, criminal

behavior is formed from childhood, when the child's identity is guided exclusively by instincts, and when the instinctive needs are not satisfied, then an internal battle of the ego occurs, as a result of which the person tries to find the best and easiest way to satisfy the needs which is very oftentimes the crime itself. Since childhood Clyde from T. Dreiser's "An American Tragedy", Noodles and his friends from H. Grey's "The Hoods", and of course Don Corleone and his family members from M. Puzo's "The Godfather" have been at the center of external conflicts with the socio-economic environment. Unlike the latter, where the concepts of mafia and don go through the full-fledged legal norms of family legacy, in the case of the first two examples, the criminal behavior of the characters is really formed by the contradictions of external and internal impulses with society, the constant complex conflicts of survival and living, and the reaction of society to not being perceived and accepted. Childhood hardships for Clyde, Noodles, and Don Corleone as well as the disregard of society for their needs directly influenced the criminal lives that these characters went on to build. The characters' constant comparisons of their families and society pose troubling issues, the solutions to which are buried deep inside the psychological underpinnings.

That is why it is more reasonable to first understand where the first delinquency of mankind originates and what branches it later dropped. Since the crimes and sins, laws and punishments in all three aforementioned novels are viewed in the context of American and Jewish law, it is, therefore, more reasonable to present the first crime of mankind from the Bible, which we will also try to scrutinize from the point of view of both American and Jewish law.

In the Bible, Cain killed Abel, marking the beginning of the collapse of brotherhood and the end of the cessation of responsibility. This is the first recorded crime committed by humans.

Conflict and sibling rivalry are painful realities of life. Siblings always vie with one another for many things. However, occasionally rivalry goes too far and crosses the line of what is acceptable. When Hamlet's uncle Claudius kills his own brother to become king, he confesses, "O, my offense is rank, it smells to heaven. It hath the primal eldest curse upon 'it, A brother's

murder".<sup>1</sup> And it is because of this rivalry that the Bible describes fratricide as the first human crime. Cain killed Abel because he was envious of him and filled with resentment since God had always chosen Abel's sacrifice.

Cain killed his brother Abel for a number of reasons in the biblical narrative. The most obvious explanation was the envy of his brother who constantly received acclaim for making the greatest sacrifices. Cain cannot accept the thought that his sacrifice as the oldest brother is lesser to Abel's since he has a position of power and respect among his siblings. God gives first priority to Abel and thus the hierarchical position of the brothers is violated as Cain finds retribution for murder. This biblical episode testifies to the consequences of the violation of the hierarchy, which was later to be found among all mankind. In the Bible, it is typical for the older generation to reign over the younger; Isaac and Ishmael, Jacob and Isaiah, Rachel and Leah, and Joseph and his brothers are just a few striking instances. However, all these examples do not have the tragic ending that happened in the case of Abel and Cain. God's preference for Abel's sacrifice was merely the first impulse by which Cain committed the first crime of mankind. However, like every criminal, Cain also yearns to rightly face justice and confess what has already been irrevocably done. This inversion of roles adds depth to Cain's response when God asks, after the murder, "Where is your brother Abel?" Cain replies, "I do not know; am I my brother's keeper?" (Hendel, 2012, p. 75). The elder children in the household should be responsible to look after the younger ones, according to the Book of Genesis. However, Cain absolves Abel of guilt, breaking the law and incurring a penalty. God is able to comprehend what has been done because of the blood, as is the case with every crime. Cain is cursed and expelled from Paradise, which marks the beginning of wicked humanity. Reuben, Jacob's first son, persuaded his siblings in the Book of Genesis not to kill Joseph, the youngest brother, in contrast to Cain. He urges, "Let us not take his life... Shed no blood" (Hendel, 2012, p. 75). But Cain's consciousness and mind were dulled by envy and malice, and that is why he shed blood and became the prototype of mankind's first criminal

<sup>1</sup> William Shakespeare "Hamlet", Act 3, Scene 3

and the first transgressor of God's commandments and laws (especially the commandment "Thou shalt not kill"). When Cain took from the soil the excellent things meant for sacrifice, he later nourished the same soil with blood and was cursed by God, turning it back into the soil. After the curse, Cain transforms from a rebel to a vagabond who leaves the fruitful region and makes his home in the land of the degenerates. After Cain loses his house, livelihood, and family, he is driven out and reduced to criminal behavior. Cain goes where there is no rule of law, no morals, and no values, abandoning the chance to dwell under God's protection and the capacity to follow divine rules and commands. So, he complains to God: "Anyone who meets me may kill me" (Hendel, 2012, p. 75). Given that Cain is among those who are continually surrounded by an environment of terror, dread, and worry, this is undoubtedly the realization of retribution and the repetition of the crime. Cain also understands that his crime served as the catalyst for the emergence of subsequent crimes in the world, i.e. there was a transference of inherited guilt. On God's part, this is Cain's punishment, but in his case, the retribution is not the execution of a crime against himself, but God's mercy to Cain, by which he simply lives and drags out his own miserable existence. He loses sight of the good, the excellent, and the beautiful as his life and existence are cast in the shadow. It should be emphasized, nevertheless, that Abel's passing has an intriguing undertone. The Hebrew meaning of the name Abel is "breath, infinity". Despite Abel's brief life, he is still well-known today. According to the Bible, this indicates that each human has a finite time on earth and an infinite time in the heavenly kingdom. But each of us also carries Cain's hereditary sin gene, and therefore we are all capable of sin and irritable because we can situationally manifest our personality and become criminals by accident. We are the bearer of our moral and immoral responsibilities as our consciousness guides us. Perhaps it is correct to mention that we are the spiritual and intellectual heirs of two biblical figures who are guided by the moral standards of life, believing that one day we may end up in Eden. Therefore, it is not unexpected that the act of inherited guilt, which allows crimes to be committed from generation to generation, is entrenched in the consciousness of crime and gangster clans.

God's retribution, or punishment, for Cain, was expulsion from Heaven. In the legal world, murders are typically characterized as evil and horrifying realities that haunt the criminal's disposition. However, in this case, if we look at Cain's criminal act as a requirement for evidence of purpose and knowledge, then we will understand that he simply had an extreme indifference to human life as a value.

The law defines the transition from felon to premeditated murder as a crime "without malice aforethought" often referred to as a situational crime committed under the influence (Hendel, 2012, p. 45). Cain's murder, however, was unquestionably premeditated rather than an act of hate or everyday envy. A crime that is spontaneously performed while under the influence, however, may have a mitigating or exculpatory impact. When a criminal commits a crime out of an emotional state of mind, the victim may occasionally be deemed the crime's initiator under American law. Following this rule, we can see Abel as the perpetrator of crime who offers his lambs as sacrifices to God. That is to say, in the instigator's psychology, Abel was aiming for perfection and being first with God, which undoubtedly fueled Cain's zeal and led him to commit a crime.

If we examine Cain's crime psychologically, we will see that, like many criminals, Cain displays signs of a wounded nature. In other words, the act of committing a crime is motivated by a combination of guilt, jealousy, and humiliation. Rein Nota, a psychology lecturer at Tilburg University, claims that when Cain's sacrifice is rejected, he blushes with shame. He suddenly discovers that the person he thought of as his father and superior had rejected and abandoned him. Humiliation and insult cannot be hidden or suppressed. And being rejected by someone you love is a pretty big blow to a person. And for this reason, Cain portrays God's rejection and humiliation as a crime (Berke, 1986).

It's also intriguing that many literary critics, theological experts, and psychologists initially saw Cain as a psychological drama character who commits the murder out of a mixture of shame and remorse. Crime becomes unavoidable as a result of Cain's declining self-worth in his own eyes and in the eyes of his brother.

The seamless socio-psychological link between the person and society, as well as the con-

scious and unconscious results and repercussions of actual and hypothetical circumstances, are all aspects of life that literature, as we all know, depicts on a fairly wide scale. Since literary works are mostly analogical depictions of life, characters are definitely the result of a number of psychological processes.

The psychological and literary fields offer the chance to study in one instance, and in the other case, to analyze this or that case since human existence is full of fascinating occurrences and situational representations. The spectrum of views of a person's inner and outward worlds may be examined, making psychological issues one of the most significant issues in human life. According to American literary scholars Wellek and Warren (1963), through literary psychology, we can study and analyze the author and the characters he creates as individuals or as a part of the creative process of psychological laws and principles (p. 69).

Another separate psychological theory in the legal system, the cultural reversal paradigm, which holds that interaction with criminals or gang members might result in criminal conduct, is also significant. When there is unequal collaboration, the gangster or mafia don who is the most powerful party can also be seen as the driving force behind the illegal activity of another individual. The idea of American psychologist Skinner, which holds that every illegal act is met with an equal penalty and has many applications in various cultures, is presented here. And it is these penalties themselves that clearly define whether they will be repeated or not in the future. In other words, Skinner (1963) confidently advocates the efficacy of the causal link between crime and punishment, i.e. criminal impulsivity > judicial penalty (p. 503).

Based on Skinner's psychological theory, we can state that M. Puzo's novel "The Godfather" is based on those principles. The characters in this work have a highly complex understanding of love, respect, pride, family connections, and friendship in addition to being members of the mafia and clan psychology and citing instances of violence, murder, crime, retribution, and treachery. Don Vito Corleone, the mafia head, is at the center of everything: "Don Vito Corleone was a man to whom everybody came for help, and never were they disappointed. He made no empty promises, nor the craven excuse that his

hands were tied by more powerful forces in the world than himself. It was not necessary that he be your friend, it was not even important that you had no means with which to repay him. Only one thing was required. That you, you yourself, proclaim your friendship" (Puzo, n.d., p. 6).

In the above-mentioned novels, the problem of alienation of the person from the society is also significant, which has its dominant influence on every character in each novel. It seems that there are no main and secondary characters here, because all of them are revealed in the course of the book as individuals who have grown together from the external impulses of their environment.

These three novels feature a variety of characters, you might even call them individual characters, who have their own personal, psychological and why not also mental problems. All of them embody the unhealthy cream of the spoiled society of the twentieth century, who are the same in their strange appearance, but have different quirks, problematic interests and many unsolved questions.

The people in the stories try their best to keep up with the world and the pleasures that everyone finds appealing, but they also want to learn more about themselves and look for something new. They are constantly in search, thanks to which they must establish themselves. It is along this path of establishment and self-affirmation that Freud depicts the separation of the superego from the ego, and also seeks to express his own reflections and psychological views along the path of the characters' inner discoveries. In light of this, he says that a person seeking psychological understanding who is confronted with a variety of internal and external socio-psychological issues goes through a major "personal crisis," which is somewhat challenging to characterize in the empirical domain (Shoemaker, 2005, p. 25). Perhaps, as in the case of the characters in T. Dreiser's novel "An American Tragedy," a person encounters the tragedy of his or her own fate while *en route* to that "personal crisis".

