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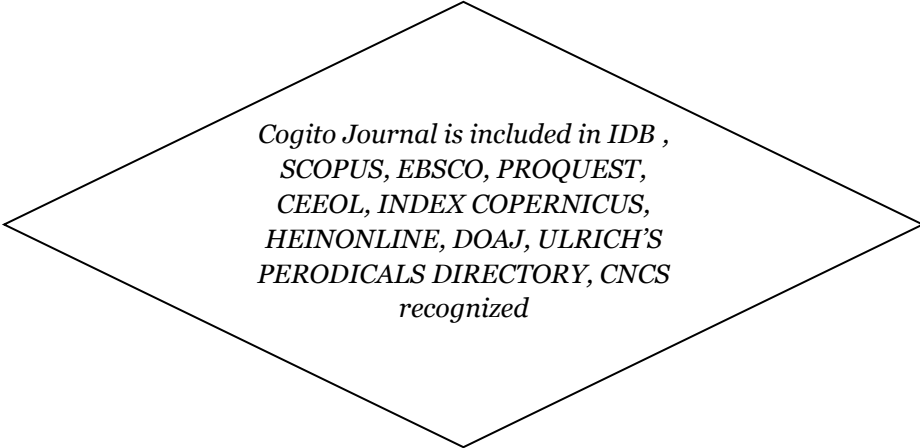
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# THE MISSION OF THE ROMANIAN STATE IN EMINESCU'S VISION. ASPECTS OF EMINESCU'S POLITICAL THOUGHT

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*“We must be an area of culture lying at the mouth of the Danube; this is the only mission of the Romanian state, and whoever wants to waste our powers for another purpose puts at stake the future of our descendants and tramples on the fruits of our ancestors’ work”.<sup>1</sup>*

**Abstract:** *The meaning of existence is a problem of philosophy, par excellence. The current research work aims at analyzing Eminescu's attempt to transpose this issue to the level of the Romanian state. In his political work, the Romanian thinker presents our mission as a state<sup>2</sup>, from a historical perspective, but at the same time, he invites us to self-knowledge, urging us to remember who we are, why we are here, on this earth, and what our mission is. We envisage, by analyzing some lesser-known texts, to bring into present aspects of Eminescu's political thought that could be meaningful for the reality we live today, representing authentic warnings over time.*

**Keywords:** *Romanian State, culture, history, political work*

Although it's 132 years since Eminescu's death, his ideas are equally valid today, which shows the depth of his political thought, the consistency and quality of cognition expressed based on an extensive documentation and a lucid analysis of the history and policy of the Romanian state. He was not a politician, but his political work can be a guideline for those who lead or aspire to lead the Romanian nation. Eminescu took seriously the role of prophet of his nation, on the one hand, censor of the scourges of our public life, on the other hand. In his struggle, so vehement, more often

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<sup>1</sup> Mihai Eminescu, *The Political Work*, vol. I, Edition prepared by Bucur Popescu and Petre Demetru Popescu, Bucharest, Publistar Publishing House, 1999, p. 558.

<sup>2</sup> Idem, *cited works*, p. 559.

than not, he does not forget that public life is something serious, and this raises his value in our eyes.<sup>3</sup> We draw the attention on some novel texts in order to understand that Eminescu was aware of his mission and took the risk of expressing the truth, with the aim to invite us to reflection and appropriate attitude, as a people, as a state. In this respect, the Romanian thinker appreciated that: *"There are circumstances in peoples' lives when the enlightened man must rise above the narrow party views and judge people and deeds with the impartiality of the unconcerned historiographer. The Romanian state finds itself in such a situation nowadays. The political and social development of the Romanian people has reached a stage in which any people is being asked the question: are you or are you not an element capable of establishing and maintaining the social order as a guarantee of development, on a piece of land? (...) We can no longer exonerate ourselves today, as we did in the past, that the enemies surround us and do not allow us to move forward towards the fulfillment of our mission; whenever we make a stop on our way, we prove that we are not worthy of the place where haphazard put us."*<sup>4</sup> The article "Our Mission as a State", published in the newspaper "The Time" on November 2, 1879 is illustrative for the way Eminescu loved his country and his people, showing that, over the years, "the wild herds perished one by one, and today we are sheltered within the borders of our country". Today, the Romanian Country "is the beloved homeland of any Romanian soul", and the Romanian Country - Eminescu continued - "must be a state of culture lying at the mouth of the Danube. This is the only mission of the Romanian state and whoever wants to waste our powers for another purpose puts at stake the future of the descendants and tramples on the fruits of our ancestors' work. Here, between the narrow borders of the Romania Country, the cultural assets must be gathered, to which our brothers belonging to the surrounding countries will appeal, together with the other peoples that are more backward than us. The blood ties and the identity of our national individuality towards some, the community of historical traditions and the identity of religious views towards others open and smooth the path for the peaceful and beneficial direction we must walk on with full goodwill. This is how modern society understands the mission of the Romanian state; this is how it results from our history, this is how it was conceived even by the founder of the Romanian nation". In Eminescu's conception, the "backbone of a nation" is its history and its language. It is through them that a people can get to know itself, preserve its "mental health and ethnic youth," maintain the "serenity of its nation."

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<sup>3</sup> D. Murărașu, in M. Eminescu, *The Political Work* (1880-1883), Bucharest, Eminescu Publishing House, 2000, p. IV.

<sup>4</sup> M. Eminescu, *cited works*, p. 559.



The language is the way a people exists. The knowledge of the national language and history and "the careful work on them ensures the perpetuation of that unique core, which is the ethnic concreteness". In a prophetic tone, Mircea Eliade wrote in 1985<sup>5</sup>: "As long as there is, somewhere in the world, a single copy of Eminescu's poems, the identity of our nation is saved", while the researcher of Eminescu's work, Rosa del Conte stated in her book *"Eminescu or On the Absolute"*<sup>6</sup>, published in 1961: "... His song does not belong only to Romania, but to mankind and to the whole world".

### ***Why do we need Eminescu today?***

*"Nothing is more dangerous for the consciousness of a people than the sight of corruption and rewarded nullity."*

*"Bribery can penetrate anywhere in this country, for bribery the highest heads of the administration sell the blood and wealth of a generation."*<sup>7</sup>

Eminescu understands better than anyone else the great meanings of history and politics. The complexity of Eminescu's work can be thoroughly encompassed and comprehended only by deciphering that philosophy of meanings and directions in which the Romanian thinker saw the solution of the acute and essential problems of society. Starting from the past (with the fundamental errors committed by the forerunners), he criticizes the social and political burden because, striving to foreshadow the future, he becomes a profound and admirable visionary, a true prophet for his people. In fact, the depth of thought is somehow the essential side of Eminescu's political feeling and conception. It is good to know that at the base of his political philosophy lies a titanic work. Eminescu assiduously searched for authentic sources in the great libraries of Europe, struggling to discover the truth, so that he could elaborate theses and conclusions in prestigious articles based on competent studies. He carried out minute research work, through the evolutionary study of sources, from the ancient to contemporary ones, selecting and discerning with analytical spirit everything that was useful in order to reach fundamental demonstrations based on accurate calculations (reading the great thinkers) in the field of economics, philosophy, exact sciences and the vast field of diplomacy.

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<sup>5</sup> M. Eliade, *About Eminescu and Hasdeu*, in *Journal of History and Literary Theory*, Bucharest, no.3/1985.

<sup>6</sup> Rosa Del Conte, *Mihai Eminescu o dell'Assoluto*, Modena, S.T.E.M., 1961, *Eminescu or On the Absolute*, (appreciated by Mircea Eliade as being the most profound study of modernity), translation, notes and preface by Marian Papahagi, Bucharest, Humanitas Publishing House, 2016.

<sup>7</sup> M. Eminescu, *The Time*, 1868.

Being an example for the Romanian people, Eminescu states righteously and absolutely reasonably that the only way (solution) to raise the Romanian people to a level of culture and civilization which could match the great European countries, is work and only work. And related to it, he emphasizes the practical aspect, so as not to remain only in the field of theory. In this respect, he recommends the in-depth study of the practical sciences. Through his criticism of speculators, corrupt elements, businessmen of all kinds, superficial culture, by means of his articles, Eminescu subjected the harassment of politicians, their public disgrace. Eminescu did not tolerate the fact that "the politician's mistakes are crimes, because these make millions of innocent people suffer, the development of an entire country is hindered and its future is hindered for decades to come."<sup>8</sup> In another article, the publicist wrote: "The very nature of the people, its inherited instincts and inclinations, its genius, which more often than not, unconsciously, pursues an idea while weaving in the war of time, should be defining in the life of a state, not the ape of foreign laws and customs."<sup>9</sup> In a context of meanings and a changing society full of contrasts, the much discussed Eminescu's "xenophobia" can be brought into analysis and understood. Eminescu did not hate foreigners, people of other nations, the people itself. On the contrary, he showed love and respect for the common people, for their culture, traditions and customs as well as their language. Eminescu's critique envisaged primarily the crowned heads (the ordering mind and not the executing arm) and the political class, the narrow-minded, servile, onerous politicians. From them stemmed the rages, the evils, and from the greedy neighbors the territorial losses. In support of these ideas, we bring the following text of Eminescu, a warning valid even today, *"Do not do politics with the bread of your fellow citizens; beat mercilessly in all abuses, support and encourage work [...]* You have sown enough corruption, you have aroused enough hatred among the different walks of life. Put yourself above the spirit of the party, the coterie inspirations, think of your homeland whose existence and future depends on the conduct that will follow. Romania must gain Europe's esteem by means of order and peace, remove the dangers that would threaten it if it became a cause of concern for our mighty neighbors".<sup>10</sup> Being structurally and substantially a patriot, never declarative and exacerbated (demagogy), the tool of his struggle was his

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<sup>8</sup> Ibidem.

<sup>9</sup> Idem, *The Time*, 1/04/1882

<sup>10</sup> M. Eminescu, *Works XIII, Journalism* (1882-1883, 1888-1889), Bucharest, the Academy Publishing House, Edition prepared by D.Vatamaniuc and Petru Creția. Note: Eminescu ran *The Time* newspaper as editor-in-chief between February 1880 and December 1881, since January 1882 taking responsibility only for the political part.

personal example, the spirit of sacrifice in the service of his country and nation. From this perspective, Eminescu's nationalism means patriotism, the philosopher's total adherence to the fulfillment of the great ideals for which his people has always fought and with which the creator merges into an indestructible whole. In Eminescu's vision, the formation of the nation is a long and continuous process, which can be accelerated or slowed down by one generation or another, but which cannot be interrupted, "it is not you the Nation, neither the ones, nor the others, not even all of you together, not even the whole generation, because the nation has tens and again dozens of generations. You can be a generation, a fragment, to tell you the truth a bit miserable and rotten, of this body that has lived for decades: the nation".<sup>11</sup> Here we come across Eminescu's actuality again<sup>12</sup>, in this dualism of perfect identity nationalism-patriotism, political force that lies at its foundation the "pure reason" and "incandescent patriotism" that had put at the pillar of infamy the activity of leaders, political class, parties, crooked institutions and laws, meant not to serve the people but a small group of interests.<sup>13</sup> His criticism, beyond the theoretical character, with starting points in Kantianism and positivism, was enhanced by the specificity and finality of the journalistic approach, by its size and especially by the severity and risks posed by "social pathology"<sup>14</sup> unprecedented for the Romanians. Besides, for Eminescu it was "an embarrassing and cruel struggle for truth"<sup>15</sup>, his own way of existence, fully responsible. The modern nationalism, rooted in the critical nationalism first expressed by Eminescu, does not allow the removal of truth, even if it were done for national reasons, nationality within the limits of truth. More specifically, what is untrue does not become true because it is national, what is unjust does not become just because it is national, what is ugly does not become beautiful because it is national, what is evil does not become good because it is national... Finally, the bad or wrong deed does not become a good one because it was committed by a nationalist on behalf of the nation, but it is and remains as such".<sup>16</sup> Reality belongs to the material order of things, where everything is felt, seen, measured. No matter how cruel the form in which we express our impression may be, reality itself is even more cruel and more odious. All the protests of

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<sup>11</sup> Ibidem.

<sup>12</sup> G. Pohoată, *Eminescu and his everlasting presence*, in Cogito. Multidisciplinary Research Journal, Bucharest, Pro Universitaria Publishing House, vol. XI, June 2019, pp. 7-17.

<sup>13</sup> M.Eminescu, *The Political Work*, cited works, p.560.

<sup>14</sup> Idem, *The Pathology of Our Society*, Political Articles, Bucharest, Vremea Publishing House, 1998.

<sup>15</sup> Works XIII, cited works, p. 331.

<sup>16</sup> Idem, *Manuscript BAR 2257*.

patriotism do not change the reality at all...change the reality, not paraphrase our words, this is what you should do".<sup>17</sup> The myriads of dysfunctions they reveal and their perverse effects at social level were real; we find them in many documents of the time: parliamentary speeches, economic and demographic studies, diplomatic reports, press articles, memoirs, etc. Eminescu does not aim at perfectionism through his excessive criticism. He was aware of the relativity of social truth, "Just as life consists of movement so does social truth, the mirror of reality being always in motion." What is true today, may be doubtful tomorrow, but on the wheel of this world not only human destinies descend, but also ideas".<sup>18</sup> With no politician of the time, and with no Romanian journalist do we find such a note of concern and such a firm decision in combating dysfunctions, such an effort to hold the whole society accountable. Eminescu aims to determine a convergent attitude on the part of all social categories in the direction of normalizing the course of political and economic life, the inclusion of Romanian development "in the natural limits". In this regard, he consistently calls for: the correlation of the reform with the economic interests and possibilities of the country; knowledge of the "right proportion between the means used and the purpose pursued"; the adoption of appropriate laws, which would favor the local economic development, based on the complex investigation of reality, with methods specific to sciences; creation of financial-banking institutions to support industry, agriculture, other important economic sectors; training of the workforce, through which to ensure the modernization of society and the employment of all socio-professional categories in the activity of social restructuring; the professional orientation of young people towards occupations necessary for the organization of the society on a modern basis, such as activities in the field of industry, trade, etc.; simplification of the administrative mechanism; admissibility in public office based on criteria of merit and morality; stability of officials in posts; the cohesion of social forces, regardless of political affiliation for the recovery of the internal economic situation; combating corruption and abuses, restoring public confidence in the exercise of state authority. Eminescu requires that the reform measures be coordinated by competent and honest people, capable to ensure the necessary economic resources and their good management. He warns that new forms of social organization risk being compromised by the perpetuation of social behavior. In essence, Eminescu's radiography of the state of the Romanian society could be concentrated in the following appreciation: "if the material state of our populations is bad, the moral one

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<sup>17</sup> Idem, Works XIII, *cited works*, p. 189.

<sup>18</sup> Ibidem, p. 22.

is almost even worse".<sup>19</sup> We need Eminescu, because we need truth, justice, love and a lot of courage. Without authentic values, a state cannot fulfill its mission on this earth. Thus, Eminescu's message over time is clearly expressed in the following text: "When the state is soundly organized, based on the very nature of the people and society, on a habit of the land passed into the juice and blood of its inhabitants, in their customs and habits, the ambitions of the individuals disputing the power are irresistibly comic for the general public and for the selfless man..."<sup>20</sup>

### **Eminescu or about the lesson of the Absolute Romanian<sup>21</sup>**

Eminescu enters the Absolute, as an expression not only of an epoch or an ideology, but of the perennial Romanian spirit. Perhaps the most important lesson, which he conveys to his people, this "tutelary genius of Romanian spirituality", as Constantin Noica called him, is that of authentic Romanianism, which transpires in his entire creation. Eminescu, understanding his purpose in this world and reaching the meaning of existence, does not keep this experience only for himself. From this perspective, one must analyze his texts and his critical attitude. Here is what he wrote, in this sense: *"The only reason of being for a state, for us, is its Romanian nationality ... If this state were to cease being Romanian, then we say it honestly that the fate of its land is terribly indifferent to us."*<sup>22</sup> No one else knew better than Eminescu that *the essential feature of the Romanian is the attachment to his language and his nation*, thus emphasizing: *"The Romanian is capable of becoming a Catholic or Mohammedan to remain Romanian, but he will never agree to change his language and nationality and any attitude that would endanger these things, more important for him than even the form of his relationship with God, will suit neither his heart nor his spirit"*.<sup>23</sup> Eminescu's theories about the mission of the state, about its historicity, which were interpreted by some abusively and in bad faith are only the effect of a personal revolt. In peaceful meditations, all that Eminescu asked any citizen of his homeland was to adopt the national language and justify his presence through productive work. From what we could call Eminescu's practical philosophy, starting with ideas on morality and law to art and education

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<sup>19</sup> *The Time*, September 5<sup>th</sup>, 1881.

<sup>20</sup> *The Time*, April 26<sup>th</sup>, 1880.

<sup>21</sup> Lucian Boia, *Mihai Eminescu. The Absolute Romanian*, Bucharest, Humanitas Publishing House, 2015. Note: the title of L.Boia's book is after the rank of "Absolute Romanian" to which P. Țuțea raised him, *Between God and My People*, Anastasia Foundation, Bucharest, 1992, pp. 110-111.

<sup>22</sup> *The Time*, 31/07/1880.

<sup>23</sup> *Ibidem*, 16/12/1879.

issues, his conception of the mission of the Romanian state remains an essential landmark in order to understand, today, the meaning of the Romanian state's existence within the European peoples. Everything that Eminescu said about the automatic state of bees, taking it as an example for the natural state, sounds in accordance with the theory of instincts, which was also professed by pessimists like Ed. Hartmann. These naturalistic ideas were quite old and date back to the 18th century when the physiocrats stated the first thoughts of a social science Montesquieu is related to. Eminescu openly acknowledges his adhesion: "Conservative ideas are physiocratic, we could say, not in the unilateral sense given by Mr. Quesnay, but in all directions of public life."<sup>24</sup> The principle of natural evolution is an important milestone in Eminescu's thinking, necessary to be brought to attention in the context of our analysis. Eminescu considers that there are two ways of conceiving the origin of society and the state: "Expressed in the most general terms, the difference between liberals - in terms of honest people with stable principles - and conservatives is that the latter regard the state, righteously, as a product of nature ... while for liberals the state is the product of a contract, arising from the free will of the inhabitants."<sup>25</sup> Natural evolution and not revolutionary change is the condition of progress, which needs time to bear fruit: "The social and economic environment in which a people lives must not be changed overnight, but slowly, so that people have the time to adjust to their new conditions."<sup>26</sup> Similarly, Eminescu states his opinion in another article: "whoever says 'progress' can admit it only with its natural laws, with its gradual continuity. To artificially age a child, to plant plants without roots in order to have the garden ready in two hours is not progress, but devastation".<sup>27</sup> The distinction between the liberal and the conservative state is interesting, the liberal state attaches too much importance to 'human rights', the conservative one deals with the 'harmony of interests', the individual being a means and not a goal. With his antipathy for liberals, whom he considers without any connection to the geographical and historical reality, Eminescu proves the courage to express realistic ideas, as well as utopian ones for the period in which he lived. Eminescu points out that "the whole struggle between the opposing camps, one called liberal, which reaches communism, another conservative, is on the one hand the struggle for rights, on the other one the struggle for debts."<sup>28</sup>

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<sup>24</sup> M. Eminescu, *Works*, I, Crețu IV, p. 401, apud. G. Călinescu, *Eminescu's Works*, vol. I, Bucharest, E.P.L., XII, 1969.

<sup>25</sup> Idem, *The Time*, 17/08/1879.

<sup>26</sup> Ibidem, 12/10/1882.

<sup>27</sup> Ibidem.

<sup>28</sup> Ibidem, 8/11/1878, apud. *The Pathology of the Romanian Society*, cited works.

There was an unequal struggle between the ideas of Western liberalism, of freedom, equality, secularism, progress, as they were implanted in our country at that time and the conservative values of hierarchy, national solidarity, tradition, religious consciousness and responsibility, and this struggle gave prevail to the liberal ideas, which imposed themselves on an agrarian, conservative and traditional society.<sup>29</sup> Eminescu lucidly analyzes the flaws of both possibilities and, what is more, he foresees that, in a historical perspective, liberalism, an egalitarian, individualistic and secular class doctrine, leads to the communism of class struggle, false egalitarian, collectivist and atheist, concluding that socialism is not the system adequate to the Romanian society, that socialism in our country was a system imposed from outside and did not appear through natural evolution: „Naturally, there could not be socialism in our country ... socialism is not justified in our country by anything and, as an evolution of ideas, it is only the same plaything with foreign abstractions ...<sup>30</sup> The relationship between liberalism, socialism, culture is seen by Eminescu as follows: "we are sure that the victory of liberal-socialist principles means the death of any culture and relapses into old barbarism".<sup>31</sup> Our need for identity and national solidarity is perennial and universal. Our society feels it like the generation contemporary with Eminescu, who strove to shape its own image about its historical people.

### **Instead of conclusions**

Eminescu's dream was a strong state through which the Romanian nation could develop and fulfill its civilizing mission. For this reason, the Romanian thinker warns us that "the matter of state life is work, the purpose of work, welfare, wealth - so these are essential ... that is why it is obvious what the greatest evil is: poverty"<sup>32</sup> Eminescu combatted the popular opinion that Romania was a rich country that could afford waste without work : "Then another misconception had spread, which was, and still is almost general, that our country is terribly rich and that, even if one spends hard, it will afford to pay. No one seemed to understand that wealth is not in the air or on the ground, but in the arms, and if the arms are missing or the quality of production is poor, there can be no question of a rich country.<sup>33</sup> Or, work and culture are the factors of a state's civilization. The progressive course of a natural state must 'be slow' and

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<sup>29</sup> N. Henegariu, C.Tomescu, *Eminescu today?* In M. Eminescu, *The Pathology of the Romanian Society*, cited works., p. 17.

<sup>30</sup> Ibidem, 18.06.1881.

<sup>31</sup> Eminescu, Works, Crețu, III, p. 289, apud. cited works.

<sup>32</sup> Idem, p. 202-203.

<sup>33</sup> Idem, *The Time*, 18/12/1877.

based on 'historical traditions'. Eminescu's message envisages the fact that a state can fulfill its mission on earth if it is capable to sanctify its place, history, culture, religion, the language of the people it belongs to. Otherwise, "all the sacrifices we have made so far and in the future will bring us only what time should have brought us by the power of things."<sup>34</sup>

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<sup>34</sup> Idem, *The Time*, 26/04/1878.



# BODY AND PERSONHOOD: A STUDY OF DIGNITY AND IDENTITY IN CONNECTION TO THE DEAD

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**Abstract:** *Indulgence with the idea of death, whether at a conscious or sub-conscious level, has been an age-old preoccupation of human thought and consciousness. All human beings are composed of a tangible and an intangible part, i.e. the body and the soul/mind respectively. The 'body' is as essential an element of our human identity as the soul or the mind. However, the legal arena is often seen grappling with controversies concerning the concept of personhood in relation to the dead (either the body or any other physical remains). Some of these controversies arise from our linguistic approach to death and personhood. The objective of this work is thus, to indulge in a philosophical discourse on death, to unravel the relationship between the concept of "personhood" and the subjective self "I" in terms of its identity and dignity (corporeal or incorporeal, and deceased or conscious). This research will look into some of the issues regarding the changing trends in our approach towards (dead) 'body' and 'personhood', i.e. what makes us a 'person' and what role does the tangible (body) and the intangible parts (soul/mind) play in the assertion of our personhood and right to dignity; and also, how the legal and the philosophical arenas are grappling with these approaches. This work finds out that the existing diameter of certain concepts is too narrow to encompass our sense of morality, ethics, and the changing trends of society, science and technology.*

**Keywords:** *Dead body, Personhood, incorporeal, soul/mind.*

## Introduction

Historically, various philosophers and academicians at different point of time have approached the subject of death from various perspectives. The discourse on death in relation to the right to dignity of the dead offers

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a wide range of questions to explore<sup>1</sup>. One of the most significant and ever-pursued question is: are we harmed by death? From the history of ancient philosophy, Epicurus in his "Letter to Menoeceus" had attempted an answer to the question:

Accustom yourself to believing that death is nothing to us, for good and evil imply the capacity of sensation, and death is the privation of all sentience... Death, therefore, the most awful of evils, is nothing to us, seeing that, when we are, death is not come, and when death is come, we are not. It is nothing, then, either to the living or to the dead, for with the living it is not and the dead exist no longer<sup>2</sup>.

Although Epicurus' thesis seems to be a rational approach to the question of whether one can be harmed by death, yet something is amiss in his thesis. Living-humans cannot know for certainty if humanity is harmed by death due to lack of firsthand experience. However, humans can rationalize if we at all affected by death. Drawing from Epicurus' thesis, the answer to this question is hidden in negating the same thesis: "Accustom yourself to believing that death is nothing to us" because death is everything to us – may be not as an evil that is going to harm us but "death" is that inevitable entity of our life which propels all thoughts about life. For Epicurus, mortality of life becomes enjoyable when death becomes "nothing to us"; but a person can become aware of her mortality only when she has the recognition of the inevitability of death. Thus, Epicurus' thesis that "death is nothing to us"<sup>3</sup> may prevent one from fearing death, but it adds nothing to life; life may reach its optimum only when approached from the vantage point of its opposite, i.e. "death".

The most recent philosophical approach towards death brings in the discipline of ethics and medicine together to study this unfathomable mystery called "death". Such a study has raised questions regarding the personal identity of a being, status of comatose patients (in terms of their state of existence), and also the field of cryogenics have added a lot of socio-ethical and conceptual problems regarding the subject of death and personhood. We have devised a concept of human rights to protect us from our own kind; but do we also need to protect the dead (i.e. the dead human beings)? If yes, then who or what can pose any form of threat to the dead? Such questions primarily originate from our constant engagement with the

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<sup>1</sup> Farah Ramin, "Death in the Philosophy of MullāSadrā and Schopenhauer." *Asian Philosophy*, vol. 29, no. 4, 2019, p. 325.

<sup>2</sup> James Warren, "Lucretius, symmetry arguments, and fearing death." *Phronesis* 46.4, 2001, p. 467.

<sup>3</sup> Byron J. Stoyles, "Philosophical suicide." *Think* 11.30, 2012, p. 73.

idea of death and the desire (however sub-conscious it could be) of immortality. The concept of “death” and the questions that originate from our engagement with death poses challenges to human rationality and concepts which are beyond the gamut of scientific discourse, but forms the core of discourses such as ethics, morality and emotions<sup>4</sup>. Nevertheless, there are instances in the legal arena where people have demanded that dignity and respect should be the basic right of a dead person (and the right to be born as the right of a foetus) and not just the living. This demand primarily stems from the idea that the living have serious moral and ethical obligation towards the dead (and also the unborn)<sup>5</sup>. Should it then be inferred that there are three basic states of life – the unborn, the living and the state of death. Should we also assume that existence is infinite in nature and it does not have any beginning as well as end? Linguistically speaking, the word “existence” is paired against “inexistence” which necessarily displays the contrast between “being” and “nonbeing”; and only those things have a beginning which has an end and the vice-versa. The discourse on death in relation to the right to dignity of the dead offers a wide range of questions to explore.

The Allahabad High Court in 2009 (regarding the dead) said that “The State is obliged in law both under its powers as a welfare state, and to protect the rights of such persons in its extending meaning under Art of the Constitution...” The ‘dead’ has been categorized by the law as a kind of ‘person’ which is (obviously) different from a living person, yet deserves the dignity of a person (as someone who was once alive). It further said that the right to dignity is not only the right of the living but also needs to be bestowed on a dead body of a person<sup>6</sup>. For a court of law, a person’s dead body/remain is the receiver of dignity. Thus, one needs to ask whether the ‘dead body’ and the ‘person’ are one and the same thing; furthermore, the body has always been regarded as the secondary entity in the dualistic philosophy and also in theology, where the soul or the mind received primary importance – therefore, the various court orders which have (time and again) bestowed the right to dignity to a dead body do not follow the dualistic theory which regards the body as a mere place where the soul resides. The body, then, does have an important position as far as the concept ‘person’ is concerned. Thus, the subsequent introduction

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<sup>4</sup>, Eric Ndoma Besong, "Emerging Sexual Ethics and the Erosion of African Ethos." *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 2.1 (2019): 71-83.

<sup>5</sup> Ogar, Tom Eneji, and Joseph NkangOgar, "Globalization in Africa and Beyond: The Quest for Global Ethics." *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 1.2, 2018, p. 39.

<sup>6</sup> Monika Singh, et al. "Success Factors for e-Court Implementation at Allahabad High-Court." *PACIS*. 2018.

raises some fundamental questions: (Q.1) what makes someone a 'person'? (Q.2). What is the role of the human body in its identity as a person?

### **What Makes a Human Being a Person?**

Ernest Becker (1995) in his book *'The Birth and Death of Meaning'*<sup>7</sup> wrote that language plays the crucial role in 'making man quintessentially human'. Becker's idea of 'human' where he said 'It has to do with man's famous 'ego' that makes him different from any animal known to nature' was distinctively influenced by Freud's theory of 'ego'. On one hand, the anthropologist in Becker was referring to the superior species of the animal world called human beings, and on the other hand, he was indulging in the historical debate on what makes a human being a 'person'. Becker's investment on the idea of what makes 'man quintessentially human' is essentially an investment into what makes a human being a 'person'. Freud's influence on Becker (is distinguishably visible in his analysis of the human being. Becker said that 'Id' is present in all animals, but it the 'ego' which is distinctively human, makes us what we are – i.e. someone who can control the 'reactive id' with the 'ego': "Without an ego the animal exists in timelessness, unable to place itself with precision in a world of sensation. Only humans know death because the ego fixes time"<sup>8</sup>.

Becker's observation of our sense of time as past, present and future as a unique capacity available only to human beings by the virtue of our 'ego' might draw criticism from those who believe that even the animals have similar capacity and human beings have not been able to devise conclusive techniques to find if animals are devoid of sensations 'unique' to humans. However, this debate is not the objective of this research work. The essential aspect of Becker's analysis of a human is the idea that humans are 'time-binding' animals, i.e. we are the only creatures who are endowed with the notion of 'past-present-future' where we situate ourselves and also can evaluate that 'time-stream'. It is known that a human life is not a life defined by simply living for procuring and reproducing; although a Darwinian would not agree with this statement. We human beings always look for enhancements outside the basic requirements of survival. This tendency to look for enhancements and fulfilment is generated from our acute sense of the 'I' contained in the time-stream of past, present and future. Hence, the question: What is this 'I'?

The 'I' is often defined as the 'precise designation of himself', a personal and also a social symbol of the human being. Psychiatrist Harry Stack Sullivan defined the 'I' as a verbal structure whose purpose is to

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<sup>7</sup> Ernest Becker, *The Birth and Death of Meaning: An Interdisciplinary Perspective on the Problem of Man*. 2<sup>nd</sup> Free Press, 1971.

<sup>8</sup> Ibid, p. 28.

primarily conciliate the surroundings to avoid any form of anxiety<sup>9</sup>. The 'I' builds up a world around it where 'everything friendly is initially referred to the 'me'; everything hostile to the alien 'not-me'. 'One may ask if we can directly and immediately know ourselves; or can we be ever acquainted with ourselves, i.e. the 'I'? Roderick Milton Chisholm (2002), in his book '*Person and Object: A Metaphysical Study*'<sup>10</sup>, says that we can directly know ourselves, i.e. we are capable of being acquainted with the 'I' by the virtue of the direct knowledge of propositions. Knowing the 'I' by the virtue of propositions require an explanation. Alexius Meinong said that a proposition is directly known if it is 'self-presenting' or 'presents itself'<sup>11</sup>. But when does a proposition presents itself? A proposition would be 'self-presenting' firstly, when it is true and secondly, when it is necessarily true (it is then that a person knows that it is true). For instance, consider the statement: 'I see a monastery'. This proposition is self-presenting in the sense that firstly, I do in fact seem to see a monastery, and secondly, it is necessarily true that if I seem to see a monastery, then it is evident to me that I do. The self-presenting propositions also indicate towards one's state of mind, i.e. our thinking of certain thoughts, experiencing certain emotions and such others. Thus, according to Chisholm to know oneself or being directly acquainted with oneself is directly related to these self-presenting propositions<sup>12</sup>. Whenever a person seems to know something directly, the same person also seems to have a direct knowledge of her own self, because the self-presenting state is the state of the knower herself<sup>13</sup>. In knowing them directly, she also knows herself directly. One may ask: how can we be certain that those states are my own states and not of somebody else's and something else's? Let us go back to the sentence 'I see a monastery'. That there is a monastery here can be obtained without my knowing about it; but that I can see a monastery here will not hold true without my knowing about it (that I see a monastery). Thus, Brentano says that 'the only individual thing which can be an object of such direct factual knowledge is the knower himself'<sup>14</sup>. Chisholm further says that if I am

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<sup>9</sup> Virgil Zeigler-Hill, and T. Shackelford, "Encyclopedia of personality and individual differences." (2020).

<sup>10</sup> Chisholm, Roderick, *Person and object: A metaphysical study*. Vol. 17. Routledge, 2014.

<sup>11</sup> Ekatarina Cherepanova, "Justification of atemporal values in Alexius Meinong's theory of objects." *Filozofijaidruštvo* 31.1, 2020, p. 81.

<sup>12</sup> Chisholm, Roderick, cited work, p. 46.

<sup>13</sup> Leonard Nwoye, "A Critique of Hume's Ethical Empiricism: Towards Addressing Ethical Dilemmas in Making Moral Choices." *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis* 1.2, 2018, p. 54.

<sup>14</sup> Ibid, p. 25.

awake and I am conscious, then I have certain properties such that I now directly know to have those properties.

He also talks about the idea called 'individual concept' where he says that to have a direct awareness of one-self, one needs to have an 'individual concept' of oneself as the being, i.e. I cannot have a direct awareness of myself unless I have an individual concept of myself. Chisholm (2002) writes that we can have an individual concept of a thing only when we can individuate that thing, and to individuate a thing we have to know something about the thing which is true only to that thing and nothing else; i.e., I should be able to segregate that thing from other things. But this also means that before I can individuate myself I will necessarily have to locate myself within a class. Also, I will have to pick out things of that class and be able to specify the sense in which each of these things are uniquely related to me: 'The property of being me, of being identical with myself, can only be an individual essence. It is a property I cannot fail to have. And it is a property that is 'repugnant to' all other things – 'repugnant' in the sense that nothing diverse from me could possibly have it'<sup>15</sup>. This means that the property of 'being me' or 'being identical with me' cannot be shared by anything else. It is that thing which makes me the 'person' I am.

Thus, the notion of the 'I', which Sullivan called the 'verbal edifice' is the most essential element of the concept 'person'; and the only way one can assert the 'I' is through our speech. It can be then said that speech is the most essential element of the human species which renders it its ego, because it is through our speech (proposition) that we establish a contact with our ego, i.e. the 'I'. This personal pronoun 'I' can be treated as the reference point of one's self-consciousness, it is that focal point of awareness upon which all the events and happenings outside the 'I' finds reference. It is true that (as mentioned by Chisholm) 'the property of being me' is an essence shared only by myself (and not anything else), but such a property is unique to all the other 'I's' that are present around me. While I recognize myself by the virtue of my capacity of 'individual concept', how do I recognize other beings with an 'I' around me? Becker makes an interesting point in reference to the formation of the 'I' and the recognition of other 'I's' in relation to oneself:

The pronoun 'I' and the personal name exist in a world of other 'I's and other names... The 'I' can take form only in relation to those around it; the individual exists to focus his own powers and act in the surrounding world.

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<sup>15</sup> Ernest Becker, cited work, p. 33.

...The kin would take form as true individuals, and expectations and obligations would add meaning to a world of mere sensation. The 'I' signals nothing less than the beginning of the birth of values into a world of powerful caprice<sup>16</sup>.

Becker has made three essential points from the perspective of our inquiry into the concept of 'person' and 'body' – firstly, the formation of 'I' is as much as in relation with those other 'I's that surround us, as it is to oneself by the virtue of our ego expressed in our speech (in agreement with Freud and to certain extent with Chisholm); secondly, the 'I' whether in relation to oneself or to the other automatically employs the process of objectification for its formation and recognition, and thirdly, the 'I' is the focal point of the birth of values.