It's also intriguing to consider the traits that define 20<sup>th</sup>-century civilization as a whole. They are troublesome, aggressive, agitated, uneasy, and impatient. As the youth of that century, who hunt for problems everywhere and always, have multiplied thousands of issues at once, so have illegal conduct rules and even lifestyles. In a mafia and gangster society, young people can

hardly escape the criminal lifestyle and unwritten laws that unwittingly lead them to a series of dead ends. They must, however, overcome a tremendous number of psychological obstacles along the way, each of which has the potential to lead to insanity or even unconscious criminality. The main feature of the characters in the novels under our study is that each of them is aware of their final decline and destructive tendencies, but the defense mechanisms mentioned by Freud do not allow to stop and put an end where a new life can begin. Their lives are in the domain of crime and lawlessness, from which there is no way back.

The mafia and its organized crime, which focuses on the rise and fall of power, are most closely tied to the mob and gangster culture in terms of their illegal activity. Such gangs primarily have large piles of money, guns, flashy cars, illegal goods, a group of madmen, crime families, and a central theme plot combined with violence. American gangsters of the 1930s were completely inspired by the newspapers and books of the era. Gangster genre literature was strongly driven by themes such as power, loyalty, betrayal, competition, morality, revenge, masculinity, materialism, etc. In order to give readers effective and descriptive imagery, themes and symbols provide contrasts and certain structures. When seen from an American viewpoint, gangster novels such as H. Grey's "The Hoods" and M. Puzo's "The Godfather" must fulfill the "American dream," which is to be wealthy and successful to the utmost extent possible and do that at any cost. Also, these novels expose the dark sides of the American dream, which include betrayal, revenge, masculinity, morality, and violence. But the three central themes of revenge, masculinity, and the exploration of the glorification of violence are central to the depiction and performance styles and motifs of these two aforementioned gangster novels.

In the case when the gangster gang becomes an authoritative and powerful force in society, as with the portrait of Noodles in H. Grey's novel "The Hoods" and Don Vito Corleone in M. Puzo's novel "The Godfather", intricate psychological complexes are born among individuals in society, and in the midst of overcoming them it is impossible not to face crime and sin.

In particular, the aforementioned two characters become the people who can and even need

to be imitated, duplicated, show certain behavior, and show themselves more boldly. In studying crime and guilt, it is crucial to keep in mind that even though the main character in T. Dreiser's book "An American Tragedy" lacks unique and personal manifestations of masculinity and vengefulness, there is still an insurmountable psychological complex to resemble the social community and seem more powerful.

Characters in these three novels that share the same century and difficulties have a lot in common, including a rough upbringing, social turmoil, poverty, criminal conduct, coolness under pressure, and their own sense of reality. However, the most important issue that unites them is the question of meeting the demands of their souls and bodies that want to explore and discover their inner world, not forgetting about physical pleasures and at the same time forgetting the existence of the other's rights to live and associate. Some theorists contend that criminal behavior's expression and manifestation are mostly related to ignorance and a lack of knowledge, which is not always the same as committing a crime. However, if we take into account the fact that the characters in H. Grey's "The Hoods" and M. Puzo's "The Godfather" did not receive any formal education despite having a strong desire to educate themselves and access to a wealth of knowledge, we can say that criminal behavior first manifested itself when people were ignorant, but after gaining certain knowledge, they strengthened the implementation of crime. In comparison with Clyde, the character of T. Dreiser's novel "An American Tragedy", we can state that despite his high level of education, the manifestation of criminal behavior becomes inevitable, which in turn proves the incorrect equality of his ego and superego struggle. So, after considering several opposing viewpoints, we arrive at the conclusion that criminal behavior is largely dependent on the disproportionate manifestation of the external impulses of society, more than on the calculation of any conscious steps.

It should also be noted that psychoanalytic theory is limited by the absence of certain elements, which prompts the person to oppose and contradict the stabilization of the situation, in order to be able to explain the manifestation of complex and criminal behavior within the context of the usefulness of psychoanalytic theory.

This is seen to be a psychological symptom of an unconscious level that is unrelated to behavior, which is thought to be a sign of a particular mental condition.

In the 1950s, American psychotherapists Sheldon and Eleanor Glueck conducted a psychological experiment on five hundred boys, according to which they separated boys with criminal and non-criminal behavior. According to the results of the experiments, delinquent boys did not seek cooperation in any social relationship, moreover, they were suspicious, more irritable, and more defensive, and, unlike non-delinquent ones, they expressed conscious and unconscious hostile impulses (Glueck & Glueck, 1952, p. 152).

However, the boys exhibiting criminal behavior definitely rejected the hypotheses of the presence of any mental and psychiatric disorders. In addition to all of this, it is possible to observe signs of aggression and low self-esteem in their conduct.

Criminal qualities are frequently defined in psychodynamic-psychoanalytic theory and other psychological theories of conduct, which also give a general explanation of how individual behavior manifests and breaks down. Psychological or psychiatric theories are frequently employed to offer a chance to discover the precise intent, driving forces, and motives of one heinous crime or another.

Psychological theorists undoubtedly have a tendency to believe that a certain mental disorder condition is at the foundation of violent crime.

The only difference that psychoanalysts see in comparison to behaviorism is that psychoanalysts believe that individual behaviorism results from a disruption of the harmonious connection between the inner world of the psyche and the outer world. According to this theory, which is also known as antisocial individuation disorder, the person continually rejects inquiries into his inner life and all of the implications that flow from them. As a result, the person is unable to fully interact in a social setting where he is either clearly or obviously not accepted. Mafia heads, gangsters, and other criminals who are prepared to carry out violent retaliations and crimes are all categorized as having antisocial personality disorder mental illnesses because they violate others' rights to life by disobeying the law, making up their own rules of illegality, and

attempting to legitimize this behavior within the society around them (Blackburn, 1998, p. 142).

The protagonist of T. Dreiser's book "An American Tragedy," Clyde, struggles to cope with society and all the issues caused by his antisocial personality. Similarly, almost all of the main characters in Grey's book "The Hoods" experience conflict between their inner and outer worlds, where the conscious level of the psyche is occasionally replaced by a drug-influenced unconscious level of the psyche and a violent exterior.

Sonny and Michael, who are frequently dazzled by their own fame and prestige and almost always carry out violent retaliation, exhibit antisocial personality disorder symptoms in Puzo's novel "The Godfather" which, however, cannot be said about Don Corleone himself, who is a person endowed with exceptional qualities, whose the conscious and unconscious levels of the psyche are constantly aware of their actions in an interactive way, and even the crimes dictated by him are within the realm of jurisprudentially justified circumstances. He never loses sight of the extent of his anti-social individualization with respect to society, but instead works to forge alliances with it by attempting to enact fair and just rules for the latter.

We believe it is important to add one more observation about the character's behavior, which indicates that Don Corleone placed a high value on legal education and familiarity with the legal system, even to the point of encouraging his eldest son Sonny to pursue a legal career because "Lawyers can steal more money with a briefcase than a thousand men with guns and masks" (Puzo, n.d., p. 187).

This was undoubtedly a psychological ploy used by the father to protect the boy from the harsh grips of his clan activities by using the parent's protective response. And here it is appropriate to mention the words of Don Vito Corleone: "A man who is not a father to his children can never be a real man" (Puzo, n.d., p. 27).

The mental manifestation of criminal behavior is characterized as a socially disruptive individual disorder that results from misperceptions of interpersonal and behavioral characteristics and leads to violations of social and legal expectations and moral norms (Hare, 1998, p. 105). Although it has many manifestations, this illness

is explicitly referred to in the public as a sort of schizophrenia. The absence of emotional and interpersonal connections (lack of empathy, responsibility, emotionality, and self-control) are the primary symptoms of this illness. Premeditated murder and organized crime are examples of mental disease symptoms. Of course, no author in literature has ever hinted that the detective work's protagonists may be suffering from the same mental diseases or acting criminally because they had antisocial personality disorders. However, it must be acknowledged that by analyzing and researching the theories of behavioral psychology and antisocial personality disorders, we come to the conclusion that the characters in the three novels mentioned above exhibit cold-heartedness, retaliatory politics, breaking the law in order to further their own objectives, and of course unconscious illegal counting of steps.

We can conclude with certainty that Clyde Griffiths' inner tragedy, as shown in Dreiser's book "An American Tragedy," is a result of his persistent rejection of his own individualization, which undoubtedly contributes to a mental sense of discontent and an inferiority complex. It is evident that there is a pattern of crime that is connected to the individual's mental propensity and premeditation (as we recall Griffiths reading in the journal a prototype of the crime he was about to commit) which is related to the individual's mental predisposition and premeditation. If the two chapters in the book completely represent Clyde Griffiths's psychological escape from society and his rejection of taking risky actions in his own life, his relationship with Roberta Alden, as well as all the psychological issues and questions that arose as a result of it all. Chester Gillette, the defendant in the magazine's model crime, was fully responsible for the premeditated murder of Grace Brown because he struck her in the head with a tennis racket and there was sufficient outside proof. In the meanwhile, the author attempted to utilize Clyde Griffiths's psychological issues and mental instability as a justification. The murder scene is depicted as if Clyde is not pushing Roberta on purpose, but Roberta is standing in the middle of the boat preparing to fall off, and Clyde is just trying to give her a light push. To put it another way, it is evident from this that Dreiser does not view the accused Clyde Griffiths as a premeditated murderer but rather as

a guy who has not successfully dealt with a variety of psychological issues and who only happened to find himself at the center of unfortunate circumstances and unconscious thinking.

## Conclusion

The tale of Michael Corleone's retribution in "The Godfather" and the characters' journey in "The Hoods" by H. Grey offer light on the unsettling relationship between crime, masculinity, and the conscious-unconscious gap. Given that it is motivated by retribution and success, criminality is viewed by society as a sign of strength and manliness, as demonstrated by Michael's successful return to power. With his vengeance plot in full force, Michael Corleone returned the Corleone family to its old position of dominance in New York's Big Five with a single, devastating blow. In addition to establishing his power and notoriety as a mafia don, Michael also convinced the members of his rival families to support him. This clearly demonstrates that the crime, no matter how abhorrent and repulsive, is seen as the pinnacle of manliness and strength provided it is motivated by acts of retaliation and is effective. On the other hand, the opium-induced unconsciousness of Noodles and Max in "The Hoods" emphasizes the risks and negative effects of acting while unconscious, which can result in agony, misery, and even death. The borders between the conscious and unconscious worlds are reflected in the sharp difference between these two narratives. The novel "The Hoods" by H. Grey likewise shows the stages of retaliation and the pinnacle of masculinity. However, due to their opium usage, the book's characters Noodles and Max spend practically all of their time in the unconscious. In the 20<sup>th</sup> century, it is possible to act even in an unconscious ecstatic condition, which can result in not only anguish, suffering, and enormous loss, but also death. This seems to demonstrate to us clearly the border between the conscious and unconscious worlds. Because he unintentionally sexually assaulted the girl he loved, Noodles misplaced the key to his happiness. It was undoubtedly a wake-up call for Noodles, who tried his best to assess his criminal dangers in the wake of the occurrence. He was forced to go down a path of atonement and penance since he

was unable to forgive himself for what he did until the very end of his life.

Additionally, the negative effects of crimes like drug trafficking and gambling in the 20<sup>th</sup> century not only violated other people's rights but also severed people from their mental consciousness, plunging them into an illusory and incomprehensible world. As a result, maintaining social well-being is less important to modern gangsters and clan subcultures than prioritizing the ruin of lives and the pursuit of illegal activities. These stories serve as sobering warnings, reminding us of the terrible effects that crime can have on both particular people and whole societies.

After all, if we look closely, we will see that in the 20<sup>th</sup> century, unmistakable forms of crime like drug trafficking and gambling undermined the rights of others to live and permanently severed the person from the mental conscious level, transferring him to an unconscious, unreal, obscured, and incomprehensible reality. As a result, messing with other people's lives and destroying them through illicit activities are no longer a priority in gangster and clan subcultures.

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## THE PHILOSOPHICAL THOUGHT OF THE PROPHETIC LAW IN THE INDONESIAN LEGAL SYSTEM

Siti ZULIYAH<sup>1,\*</sup>  | Fithriatus SHALIHAN<sup>1</sup>  | Suryadi SURYADI<sup>1</sup> |

Megawati MEGAWATI<sup>1</sup>  | Uni Tsulasi PUTRI<sup>1</sup>  | Rahmat Muhajir NUGROHO<sup>1</sup> 

<sup>1</sup> Universitas Ahmad Dahlan, Yogyakarta, Indonesia

\* *Correspondence*

Siti ZULIYAH, Universitas Ahmad Dahlan, Jl. Ahmad Yani, Ringroad Selatan, Tamanan, Banguntapan, Bantul, Yogyakarta 55191, Indonesia  
E-mail: siti.zuliyah@law.uad.ac.id

*Abstract:* In Indonesia, the positivistic modern ideology is currently experiencing a downfall due to its inability to overcome the problems of human life. This study aims to complete the explanation of why prophetic law is needed in the Indonesian legal system in the juridical domain and the implementation domain. This was qualitative research which used a philosophical juridical approach. This paper used a descriptive method of analysis. In Indonesia, the prophetic law refers to the ideology of Pancasila, which is interpreted as the nation's way of life. It reveals the relationship between humans and God, the relationship among humans, and the relationship between humans and the universe. The basis for the thought and implementation of prophetic law in Indonesia is the first principle of Pancasila and the Preamble to the 1945 Constitution, which stated that the proclamation of Indonesian independence was a blessing from Allah (God) Almighty. In addition, based on Law No. 48 of 2009 concerning Judicial Power, it is stated that the judiciary is carried out "for the sake of justice based on the Belief in One God," which is the soul of decisions made by judicial bodies in Indonesia.

*Keywords:* law implementation, prophetic law, philosophic thought, Pancasila, legal system, Indonesia.

### Introduction

So far, prophetic legal thought is still very poorly implemented in the Indonesian legal system. The current legal system still focuses on positivistic understanding which prioritizes legal certainty. The problem is that the positivistic law was sourced from the Dutch colonial era hundreds of years ago. This law enforcement prioritizes legal

certainty over the justice values that live in society (Putro, 2010; Davies & Robson, 2016).

The positivist legal school focuses on formalities based on real projects. It departs from the deduction of significant logic in legal studies (Gardner, 2012; Magen, 2015; Summers, 1997). The law can be seen as an autonomous and pure institution. Therefore, in order to have legitimate and valid power, the law cannot and should not

be interfered with by non-legal aspects, such as politics, economics, society, and morality (Kingsbury, 1954; Lacey, 2007; Roth, 1958). The positivist legal school believes that the law does not come from God or nature, but was born from humans based on the provision to separate law and morals (Gadjong, 2011; Hart, 1958; Magen, 2015). The flow of positivism departs from the point of view that the law is regulatory, applies as a whole, and is determined by the state authorities (Lacey, 2007; La Torre, 2013). Within the law, there is a separation between norms/policies and ethics/morals as well as between justice and legality (Absori & Achmadi, 2017).

Nowadays, positivism and rational modern science are not everything. Such are even considered unable to overcome various problems of life (Budiono et al., 2019; Gavrilov, 2020; González-Castán, 2014). Amid the downturn and weakness of positivism, various thoughts have emerged with a wider range of religious, spiritual, ethical, and moral values that are full of dynamics and struggles of thought that were born over a long history. This variety of thoughts can be seen in transcendental law, progressive law, contemplative law, and prophetic law.

A study of prophetic law's implementation in the Indonesian legal system is urgently needed because it has not been widely studied. So far, studies on the prophetic legal thought in the Indonesian legal system focused on examining the prophetic legal thought in the legal system in the form of statutory regulations. Apart from that, such studies only focused on examining the prophetic law's implementation in terms of law enforcement by officials, both by courts and the police force.

This paper aims to complement the shortcomings of previous studies that did not pay attention to the prophetic legal thought in two domains at once, namely the juridical domain and the implementation domain by law enforcers in decision-making. This study also aims to complete

the explanation of why prophetic law is needed in the Indonesian legal system. Furthermore, it analyzes the implementation of the prophetic law in the Indonesian legal system.

## Method

The implementation of prophetic law in the Indonesian legal system was chosen as this paper's subject for two reasons. First, there is a lack of similar studies. Second, the prophetic law needs to be implemented in the Indonesian legal system due to the emergence of many decisions made by courts and other law enforcement officials which are too positivistic. Thus, such decisions hurt the values of justice in society.

This research was qualitative research which relied on secondary data. This paper used a philosophical juridical approach, namely an approach that aims to examine the laws and regulations as well as the value content that underlies the legal system in Indonesia. This paper used a descriptive method of analysis which was then interpretively processed regarding the implementation of prophetic law in the Indonesian legal system.

## Results and Discussion

### *The Prophetic Legal Thought*

The English term *prophetic* means: (1) of or pertaining to a prophetic inspiration (from or relating to a prophet; prophetic inspiration); (2) of the nature of or containing prophecy: prophetic writing; (3) having the function or power of a prophet, as a person (having the function or power of a prophet, as a person); and (4) predictive; ominous; prophetic sign; prophetic warnings (Wardiono, 2016, pp. 81-82).

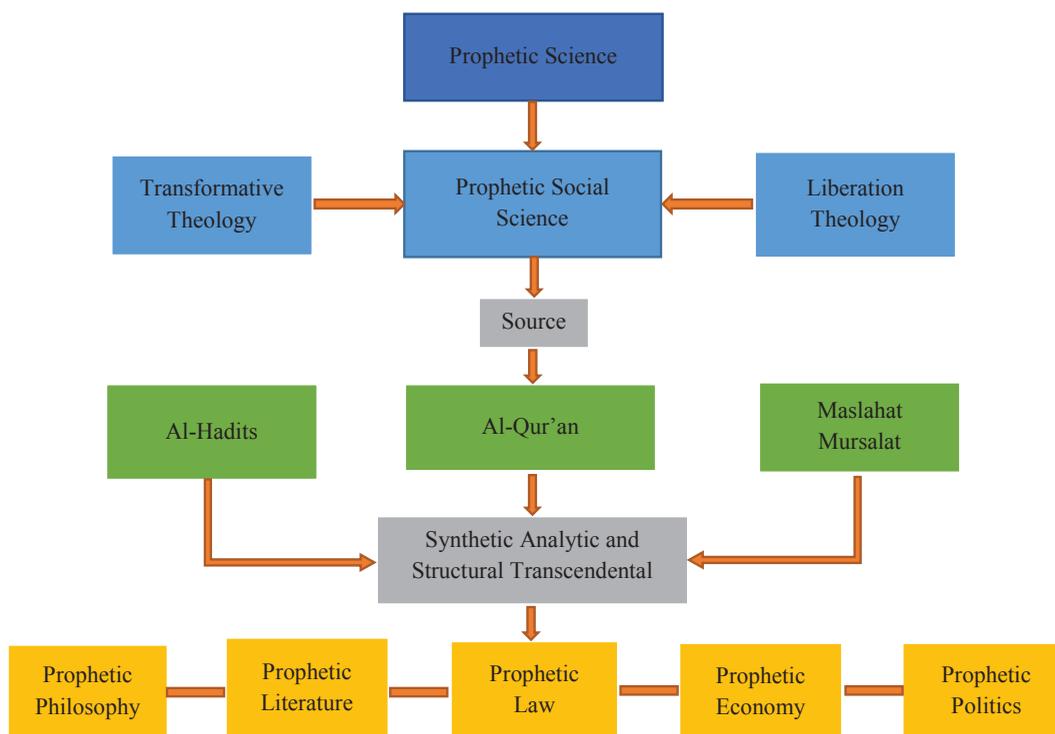


Figure 1. Prophetic Science in the Perspective of Kuntowidjojo.

Kuntowidjojo's idea of a prophetic social science was inspired by Roger Garaudy, who stated that Western philosophy could not possibly solve modern people's issues because many of its aspects were unsatisfactory. After all, it only endlessly oscillates between two poles, i.e., idealist and materialist. The Western (critical) philosophy was born from the question of "How is knowledge possible?" Roger Garaudy then turns the question into "How is revelation possible?" Dawan Raharjo stated that the emergence of Kuntowidjojo's idea of the "prophetic social science" resulted from his interaction with Moeslim Abdurahman on "liberation theology," which is the core of "transformative theology". Kuntowidjojo later changed the term *transformation* to *prophetic* social science. This was done to avoid the difference between de-codification vs. transformation groups (Absori & Achmadi, 2017).