It is essential to remember that what we essentially refer to as the 'person' and all those features that contribute to our 'personhood' is this 'I' – the centre of awareness. However, the recognition of the self (in oneself and the other) presupposes the objectification of the self. It is only upon objectification that the 'I' can become the focal point of the birth of values. Any analysis of the 'I' or the personhood is incomplete without the debate on the primacy and supremacy of the mind or the body; each camp sides with one but never sees the mind and the body as one unified whole. Whether the mind and the body is a unified whole needs to be analysed, but the mind and the body cannot be studied in isolation from one another. The proponents of 'the supremacy of mind over body' treat the body as a mere jar that contains the 'I'; the body as such is incapable of functioning without the 'I' inside it. This theory may be true – the 'I' can be the supreme element that gives life to the body and in the absence of the 'I' the body will not function as it will on its presence (for instance, in case of a state of unconsciousness, comatose or death). However, one should also introspect if the 'I' will have any identity in case of the inaction of the body (again, in case of a state of unconsciousness, comatose or death). For centuries, philosophy has been grappling with this question. The supremacy of one over the other, or what gives me my personal identity is debatable and requires analysis from the point of view of multiple disciplines such as medicine and psychology and not just philosophy. However, it cannot be ignored that both the 'self' and the 'body' are inseparable entities. The analysis of the research question 'can dead people have rights' or its accompanying questions require an analysis of both the 'I' and the body in relation to each other. As mentioned by Becker (1995) and also Chisholm (2002), the 'I' requires recognition within the self. Kant

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<sup>16</sup> Ibid, p. 30.

said that the first point of recognition is not 'I' but it is 'me'. The linguistic difference between 'I' and 'me' as the subject pronoun and the object pronoun respectively plays a major role in the understanding of Kant's idea. Kant said that an infant becomes conscious of herself first as 'me' and only then as 'I' – it means that the infant first recognizes herself as the 'object of others' before she can recognize herself as the subject. A person 'becomes the point of reference in relation to others before he becomes an agent of action for himself'<sup>17</sup>. A human infant spends a relatively longer period as 'me' than other animals and this long period of transition from a stage of infancy (dependency) to a stage of adulthood, the person comes to recognize the body by the virtue of its contact with another body. The recognition of 'I' in relation to the 'body' leads to what is known as 'self-objectification where the person can conceptually back away from herself to create a concept of her where she is conscious of the experiences happening to her.

For instance, consider the statements 'I am hungry', 'I am hurt', 'I am jumping' – all such statements refer to the state where I can feel myself, i.e. the 'I can think of me.' Thus, there is an attachment and a simultaneous detachment at the same time. Becker writes: "Man is the only animal – in the universe, for all we know – who sees himself as an object, who can dwell on his own experiences and on his fate"<sup>18</sup>. Thus, the capacity of self-objectification or as Becker writes, the ability of 'bending back upon itself' is an essential capacity which comes with the recognition of the 'I' in relation to the body. Consciousness as such is incomplete if it is not accompanied by a body<sup>19</sup>. The 'I' is the point of attachment and the body is the point of detachment and it is the harmony between the attachment and detachment that leads to the birth of consciousness or the 'self'. Vere Chappell said that, '...a necessary condition of our being able to distinguish persons as object in the world, and so to refer to and identify them as such, is that they be uniquely and variably associated with identifiable physical objects, in this case human bodies'<sup>20</sup>. Thus, in relation to the observations made at the beginning of the work and the analysis presented by Becker, it is necessary to analyze the secondary status given to the body.

### **The Body In Relation To the Concept of Personhood**

What is the role of the human body in its identity as a 'person'? Recognizing the 'person' in the other is an essential characteristic of the

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<sup>17</sup> Ibid, p. 33.

<sup>18</sup> Ernest Becker, cited work, p. 37.

<sup>19</sup> Ibid, p. 34.

<sup>20</sup> Chappell, Vere, "Locke's Moral Psychology." *The Journal of Philosophy* 87.10, 1990, pp. 524-525.



personhood in oneself. What is the first point of contact with the other? It is undoubtedly the 'body'. Chappell's analysis of the relationship between the concept 'person' and the human body is significant. It has been the trend in philosophy and religion to situate the mind or the soul in a higher pedestal than the body. The body merely played the role of a jar which contained the mind or the soul or the 'person'. The Cartesian dualism and the religious interpretation of the mind/soul-body relation could never perceive the body to have significance in the formation of the 'personhood'; it is as if 'personhood' is that pure form which enhances the 'body': 'Our discipline has been impoverished by the fact that it has been so heavily influenced by an epistemological tradition, itself a cultural and historical construction, in which things of the spirit have been radically split from the material things, and in which mind is considered separate from body'<sup>21</sup>. However, in the past century, significant medical, psychological, anthropological and philosophical readings have begun the trend of looking at the body from a very significant perspective as far as the formation of the 'society' and the 'personhood' is concerned. The body can be studied from the vantage point of gender, society, war, illness, pain, pleasure and politics. Each study renders an important characteristic to the 'body' which otherwise was considered as a container of the soul/mind only. The 'body' which concerns this research work is the 'body' which forms an essential part of a person's identity even after death.

The natural tendency of our discourse was to discriminate between the mind and the body where the mind took precedence over the body. Meredith B. McGuire in *'Religion and the Body: Rematerializing the Human Body in the Social Sciences'* wrote that the 'body' is both a biological and cultural product where the 'living body is our fundamental phenomenological basis for apprehending self and society'<sup>22</sup>. Philosophers and anthropologists have formulated interesting reading of the 'human body' to counter the dualism arguments. While on one hand McGuire wrote that our essential sense of our self (the sense of who we are) is connected and dominated by our body and its 'routine functioning', on the other hand Schepper-Hughes and Lock (1987) called the human body a 'mindful body' and not just a mere jar containing the mind or the soul<sup>23</sup>. However, the perception of all such associations with the body is technically with a 'real body'. Such current discourse which considers the

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<sup>21</sup> Meredith B. McGuire, "Religion and the body: Rematerializing the human body in the social sciences of religion." *Journal for the scientific study of religion*, 1990, p. 284.

<sup>22</sup> Ibid, p. 283.

<sup>23</sup> Nancy Schepper-Hughes, and Margaret M. Lock, "The mindful body: A prolegomenon to future work in medical anthropology." *Medical anthropology quarterly* 1.1, 1987, p. 37.

'body' to be an important source of experience and identity for the concept of 'person' is however not concerned with the relationship of the body with this 'we' (upon death) that we are constantly mentioning. The 'we' or the 'I' along with the body constitutes my identity. It is obvious that the 'I' does not have a tangible identity upon the death of the body. Thus, the 'real body' does lose its feature of being 'real' upon death and there is hardly in scope for any medical practitioner, a psychologist, an anthropologist or a philosopher to debate upon the 'reality' of the 'real body' and its relationship with the 'I'. However, Vere Chappell's analysis of the human body and the personhood, i.e. '...a necessary condition of our being able to distinguish persons as object in the world, and so to refer to and identify them as such, is that they be uniquely and variably associated with identifiable physical objects, in this case human bodies' is important because this particular analysis might lead to the establishment of a relation between a 'real body' and a 'dead body'<sup>24</sup>. But before going into an analysis of a possible relationship between a 'lived body' and a body stripped of life, it is necessary to (briefly) look into the discourse of the concept of the 'body' (primarily keeping in mind the research question).

Our association with our body and the recognition that we possess a body mainly arises from our perception of 'something' happening to our own body and the body of the other. Thus, Kant's analysis of the human development from 'me' to 'I' is followed in a slightly twisted trajectory here, and from the notion that 'I am a body' we also come to realize that 'I have a body'. There are various ways in which a person comes to realize and is reminded that 'I have a body'. The most brutal of such realizations for the self comes in the case of illness or a bodily loss in terms of a body part or body capacity where the person (or the suffering self) not only witnesses the present loss, but also realizes the loss she may suffer in the future; this is not just the recognition of the body, but it is also the recognition of the time-stream (as mentioned by Becker (1995), i.e. the 'past-present-future'. The body thus, capacitates a person to recognize time through her bodily development, both in terms of growth of strength and decay. McGuire wrote, 'The body as subjectively experienced is transformed into a body with pain, resulting in a form of alienation from one's own body'. He quoted Bergsma, 'In one moment one is one's body; [in] the next one has a body'. The 'I' that lives in the body is involved in a kind of relationship with the body where the sensations of pain, suffering and illness is not just restricted to the body or the spirit in the 'I'; this pain and suffering is experienced by the entire self as 'assaults on the self'. This is the reason why most psychologists and also philosophers associate the

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<sup>24</sup> Joan Chappell, "Book Review: The Birth and Death Of Meaning By Ernest Becker." *International Journal of Social Psychiatry* 22.1, 1976, pp. 75-76.

notion of a person's 'well-being' as a combination of a strange interface of social and emotional experiences in a 'person's bodily experiences'<sup>25</sup>.

A Cartesian approach to pain and suffering of the body generally sounds like an epiphenomenal response where the mind takes the supreme charge over the body even to make it realize that it is suffering<sup>26</sup>. McGuire has said that such a Cartesian reading of the body has led to the development of a kind of sociology of religion where the focus primarily rests on the 'idea of body and its suffering'<sup>27</sup>. However, if the religions and the Cartesian philosophy look into the body as a 'mindful body' (as termed by Schepper-Hughes), then the spiritual responses towards pain and suffering of the body will be directed to the body as the subject of pain and suffering. Most religions take the body as an idea but not as an entity; the entity is the soul or spirit or the mind which is a disembodied being that directs the body. Thus, the Cartesian dualistic theory or the religious approach to the body does not recognize the body as something 'real' and 'lived'. However, from the perspective of the primary question of the dissertation, i.e. 'can dead people have rights', I (agree and) am concerned with that concept of 'body' which is an embodied phenomenon of our experiences and thoughts.

### **The Body as a Socio-Cultural Construct**

Modern thoughts on the 'body' primarily roots from the interdisciplinary discourses and their interaction regarding the society-body relationship. Michel Foucault emerges as an important philosopher to ponder upon the philosophy of the 'body'; however, Foucault's analysis on the 'body' stems from the changes and development of the biomedical discipline in the last century<sup>28</sup>. The importance of Foucault's philosophy of the 'body' lies on the fact that his investigations have helped in creating and re-creating comprehensive powerful account of the body<sup>29</sup>. Foucault's analysis of the body is influenced by the investigations of developmental biologists like Waddington and a liberal-Marxist notion of power structure in the society. Waddington approached the 'body' from the perspective of a doctor-patient relationship and the emergence of new age-medicine and clinics. 'Body' is viewed by Becker (1995), McGuire, Waddington, and

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<sup>25</sup> Meredith B. McGuire, cited work, p. 285.

<sup>26</sup> Elisa Arnaudo, "Pain and dualism: Which dualism?." *Journal of evaluation in clinical practice* 23.5 (2017), p. 1086.

<sup>27</sup> Meredith B. McGuire, cited work, p. 287.

<sup>28</sup> Felix Driver, "Power, space, and the body: a critical assessment of Foucault's Discipline and Punish." *Environment and Planning D: Society and Space* 3.4, 1985, p. 427.

<sup>29</sup> David Armstrong, "Bodies of knowledge/knowledge of bodies." *Reassessing Foucault: Power, medicine and the body*, 1994, pp. 27.

Foucault as much as a cultural construct as it is a social construct. The doctor-patient relationship or the new-age clinics and medicines not only created a new outlook towards the body as an object that can be constructed, but it also brought in the idea of power and its relationship with the 'body' as a socio-cultural construct.

The body is not only an object but it is also a social object, and social constructivism endorses the idea that social objects (as such the 'body' in this case) are 'constructed through perception.' David Armstrong (1995) avers that, 'constructivism is not a solipsistic position because its core tenet is that these perceptions are patterned by and through social forms'<sup>30</sup>. The programme of social constructivism challenged the notion that it is a universally accepted phenomenon that the body exists as a physical object in this world. It rather believed that the body is such a concept which is created or invented. One can notice a significant change in approach – thus, we have firstly, the Cartesian dualistic theory where the mind/soul found precedence over the body, secondly, the anthropological approach where the body is treated as an embodiment of experience and sensations which combines with the 'I' (ego) to form the concept of a 'person', and thirdly, the modern social constructivist approach where the 'body' is a social construct which just does not exist like any other physical objects in the world, rather it is a social object created and even invented through our perception. Hence, the three stages of the development of the concept of 'body' across disciplines and time:

- (i) a mere container of the mind/soul,
- (ii) an embodied entity and finally,
- (iii) an object and/concept which is constructed, created and invented through our socio-cultural perceptions.

There is certainly a transition from the Cartesian dualism to the present day concept of the 'body'; however, it will be wrong to say that there is a shift in approach as far as the modern anthropological and the social constructivist approach is concerned, i.e. from the approach towards the body as an embodied entity to a social object and/concept created through perception. Rather than being a transition in approach, it is in reality a conflict in the approach towards the 'body'. The stream of thought which believes in the integrity of the body as an embodied entity that encompasses in itself the notion of 'person' and 'personhood' cannot come into terms with the idea that this 'body' has only recently been constructed.

There can be several theories about the same object or concept, and not necessarily such theories have to be approached from the perspective of a conflict. It is difficult for the believers of the Cartesian dualism to

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<sup>30</sup> Ibid, p. 26.

accept the modern anthropological or the social constructive theory regarding the body. One may say that the anthropological approach has been a shift from the religious or the Cartesian dualism resulting from the change in approach towards the society and the breakthroughs in various disciplines. In such a case it is highly likely that even the modern anthropological approach towards the body can be read as a development stemming from social constructivism. It is possible to bring any such approaches under the umbrella theory called social constructivism, but this would certainly run the risk of trivialising not just the theory of social constructivism but also other such modern anthropological approaches that studies the 'body' as a complete entity in itself. Previously, we have agreed with the idea that the 'body' is an embodiment of the 'I' and the experiences and the perceptions of the 'I', and this embodied entity is what one knows as the 'person'. However, if we shift our focus to the idea that the 'body is created, fabricated, or invented' through our perceptions, then we need to ask whether such an image of a socially constructed object (i.e. the body) will have any implication on our thought process and approach to the concept of personhood.

### **Right to Dignity of the Dead**

The question, "Can dead people have rights" has to be approached from multiple perspectives with "death", "personhood" and the "body" as its tripartite points of reference; furthermore, along with asking whether dead people can have rights, one also needs to ask if it is a legitimate question, i.e. if there is a paradox, then that paradox has to be addressed. "Dead person" is a linguistic category and does not hold any tangible legitimacy. However, this particular assumption was made on the perspective that persons and bodies are two separate entities where only the spirit, soul or the mind can have any real relationship with the concept of "person", and the body merely renders an illusion of semblance with the idea of "person. With the analysis of the "body" (so far), and considering the modern sociological, anthropological, psychological and philosophical studies, the body can now be studied afresh where it is not an illusionary semblance to the concept "person" or "personhood" but it seems to hold an important position in the making of the identity of the concept itself. At the same time it has to be remembered that (as mentioned in the previous work) the (dead) body is the point of reference for any court of law while dealing with a "dead person". However, there are instances when a corpse is not available. Thus, one may ask, firstly, "what can be accorded with dignity when the corpse is unavailable?", and secondly, "can such an absent entity (i.e. in the absence of the body) be subjected to violation and protected from violation?" The most straightforward answer to both the

questions will be that a person does not require a body to be the receiver of dignity; there are other aspects to a person other than the body, such as her will, memory and works. The simplest example is a posthumous recognition. However, with such an answer we would eventually come back to where we have started, i.e. the ancient debate of what makes a person a “person” that calls for dignity? Also, most importantly, “is the concept of personhood’ obligatory for rights, such as the right to dignity?”

The analysis of the initial question of the thesis, “Can dead people have rights?” will lead to a number of other queries related to death, personhood and the body. Some of these questions can be listed as: firstly, “Does a person has any rights to her body or remains after death?”, secondly, “Who has rights over a corpse (in the absence of immediate family, relatives or friends)?”, thirdly, “If somebody can claim a right over a dead body, then are we the owners of that body (corpse) in the same way we own a house, a piece of land or a car (or any other article)?” and, fourthly, “In case of a violation to a dead body/person, and the subsequent thought towards its protection, what is that entity or aspect that gets violated and requires protection, i.e. what is the basis of any such violation and protection?” These questions are important for the analysis of the research question as they constitute one’s perception of rights and personhood.

### **Concept of Personhood and Right to Dignity**

Is the concept of “personhood” or the status of being a “person” necessary for according someone (in this case a “dead”) with rights? The concept “person” is central to legal debates concerning human rights. Jens David Ohlin paraphrased W.V. Quine as “W.V. Quine once noted that words have only as much precision as our current needs have required and it is foolish to search for greater precision where none exists. Any attempt to find this precision is bound to dissolve into legislation – i.e. a decision”<sup>31</sup>. W.V. Quine averred that “[t]o seek what is ‘logically required’ for sameness of person under unprecedented circumstances is to suggest that words have some logical force beyond what are past needs have invested them with”<sup>32</sup>. The concept “person” has entered the legal circuit in contentious cases. However, the job of law is not only to resolve contentious issues but also to extend the range of existing concepts to accommodate new streams of thought (as and when appropriate). A legal dispute such as necrophilia (its conception and applicability in terms of

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<sup>31</sup> Jens David Ohlin, “Is the concept of the person necessary for human rights.” *Colum. L. Rev.* 105, 2005, p. 210.

<sup>32</sup> Arto Mutanen, “Identity and the Methods of Identification.” *Synthesis philosophica* 26.2, 2011, p. 255-266.

criminalization) exposes the inner tension in the concept of “personhood”. The term “person” is uncontroversial in our ordinary usage and discourse when we want to use it to refer to “individuals who are incontrovertibly persons”, i.e. people like you and I; however, as mentioned before, “person” can become the controversial concept not only in case of “dead persons” but also in case of brain dead and mentally ill patients, children and foetuses. Should then the term “person” be treated as an umbrella concept containing larger clusters and extensions within its gamut.

How difficult is it to distinguish between persons and non-persons? In our daily usage of the term we easily differentiate persons from the non-persons; however, the undercurrent within the concept “person” gets exposed during legal battles concerning the legitimate/illegitimate extension of such concepts to other ideas. There is the tendency to use the term “person” as a “cluster of ideas” (as termed by Jens David Ohlin) ranging from consciousness, body to agents. The tension mainly gets exposed in legal issues concerning rights. As observed in the previous section, the term “person” works as a “cluster of ideas” or an umbrella term till the point that the ideas that are generally included within the gamut of this umbrella term do not come to stand in a conflict with each other and our thoughts and notions about these various other concepts that comprises the umbrella term. This umbrella term called “person” can be divided into its component terms and we can pick each concept depending upon its usage and the situation. Under different conditions, thus, the word “person” can be traced back to one of the component concepts. For instance, at times we may use “person” to refer to a rational agent, sometimes to relate to a (biological species) human being and at times we may also use this word to reinforce our belief in the continuation of consciousness. However, we have already seen (in a case like necrophilia) that even if we can segregate each term according to its applicability at that point of time, we still cannot conform to the concept “person” in the situation of dealing with our idea of a dead body/dead person and its (supposed) right to dignity. Our beliefs attached to the dead and our rationality about the concept of death tests the tenacity of the term.

Essentially, the concept “person” has to be treated as a “cluster of ideas” and generally the legal controversies occur when the component concepts come in conflict with each other and also with our beliefs and rationality. Let us break down the components to seek an answer for the question whether a concept of “personhood” is essential for the rights. Consider the component idea “human being”. One would be bound to notice that it is not just the umbrella term (person/personhood) which is ripe with vagueness (irrespective of the usage and the situation), but the component ideas are also equally vague. What do we associate with the

biological term “human being”? Perhaps the human body and all the intricate elements that constitutes this biological species (in its pure physical biological sense). Imagine a condition when a limb is amputated from the body and replaced with a new one. Furthermore, a situation may arise when with the advancement in the research of stem cell technology (although it is banned in the United States of America) an entire body can be replaced with a different body. Thus, the question now is whether we are dealing with the same body that we were dealing with before the amputation of an arm and replacement of the entire body with the new one. It is in these kinds of in-between cases that we encounter the disintegration of such component concepts. The problem here does not rest with our linguistic competence or incompetence, rather, the concept fail to sustain itself in such marginal situations. Therefore, we may say that like the umbrella term “person/personhood”, even its component ideas suffer from vagueness in marginal or middle cases. As mentioned earlier, the Allahabad High Court said the term person cannot be construed narrowly so as to exclude the dead from the purview of this term. The dead who were once a “living person” has to be treated with dignity in the manner that she would have been when alive. On the other hand, the California Supreme Court (while dealing with cases of necrophilia) said that an act such as rape has to be accomplished with a “living” person and not a dead body as a dead body is devoid of any feelings of outrage. In case a person wants to involve in sexual intercourse with a dead body, such an act cannot be treated as rape or attempted rape. Under such circumstances, we may find ourselves at a crossroad where our “feelings of sacredness” towards the dead is outraged by the law’s inability to come into terms with the feelings that one holds for the dead, but we still may not be able to rationalize our beliefs and feelings in terms of the rationality of the concept of “person”, “body” and “death”. If we begin with the very basic component concept of “person/personhood”, i.e. the biological being called human, we would find that the human rights claim of the biological being called humans rest on the tenets that, firstly, “I am a person”, secondly, persons are endowed with certain characteristics, thirdly, these characteristics are legally and morally significant from the point of view of my identity as a person, and fourthly, thus, I am entitled to have such rights. Hence, essentially our reference to the concept “person/personhood” seems to be contained in our concept of the biological being called human.

Jens Ohlin says that our claim to human rights cannot simply rest on the biological concept of human and states two reasons for it. Firstly he says that the real conceptual matrix for the above mentioned concept of human beings do rest with the concept of “personhood”, i.e. it is only the



biological concept which is trying to establish the claim to rights and not the concept of “personhood” in totality; and secondly, the term “personhood” in our larger discourse have exceeded the paradigms of our biological status. Even corporations, nation-states, multiple personalities and such others are treated under the larger umbrella called personhood. If the notion of personhood is entirely grounded on its biological notion, then it cannot be used for larger entities like the corporations, nation-states and such others. In such a case, the concept personhood cannot play any further role other than the one sketched out by the biological definition of the term human being. According to Ohlin, this is not a “radical conclusion” but it refers to the fact that “personhood does not directly ground a rights based argument.”<sup>33</sup> A biological definition for personhood and its claim to human rights would however, echo with the California Court order which stated that dead bodies are devoid of any feelings of outrage.

One may also choose to refer to personhood in relation to a normative concept. The normative determination works on the basis that so far our idea to personhood (in terms of human rights) has been based upon flawed approach, i.e. recognize an entity as a person and then chart the legal and moral implication of such ascription. According to the normative approach, ascription of personhood is a way of acknowledging the fact that an entity is the “object” of our social, moral and legal concern. Thus, on the basis of the normative approach, we may say that the term “person/personhood” is a social, legal and moral concept; an entity is not endowed or attributed with human rights because it is a “person”, but since it is attributed with human rights it is a “person”. Ohlin wrote that as such this approach to personhood does not seem to be problematic except for the fact that it is making the concept of “person” a mere “placeholder for the moral or legal concern”. The importance of the concept of personhood for ascribing rights should rest outside the concept itself, i.e. it should be independent of the concept of “person”<sup>34</sup>. All the reasons are technically drawn or motivated by our idea of the word “person” (irrespective of the fact whether it is biological/naturalistic idea or the non-naturalistic concept, such as corporations, unions, nation-states and other). But is the concept of “person/personhood” dispensable in the biological or normative categories?

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<sup>33</sup> Jens David Ohlin, "Is the concept of the person necessary for human rights." *Colum. L. Rev.* 105, 2005, p. 209.

<sup>34</sup> *Ibid.* p. 211.

Derek Parfit devised an argument called the “Argument from Below”<sup>35</sup>. The “Argument from Below” states that our interaction and approach to a concept primarily rests on the lower level of reasoning. For instance, consider the concept “married” – this concept would comprise of couples engaged in a romantic or sexual relationship who live together under a single roof, or couples who want to raise a family together, or pooling in finances to raise a family while they live together under one roof. If we consider such things as “spousal rights” then the concept of marriage should ideally be determined by such “lower-level facts” (such as couples engaged in a romantic relationship and live together under the same roof) and those couples who fulfil this lower-level fact should be ascribed with all marital rights. Thus, a marriage law should be presupposed by these lower level facts and any higher level fact should be considered as significant as far as they are in accordance with the lower level facts.

As far as the concept of “person/personhood” is concerned, if we apply it on the parameters set by Parfit’s “Argument from Below”, we would notice that this concept is also similar to the concept of “married”, i.e. the concept person can essentially be traced back to the “lower-level facts” such as the biological being (human), rational, social and psychological agents. Such lower level facts are legally significant as well, as far as the discourse of human rights is concerned. Thus, according to this theory, being a person is essentially contained in being a human being “and a rational agent with unity of consciousness.” As being a “person” is contained in this quality, one may say that being a person is essentially a conceptual fact and hence, it cannot attain the characteristic of being an “intrinsically important concept.” Its significance is derived from its cluster ideas. Let us consider an example concerning a brain dead patient. This brain dead patient does not (obviously) display any responses from the brain, however, the functions of the body continues (through medical assistance). This person is unable to display any psychological or rational agency, but her status as a biological being (i.e. a human being) persists. One may raise conceptual questions regarding the concept of “death” and “personal identity” such as: “Is this patient dead? “Is this the same person as before she became brain dead?” Asking a question like whether this brain dead person is a “person” will not sound like a valid question in this scenario if we agree with the idea that the concept “person” is a conceptual fact. In such a case we already have the “lower-level facts” available with us to establish the fact that this brain dead patient is a person. Therefore, going by Parfit’s “Argument from Below” a concept such as “person/personhood” is simply a conceptual fact and thus, it is not the

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<sup>35</sup> Neog, Bhaskarjit, "Derek Parfit: The Philosopher's Philosopher." *Journal of Indian Council of Philosophical Research*, 34. 1.2017, p. 201.

concept “person” which is indispensable for human rights but the “lower-level facts” such as being a biological being, i.e. a human being is important to ascribe someone with human rights.

Thus, one may say that the concept of “person/personhood” is not the parameter to judge whether to accord someone or something with human rights, i.e. the process is not to distinguish someone as a person but the method is to identify the component ideas in something or someone to analyze its “personhood”. Human rights, is then intrinsically based on the component ideas and not the umbrella term. However, it has to be remembered that the subject of this dissertation is a kind of category which may or may not be having any of the component ideas that makes “person/personhood” a “cluster concept”. Linguistically speaking, even the phrase “dead person” does not fit to the logical parameters and is simply treated as a way of speaking. A similar category, to some extent can be the brain-dead patients whose bodies function through medical aid. The wall between the two categories, i.e. brain dead and dead is too thin, yet still these two are two different categories. What we need to realize that if the concept of “person/personhood” (which is comprised of component ideas such as the “human being”, rational agent, moral agent, psychological and social agent) is not the deciding factor for human rights for such categories as “dead people” then we must look into the kind of relationship that we share with concepts such as “person/personhood”, “death” and “life” – the fact that one can consider asking a question such as “can dead people have rights” is then, has to be based on factors other than the concept of “personhood”. The sacredness and emotions that we attach with death and dead (as mentioned by John Troyer) needs to be analyzed in order to understand the basis of the research question and the kind of objection that Ochoa and Jones have put forward against the order of the American Courts in relation to acts such as necrophilia.

## **Conclusion**

This paper primarily revolved around the role that the human body plays in its identity as a person. The role of the human body in its identity as a person was studied from the perspective of two dominant concepts, i.e. the concept of “person/personhood” and the “body”. During the course of this work, we raised several questions related to our idea of “body” and “personhood”, of which we attempted to address some and the rest would be addressed in the next work. Some of the essential ideas that we have come across in this work are the concept of a “time-stream” (a sense of “past-present-future”), the significance of the “I”, objectification of the “body”, and the identity of the body as a biological and cultural product.

These ideas have significant influence on the concept of “person” and the identity of the “being”.

According to Martin Heidegger, the way of our being is the “being-towards death”; “being-towards-death” is a process where the being or the *Dasien* is guided by a certain foresight that leads it to achieve authenticity. This authenticity is provided by death. Thus, in order to become an authentic being, it is important to project our lives “onto the horizon of death”. The fundamental idea upon which this research is based is that our being is finite in nature and the only way one can make sense of this finitude is by making this finiteness i.e. our “death” a meaningful conceivable concept. Thus, the finiteness of our life, which is our death, has been approached from the vantage point of our (finite) being.

Whether dead people can have rights is dependent upon how far are we ready to extend the realm rights and “personhood” to the other side of life. But from the perspective of our morality and memory, personhood is an immortal concept as long as it does not come in direct conflict with the mortal rights such as our right to freedom. Thus, to conclude, ascribing the dead with rights is essentially linked to our sense of obligation not just towards the dead but primarily towards ourselves – the future dead. The concept of “future-dead” does not conform to our rationality, but a human person is also an emotional being along with being a rational animal.

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# BETWEEN PAUL FEYERABEND'S EPISTEMOLOGICAL DADAISM AND AN EXISTENTIAL ANARCHISM: A CRITICAL DISCOURSE

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**Abstract:** *Over the years, science both as a discipline and as a method enjoys a primal place in society as a paradigm of rationality, as a model of truth, and as one of the standards of authentic knowledge. However, with the advent of Paul Feyerabend, a postmodernist, the story changed. Paul Feyerabend moved against this privileged position that science has enjoyed over the years. He argued that science could only give comfort to the narrow-minded. That science was becoming over bearing and stretching its schemes beyond boundaries and stated that science cannot be the model or the ideal method for every mode of enquiry because its methodologies have their limitations and this inhibits the advancement of the frontier of knowledge. With this he propounded the theory of epistemological dadaism stating that anything goes, upholding non-methodism as the ideal model and mode against the sole reliance on science. However, employing the critical analytic model of interrogation this paper was able to point out that Paul Feyerabend was proposing his theory oblivious of the fact that his theory invariably enthroned the existential anarchic scenario that also throws up and off his submission as well.*

**Keywords:** *Science, Anarchism, Dadaism, Existential, Method*

## Introduction

Man by nature, according to Aristotle, is a rational being that is endowed with reasoning and with the intellect serving as the faculty of acquiring knowledge. This quest to know in the contemporary era took an interesting and novel turn with the disposition and narrative of the post modernists. Post modernism is a trend that cuts across almost all fields of study and not peculiar in any way to philosophy. However, post modernism, as a movement in philosophy, is viewed by Jimoh Anselm as an:

Eclectic and elusive criticism and analysis of western philosophy heavily influenced by Phenomenology, Structuralism and Existentialism as espoused by the

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philosophers like Friedrich Nietzsche, Martin Heidegger and to some degree, Ludwig Wittgenstein. It is thoroughly anti-foundationalism, waging an unrelenting attacking on modernism.<sup>1</sup>

Post modernism is also known as ‘context-dependency’ and Stuart Sim describes it as “a wide-ranging cultural movement which adopts a skeptical attitude to many of the principles and assumptions that have underpinned western thought and which constitute the core of what we call modernism.”<sup>2</sup> In a simpler sense, post modernism is antithesis to the modernist view about the objective knowledge.<sup>3</sup> The concept of post modernism means; post as denoting ‘after’ modernity and post as denoting going against any form of -universalism, foundationalism, absolutism, objectivity (truth), homogeneity, establishment, methodism, sciencism, any myth of presence (Derrida) or any myth of the given (Sellars) and their likes. Based on how it started and the disposition of the progenitors, the movement has followers and proponents not just in philosophy but in other disciplines as well. However, in philosophy one of the scholars to create an interesting and novel scheme is Paul Feyerabend. He created the system or model known as non-methodism of epistemological anarchism. Paul Feyerabend was born on January 13, 1924 in Vienna, Austria. At the age of six he attended school, later at sixteen with great interest in physics and astronomy, had the reputation of knowing physics and mathematics than his teachers. Later he took philosophy for the dramatic possibilities of reasoning and the power that argument seems to exert over people. He graduated from the University of Vienna but served in the academic world as a full-time lecturer in philosophy in the University of Bristol, England (1955-1958), and visiting lectures at the University of California, Berkeley (1958-1964). His works includes: *Paradox of Analysis*, *Realistic Interpretation of Experience and Complementarity*, *Explanations, Reduction and Empiricism*, *How to be a Good Empiricist*, *Problems of Empiricism and Reply to Criticism*, *Autobiography of Paul Feyerabend* and so on.<sup>4</sup>

**Science:** Etymologically, the term ‘science’ is derived from the Latin word ‘*scientia*’, which has its root in the Latin verb, ‘*scire*’, meaning ‘to

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<sup>1</sup> Jimoh Kole Anselm, *Certitude and Doubt: A Study Guide In Epistemology*, Ibadan: Ebony Books, 2013, p. 173.

<sup>2</sup> S. Sim, (Ed), *The Routledge Companion to Post Modernism*, London: Routledge, 2001, p. 329.

<sup>3</sup> Ibid.

<sup>4</sup> Paul Feyerabend, *Killing Time: An Autobiography of Paul Feyerabend*, Chicago: University of Chicago Press, 1995, p. 12.

know'. Generally, the term science has come to mean any systematized, organized or classified body of knowledge which has been critically tested beyond reasonable doubt.<sup>5</sup> Robert Morgan opines that "science is any activity resulting in knowledge and understanding about the world around us."<sup>6</sup> For Robert Barnhart, science is the organized body of knowledge that is derived from such observation and that can be verified or tested by further investigation. From the above clarification, science has its methodology and systematicity from which knowledge is acquired.<sup>7</sup>

**Dadaism-Anarchism:** Anarchism is the political beliefs that laws and government are not necessary. However, Feyerabend does not find it suitable to employ 'anarchism' for what it connotes in its past usage and dadaism is said to have no commitment to political understanding, so he prefers dadaism.<sup>8</sup> Dadaism is said to have no commitment to any single goal and even the goals it has vary with inclinations and contingency of the moment. It does not take life too seriously.<sup>9</sup> Since Feyerabend's interest in science is an intellectual adventure that knows no limits and recognizes no rule, he argued that there is no scientific method and so science is not an exclusively reliable source of knowledge but epistemologically or methodologically, 'anything goes'. Thus, he opines that there is only one principle that can be defended under all circumstances and in all human development. It is the principle: 'anything goes.'<sup>10</sup> The anarchism of Feyerabend is referred to as epistemological anarchism.<sup>11</sup>

### **Science in the Modern Period: A Look at its Popular Image**

Science is full of objective meaning, the whole body of ascertained and reasoned truths which human reason has established as truths and has systematized and arranged. This clearly points out the fact that science has its methodology and systematicity from which objective appraisal of the merit of scientific theories are made. In the scientific community, science is commonly associated and projected as that of rationality, objectivity, well-founded and beyond dispute.<sup>12</sup> Science has taken the stage as the

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<sup>5</sup> Ernest Nagel, *The Structure of Science: Problems in The Logic of Scientific Explanation*, New York: Harcourt Brace and World, 1981, p. 3.

<sup>6</sup> R.P. Morgan, *Science and Technology for Development*, New York: Pergamon Press, 1979, p. xviii.

<sup>7</sup> Jack Aigbodioh, *Philosophy of Science: Issues and Problems*, Ibadan: Hope Publications, 1997, p. 1.

<sup>8</sup> Paul K. Feyerabend, *Against Method: Outline of an Anarchistic Theory of Knowledge*, New York: New Left Books, 1975, p. 21.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Anselm Jimoh, *Certitude and Doubt*, p. 185.