The prophetic paradigm's main idea about the relationship between religion and science (humanities in particular), is carried out by integrating and objectifying the normative teachings of the Koran into objective categories (Dimiyati et al., 2018). Islam must become a paradigm, a theory that objectively applies so that it becomes a

blessing. Objectification starts from internalization to externalization, using synthetic and analytical methods as well as the transcendental structure approach (Absori & Achmadi, 2017).

Kuntowijoyo (2018) interprets transcendence by underlying the faith in God by introducing prophetic science in humanization, liberation, and transcendence. In this case, in the development of science and human civilization, the element of transcendence must be the basis of other elements. According to Kuntowijoyo, the method of developing science and religion is called *prophetic*, its derivative from the first revelation of Islamic Prophet Muhammad.

It is based on the Koran and Sunnah which are the main basis for the overall development of science, the first revelation was chapter al alaq "Iqra" which means "read". This word of "iqra" not only read a book but how the people read the science, phenomenon and always learn. The basic of development of science always a learn. The Koran and Sunnah are used as the basis for the entire building science, encompassing natural science as the basis for natural laws; humanities as the basis for meaning, value, and awareness; as well as divinity as the basis for God's word "Iqra" (Kuntowijoyo, 2004).

An understanding of this is directed at finding elements that are relevant to the development of science, supported by knowledge and understanding of the philosophy of science (Davies & Robson, 2016). It is associated with human law as the subject and the recipient of the mandate for certain and determined divine laws through revelation (the Koran) and the Apostolic tradition (sunnah) or hadith. Humans can reorient subjective ways of thinking to objective ways of thinking. They can theorize in addition to using the normativity of teachings; change ahistorical understandings into historical ones; and formulate general revelation formulations into specific and empirical formulations.

From this description, besides being able to be explored based on the Koran and Hadith, it can be said that science in a prophetic view, can also be extracted from *Maslahat Mursalah*, which is an additional source of law based on empirical research obtained from natural phenomena and people's behavior. It was found with an objective to bring benefits to human life (Absori, 2015). This was based on the Koran which states "And We did not send you (the Prophet), but to be a mercy for the universe" (The Holy Koran, 2020).

Benefits can be clearly captured by people who want to think, even though there are differences in understanding the nature of benefits in the realm of Islamic thought. These differences stem from varieties in individuals' intellectual abilities in interpreting Islamic teachings contained in the Koran and Hadith. This is because each thinker has limitations. So, they are unable to equally understand the nature of the benefit due to temporal differences and local conditions (Absori & Achmadi, 2017).

The prophetic dimension can be seen in the most basic teachings, namely *aqidah*, which teaches an understanding of the relationship between humans, their nature, and their God. Humans and nature are essentially mortal creatures, while God is the eternal ruler of the universe. The greatest happiness of a Muslim is when he is able to completely surrender to obey God's natural commands, whether general or detailed, as a consequence of the recognition that God is One, the Ruler of All, and that all creatures depend on Him.

In prophetic law, legal science is not only based on truth at the level of *haqq alyakin*, which

is compiled in the Koran and Hadith. But it is also based on truth obtained with potential human abilities through contemplation, reasoning, and discourse that develop in society. Humans explore, process, and formulate knowledge not only to gain knowledge but also to create policies. They do so for the benefit of the wider community and based on their love for God.

The prophetic law can only be understood with a holistic approach that sees humans and their lives in a complete form, not only material but spiritual (immaterial). Transcendental law cannot be separated between the physical body (formal) and transcendental values. The justification for transcendental law that is being sought is for justice based on the truth of the power of Allah, the Almighty, the determinant of human life. Legal and transcendental science is oriented to the benefit of humans as a form of compassion for their creatures.

Wardiono (2014) in his book mentioned that the paradigm of prophetic law is briefly stated as follows: (1) the object of legal science is norms, i.e., the norm in the normative relative world which simultaneously performs dialectics with the world of ideas and the world of empirics, as a key word in understanding ontological aspects, (2) integration between science and religion are keywords in understanding epistemological aspects, and (3) justice is a keyword in understanding axiological aspects.

The prophetic law in Indonesia refers to the ideology of Pancasila (the Five Principles that make Indonesia's state ideals), which is interpreted as the nation's way of life. It reveals the relationship between humans and God, the relationship among humans, and the relationship between humans and the universe. Several laws and regulations that accommodate prophetic law in Indonesia include the 1945 Constitution of the Republic of Indonesia. The Preamble of the 1945 Constitution states that the proclamation of Indonesia's independence is based on the Grace of God Almighty. Article 29 of the 1945 Constitution states that the state is based on the Belief in One God. Article 2 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power states that the judiciary is carried out for the sake of Justice based on the Belief in One God. Such a pattern also exists in Law No. 1 of 1974 concerning Marriage and its amendments.

Indonesia's prophetic understanding has been

rooted in its people even before the country's independence. However, the implementation of prophetic law has been limited to only a few of these laws and regulations. In fact, prophetic understanding has become the spirit of this country's birth, which is implicitly contained in the Pancasila and the 1945 Constitution of the Republic of Indonesia. Because the post-independence Indonesian legal system still adopts the system inherited from the Dutch, who had colonized this country for hundreds of years, Indonesia still intensively applies the positivistic understanding of the system.

Due to the lack of these laws and regulations' implementation, this condition ultimately impacts the law enforcers' level of implementation. The majority of judges' decisions have so far only been based on the sound of existing rules, without considering the prophetic values that grow and develop in society. Therefore, this impacts the number of decisions that are considered to hurt the people's value of justice.

#### *Why is Prophetic Law Needed in the Indonesian Legal System?*

The Western epistemological philosophy that succeeded in creating modern science (including modern law) has inherent shortcomings. This congenital defect can affect the survival of human civilization and is already happening today. Western epistemology affects the crisis of scientific epistemology, which has so far misunder-

stood human civilization. The epistemological flaw lies in the thinking of modern scientists, which only emerged and was based on rationalism: idealist (Platism-Descartes) and empiricist (Baconian-Aristotelian). The source of knowledge in the form of prophetic revelation (prophetic science) has no place in this philosophy, while materialistic, practical, hedonistic, and atheistic sciences hidden in support of positivist philosophy are given more space. Because people walk alone without clear and firm instructions, it is proven that dehumanization has arisen.

Post-positivist jurisprudence tries to present a different and distinctive concept from modern positivistic jurisprudence. It can be said that from time to time, science undergoes changes which usually start from changes in the paradigm used. Postmodernism began to deal with irrational things (emotions, feelings, intuition, personal experience, speculation), moral and spiritual, as an integral part of understanding scientific problems/research. Legal thought that is considered unsatisfactory (criticizing or rebelling) against the liberal and stable jurisprudence of the modern paradigm is categorized as postmodernism.

In addition, in the development of law, various new ideas that try to provide alternatives outside of rigid positivism have emerged. Some of the ideas that developed or were born in Indonesia include transcendental law, progressive law, contemplative law, and prophetic law. These thoughts have been widely studied and analyzed by legal experts.

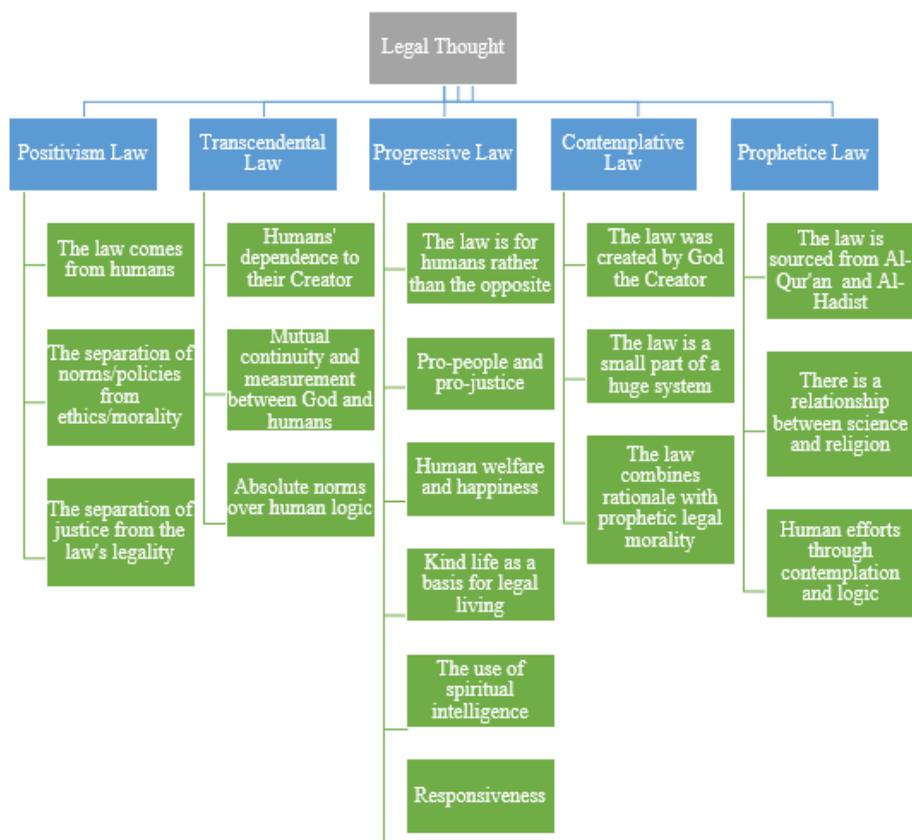


Figure 2. Several Schools of Legal Thought.

According to Roger Garaudy, transcendental law is interpreted from three perspectives (Budi-ono et al., 2021; Huda & Dimiyati, 2018). First, recognizing the dependence of humans on Their Creator. The attitude of being content with oneself by viewing humans as the center and measure of all things is contrary to transcendence. Transcendence lies above human instincts, such as greed and lust for power. Second, transcendence recognizes the continuity and common size between God and humans, meaning that transcendence relates to all power, wealth, and knowledge. Third, transcendence means recognizing the superiority of absolute norms that lies above human reason.

Transcendental thinking can be seen in religious, spiritual, ethical, and moral values born over a long history which are full of dynamics and struggles of thought (Basri, 2019; Ramadan, 2017). Modern science, which has been in the corridor of modernist-positivistic hegemony with empirical, objectivist, and rational doctrines, has begun to be questioned by transcendental think-

ers who put the value and meaning behind it, so that the building of science becomes more open and intact in responding to the problems of life and living. In this case, transcendental thinking begins to raise metaphysical things (emotions, feelings, intuition, values of personal experience, speculation), morals, and spirituality as integral parts of understanding science (Gardner, 2015; Jauernig, 2021; Vincini, 2020).

The progressive law that Satjipto Raharjo introduced is defined as a law that uses a human paradigm that cares about behavioral factors (behavior, experience) (Aulia, 2018; Liunima, 2016; Rhiti, 2016).

The law is for humans, rather than the other way around. Meanwhile, in legal science, humans tend to practically exist for law and legal logic. Progressive law is based on these several propositions (Lisma, 2019): (1) The law is for humans. The law is a tool for humans to give grace to the world and humanity; (2) Pro-people and pro-justice. The law must be on the side of the people, and justice must be placed above

rules; (3) Progressive law aims to lead humans to welfare and happiness; (4) Progressive law emphasizes a good life as a legal basis; (5) Progressive law has a responsive character, namely, the law is linked to the law's textual narrative; (6) The law of conscience; (7) Progressive law is carried out with spiritual intelligence, namely an effort to find the truth of a deeper meaning or value.

In this case, progressive law understands the law from a holistic perspective that departs from natural philosophy (natural law) with a universal vision that prioritizes humans as the main subject of law. Therefore, progressive law prioritizes conscience, empathy, honesty, and morality rather than logic or procedure. The law aims to make people happy and it is an effort to obtain substantive justice. Progressive law also recognizes that legal truth does not only depart from factual (physical) truths that exist in the reality of society. But it also recognizes metaphysical (spiritual) truths that are divine in nature and that can actually be reached with potential human abilities, love, and signs of God's power that are spread throughout the universe.

In order to determine good and bad, right and wrong, fair and unfair, benefit and harm, lawful and unlawful, as well as other concepts, contemplative law must enter the deepest part of the human body, specifically the conscience, which cannot be separated from the Creator and which can converse with the Creator. This is because the problem cannot be seen with the eyes alone. But must be seen with the human heart, which is the bearer of law (Sholahudin, 2015).

Ermi Warrasih, in her writing "Contemplative Sociology," says that the law must be seen in a larger order, namely the order created by the Creator. In the creation of the heavens, the earth, and humans, "order" is needed so that the relationship among their creations can continuously and universally run. A just order is needed to regulate the relationship among humans, the relationship between humans and nature, as well as the relationship between humans and other creations. It is emphasized that the law is a small part of a very large order that is closely interrelated. A very large order must be given meaning and it must be meaningful to humans. Legal science should pay close attention to this fundamental aspect. The relationship between humans and their environment creates the marriage of macro

and micro cosmos and subsequently forms life on Earth. This order can be in the form of a natural order that comes from religion and (unwritten) habitual order which in subsequent developments in the modern century is universal and generally accepted, especially when there is an artificial order called the state order as a written order (Sholahudin, 2015).

According to Anthon F. Susanto (2016), contemplative law is based on rational demands obtained through rational communication and open argumentative dialogue to improve the legal science maturation process. Ratio not only has essence but also exists in reality. The ratio in contemplative law must carry out its interpreting function in articulating the reality of a relationship that is so open and diverse (Susanto, 2016). In this position, morality plays an important role as a guide and the driving heart that directs and actualizes the idea of reality. In this case, ruling by heart essentially combines ratio with morality in the actualization of law in society. The integration of ratio and morality in contemplative law serves to bridge all differences through a conducive dialogue atmosphere towards humanization, which will lead to efforts to seek mutual understanding and agreement in a democratic, egalitarian way to achieve more meaningful goals (Susanto, 2016).

Meanwhile, the prophetic law is based on values sourced from the Koran and Hadith. It is also based on human efforts obtained from their potential abilities through reflection-reasoning and discourse that develops in society. From some of these legal ideas, the author is interested in studying the implementation of prophetic law in relation to the legal system in Indonesia.

The discourse on the relationship between the state and religion is often seen as complicated. Religion is often used to oppose the government and vice versa: the government is often used as a force to suppress religion. In political, constitutional, and religious discourses, the relationship between the two is still being debated and studied in Western and Middle Eastern countries.

In fact, people in various countries, including in Western countries, still continue to believe in and implement moral values derived from their respective beliefs and religions, and these religions are even recognized as official religions in many countries. Religious values, recognized or not, influence the formation of the law.

Table 1.

States' Relationship with Religion (Pew Research Center, 2017).

<i>States' Relationship with Religion</i>	<i>Number of Country</i>	<i>Percentage</i>
Official state religion	43	22%
Preferred/favored religion	40	20%
No official or preferred religion	106	53%
Hostile	10	5%

Based on the results of research conducted by the Pew Research Center (2017), from 199 countries around the world, more than 80 countries support a particular religion, either as an official religion supported by the government or by giving preferential treatment to one religion over other religions. Islam is the most widely supported religion by governments, with 27 countries (including most in the Middle East-North Africa region) officially declaring Islam their state religion. On the other hand, only 13 countries (including nine European countries) have designated Christianity or certain Christian denominations as their state religion. Furthermore, as many as 40 countries around the world unofficially support a particular religion. Among these, the dominant belief favored is the branch of Christianity. The study results show that Christian churches receive preferential treatment in 28 of those 40 countries.

The rational paradigm does not only try to separate law and morals/religion while considering written law as actual law. But what is even worse is the birth of secularism, liberalism, and pluralism in responding to legal issues. This certainly has a very clear reason as the positivistic theory put forward by August Comte puts aside metaphysical problems and directs to positivism. For this reason, a new paradigm is required to balance this rational thinking. This is especially because this paradigm is necessary for the state and society, which bases its laws on religious (prophetic) values like Indonesia.

### *The Implementation of the Prophetic Law in the Indonesian Legal System*

The prophetic law in the Indonesian legal system cannot be separated from the basic principles contained in the Pancasila state ideology (Absori, 2015), where the core of Pancasila consists of five precepts, namely Divinity, Humanity, Unity,

Democracy, and Justice. According to the founding father of the nation, Soekarno, the core of Pancasila is mutual cooperation. In the legal field, the manifestation of the Pancasila ideology is embodied in the ideals of the Pancasila law, which serves as the foundation and direction of national legal development. The ideals of Pancasila law are interpreted as rules of community behavior rooted in the people's ideas, feelings, intentions, creativity, and thoughts. In this case, there are three elements of law: justice, usability, and certainty (Ali, 2010; Nursamsi, 2014).

In the dynamics of people's lives, Pancasila as a legal ideal will function as a general guiding principle, a norm of criticism, and a motivating factor in the administration of law (formation, discovery, and application of law) and legal behavior. In this case, the legal system is an exemplar of the ratification of legal ideals into various legal rules arranged in a system (Putro, 2010). Thus, the establishment and development of law should be based on and refer to the ideals of law. By the nation's founding fathers, Pancasila was placed as the philosophical foundation in organizing the framework and organizational structure of the state. Pancasila is interpreted as the nation's way of life that reveals the relationship between humans and God, the relationship among humans, as well as the relationship between humans and the universe which is based on beliefs about an individual human's place in society and the universe (Sholahudin, 2016).

Apart from being the main component of the national legal value system and *staatsfundamentaln*orms, Pancasila is included in the philosophical scope of the Indonesian nation and state. The position of Pancasila as a philosophy, according to Abubakar Busro quoted by Susilo, can be reviewed in at least three realities, namely: (1) the material reality: from the scope and content of which it is fundamental, universal, and comprehensive, where it has metaphysical values, even

teaching points on religious and human values, (2) the practical, functional reality: a series of values in the socio-cultural aspect of the Indonesian nation, so that its form can be seen in the form of the principle of belief in God, mutual awareness, loyal friends, kinship, mutual cooperation, deliberation and consensus, etc., and (3) the formal reality. The founders of the state adopted and formulated Pancasila as an ideology whose form was seen in the preamble of the 1945 Constitution as the basis of the Unitary State of the Republic of Indonesia (Susilo, 2011).

The Pancasila-based law is based on the Indonesian people's way of life, which believes that the universe and all its contents, including humans and nature, are interwoven in a harmonious relationship created by God. The presence of humans in the world is ordained in togetherness with each other. But every human being has a unique personality that distinguishes one from another. This is where unity in diversity exists. In addition, togetherness (unity) shows the nature of a different and unique personality, which means that unity has differences. The nature of these differences cannot be denied without involving human nature, which can be realized in societal life (Achmadi, 2018).

In the development of Indonesian law, a foothold underlies transcendental values, namely the state ideology of Pancasila and the Preamble to the 1945 Constitution, which states that the proclamation of Indonesian independence is due to the Grace of Allah Almighty. The opening of the 1945 Constitution is a solid agreement of the nation's founding fathers, which is the basis of state-building and embodies the ideals of the nation. The opening of the 1945 Constitution is a spiritual spirit that is an unchangeable necessity. Article 29 of the 1945 Constitution states that the state is based on the Belief in One God. The state guarantees the independence of each citizen to embrace their respective religions and to worship according to their religions and beliefs.

Article 2 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power states that the judiciary is carried out for the sake of Justice Based on the Belief in One God. The state court applies and enforces law and justice based on Pancasila (Article 2, paragraph 2). Judges are required to comply with the code of ethics and guidelines on judicial behavior (Article 5, paragraph 3). According to Djohansjah (2008), a

judge's decision is born from beliefs. It ultimately becomes part of the judge's moral attitude to accountability, which is addressed to God Almighty, namely a figure who is believed to be omniscient in the hearts of every human being. Here it is clear that the judge is God's representative on earth and, consequently, must be responsible for the decision before the Divine God. A judge's hammer beat should not be done based on his own interests or the interests of those around him. But it must be done solely for the sake of God's justice.

Law Number 1 of 1974 concerning Marriage and its amendments is an example of a fairly strong form of the prophetic law's implementation. The rules in the law are basically sourced from the Koran and Hadith and compilations of other religions recognized in Indonesia. The prophetic values in these regulations very intensively and firmly regulate what is allowed and not allowed in terms of marriage according to religious teachings. An example is the rule prohibiting interfaith marriages, which are basically prohibited by the majority of religions recognized by the state.

## Conclusion

The implementation of prophetic law in Indonesia has so far been limited to a few laws and regulations. At the same time, prophetic understanding has become the spirit to establish this country, which is implicitly contained in the Republic of Indonesia's Pancasila and 1945 Constitution. Analysis of the prophetic law's implementation in the legal system has made it possible to find two important things. First, the lack of the prophetic law's implementation in laws and regulations. Several laws and regulations that accommodate prophetic law in Indonesia are the 1945 Constitution; the Preamble to the 1945 Constitution which states that the proclamation of Indonesia's independence is based on the Grace of God Almighty; Article 29 of the 1945 Constitution which states that the state is based on the Belief in One God; Article 2 paragraph (1) of Law No. 48 of 2009 concerning Judicial Powers; and Law Number 1 of 1974 concerning Marriage. This accommodation of the prophetic law ultimately impacts the level of implementation by law enforcers. The majority of judicial deci-

sions have so far only been based on the sound of existing rules, without considering the prophetic values that grow and develop in society. Second, law enforcement officers have not implemented prophetic law because they lack an understanding of the foundation of transcendental values adopted in the Pancasila ideology and the Preamble to the 1945 Constitution. The limitation of this research is secondary material which is still limited to court decisions used to analyze the implementation of prophetic law in the field.