<sup>12</sup> A.F. Chalmers, *What Is This Thing Called Science*, Buckingham: Open University Press, 1999, p. XV.



paradigm of rationality, the model of truth, the standard of knowledge, and the possessor of the method of inquiry because of its relationship with the concepts like observation, verifiability (individuated), facts, naive realism, testability, impartiality, objectivity and its commitment to inductive reasoning. The scientific spirit is presently so powerful and scientists are so influential in modern society since science is taken (sic) to be the standard of authentic knowledge. That is, whatever is scientific and can be proven is authentic but the reverse is not knowledge but opinion. Ernest Cassirer reveals the popular image that science enjoys in modern society when he asserts that ‘there is no second power in our modern world which may be compared to that of scientific thought. It is held to be the summit and consummation of all human activities, the last chapter in the history of mankind and the most important subject of a philosophy of man’.<sup>13</sup> It is in the same vein that Morris Cohen and Ernst Nagel opined that “the scientific method is the most assured technique man has yet devised for controlling the flux of things and establishing stable beliefs.”<sup>14</sup>

### **The Epistemic Quest of Science**

The meaning and the nature of the epistemic quest of science has been a matter of controversy among philosophers of science and scientists alike. One view on the purpose of science is that science seeks to comprehend the world around us so that predictions can be made about the future occurrence of events. More typically, according to Nicholas Maxwell, “the aim of science is simply to discover more and more about the world or about the phenomena under investigation, whatever the world or the phenomena may turn out to be like.”<sup>15</sup> Thus, concerning the epistemic enterprise of science in conformity to its methodological principles, it can be said that science is the specific modality of human activity investment which consists of producing objective knowledge based on the discovery of the laws in the various areas of reality enabling to give a rational account and an extremely good anticipation of events and phenomena.

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<sup>13</sup> E. Cassirer, in Jack A. Aigbodioh, *Philosophy of Science: Issues and Problems*, Ibadan: Hope Publication, 1997, p. 168.

<sup>14</sup> M.R. Cohen and E. Nagel, ‘The Nature, Limit and Value of Scientific Method’ in H.M. Titus and M.H. Hepps (Eds). *The Range of Philosophy: Introductory Readings*, New York: American Books Company, 1964, pp. 49-50.

<sup>15</sup> Nicholas Maxwell, ‘The Rationality of Scientific Discovery, Part I: The Traditional Rationality Problem’ *Philosophy of Science*, Vol. 41, No. 2, June, 1974, 124.

## **The Post-Modernist Narrative**

Post modernism is also known as 'context-dependency' and it is an antithesis to modernism. The starting point of the developments in contemporary epistemology is the notion that philosophy is a foundational discipline. Foundationalism can be traced to Rene Descartes who, using the phrase of Richard Rorty, 'invented the mind' as the foundation for our epistemic claims. Since science is seen as the standard of authentic knowledge, in the words of John Kekes justification involves establishing the correspondence of a proposition to a fact and this was done by observation.<sup>16</sup> Thus, all justification of knowledge claim is done in the context of science; it is this contextualism that gave birth to post modernism. From the epistemological point of view, Feyerabend argues against the modernist view about the objectivity of knowledge;<sup>17</sup> rather he reasons that knowledge is a special kind of relations, that is, a text or discourse that puts words and images together in ways that are pleasing and useful to a particular culture. This means that each culture has its knowledge claims from linguistic and other meaning-making resources; thus, there is relativism of their worldviews.<sup>18</sup>

## **Feyerabend's Impression of Science and Science in Relation to other Disciplines**

Paul Feyerabend makes a case against the implication of modern science represented by the likes of Bacon, Descartes and Popper. In his *Against Method*, Feyerabend mounted a prominent attack against the account of scientific methodology. He raised two critical questions: What is science? And what is so great about science?<sup>19</sup> Concerning the first question, questions like: how does science proceed? what is its result? How does its standard, procedure and result differ from the standard, procedure and result of other enterprises? In the same way, questions like: what make science preferable to other forms of existence using different standard and getting different results as a consequence? What makes modern science preferable to the science of the Aristotelians or to the cosmology of the pre-Socratic philosophers? In his response to the first question, Feyerabend make allusion to many scientific historical data and asserts; "...scientists proceed in many different ways, that rules of method, if mentioned explicitly, are either not obeyed at all or function at most like

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<sup>16</sup> J. Kekes, "Recent Trends and Future Prospects in Contemporary" *Metaphilosophy*, Vol. 8, No. 2 and 3, April/June, 1977, p. 89.

<sup>17</sup> Robert Audi (Ed), *The Cambridge Dictionary of Philosophy* 2nd Edition. Cambridge University Press, 2001, p. 725.

<sup>18</sup> Ibid.

<sup>19</sup> Paul K. Feyerabend, *Science in a Free Society*, London: New Left Book, 1978, p. 73.

rules of thumb and that important results come from the confluence of achievements produced by separate and often conflicting trends.”<sup>20</sup> This means that science, although seen as a systematized body of knowledge does not have a comprehensive principles, methods or facts that are stable and thus, there are no entities that correspond to the word ‘science.’ However, in his response to the second question, Feyerabend challenged the popular image of science and argued that the belief that science is the sure foundation of knowledge is unjustifiable and unrealistic. Feyerabend elaborated his view, pointing out the fact that the history of science reveals no single rational method but a series of opportunistic, chaotic and desperate attempts to cope with immediate problems.

Feyerabend takes a further step to analyses the non-superiority of science to other forms of knowledge by pointing out the fact that many methodologies take for granted without argument that science constitutes the paradigm of rationality. According to him, when science is compares to other disciplines, it is necessary to investigate the aim and method of both through the study of historical record-textbooks, original papers, and record of meeting and private conversations, letters and the likes.<sup>21</sup> Chalmers supported Feyerabend when he asserted that “it is illegitimate, for example, to reject Marxism on the ground that it does not conform to some preconceived notions of the scientific method as Popper does or to defend it on similar ground as Althusser does.”<sup>22</sup> Thus, there is no rational ground for eliminating any cognitive system that people find helpful and attractive.

### **The Epistemic Anarchism of Paul Feyerabend**

In his epistemological or methodological anarchism, Feyerabend advocated the need to loosen up science so that ‘real science’ will be an intellectual adventure that knows no limit and recognizes no rules, not even the laws of logic. Feyerabend, as we have seen prefer the term dadaism to anarchism. The Dadaist opposes the faith in science and in the scientific method, arguing that there is no scientific method and thus, science is not an especially reliable source of knowledge. Epistemologically or methodologically therefore, anything goes.<sup>23</sup> What Feyerabend implies in the aforementioned statement is that since scientific methods or procedures most times do not predict the future as conceived, then it means that if the growth of knowledge is to be achieved by following any

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<sup>20</sup> Paul Feyerabend, *Against Method*, p. 242.

<sup>21</sup> *Ibid.*, p. 253.

<sup>22</sup> A.F. Chalmers, *What is This Thing Called Science*, Buckingham: Open University Press, 1999, p. 14.

<sup>23</sup> *Ibid.*, p. 295.

rule or methodology at all, it will have to be a methodology that is both flexible and undogmatic. This means that there should be freedom vis-a-vis methodological rules.<sup>24</sup> Thus Feyerabend avers that; if you want universal standards, I say, If you cannot live without principle that hold independently of situations, shape of the world, exigencies of research, then I give you such a principle. But it will be empty, useless and pretty ridiculous. It will be the principle: ‘*anything goes*’<sup>25</sup> Feyerabend's argument has the humanitarian attitude, which Curthoys and Suchting identified as the ‘ethical thread’ of Feyerabend's argument. The underlying principle of the humanitarian attitude is unconditional individual freedom for self-development, cultivation of individuality and expansion of the specifically human faculties of imagination. Thus, Feyerabend’s anarchism increases the freedom of the individuals by encouraging the removal of all methodological constraints: while in a broader context, it encourages freedom for the individual to choose between science and other forms of knowledge. Therefore, one can say that epistemological anarchism as a theory is aimed to restore to both the creative scientist and the general public, freedom in matters of knowledge.

### **Refutation of Foundationalism: Towards Re-defining Science in the Modern World**

The conception of science was popularized by Descartes in his foundational quest for knowledge claims. In his *Meditations*, Descartes argued that for a genuine knowledge claim, there must be rational and objective methods for measuring its truth content, less we cannot escape the forces of darkness that envelop us with madness, with intellectual and moral chaos.<sup>26</sup> Descartes based our epistemic claims on the mind and since the mind is taken to be the mirror of reality, modernists based all knowledge claims on the foundation and context of science. However, Feyerabend’s argument about non-methodism, which clearly shows that science, has no universal or objective methodology to predicting the future; refute the claims of modernist about science as the foundation of our knowledge. Although the history of thought is characterized by the different schools of thought which came into existence in the bid to ascertain and establish certitude. In the modern time, all knowledge claims are based on the foundation and context of science. This is based on the fact that since science is believed to be the paradigm for rationality and standard for authentic knowledge, all knowledge that are not scientific or

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<sup>24</sup> Ibid., p. 187.

<sup>25</sup> Ibid.,

<sup>26</sup> R. Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics and Praxis*, Philadelphia: University of Pennsylvania Press, 1988), p. 18.

that cannot be proven empirically are discarded. In this situation, science has it all and so there is no room or freedom for creativity. However, Feyerabend in his anarchism turned the picture of all our knowledge being in the context and foundation of science around. Feyerabend in his humanitarian attitude clearly points out the fact that modernistic view on science limit human creativity and freedom. Since science as a discipline is only a part of human activity and cannot explain the whole of reality, other disciplines or forms of knowledge must be seen as authentic knowledge in as much as it can justify the knowledge claim in its context. Thus, Feyerabend proposed a new science that will be free to accommodate all other disciplines or forms of knowledge and it must be equal with the other disciplines with a flexible methodology that will create room for innovations and creativity.

### **Culminating Reflections: From Epistemological Dadaism to Existential Anarchism**

The epistemological Dadaism of Paul Feyerabend appears to be one of the most debated issues in contemporary philosophy especially amongst postmodernist and their opponents. And this explains why scholars have really expressed reservations about some of the impressions and suppositions of the postmodernist ideas of Paul Feyerabend. In fact, Lugg criticized Feyerabend's argument in favour of relativism of truth, of irrationalism, subjectivism, nihilism and anything goes relativism as Feyerabend reduced the objective criteria of acquiring knowledge to personnel criteria.<sup>27</sup> In the same mode, Newton was not comfortable with Feyerabend's anarchism. He argued that Feyerabend only reinvented Mill's argument for freedom of opinion.<sup>28</sup> Feyerabend was also not only lampooned for inventing truth on particular terms instead of the general terms but he was vilified for his inability to give a criterion for assessing the truth in question. Despite these flaks on the ideas of Feyerabend, Kringe aligned and appreciated the premises and suppositions of Feyerabend's anarchism. Kringe asserts that the views of Feyerabend can be interpreted and appreciated as a novel contribution to the idea of rationality regardless of the fact that Feyerabend did not provide a veritable criterion for assessing the particular.<sup>29</sup> However, despite these submissions from Kringe, it could not stop Harvey Siegal's serial

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<sup>27</sup> A. Lugg, 'Critical Notice' *Canadian Journal of Philosophy* Vol. 21, No. 1, March 1991, pp. 100-112.

<sup>28</sup> W.H. Nelton-Smith, *The Rationality of Science*, Boston: Routledge and Kegan Paul, 1982, p. 132.

<sup>29</sup> J. Kinga, *Science, Revolution and Discontinuity*, Sussex: The Harvester Press, 1980, p. 120.

denigration of Feyerabend's pluralism of science, as he reasons that it provided a bad argument for a good cause since Feyerabend himself rejected objective reason but still used reason to defend his views and challenge that of his opponents.<sup>30</sup>

For him, this appears like a contradiction. Nevertheless, Alfred Nordmann was disposed to support and defend Feyerabend's theory of anarchism by asserting that Feyerabend helped to provide resources for argument at the interface between cultures, traditions and methods in the sense of making each culture to appreciate the wisdom of the other, reasoning that even the strangest way of life and mode of existence may have something to offer after all said and done. From the religious perspective also it can be said that the stark position of the adherents of the scientific methods will ultimately lead to the extinction of religion and God-talk. The impression stems from the fact that modernists narrowed all reality to the scientific world since it is believed that the objective knowledge of science is the only authentic source of truth. The implication of the aforementioned is that even metaphysics the first principle of philosophy and the science of all sciences together with religion are cast out totally, what a world! One would then underscore why Etienne Gilson in his book *God and Philosophy*, asserted that since God or any other metaphysical beings are no object of inquiry, then they are no object of knowledge as well.<sup>31</sup> And this conformed with the position of Bertrand Russell that what science cannot tell us, mankind cannot know.<sup>32</sup> The aforementioned statement drives on the message of modernism and the limitation is set for creative mind since everything must be taken in the context of science. And it was this narrowness of reality by science in the modern era that gave rise to Feyerabend's theory of anarchism. And through this theory, he was able to advance the growth of human knowledge and the search of truth; since it opens up science and makes it equal with other discipline in their epistemic quest.

Also, his decision to expunge and outlaw the stark methodism of science is that its mode of establishing knowledge claims would eliminate human factors, environmental conditions and dispositions in assessing epistemic claims. And this is simply and really not acceptable based on the fact that to a great extent, the human factors and the environmental condition affect every scientific research or experiment. This seems to reecho the impression that knowledge is relative and objective knowledge is not feasible. But irrespective of the censures that has greeted his position, when gleaned from another critical angle, it can be said that

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<sup>30</sup> S. Harvey, *Farewell to Reason* London: Verso Press, 1987, p. 36.

<sup>31</sup> Etienne Gilson, *God and Philosophy*, New Haven: Yale University Press, 2002, p. 109.

<sup>32</sup> Bertrand Russell, *Why I Am Not A Christian*, London: Unwin Books, 1967, p. 26.

Feyerabend's anarchism underscores the fact that ultimately, reality comprise of both the physical and the transcendental or non-physical realms and prima facie, science can only interrogate the knowledge of the former to a large extent and for the latter, science is handicapped so, the implication is that science cannot be the standard of authentic knowledge or the only access to appreciate reality. Even in the natural or physical world, science can only induced realities from particulars not the whole of reality. This therefore means that other disciplines that are not part of science that make epistemic claim of reality should be given the chance to justify their claims as well. The analysis of Feyerabend about science also demonstrates the fact that there is no entity that is even and really worthy of the name 'science' qua tale since even what we refer to as 'science' when beamed critically, fails to pass the test since it has no objective methodology that is reliable, dependable and/or absolute. Although modernism, in the line of August Comte, believed science to be the final epoch of human civilization and quest of knowledge, Feyerabend's anarchism served as an antithesis to prove that modernism was on the far and wrong side of reality. So, it is stating the obvious that the dadaism of Feyerabend opens wide the epistemic claim of all discipline and attacked the foundationalism or conceptualism of modernism that relied heavily on science and only science.

Now, notwithstanding the polemics about the scathing position of Feyerabend on the excesses of science and the need to curtail it and redefine the model of science via his novel scheme of dadaism, it is apposite that in doing that, that is, in attempting to liberalize the method of science Feyerabend simply subscribed to a very tough pattern of relativism which is akin to making man the measure of all things as his relativism was quite imposing and stark. One would reason that he was quite oblivious of the implication of this position he was putting up or he was bent on taking a very far opposite from the model of science, he was keen on achieving this and was seemingly oblivious of the fact that there could be more to his disposition and suppositions. This latter submission on Feyerabend stems from the fact that from the move against modernity and position that places science not just at the center, or as the model or as the method, he unconsciously and/or unknowingly gave rise to the existence of a novel scheme. This is the reality of the existence of an existential anarchy. The theory of existential anarchism is the theory that this paper intends to use to interrogate and juxtapose the submissions of Feyerabend as it will amount to naught to attempt to solve or resolve a problem and end up creating another problem that seems to create rancor in a different way and that would simply also deflate his theory and make a mess of his quest.

Pulling through the scheme of *existential anarchism*, it is pertinent to note here that Paul Feyerabend makes a claim that appears self-defeating. Now, if man is the measure of all things in his novel genre of relativism then there is no need for the existence of any form of false belief or knowledge and what we will rather have around will rather be series of truer beliefs or 'knowledges'. And that leaves humanity with the option and question of which belief or knowledge is truer at the end of the day. And this makes the existence of false beliefs inconsistent with the homomensura doctrine, and on the long run, if at all there are false beliefs, then, the truth of Paul Feyerabend could also be seen as false. And this will make the points of Paul Feyerabend not explicit thereby leaving room for ambiguities and it is these ambiguities that precipitated the emergence and existence of *existential anarchism*. Aside the characteristics of skepticism which we can see very evidently in the claim of Paul Feyerabend one can also find some humanistic characteristics explicit in human interests, values and dignity. And he seems to express so much and even an ultimate faith in humankind as he believes that man possess the power or potentiality of solving their own problems over and above the static and dogmatic model of science which is not progressive. It is an optimistic attitude to life whose ultimate goal is human flourishing. It affirms the dignity and worth of all people and their ability to determine right and wrong purely.

It searches for truth and morality through human means in support of human interests and focuses on the human capacity for self-determination. It endorses universal morality based on the commonality of the human condition and that it is up to individuals to find the truth. This relativist cum humanistic view has shaped the outlook of our world today, most especially in the western world where the issues of morality are left to the individual caprices and discretion however, with huge deficits and casualties. And the costs of this ultimate believe in the human person and human freedom has exposed the reality of an *existential anarchism* and that seem to be the prize to be paid for these freebies. And this has thrown humanity into a great confusion as to what is true and false and/or right and wrong. It is relatable to state that the never-ending debate on gay right, lesbian mode of operation, weapons of mass destruction, sex roles, fidelity in relationships and marriages, the variegated ideas and religious ideals in fact the list goes on are subtle pointers to the level of confusion which humanity has found itself and this seem to underscore the dawn, existence and reality of *existential anarchism* as the aftermath and seeming new normal. Although moral relativism, cultural relativism and the postmodern context dependence theories seem to explain the diversity we find in different cultural practices today.



On the other hand we find also so many similarities in moral and cultural practices, for instance the issue of respect is morally right in every culture. Hence, it brings up the question; if there are really no absolute moral standard or something else. No doubt, the submissions of Paul Feyerabend and his discourse should be appreciated on the premise that it has opened up novel panorama for the interrogation and appreciation of the fancies of human life and the mode of operation of man and method of epistemological and existential enquiry and analysis. And if for anything, it draws the attention of the human person and humankind to the reality and possibility of an *existential anarchism*. And this call also involves a call to critical reflections on our mode and model of operation and understanding so that humankind would not be destroyed or defeated by its own set rules and dictates. Back to back and despite the constraints that could be noticed when the relativism of Feyerabend is stretched beyond limits or interpreted outside its context which is very probable and rampant, there is really no doubt that Feyerabend played a critical role in redefining the concept and ontology of science and in doing that assisted in reconstructing the modernist concept of science and accentuating a humanitarian disposition that creates freedom for both the creative scientist. But it should be said that his extreme stand from in the form of non-methodism or dadaism could only lead to another concern, existential anarchism.

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# CAUSATION AND THE EPISTEMIC STATUS OF MEMORY: REFLECTIONS ON HUME'S DENIAL OF NECESSARY CONNECTIONS BETWEEN A CAUSE AND ITS EFFECT

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**Abstract:** *This paper examines the metaphysical problem of causation with particular reference to Hume's denial of necessary connection between a cause and its effect. It argues that Hume's arguments for his denial of necessary connection between a cause and its effect relies on memory as a reliable medium of knowledge. It concludes that given the metaphysical problem of memory traces and the epistemic status of memory belief, it is doubtful whether Hume's position can be defended consistently.*

**Keywords:** *Necessary connection, memory, memory traces, defeasibility, contiguity.*

## Introduction

This paper examines Hume's arguments for his denial of necessary connection between a cause and its effect. It examines the problem of memory particularly the realist and the representative theories of memory. It concludes that given the nature of memory and remembering and the epistemic problem of defeasibility on one hand, and the metaphysical problem of memory traces on the other, Hume's implicit reliance on memory in defence of his thesis on necessary connections cannot be sustained.

## Hume on relations

In Hume view, causation is a metaphysical concept that is traceable to some relations. One of these relations is contiguity. By contiguity, it means that a cause and its effect must be contiguous. According to him, nothing can act on another one where the actor is far away. On this point, he notes: "...and that nothing can operate in a time or place, which is so little remov'd from those of its existence"<sup>1</sup> For him, where objects that are far

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<sup>1</sup> L.A. Selby-Bigge, (Ed.) David, Hume. A Treatise of Human Nature (Oxford: Clarendon Press). 1960, p. 75.

away from one another are seen as being “productive of each other”<sup>2</sup> a careful examination of these objects always show that they are connected by causal chains which are closely connected.

Apart from the relation of contiguity, another relation that is fundamental to causation which according to Hume does not enjoy general acceptance is that: “of priority of time in the cause before the effect.”<sup>3</sup> On this relation, Hume argues that there is no consensus on its importance to causation. While some agree that this relation is essential between a cause and its effect, others argue that a cause and its effect may exist at the same time. In Hume’s view, while the position that a cause and its effect may exist simultaneously could not be established in “experience”, the relation of priority can be shown to obtain in reasoning. The other relation which is very important to causation is that of necessary connection. For him, arguments that have been offered to justify the necessity of a cause, is fallacious and sophistical.<sup>4</sup> For a proper understanding of Hume’s arguments against necessary connection between a cause and its effect, I examine his arguments in the next section.

### **Hume’s denial of necessary connection between a cause and its effect**

In Hume’s attempt to explain the relation of cause and effect, he divided human knowledge into two categories. They are relations of ideas and matters of fact. Knowledge in the realm of relations of ideas are found in Geometry, Algebra and Arithmetic. This category of Knowledge according to Hume is: “either intuitively or demonstratively certain”<sup>5</sup> Matters of fact in Hume’s second category are by their nature not as certain like knowledge of relations of idea. For Hume, “the contrary of every matter of fact is still possible because it can never imply a contradiction.....”<sup>6</sup> Besides, Hume argues that thoughts regarding matters of fact are based on cause and effect. Thus for instance, Hume observes, that the only plausible explanation for while someone’s friend could not make it to a public function could only be through another explanation, which is often couched in the lingo of cause and effect.

The fundamental question Hume raised is how do we arrive at the knowledge of cause and effect? He answers that the knowledge of cause and

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<sup>2</sup> Op.cit., p. 75.

<sup>3</sup> Op.cit., p. 76.

<sup>4</sup> L.A. Selby-Bigge (Ed.) 1960, Op.cit., p. 80.

<sup>5</sup> David Hume, “Skeptical Doubts Concerning the Operations of the Understanding” in Ernest, Nagel & Richard B., Brandt, *Meaning and Knowledge*, Systematic Readings in Epistemology, (Harcourt: Brace& World INC) 1965, p. 323.

<sup>6</sup> David Hume, “Skeptical Doubts Concerning the Operations of the Understanding” in Ernest, Nagel & Richard B., Brandt, 1965, op.cit., p. 323.

effect comes from experience. Through experience, we come to know that objects are sometimes constantly conjoined, such that the appearance of one object often leads to the appearance of the other. This position is proven according to Hume, when he writes: “let an object be presented to a man of ever so strong natural reason and abilities-if that object be entirely new to him, he will not be able, by the most accurate examination of its sensible qualities, to discover any of its causes or effects”<sup>7</sup> Hume argues that the propensity to expect similar effects from similar causes relies on the assumption that the future will always conform to the past. The problem with this assumption is that: “the course of nature may change, and the past may be no rule for the future”.<sup>8</sup> The implication of this position for necessary connection between a cause and its effect is that necessity can neither be established from constant conjunction of similar events nor on the assumption that the future will always conform to the past.

Central to Hume’s philosophy is his denial of necessary connection between a cause and its effect. While this has been considered as the unique contribution of Hume in Epistemology and Metaphysics, it has engendered a lot of controversies among philosophers. Arising from Hume’s position, there are scholars who argued that the position Hume defended on the relation of cause and effect, especially his denial of necessary connection between a cause and its effect involves some inconsistencies. Their argument is based on the fact that each thing that exists has its own natural composition. With the natural composition of a particular substance say water, it is expected that under normal circumstance, where the substance is expected to react naturally but did not, there must be some explanations for the deviant behaviour of the substance. Where there are no explanations for the unconventional behaviour of the substance, and it remains the same, it must respond according to the expected mode of behaviour which is compatible with its natural composition. The crux of this argument is that given the natural composition of a substance, it must necessarily behave in certain ways which agree with its nature. In support of this view they write: “for us there is an inconsistency between the assertion that a scientifically sanctioned effect does not follow in the proper circumstances and the assumption that the natures of the things and substances involved are unchanged and all impediments to their action removed”<sup>9</sup>.

Against Hume’s denial of necessity in nature, it has been argued that there are conceptual necessities arising from the natural necessity of substances. Thus for instance, while it may involve no contradiction that

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<sup>7</sup> Op.cit., p. 324.

<sup>8</sup> Op.cit., p. 328.

<sup>9</sup> Harre, R. & Madden, E.H., *Causal Powers*, (Oxford: Basil Blackwell) 1975, p. 45.

there is a man who has no child, it is contradictory to conceive of a father who has no child. The conceptual necessity in the concept of a father arises from the natural necessity surrounding the sacred duty of a father in bringing a child to life. They note: “the conceptual necessity has come into being in response to an a posteriori discovery of the natural necessity of the father’s role”.<sup>10</sup>

It seems that given Hume’s denial of necessary connection between a cause and its effect, and his position that necessity is a product of custom and habit, his argument relies so much on memory, particularly, it assumes that memory is always reliable. Let me explain. For Hume, humans have a great tendency to assume that C which has always been accompanied by E will always be the case. Thus for instance, striking a matches box has in most cases resulted in it bringing flame. Starting the ignition of a car engine has often resulted into running the car engine. Several instances in this category suggest that a cause is always followed by its effect. On the basis of these observed cases, where a known cause has been followed by its effect, Hume argues that there is an inclination for the human mind to be led to expect similar effects from similar causes and on this basis conclude that necessarily a cause must be accompanied by its effect. Hume’s position on the relationship between a cause and its effect and the idea of necessity is that it is nothing but a product of the mind. The point is that, if Hume is right that there is no necessity in nature but that our inclination to talk about necessity in cases where a cause has been followed by its effect is a product of custom or habit, this position implies that memory is a reliable storage medium on which Hume’s notion of custom and habit can rely. It is appropriate to examine memory as a medium of knowledge and see whether by the nature of memory Hume’s position can be defended. In the next section, the paper examines the nature of memory.

### **The problem of memory**

The problem of memory in philosophical discourse is similar to the problem of perception. One recurrent question about perception is whether what is perceived is a direct awareness of objects or an inferential procedure. The same question has been raised whether the knowledge from memory are immediate or mediated knowledge of the past. A similar view in the history of philosophy was defended by the Epicureans who argued that what is perceived are images of objects. This is a view which had been seen by some philosophers to foreshadow John Locke’s theory of perception. Several years after the Epicureans view was popularized. Locke came on the philosophical scene to defend not only a representative theory

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<sup>10</sup> Ibidem, p. 48.

of perception but also a representative theory of government.<sup>11</sup> Philosophers in their discussions on memory have come to terms with the idea that since it may be difficult to return to the past events, say the events that took place in 1960, when Nigeria attained independence, memory has been considered as a medium through which the past experiences are brought to the present. In defense of this view, philosophers have thought that while the past cannot be brought to the present, the images of the past occurrences stored in our memory can represent the past. Against this view however, questions bordering on how images can adequately represent the past have been raised. Philosophers have queried whether what we remember are images or the past events which the images represent. He notes:

If we are remembering the image which is present to us, we could not be remembering, as we obviously are, events which are not present to us. And if we are remembering the event, how do we remember something which is absent from us through the experience of what is present to us.<sup>12</sup>

For Landesman, when we talk about memory, it involves someone whose claim that he remembers something is epistemically supported by his claim. As he notes: “....to say that someone remembers an event entails that he has a true belief that the event occurred in the past and that he witnessed or otherwise experienced it”<sup>13</sup> Also for Landesman, philosophers like Chisholm has argued that memory is a “spontaneous assurance about the past”<sup>14</sup> These views, namely, the one expressed by Chisholm on memory, and the one requiring that report of memory be epistemically justified are inadequate according to Landesman. He doubts whether memory, just as Chisholm has noted can ever be a spontaneous recollection of the past or whether to have a justified belief about the past guarantees the knowledge of the past. His position is that it is not enough to have a justified belief about the past to qualify as memory, rather one must know what transpired in the past.<sup>15</sup>

Apart from this view, it seems there are at least two other positions on memory. There are those who argued that memory may not always be reliable and on the basis of this argued that attempts to remember what has happened in the past can only be inferentially made, especially through the image of what is remembered. There are others who argued

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<sup>11</sup> Richard Aaron, John Locke, (Oxford: Clarendon Press) 1970, p. 104.

<sup>12</sup> D.J.O. Connor & Brian, Carr, *Introduction to the theory of Knowledge*, (Sussex: The Harvester Press Limited) 1982, p. 122.

<sup>13</sup> Charles Landesman, “Philosophical problems of memory” in the *Journal of Philosophy*, Vol. 59. No 3, 1962, p. 60.

<sup>14</sup> Op.cit., p. 60.

<sup>15</sup> Op.cit., p. 61.

that we can be directly aware of events in the past through the memory and argued that memory is always reliable. They contend that where memory appears to be unreliable, that there may be other things responsible for its unreliability. Arising from these positions, is also the plain man's view of memory which states that it is possible to actually remember what happened in the past. This is the naive realist view of memory.<sup>16</sup> The problem with this view is that it does not take into consideration the possibility of error that may arise about memory belief. For this reason, it has been argued that what is remembered is not the actual event as it happened years back but the images of events that happened in the past. The image theory affirms that when we remember something, we are actually remembering the images which are representation of the original event. The images are less vivacious than the original event being remembered. It has however been argued against defenders of this view that a theory which describes memory in terms of images cannot be adequate. They argue that memory images cannot be an equivalent of memory. The problem is how images of past events can be a genuine and accurate representation of the past.<sup>17</sup> There is also the problem of remembering the past events and further attempts to compare them with the present images to ensure that they appear in the same order in which the event happened.

Apart from the image theory is the familiarity account of memory. In Woozley's view, the familiarity theory is associated with Bertrand Russell. It asserts that there are memory images, and they can be differentiated from other memory images by "a feeling of familiarity which marks it; and it is this feeling of familiarity, which is at its vaguest the feeling that"<sup>18</sup> the event has occurred in the past which is fundamental to memory. On this account, remembering has two components; it involves having an image with a feeling of familiarity and being able to belief that this feeling of familiarity is traceable to the past. In Russell's view, there are two conditions which have to be met by images in order to adequately represent the past. The first condition is familiarity. According to him, this sense of familiarity often comes with images which represent the past in the memory. The second are characteristics through which events in the memory can be located in the past. While Russell's account may have attempted to provide a solution to some of the problems associated with images, it is doubtful whether it completely solves the problem arising

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<sup>16</sup> D.J.O. Connor, & Brian, Carr, *Introduction to the Theory of Knowledge*, (Sussex: The Harvester Press Limited) 1982, p. 130.

<sup>17</sup> A.D. Woozley, *Theory of Knowledge*, (London: Hutchinson &Co Publishers Limited) 1976, p. 43.

<sup>18</sup> Op.cit., p. 44.



from understanding memory in terms of familiarity and a feeling of the past. This is because the conditions spelt out in defence of his view are only in degrees, and it not impossible that: “some imaginary experiences may stamp themselves on our consciousness with some or all these properties”.<sup>19</sup>

The realist theory of memory is a rival theory to the representative theory of memory. Proponents of this theory maintained that when we remember past occurrences, “what we are aware of is just those past events, and nothing further”<sup>20</sup>. This theory rejected the view of the representative theorists of memory, whether on images or familiarity earlier discussed in this paper. Some philosophers however have reservations about this theory. In the first place, the theory seems to undermine the reality of time. That is, it fails to take into cognizance the fact that events which happened in the last ten years if recalled, no matter how vivid or clear it may appear happened in the past. Their doubt on this theory also borders on the metaphysical nature of past event. They note: “we ordinarily suppose that past events are over and done with and though they may leave their traces in the present, they do not now exist”<sup>21</sup> It has also been argued against defenders of the realist theory of memory that a theory like theirs should not only explain past events that are private to an epistemic agent but also past events in the lives of other epistemic agents. Against these diverse positions on the nature of memory, the question I try to answer is whether Hume’s denial of necessary connection simply on his conviction that things are merely constantly conjoined and the assumption that the past will be conformable to the future can sustain his conclusion. I argue that given the meaning of “remembering” and its connection with memory, chances are that Hume’s arguments may not show to what extent our memory is reliable, if it does, whether cases of remembering are traceable to memory. In the next section, I examine some arguments against the reliability of memory. This is necessary not only to show whether we can spontaneously recall events in the past the basis on which Hume’s position is anchored but also whether the reports of memory are often reliable.

### **Arguments against the reliability of memory**

Hume in his controversial view on the relationship between a cause and its effect argues that necessity is a product of the mind. This view assumes that an epistemic agent as a result of the observed cases of C and

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<sup>19</sup> D.JO. Connor, & Brian, Carr, *Introduction to the Theory of Knowledge*, (Sussex: The Harvester Press Limited) 1982, p. 124.

<sup>20</sup> Op.cit., p. 130.

<sup>21</sup> Op.cit., p. 130.

E often conclude hastily that they will always follow each other. The problem with this position is that it relies on the information from memory. It appears that one can spontaneously recall what has been stored in the memory at anytime. In order for Hume's position to be acceptable, namely, his denial of necessity between a cause and its effect, it must be the case that one can spontaneously remember what has been stored in memory at anytime. The reality of the matter is that this has not always been the case when issues bordering on the past are to be remembered. On many occasions people have admitted that at present they could not vividly remember how something happened in the past and have pleaded for more time to allow them recall this particular event in the past. While this view has been criticized, it is also the case that the common man's view on memory is radically different from this account. This has been proven in several cases where we have to remember different events in the past which have not been achieved spontaneously. Besides, there are strong epistemic indications that Hume's implicit reliance on memory to justify his denial of necessity between a cause and its effect may be difficult to defend, given other salient features of memory. Let me explain. To recall a particular past event could also be understood simply that the epistemic agent remembers details about the past event. Hume seems to have relied on this view in his denial of necessity between a cause and its effect. Dorothea Debus has argued against the defenders of the causal theory of memory, that it is not all the cases of remembering that really counts so, some are merely cases of causal connections between two events.<sup>22</sup> In defence of this view, it has been argued that remembering is epistemologically a defeasible concept. Defeasibility is understood to mean when the available evidence cannot support the position earlier maintained. On defeasibility, some epistemologists note: "the warrant a proposition P has for us on the basis of evidence e is defeasible when expanded evidence could decrease P's warrant"<sup>23</sup> If remembering is a defeasible epistemic concept, where the available evidence may not support the claim, it has serious implications for Hume's reliance on memory. It raises the question of the veracity of the evidential support for the object remembered.

In this case, remembering which cannot be wholly separated from the reliability of memory is considered a defeasible concept since there are cases when epistemic agents have thought that they remembered events in the past which have turned out to be false. In support of this view, Robins

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<sup>22</sup> Dorothea Debus, "Accounting for Epistemic Relevance: A New Problem for the Causal Theory of Memory" in *American Philosophical Quarterly*, Vol. 47, No 1, 2010, p. 19.

<sup>23</sup> Dancy Jonathan & Ernest, Sosa, (Eds), *A companion to Epistemology*, (Cambridge: Massachusetts) 1994, p. 91.

paraphrasing Deutscher and Martins states that: “the feeling of remembering is defeasible: even the most vivid experiences of seeming to remembering can be inaccurate. People often take themselves to be remembering when they are not, and may disavow veridical representations of their own past experiences”.<sup>24</sup>

In this paper so far, our account of the theories of memory can be classified into two categories. There are the representative and the realist theory of memory. The representative theories are the image and the familiarity theories of memory. The image theory of memory argues that when we remember things that happened in the past, we have only the images of the past occurrence. The familiarity theory claims that remembering past occurrence is nothing other than having a feeling of familiarity. Against these positions, I argue that Hume’s positions cannot adequately justify his conclusion. Given the nature of images which is akin to sense data, it is doubtful whether images can provide accurate information about the past. Let me explain. By the nature of images or sense data, they are entities which are fleeting and occur to the perceiver alone. Their transitory nature raises questions about the possibility of perceptual error. How can we ever be sure that the images of a past event presented to an epistemic agent adequately represent the actual event for which its images are now being reported? It seems to me that there is no way we can be sure that the knowledge acquired through the images can correlate with the past events.

There are challenges with Hume’s position when considered in line with the representational account of memory traces. Ordinary a defender of Hume may argue that the earlier problems noted against him ceases to be just in case his view is considered along the representational account of memory. Against the possibility of this defence in support of Hume, I argue that such a defence runs the risk against the objections from immediacy and relevant explanation against the representational position on memory traces. The question I try to answer is what are memory traces and their place in the representational thesis. For Sarah Robin, “memory is generally understood to be a diachronic capacity—the acquisition of information, ideas, or experiences at one time, which is then available for recall at a subsequent time”<sup>25</sup>. Memory traces serve as the medium through which information about the past is preserved for the future. In this direction, there are two competing accounts. There are static and

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<sup>24</sup> Sarah Robins, “Representing the past: memory traces and the causal theory of memory” in *Philosophical Studies*, Vol. 173, 2016, p. 2997.

<sup>25</sup> Sarah Robin, “Memory Traces” in Sven Bernecker & Kourken Michaelian (Eds). *The Routledge Handbook of Philosophy of Memory*, (New York: Routledge Press) 2017, p. 76.

dynamic accounts of memory traces. In Robin's view, the static account of memory traces is an offshoot of the archival brand of memory, where: "memory is seen as a warehouse or repository of well-preserved representations of past encounters"<sup>26</sup> The dynamic account of memory traces considers memory as a medium through: "which information from the past is retained in a general and flexible way that can be adapted to one's ever changing interests."<sup>27</sup> The question about the justification of memory traces is answered by this distinction. For our purpose in this paper, the distinction is germane particularly to see whether Hume's position can be salvaged in the existence of memory traces. That is, if the objects of representation are nothing other than memory traces, what follows for Hume? I argue that there would still be problems arising from the objections levelled against representational theories. In Robin's view, the objections are about immediacy and explanatory relevance of memory traces. The objection from immediacy maintains it is necessary to have a direct link between what is perceived and its place in the world to avoid scepticism. With memory traces as the only link from the past to the future, scepticism cannot be avoided. The explanatory irrelevance objections states that reliance on memory traces cannot offer any genuine account of the past, at best it leads to circularity of the argument.<sup>28</sup> Again, our analysis on memory traces intended to salvage Hume reliance on memory on his accounts on causality fails.

## Conclusion

This paper examines Hume's arguments for his denial of necessary connection between a cause and effect. It explores the problem of memory with particular reference to the realist and the representative theories of memory to discover whether given the nature of memory and its central role in Hume's account of causation, the denial of necessary connections can be justified. It concludes that given the fact that there are strong epistemic and metaphysical problems with Hume's position, namely, the epistemic problem of defeasibility and the metaphysical problems of memory traces, there are strong indications against the plausibility of the thesis defended by Hume.

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<sup>26</sup> Op.cit., p. 78.

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<sup>28</sup> Ibidem, p. 80.

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# THE ART REPRESENTATION OF HINDU-BALI PHILOSOPHY TO STRENGTHEN LOCAL WISDOM APPRECIATION ON CONTEMPORARY ARTWORK OF BALINESE DIASPORA PAINTERS IN YOGYAKARTA

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**Abstract:** *Balinese diaspora painter art creativity will not be separated from the bond of Balinese culture's noble values, especially aesthetic rules derived from Hinduism. The picture of Balinese diaspora painter paintings in Yogyakarta is loaded with the deposition of Hindu aesthetics, philosophical issues of Balinese locality values, contemporary art, to globalisation. This research investigates the content of Hinduism cosmology philosophy and the visual art representation of Balinese diaspora painters in Yogyakarta as part of the transformation of Balinese visual art aesthetics. Method of presentation of works with "mental representation system" and "visual language (sign)". The three main rules of Hinduism aesthetics analyse the representation of painting, namely, truth (Satyam), chastity (Shivam) and beauty (Sundaram). This study found that the Balinese diaspora painters with traditional experience raise self-awareness of "a renewed thought, clashed" between understanding Bali's local wisdom with Javanese culture and gradually affecting their conceptual map representation of art in the contemporary art world. In conclusion, Balinese painter diaspora creative process is very pervasive aesthetic, cultural capital, term of Hindu-Balinese philosophy in the expression of symbolisation of artwork. They realised the importance of the philosophy of local Balinese*

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*traditions as fundamental conceptions of Hinduism aesthetics in everyday art creativity.*

**Keywords:** *Art Representation, Hindu-Bali Philosophy, Local Wisdom, Visual Arts, Balinese Diaspora*

## **Introduction**

Art is one of the cultural means that can adapt to new environments. Dialogue between the values of ethnic, cultural locality takes place in encounters with artwork, enabling creating a balance of national identity aspirations by respecting other cultures and perceptions of other nations' values in all their peculiarities<sup>1</sup>. Bali is a small island in the Indonesian archipelago. Its total size is about 5,632.86 square kilometres. Despite its small size compared to the other archipelago islands, Bali is internationally renowned as a tourist destination. One of the various reasons is Bali has become a famous unique culture that has developed through creativity and been transmitted from generation to generation<sup>2</sup>. As one of the multicultural entities with a distinctive "cultural identity" of hundreds of ethnic, cultural traditions in Indonesia, Balinese culture has reached the phase of cultural diversity, artefacts to the content of views of philosophical values of its traditions. The tradition of classical-traditional Balinese art has become iconic and symbolic of cultural identity in its arts, ordinances of life, social relations, religious activities, and dialectics contesting global ethnic identity<sup>3</sup>. As a religious human being, Balinese people maintain their religiosity: through behaviour, rituals, myths, and symbols<sup>4</sup>.

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<sup>1</sup> Andrey G. Shishkin dan Olga O. Morozova, "Art in the age of globalisation: Dialogue of cultures (Ural opera ballet Theatre's production of the opera tri sestry)," *Changing Societies and Personalities* 4, no. 4 (2020): 476–91, doi:10.15826/CSP.2020.4.4.112.

<sup>2</sup> I Gede Arya Sugiarta, "Relation of Dance and Music to Balinese Hinduism," *SPAFA Journal, Journal of Archaeology and Fine Arts in Southeast Asia* 2 (2018): 1–17, doi:http://dx.doi.org/10.26721/spafajournal.v2io.564.

<sup>3</sup> I. Gusti Ngurah Seramasara dan Ida Ayu Trisnawati, "Bali's cultural arts and the contest of identity during the tourism era of Bali," *International Journal of Innovation, Creativity and Change* 9, no. 4 (2019): 109–20.

<sup>4</sup> Alexandru Gabriel Negoită, "Human's Spiritual Crisis And The Existential Vacuum," *Cogito: Multidisciplinary Research Journal* XIII, no. 1 (2021): 21–31, http://cogito.ucdc.ro/cogito\_nr\_1\_2021.pdf.

Bali is the island of the major centre of Hinduism in Indonesia<sup>5</sup>. Hinduism with Vedas as its holy book is the oldest religion in the world. Sivañanda states that: The Vedas are the oldest sacred library in the literature of humankind<sup>6</sup>. The Vedas are the primary source of Balinese people's religion. In Bali, Hinduism is closely intertwined with art and culture in everyday life and performing arts and fine arts are considered an integral part of religious ceremonies<sup>7</sup>. Balinese art is undoubtedly different from Indian art even though both are Hindu. G.E. Marrison stated, "The difference is that the paintings of Indian artists are more naturalistic, while Balinese artists, for all their variety, cultural richness, and energy, appear more stylish, and loaded with symbolism<sup>8</sup>."

The local religious system or "Balinese religion" was born from the expression of the interaction between Balinese and spiritual environments, which includes conceptions of supernatural forces and beings, adat of religious ritual ceremonies, religious facilities, and religious communities. Michel Picard confirms the relationship, "how is agama (religion) related to adat on the one hand, and how is Balinese religion connected to Indian Hinduism on the other"<sup>9</sup>. There was a mixture of values between local Balinese religion and Hinduism elements by cultural acculturation in its development. Hindu-Bali's philosophical values are reflecting in the concept of *rwa bhineda*. The concept of *rwa bhineda* is a concept based on Hindu-Bali people's belief in harmony in life, such as *kangin-kauh* (east-west) and *kaja-kelod* (north-south)<sup>10</sup>, and in the form of occasional philosophies of *sekala-niskala*<sup>11</sup>. The community very realises differences in Balinese culture because of the factors of the *desa* (place), *kala* (time) and *patra* (condition). These Balinese concepts used to adapt to differences in customs or cultures between one region and another in Bali.

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<sup>5</sup> June McDaniel, "Religious Change and Experimentation in Indonesian Hinduism." *International Journal of Dharma Studies* 5, no. 20 (2017): 1–14. doi:10.1186/s40613-017-0056-x.

<sup>6</sup> I Ketut Donder, "Keesaan Tuhan dan Peta Wilayah Kognitif Teologi Hindu: Kajian Pustaka tentang Pluralitas Konsep Teologi dalam Hindu." *Harmoni Jurnal Multikultural & Multireligius* 14, no. 2 (2015): 22–35.

<sup>7</sup> Sugiarta, *op. cit.* 4.

<sup>8</sup> G.E. Marrison, "Balinese Classical Painting: Its Literary and Artistic Themes," *Indonesia Circle. School of Oriental & African Studies. Newsletter* 23, no. 65 (1995): 1–20, doi:10.1080/03062849508729830.

<sup>9</sup> Michel Picard, *Balinese Religion in the Making: An Enquiry About the Interpretation of Agama Hindu as 'Hinduism.'* *The Appropriation of Religion in Southeast Asia and Beyond*, 2017. doi:10.1007/978-3-319-56230-8.

<sup>10</sup> I Ketut Sunarya, "The Concept of Rwa Bhineda Kriya on the Island of Bali Towards Jagadhita," *Wacana Seni* 19 (2020): 47–60, doi:10.21315/ws2020.19.4.

<sup>11</sup> Siobhan Campbell, "Temple Art For Sale: Traditional Painting In Contemporary Bali," *Indonesia and the Malay World* 43, no. 126 (2015): 226–54, doi:10.1080/13639811.2014.996999.



These three terms cause Balinese culture to be flexible and selective in accepting and adopting outside cultural influences.

As Balinese people, art is physical work that requires perseverance, interest, Swadharma (obligation), and also 'inner satisfaction', meaning he does it wholeheartedly and displays the best. Hindu-Balinese culture, based on the principle of Vedic scripture, actually upholds the values of balance and harmonisation as contained in the philosophy of *Tri Hita Karana*, *Desa Kala Patra*, *Sekala-Niskala*, and *Rwa Bhineda*<sup>12</sup>. This philosophy's basis is the base on creativity in the creation of the painting of Balinese diaspora artists in Yogyakarta.

Balinese artists who migrate outside Bali's island will undoubtedly have a more dialectical perspective concerning acculturation and other external cultural crosses. The question in this article; what is the basic Hindu-Bali philosophy of Balinese diaspora painters in Yogyakarta, and how do Hinduism aesthetic principles reflect in their artwork? The Balinese diaspora's art activities also strengthen the essence and inner values of tradition such as spiritual, ritual, and religious meaning<sup>13</sup>.

### Research Methods

This research explores the basic principles of aesthetic creation of works, philosophical meanings of Balinese culture, and reflections of Hindu religious values in representative works of Balinese diaspora painters in Yogyakarta. Research on the view of philosophy in this field using literature and interviews with Balinese diaspora painters who are members of the Sanggar Dewata Indonesian in Yogyakarta city. Philosophical reflections explore each of the artwork's aesthetic components' basic structure and understand all the activities of the various features as one unit related in a network with each other.

This interdisciplinary qualitative method uses the art research method with a representation system approach. There are two processes in the representation system: first, mental representation, where all object, people, and events correlated with concepts carried everywhere inside the head. Here, it can be said that the meaning depends on all concept systems (as the conceptual map) formed in mind, used to represent the world and deny interpreting objects both in and outside the mind. Second, language involves constructing meaning, connecting concepts and ideas through written language, body language, and visual images (signs)<sup>14</sup>. Clifford Geertz asserts, "semiotics should move beyond consideration of signs as a means of

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<sup>12</sup> Sunarya, *op. cit.* 56.

<sup>13</sup> Lydia Christine Kieven, "Getting Closer to the Primordial Panji? Panji Stories Carved in Stone at Ancient Javanese Majapahit Temples – and Their Impact as Cultural Heritage Today," *SPAFA Journal* 1 (2017), doi:10.26721/spafajournal.v1i0.172.

<sup>14</sup> Stuart Hall, *Cultural Representations and Signifying Practices* (London: SAGE Publication, 1997), <https://us.sagepub.com/en-us/nam/representation/book234567>.

communication, the code to be deciphered, with their consideration as a mode of thought, idioms to interpreted"<sup>15</sup>.

The representation of meaningful images involves "seeing-in" or "seeing-as". An artist who makes representational artworks should aim to have the disposition to produce the experience of seeing or seeing as a particular<sup>16</sup>. Language has a referential function, i.e., it can refer to objects in the world. The object also has a visual representation; therefore, language can (at least to some extent) describe visual perception<sup>17</sup>. For a visual representation of Balinese diaspora painting, its objectification tends to be symbolic and metaphorical. In traditional rhetoric, metaphors classified as clues as one of the criteria for modification of particular meanings in the use of words. Aristotle stated that the metaphor consists of transferring foreign meanings to a name<sup>18</sup>.

Hinduism is the primary source of values that animate Balinese culture. Hindu aesthetics is essentially a way of looking at the sense of beauty (*Lango*) based on Hindu religious values based on Vedic (*Weda*) scripture's teachings. Three aesthetic pieces of evidence become guidelines in building art activities in Bali. Three propositions are also a synergy that requires balance or harmony in Bali's art activity. The three primary pieces of evidence or rules of Hindu aesthetics that use art in Bali, namely, truth (*Satyam*), chastity (*Shivam*) and beauty (*Sundaram*)<sup>19</sup>. These concepts are represented symbolically, as well as metaphorically, by Balinese diaspora painters in Yogyakarta. Most classical Balinese paintings have scenes from Ancient Javanese poetry (*kakawin*), or prose (*parwa*), derived from Indian epics Ramayana and Mahabharata, and animal tales of *Panca Tantra*. Some Balinese poems were later also illustrated. The astrological calendar painted in the same way, *tabing*<sup>20</sup> and a traditional painting called *langse*<sup>21</sup>.

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<sup>15</sup> Adrian Vickers, "Visual Methods and the Study of Balinese Art Collections," *Journal of Southeast Asian Studies* 51, no. 3 (2020): 321–42, doi:10.1017/S0022463420000478.

<sup>16</sup> Nick Zangwill, *Aesthetic Creation* (New York: Oxford University Press, 2007), doi:10.1093/acprof:oso/9780199261871.001.0001.

<sup>17</sup> Wentao Zhao et al., "How to Represent Paintings: A Painting Classification Using Artistic Comments," *Sensors* 21, no. 6 (2021): 1–15, doi:10.3390/s21061940.

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<sup>19</sup> IBG Triguna Yudha, *Estetika Hindu dan Pembangunan Bali* (Denpasar: Widya Dharma, 2003), <https://opac.perpusnas.go.id/DetailOpac.aspx?id=1641>.

<sup>20</sup> Marrison, *op.cit.* 4.

<sup>21</sup> Peter Worsley, "The Rhetoric of Paintings: The Balinese Malat and the Prospect of a History of Balinese Ideas, Imaginings, and Emotions," *Wacana Seni* 21, no. 2 (2020): 303–25, doi:10.17510/wacana.v21i2.870.304.

## Result & Discussion

The exploration of aesthetics is needed to introduce and appreciate the uniqueness of the place, man, knowledge, and local culture. Bali has a long artistic tradition, acculturation with outsiders in ancient bronze times and stone statues as witnesses to the originality of Balinese creative works with forms and motifs. The earliest manuscript records show that Bali is intensely interacting with Java politically, socially and culturally<sup>22</sup>.

To this day, the latest generation of Bali continues to establish a close cultural relationship with Java, especially in Yogyakarta in the field of fine arts. Balinese art's transformation in Yogyakarta focuses on fine art, the representation of visual art and the relationship of traditional art heritage in contemporary art practice. Considerations to build relationships, regularity and continuity of emergence, development of modern, postmodern art, and transition and assimilation of traditional art concepts into contemporary art concepts<sup>23</sup>. The development of the Balinese diaspora locality tradition's values is not rigid, but the tradition that the process becomes, the process of demands and counterpoints, the process of creating new expressions with "inner setting of philosophical values of Balinese locality". Narrative philosophy of Balinese cosmology such as *rwa bhineda*, occasionally, *tri hita karana*, and so on in the world of Balinese art is a fundamental part of the various processes of its creation, both ethical and aesthetic aspects.

As part of Balinese cultural art life, aesthetic aspects have rules of evidence that are inseparable from Hinduism's influence and soul based on Vedic scriptures. Emphasis and efforts to build an element of beauty on Bali's art activities, permanently porous on the foundation of Hindu-spirited aesthetics. Balinese cultural philosophy believes in the existence of macrocosm nature (*bhuwana Agung-jagad gedhe*) and microcosm (*bhuwana alit-jagad cilik*)<sup>24</sup>. To maintain the balance and regularity of the *bhuwana agung*, in the nine directions, is guarded by the Gods, also known as *Dewata Nawa Sanga*. Hindu cosmology is the knowledge of everything related to the universe according to Hindu philosophy. In Hinduism, the universe is built from five elements, namely *pertiwi* (soil),

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<sup>22</sup> Adrian Vickers, *Balinese Art: Paintings and Drawings of Bali, 1800-2010* (Hongkong: Tuttle Publishing, 2012), <https://www.amazon.com/Balinese-Art-Paintings-Drawings-Bali/dp/0804842485>.

<sup>23</sup> Sonja Vuk dan Maja Bosnar, "Process in Contemporary Visual Art as a Paradigm Shift in the Visual Art Education: Perspective of Creativity," *Creativity Studies* 14, no. 1 (2021): 99–111, doi:10.3846/cs.2021.12632.

<sup>24</sup> Sri Sudarsih, "Metaphysic Dimension in Labuhan Ceremony of Yogyakarta Palace," *E3S Web of Conferences* 202 (2020), doi:10.1051/e3sconf/202020207051.

*apah* (water), *bayu* (air), *teja* (fire), and *akasa* (ether) <sup>25</sup>. The five elements are called *panca maha bhuta*. *Panca Maha Bhuta* then became a universe with all its contents such as the sun, moon, earth, mountains, rivers, trees, animals, people, etc. So it is clear that the universe with all its contents was born and flowed from the body of *Sang Hyang Widhi*, in time will return into *Sang Hyang Widhi* as *pertiwi*, *bayu*, *apah*, *teja*, dan *akasa*.

### Concepts of Hindu-Bali Philosophy

According to Hindu philosophers, human is an integral part of nature. Human is a minor nature: microcosm, which means that if nature exists in humans and humans are the specificity of nature, then man's centre is also the centre of nature. Conclusion: *atman* is *Brahman* and *Brahman* is *atman* also. Human and nature are not two things but one thing man and nature are one whole. Elements of the human soul called *jiwatman*, and through layers of tools herb body (*raga sarira*), then arise three properties or forms of the *Tri Guna* (three attributes, or forms of energy). *Tri Guna* means 1. *Sattwan*, covering the inner tranquillity, balance, innocence (rhythm, harmony, purity); 2. *Rajas*, covering workforce activities, carrying out plans or passions (action, motion, or desire); 3. *Tamas*, namely darkness and ignorance (inertia, darkness, and stupidity). If *budi rajas* help the animal's mind, then arise from it a culture that contains a sense of beauty or subtlety, commonly named: 'art'<sup>26</sup>.

Cosmology for Balinese people sees the universe as an orderly and balanced system. Therefore, cosmology defined as regularity and harmony manifested into *jagad gedhe* (macrocosm) and *jagad alit* (microcosm) for Balinese society. In Balinese culture, cosmology implemented into the universe's elements, including aesthetics, humans, sacred buildings, houses (*pawongan*), and other communities as the microcosm. In Balinese cultural cosmology does not view this universe as a physical unity (*sekala*) alone, but also spiritual (*niskala*), which organised under the power of *maha-atman*, "one Supreme God", namely *Sang Hyang Widhi Wasa*<sup>27</sup>. To understand the existence of God deeply, theology Hindu

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<sup>25</sup> Ida Bagus dan Gede Candrawan, "Kosmologis Masyarakat Hindu," *Dharmasmrti: Jurnal Ilmu Agama dan Kebudayaan* XIII (2015): 23–35,

<https://media.neliti.com/media/publications/266312-kosmologis-masyarakat-hindu-di-kawasan-t-49a7ca00.pdf>.

<sup>26</sup> I Gede Arya Sucitra dan Rr Siti Murtiningsih, "Kosmologi Sekala-Niskala Refleksi Estetika Lukisan I Nyoman Sukari," *Jurnal Kajian Seni* 06, no. 02 (2020): 111–27, doi:<https://doi.org/10.22146/jksks.52895>.

<sup>27</sup> Jennifer M., Pipitone dan Chitra Raghavan, "Art as a Cultural Tool: Deconstructing Exotified Notions of Balinese Society During an American Study Abroad Programme," *Pedagogy, Culture and Society* 00, no. 00 (2020): 1–22, doi:[10.1080/14681366.2020.1844788](https://doi.org/10.1080/14681366.2020.1844788).

(*Brahmavidya*) formulated it through theology *Nirguna Brahman* and theology *Saguna Brahman*<sup>28</sup>. God is abstract, metaphysical and transcendent (*paravidya*)<sup>29</sup>.

Continuity to keep balance and harmony (*Tri Hita Karana*) among these worlds is very important to achieve spiritual liberation (*Moksha*) and good physical and mental health.

Moksa, as inner freedom, the highest achievement of happiness, became one of the spiritual paths of Balinese people. Similarly, the concept of ritual and the creation of works of art is based on the soul's devotion and mind to the gods. The concept of harmony and happiness can be found well with freedom of thought, freedom of expression, freedom of conscience, and achieving common goals and personal rights<sup>30</sup>. Different types of mosaics, dances, sculptures, and prayer offerings are ways spirits, gods, goddesses, and magical beings express themselves. They can be communicated and make art and aesthetics a central part of Balinese life<sup>31</sup>.

The Balinese lontar manuscript explains the local Balinese philosophy of *Rwa Bhineda* is the *lontar Prakempa* (from ental leaves). I Made Bandem mentions, in essence, *lontar Prakempa* pioneered four main aspects, namely *tatwa* (philosophy), *moral* (ethics), *lango* (aesthetics), and *gagabug* (technique)<sup>32</sup>. The *tatwa* aspect in *Prakempa* explains Balinese *gamelan* sound that is closely related to the elements of *Panca Maha Bhuta*. *Lontar Prakempa* contains the concept of human life balance that is manifested in several dimensions, namely:

1. The balance of human life in a single dimension, namely the balance of life based on the philosophy of *Mokshartam jagadhita ya ca iti dharmah*.

2. They are building human life in a dualistic dimension, namely believing in the existence of two powerful forces such as good and evil, day and night, female men, up and down, *Kaja* (north) and *kelod* (south), *sekala* and *niskala*, and others.

3. The balance of life in the third dimension is to believe in three elements in life: *Tri Murti*, *Tri Loka*, *Tri Aksara*, *Tri Sakti*, *Tri Hita Karana*, and others<sup>33</sup>.

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<sup>28</sup> Donder, *op.cit.* 24.

<sup>29</sup> *Ibidum*.

<sup>30</sup> Alexandru Gabriel Negoită, "The Concept Of Happiness – Individual Right Or Divine Gift," *Cogito: Multidisciplinary Research Journal* XII, no. 3 (2020): 29–37, [http://cogito.ucdc.ro/COGITO\\_septembrie\\_2020.pdf](http://cogito.ucdc.ro/COGITO_septembrie_2020.pdf).

<sup>31</sup> Pipitone dan Raghavan, *op.cit.* 2.

<sup>32</sup> Sugiarta, *op.cit.*

<sup>33</sup> I Wayan Rai, "Rwa Bhineda dalam Kesenian Bali," *Jurnal Mudra* 1, no. IX (2001): 147–51.

Further affirmed by I Wayan Rai S.<sup>34</sup>, Balinese art *Rwa Bhineda* is a fundamental concept. From this duality comes the "conflict", which will then become an "aesthetic force". *Rwa Bhineda's* duality element will influence artists doing their artistic activities.

### **Representation of Hindu-Bali Cosmology**

Balinese art has known to have a different developmental flow in the development of Indonesian art. Balinese art develops in its evocative plot based on local wisdom. Balinese art aesthetics have aesthetics derived from *rerajahan*, *sastra-modre*, ornaments (carvings) and puppets, as well as the philosophical values of Hindu-Balinese teachings. Art imbued by religious teachings can provide inspiration and strong imagination in making it happen. Hinduism has never forbidden its people to describe or depict God's existence in a natural human form because, in essence, the Hindu scriptures themselves show the differences in symbols over gods, differences in the nature of gods and differences in the level of power. Hinduism religion is full of various symbols that aim to depict the indescribable God. Hinduism is, therefore, a very complex religion requiring a deep understanding<sup>35</sup>.

In Hinduism aesthetics, the known formulation that an art result to be said beautiful and successful must meet six (*sad*) conditions or details (*angga*); therefore, the formulations called *sad-angga*. The six conditions of the position are as follows: (1) *rupabheda*, meaning the differentiation of forms, meaning that the forms depicted must be immediately recognised by those who see them; (2) *sadrsya*, meaning similarity in vision, meaning the forms depicted must be following the idea contained in it; (3) *pramana*, meaning according to the correct size. As a consequence of the *sadrsya* principle, tradition determines the benchmark of mythological figures' measures, which are essentially the embodiment of specific ideas; (4) *wanikabangga*, namely decomposition and colour making. These requirements include the creation of primary colours and the provision of brush tools, place of colour mixing, and proper use of colours; (5) *bhawa* that interpreted as the atmosphere and, at the same time, the radiance of taste; and (6) *lawanya* means the beauty of charm, authority or great<sup>36</sup>.

Cosmology for Balinese people sees the universe as an orderly and balanced system. In Balinese society, cosmology defined as regularity, harmony, and harmony manifested into the macrocosm and microcosm.

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<sup>34</sup> *Ibidum*.

<sup>35</sup> Donder, *op.cit.*, 25.

<sup>36</sup> Jakob Sumardjo, *Filsafat Seni*, ITB Press (Bandung: ITB Press, 2000), [https://www.goodreads.com/book/show/2009347.Filsafat\\_Seni](https://www.goodreads.com/book/show/2009347.Filsafat_Seni).

Balinese culture, closely related to spirituality and magic, also forms the imaginary world of Dewa Made Mustika as a painter. Dewa Made Mustika is a Balinese diaspora artist in Yogyakarta who has lived and actively worked in the city of Yogyakarta since 1994 until now. The proximity of Dewa Mustika to traditional art, especially traditional painting, instils a universal knowledge of Balinese locality about the *palelintang* (astrology), *pelelindon* (about earthquakes), *langse* (curtains), *ider-ider* (long sompit fabric at the end of the roof), *kober* (painted flag)<sup>37</sup> that are the main result of traditional painting.

Dewa Mustika has an awareness of the dynamic of cross-cultural in the world of fine arts. Mustika sees the future condition of postmodern artists-contemporary, not only retaining the legacy they received from their predecessors by reproducing artworks in their style. Critical contemporary artists explore and experimentally to the mind, giving birth to a variety of new art forms such as Pop Art, Installation Art, Conceptual Art, Performing Arts, Neo-Expressionism, Neo-Dada, Constructivism, and Action painting in the last decade of 20th century America<sup>38</sup>.

The ritual performance of *Calonarang* influenced *Rwa Bhineda* Mustika's philosophical representation. Religious-magical dancers' appearance with sacred speech, accompanied by the rhythm of gamelan artistically packaged playwright *Calonarang*. It became a subject of discussion that was so pervasive, especially the symbols of black and white cloth called *poleng* which often appears in presentations of Mustika's paintings, became a picture of the duality of life balance *Rwa Bhineda* and often present in the expression of his painting.

Mustika's aesthetic aspects of human cosmology and the universe, especially towards the surrounding environment, are attached to the spirit of *Tri Hita Karana*'s philosophical conception<sup>39</sup>. Since childhood, this concept's presence leads God to the sensitivity to recognise the phenomena/symptoms of the surrounding environment, both to the interaction of fellow human beings, the environment, and worship to the Creator. For him, the balance of the three elements must be applied and integrated into daily life. And if one not fulfilled, then it will be a problem, a disaster and suffering. God's attention to the ecology of natural balance

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<sup>37</sup> Siobhan Campbell, "Kamasan Art in Museum Collections: Entangled Histories of Art Collecting in Bali," *Bijdragen tot de Taal-, Land- en Volkenkunde* 170, no. 2–3 (2014): 250–80, doi:10.1163/22134379-17002001.

<sup>38</sup> Smriti Thakur dan Dinesh P. Babu, "The Confluence in the Contemporary Art World of Literature and Postmodern Visual Arts in Jeff Vande Zande's Landscape with Fragmented Figures," *Rupkatha Journal on Interdisciplinary Studies in Humanities* 12, no. 5 (2021): 1–6, doi:10.21659/RUPKATHA.V12N5.RIOC1S1N4.

<sup>39</sup> I Gede Arya Sucitra, I Made Bandem, Pande Made Kutanegara, Edi Sunaryo, Nasirun. *Partners Spirit of I Dewa Made Mustika*. Yogyakarta: Agung Tobing, 2017.

widely presented in very poetical and spiritual works.

There is a deep concern for nature through contemplative artwork entitled "*Nyepi Sehari Untuk Bumi*". *Nyepi* is a holy day of Balinese-Hindu where they fast a full day and do not do daily activities. In the noble *pitutur* (phrase), Balinese and Javanese culture is known as Mother Earth (*Ibu Pertiwi*). Mother Earth is the nature of the earth that we live in, which provides various living needs of humans and other creatures such as water, soil, fibre and minerals. As for the gift of air and space (*angkasa*) with the honour of the Father of Space (*Bapa Angkasa*). Mustika is reminding us to always together maintain the survival of the earth and space, consciously by maintaining the earth's ecosystem and carrying out the fast of *Tapa Brata Penyepian* with a background painting of the Prambanan temple in Yogyakarta. In connection with the term Ibu Pertiwi and Bapa Angkasa, included in the noble *pitutur* of Javanese culture and had one of the *pitutur* in maintaining the dignity and honour of the nation with the values of local wisdom<sup>40</sup> This *pitutur* gives Balinese and Javanese views on the ecosystem (awareness of the universe).

Another Balinese diaspora painter who brings the value of local Balinese wisdom into his artworks is Agus Putu Suyadnya. Suyadnya is a millennial Balinese diaspora artist, began to travel to Yogyakarta since 2003 and until now actively work of art and join exhibition in famous art galleries. Representation of Suyadnya's painting based on the story of animal fable Tantri. The form of symbolisation with various *Barong*. In Balinese art, *barong-rangda* dance is known, until *barong Landung*<sup>41</sup>, for spiritual activities. This protective spirit is then visualised and given to the body as a form of *Barong*. For Suyadnya, this is one form of respect of Balinese people to nature and its contents, by borrowing elements that exist in nature then processed with such a form into the *barong's* form. Like the Balinese painter character, Suyadnya can process natural objects and innovate through Balinese *barong* masks' impersonation with composition, style, and more imaginative colours. Adrian Vickers asserted that "An internal dynamic of Balinese painting comes from how artists innovate through imitation. They copy the works of others, but they produce highly original interpretations, both in terms of composition and style."<sup>42</sup>.

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<sup>40</sup> Ernawati. "Kosmologi sebagai Pijakan Kreasi dalam Berkarya Seni." *Invensi* 4, no. 2 (2019): 113–29. doi:<https://doi.org/10.24821/invensi.v4i2.3222>.

<sup>41</sup> Campbell, "Temple Art For Sale: Traditional Painting In Contemporary Bali." *Indonesia and the Malay World* 43, no. 126 (2015): 226–54. doi:[10.1080/13639811.2014.996999](https://doi.org/10.1080/13639811.2014.996999).

<sup>42</sup> Adrian Vickers, *Balinese Art: Paintings and Drawings of Bali, 1800-2010*. Hongkong: Tuttle Publishing, 2012. <https://www.amazon.com/Balinese-Art-Paintings-Drawings-Bali/dp/0804842485>.



Suyadnya's artwork presented the *Barong Macan* (Tiger) as a *barong* figure with a tiger. Then *Barong Bangkal* is a *barong* depiction of a male pig animal aged/old, in the myth of Balinese society believed to have supernatural powers. As a record of the creation of primordial cosmic situations or events, myths tell how something appears about the world, heaven, people, plants, animals, behaviours—and what these things mean, from these "sacred reality"<sup>43</sup>. *Barong Asti/Gajah* is a *barong* depiction of an elephant and one of Balinese people's *barong* sacred. Elephants have a myth as rides or vehicles from *Bhatara Indra*.

Visual representation of Suyadnya animal fairy tale ideas, take the form of symbolization with various forms of *Barong*. The *Barong* expression in the painting becomes a metaphorical element of the cosmological meaning of the balance of life between man, animal and nature. The selection of animal objects as the main figures of painting involving various types of natural landscapes and trees, as a way of criticizing and realizing humans on the consequences of all behaviors and attitudes of material ego savagery to the world and harmony of life. This is reminiscent of the concept of microcosm and macrocosm unity in Balinese and Javanese culture.

Agus Putu Suyadnya in daily life activities in Yogyakarta continues to apply local Balinese philosophies such as *Rwa Bhineda*, *Desa Kala Patra*, *Tri Hita Karana*, and *Tattwam Asi*. In social life, Suyadnya also adapted to the local Javanese values. As traditional Javanese phrases, namely *mikul dhuwur mendhem jero*, *ngono ya ngono ning aja ngono*, *sakmadya*, *sakcukupe*, or *aja ngaya*, has meaning as a strategy to maintain relationships in harmony<sup>44</sup>.

## Conclusion

Representation is an integral part of how meaning is produced and exchanged among members of a culture. Balinese diaspora artists who are creative in Yogyakarta are very pervasive aspects of Balinese Hindu aesthetics and philosophy in his work's soul. The diaspora painters in this study realised the mental representation of the concepts and ideas of local wisdom Bali into a visual expression that is full of philosophical content. They developed three fundamental conceptions of Hindu aesthetics in the everyday reality of *Satyam*, *Shivam* and *Sundaram*. The art activities performed by Balinese diaspora painters in Yogyakarta are synonymous with Hindu-Balinese philosophical spiritualism.

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<sup>43</sup> Negoită, 2021, *op.cit.*, 25.

<sup>44</sup> Triyanto, "Estetika Nusantara: Sebuah Perspektif Budaya," *Jurnal Imajinasi* 4, no. 1 (2008): 1–14, <https://garuda.ristekbrin.go.id/documents/detail/136243>.

Balinese diaspora painters present "beauty" and "balance" include similarities and differences reflected in several dimensions of multicultural culture. The understanding and balance of Balinese conception awareness are adapted to the locality value of Javanese nobility. With this balancing concept, the Balinese diaspora uses aesthetic values to create happiness and achieve a peaceful life. Thus, revitalising conceptual understanding and artistic expression of locality values becomes an amplifier of creative character and appreciation of visual culture in the era of contemporary art and globalisation.