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## HISTORY OF PHILOSOPHY

## CONCEPT OF ALIENATION IN THE WORKS OF K. MARX AND J. BAUDRILLARD

Maxim MONIN <sup>1,\*</sup>  | Elena LEDENEVA <sup>1</sup>  | Elena SHADRINA <sup>1</sup> 

<sup>1</sup> I. M. Sechenov First Moscow State Medical University (Sechenov University), Moscow, Russian Federation

\* *Correspondence*

Maxim MONIN, 8-2 Trubetskaya St., Moscow, 119991, Russian Federation  
E-mail: monin.maxim@gmail.com

*Abstract:* This article explores the idea of alienation in J. Baudrillard's philosophy, which is both a continuation and a critique of K. Marx's understanding of alienation. A comparison of both philosophies is drawn based on the specific example of the concept of alienation, which played an exceptionally important role in both Marx's and Baudrillard's concepts. Baudrillard, like Marx, uses the concept of alienation mainly as a tool to criticize modern society and the human condition in it. Moreover, like Marx, Baudrillard views alienation in close connection with the notion of private property. Yet along with this, as the article demonstrates, Baudrillard, in contrast to Marx, sees alienation not at all as a separation of man from his own universal essence, but on the contrary, as a dissolution in the social (to which Baudrillard attributed not a universal, but a concrete-historical meaning; this is reflected, for example, in the name consumer society for Western society in the second half of the 20<sup>th</sup> century).

*Keywords:* private property, consumer society, critical philosophy.

### Introduction

The ideological atmosphere in Europe in the 1950s and 1970s was very similar to that in Europe a century earlier. Then, in the 19<sup>th</sup> century, as never before, there were many popular authors calling for social reorganization, mercilessly criticizing all institutions of social order: religion (M. Stirner, B. Bauer, L. Feuerbach), state power (M. Bakunin, L. Blanqui), and the economic system (P.-J. Proudhon, K. Marx). It was the era of the emergence of most, if not all, revolutionary ideologies at least in the form of social movements: anarchism, various kinds of socialism and communism, and terrorist movements. Histori-

ans describing European history in the second half of the 19<sup>th</sup> century see this era as one of rapid social and economic development that avoided serious internal conflicts, almost an era of prosperity.

A century later, the situation in many respects repeated itself: Europe was once again on the rise and once again engulfed in revolutionary ferment. The range of critical perspectives offered by European philosophers concerning the modern world is indeed wide and varied. In addition to individualistic existentialism, as presented by J.-P. Sartre and A. Camus, which harbors a deep mistrust of all forms of organizations and ideologies, there are several noteworthy criticisms.

These include T. Adorno and M. Horkheimer's critique of the totalitarian rationalism of the Enlightenment, R. Barthes, G. Deleuze, and F. Guattari's denouncement of bourgeois myths, M. Foucault's exposure of covert power tactics, H. Marcuse's objection to the one-dimensionality of modern society that negates any critical stance, and G. Debord's condemnation of the 'society of the spectacle', which forces individuals into a passive role as mere spectators, among others.

By the time of the publication of J. Baudrillard's first major work, "The System of Objects" (1968), most of these authors and their concepts were already widely known, and Baudrillard, who was also highly critical of his contemporary bourgeois world, was already able to make some generalizations and comparisons. Thus, it was hard not to notice that a century later, of all the critical philosophies of the 19th century, the only one that retained a significant influence was Marxism. It was also hard to overlook the lack of economic material in the many versions of criticisms of capitalism of the 1950s and 1970s and the complete absence of systematic analysis of the economic sphere.

A legitimate question arises: can a critical philosophy that does not involve economics be radical? A second question: can Marxism still claim to be the most profound and radical methodology of philosophical analysis? This paper aims to show that Baudrillard's philosophy gives a negative answer to both questions. In other words, economic analysis is necessary, even if its principles differ from the Marxist ones. But in this case, Baudrillard completely changes the meaning of the opposition "common – private", or "individual – society", which both he and Marx had in mind as a kind of ontological basis for the entire economic sphere. Specifically, if Marx vested ontological authenticity in man's social existence, while the individual, separating man from social existence, trapped him in a circle of alienation, Baudrillard seeks to show that only the individual has the power to overcome alienation, which in Baudrillard's view emanated precisely from society.

The method of this study is the comparison of the concept of alienation in the works of Marx and Baudrillard, which should demonstrate (1) that, although Marx and Baudrillard share a similar understanding of the term 'alienation', the specific interpretations and implications they at-

tribute to this concept differ significantly, and (2) how this similarity/difference in the treatment of a particular concept reveals the "continuity/separation" relationship of Baudrillard's philosophy to that of Marx.

### Baudrillard – A Continuation of Marx, but Outside of Marxism

In his works, especially in "The Consumer Society" (1970) and "Symbolic Exchange" (1976), Baudrillard seeks to make up for the lack of attention to the economic sphere in many of his contemporary critical philosophies. As noted by A.M. Koch and R. Elmore (2006), "Baudrillard represents a continuation of the Marxian project in a world that is losing the ability to critically examine its direction. Baudrillard continues the maxim, represented in Marx, that the economic order is going to be a major, if not 'the' major, influence in determining the direction of social institutions and activities" (p. 574). It is also quite possible to justify the view that Baudrillard's work is "explicitly more radical than Marx's" (Redhead, 2014, p. 102), because Baudrillard "removed ideology from its traditional role as a distorting element between the material base and the superstructure ... and install it as "the one and only form that traverses all fields of social production" (Baudrillard, 1981, p. 146)" (Valente, 1985, p. 57), thereby demythologizing the very production base of classical Marxism by incorporating it into the complex context of social relations.

There is a fundamental difference between the philosophies of Baudrillard and Marx, because of which Baudrillard did not want to be viewed as a Marxist philosopher. This difference does not boil down to Baudrillard's critique of Marx's concepts of production and productive labor. In arguing that Marx's "critical theory of the mode of production does not touch the principle of production" (Baudrillard, 1975, p. 17), Baudrillard clarifies the goal of his own critical work – to discover the principle of production at least at its modern stage. This, according to Baudrillard, means returning to what Marx attributed to the superstructure: ideology, the mechanisms of consumption of the products of production. Baudrillard (2000) often attributes his differences from Marx to the difference between the economic

situation itself in the 19<sup>th</sup> century, when “some aspect of production still supported a social form called capital and its internal criticism called Marxism”, and the second half of the 20<sup>th</sup> century, when “we have gone from the commodity law to the structural law of value, and this coincides with the undermining of the social form called production” (p. 57). Baudrillard’s assessment of the state of affairs in the contemporary economic sphere has caused some authors to disagree, writing that “for all its complexity and inventiveness”, Baudrillard’s analysis nevertheless makes the mistake of rejecting the Marxist concept of production, since it proves unable to explain the production of the signs on which it speaks so much (Miklitsch, 1996, p. 28).

Baudrillard (2000), indeed, rather describes a single cycle of production-consumption that “no longer targets needs of profit” (p. 74). In this cycle Baudrillard (2000) emphasizes consumption over production because, as he suggests, “production thus joins the consumerist system of signs” (p. 63), virtually submitting to it. Aggressive, imposed consumption is one of the main themes in Baudrillard’s critique of the modern consumer society, in which “consumerist man [l’hommeconsommateur] regards enjoyment as an obligation; he sees himself as an enjoyment and satisfaction business... You have to try everything, for consumerist man is haunted by the fear of ‘missing’ something, some form of enjoyment or other” (Baudrillard, 2006, p. 110).

However, such motives were not alien to Marx (1956), especially in “Economic and Philosophic Manuscripts”, where he writes, for example, that “Under private property ... every person speculates on creating a new need in another, so as to drive him to fresh sacrifice, to place him in a new dependence and to seduce him into a new mode of enjoyment and therefore economic ruin” (p. 599). Elsewhere in the “Manuscripts” Marx (1956) notes: “Private property does not know how to change crude need into human need. Its idealism is fantasy, caprice and whim; and no eunuch flatters his despot more basely or uses more despicable means to stimulate his dulled capacity for pleasure in order to sneak a favor for himself than does the industrial eunuch – the producer – in order to sneak for himself a few pieces of silver, in order to charm the golden birds out of the pockets of his dearly beloved neighbors in Christ” (p. 600). Even the

image of striptease, which Baudrillard (2000) suggests as an embodiment of the quintessence of consumption without production (“The striptease is a dance, perhaps the only one, and definitely the most original in the contemporary Western world”) finds its match in Marx’s work – the English gin shop (p. 205). When Marx (1956) gives the example of a crude need artificially induced by industry, it turns out to be illusory satisfaction of need in the form of self-stupefaction; “The English gin shops are therefore the symbolical representations of private property” (p. 605).

### Baudrillard and Marx on the Estranged Man

Marx certainly does not ascribe to imposed consumption the significance the same Baudrillard does, but this again is not a fundamental difference, but a difference in emphasis. It seems that the radical difference between Marx and Baudrillard lies not in economics, but rather in philosophical anthropology, which is best expressed by their different interpretations of the concept of alienation. As Baudrillard (1975) puts it, “at the heart of its strategy, in its analytic distinction between quantity and quality, Marxist thought inherits the esthetic and humanistic virus of bourgeois thought, since the concept of quality is burdened with all the finalities – whether those concrete finalities of use value, or those endless ideal and transcendent finalities” (p. 57). First of all, Baudrillard explains, it is a question of Marx’s belief in a certain positive essence of man, his primordial freedom and rationality, in the very possibility of arriving at the fullness and truth of human life by overcoming alienation. But what is, according to Marx, the fullness and truth of human life, and what is the alienation that prevents their attainment? In “Capital”, Marx speaks of alienation exclusively in the context of economic relations, namely alienated, or sold, labor as a commodity (within a simple commodity exchange between individual producers), or labor itself as a commodity (within a contract between the worker and the capitalist). In the latter case, “One party to the contract sells his labour-power, the other buys it. The former receives the value of his commodity, whose use value – labour – is thereby alienated to the buyer.