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# THE FUTURE OF PARLIAMENTARY DEMOCRACY IN ITALY POST-REFERENDUM 2020. SUGGESTIONS FROM COMPARATIVE CONSTITUTIONAL LAW

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**Abstract:** *The article analyzes the crisis of the majority principle as the preferred formula for determining the representativeness of Parliament in Italy, after the 2020's constitutional referendum on the reduction in the number of parliamentarians, in comparison with what happens in some European constitutional experiences. The article's focus is on highlighting the links between the crisis of parliamentary democracy, the crisis of democratic participation, and the influence of new technologies in the formation of consensus, which induce a progressive detachment of liberal and traditional institutions from civil society. In this context and to compensate for the imbalances of the parliamentary form of government, the choice of the electoral system must go in the direction of strengthening the representative principle.*

**Keywords:** *Constitution; Representative principle; form of government; Parliamentary democracy; electoral system; new technology.*

## **The crisis of parliamentary democracy between sustainable representation and the impact of new technologies**

The Italian referendum on the reduction in the number of the members of Parliament (from 915 to 600) took place on 20 and 21 September 2020 and completed the process of enactment of the constitutional<sup>1</sup> law n. 1 of 2020: the referendum, approved by the majority of the electoral body, led to a reduction of a third in the number of members of Parliament and in the last reading it was approved almost unanimously by all political forces, although in the first three readings the left-wing parties had rejected the constitutional revision draft.

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<sup>1</sup> Article 138 of the Italian Constitution regulates the procedure for constitutional revision which is articulated in a necessary phase, that of parliamentary approval implemented with two successive deliberations at intervals of three months from each other, and in a possible phase, that of the referendum which may be proposed if the second parliamentary decision has not reached a qualified majority of two-thirds.

In fact, only a careful analysis of the four readings of the Italian constitutional review procedure shows that only in the last vote the Chamber of Deputies has approved the constitutional reform with a plebiscitary majority of 553 favorable votes - an outcome linked certainly to the 2019's political agreement of the Government Conte bis between M5S- *Partito Democratico* (PD)-*Liberi ed Uguali* (LeU) - which determined, for an alleged "principle of loyalty" due to the change in government majority, the displacement of the votes of the PD-Leu deputies, that in the previous three readings were unfavorable to the reduction in the number of parliamentarians.

This confirms a critical and pretextual use of the constitutional review process, which appears *"the fruit of a very widespread institutional culture, simplistically aimed at putting the institutions in the hands of political forces that over time have lost consensus and interest by voters"* (author's translation)<sup>2</sup>. And we must reflect on the *ratio* that inspired the reform: it was born as a political goal of one of the majority parties, the Five Star Movement, which has always aimed more or less explicitly - depending on the political situation in which it acted (as opposition or as a relative majority force in union with the League first and with PD-Leu-IV, then) - at undermining representative democracy expressed by a "caste" to be eliminated in favor of a direct and disintermediated democracy through the use of new technologies.

The close relationship between the pressures of certain political movements aimed at overcome parliamentary democracy, the crisis of intermediate bodies and the development of new forms of direct democracy cannot be overlooked, and it's often achieved through new technologies that can transform the citizen into a "consumer of the political offer" made no longer through the confrontation of ideas between citizens and candidates/elected, but through the digital devide diaphragm that has in recent times supplanted the action of political parties on the territory, as well as the profiling of preferences made possible by the traceability of our information on search engines, creating a network-induced intellectual isolation known as "filter bubble".<sup>3</sup> The filter bubble paradigm produces the paradox of passive information related to the behavior of data access, which induces a progressive contraction of the individual critical ability of subjects through the profiling of behaviors on

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<sup>2</sup> M. Siclari, „Taglio dei parlamentari. Accolgo l'appello. I tre motivi perché voto no", in *Huffington Post* del 12.8.2020.

<sup>3</sup> E. Pariser, *The Filter Bubble: What The Internet In Hiding From You*, Penguin, UK, 2011.

the web: in fact, the search engines make users preferentially recipients of the content closer to their interests.<sup>4</sup>

Already in the liberal period, the metaphor on the formation of political consensus, advocated by the philosophers John Milton<sup>5</sup> and John Stuart Mill<sup>6</sup> and named "marketplace of ideas"<sup>7</sup>, is based on political consciousness in every citizen formed by circulation, selection, and mutual completion of ideas. This metaphor, overseas, was repeatedly used by Justice Holmes in many opinions of the US Supreme Court with reference to the freedom of thought, whose formation depends on the same competitive rules that govern the market: we read, in fact, in a famous passage of a dissenting opinion of Justice Holmes that "*when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own Conduct that the ultimate good desired is better reached by free trade in ideas-that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution*"<sup>8</sup>.

What has changed in modernity is the absolute speed of circulation and sharing of news on the web: this element of novelty enters forcefully in the field of the formation of public opinion and affects the contemporary meaning of representative democracy, which is considered obsolete by post-party political movements for which the "government by discussion" should be progressively replaced by the direct relationship between the citizen and the institutions made possible by the functional relationship between law and technology: it is well known the position of one of the Movement founders, Gianroberto Casaleggio, who promotes the overcoming of the liberal democracy model founded on the representative institutions, that he defines "delegated", according to a logical prevalence of participatory democracy directed through the network that allows a conscious vote because, unlike the vote made without being informed, "*the*

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<sup>4</sup> N. Zanon, „Fake news e diffusione dei social media: abbiamo bisogno di un'Autorità Pubblica della Verità?“, in *Media Laws*, n.2/2018, pp.13ss.; sulla profilazione del consenso M.F. De Tullio, *Uguaglianza sostanziale e nuove dimensioni della partecipazione politica*, Napoli, Editoriale Scientifica, 2020, pp. 121-170.

<sup>5</sup> J. Milton, *Areopagitica*, London, 1644.

<sup>6</sup> J. Mill, *On Liberty*, London, 1859.

<sup>7</sup> On the concept of „marketplace of ideas“, S. Ingber, „The Marketplace of ideas: A legitimizing Myth“, in *Duke Law Journal*, 1/1984, pp. 6ss.; G. Brazeal, How much does a belief cost? Revisiting of the marketplace of ideas“, in *Southern California Interdisciplinary Law Journal*, vol. 21, 2012.

<sup>8</sup> *Abrams v. United State* (1919), 250 U.S. at 616, pp.624-631 (Holmes, J., dissenting).

*Network redefines the relationship between citizens and politics by allowing real-time access to information on any matter, and control over the processes activated by central or local government. Direct democracy introduces the centrality of the citizen»* (Author's translation)<sup>9</sup>.

The progressive diffusion of political supply through telematic channels, if apparently makes political thought more close at hand, actually reduces pluralism in the formation of consensus, restricting itself to basic communication and using simplified and constructed language to capture social discontent, without sharing ideas and political agendas: this, combined with a reduction of the number of representatives – which now risk to be increasingly distant from their electorate – puts in crisis the democratic and pluralistic system of formation of public opinion, separated from the dialectical confrontation between different political forces that has its natural place in Parliament and exalting those forms of democracy "in network" by creating a direct relationship between citizens and political leaders, making traditional parties intermediation an hostile idea.

With algorithmic democracy the principle of "government by discussion" is inevitably destined to disappear and to be replaced by the relationship between law and technology, in which the first term of the relation requires a high degree of expertise increasing constantly in government action for political goals. When this interpenetration between technical skills and political goals is interrupted, democracy can degenerate into the government of the elites, as Gaetano Mosca warned in 1884, who highlighted<sup>10</sup> the passive role of the majority dominated in the government by organized minorities, defined by the Sicilian jurist and political scientist as elites.<sup>11</sup>

The reduction in the number of members of parliament is linked to the anti-parliamentarian spirit that has animated the M5S since its descent into political field and it hides, therefore, much more than it transpires: it is the point of arrival, but also of acceleration, of a process of representative democracy's crisis, which has the most evident expression in the crisis of political parties. The weakness of parliamentary democracy is directly proportional to the crisis of legitimacy which has been affecting political parties in Italy for more than thirty years: it has led to the "leader-power" and to the majority twist of the form of government, very far from the

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<sup>9</sup> G. Casaleggio, *Web ergo sum*, Sperling & Kupfer, Milan, 2004, p. 23. The president of the Rousseau Association, Davide Casaleggio, who predicts the disappearance of the Parliament (interview with *La verità*, posted on the Blog of the Stars on July 23, 2018, is on the same line of thought.

<sup>10</sup> G. Mosca, „Teorica dei governi e governo parlamentare”, in G. Mosca, *Scritti politici*, UTET, 1st edn. 1884, Torino, 1982.

<sup>11</sup> A. Fricano, „Algocracy”: *the decline of representative democracy*, 2020 (Use permitted under Creative Commons License Attribution 4.0 International (CC BY 4.0), p. 2.



proportional logic pursuit by the Constituent Assembly and based not on adherence to the political interests of the intermediate bodies but on trust in the leader, built on a plebiscite consensus process, as well as the reversal of the relationship between representative democracy and direct democracy, the latter no longer complementary to the former, but alternative.

Much has been said about political parties<sup>12</sup>. The crisis of party representativeness is part of a telluric movement that has shaken the pillars foundations on which parliamentary democracy has been based in contemporary legal systems: the representative principle and the political pluralism. This process has led to a progressive separation of traditional parties from civil society, betraying their original constitutional vocation: unlike other constitutional democracies that have opted for the institutionalization of political parties (according to Art. 21 of the German Constitution, parties are institutions with free foundation "*which contribute to the formation of the political will of the people*"), the Italian constitutional choice has placed the political party within civil society making it an instrument of the citizen for the achievement of national politics. Emblematic is, in this sense, the clear formulation of article 49 of the Italian Constitution, for which "*All citizens have the right to freely associate themselves in political parties in order to compete with a democratic method to determine national politics*".

It is in the crisis of the parties and their elected representatives, who have ceased to be interpreters of the social demands, that the causes of the crisis of Italian democracy must be sought, which, however, is a pitiless reflection of a phenomenon which has its origins in the loss of the ideological identity of traditional parties (from the collapse of the Berlin Wall, which marked the end of the Cold War, the fall of the communist regimes, and the rise of political pluralism in Eastern Europe, to the failure of European integration, which has fuelled, on the one hand, neo-liberal pressures also embraced by left-wing parties and, on the other, the entrenchment of sovereigntist demands, the latter phenomenon accelerated by the global economic crisis which erupted in 2008 and the contemporary pandemic crisis).

The search for formulas for the simplification of political representation through electoral systems with majoritarian tendencies, which complete the representation of a "Leader-investiture democracy" with loyal traction, has led to a progressive levelling of the political offer supply, which has drawn a deeper and deeper line between civil society and intermediate bodies, unable to interpret a particular vision of the

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<sup>12</sup> E. Guglielminetti, „Che cos'è un partito politico?“, in *costituzionalismo.it*, fasc. 3/2015, p.179; S. Illari, L. Elia, „Elezioni e partiti politici in Italia: introduzione“, in *il Politico*, n. 1/2009, pp. 15ss.

general interest through the mediation of opposing interests. The delegitimization of the role of political parties, no longer able to determine the legislative political direction, compromises the stability of the Constitutional system<sup>13</sup> and leaves an open space to the populist approach of the politics of immediacy and identity which is expressed through the directed appeal to the people, achieved by frequent use of the referendum as a source of power to be opposed to Parliament and the minorities represented there (the so-called „extreme majoritarianism”)<sup>14</sup>.

The crisis of parliamentary democracy, which has its cause in the crisis of the representation and political participation of even wider strata of civil society and which has not failed to manifest itself even in the presence of majority governments fallen before the end of the legislature (e.g. the Berlusconi Government 2008/2011), is not only a characteristic feature of the Italian political system, but also joins many Countries, such as France, Spain, Belgium, the Netherlands and Germany, the United Kingdom, Norway, Switzerland and the United States, linked by the tendency to prefer to the democratic regime a government of a "strong man who does not have to worry about Parliament and elections" or of technicians<sup>15</sup>, highlighting the distrust of civil society in the pillars of liberal democracy: representative principle and elections.

This absence of bodies capable of connecting the institutions and the civil society constituted the humus for the development of new communicative tendencies between citizens and institutions, based on digital platforms through which constitutionally relevant content can be shared and thus create new participatory forms that move outside the representative circuit. In this context, the reform of the Constitution that reduces the number of representatives matures and takes shape in Italy.

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<sup>13</sup> S. Gambino, „Popolo e democrazia (sotto scacco), fra partiti politici in crisi e populismi”, in *DPER* online, n. 1/2020, pp. 11-15.

<sup>14</sup> G. Martinico, *Contro l'uso populista dell'identità nazionale. Per una lettura contestualizzata dell'art. 4.2 TUE*, in *DPCE* online, 3/2020, pp. 3961ss. The author identifies four symptomatic elements of populist rhetoric used to demolish constitutional democracy: "1) the reductive conception (if not "reductionist") of the complex concept of democracy, understood by populists as a mere rule of the majority; 2) the tendency to represent the popular will as the absolute source of political and juridical truth and as a non-marketable concept; 3) the opposition between the "majority" and the "others" (minorities), often described in terms of corrupt elites; 4) the use of democracy as an "ace" which prevails over other constitutional principles" (ivi, pp. 3962-3963).

<sup>15</sup> M. Volpi, *La crisi del modello maggioritario tra sistemi elettorali e forme di governo*, Teoria politica. Nuova serie Annali [Online], 8 | 2018, online dal 01 novembre 2018, pp. 184-185.

## **The composition of Parliament and the post-referendum 2020: what remedies for de-parliamentarisation?**

As it has been pointed out by the constitutional doctrine, "the numbers of the Constitution" are not neutral but are able to affect the functioning of the institutions.<sup>16</sup>

This reflection is evident if we re-read both the Acts of the Italian Constituent Assembly - an exercise useful to ascertain the *ratio* (i.e., the logic) that guided the choice of some institutional solutions - and the interpretation offered by some decisions of the Constitutional Court on the form of government issues.

In the architecture of the Italian Constitution, the number of parliamentarians and the pluralistic composition of Parliament are the fulcrum of the mechanism that let the parliamentary form of government moves (since the composition of parliamentary groups and committees to qualified majorities necessary for constitutional revision and for the election of the President of the Republic, to the secular component of the CSM and the five judges of the Constitutional Court) and the reduction in the number of Members of Parliament will have an inevitable political impact on the form of government. The connection between the number of parliamentarians and the efficiency of the form of government should not be treated as a marginal issue and the mere comparison with the numerical strength of the Parliaments provided in other Constitutional texts does not explain the systemic perspective, if taken in absolute terms.<sup>17</sup>

In the historic order no. 17 of 2019<sup>18</sup>, the Court, despite concluding for the inadmissibility of that demand for a conflict of competences presented

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<sup>16</sup> P. Carrozza, „È solo una questione di numeri? Le proposte di riforma degli artt. 56 e 57 Cost. per la riduzione dei parlamentari”, in *Dir. Pubbl. Comp. Eur.*, n° speciale, 2019, p. 81 ss.

<sup>17</sup> G. Cerrina Feroni, „La riduzione del numero dei parlamentari: molto rumore per nulla?”, in E. Rossi (a cura di), *Meno parlamentari, più democrazia?*, Pisa, 2020, p. 232.

<sup>18</sup> Numerous are the contributions of the doctrine to comment on the ordinance n. 17/2019: A. Lucarelli, *La violazione del procedimento legislativo “costituzionale” è una violazione grave e manifesta?*, in *Federalismi.it*, 20 febbraio 2019; A. Ruggeri, „Il parlamentare e il suo riconoscimento quale “potere dello Stato” solo ... virtuale o in astratto”, in *Consultaonline.it*, Studi, 17. 2019, p. 71ss.; S. Curreri, *L'occasione persa (prime note sull'ordinanza n. 17/2019 della Corte costituzionale)*, in *federalismi.it*, n. 4/2019, pp. 1ss.; N. Lupo, *Un'ordinanza compromissoria, ma che pone le basi per un procedimento più rispettoso della Costituzione*, in *federalismi.it*, n. 4/2019, pp. 1ss.; A. Manzella, *L'opposizione in regime di parlamentarismo assoluto*, in *federalismi.it*, n. 4/2019, pp. 1ss.; E. Rossi, *L'ordinanza n. 17/2019 e il rischio dell'annullamento della legge di bilancio*, in *Forum di Quaderni Costituzionali*, 21 febbraio 2019; N. Lupo, *I maxi emendamenti e la Corte costituzionale (dopo l'ordinanza n. 17 del 2019)*, in *Osservatorio sulle fonti*, 1/2019, pp. 1ss.; F. Fabrizzi, „Il conflitto tra poteri quale strumento a tutela del procedimento legislativo”, in *Osservatorio Aic*, 5/2019 (3

by a group of senators as a "qualified minority", exalts the Parliament as the *"place of confrontation and discussion between the different political forces"* placed *"as a guarantee of the system as a whole"*, finding confirmation not only in the stages of the legislative process provided by Article 72 of the Constitution, but also in the powers of speech, proposal and vote granted to the members of the Chambers by Articles 64, 67, 71 and 72 of the Constitution. The Court gives us a monistic type of form of parliamentary government, firmly anchored in the pluralistic principle, in which separation of powers is not expressed in the dialectic relationship between the Executive and the Legislative, typical character of dualistic parliamentary systems (i.e. the relationship between the Executive and Congress in the United States) but in the relationship between government/parliamentary majority, on the one hand, and parliamentary minorities/opposition, on the other: in this very clear sense is the statement for which *"in front of a power, the executive, which enters fully in the exercise of its functions with the approval of the confidence motion ex art. 94, first and second paragraphs Const., the Constitutional Charter, even without ever expressly using the term "opposition", would have identified a counter-power, providing, by Article 94, fifth paragraph, of the Constitution, that a tenth of the members of a Chamber may submit a motion of no confidence to the Government in power. Moreover, the same fraction of parliamentarians can, pursuant to Article 72, third paragraph of the Constitution, return to the Chamber the approval of a draft law referred to the deliberation of the committee"* (point no. 4 of the fact, ord. 17/2019).

The most evident criticality of the "linear cut" of the Members of Parliament, therefore, is the decontextualization of the dimensional factor of Parliament from any reflection on its functions and on the most appropriate electoral law to address the consequences of the reduction of representativeness<sup>19</sup>, without adducing any rational justification for a choice that separates the structural data from the functional data, while it is well known that the structural data (that is, the modalities of composition of the constitutional bodies, as of all the institutions) is by no means recessive in relation to the functional data.

Behind an allegedly limited and punctual reform lies the myth of governability: the reduction in the number of MPs should trigger

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settembre 2019), pp. 58ss.; G. Tarli Barbieri, „L’ordinanza 17/2019 a distanza di sessant’anni dalla sent. 9/1959: una nuova «storica (ma insoddisfacente) sentenza»?”, in *Osservatorio sulle fonti*, n. 1/2019, pp. 1ss.

<sup>19</sup> M. Plutino, „La (mera) riduzione dei parlamentari: una revisione che allontana il dato costituzionale da devanni di riflessioni scientifiche e tentativi riformatori”, in *DPE Rassegna online*, 1/2020, p. 2.

mechanisms to simplify the decision, inducing, of course, a majoritarian functioning of the parliamentary system. The logic of the composition of the representative institutions is much more than a mere organizational factor, since it is a revealing indicator of the degree of democracy of the constitutional system, that is the fair reflection of institutions which the Anglo-Saxon doctrine places as a precondition for the more or less influential fallout into *the social context and the degree of responsiveness* of public institutions and policies<sup>20</sup>, however, keeping in mind the teaching that the ability to "respond" to the needs of the "δῆμος" (responsiveness) is highlighted through competition in the "electoral market" which attributes to the people the evaluation of the "retrospective vote" (accountability).<sup>21</sup>

The reduction in the number of Members of Parliament affects the neural tissue of democracy and the democratic nature of a constitutional order and is closely linked to the choice of a given electoral system: this connection expresses the dynamic dimension of political representation and hence the fundamental nexus of the form of State, that is the relationship between governors and governed, as well as of the form of government, that is, the institutional mechanisms that connect the constitutional bodies.

The "linear" cut of parliamentarians does not offer any guarantee of revitalizing the parliamentary institution, especially if not accompanied by a reform of the electoral system including a proportional formula that could correct the imbalance in the representation of territories that would be triggered by the intertwining of the reduction in the number of MPs – capable of producing majoritarian effects on its own, with a consequent squeeze on the representation of minorities – the lack of electoral reform and the deficit of representativeness.

### **Electoral reform as a corrective to the reduction of representativeness**

Democracy is the "political place" in which "δῆμος" and "κράτος" achieve a synthesis through the participation of the people in the exercise

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<sup>20</sup> S.P. Huntington, *Political Order in Changing Societies*, New Haven, Yale University Press, 1968, trad. it. *Ordine politico e cambiamento sociale*, Soveria Mannelli, Rubbettino Editore, 2012; T.J. Lowi, *American business, Public Policy, Case-Studies, an Political Theory*, in *World Politics*, XVI, March 1964, tr. it. in T.J. Lowi, *La scienza delle politiche*, Bologna, Il Mulino, 1999, pp. 5-36; H.D. Lasswell, *The Policy Orientation*, in H.D. Lasswell and D. Lerner (edited by), *The Policy Science: Recent Developments in Scope and Methods*, Stanford, Stanford University Press, 1951; R. Dahl, *On Democracy*, Bari, Laterza, 2002.

<sup>21</sup> Read the admirable reflections of A. Di Giovine, *Dal principio democratico al sistema rappresentativo: l'ineluttabile metamorfosi*, in *RivistaAic*, 1/2020, pp. 59ss., in part, pp. 93-95.

of power, contributing through the vote to the formation of political bodies, Parliaments, which represent the projection of the political will of the electorate.

The degree of adherence of the synthesis between "δῆμος" and "κράτος" to civil society is directly proportional to the degree of representativeness produced by the variable of the way of composing political organs, that is the degree of correspondence between the vote expression and the representative government circuit.

The analysis of the constitutional bodies organization shows, in fact, that the structural data (that is, the methods of composition) is often considered as an independent element - and sometimes also scientifically recessive - compared to the functional data: the recessiveness of the legal reflection on the composition of the collegial institutions is more evident when it comes to the representative institutions, as a matter considered to be the prerogative of political science, since its contiguity with the matter of electoral systems.

Not by chance, the French constitutionalist science places a close link between the political dimension and the legal dimension of the institutions: very well known are the theories of Maurice Duverger on the influence of the party systems on the form of government, distinguishing - according to the electoral system chosen and the political basis - between "mediated" democracies and "immediate" democracies, and it is no coincidence that the French manuals deal with political institutions and constitutional law in an inseparable connection. The author distinguishes between systems with "majority parliamentarism" based on two parties in which the voters themselves choose the government according to a direct democratic model, in the modern sense of the term, and systems with "non-majority parliamentarism" founded on more than two parties, in which the government is normally formed by coalitions made and unmade by the elected (so-called "mediated democracies").

Duverger, in his most famous work (*Institutions politiques et droit constitutionnel. I. Les grands systèmes politiques*) mentions the example of Great Britain, but very long way separates the political context and electoral system of the United Kingdom from the Italian situation. In the British system, in fact, it is the leader of the party that won the elections to be appointed prime minister by the Crown and it is the inextricable knot that binds leadership and premiership, founded on substantial bipartisanism and the alternative government system (favored by the one-turn majority system) at the origin of the stability of that constitutional system, characterized by a set of checks and balances that ensure that the relationship between the party and the leader-premier remains unchanged until the parliamentary majority decides to put an end to it: the Prime

Minister's subordination to Parliament is a sign of the Parliament's real, not ephemeral, supremacy.<sup>22</sup>

The choice of the electoral system is not indifferent, explaining direct and conformative effects on the form of government: the projective effects of the electoral system on the representativeness of institutional bodies range from a minimum degree in majority systems, characterized by distortive effects of representativeness of the electoral body underrepresented, because of votes dispersion typical of plurality electoral systems, which give priority to the formation of stable governments, to a maximum degree in pure representative systems, which ensure the "electoral photography" of civil society, giving priority to the formation of multi-party Parliaments and coalition governments<sup>23</sup>.

However, the progressive degeneration of the political tissue gave rise to a weak parliamentary model, dominated by party fragmentation in which the crisis power, that is the power to "do and undo" governments, was ultimately exercised by post-ideological parties. Through this crisis power, the parties, according to the proportional electoral formula (in force until 1993, and present also in Law 270 of 21 December 2005, which adopted however technical solutions so irrational as to be declared unconstitutional by Constitutional Court), have gained a strong role in Parliament, but it is with the crisis of the 90s that Parliament has become the hostage of post-ideological parties increasingly disconnected from civil society, turning into a place of ratification of political decisions taken outside Parliament and shifting the centre of gravity of the political decision from Parliament to Government. On the substantive level, the one of the material Constitution, we notice a creeping presidential torsion of the Executive power, which manifested itself in all its evidence with the pandemic explosion and with the overthrow of the legislative production system operated by the Conte II government.

It is therefore necessary to question about which electoral system we ought to support with the aim of strengthen the representative principle: as we know, political theory distinguishes between mediated democracies and immediate democracies, according to whether the voter with his vote chooses "without crossroads" the head of the government, who is the

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<sup>22</sup> M. Duverger, *I sistemi politici*, Bari, Laterza, 1978, Bari, Laterza, 1978; it. transl., *Institutions politiques et droit constitutionnel. I. Les grands systèmes politiques, 1955*, pp. 114-115. This theory is taken up and clarified under the profile of the scientific method by G. Sartori, *Ingegneria costituzionale comparata*, il Mulino, Bologna, 1994, pp. 46ss. and A. Lijphart, *Le democrazie contemporanee*, il Mulino, Bologna, 1988, pp. 101ss.

<sup>23</sup> On the trade-off between representativeness and accountable government in proportional and majoritarian electoral systems see J-M. Carey, S. Hix, „The Electoral Sweet Spot: Low-Magnitude Proportional Electoral Systems”, in *American Journal of Political Science*, vol. 55, n. 2/2011, pp. 383ss.

leader of the party that won the elections, as it happens in Great Britain. But the Italian situation is not comparable with the British one, because the political context of the two constitutional experiences is very distant.

Therefore, in the British system the close relationship between leadership and premiership is at the origin of the stability of that constitutional order, increased by the approval of the Fixed Term Parliament Act 2011 which rationalizes the dissolution of Parliament by making it subject to a two-thirds vote in the Chamber or to the approval of a motion of no confidence direct to the Government not followed by the appointment of a new government within 14 days, thus overcoming the practice of dissolution following the resignation of the prime minister from the majority party leadership.

All these elements, characterizing the British constitutional system, are not found in the Italian system since:

a) The Electoral Law no. 270/2005<sup>24</sup>, declared partially unconstitutional, has amplified the pulverization of the political parties and movements producing a feigned bipolarism.

b) The Electoral Law no. 165/2017 - thanks to the majority performance factors of selection consisting in short lists, electoral thresholds, and chance for every candidate to run in more constituencies, exercising once elected the right of option for only one of them - would tend to absorb many parties in three political factions at all.

c) The Italian political and social system is deeply pluralist and rejects the logic of two-party system.

d) In such a political context the presence of internal currents in political parties or movements cannot be excluded.

e) In the aftermath of the legislative elections, the government is fragile because it consists of political and party components united by the prospect of electoral victory and not by a real common political project: coalitions reveal a high degree of internal competitiveness, due to the power of blackmail of small parties.<sup>25</sup>

f) At the end, while conserves formally the power of political decision, the lower house, because of the (ultra)majority principle, becomes registration chamber of the government program.

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<sup>24</sup> Sul punto, G. Ferraiuolo, „La transizione maggioritaria in Italia: equivoci, paradossi, distorsioni della realtà”, in G. De Minimo, G. Ferraiuolo (a cura di), *Legge elettorale e dinamiche della forma di governo*, Firenze, 2019, p. 97, who warns against the prospective error of considering Electoral Law no. 270/2005 as a return to a proportional logic, although the recovery of the sub-threshold lists in the coalitions contributed to produce that apparent bipolarism of which we speak in the study.

<sup>25</sup> On the coalition "takes all", A. Di Virgilio, „Sistema dei partiti, ruolo dei sistemi elettorale e "rivoluzione dell'offerta", in *Astridonline*, intervento al seminario del 30 gennaio 2008, p. 3.



The adoption of selective, majority or majority-leaning electoral systems (i.e., proportional-mixed electoral systems) does not protect contemporary democracies from the fragmentation of the political framework in the aftermath of the elections.

Some Western democracies, that adopt a majoritarian system operating in a form of parliamentary government, have experienced in recent elections the difficulty of forming certain and stable majorities.

Italy is a particularly negative example in terms of the excessive use of electoral engineering, which has produced, in about eleven years, four different electoral systems aimed at introducing into the political system the overlap of hyper-selective elements (electoral thresholds, blocked lists, multiple nominations, no disjoint voting) so as to determine two decisions of unconstitutionality of the Constitutional Court (judgments n. 1/2014 and n. 35/2017<sup>26</sup>) and which, however, have not been able to produce stable majorities and efficient governments.

Also Germany, where the “personalized” proportional system with 5% electoral threshold (or at least three seats in single-member constituencies) has always produced stable governments because of concurrent preconditions including the exclusion clause of antisystem parties (Article 21, paragraph 2, GG) which facilitated the formation of broad coalition agreements, nevertheless in 2017 the elections outcomes produced a fragmented political framework due to the collapse of consensus of the two major parties (CDU-CSU and SPD), the entry of four new parties into the Bundestag and the emergence of the far-right party *Alternative für Deutschland*: this last circumstance is in line with the rise of populist parties also in other countries.

The same transformation in the multiparty sense of the political system occurred in Spain in 2016 with the loss of consensus of the two traditional major parties, the overcoming of substantial two-party system with single-colored governments (until 2015 favored by the highly selective

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<sup>26</sup> The search for governability through imaginative engineering solutions cannot go so far as to manipulate the voters' vote to simplify the political framework to the detriment of the representative principle: That is what the Constitutional Court is doing with its two decisions. 1/2014 and 35/2017 that declare partially unconstitutional the law 270/2005 and the law 51/2015 and reveal a certain favor towards the proportional electoral laws (N. C. Pinelli, *Bilanciamenti su leggi elettorali* (Corte cost. nn. 1 del 2014 e 35 del 2017), in *Diritto pubblico*, n. 1/2017, p. 227ss.; G. Azzariti, *Ragionevolezza, scopo e valore della legge elettorale. Dopo la sentenza della Corte costituzionale n. 1 del 2014*, in [www.costituzionalismo.it](http://www.costituzionalismo.it), 2014; M. Luciani, *Bis in idem: la nuova sentenza della Corte costituzionale sulla legge elettorale politica*, in *Rivista Aic*, n. 1/2017, p. 12; T.F. Giupponi, *La “democrazia elettorale”, tra rappresentatività e governabilità*, in [www.federalismi.it](http://www.federalismi.it), n. 1/2017). For a reconstruction of the jurisprudence path in electoral matters, A. Racca, *I sistemi elettorali sotto la lente costituzionale*, Ledizioni, Torino, 2018, pp. 65 ss.

proportional electoral system characterized by small electoral districts, a high degree of disproportionality, that is the number of seats won by each party differs from a perfectly proportional outcome disaccording the rule "seats share=votes share", and electoral threshold of 3%) and the come to power of the two new political formations *Ciudadanos* and *Podemos*: this situation has produced a weak government, which under the pressions of the nationalist reaction to the Catalan affair has concentrated in the hands of Prime Minister Rajoy the exceptional powers provided by art. 155 of the Constitution, thus triggering the growth of consensus of the independence parties in the Catalan elections of 2017.

In contrast, the United Kingdom traditionally adopts the electoral formula "First past the Post System" or plurality system: here in 2010, we register the fall of the Conservative party and of the Labor party, due to the growth of consensus of Liberal Party, of Scottish National Party and of United Kingdom Independence Party, and this reassessment of the political tissue has produced a center-right coalition government for the absence of a majority party in Parliament (cd. Hung Parliament<sup>27</sup>). After, in 2017's election, the two-party-system is reconfirmed, although with a rebalancing of consensus between the Conservative party (slightly declining also because of internal divisions) and the Labor party (growing strongly), which has produced a Conservative government - majority in the House of Commons and minority in the House of Lords - with the external support of the *Northern Irish Democratic and Unionist Party*, that supports the implementation of Brexit before large financial transfers.<sup>28</sup>

As can be seen from the last election's results in the four systems considered, which are joined by the form of parliamentary government and by the preference for election systems with a majority projection, the electoral systems adopted have not been able to ensure the prevalence of a party or a coalition often going towards the formation of minority governments, as happened in Spain in 2015 after ten months of impasse since the elections or in the United Kingdom in 2017.

But are we sure that the optimal choice for the Italian institutional and political system is an electoral system that produces bipolarism?

This question explains, thus, the attention given by much of the Italian constitutional doctrine to the choice of the future electoral system: the choice of the electoral formula is, as is well known, very important for the

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<sup>27</sup> M. Altomare, „Gli Hung Parliaments nell'esperienza del Regno Unito e in alcuni ordinamenti del Connonwealth", in *Nomos*, 3/2016, pp. 1ss.; G. Caravale, „La formazione del governo britannico in caso di hung parliament", in *Forum di Quaderni costituzionali Rassegna*, 2015.

<sup>28</sup> For a timely and accurate examination of the recent metamorphosis of forms of government in Italy, France, Germany, Spain and United Kingdom, M. Volpi, *La crisi del modello maggioritario...*, op.cit., pp. 183 ss.

arrangement of the form of government and, because of directly influencing party structure and criteria of political representation, can significantly affect the overall "performance" of the constitutional system.

In the recent debate, the close connection between the electoral, institutional, and social profile does not seem sufficiently felt, and in so doing, however, there is a risk of introducing an electoral system that is inadequate for civil society and inconsistent with the political-institutional system, thus aggravating the political crisis, which affects our Country.

We notice the positions of some Italian constitutionalists<sup>29</sup> who, to balance the reduction in representativeness caused by the cut of a third of parliamentarians, support the adoption of a proportional system with low, or zero, electoral threshold. And it is also known the political position of the Democratic Party that through the voice of its leader (Enrico Letta) proposes again a majoritarian electoral system, which associated with the reduction in the number of parliamentarians would amplify the already widely distortive and hyper-majority representation performance effect of the constitutional reform.<sup>30</sup>

At present, in terms of the reform of the electoral system, solutions are in place which seek to direct political choice towards *prima facie* proportional solutions.

First, it is necessary to check whether the current Electoral Law Bills can recover the increase of the implicit election threshold deriving from the reduction in the number of parliamentarians which, on the one hand, restricts the nomination not only of minor political groups but also of certain sensitive social groups (think of gender representation), and, on the other hand, it reduces representativeness.

The Bills currently under discussion<sup>31</sup>, the Brescellum Bill (A.C. 2329)<sup>32</sup> and the Democratellum Bill (A.C. 2352) do not fully achieve the

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<sup>29</sup> A. Algostino, *Contro la riduzione del numero dei parlamentari, in nome del pluralismo e del conflitto*, in *Questione Giustizia*, 10 febbraio 2020; G. Azzariti, *La modifica del sistema elettorale secondo la proposta di legge dell'attuale maggioranza*, in *Liber Amicorum per Pasquale Costanzo*, 8 giugno 2020; L. Carlassare, „Grave rischio ridurre i parlamentari senza il proporzionale”, in *Libertà e Giustizia*, 28 settembre 2019; L. Trucco, „Riduzione dei parlamentari: il seguito elettorale in una prospettiva comparata, quid novum?”, in *Consulta Online*, 2021.

<sup>30</sup> On the substantial coincidence of the institutional reform programs between M5S, center-right and center-left M. Della Morte, A. Morelli, F. Salmoni, „Una curiosa coincidenza”, in *Huffington Post*, 26 April 2021.

<sup>31</sup> At the time of the reopening of the debate on the electoral reform, some proposals were immediately shelved: in particular, the "re-edition" of the law "Mattarella" (A.C. 2346), an electoral law with majority list or coalition award (A.C. 2562); the split of the proportional component from *Rosatellum-bis* (A.C. 2589).

<sup>32</sup> G. Azzariti, *La modifica del sistema elettorale secondo la proposta di legge dell'attuale maggioranza*, in *Liber Amicorum per Pasquale Costanzo*, 8 June 2020.

aim, because some elements ensuring a majority effect are grafted onto a proportional system: the first by providing for an explicit threshold of 5% on a national basis of election which would be cumulated with the implicit threshold resulting from the constitutional revision which reduced the composition of Parliament, as well as the blocked vote and multiple nominations, mechanism banned at a comparative level<sup>33</sup>; and the second opting for small electoral districts with a majority performance effect able to neutralize the proportional elements.

The same criticisms can be observed in relation to Rosatellum ter, which, on the one hand, has expanded the electoral constituencies as a direct result of the reduction in the number of parliamentarians, creating differences as regards the distribution of seats in the various constituencies in relation to the representative quotient, and on the other hand has further reduced the electoral lists within the multi-member constituencies, triggering a selective tendency of the electoral system which bring to the decrease of the projective function typical of proportional electoral systems.<sup>34</sup>

The connection between the reduction in the number of MPs and the electoral law<sup>35</sup> highlights, therefore, the non-neutrality of the Italian Constitutional revision in relation to the representativeness degree that will be determined at the first renewal of the Parliament - and here the political option for a “given” electoral system becomes relevant : in this sense, consideration should be given to the ability of the ongoing Electoral Law Bills to compensate the reduction in representativeness, in view of the fact that the linear cut in the number of parliaments as only one has inevitably a majority effect, which must be neutralised by a careful selection of representative selection mechanisms.

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<sup>33</sup> By way of example: Austria (Art. 48 of the *Parliamentary Elections Act*); Belgium (Arts. 116 and 118 of the *Code électoral*); Denmark (Art. 32 of the *Folketing Parliamentary Election Act*); Germany (Art. 20 of the *Federal Electoral Law*); Luxembourg (Art. 135 of the *Loi électoral*); Netherlands (Sect. H7 of the *Elections Act*); Spain (Art. 46 of the *Ley Orgánica*); *United Kingdom* (Art. 22 of the *Electoral Administration Act*, for the election of the House of Commons, entered into force on 1 January 2007).

<sup>34</sup> L. Trucco, *Riduzione dei parlamentari: il seguito elettorale*, cit. in *Consulta Online*, 2021.

<sup>35</sup> For an examination of the impact of the electoral system Rosatellum-bis on the form of government and on the exaltation of the role of the two majority leaders in the conduct of the confidence relationship and in the determination of national politics, L. Trucco, „Rosatellum-bis e la forma di governo “leadercratica” sul far del nascere della XVIII legislatura”, in *Costituzionalismo.it*, 3/2018, pp. 77ss.

## **The future of parliamentary democracy, crisis of selective electoral systems and bipolar party systems**

As pointed out, in terms of the choice of the electoral system as a possible remedy to the de-parliamentarization of the constitutional system, the comparative panorama helps to orient between the various electoral formulas and the corrective ones to excessive fragmentation, such as the small size of the electoral districts (as in Spain) with short lists, which may also be equal to the deputies or senators to be elected in the college, or the single transferable vote (as in Australia) which provides an ordinal system of preferences with recovery of the second preferences and with limitation of the votes' dispersion.

But the author believes that the compulsive search for the most effective electoral system in terms of governability hides the erroneous conviction that the crisis that has hit Italy (but not only) is a crisis of governability that can be resolved through compulsory electoral mechanisms that produce artificial majorities based on the distortion of the popular will or the use of the popular election of a leader (as the proposals for direct elections of the President of the Republic seem to be favored). Thus, ungovernability, rather than being the cause is the effect of the crisis of democratic legitimacy of the institutions, from which we can emerge only by strengthening the representation and participation through the reconstitution of free and democratic parties and capable of building coherent government programs and leaderships able to achieve them.

And the selection of leaderships requires the choice of an electoral system that must, however, be adapted to the socio-political context of reference, avoiding the majoritarian systems when operating in a non-two-party or bipolar political system, but in a pluralistic one: in this case, to encourage participation, preference should be given to proportional formulas, with those remedies that can reduce fragmentation without majority artifices that, when inserted in proportional formulas, reduce the ability to choose, by restricting the exercise of the right to vote.

It is therefore necessary to direct the reforming political will towards an objective which is capable of safeguarding the pluralistic matrix of our legal system and the centrality of Parliament, without implant electoral systems and formulas that distort the versatility of civil society, force the political system within an artificially constructed bipolar framework and cutting out all those minority political forces that represent the lifeblood of political competition: also because proportional electoral systems, with their variants, are able to combine the search for the widest representativeness, with the need to build large majorities.

It is in the connection between the expression of the vote and the choice of the candidate that the logic of representation provided by the

Constitution must be sought and therefore that representativeness which only the support of the personal indication of the voters can offer, avoiding the temptation (which has produced two electoral laws declared unconstitutional) to tame the will of the electorate through majority or proportional formulas with high thresholds and blocked lists that tend to oversimplify the political scene reducing it to two or three political forces, while Italian society is not homogeneous, like the British or the North American ones, because of social, economic, cultural reasons. And these fractures, these cleavages inevitably remain and somehow come out in the structuring of the party system, beyond any correction that can be induced by electoral systems more or less "constrictive" of the choice of lists and candidates in electoral competitions.

In a climate of growing disaffection with issues of public interest, the reduction in the number of parliamentarians, the continuous attack on the freedom of mandate and the progressive expansion of virtual democracy are a direct and immediate consequence of the loss of the centrality of Parliament as a place of discussion and synthesis and increasingly marginal in the balance of powers.

In this context, the most important challenge remains to ensure the protection of pluralist democracy from its degeneration into populist democracy (also indicated by the neologism "popolocrazia"<sup>36</sup>, which places power in the people holistically understood as an inseparable complex without leaders or castes): to stop the current metamorphosis, representative democracy, political participation and direct democracy with integrative-corrective function must mutually balance, each playing, respectively, the role the Constitution gave it, and imposing a secular vision of popular sovereignty, free from sovereignist or populist contaminations, leading it back to that meaning - quite clear in the intentions of the Italian Constituent Assembly - which excludes forms of transfer and/or delegation of sovereignty, aiming to identify among the people the beginning and the end of the exercise of sovereignty in the forms and limits of the Constitution "*as an essential and ineliminable mark of the democratic regime that was intended to be established*"<sup>37</sup>. And finally, we know very well the political controversy about the abolition of the free parliamentary mandate, according which the parliamentarian represents the whole nation and allows him, therefore, to identify himself with the people: the repeated references to foreign experiences, such as article 160 of the Portuguese Constitution or the Anglo-Saxon recall are not convincing, whereas neither in the Portuguese Constitution nor in the

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<sup>36</sup> I. Diamanti, M. Lazar, *Popolocrazia. La metamorfosi delle nostre democrazie*, Bari-Roma, Laterza, 2018.

<sup>37</sup> C. Mortati, *Istituzioni di diritto pubblico*, Cedam, Padova, 1969, p. 141.

US Constitution are there any links of loyalty between the representative and the represented such as to consider operating forms of mandatory mandate.<sup>38</sup>

Indeed, it is also necessary to escape the temptations to imitate eccentric systems and models with respect to their own context because each Country has its own history and its own political and institutional tissue that are not transplantable *tout court* and that are reflected in the fundamental principles of "those" Constitutions: a difficult and fundamental task is to find the "very good" solution to a "given" political context, bearing in mind that a coherent constitutional reform must proceed with the constant attention paid to electoral legislation, for its intrinsic capacity of configuration of the party system and the form of government, with reference to the relationship between political representation and governability.

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<sup>38</sup> G. Cerrina Feroni, *Restituire lo scettro agli elettori: la sovranità popolare tra realtà e dover essere*, in *Osservatorio costituzionale AIC*, 1/2020, p. 130ss.

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# THE LEGACY OF GREEK PARADIGM IN MODERN ERA. QUESTIONING MODERNITY'S NOTION OF DEMOCRACY IN HISTORICAL PERSPECTIVE

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**Abstract:** *The aim of the current paper is identified with the understanding of the state-society relationship in the Modern Era via the invocation and the abuse of democracy. In this framework, the core aspect of the analysis refers to whether society is placed inside or outside of the political system. The analytical conceptualization of the 'Greek cosmosystem' is used for the purpose of demonstrating that the narrative of Modernity dissociates society from its main role as the exclusive agent of formulation and implementation of politics. From this point of view, citizenship is re-defined under the lens of its one-sided adherence to the idea of its exclusion from the legislative and the executive. This gap between society and politics indicates that the former upholds the role of private/individual in the full range of the intra-state structure operation.*

**Keywords:** *Modernity, Democracy, Greek cosmosystem, state, society, policy.*

Nowadays, we are witnessing political, economic and social turmoil in the European system. Although sociopolitical consequences of the economic crisis are severe for member states, we can't overlook that a wave of societies uprising affirms the undermining of executive legitimization.

Why is this happening and what are the roots of politics rehabilitation?

How can we interpret the current economic and sociopolitical turmoil in the European system?

How can we explain the collapse of citizens' confidence in state-government institutions?

What are the causes of global social uprising against the core issues of modernity- indignant movements?

In response to the above mentioned questions, we argue that the main cause of intra-state political disturbances is modernity's reading of politics,

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which isolates the society of citizens from its physical role, that of the mandator of the political function. More precisely, the narrative asserts that modernity removes society of citizens from its main function, as an exclusive agent of formulation/application of politics, and dissociates it from the political system.<sup>1</sup>

This fact, representing the core issue of our study and reflecting the fundamental difference between the „ancient” and the „current” notion of democracy,<sup>2</sup> focuses on the question of whether the society of citizens is installed inside or outside of the political system. In ancient Greece, the society of citizens was established in a municipality and exercised policy in the polis-state apparatus. Conversely, modernity deals with an earlier phase of sociopolitical development, which equates all the aspects of internal state structure with property.<sup>3</sup> Although is not disagreed with the democratic principle established in the Greek city-state, is considered that it is possible to delegate the political function to the executive bodies. This development ignores the fact of the dual transfer to the executive, not only of the democratic but also of the representative authority, resulting to the marginalization/exclusion of civil society from policy and led to a state of individual.

In this manner, it agrees with the democratic principle of the city-state, it considers the possibility of a total delegation of the political function to its executive body–government. This development ignores the fact of the dual transfer to the executive power, not only of the democratic but also of the representative authority, with the result that the body of civil society is placed outside the state in a state of privacy. Based on this statement and discussing the relation between democracy and politics, hard questions must be answered. The core question explores the applications of democracy in our current era. Is it an instrument, in order to ensure government legitimization, or an end of policy?

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<sup>1</sup> George Contogeorgis, “Citizenship and political action. The case of Political Europe”, in Ariane Landuyt (ed.), *European Integration Process between History and New Challenges*, Il Mulino Publishing House, Bologna, 2011,

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<sup>3</sup> George Contogeorgis, *Η Δημοκρατία ως Ελευθερία*, Athens, 2007, p. 318. Idem, „Gnoseology of Democracy and Modernity. The Issue at Sake of the Transcendence of the Western European Enlightenment”, *Papyri - Scientific Journal*, Delti, 4 2015, pp. 115-125.

## The concept of Democracy

Democracy, in classical usage, is defined as freedom, the full version of which refers to the autonomy of constraints imposed by nature on man as well as of the sociopolitical compulsions that concern the latter. Freedom has unique value for Greek's sociopolitical organization and is defined as the repetitive equivalent of autonomy.<sup>4</sup> Also it grows in three dimensions – individual, social and political, which vary according to the phase of political-cultural evolution. Firstly, the individual freedom covers man's private life within society. It „concerns the personal autonomy of each human being in his private life or in his sphere of social and political activity” and it's a constitutive parameter of society. Secondly, the social freedom focuses on the area of social life where the individual contracts with social (sub-) systems (institutions or individuals), which bind its will or alter the social position. I.e., the contract that was concluded between an employee and an employer, so as to exchange his labor power for payment, is a deprivation of his (social) freedom. Lastly, political freedom, refers to the position of the individual in the political system.<sup>5</sup> The key issue here is the principle of self-determination, when a person is autonomous to define himself/herself into state structure. To put it differently, political freedom dictates to the people/citizens not to be a subject to the authority of anyone else. It concerns the position of the overall society of citizens within the political system. The political system, however, is combined with another aspect of freedom that has to do with the heterogeneity (cultural, geographical, etc.) of society and, by extension, with the natural tendency of groups to self-manage their social, political and economic issues. In this manner, we use the analytical concept of the Greek „cosmosystem”<sup>6</sup> in order to demonstrate that the relationship between society and politics provides the means for the realization of the classical notion of democracy that is the tautological equivalent to

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<sup>4</sup> Idem, „Democracy and Representation. The question of freedom and the typology of politics”, in Evangelos Venizelos, Antonios Pantelis (eds.), *Civilization and Public Law*, London, 2005, pp. 79 –92. Une version au D. Damamme (ed.), *La démocratie en Europe*, L'Harmattan, Paris, 2004 (« La démocratie comme liberté »), <http://contogeorgis.blogspot.gr/2010/10/george-contogeorgis-democracy-as.html>, accessed January 25, 2015.

<sup>5</sup> Idem, „Gnoseology of Democracy and Modernity”, op.cit., p. 118.

<sup>6</sup> According to Contogeorgis epistemological framework the Greek Cosmosystem described „a sum of civically organized societies (the cities), possessing internal self-sufficiency, common productive parameters and ideological constituents of their lives”. Idem, „Nation and the Greek Paradigm”, op.cit., p. 154. In Georgios Steiris, Sotiris Mitralaxis and Georgios Arabatzis (ed.), *The Problem of Modern Greek Identity. From the Ecumene to the Nation-State*, pp. 145-172. For an extensive analysis see, George Contogeorgis, *The Hellenic Cosmosystem*, vol.1, Athens: Sideris, 2006. Idem, „Political Science in Greece”, in *The State of the Political Science in Western Europe*, H.-D. Klingemann, Barbara Budrich Publishers, Opladen, 2007, footnote 3.

freedom. The fundamental difference between the ancient and modern notion of democracy is based on the place and role of society of citizens within the city-state. In ancient Greece, the civil society is constituted in municipality, while in the modern era the society holds the role of the private.<sup>7</sup> On the contrary, in current era, we often focused on the individual level of freedom, i.e. the institutional status of people in terms of autonomy. There is neither social nor political freedom, but only certain social rights to prevent the infringement of individual freedom and to preserve citizens' dependent on government. More precisely, the narrative stresses that the inescapable coupling between state and political function has contaminated or limited the fundamental principle of democracy that is crystallized in society's absolute freedom. In this respect, society is recognized as a mandatee and not as a mandator in formulation and implementation of politics.

In order to shed light on the aforementioned remarks the analysis below is presented in four main sections. The first section discusses modernity's ambitions and shortcomings. The second section introduces the cosmotheoretical concept of the Greek cosmosystem and analyses its fundamental principles. The third section compares and contrasts modernity's project with politics as the mainstream orientation of civil life. The final section sums up the findings of the article.

### **1. Modernity's project: ambitions and shortcomings.**

Having provided an overview of the main problematique we shall now turn to the concept of modernity in politics, by determining and analyzing its notion and distinctive features. Modernity can be defined as the universal claim of discourse to be the sole guide of human actions, via the application of scientific method to political objects.<sup>8</sup> Two major sociopolitical and economic-technological events determined the form, character and the physical personality of modernity; the French Revolution and the Industrial Revolution.<sup>9</sup> Consequently, western societies are alike in terms of economic and social organization, political relations

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<sup>7</sup> Idem, „Democracy and Representation”, *op.cit.*

<sup>8</sup> Panayiotis Kondylis, *Η Παρακμή του αστικού πολιτισμού. Από τη μοντέρνα στη μεταμοντέρνα εποχή και από τον φιλελευθερισμό στη μαζική δημοκρατία*, Athens, 1991, pp. 51 & 56.

<sup>9</sup> The modern notion of democracy „originated in France as a key item on the agenda of the French Revolution”. Whereas the modern capitalism „emerges in England as the result of the Industrial Revolution”. Peter Wagner, “The democratic crisis of capitalism: Reflections on political and economic modernity in Europe”, *LEQS Paper*, No. 44/2011, December 2011, p.8. Ellen Wood Meiksins, *The origin of capitalism*, New York: Monthly Review Press, 1999. Idem, 'Modernity, postmodernity or capitalism?', *Monthly Review*, July-August 1996.

and cultural characteristics, formed their unique identity. As Martinelli notes: “Modernization tends to identify itself with Westernization, in the sense that Western society becomes world civilization (which creates, [...] complex interpretive and methodological problems)”.<sup>10</sup>

In attempting to identify some of its core features, a useful point to start is that modernity’s principal aim is to emphasize the stark disruption between the world of our time with the past.<sup>11</sup> The latter is classified as traditional; and, therefore, any comparison and dialogue with it is unattainable, impossible. Discounting the traditional way of living, modernity emphasized the transitional process –modernization in all the aspects of social life.<sup>12</sup> It has brought a new social, political, economic and cultural picture that Habermas calls the „project“ of modernity,<sup>13</sup> first formulated by the eighteenth century–philosophers of the European Enlightenment; i.e. all those systematic efforts “to develop objective science, universal morality and law, and autonomous art, according to their inner logic”.<sup>14</sup>

Also, modernity refers to institutions “ that have their origins in the West”, such as the *nation-state* and capitalism<sup>15</sup> as the dominant system of socioeconomic life.<sup>16</sup> The nation-state is determined as an institutionalized, impersonal sociopolitical entity with internal & external sovereignty and an absolute right to execute political, economic and juridical authority in “a clearly delimited territory and population”.<sup>17</sup> The central features of a nation-state, developed historically via the construction and maintenance of domestic institutions like the civil

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<sup>10</sup> Alberto Martinelli, *Global Modernization. Rethinking the project of Modernity*, London, 2005, p. 8.

<sup>11</sup> George Contogeorgis, “Gnoseology of Democracy and Modernity”, pp. 123-124.

<sup>12</sup> Alberto Martinelli, *Global Modernization*, pp. 10-11.

<sup>13</sup> Jürgen Habermas and Seyla Ben-Habib, “Modernity versus Postmodernity”, *New German Critique*, No. 22, Special Issue on Modernism (Winter, 1981), pp. 3-14, especially, p. 8.

<sup>14</sup> John Gerard Ruggie, “Territoriality and beyond: Problematizing modernity in international relations”, *International Organization*, 47, Winter 1993, p. 145.

<sup>15</sup> For the origins of capitalism see Ellen Meiksins Wood, *The Origin of Capitalism: A Longer View*, London: Verso, 2002. Paul Sweezy, ‘A Critique’, in *The Transition from Feudalism to Capitalism*, ed. Rodney Hilton, London, 1978, pp. 33–56. Immanuel Wallerstein, *The Modern World-System. I. Capitalist Agriculture and the Origins of the European World Economy in the Sixteenth Century*, London: Academic Press, 1974. All in Alexander Anievas and Kerem Nisancioglu, “What’s at Stake in the Transition Debate? Rethinking the Origins of Capitalism and the ‘Rise of the West’”, *Millennium - Journal of International Studies*, 42, 2013, pp. 81-82.

<sup>16</sup> Anthony Giddens, *The Consequences of Modernity*, Cambridge, 1990, pp. 54-57.

<sup>17</sup> Alberto Martinelli, *Global Modernization, op.cit.*, p. 21.

bureaucracy, the army and diplomacy.<sup>18</sup> Moreover with the formation of a nation as an imagined community<sup>19</sup>, exercising authority over a demarcated territory, within a homogenized population.<sup>20</sup> Thus, the defining characteristic of the modern international system is reflected “in the consolidation of all parcelized and personalized authority into one public realm”.<sup>21</sup> This type of political integration includes two key spatial demarcations between private and public space as well as between domestic and inter-state system. Modernity is also signified by the establishment of civil rights and freedoms as a universal acquis of human emancipation, and is understood as the legitimizing ideology for the expansion of Western values and policies to the rest of the world.<sup>22</sup> It is worth mentioning that in our days, while the individual freedom is defined as autonomy-, i.e. assimilated with the self-determining ability of man, the social and political freedom assimilated with civil and political rights.<sup>23</sup> This fact is propagated by the pro-anthropocentric construction of modernity so as to recording the extent of individual freedom and determining the radius of its protection. In this respect, modernity represents a transformational phase in all aspects of human life as well as in the structure and the institutionalization of collective entities, like societies. It is a fundamental change both endogenously and exogenously for civil societies, reflected in a transitional movement from the traditional to the modern era.<sup>24</sup> On the interstate level, we observed forms of social interconnection around the globe. On the intrastate level, it altered the most personal and intimate features of peoples’ way of living –religion, culture, normative principles. These discontinuities between traditional

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<sup>18</sup> Tuong Vu, „Studying the State through State Formation”, *World Politics*, Vol.62, No.1, January, 2010, pp. 148-175.

<sup>19</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, 1983.

<sup>20</sup> Alberto Martinelli, *Global Modernization*, 21. For an extensive analysis see, Charles Tilly (ed.) *The Formation of National States in Western Europe*, Princeton, N.J, 1975.

<sup>21</sup> John Gerard Ruggie, „Territoriality and beyond”, p. 151.

<sup>22</sup> Alberto Martinelli, *Global Modernization*, 8. *Max Weber: Readings and Commentary on Modernity*, ed. Stephen Kalberg, Malden, 2005, ch. 17.

<sup>23</sup> As G. Contogeorgis notes: „Freedom concerns the domain of human autonomy; right delimits the perimeter of freedom or even the conditions of heteronomy, so that this heteronomy does not affect the freedom which one enjoys”. Contogeorgis “Democracy and Representation”, *op.cit.* Indeed, the difference between freedom and right is crucial, because the former does not lead to autonomy. The employee, who is in a dependent relationship with an employer, enjoys rights that prevent the expropriation of personal freedom, but still the working relationship is not free of obligations and restrictions. For an extensive analysis see, Edward M. Crenshaw, “Democracy and Demographic Inheritance: The Influence of Modernity and Proto-Modernity on Political and Civil Rights, 1965 to 1980”, *American Sociological Review*, Vol. 60, No. 5 (Oct., 1995), pp. 702-718, especially p. 708.

<sup>24</sup> Habermas and Ben-Habib, “Modernity versus Postmodernity”, *op.cit.*, p. 4.



forms of collective entities and the modern social institutions are highlighted by three main features of modernity.<sup>25</sup>

Firstly, we can observe the “sheer pace of *change* which the era of modernity sets into motion”.<sup>26</sup> Typically, we can detect the achievements in the field of exact science and the speed of technological, economic and political progress.

Secondly, the scope of change that leads to a high extent of interconnection between local, peripheral and global level. “As different areas of the globe are drawn into interconnection with one another, waves of social transformation crash across virtually the whole of the earth's surface”.<sup>27</sup>

Thirdly, the intrinsic nature of modern institutions. Namely, a few social-political institutions were founded in the pre-modern era-“such as the political system of the nation-state, the whole sale dependence of production upon inanimate power sources, or the thorough going commodification of products and wage labour. Others only have a specious continuity with pre-existing social orders.”<sup>28</sup>

By the same token, the origins of modernist societies lie in the rapid and extensive social and economic development that followed the decline of feudalism in Western Europe. Four main characteristics of these societies derive from the aforementioned remark and are worth to be quoted:<sup>29</sup>

1. The prevalence of the folksy forms of political power and jurisdiction, and perceptions of sovereignty and legitimacy that operate within certain territorial boundaries.

2. A financial exchange economy based on large scale production and consumption of products on the market, the widespread ownership of private property and the accumulation of capital on a systematic long-term basis (economies of Eastern European communist states were the exception to some of these traits, even though they were also based on large-scale industrial production and consumption of goods).

3. The decay of the traditional social order by establishing social hierarchies and overlapping alliances in conjunction with-the emergence of a dynamic society grounded on the division of labor. This means that modern capitalist societies are characterized by new class formations and clear patriarchal relations between men and women.

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<sup>25</sup> Giddens, *The consequences of modernity*, op.cit., 6.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Stuart Hall, David Held, Anthony McGrew, edited, *Modernity Today: Economy, Society, Politics and Culture*, Athens, 2003, p. 22-23. OIKONOMIA, KOINONIA, ΠΟΛΙΤΙΚΗ, ΠΟΛΙΤΙΣΜΟΣ HALL STUART, MCGREW ANTHONY, HELD DAVID.

4. The decline of a religious worldview, typical in traditional societies, and the rise of a secular and materialistic culture that exposes the individualistic, rational and organic impulses.

At this point, we have to mention a further widely noted characteristic of modernity. This is the cognitive and practical relationship between man and world that was constructed during the Renaissance years and differs radically from the respective counterpart of traditional societies. In these societies, an organic unity between man, world and nature existed.<sup>30</sup> Subsequently, a series of national (mythical and religious) narratives was entrusted with the task of gathering and interpreting the world. Although traditional societies are characterized by an organic unity, their modern counterparts have been characterized by dualisms, (meaning separations between subject-object, social-individual, and general-particular<sup>31</sup>) and relationships of tension and conflict. In the same vein, Tönnies offers a pessimistic vision of modernity that is the “loss of the authentic values of community solidarity” by comparing and contrasting the two main kinds of social groupings—community (*Gemeinschaft*) and society (*Gesellschaft*).<sup>32</sup> The issue of social solidarity was highlighted by E. Durkheim, that contrasts the *mechanical solidarity* of pre-modern societies (in which community cohesion and integration comes from the homogeneity of individuals, i.e. similar educational and religious training, work and lifestyle) with the *organic solidarity* of modern societies (where social cohesion is built on the specialization and interdependence that arises from a complex division of labor).<sup>33</sup>

Modern society (*Gesellschaft*) is a form of social relationship that takes place in an urban-capitalist context, and is mainly characterized by individualism, instrumental social ties (self-interest and exploitation) and impersonal economic relations between people, such as corporations, states, or voluntary associations. On the contrary, traditional society (*Gemeinschaft*) is a social collectivity “in which relations are characterized by intimacy, the communion of memories, languages and habits, the sharing of experiences”.<sup>34</sup>

As a result, modernity has deconstructed social evolutionism and has rejected the “totalized” form of history “reflecting certain unifying

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<sup>30</sup>Jean Francois Lyotard, *The postmodern condition*, Athens, 1993, p. 12.

<sup>31</sup> See, Patrick Thaddeus Jackson, „*Foregrounding Ontology: Dualism, Monism, and IR Theory*”, *Review of International Studies*, 34, 2008, pp. 129–53.

<sup>32</sup> Ferdinand Tönnies, *Community and Civil Society*, edited by Jose Harris, translated by Jose Harris and Margaret Hollis, Cambridge, 2001.

<sup>33</sup> Emile Durkheim, *The Division of Labor in Society*, trans W.D. Halls, New York, 1997.

<sup>34</sup> Ferdinand Tönnies, *Community and Civil Society*, Quoted in Martinelli, *Global Modernization*, p. 23.

principles of organization and transformation”.<sup>35</sup> This teleological reading of history means that historical evolution moves in only one direction, to a predetermined purpose or end. The assumption of the unique historical timescale was associated with the assumption that modernity is actually something which every society inevitably moves towards, but with different growing rates.<sup>36</sup> Nevertheless, we claim that the teleological view of history leaves us with a major shortcoming; it tends to assume that there is only one way of social development- the one western societies took-, and that this is a global standard that has to be followed by all societies and which sooner or later leads, through a standardized series of steps, to the same end. So, the tribal society will inevitably lead to the nation state, feudalism to capitalism, the agricultural society to the industrial one and so on.<sup>37</sup>

Based on this claim, the representation of modernity is checked for its scientific deficit. Selected as a measure to categorize a social phenomenon and explore its evolution in this fashion, it lacks the ability to establish a universal epistemological argument, so as to be able to analyze and explain the social events of the human past, present, and, certainly, the future.<sup>38</sup> Democracy, in this context, is defined in connection with the system of modernity rather than in reference to the principle of democracy–freedom.<sup>39</sup> Policy is defined as a business concept, judged by its efficiency, so it needs responsible agents for its execution. The purpose of politics determines its structure.<sup>40</sup> That means that policy is established in an authoritarian way, based on the right of property, which distinguishes the logic of the entire social and economic life. The difference of this function lies in the range of legitimization. Policy justifies the interest of an individual –the owner; while as a notion, policy refers to a “general interest” that doesn’t coincide with the will of society but with that of the state legal staff.<sup>41</sup> Thus embodies and establishes the concept of the „public domain” and formats its content as an exponent of the political

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<sup>35</sup> A. Giddens, *The Consequences of Modernity*, p. 6. Also see, Dana Cuff, *The provisional city. Los Angeles stories of architecture and urbanism*, Cambridge, Massachusetts, London, England: MIT Press, 2000, p. 38.

<sup>36</sup> *Modernity Today*, pp. 27-28.

<sup>37</sup> Contogeorgis, *The Hellenic Cosmosystem*, op.cit., pp. 17-18.

<sup>38</sup> *Ibidem*, pp. 19-20.

<sup>39</sup> The core principles of democracy are equality among citizens, liberty, respect for the law and justice. David Held, *Models of Democracy*, Cambridge, 2006.

<sup>40</sup> See, George D. Contogeorgis, „Politics as Phenomenon”, <http://contogeorgis.blogspot.gr/2008/03/politics-as-phenomenon.html>, accessed January 11, 2015.

<sup>41</sup> See, Andrew Heywood, *Political Theory. An introduction*, (New York, 2004, pp. 55-59.

sovereignty.<sup>42</sup> In this manner the perception of the social event inbox in the modernity concept via its core assumptions: knowledge is the driving force of evolution, power is the obstetric parameter of history, and the Modern era is a unique and the ultimate stage of historical evolution that eludes any comparison with the past.<sup>43</sup>

## 2. The Greek Cosmosystem

In marked contrast to modernity, the Greek cosmosystem offers, an alternative, comprehensive and holistic perspective of society's organization under the auspices of Democracy. As G. Contogeorgis describes, the Greek Paradigm was different from all the other European countries owing to the fact that the Greek society, from its beginnings in the Cretan-Mycenaean years, was established under the conditions of freedom and a money-economy.<sup>44</sup> This event is comprised in the small-scale anthropocentric Cosmosystem—comprehensive and self-sustainable communities with internal cohesion. As a result, the pre-ethnocentric Greek communities did not derive from, and consequently did not experience, the typical model of a feudal political system,<sup>45</sup> which initially “characterized Western Europe and gradually the rest of Europe and the entire world”.<sup>46</sup> As a form of anthropocentric cosmosystem, the Greek paradigm is recognized by the insertion of the notion of freedom as a fundamental trait of society identity.<sup>47</sup> This process, which began at the individual level of freedom, was spread to the social (as a social-economic relation) and the political (as a total social articulation and dynamic) structure of the city-state. The essential elements of the Greek Cosmosystem were its anthropocentric nature, the Politeia—city as a basic form of sociopolitical organization, an economic system which considered money as a basic means of exchange, and the freedom of the citizens, which was completed through democracy, equated with society's autonomy. At the broadest level, the epistemological context of Contogeorgis' analysis is oriented by a typology of distinctive historical sequences (phases) according to the anthropocentric evolution of the Greek society. We can discern two fundamental aspects of anthropocentric cosmosystem: the Greek and the Nation-centric. The former is constructed on a small scale (with the foundation of “City-State”) while the latter is articulated on a large scale (with the foundation of Nation-State). What is meant is that the Nation-centric anthropocentric

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<sup>42</sup> See, George Contogeorgis, “Political Science in Greece”, *op.cit.*

<sup>43</sup> Idem, *Έθνος και εκσυγχρονιστική νεοτερικότητα*, Athens, 2001, pp. 18-20.

<sup>44</sup> Idem, *Democracy as freedom*, pp. 106.

<sup>45</sup> Perry Anderson, *Passages from antiquity to feudalism*, London, 1996.

<sup>46</sup> George Contogeorgis, “Political Culture in Greece”, in <http://contogeorgis.blogspot.gr/2008/02/political-science-in-greece.html>, accessed January 15, 2015.

<sup>47</sup> Idem, *Democracy as freedom*, p. 320.

cosmosystem is not new, but is a typological evolution of the Greek anthropocentric cosmosystem on a large scale, both in its genesis and its particular physiognomy.<sup>48</sup> The latter is separated into two main historical phases, the state-centric, that is determined by the foundation and operation of the city-state as the principal collective entity, and the ecumenical phase, that of a unique political creation, the cosmopolis, a sympoliteian phenomenon „consisting of the politically autonomous cities – the evolution of the city-state – and the metropolis, which constitutes, at the same time, the central political system of the territory”.<sup>49</sup> In this regard, the metropolis kept the leading role, as a regulator and coordinator in the Greek cosmosystem.<sup>50</sup> The central features of the former, the small scale anthropocentric cosmosystem, in its latest phase were the political society, the absolute freedom of citizens via democracy, and a state-centric financial economy with full cosmosystemic development. As for the later ecumenical period in the developmental process of the anthropocentric cosmosystem that integrated into the Byzantine Era, the core features were the cosmopolis, the ecumenical financial economy and a balancing condition between them.

The Greek cosmosystem of cities-states, by giving way to the cosmopolis, passed to the next stage, the ecumenical phase, from which came the large scale, anthropocentric cosmosystem (Modern nation-state).<sup>51</sup> The rise of the cosmopolis system structure, already from the Hellenistic period, promoted the concept of democracy as a constitutional statute of each society organized under the auspices of *demos*. The concept of cosmopolis, is declared a post-state centric formation which maintained the cities-states as an autonomous part of an Ecumenical Cosmosystem. The conjunction of these parameters of Greek cosmosystem, which was woven during the state-centric phase, was integrated in Byzantium.<sup>52</sup> Byzantium disseminated the secular legal system and the form of welfare state reinforced with a perfectly structured public administration to the newer European societies.<sup>53</sup> Although the bases of the Greek Cosmosystem represented the foundational movement for the transition of feudal societies to anthropocentrism, these would be rejected in the end. This remark acquires extraordinary significance for two additional reasons: the

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<sup>48</sup> Idem, *The Hellenic Cosmosystem*, *op.cit.*, p. 38.

<sup>49</sup> Idem, “Nation and the Greek Paradigm”, *op.cit.*, p. 164.

<sup>50</sup> Idem, *Democracy as freedom*, *op.cit.*, pp. 108, 323-324.

<sup>51</sup> Idem, *Democracy as freedom*, *op.cit.*, p. 44.

<sup>52</sup> Byzantium was a political system of Cosmopolis, defined as „a confederacy consisting of the politically autonomous cities – the evolution of the city-state – and the metropolis, which constitutes, at the same time, the central political system of the territory”. Idem, “Nation and the Greek Paradigm”, *op.cit.*

<sup>53</sup> Idem, „Nation and Greek Paradigm”, *op.cit.*, p. 156-157.

one focuses on the fact that the sociopolitical transition of Western Europe from feudalism to anthropocentrism used the vehicle of the polis—city. The other has to do with the denial of the above historical reality and the claim of modernity to have reached the Greek commons of the Ottoman period as communities. The emerging Western European societies, while recognizing the operation of democracy in a state centric system as a template, literally ignored the unprecedented that existed right next to them, in the context of the Greek cosmosystem. Equally ignored was the major fact that the sociopolitical context of community, which was grounded on the heritage of the Greek paradigm, was the vehicle for their transition from the despotic past to the large-scale anthropocentric cosmosystem of nation-state.<sup>54</sup>

In this way, the contribution of the Greek cosmosystem is invaluable in view of the benefits that cosmosystemic theorization provides in contrast to modern certainties. We found the access point for the total overhaul of the epistemological and methodological core of social science. Concepts such as economy, politics, finance, ownership, identity, nation, freedom, justice, law, citizen i.e. must be determined from scratch, in conjunction with a methodological project drawing an analog historical comparison between the different world systems and that of our time. In contradistinction to modernity's argument, the cosmosystemic methodology explores from the outset of its research both the content and the typology of socio-political phenomenon, and the question of why and how it arose and, further, of its temporal sequence.<sup>55</sup>

### 3. Modernity and Politics

In the aforementioned analysis we stressed that the substance of modernity's approach to political function lies in the essential dichotomy between society and politics, making the latter an exclusive operation of the state and expressed in terms of sovereignty.<sup>56</sup> The state is the sole institution to carry out politics, i.e. legislative, judicial and executive, and

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<sup>54</sup> Idem, *Democracy as freedom*, pp. 774-775.