Means of production which already belong to the latter are then transformed by him, with the aid of labour equally belonging to him, into a new product which is likewise lawfully his” (Marx, 1952, p. 589). However, in “Economic and Philosophic Manuscripts” Marx (1956) defines alienation (estrangement) more broadly: “Estrangement is manifested not only in the fact that my means of life belong to someone else, that my desire is the inaccessible possession of another, but also in the fact that everything is itself something different from itself – that my activity is something else and that, finally (and this applies also to the capitalist), all is under [the sway] of inhuman power” (p. 608).

Baudrillard (1975) refers to this broader definition of alienation when arguing that a worker, according to Marx, “is alienated not insofar as he sells his labor power, but insofar as he is an owner, ‘disposing’ of it as if it were his own goods” (p. 95). Of course, one could argue with Baudrillard, based in particular on the text of “Capital” and the “Manifesto of the Communist Party”, that the worker is alienated from his labor force precisely because he has to sell it to reproduce himself as labor force (that is, his possession of his own labor force is completely illusory). Yet bearing in mind that the capitalist worker is not a slave or a serf, it can be argued that the worker is alienated both because he owns his labor force and because he sells it.

Nevertheless, Baudrillard is essentially right in directly linking alienation and private property. Without private property, labor performed by an individual worker for the good of society would not have the quality of alienation. On the contrary, such labor, lacking the quality of compulsory servitude, which is shunned like the plague, as Marx puts it, would be a source of supreme pleasure and a way of self-realization, i.e., the individual’s communion with humanity.

Yet under the reign of private property as the most general relation to anything, the worker regards his labor force as a kind of special private property, even if he has nothing else. It is this sense of possession that alienates him from his human essence – just as possession of any object alienates the essence of that object from an individual. This is why Marx writes in the passage quoted above that alienation applies in some measure to the capitalist as well.

In “Capital”, however, there are no such statements equating the capitalist and the worker, the rich and the poor. The reason for this, of course, is not that “Capital” is the work of a mature thinker, and the “Manuscripts” are Marx’s first attempts at writing. “Capital” is a largely publicistic work designed to serve as a weapon for the proletariat in its struggle, the historical meaning and results of which were quite clear to Marx. “Capital” emphasizes class antagonism in every possible way, while in “Manuscripts” it is philosophically justified, showing why capitalist society, even with hypothetical mitigation of antagonism to the maximum extent possible (workers receive high wages, their labor is undemanding and satisfying, they are guaranteed social benefits (insurance, pensions, etc.), finally they become part owners of their enterprise by possessing a few shares), remains completely unacceptable.

#### Private Property and its Teleology in the Works of Marx

The reason for the insufficiency of partial improvements in the condition of the worker is the continuing principle of private property, which, as Marx argues, “has made us so stupid and one-sided that an object is only ours when we have it” (Koch & Elmore, 2006, p. 562). But why is that so? Because the “sense of having”, Marx continues, being “sheer estrangement of all [physical and mental] senses”, subtly displaces all the senses by which we perceive the object in our possession. For example, “The care-burdened, poverty-stricken man has no sense for the finest play; the dealer in minerals sees only the commercial value but not the beauty and the specific character of the mineral: he has no mineralogical sense” (Marx, 1956, p. 594). In this example, Marx reiterates the point he has made repeatedly: if one does not own property, this does not mean that property does not own him; his view of the object is just as one-sided as that of the owner of the object. In other words, private property, as it is commonly understood as possession, contains two opposing yet related aspects: the state of having and the state of not having, which exist in a contradictory yet parallel relationship.

But what do both (the possessor and the non-possessor) not see when looking at a mineral (to take Marx's example)? It is easy to picture a similar situation: during a conversation, one of the interlocutors suddenly takes a huge diamond out of his pocket and says: "Look how beautifully the light shimmers on its facets!" The answer is easy to imagine: "Is it real?!", "Where did you get it?", and of course: "How much is it worth?!". It would be extremely difficult to abstract from these economic matters.

The sense of private ownership in the form of possession that Marx speaks of in "Economic and Philosophic Manuscripts" also has its history and teleology. Property tends to accumulate in money, money tends to form wealth, and wealth tends to multiply itself, i.e., to become capital. It is in the form of the possession of money that the sense of having acquires its purity, freed from a substantial residue, transformed from the possession of something concrete into the possession of potentially everything, which inevitably creates an impulse of infinite growth. Marx (1956) then proceeds indeed to money, calling it "an object in the highest sense" (obviously as an object of possession), which is also deceiving in the highest sense, mixing opposites – exchanging love for hate, friendship for enmity, whereas in the genuinely human world, "you can exchange love only for love, trust for trust, etc." (p. 620). As Marx (1956) states, "The antithesis between lack of property and property", or "possession" and "non-possession", reaches the stage of contradiction only as the antithesis of labor and capital (p. 585). But at all stages, these opposites tend to grow into one another, not only in reality but also at the level of the sense of possession. Thus, possession always has its other in the form of anxiety and fear because of the risk of losing what one has; on the other hand, the sense of possession bears in itself hope for even greater gains. The fear of losses is also there, even more so, at the pole of non-possession (the poor are afraid of losing their meager means of subsistence, which would condemn them to starvation); hopes to improve one's situation here, if any, are much more modest than at the possession pole.

### Baudrillard: Alienated Consumption

As will be demonstrated further, Baudrillard uses

the same two-pole structure of alienation as Marx, and put at its core private property, again like Marx. But then begin the differences. First of all, Baudrillard questions Marx's thesis that the sense of possession is only the alienation of genuine human feelings, which are the development of all human culture. Baudrillard seems to be questioning his texts, especially "The Consumer Society": isn't the sense of possession connected to a rich cultural tradition – at any rate, it has its own history – and that is the history of private property itself? Furthermore, how is it possible to understand the sense of possession outside the context of the multiple sign systems associated with the life of a given society? An important example in Baudrillard's critical philosophy is fashion. Does the scale "fashionable – unfashionable" affect the market value of an object? Evidently, yes. Does this quality belong directly to the object, like, say, color? Certainly not. Can "trendy" just be taken to mean newer? Not necessarily: "retro" can also be in fashion, while many novelties are never fashionable. It would be wrong to attribute fashion to the desire to reproduce the best: profound works (books, movies, etc.) are hardly fashionable. By definition, fashion is superficial, frivolous, and at the same time unpredictable and poorly managed. Fashion refers not only to the purchase of goods but also to the most diverse aspects of life (appearance, behavior, preferences (political, gustatory, spectacle, etc.)). As Baudrillard (2000) notes, "fashion is at the core of modernity, extending even into science and revolution, because the entire order of modernity, from sex to the media, from art to politics, is infiltrated by this logic" (p. 174).

In Baudrillard's view, fashion cannot be attributed to some hidden power strategy: it is as much imposed on society as it is produced by it. When Marx covers such motives, he considers it an initiative of a particular seller of goods ("every person speculates on creating a new need in another"), keeping imposed consumption in the sphere of the private, individual rather than the public, endowed by Marx only with positive meanings. Baudrillard, on the contrary, extending the influence of the social to the whole sphere of representation, views it as outwardly neutral but essentially negative, since it plunges the individual into a world of alienation, separating him from himself, but (in contrast to Marx)

from himself as an individual, with his own goals, desires, and preferences. Baudrillard links alienation not to the economically oriented opposition of “possession – non-possession” but rather to the soft conformism of assent to the system of standards (possession of status things, appearance, behavior) offered by society or the social group.

The pole of possession is still present here, but it expands, first, from the possession of things to the ownership of some image of the self and, second, becomes a never fully attainable ideal to which the individual strives to conform. According to Baudrillard's paradoxical thought, in a consumer society, the individual never reaches the stage of fully possession anything, since he is always forced to follow changing social tastes.

Since possession in Baudrillard's theory loses its direct correlation with private property (as it was for Marx), it consequently loses its teleology in the form of a transition to monetary form and then to capital. Hence it is not surprising that the theme of money plays a very minor role in “The Consumer Society” and “Symbolic Exchange”, and that capital, as Baudrillard (2000) writes, having detached from the economic sphere, obtains power that “is completely absorbed, without a trace of blood, in the signs that surround us... where capital has finally attained its purest form of discourse, beyond the specific dialects of industry, of the market and of finance, beyond the dialects of class which held sway in the ‘productive’ phase” (p. 57). In other words, Baudrillard interprets capital as broadly as ownership itself.

### Baudrillard: Alienation from the Body and Death

The structure of alienation in Baudrillard not only retains the possession and non-possession poles inherent in Marxism but also significantly strengthens this structure, giving these poles, quite abstract in Marx, a vivid figurative content. Let us return to the theme of fashion in Baudrillard. According to Baudrillard (2000), its almost boundless space is united by a certain system of unified semantic signposts: here there is “modified sexuality” (p. 183). As Baudrillard notes further, “the passion for fashion, in all its

ambiguity, will come to play on the body confused with sex”. In this way, we come to the *body* marked by sexual dimorphism as the center in which all the lines of force of the fashion world and all the strategies of possession converge. At the same time, this is the fundamental basis of alienation. This may come across as a paradox since our possession of the body seems to be invariable and inalienable. However, it is difficult to argue with Baudrillard's argument that all fashionable things become fashionable in a particular representative environment, say, when clothes are advertised by a person who is attractive in our eyes, and not just in a store window. This person is the image that, along with the thing itself, the ordinary purchaser would like to acquire, but to which he fatally continues to fail to conform. It is this idealized body that Baudrillard has in mind when writing in consumer society that “In the consumer package, there is one object finer, more precious and more dazzling than any other – and even more laden with connotations than the automobile, in spite of the fact that that encapsulates them all. That object is the BODY” (Baudrillard, 2006, p. 67). Baudrillard (2006) continues to say that “the hygienic, dietetic, therapeutic cult which surrounds it, the obsession with youth, elegance, virility/femininity, treatments and regimes, and the sacrificial practices attaching to it all bear witness to the fact that the body has today become an object of salvation” (p. 67).