<sup>55</sup> Idem, *The Hellenic Cosmosystem*, pp. 22-23.

<sup>56</sup> Stephen D. Krasner, Abiding Sovereignty, *International Political Science Review* Vol. 22, No. 3, 2001, pp. 229-251, especially, pp. 231-233. Ruggie, "Territoriality and beyond", p. 151. Charles E. Merriam, *History of the Theory of Sovereignty since Rousseau*, New York: Columbia University Press, 1900, pp. 85-129; Michael Ross Fowler and Julie Marie Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*, Pennsylvania State University, 1995, pp. 157, 163, in Andreas Kalyvas, Rethinking 'Modern Democracy': For a Democratic Critique of Political Modernity.

the only voice of the national interest.<sup>57</sup> The state ensures its authoritarian autonomy and the independence of its will from society, namely equating its self-interest with the national interest, meaning the public interest.<sup>58</sup> In this way, modernity managed to bypass or to oppose the social will. In detail, it has not approached the society as a coherent political entity, and it has not acknowledged its position in the political system or its role in the political process, because it disavows the capability or the maturity of civil society to take part in the political function.<sup>59</sup> Politics is defined as an operational concept, evaluated by its effectiveness, and therefore it needs competent bodies for its practice. Its purpose determines and identifies its structure.<sup>60</sup> Also, politics is established in an authoritarian way, based on the axiom of property, and defines the logic of the whole social and economic life.<sup>61</sup> As a consequence of this process, politics refers to a "general interest", which does not coincide with the will of society, but with the will of the executive branch. So, the government acquires the capability to shape and update the content of public interest for its own benefit.<sup>62</sup> Thus, while the political staff is „recruited” from the reservoir of the social body, from the „best” or the most „capable”, and its relationship to it, is recorded as representative, the true nature of this relationship is limited by the state’s interest.<sup>63</sup> Moreover, the nature of the „social contract”<sup>64</sup> indicates that the state will gain its internal legitimacy from society via the electoral process. In this way, society lacks the ability to intervene or to determine the formation and implementation of politics. Throughout this procedure, the rule of politics is assigned to the state and at the same time, ensures the complete exclusion of the society of citizens from the political function.<sup>65</sup> Accordingly, the state will proceed to the recognition of „rights” for its society that allow the later to exert pressure on the former, affirming its opposition to society’s options. Likewise, society has the ability to run up the costs of legitimacy (riots, protest, coup d’etat) or of the institutions

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<sup>57</sup> “Democracy in its modern manifestation exists only in and through the centralized and hierarchical form of the state.”

<sup>58</sup> George Contogeorgis, “Democracy and Representation”, *op.cit.*

<sup>59</sup> Idem, *Νεωτερικότητα και Πρόοδος. Το Ελληνικό Παράδειγμα*, Athens, 2001, pp.18-19.

<sup>60</sup> Idem, „Politics as Phenomenon”, *op.cit.*

<sup>61</sup> Skinner, *The Foundations of Modern Political Thought*, Vol. 2, pp. 285-286; Ellen Meiksins Wood, *Liberty and Property. A Social History of Western Political Thought from the Renaissance to Enlightenment*, Verso, 2012, pp. 161, 164.

<sup>62</sup> Giorgos Contogeorgis, *Νεωτερικότητα και Πρόοδος*, *op.cit.*, p. 20.

<sup>63</sup> Ibidem, p. 21.

<sup>64</sup> Jean-Jacques Rousseau, *On the Social Contract, or Principles of Political Right* [1762], translated by Maurice Craston, Penguin Books, 1968, Book II:1-5.

<sup>65</sup> Giorgos Contogeorgis, *Νεωτερικότητα και Πρόοδος*, *op.cit.*, p. 23.

constituting the state, driving it to a revolutionary process. All these, however, confirm the assumption that society is not a constitutional part of politics. The concept of „assignment” considers by definition that society has not participated in the making of politics, and, in any event, is not allowed to exercise its sovereign right, deciding on its own role in the political function. This important distinction reinforces the initial working assumption that modernity alters the society-state relationship in terms of the former representation. The figure of representation, meaning the relationship between society and politics has been filled with the formation of political function at different levels of authority.<sup>66</sup> In this respect, the principle of the separation of powers, (introduced by Montesquieu in Modern Era) which was applicable in the context of transition from feudal to modern era, has proved to be effective in order to curb the authoritarian structure of "despotic" State (or to escape from despotism's rule).<sup>67</sup> Nevertheless, from the moment of society socio-political unification-homogenization into nation-state formation<sup>68</sup> in parallel with the introduction of the catholic vote, a radical reversal of the logic of the separation of politics took place. At a factual level, the party that acquires the 'majority', coordinates and controls, in an absolute and indivisible manner, the set of political functions –Parliament and Government – a procedure recorded as a simple administrative operation. At the same time, the political class, much like the absolute monarch, is placed above the law in terms of its policies, political attitude and decisions. So, the political system of modernity, consistent with its nature, does not only legally distinguish between electing a "representative" and "judgment" of the aspects of its policy, but is also covered by immunity, meaning that it is excluded from judicial jurisdiction—even the private life of civilian staff.<sup>69</sup>

Throughout this discussion, we detect the most distinctive characteristic of modernity that is the determination of all state structures in terms of property.<sup>70</sup> In order to clarify the above issue we mention two examples related to the organizational structure of the modern state. The one focuses on the inseparability between the economic structure and the means of production, realized in the identification of the economic system

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<sup>66</sup> Alberto Martinelli, *Global Modernization*, pp. 19-20.

<sup>67</sup> Giorgos Contogeorgis, *The Hellenic Cosmosystem*, *op.cit.*, pp. 35-37.

<sup>68</sup> For a comparative analysis of alternatives theoretical interpretations of states formation see, Andreas Wimmera and Yuval Feinstein, *The Rise of the Nation-State across the World, 1816 to 2001*, *American Sociological Review*, 75(5), pp. 764–790.

<sup>69</sup> Contogeorgis, *Νεοτερικότητα και Πρόοδος*, *op.cit.*, pp. 25-26.

<sup>70</sup> Idem, *Η Δημοκρατία ως Ελευθερία*, *op.cit.*; John Gerard Ruggie, *op.cit.*, pp. 148-149.



(e.g. business) with the owner of the means of production.<sup>71</sup> This fact highlights that the great discontent between liberalism and socialism relates to the dilemma of primacy of the private or State sector over the other, in terms of owning the system. The second example is focused on the political context where the distinction between the political system and the state is equally unthinkable nowadays. The State embodies the political system so that the reference therein implies ipso jure the political system and vice versa. Hence, policies shaped by the actors of the political system are automatically set as State policies.<sup>72</sup> However, the power, as a fact that differentiates the ruler from the ruled, is centered on the ability of the individual to self-actualize his autonomy. In particular, power thrives in societies that lack freedom at the social or political level or both. For example, a person may be stand alone in his private life but not in the social or political field. This means that the personal freedom is matched with autonomy, and the social- political freedom is matched with the notion of civil-political rights, achieving the social compromise, which took place during the phase of transition from the despotic to the anthropocentric cosmosystem. I.e. between the owner who creates and holds the political-economic system and society, that obtains personal freedom. This demonstrates a fundamental difference between freedom and right, where the latter doesn't lead to autonomy. E.g. the right of citizens to protest or the freedom of speech confirms their self-determination by extrinsic factors, because if they were self-identified, they would hold the State and decide on their governance.<sup>73</sup>

In this way, democracy, requiring the detachment of the political system from the State, as a precondition for its existence, demonstrates the fundamental difference between the former and the latter. Also, the civil society is recognized as a unique institutional body for the formation and implementation of politics. At the same time the totality of political-administrative function (i.e. the main political responsibility) of the State moved to society that is organized in the demos-city. But the function of representation, like democracy, requires the transformation of civil society into demos (municipality). However, in the former, the political jurisdiction does not accrue entirely in the municipality of society. The municipality takes on only the competences pertaining to the property of the principal, while the powers belonging to the carrier's agent remain with the political power of the State.<sup>74</sup>

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<sup>71</sup> See, *Max Weber: Readings and Commentary on Modernity*, ed. Stephen Kalberg, Malden, 2005, p. 151.

<sup>72</sup> Contogeorgis, "What is democracy", *op.cit.*

<sup>73</sup> Idem, "What is democracy", *op.cit.*

<sup>74</sup> Idem.

Therefore, the political system of our time is pre-representative since society does not “constitute an institutional political category (demos)”,<sup>75</sup> being comprehended as an individual. In this perspective, the relationship between society and politics is formed on a patron-client basis. The former –society– is deprived of its natural role as a ruler, and is confined to providing political legitimacy through its vote. But even if we assume that modernity’s notion of democracy is familiarized with representation, we have to check its domestic institutional array. For instance, in representation the political system is shared between society (that is established also on institution/municipality) and the political power/state. The society takes on the responsibilities of the mandator (specifies the policies that will be exercised, controls, removes etc. the politicians from power), while the political staff assumes the responsibilities of the mandatee. In this sense, representation as a political system is positioned in the middle of Democracy.<sup>76</sup> Similarly in terms of essential features, the political system of representation requires, firstly, the establishment of a civil society in constant municipality, so as to gain the responsibility of a daily issue consultation and manifestation of its volition. And secondly, by attributing to the society of citizens the set of responsibilities that appertains to the property of the mandator.<sup>77</sup> In the face of all the necessary and sufficient conditions that representation needs to fulfil, so as to be operative, we need to note:

- a) The design/dictation of the basic guidelines of politics practiced by the authorized representative,
- b) the decision on the major issues or whatever issues it considers important for the civil society,
- c) the right to disprove his representative and to take back decisions that diverted from the constitutional framework,
- d) the explicit prohibition for the government to try to alter institutions of political power, to alter the followed policies without the express consent of municipality,
- e) the control and recall of the mandate, at any time which it deems appropriate via accountability and bringing to justice.

In a nutshell, the transition to a representative state presupposes the emergence of the concept of society of citizens in a distinct political

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<sup>75</sup> Idem, „Gnoseology of Democracy”, *op.cit.*, p. 9.

<sup>76</sup> Idem, *Η Δημοκρατία ως Ελευθερία*, *op.cit.*, pp. 31-33.

<sup>77</sup> Idem, „Democracy and Representation”, *op.cit.*

category and going beyond it, the institutionalization as a constant and organic part of state (political system).<sup>78</sup>

## Conclusions

The main problem of the modernity project is the absence of a comprehensive argument, which will encompass all of its basic parameters, established it as universality. Even though modernity's claim that this is a methodological object, i.e. a synthesis of social fact in the light of its true nature, what it has been achieved in practice is the regurgitation of modernity's model at the ultimate level of sociopolitical and economic development of human life. Hence, the human evolution stops in the historical era of modernity, excluded from any comparison with the past. On the contrary, the methodological approach of the social fact is achieved through partial or unilateral clarifications with disciplines (sociology, politics, economics, law, etc.) that dwell on it and its factual realizations or other aspects of it with thematic (e.g. religion, political ideology, etc.), geographical (Mediterranean, Middle East, Asia, etc.) or spatial-temporal (Medieval, Renaissance etc.) content.

Lurking in the background of the modern gaze, the Greek cosmosystem offers an integrated approach of the political (organization) faction, contextualizing it in the notion of constant municipality. That means that society freely expresses public policies in daily life. In sharp contrast to the pro-representative political system of modernity, in democracy, the distinction between principal and agent is abolished, since the demos-municipality takes over the entirety of the political responsibility. The municipality in democracy doesn't only define the general political guidelines but also exercises the executive, legislative and judicial power. In response to the questions at the heart of this article, we argue that such a claim highlighted the essential relationship between democracy and representation, since the modern political system simulated representation with democracy.

The crux of the matter is how the civil society could be able to exercise its natural role as a coordinator-mandator of the political system. A clear answer is to set up or reconstruct it as a permanent institutional body into the State, and to accept its input in the decision-making process to gain its goodwill. In any case, if the system is not representative, it will be democratic and will alter its schedule. In democracy, the demos-civil society, which is established as a State-institution, rules the political system. The demos, „in which all citizens could and should participate in

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<sup>78</sup> Idem, „What is democracy”, *op.cit.* Idem, *Η Δημοκρατία ως Ελευθερία*, *op.cit.*, pp. 31-33.

the creation and nurturing of a common life, held sovereign power, that is supreme authority to engage in legislative and judicial functions". „The public and the private were intertwined" followed by "the subordination of private life to public affairs and common good".<sup>79</sup> Nowadays, the society of citizens is not a municipality, is a society of clients, operating as a sole individual. What is happening right now in European countries and Greece in particular is the creation of an "unbridgeable chasm" between the rulers and the ruled and an unconvincing claim by the political elites that they represent public interest. In the case of Greece, "the financial crisis, the numerous political scandals and the solutions proposed by the ruling party – in line with the IMF-EU recommendations – have led many people to believe that the social contract is up for renegotiation"<sup>80</sup>.

These deficit and legitimacy crises have spread across the EU institutional level and are crystallized in the absence of the society of citizens in the process of shaping and implementing basic political, economic and social measures, which they are subjected to.<sup>81</sup>

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<sup>79</sup> Held, *Models of Democracy*, *op.cit.*, p. 25.

<sup>80</sup> H. Mylonas, „Is Greece a Failing Developed State? Causes and Socio-economic Consequences of the Financial Crisis", pp.81-82, in K.E. Botsiou & A. Klapsis (Eds) *The Konstantinos Karamanlis Institute for Democracy Yearbook 2011: The Global Economic Crisis and the Case of Greece*, Athens, 2011. The electorate's disappointment with the political system is constantly rising. For Kathimerini newspaper, the political Barometer of the Public Issue pollster records the electorate's growing frustration and alienation from the political system; eight out of ten (78%) citizens are disappointed with the Government's work and nine out of ten (89%) are disappointed with the opposition. The stance of the citizens towards the parties is also deteriorating: political parties and their leaders –except for Mrs. Aleka Papariga- see their popularity decrease, a tendency towards depoliticization is rising and one third of the citizens chose to abstain. At the same time, George Papandreou, the Prime Minister's, and PASOK's image is deteriorating, despite their leading in percentage rates. "Expands the frustration of voters from the political system", *Kathimerini*, 10 October, 2010. Available at [http://news.kathimerini.gr/4dcgi/\\_w\\_articles\\_politics\\_2\\_10/10/2010\\_418257](http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_10/10/2010_418257) (accessed 17 December, 2011).

<sup>81</sup> As Guardian notes: „Eurozone policymakers too often treat democratic accountability as a luxury rather than a necessity, as shall be made amply clear this week when Brussels will force the Athens parliament to pass a raft of sharp spending cuts, tax hikes and privatisations – despite the hostility of Greek voters". Quoted in *The Democratic Deficit in Europe and the Crisis in the Periphery*, 29 June 2011. Available at <http://www.macroresilience.com/2011/06/29/the-democratic-deficit-in-europe-and-the-crisis-in-the-periphery/> (accessed 11 May 2012).

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# RUSSIA'S SOCIO-POLITICAL TV TALK SHOWS AS A PUBLIC OPINION TOOL

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**Abstract:** *The paper investigates Russian socio-political TV talk shows. There is a certain need to comprehend the socio-political situation in the Russian Federation and abroad, which is actualised by the processes of the geopolitical transformation of the surrounding world. The redistribution of the spheres of political influence and the search for a national identity determine the public demand for political programmes, socio-political TV talk shows in particular, which demonstrate high rating indicators in today's Russia. They indicate a consistently high public interest due to new political and communication challenges as well as an increased desire of the Russian political elites to control the public opinion by cultivating ideological attitudes, which leads to growth of audience loyalty to the current government.*

**Keywords:** *socio-political TV talk shows, television, geopolitics, propaganda, rating*

## Introduction

The interaction between journalism and politics is a process, which has a bright history and a rich biography in the modern world. It is actively involved in the process of dynamic development of information and communication technologies. As a result, the mutual influence of journalism and politics is becoming more multifaceted, acquiring new forms and characteristic features. The consequences of such an interaction have a direct impact on all spheres of life in the modern society. This influence greatly increases the relevance of a comprehensive study of this process in order to identify patterns and main trends of further development.

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Thus, the aim of this research is to analyse the interaction between the Russian journalism and politics in the framework of the formation of basic attitudes in the society, values, beliefs and models of behaviour, which are expressed in the assessment of political events and in relation to politics in general. Another important question is how effectively the media can stimulate or slow down the process of forming the public opinion. It is closely related to the problem of the interaction between the political and journalistic elites, sometimes characterised by purely personal motives on one or both sides of the interaction. Attitudes of politicians towards journalists or vice versa are not parallel processes but intersecting ones. The nature of power and the position of journalism in the society mainly depend on where and how they intersect. It seems that the socio-political TV talk shows, which are broadcast today on the air of the vast majority of the Russian television companies, serve as a vivid illustration of the interaction between politics and journalism in the modern Russian society.

### **Methodology**

The methodological basis of the article is based on the principle of historicism, which allows us to consider the topic in accordance with the chronological stages of the development of the genre of TV talk shows. In addition, the content analysis method has been used, which is the basis for the part of the article where thematic and genre features of Russian socio-political TV talk shows are analysed. We have also exploited the descriptive method and the contextual analysis method to identify features and specifics of the development of this genre and its impact on the formation of the public opinion. With the help of the comparative analysis method we have tried to identify the concept and characteristics of various socio-political TV talk shows as well as to study some statistical data about the audience of various television channels. Due to the analysis of the data, we are able to draw conclusions about the place and role of such TV talk shows in modern television broadcasting in the Russian Federation.

### **Interaction between the Russian authorities and mass media**

The number of problems related to the interaction between the authorities and the media include highly specialised questions, which affect the information policy of publications, especially the formation of the “agenda”, as well as large-scale processes of modern life, which are related to the mediation of politics in the modern society, and endowment of political processes with some elements of performances and shows.<sup>1</sup> The

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<sup>1</sup> A.L. Kodanina, “Politics and journalism as related communication spheres”, in *Vestnik of Lobachevsky University of Nizhni Novgorod*, vol. 2 (2), 2014, pp. 444-447.

redistribution of the spheres of political influence as well as the search for a national identity determine the public demand for political programmes, which demonstrate high rating indicators in today's Russia. On the one hand, it indicates a consistently high public interest due to new political and communication challenges; on the other hand, the political elite has a desire to control the public opinion by cultivating ideological attitudes that lead to growth of audience loyalty towards the current government.

There is no doubt that television journalism is one of the main ways of disseminating mass information in Russia, since the main features of television are screenness, speed of information dissemination, simultaneity and, most importantly, ubiquity, the latter allowing to deliver information to almost every home in the world. The development of television technologies not only made it possible to transmit live broadcasts, but also contributed to the improvement of the work of journalists themselves, which led to a natural increase in the number of genres and a subsequent segmentation of spectators according to their specific features and characteristics.

Types of television products can be classified according to their properties. Such division has developed historically, with the development of television journalism. Gradually, audience needed more thematic programmes; outdated formats lost popularity and consequently were replaced by new ones (due to it new television genres appeared with absolutely new features). Some programmes were invented independently, while others were based on already known projects. In fact, the system of genres is not stable at all: demands of television audience change all the time, and with such changes there is a transformation of products of television journalism, as they turn into hybrids of classical genres. One such syncretic genre is a TV talk show.

### **History of a TV talk show genre**

Let us dwell on the history of talk shows abroad and in Russia. The origins of a talk show genre can be sought in the West.<sup>2</sup> American journalist Phil Donahue is considered to be the founder of it.<sup>1</sup> There is a known fact that Donahue offered spectators to ask guests questions during live programmes, when he had no more questions left to be asked by himself. Donahue began to use this technique in other programmes that he broadcast on the regional channel where he worked. Initially, the presenter talked with little-known people, focusing on discussions regarding important life issues and some other scandalous topics. Over time, the TV show format gained the confidence of viewers, mainly due to its main

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<sup>2</sup> B.M. Timberg & B. Erler, *Television Talk: a History of the TV Talk Show*, University of Texas Press, Austin.

characteristics – entertainment and special reliability.<sup>3</sup> In the 1980s those broadcasts became common on almost all the main television channels of the United States and increasingly had the character of a discussion of scandalous and indecent topics.

Programmes of that kind appeared in the USSR a bit later. In 1985 there was a teleconference between Leningrad and Boston.<sup>4</sup> We can consider it the starting point for the history of Russian (then – Soviet) TV talk shows. The moderators of that teleconference were Phil Donahue (from the American side) and Vladimir Pozner (from the Soviet side). In the following years there were several similar broadcasts between the USA and the USSR, which were very popular and touched on important social issues. Those television bridges looked like that: viewers asked guests questions from studios or by phone, could comment on their opinion, or got engaged in polemics. The programmes were live. Both ordinary people and celebrities were invited to studios. They saw guests on a big screen. Moderators translated what was said and at the same time they came with a microphone to those who wished to speak out. Those broadcasts are still a unique event in the Soviet and Russian television journalism.

It is believed that Vladimir Pozner is the first journalist who worked in the genre of TV talk shows. However, this genre was later very modified in Russia. After the disappearance of the Soviet Union from the world map, the country experienced very rapid changes, which affected television broadcasting as well. In the post-Soviet era there was an expansion of foreign television genres, which also affected the genre of TV talk shows. Like in the USA, TV talk shows became a platform for discussing scandalous events, often related to show business. Therefore, some programmes of that kind became very popular (“My Family” and “Let Them Talk” on the channel “Social Russian Television” (“Channel 1” / [www.1tv.ru](http://www.1tv.ru)), or “What a Woman Wants” and “Live” on the channel “Russian Television and Radio” (“Russia 1” / [www.russia.tv](http://www.russia.tv)), or “Towards a Barrier!” and “The Principle of Dominoes” on the channel NTV ([www.ntv.ru](http://www.ntv.ru)), or “Me myself” and “Windows” on the channel TNT ([www.tnt-online.ru](http://www.tnt-online.ru)), and a lot of others. Of course, one of the main features of modern TV talk shows is entertainment.

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<sup>3</sup> K.E. Orlova, “The influence of a showman’s positive image on talk shows”, in *Problems of modern science and education*, vol. 23 (105), 2017, pp. 90-92.

<sup>4</sup> T. Matza, “Moscow’s Echo: Technologies of the Self, Publics, and Politics on the Russian Talk Show”, in *Cultural Anthropology*, vol. 24 (3), 2009, pp. 489-522. Retrieved August 4, 2020 from <https://www.jstor.org/stable/25619793>; L.N. Fedorova, I.A. Krasavchenko, “Television bridges “USSR-USA” as visible evidence of perestroika” (part 1), in *Mediaalmanac*, vol. 1 (78), 2017, pp. 58-68.

## Features of a TV talk show genre

Let us note some typological features of a TV talk show genre. The subject of any discussion is an urgent problem of public interest. From here follows the purpose of any talk show: to discuss an issue and then to evaluate and try to find a solution to it. Tasks of a talk show are 1) to turn a boring everyday topic into an interesting programme with intriguing elements; 2) to attract attention of audience and form a certain attitude to the topic discussed; 3) to look for ways to solve a particular problem. Researchers of a TV talk show genre identify four main components of a TV talk show: a host (or a moderator), invited guests and experts, viewers in a studio and an interaction process between them. A TV talk show host is a TV company representative who organises a conversation in a programme. He performs two functions in a show: that of an interviewer (he asks questions) and of a moderator (he directs a discussion in one way or another.<sup>5</sup> Among his responsibilities during a TV talk show is to plan and properly build a conversation with an interlocutor, to respond to any changes in a conversation and to maintain a necessary line of a discussion for a conversation not to go beyond something indecent. Besides, shooting a talk show cannot do without invited guests, with whom a host communicates most of all. The main participants in such interviews are often: 1) specialists with knowledge in a specific field of activity (the main purpose of interviewing them is to obtain exclusive information); 2) celebrities (their lives are full of interesting events, and it makes them attractive to an audience); 3) other representatives of different sectors of the society, forming the public opinion.<sup>6</sup> All TV talk shows have spectators. They are often selected by TV editors, who try to pick up an audience who will be really interested in what is happening in a studio. It should be noted that viewers do not always participate in discussions, but, at the same time, they serve to create an atmosphere of publicity.

## Classifications of TV talk shows

There are a big number of classifications and varieties of TV talk shows. Each researcher determines in his own way how to classify TV talk shows.

For our study we have taken the classification proposed by the researchers N.V. Vakurova and L.I. Moskovkin.<sup>7</sup> The first type of a TV talk

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<sup>5</sup> V.I. Thorik, V.V. Katermina, & A.M. Prima (Eds), "Talk shows: features, components, properties", in *Interdisciplinary aspects of linguistic research*, book 9. Krasnodar, 2016.

<sup>6</sup> D.A. Shchitova, "Interview as a way to create an image", in *Bulletin of Tomsk State University (philology)*, vol. 4 (20), 2012, pp. 146-153.

<sup>7</sup> N.V. Vakurova, L.I. Moskovkin, *Typology of genres of modern screen products: teaching aid* Workshop of television journalism, Moscow, 2016.

show, which Vakurova and Moskovkin highlight, is a TV bridge. A TV bridge is a TV programme during which a television connection is established between distant points in order to exchange information or conduct a discussion between its participants.<sup>8</sup> The main characteristics of a TV bridge include: 1) a mandatory presence of a large distance between communicating parties as a prerequisite for a TV bridge; 2) presence of two-way audio-visual communication (participants can see and hear each other through screens installed in studios); 3) presence of a television group which is responsible for a technical component of a broadcast; 4) presence of moderators and interlocutors (viewers) on both sides of communication.

The next type of a TV talk show is called by Vakurova and Moskovkin a television debate. These are election technologies which appeal to minds of voters, discussions with a candidate of his positions on the main issues of the society, clarification of his political platform, political programme, etc..<sup>9</sup> The main features of television debates are: 1) communication of a moderator with one or more candidates about an election campaign; 2) television debates demonstrate oratorical abilities of a candidate; therefore, they necessarily contain populist phrases and expressions in order to please voters; 3) TV debates are legalised at the federal level, only registered candidates can participate in them; 4) it is often a very emotional type of a talk show, because candidates answer provocative questions, which often go beyond ethical framework. Nevertheless, it is a useful type of a talk show for voters, because they can understand whether they should vote for a candidate or not. It is in television debates that principles of openness and competitiveness of political processes are implemented.<sup>10</sup>

One more type of a TV talk show according to Vakurova and Moskovkin's classification is a conversation. It is a specific television genre of analytical journalism devoted to political, economic, social, moral, ethical and scientific problems. Unlike interviews, there is no question-answer form of a dialogue. The conversation is built around an urgent

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<sup>8</sup> T.F. Efremova, *The modern explanatory dictionary of the Russian language* (in 3 volumes), vol. 3, Astrel, Moscow, 2006.

<sup>9</sup> E.N. Davyborets, "Elections in Russia: Institute of Democracy or Attribute of Autocracy", in *Sociological studies*, vol. 10, 2015, pp. 49–56.

<sup>10</sup> M.A. Baum, "Talking the Vote: Why Presidential Candidates Hit the Talk Show Circuit", in *American Journal of Political Science*, vol. 49 (2), 2005, pp. 213–234. Retrieved September 14, 2020 from <https://www.jstor.org/stable/3647673>; M.A. Baum, A.S. Jamison, "The Oprah Effect: How Soft News Helps Inattentive Citizens Vote Consistently", in *The Journal of Politics*, vol. 68 (4), 2006, pp. 946–959. Retrieved September 29, 2020 from <https://www.jstor.org/stable/10.1111/j.1468-2508.2006.00482.x>.

problem, which parties want to solve by reaching a consensus through a discussion of various points of view and a selection of convincing arguments. A journalist, in this case, is trying to provide complete information *ad hoc*. It is also important for him to prevent a conversation from turning into a polemic, since the main goal of such a genre is always to solve an issue.

The last type of a TV talk show in Vakurova and Moskovkin's classification is a discussion. A television discussion is a public polylogue, during which there is a clash of different, even opposing points of view on a socially significant problem. It is the most emotional, and, due to it, the most rated type of a TV talk show. The main sign of a discussion is placing warring parties in the same studio. A discussion does not assume aiming at a certain result, because it is important to draw a viewer's attention to an existing problem by discussing a phenomenon from both sides. For the most part, modern Russian TV talk shows are based on discussions and, thus, they have the status of scandalous one ("Let Them Talk", "Live Broadcast", "We Speak and Show").<sup>11</sup>

There is also a classification of TV talk shows by a topic, which is especially relevant for our research. There are four topics of TV talk shows: cultural-educational, household, social, and political ones. TV talk shows with cultural and educational functions are conversations, which introduce audience to achievements of science and culture. The main subject for such a discussion is a situation in the field of education and enlightenment; it can be anything that happens in the cultural life of the society.

Family and household TV talk shows are based on principles of melodramas, *i.e.* they show ordinary people who are experiencing tragic and touching situations. In most cases such shows affect social problems of the society: alcoholism, drug addiction, divorce, unemployment, *etc.* In a studio there are always heroes, whose problems are under discussion, as well as a large number of experts (they can be doctors, journalists, or celebrities). Due to the fact, that such TV talk shows gain high ratings and go mostly in the evening prime time, their audience is the most ordinary people who may also be affected by the problem touched on a talk show.<sup>12</sup> Illustrative examples of such talk shows are the programmes "Let Them Talk" ("Channel 1" / [www.1tv.ru](http://www.1tv.ru)) and "Live Broadcast" ("Russia 1" / [www.russia.tv](http://www.russia.tv)).

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<sup>11</sup> N.V. Vakurova, L.I. Moskovkin, *Typology of genres of modern screen products: teaching aid*, Workshop of television journalism, Moscow, 2016.

<sup>12</sup> X. Yan, "TV talk show therapy as a distinct genre of discourse", *Discourse studies*, vol. 10 (4), 2008, pp. 469-491. Retrieved September 20, 2020 from [www.jstor.org/stable/24049291](http://www.jstor.org/stable/24049291).

Socio-political TV talk shows are colloquial programmes in a form of a polylogue on socio-political issues.<sup>13</sup> They raise issues of the political life of the country, such as the introduction of new bills, the foreign and domestic policy of the state, or prospects for the future. Typically, experts are prominent political and public figures who have disputes with each other in a studio.

### **Socio-political TV talk shows: classification, significant features, differences from country to country**

The notion “socio-political TV talk shows” has come into use relatively recently. Only in 2014 TV talk shows of that kind became really popular in Russia; before that time they had not had much success on television. An active surge in publications on the topic of socio-political TV talk shows began in 2014 with the massive appearance of such programmes on the main federal channels of Russia. It was due to such resonant events as Euromaidan in Ukraine and the annexation of the Crimea to Russia. As a result, this phenomenon has been studied on a large scale only lately. Describing the basic principles of modern political TV talk shows, Yu.I. Dolgova notes that the notion refers to colloquial programmes in a form of a polylogue on socio-political topics. They are characterised by an abundance of emotional discussions about the geopolitical situation. In a studio there are usually about ten experts who participate in a discussion of a topic proposed by a presenter. In Russia there are such shows on every federal channel, and their timing sometimes exceeds even 2 or 3 hours.<sup>14</sup> The interest of other researchers in the genre of socio-political TV talk shows is dictated by the need to update new trends that have appeared relatively recently in the organisational and ideological structure of political conversation programmes. I.D. Marlin states that the format became popular after the events in 2014, when the authorities needed to increase the level of legitimacy of their actions, so the popularity of those programmes was just situational.<sup>15</sup> A number of researchers note that the ideological orientation of such Russian programmes is propaganda. The main topics for discussion are events in Ukraine, complicated relations between Russia and the USA, as well as other socially significant events,

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<sup>13</sup> Yu.I. Dolgova, “The Phenomenon of Popularity of Socio-political Shows on Russian TV in the Fall of 2014 - in the Spring of 2015”, in *Bulletin of Moscow University* (series 10: journalism), vol. 6, 2015, pp. 175-176.

<sup>14</sup> Yu.I. Dolgova, “Transformation of Socio-political Television Broadcasting in the Post-Soviet Period: Factors, Parameters, Problems”, in *Bulletin of Moscow University* (series 10: journalism), vol. 5, 2018, pp. 62-82.

<sup>15</sup> I.D. Marlin, “Political talk shows as an information resource in the political system of modern Russia”, *Youth and Science of the 21st Century. Society, state and law in a historical context*, Krasnoyarsk, 2018, pp. 15-16.

one way or another linked with the foreign policy of the Russian Federation.<sup>16</sup> Researchers agree that the year of 2014 was a turning point not only in the Russian politics but in the world politics as well, because it “put the world before the illusory nature of integration ambitions”, made it respond to new challenges, for example, updating the dichotomy “own—alien”, “global—national”, “right—wrong”.<sup>17</sup> Yu.V. Klyuev and D.V. Zubko formulate the goal of socio-political TV talk shows: the formation of a problematic and thematic space of public politics, orienting the audience to understanding and decoding the political reality. As a result, the level of social aggressiveness on the screen goes up, because discussions of pressing issues provoke participants’ intolerance, which can even lead to assault in a studio. Thus, emotionality in such programmes exceeds logic, which gives a talk show a “tabloid” shade, while political analytics turns into a show.<sup>18</sup> It is also obvious that there is a tendency towards politics visualisation, which has been repeatedly noted by researchers. As S.I. Simakova puts it, “a visual perception is becoming a dominant way of perceiving the world”.<sup>19</sup> It is absolutely true. In an effort to visualise politics, socio-political TV talk shows use a whole arsenal of tools, from arranging guests in a studio to showing imaginative stories, accompanied by gritty comments.

Let us offer our own vision of the essence of political TV talk shows. It seems to us that a socio-political talk is a television platform for active discussions of various opponents who have knowledge and authority in the field of politics and the society, as well as characterised by emotionality and a tendency to entertain the viewer. Political discussions cause a wide public resonance, due to participation of political experts who boldly and sometimes peremptorily express themselves on different occasions. The purpose of a political TV talk show is to draw attention of an audience to some socio-political issues discussed in a studio. The following tasks are set for that: 1) to arouse empathy with an audience for what is happening in a studio; 2) to make a viewer form a certain attitude to a given problem; 3) to make a comprehensively interesting programme with elements of intrigue, scandal and provocation out of a boring and ordinary topic. The object of a socio-political TV talk show is the modern society and processes that happen in it from the point of view of global political and social

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<sup>16</sup> A.A. Grabelnikov, N.S. Gegelova, “Political talk shows on Russian TV channels”, in *Bulletin of the RUDN University* (series: literary studies, journalism), vol. 23 (2), 2018, p. 236.

<sup>17</sup> M.V. Zagidullina, “Information field of Russia in 2014: on the fragility of the “cultural layer””, in *Media Environment*, vol. 9, 2014, pp. 5-9.

<sup>18</sup> Yu.V. Klyuev, D.V. Zubko, “Political talk shows on television: knowledge through entertainment”, in *Information Age*, vol. 1 (2), 2014, p. 88.

<sup>19</sup> S.I. Simakova, “Visual turn: a new philosophy of the image in the media of communication”, in *Bulletin of Chelyabinsk State University*, vol. 10 (420), 2018, p. 226.



phenomena. The subject of socio-political shows are social, public and political ideas about what is happening in the modern reality. Participants of such a TV talk show similar to those in classic shows. In a studio there are usually: 1) a show host as a moderator, who directs a discussion (he fairly distributes time between participants in order to ensure that viewers receive maximum necessary information); 2) guests in a studio (there are political participants, who are in power or in opposition, and non-political people, who are not in power, but offer alternative solutions to a problem; they can often be journalists, who are influential in the society); 3) an audience (depending on a format of a discussion, it can be internal audience, *i.e.* present in a studio with the right to speak out, or external one, *i.e.* viewers at TV screens, who can participate by remote communication, making phone calls, text messages, Internet, *etc.*).