Thus, one's own body is the object that the individual of consumer society aspires to, but cannot acquire. In this, the only way to complete failure is the opposite pole of the opposition, which, of course, is death. The striving for the ideal body is simultaneously a flight from its death; it turns death into a persecutor, endowing it with the meaning of an intimidating possibility. In this respect, Baudrillard (2000) suggests that “the price we pay for the ‘reality’ of this life, to live it as a positive value, is the ever-present phantasm of death” (p. 245). Consumer society exists because of the constant indoctrination of the idea that the consumer does not die, that “to be dead is an unthinkable anomaly”, and that “death is a delinquency, and an incurable deviancy” (Baudrillard, 2000, p. 234). Death naturally does not disappear; moreover, it also transcends, so to speak, its natural limits, becoming an obsessive thought for the living. All this, Baudril-

lard argues, is nothing but the alienation of the individual from his own death, where it turns from a socially significant event, an action where the dying themselves play an important role (this was the case, Baudrillard notes, not only in archaic societies but also in Europe's recent past), into an accident that can always be avoided. Baudrillard (2000) suggests that this kind of evolution with respect to the dead and death should be thought of in the context of the evolution of forms of power ("Shattering the union of the living and the dead... – the primary source of social control" (p. 238)). However, in the overall logic of his reasoning, this explanation seems somewhat redundant: aversion to death already follows from the religion of the body itself, and the introduction of the idea of death as an unfortunate accident does not require any repressive strategy.

More importantly, Baudrillard suggests that together with death, all forms of deviance are banished to the periphery of culture, into the social exile of a modern society that prides itself on tolerance. Here Baudrillard seeks to generalize the ideas of M. Foucault in saying that this concerns not only criminals and the mentally ill but also the elderly, women, children, and people of different cultural regions. Ultimately, everyone can be labeled deviant, i.e., deviating from the ideal, and it is essentially a matter of banishing the individual.

### Conclusion: The Individual and the Social in Baudrillard and Marx

Here we may return to Marx's thesis that the individual is alienated from society by the individual itself, embodied in the principle of appropriation. Philosophical consideration reveals a lack and deprivation precisely where the individual seeks to assert his own self – in private property. For Marx, overcoming alienation means the individual's accession to his social being in its absolute and only true form, and this means overcoming not only the individual but also any collective limitations. Marx (1956) argues that "religion, family, state, law, morality, science, art, etc., are only particular modes of production, and fall under its general law. The positive transcendence of private property as the appropriation of human life, is therefore the positive tran-

scendence of all estrangement – that is to say, the return of man from religion, family, state, etc., to his human, i.e., social, existence" (p. 589).

Baudrillard paradoxically considers social existence to be Marx's bourgeois prejudice, believing only relative historical communities to be truly existing. Baudrillard does, however, give a reference to a kind of society without alienation. This is a conventionally depicted primitive society consisting of the living and the dead, two parts held together by strong threads of symbolic exchange. This original state, which corresponds in stages to Marx's primitive communism (this analogy has already been noted by scholars (Smith, 2010, p. 211)), is disrupted with the first signs of the emergence of social domination, and Baudrillard does not claim that it will be recreated in some form in the future.

Except for this example, Baudrillard's social existence lacks the positive meaning that Marx assigns to it. On the contrary, it is the cause of alienation that results in the emergence of the individual in its present perverted form. This reassessment of the fields of the common and the private is historically well explained. It fits Baudrillard's thought into the tradition of criticizing totalitarianism in all its manifestations, which emerged in the first half of the 20<sup>th</sup> century (in particular in J. Ortega y Gasset's "The Revolt of the Masses") but became the mainstream of European critical philosophy after World War II. The ambivalence of this trend toward Marxism is understandable: as the most influential and radical critique of capitalism, Marxism, in its dogmatized form, became the ideological basis of one of the totalitarian states that emerged in the 20<sup>th</sup> century – the USSR.

This duality perhaps lies at the heart of Baudrillard's thought: from the same principle, i.e. the principle of alienation, he wants to construct a critique of capitalism even more radical than Marx's. Yet at the same time, Baudrillard sees no possibility of any social movement that could put his philosophical critique as the basis of its own program of political action. In other words, Baudrillard does not see the possibility of revolution beyond the existing order (and the revolutions he does see possible are embedded in the existing order, which itself suggests permanent revolution, for the same fashion can exist only in the context of technological and social innovation).

Thus, the criticism of Baudrillard that he has emasculated the revolutionary pathos of Marxism and that his whole philosophy is nothing more than the preaching of Quietism (Horsfield, 1999, p. 3; Koch & Elmore, 2006, p. 574) is not unfounded. For his part, Baudrillard could argue that a revolution against capitalism is impossible in principle: capitalism already presupposes a continuing revolution, and to overthrow it would mean a return to some previous stage of development. Rather, the solution would be a conscious rejection of the rules of the game cultivated by the individual, i.e. a rejection of them in one form or another. After all, alienation is not necessarily the original setting in which the individual discovers himself and which he sometimes tries to overcome. Alienation can be secondary: a conscious choice that the individual makes about his own life. This is another difference between Baudrillard and Marx: for Marx, alienation cannot be considered overcome even when it is realized, because the individual remains in a system of property economic relations from which he cannot escape at will. In the case of a radical change in such a system, the individual can get rid of his own alienation without even thinking about its philosophical foundations. Conversely, for Baudrillard, the individual's awareness of the very fact and causes of his own alienation already considerably diminishes their power, and the extent to which he wishes to transcend them is up to him alone.

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Wentworth, D. (2012, November). E-learning at a glance. Paper presented at the *Distance Education Conference*. Retrieved from [http://www.umuc.au/conference/distance\\_education.html](http://www.umuc.au/conference/distance_education.html)

**Doctoral dissertation / Master's thesis**

Bartel, T. M. C. (2005). *Factors associated with attachment in international adoption* (Doctoral dissertation). Retrieved from <http://hdl.handle.net/2097/131>

Patterson, G. W. (2003). *A comparison of multi-year instructional programs (looping) and regular education program utilizing scale scores in reading* (Master's thesis, University of Florida). Retrieved from <http://www.uf.edu/~asb/theses/2003/>

*For degrees from institutions outside of the U.S., add the name of the country:*  
(Master's thesis, Humboldt University, Berlin, Germany).

**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,
- photo images should be of high quality.

**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.
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- The publisher or translator may present references about the publishing source at the end of the body text.
- Via the references, one may present foreign word translations, explanations of abbreviations etc., contained in the text may be presented in the source text in square brackets.
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- Translations and archive sources should have enough comments and complete 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 organizers, place and time should be included in the essay.
- 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 written in a free style and are free of demands placed on scientific articles are accepted for publication. Such kinds of works cannot be submitted in the reports about scientific works as scientific publications.

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Տպաքանակը՝ 200

Ծավալը՝ 269 էջ



# A JOURNEY THROUGH THE FEDERATION OF INTERNATIONAL SOCIETIES OF PHILOSOPHY (FISP)

Within the realm of institutional structures that engage with a diverse range of issues, develop methodological approaches, and promote prospects in the field of Philosophy, the initial formations consisted of philosophical societies primarily rooted in national origins. These societies encompassed a mix of long-established institutions and more recent organizations. Some notable examples include the Australasian Association of Philosophy (1923), Philosophische Gesellschaft Wien (1954), Société Philosophique de Bruxelles (1980), Société Philosophique de Louvain (1888), Sociedade Brasileira de Filosofia (1927), Bulgarian Philosophical Society (1968), Canadian Philosophical Association (1958), Société Française de Philosophie (1901), Finnish Philosophical Society (1873), Allgemeine Gesellschaft für Philosophie in Deutschland (1948), University Philosophical Society (1648) (Ireland), Società Filosofica Italiana (1906), Polish Philosophical Society (1904), Société Suisse de Philosophie (1940), Aristotelian Society (1870), Royal Philosophical Society of Great Britain (1865), and American Philosophical Association (1900), among others.

Established in 1948, the Federation of International Societies of Philosophy (FISP) stands as the preeminent non-governmental global organization dedicated to the advancement of philosophy. Its primary objectives encompass facilitating the development of professional relations among philosophers from all nations, fostering unfettered and respectful exchanges, promoting connections between institutions, societies, and publications dedicated to philosophy, accumulating valuable documentation for the advancement of philosophical studies, hosting a World Congress of Philosophy every five years, advocating for philosophical education, preparing publications of global significance, and fostering the influence of philosophical knowledge on global challenges. Notably, FISP holds membership in the International Council for Philosophy and Human Sciences, a non-governmental organization that acts as a liaison between international federations in the humanities and UNESCO.

FISP emerged from the International Congresses of Philosophy in the early 20th century and gradually evolved into a permanent international organization in 1948. The organization's vision is centered on fostering intellectual cooperation among philosophers transcending cultural and scholarly traditions. FISP's core objectives reflect an unwavering dedication to nurturing communication between diverse philosophical traditions and disseminating philosophical knowledge on a global scale. At its core, FISP recognizes the vital significance of interdisciplinary and intercultural dialogue, assuming the role of a catalyst for meaningful conversations that transcend disciplinary boundaries. The enduring relevance of FISP in the contemporary philosophical landscape becomes unmistakable as the organization engages with pressing issues and enriches the collective wisdom of humanity. FISP's steadfast commitment to fostering intellectual cooperation, nurturing dialogue, and advancing philosophical scholarship serves as an inspiration to all who traverse the intricate realms of philosophy.

FISP was established through UNESCO's initiative to support international education, culture, and science. It encompasses philosophical institutions such as associations, societies, institutes, and academies, subject to specific requirements for membership. The member societies are classified as national or international, determining their voting rights within the General Assembly. FISP operates as a representative democracy, with the General Assembly responsible for approving statutes, reports, and future activities, as well as electing the President and members of the Comité Directeur (CD). The CD, in turn, forms the Bureau and assumes responsibility for day-to-day operations. FISP's primary undertaking revolves around organizing international congresses of philosophy every five years, facilitating global collaboration and deliberations on significant philosophical matters.

The General Assembly, CD, and Bureau play integral roles in FISP's governance, while the President represents the federation and ensures adherence to its statutes. The process of electing CD members and the Bureau has evolved over time, striving to strike a balance between continuity and innovation. While FISP's involvement in publications is limited, with the Bulletin serving as the primary official publication, various publications associated with FISP initiatives have been independently released. Milestone events and noteworthy facts:

- *The inaugural International Congress of Philosophy took place in Paris in 1900.*
- *The most recent International Congress of Philosophy was held in Beijing, China, in 2018. The upcoming International Congress of Philosophy is scheduled to take place in Italy in 2024.*
- *FISP's official website can be found at <https://www.fisp.org>.*
- *The FISP membership list is provided at <https://www.fisp.org/national-members>.*

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Address: 17 Tigran Mets Ave., Yerevan 0010, RA; room 201

Phone: (+374 10) 59 70 65; Fax: (+374) 59 70 08

E-mail: ASPUpublisher@aspu.am; wisdom.periodical@gmail.com

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