Researchers of the socio-political TV talk show genre have not identified a specific typology for ranking types of television programmes yet, so we will independently propose several classifications, according to which it would be easier to differentiate between the programmes of such kind. Firstly, according to the mentioned talk shows' release time they can be daily ("Meeting Point", NTV), weekly ("The Andrew Marr Show", BBC One), or released on a specific date or event (e.g. debates of candidates for the presidency of Ukraine on Channel 5). Secondly, if we talk about the format of a discussion, socio-political TV talk shows can be discussions in studios between several interlocutors ("Freedom of Speech", ICTV), or in studios with two opponents and a moderator ("The Big Game", Channel 1), or dialogues between a presenter and one person ("Moscow. Kremlin. Putin", Russia 1). For example, in the United States there is a widespread format of a discussion with experts at a distance in a form of debates: a presenter is located in a studio and communicates with several interlocutors who are in other cities. Finally, according to topics of a discussion TV talk shows can be dedicated mostly to foreign policy ("60 Minutes in Hot Pursuit", Russia 1), mostly to domestic policy ("Freedom and Justice", REN-TV / [www.ren.tv](http://www.ren.tv)), or hybrids ("Time Will Tell", Channel 1). In addition, it is worth noting that the majority of such talk shows are broadcast live. However, there are some, which are recorded in advance and released as a finished television product.

It is also important to mention conflicts as one of significant features of socio-political TV talk shows. Conflicts make journalists create outlines for each programme that they host. Such plans are usually based on conflicts.<sup>20</sup> While defending their points of view, opponents of socio-

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<sup>20</sup> D.G. Gadzhimusilova, "Talk show on a modern screen", in *Baltic Humanitarian Journal*, vol. 6, no. 1 (18), 2017, pp. 29-32.

political TV talk shows have to use various communicative confrontational strategies. E.P. Yakovleva<sup>21</sup> identifies the following tactics used by participants in a socio-political TV talk show during a conflict: 1) tactics of a negative assessment (a communicator condemns the subject of a discussion); 2) tactics of interrupting a discussion (opponents interrupt each other in order to speak out); 3) tactics of changing a topic (changing the topic of a discussion in order to avoid conflict points inconvenient for the communicator); 4) tactics of contrasting one's opinion with the interlocutor's one (imposing one's point of view in order to win a dispute with the help of arguments). Besides these strategies, E.P. Yakovleva identifies the following confrontational methods of conflict management: tactics of refuting information, tactics of manifesting doubt, tactics of disagreement, tactics of conveying information through a metaphor, tactics of a provocative question, tactics of rebuke, tactics of insistent persuasion, and tactics of an ironic assessment.<sup>22</sup> We can say, all these kinds of tactics are successfully used in socio-political TV talk shows on Russian television.

Among other things, we can mention the fact that in different countries there are different formats of socio-political TV talk shows. On the air of American channels political programmes have a pronounced authorial character.<sup>23</sup> It is noticeable even by the name of the programmes: the host's initials are added to the name of a TV show ("The Last Word" with Lawrence O'Donnell, "Hardball" with Chris Matthews, "Anderson Cooper 360", "Hannity"), since each of the hosts often conducts the programme, discussing events in the form of a monologue, because he is the author of the project. There are several distinctive features of European and American socio-political TV talk shows. They are the following: an invitation of opinion leaders and "big" politicians to a studio (for example, the Prime Minister and famous guests from the Parliament are often invited to talk shows in the UK); a very close location of guests and TV hosts to each other: they usually sit at the same table; a discussion is conducted almost without any emotion (guests do not interrupt each other, nor do they raise tones of their voices.<sup>24</sup> As for political TV talk

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<sup>21</sup> E.P. Yakovleva, "Tactics of speech behaviour of political talk show participants in a conflict situation", in *Modern discourse analysis*, vol. 3-2 (20), 2018, pp. 106-112.

<sup>22</sup> Ibidem.

<sup>23</sup> Yu.V. Zhorova, "Political Information in the Broadcasting System of the USA and Russia", in *Vlast'*, vol. 2, 2014, pp. 101-104.

<sup>24</sup> J. Thornborrow, "Authenticating Talk: Building Public Identities in Audience Participation Broadcasting", in *Discourse studies*, vol. 3 (4), 2001, pp. 459-479. Retrieved September 20, 2020 from <https://www.jstor.org/stable/24047528>; J.E. Manga, *Talking Trash: The Cultural Politics of Daytime TV talk Shows*, New York University Press, New York and London, 2003; M. Ekström, "Hybridity as a resource and challenge in a talk

shows in the countries on the post-Soviet territory, the differences from their Western colleagues are rather significant. They are like that: a clear separation of opponents; guests are placed very far from each other (at least at a distance of 3 or 4 metres); experts often broadcast behind special pedestals: it gives the effect of speaking from a rostrum in a frame; a presenter is not only a moderator, but he can also “warm up” a conversation by expressing his own opinion to an opponent; there is nearly always an audience in a studio, while it does not always take place in programmes of Western countries; frequent impolite communication of participants with each other takes place: a high tone of statements, an interruption, use of jargonisms, insults, and generally a tense atmosphere.

### **Socio-political TV talk shows on Russian television**

Political discussions held on Russian television channels are causing a widespread interest among the audience, thereby increasing impressive ratings. For example, according to the Mediascope data for 2017, the programme “60 Minutes” (“Russia 1”) had a rating of 4.8: this indicator is the best among TV talk shows of a social and political orientation. It allowed the All-Russian State Television and Radio Broadcasting Company (www.vgtrk.com) to further increase the duration time of such talk shows by allocating another hour in the daytime (from 1 to 2 p.m.). It is worth noting that the success of such programmes is also due to the fact that they are broadcast in the prime time (a time period between 6 and 10 p.m.). So, the final part of the release of the programme “Time Will Show” (“Channel 1”) comes out right after the “Evening News”, and it is very important for programmes of this genre. Viewers are really interested in the opinions of well-known political experts (including foreign ones) who speak out on this or that occasion, and harsh statements addressed to each other attract Russians to the screens even more. There is also an opinion that the popularity of the socio-political TV talk show genre is associated with a high rating of public confidence in the authorities.<sup>25</sup>

As far as we can see, the main reasons for the increase in the volume of political content on Russian television are the following: acquaintance of the Russian audience with the main events of political agenda, a kind of political information; an increase in television ratings as a method of

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show political interview”, in M. Ekström & M. Patrona (eds.), *Talking Politics in Broadcast Media: cross-cultural perspectives on political interviewing, journalism and accountability*, John Benjamins Publishing Company, Amsterdam, Philadelphia, 2011, pp. 135-156.

<sup>25</sup> Yu.I. Dolgova, “The Phenomenon of Popularity of Socio-political Shows on Russian TV in the Fall of 2014 - in the Spring of 2015”, in *Bulletin of Moscow University (series 10: journalism)*, vol. 6, 2015, pp. 175-176.

competition between channels; building up of an image capital of the Russian authorities.<sup>26</sup> Mostly due to all these reasons, socio-political TV talk shows have consistently enjoyed the attention of the public, demonstrating, on the one hand, impressive ratings and, on the other, a constant increase in airtime over the past five years.

Studying Russian socio-political TV talk shows, which are a public discussion of political issues, some researchers state that the ideological orientation of those programmes is propaganda by nature. Thus, such talk shows serve as a means of political influence, because they express points of view of the current government, norms and ideological values. So, I.D. Marlin believes that the increase in ratings of those programmes occurred only because the Russian authorities needed to increase the level of legitimacy of their actions.<sup>27</sup> Yu.I. Dolgova notes that, as far as the most popular topic of Russian socio-political TV talk shows is the crisis in Ukraine, we can conclude that such talk shows correspond to the policy of the Russian state at least in that matter.<sup>28</sup>

In response to all kinds of accusations from Western countries, Russia's information policy includes creating its own picture of the world as well as organising an agenda, and this process requires the use of technology in order to evaluate actions of other countries and maintain its own reputation in the eyes of Russians. Socio-political TV talk shows have been created to spread a positive image of the authorities. They run for several hours on weekdays, deliberately telling about the failures of "foreign partners" and Russia's successes in the foreign policy, but at the same time paying little attention to problems in its domestic policy. Such a technique in the theory of propaganda is called "chatter".<sup>29</sup>

### **Positive Ratings of Russian socio-political TV talk shows and programmes of other kind**

We have analysed the television broadcast of Russia's main TV channels: Channel 1, Russia 1, and NTV in order to confirm the above reasons for increasing the time spent on politics on Russian television. To

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<sup>26</sup> A.V. Ryazanov, "Specifics of the genre of socio-political talk shows on Russian television", in *Media in the modern world. Young Researchers*, Saint Petersburg, 2019, pp. 294-296.

<sup>27</sup> I.D. Marlin, "Political talk shows as an information resource in the political system of modern Russia", in *Youth and Science of the 21<sup>st</sup> Century. Society, state and law in a historical context*, Krasnoyarsk, 2018, pp. 15-16.

<sup>28</sup> Yu.I. Dolgova, "The Phenomenon of Popularity of Socio-political Shows on Russian TV in the Fall of 2014 - in the Spring of 2015", in *Bulletin of Moscow University (series 10: journalism)*, vol. 6, 2015, pp. 175-176.

<sup>29</sup> V. Sorochenko, *Encyclopedia of propaganda methods. How we are treated by the media, politics and advertising*, Novgorod, 2002, p. 116.

begin with, we have compared the television network of each channel in terms of the time allocated to socio-political TV talk shows for the last three years on November 1<sup>st</sup>, and also on April 1<sup>st</sup> in the years of 2016-2019 (weekdays).

**Table 1**

	November 1 <sup>st</sup> , 2016	November 1 <sup>st</sup> , 2017	November 1 <sup>st</sup> , 2018	November 1 <sup>st</sup> , 2019
Channel 1	3 hours 25 min. ("Time Will Show": from 1.20 p.m. to 2 p.m.; from 2.15 p.m. to 3 p.m.; from 3.15 p.m. to 4 p.m.; repeat from 1.05 a.m. to 2.30 a.m.)	4 hours 35 min. ("Time Will Show": from 12.15 p.m. to 3 p.m.; from 5 p.m. to 6 p.m.; repeat from 00.30 a.m. to 1.35 a.m.)	5 hours 10 min. ("Time Will Show": from 12.15 p.m. to 3 p.m.; from 5 p.m. to 6 p.m.; from 6.25 p.m. to 6.50 p.m.; "The Big Game": from 10.45 p.m. to 11.45 p.m.)	5 hours 10 min. ("Time Will Show": from 12.15 p.m. to 3 p.m.; from 5 p.m. to 6 p.m.; from 6.25 p.m. to 6.50 p.m.; "The Big Game": from 00.30 a.m. to 1.30 a.m.)
Russia 1	4 hours 10 min. ("60 Minutes": from 6.50 p.m. to 8 p.m.; "Evening with Vladimir Solovyov": from 11.40 p.m. to 2.40 a.m.)	4 hours 30 min. ("60 Minutes": from 1 p.m. to 2 p.m.; from 7 p.m. to 8 p.m.; "Evening with Vladimir Solovyov": from 11.15 p.m. to 1.45 a.m.)	5 hours 5 min. ("60 Minutes": from 12.50 p.m. to 2 p.m.; from 6.50 p.m. to 8 p.m.; "Evening with Vladimir Solovyov": from 11.20 p.m. to 2.05 a.m.)	7 hours 15 min. ("60 Minutes": from 12.50 p.m. to 2 p.m.; from 6.50 p.m. to 8 p.m.; "Who is Against?": from 2.45 p.m. to 5 p.m.; "Evening with Vladimir Solovyov": from 11.20 p.m. to 2.00 a.m.)
NTV	2 hours ("Meeting Point": from 2 p.m. to 4 p.m.)	4 hours 25 min. ("Meeting Point": from 2 p.m. to 4 p.m.; from 4.30 p.m. to 5 p.m.; repeat from 00.45 a.m. to 2.40 a.m.)	4 hours 40 min. ("Meeting Point": from 2 p.m. to 4 p.m.; from 4.30 p.m. to 5.15 p.m.; repeat from 1.20 a.m. to 3.15 a.m.)	5 hours 35 min. ("Meeting Point": from 2 p.m. to 4 p.m.; from 4.30 p.m. to 5.15 p.m.; repeat from 1.45 a.m. to 3.35 a.m.; "Cannot Be Changed": from 11 p.m. to midnight)

As we can see from table 1, over the past four years television channels have only increased the airtime of socio-political TV talk shows. All the

federal channels have succeeded in it, having launched one (or even two) new TV programmes. On average, the broadcast time of the socio-political TV talk shows has doubled. The figures of the channel "Russia 1", which broadcasts socio-political TV talk shows for almost a third of the day during the prime time ("60 Minutes" and "Evening with Vladimir Solovyov") are especially striking. It should also be noted that broadcasting on the channel "Russia 1" is also full of politics on Sunday evenings: first Vladimir Solovyov's programme "Moscow. Kremlin. Putin" (by the way, it is not included in the tables, because it is not a talk show), and then his "Evening with Vladimir Solovyov", which lasts for two or three hours.

It should be stated that the duration of political discussions has also increased in programmes of other genres. The popular entertainment programmes of Channel 1, "The Club of Cheerful and Resourceful" (KVN) and "ProjectorParisHilton", have also started to refer to politics these days. Jokes of the most KVN Premier League teams are created in such a way that they become consonant with the goals and requirements of the state propaganda broadcast on the federal television: in the mentioned programmes we can hear and see a lot about Russia's unfriendly relations with Europe and the USA, V. Putin's heroisation, and discretisation of Western values.<sup>30</sup> The releases of "ProjectorParisHilton" in 2017 often had a foreign policy debate as well. Among the star guests invited to the programmes were such statesmen as M. Zakharova, N. Poklonskaya, and A. Kudrin.

It should be noted that after the year of 2017 the programme "ProjectorParisHilton" was restarted due to political matters discussed it it. The 2017 television season of the programme was very successful: the rating was from 2% to 5% (the number of spectators of the programme was the highest despite the fact it was released on late Saturday evening). Besides, on YouTube each issue of the programme had a minimum of 2 million views, always getting into Youtube's Trending tab. The programme named KVN is still one of the most popular entertainment programmes on Channel 1, and its jubilee issue in 2016 became the highest-rated television event of the year.

Socio-political TV talk shows have a persistent positive dynamics in their rating indicators. As part of the study, we have carried an additional content analysis of socio-political TV talk shows on Russian television, which are similar in a format: "Time Will Show" ("Channel 1"), "60 Minutes" ("Russia 1") and "Meeting Point" ("NTV"). We have compared the issues of the programmes, which were released on February 19<sup>th</sup>, 2020.

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<sup>30</sup> S.I. Simakova, "Visual turn: a new philosophy of the image in the media of communication", in *Bulletin of Chelyabinsk State University*, vol. 10 (420), 2018, pp. 225-232.

**Table 2**

TV programmes	Given topics and time for their discussion	Attitude to guests	Hosts' behaviour	Presence of the pro-Russian nature of discussions
"Time Will Show"	The discharge from hospital near Tyumen of quarantined Russians, evacuated from China (8 min.); measures to slow down the coronavirus epidemic in our country and abroad (15 min.); federal security service officers prevented a school bomb attack in Kerch (10 min.); a teacher was beaten in the Pskov region (20 min.); increasing aggression in the society (10 min.); the State Duma deputy V.V. Milonov proposed fixing in the Constitution of the Russian Federation a ban on abortions (20 min.); shelling in Donbass, provocations on the Ukrainian border (45	Guests are divided into two categories: supporting or denying the hosts' point of view. Positive comments from the audience are often accompanied by compliments from the hosts and applause from the rest of the audience. Those who deny (most often they are foreign guests or representatives of a liberal ideological direction) are condemned by the hosts or guest opponents (raising their voices at them) and are accompanied by a discontented hum of the audience.	Artyom Sheinin and Anatoly Kuzichev behave emotionally, use a common language, they sometimes make harsh statements about the guests. Ekaterina Strizhenova acts as a mediator of discussions, directing the conversation into a particular stream without unnecessary statements.	Pro-Russian discussions take place, because the presenters and most of the guests openly talk about the correctness of the Russian politics and condemn the actions of other countries. They begin to conflict with those who are trying to talk about Russia's problems, and belittle their points of view.

	min.).			
“60 minutes”	The coronavirus epidemic (20 min.); ban on Chinese citizens entering the Russian Federation (10 min.); aggravation of the military situation in Donbass and a meeting of the UN Security Council on this issue (20 min.); evacuation of Ukrainians from Wuhan to Lviv (10 min.).	Guests are divided into two categories: supporting or denying the point of view of the hosts. Positive comments from the audience are often accompanied by compliments from the hosts and applause from the rest of the audience. Those who deny (most often they are foreign guests or representatives of a liberal ideological direction) are condemned by the hosts or guest opponents (raising their voices at them).	Olga Skabeeva and Evgeny Popov behave professionally. However, they can abruptly interrupt speakers, raising their voices.	Pro-Russian discussions take place, the hosts agree with guests holding a point of view according to which Western countries are hostile to Russia. There are conflicting situations with those who initially have opposite points of view.
“Meeting Point”	The YUKOS case and in this connection the court decision in the Hague on payment of \$ 50 billion compensation to the shareholders of the company (25 min.); the role of international legal proceedings in the life of Russia (10 min.); amendments to	Guests are divided into two categories: supporting or denying the point of view of the hosts. Positive comments from the audience are often accompanied by compliments from the hosts and applause from the rest of the audience. Those who deny (most often they are foreign	Andrey Norkin and Ivan Trushkin behave professionally, they try not to get away from the topic, warning experts who have switched to other topics, but quite often they allow themselves inappropriate jokes (jokes and laughter are part of this programme,	Pro-Russian discussions take place, guests and the host have a pronounced pro-Russian point of view, disputes begin with conflicts, they often acquire a character of humiliation in connection with a laughing audience.



	the Constitution of the Russian Federation (15 min.); consideration of cases in the European Court of Human Rights (20 min.); Oleg Deripaska's lawsuit against the US Treasury (20 min.).	guests or representatives of a liberal ideological direction) are condemned by the hosts or guest opponents (raising their voices at them) and are accompanied by a discontented hum of the audience.	though).	
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Thus, we see from table 2 that the main topics of Russian socio-political TV talk shows are mainly about events that have a political or near-political agenda. Moreover, discussions have an extremely tendentious orientation, with a strong agitation component and sharpened polemics. The main message is that only the current government is able to cope with the problems of our time, adequately respond to challenges and political demarches. The vivid emotional component of a socio-political TV talk show, consisting of a special selection of guests and an expressive manner of broadcasting, emphasises the propaganda nature of television programmes, their pronounced political engagement.

It is also important that almost all socio-political TV talk shows have a positive dynamics in their rating indicators. The “60 Minutes” programme was a unique event in the 2017 / 2018 television season: its seven episodes became the most rated among all the programmes in the genre of a socio-political TV talk show, over the year the figures of the most rated programme have increased from 4.8 % to 5.7%.<sup>31</sup> At the beginning of its broadcasting the rating indicators were 3.2%.<sup>32</sup> The programme “Evening with Vladimir Solovyov” in the 2017 / 2018 season had the best rating among other political programmes of that year: 4.3%, while the programme is broadcast in late prime time and lasts for almost three hours. V. Soloviev maintains good rating indicators, which are compared with the previous season, although earlier ratings reached 5%. The

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<sup>31</sup> A. Uspenskiy, *Television season results in ratings: football, Putin, Kemerovo and Armen Dzhigarkhanyan*, 2018. Retrieved August 4, 2020 from <https://tjournal.ru/74135-itogi-telesezona-v-reytingah-futbol-putin-kemerovo-i-armen-dzhigarhanyan>.

<sup>32</sup> I. Karev, *Talk about politics*, 2017. Retrieved August 4, 2020 from [https://www.gazeta.ru/culture/2017/02/22/a\\_10539917.shtml](https://www.gazeta.ru/culture/2017/02/22/a_10539917.shtml).

programme “Time Will Show” has significantly increased indicators: in January 2017 the rating was from 2% to 2.5%, while now the figures are reaching 4%. However, average indicators remain around the same 3%, like in the times when Peter Tolstoy was the host of the programme. Finally, the “Meeting Point” programme occasionally shows good rating indicators, e.g. the show which took place on October 12<sup>th</sup>, 2018, but the average rating is still from 2% to 2.5% (Leading TV programmes by genre among Muscovites).

## Conclusions

We believe that the success of political content on Russian television is apparent and determined by the need for communication support of the domestic and foreign policies of the Russian Federation. A high demand for political information can be traced both from the audience and the current government, the latter seeking to obtain public approval of the current political course. It is obvious that the Russian television audience desires to understand the geopolitical agenda, form their own opinions on current events, and find authoritative confirmation from experts and politicians.

It is evident that in the nearest time the popularity of socio-political TV talk shows won't decrease. It should be noted that the process of increasing the flow of information, coming from the government and aimed at maintaining a common political discourse, will continue. In turn, it will affect the further increase in the quantitative and qualitative diversity of socio-political programmes.

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# A NEW SOCIAL IDENTITY. INCARCERATION OF YOUTH OFFENDERS

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**Abstract:** *The topic of interest in this paper is the ex-inmates reintegration process after being released from prison, especially obtaining and maintaining employment. Attaching a criminal stigma has a specific symbolic meaning for inmates and their sense of social identity. Identity is considered to consist of many self-identification labels, which often reflect the individual's life experiences and structural opportunities. However, these labels do not sum up the whole human being, but this "new" identity will be the one that will try to obtain and maintain a job after being released from prison.*

**Keyword:** *social identity, symbol, label, stigma, prison*

Persons sentenced to prison are labelled as a danger to society and are thus separated from society for different periods of time. By detention in prison, a symbolic structure, the inmate must be rehabilitated to later reintegrate into society. Upon release, he bears the label of being an *inmate* or *offender* as a symbol of the new social identity assimilated with incarceration. The symbol of incarceration is attached to the individual for an extended period after release and in different contexts, whether we are talking about the development of human, social, cultural or economic capital.

As a theoretical background of the phenomena, crime and social deviance are part of the paradigm of the sociology of deviance, through the works of Sykes<sup>1</sup> and Goffman<sup>2</sup> on total institutions, where the relationship between culture, structure and individual was demonstrated. The interaction between the individual and society also encompasses cultural aspects, and much of this dynamic has its roots in symbolic interactionism.

Early symbolic interactionism<sup>3</sup> focused on manipulating symbols (space, gender, or class) to create meaning and allow individuals and groups

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<sup>1</sup> Gresham Sykes, *The Society of Captives: A Study of a Maximum Security Prison*. Princeton, NJ: Princeton University Press, 1958.

<sup>2</sup> Erving Goffman, *Asylums: essays on the social situation of mental patients and other inmates*. Chicago: Aldine Pub. Co., 1962.

<sup>3</sup> Edwin Lemert, *Social Pathology: A Systematic Approach to the Study of Sociopathic Behavior*. New York, NY, McGraw-Hill, 1951.

to situate themselves in a social environment<sup>4</sup>. Through interactions with others, the individual comes to assume a role (or roles) that mediates both the way he sees himself (personal identity) and the way he is seen by others (public identity)<sup>5</sup>. Another significant contribution of symbolic interactionism is how deviance is defined and how labels are applied, and the consequences of this process<sup>6</sup>. Clearly, for people with a criminal record, the public procedures (arrest, trial) surrounding their conviction are designed to remove them from the current welfare state and initiate a process of re-socialisation and redefining their position in society<sup>7</sup>.

In addition, symbolic interactionism has a long history of research and presents various theoretical perspectives. Thus, Cooley's<sup>8</sup> concept of the "mirror self" appears, through which the individual sees himself based on his own interpretations of the perceptions of those around him. What forms an individual's self is the result of the complex and dynamic interaction between identity and concern for others' perceptions. This approach was developed by George Herbert Mead, who suggested that there is a mutually transformative dynamic between individuals and the environment, thus laying the foundations for what Herbert Blumer will call symbolic interactionism<sup>9</sup>. Based on these arguments, we can consider the prisons a significant representation of the complex dynamics between an individual and the environment.

According to Mead<sup>10</sup>, any study of society should start examining and interpreting symbols, language, and communication. A fundamental principle of symbolic interactionism is that actions are influenced by the conception we have of our own identity. The author argued that individuals build meanings and understandings of the self through social interaction. In other words, self-identity occurs due to assuming a specific role. Assuming roles is how an individual can see himself from another individual or group's perspective. This process of taking on a role occurs at

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<sup>4</sup> Erving Goffman, *The Presentation of Self in Everyday Life*, New York: The Overlook Press, 1959.

<sup>5</sup> Idem 4

<sup>6</sup> Idem 4

<sup>7</sup> Mary Bosworth, *Engendering Resistance: Agency and Power in Women's Prisons*. Aldershot: Ashgate Press, 1999.

<sup>8</sup> Charles Cooley, *Social organization: A study of the larger mind*. Charles Scribner's Sons, 1909.

<sup>9</sup> Scott Appelrouth, Laura Edles, *Sociological theory in the contemporary era: Text and readings*. Thousand Oaks, Calif: Pine Forge, 2010.

<sup>10</sup> George Herbert Mead, *Mind, self and society*. Chicago: University of Chicago Press, 1934.

the level of consciousness and allows individuals to consider the consequences of an action before engaging in reflected behaviour<sup>11</sup>.

Any sociological consideration of self and social identity must presuppose a dialectical relationship between self and society<sup>12</sup>. Identities represent the self and its components in various social interactions, i.e. each individual has multiple social identities, depending on the context or social position in which they are. Another interpretation is that identity is fluid between the reflexive self and the environment's navigation<sup>13</sup>.

The transition to prison life is a drastic life event, and the constant management of identity during detention becomes a real challenge for the incarcerated person. In fact, the prison was initially built around the monastic philosophy of reflexivity or time spent in contemplation and repentance. Reflexivity is often based on moments or landmarks that mark memorable transitions in the individual's relationship with others and the environment of re-identification<sup>14</sup>. Because identity is the focal point of the self in interacting with others, individuals consider the environment when mentally projecting themselves<sup>15</sup>. Thus, the identity transition is a central notion between the way inmates look at each other when they arrive in prison, how they perceive themselves as imprisoned, and then after release.

However, inmates' identities are not simply a transition that follows a particular path. Instead, the transition has a specific purpose at the individual and society level – to attract a stigma, as an almost permanent symbol of distrust. Goffman<sup>16</sup> considers the evolution of stigma as an essential exclusion tactic in modern society. Unfortunately, modern society offers multiple examples of discrimination based on race, ethnicity, physical and psychological disability and, at the heart of this paper, discrimination based on criminal record.

Thus, ex-offender labour market opportunities are limited due to several factors, one of which is stigma<sup>17</sup>. Labelling theory addresses access

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<sup>11</sup> Ross L. Matsueda, The Natural History of Labeling Theory. In Farrington, D.P., Murray, J. (eds.) *Advances in Criminological Theory Vol. 18: Labeling Theory: Empirical Tests*. New Brunswick, NJ: Transaction, 2014.

<sup>12</sup> Sheldon Stryker, *Symbolic Interactionism: A Social Structural Version*. Menlo Park, CA, The Benjamin/Cummings Publishing Company, 1980.

<sup>13</sup> Idem 11.

<sup>14</sup> Alisa Stevens, I am the person now I was always meant to be: Identity reconstruction and narrative reframing in therapeutic community prisons. *Criminology & Criminal Justice*, 12, 2012, pp. 527-547.

<sup>15</sup> Mark R. Leary, June Price Tangney (eds.) *Handbook of Self and Identity*. Guilford Press, 2003.

<sup>16</sup> Erving Goffman, *Stigma*. Englewood Cliffs, NJ, Prentice-Hall Publ, 1963.

<sup>17</sup> Kai Erikson, Notes on the sociology of deviance. *Social Problems*, 9(4), 1962, pp. 307-314.

to employment after a person has been classified as a "criminal"<sup>18</sup>. One of the researches based on labelling theory demonstrates that once an offender is classified as such by others, he will further internalise the assigned identity and engage in later criminal behaviour<sup>19</sup>. This deviant identity could discourage him from carrying out a legal activity or developing pro-social behaviour. However, another practical application of labelling theory states that labelling impacts labour market opportunities and contact with community services (probation or treatment services) will reduce the chances of obtaining a new status and independent of the former<sup>20</sup>.

Although work can be an integrative force that develops identity<sup>21</sup>, research has shown that many offenders are firmly attached to their unconventional identities<sup>22</sup>. However, Hagan and McCarthy found in their 1997 study<sup>23</sup> that subjects left the criminal lifestyle through legal employment, which changed their life trajectories. At the same time, they acknowledged that their opportunities were often only in the secondary labour market, so a significant change was difficult. However, they identified legal employment opportunities as the mechanism that allowed them to leave the criminal career.

Some authors<sup>24</sup> have assumed that identity is fluid and can be changed<sup>25</sup>. Burnett and Maruna, in their 2006 study,<sup>26</sup> stated that identity could be changed and identity reconstruction can be achieved by obtaining rewarding jobs, allowing former inmates to develop pro-social concepts and self-identity. The authors combined elements from criminology, sociology of work and social identity and placed identity reconstruction as

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<sup>18</sup> Devah Pager, The mark of a criminal record. *American Journal of Sociology*, 108(5), 2003a, pp. 937-975.

<sup>19</sup> Idem 6.

<sup>20</sup> Scott Davies, Julian Tanner, The Long Arm of the Law: Effects of Labeling on Employment. *The Sociological Quarterly*, 44(3), 2003, pp. 385-404.

<sup>21</sup> Christopher Uggen, Sara Wakefield, Bruce Western, Work and Family Perspectives on Reentry. pp. 209-243 in *Prisoner Reentry and Crime in America*, edited by Travis, J., Visser, C. New York, NY: Cambridge University Press, 2005.

<sup>22</sup> Thomas A. Loughran, Holly Nguyen, Alex R. Piquero, Jeffrey Fagan, The returns to criminal capital. *American Sociological Review*, 78(6), 2013, pp. 925-948.

<sup>23</sup> John Hagan, Bill McCarthy, *Mean Streets*. New York, NY, Cambridge University Press, 1997.

<sup>24</sup> David A. Snow, Leon Anderson, Identity Work among the Homeless: The Verbal Construction and Avowal of Personal Identities. *The American Journal of Sociology*, 92(6), 1987, pp. 1336-1371.

<sup>25</sup> Harry J. Holzer, Demetra Smith Nightingale, *Reshaping the American Workforce in a Changing Economy*, Washington D.C., The Urban Institute Press, 2007.

<sup>26</sup> Ross Burnett, Shadd Maruna, The Kindness of Prisoners: Strengths-based Resettlement in Theory and in Action. *Criminology & Criminal Justice*, 6(1), 2006, pp. 83- 106.



the primary objective. In the form of work that offers various rewards, self-conceptions, and pro-social identity will help vulnerable groups identify themselves as law-abiding citizens. Another argument<sup>27</sup> is that former inmates must develop a coherent and pro-social identity in order to explain and understand their past and present and then be able to project their future.

Therefore, the perception of one's own identity can affect social capital attainment. Adding new resources can coincide with pro-social attitudes, as changing previous priorities and perspectives can generate positive results over time<sup>28</sup>. Social identity can become tense when individuals have contact with criminal justice agents, and this tension can affect the chances of people with a criminal record to comply with society's rules and regulations if they believe their identity is perceived in relation to past behaviour or if they consider that the criminal justice system still views him as a criminal<sup>29</sup>. One study<sup>30</sup> explain that - in terms of parole and probation - the person's goals with a criminal record are often neglected in terms of basic needs and social relationships. These examples describe the nature and extent that social identity perception can have on a person, especially in the criminal justice system eyes.

Imprisonment can change the level of social capital as experiences during detention contribute to the individual's stigmatisation after release. Stigma can also prevent reintegration into the community by labelling the person with a criminal record as an offender<sup>31</sup>. Those who try to change others' opinions by adopting pro-social attitudes can benefit from developing connections within relationships so that the individual's ability to obtain social capital can be improved. However, isolation at the time of release could restrict previous connections and limit individuals' ability to make new ones.

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<sup>27</sup> Shadd Maruna, *Making good: How ex-convicts reform and rebuild their lives*. Washington, D.C., American Psychological Association, 2001.

<sup>28</sup> Dina Rose, Todd R. Clear, Incarceration, reentry, and social capital. Prisoners once removed: The impact of incarceration and reentry on children, families, and communities, 2003 Available Online:

<https://www.urban.org/sites/default/files/publication/60671/410623-Incarceration-Reentry-and-Social-Capital.PDF>

<sup>29</sup> David S. Kirk, Prisoner Reentry and the Reproduction of Legal Cynicism. *Social Problems*, 63, 2016, pp. 222–243.

<sup>30</sup> Jaqueline Bosker, Cilia Witteman, Jo Hermanns, Do Intervention Plans Meet Criteria for Effective Practice to Reduce Recidivism? How Probation Officers Forget about Social Capital and Basic Needs. *European Journal of Probation*. 5, 2013, pp. 65-85.

<sup>31</sup> Idem 29.

Other research findings<sup>32</sup> show that incarceration can limit opportunities when individuals try to rebuild their lives after release. One example of these findings is the study conducted by Western and Pettit<sup>33</sup>, by comparing subjects from similar age groups and levels of education, they conclude that those who have never been incarcerated are more likely to earn a higher salary. After being released from prison, the stigma of being an offender further complicates the deficiencies in the educational history and the labour market. In a survey<sup>34</sup> of 3,000 employers, it was found that two-thirds of them would not hire a former offender, and about 70% of former inmates attributed the lack of a job to a criminal record and not educational deficiencies or lack of skills. Most former inmates perceived the criminal record as a barrier to getting a job after release. According to these statements, employers' checking the criminal record inhibited the ability to get a job, and former inmates perceived employers' attitude as the main barrier to achieving reintegration goals<sup>35</sup>. Another study<sup>36</sup> supports these findings, where stigma among incarcerated women translated into social non-acceptance when returning in the community.

The results of the study conducted by Downing<sup>37</sup> (1985) recommend that offenders should be made aware of employers' concerns before they are released from prison. The purpose was to identify the prejudices held by employers. The researcher found that most companies were willing to hire ex-offenders, except those who had long periods of incarceration or multiple arrests. Employers prefer to hire former inmates whose experience has been gained from external sources other than the prison. The study's most important conclusion was to highlight a much-needed practice of informing inmates before release about employers' concerns.

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<sup>32</sup> Cassandra Atkin, Gaylene Armstrong, Does the Concentration of Parolees in a Community Impact Employer Attitudes Toward the Hiring of Ex-Offenders? *Criminal Justice Policy Review*, 24(1), 2013, pp. 71-93.

<sup>33</sup> Bruce Western, Becky Pettit, Black-White Wage Inequality, Employment Rates, and Incarceration. *American Journal of Sociology*, 111(2), 2005, pp. 553-578.

<sup>34</sup> Christy A. Visher, V. Kachnowski, Finding Work on the Outside: Results from the 'Returning Home' Project in Chicago. In *Barriers to Reentry? The Labor Market for Released Prisoners in Post-industrial America*, edited by Shawn Bushway, Michael A Stoll, and David Weiman. New York: Russell Sage Foundation, 2007.

<sup>35</sup> Christy A. Visher, Sara Debus, Jennifer Yahner, *Employment after prison: A longitudinal study of releasees in three states*. The Urban Institute Press, Washington, DC, 2008.

<sup>36</sup> Nancy G. La Vigne, Lisa E. Brooks, T. L. Shollenberger, Women on the outside: Understanding the experiences of female offenders returning to Houston, Texas The Urban Institute, Justice Policy Center, Washington, DC, 2009. Available online: [http://www.urban.org/UploadedPDF/411902\\_women\\_outside\\_houston.pdf](http://www.urban.org/UploadedPDF/411902_women_outside_houston.pdf)

<sup>37</sup> David M. Downing, *Employer biases toward the hiring and placement of male exoffenders*. (Doctoral dissertation, Southern Illinois University, 1984). (UMI No. 8526664)

To conclude, the label of offender or inmate creates a barrier to obtaining a job, even if the ex-offenders are qualified for the positions to which they apply<sup>38</sup>. The time spent in detention results in lost work experiences and poor social contacts, further aggravating the efforts to obtain a job. This context increases the possibility that ex-offenders have deficits in education and labour market history<sup>39</sup>. The typical job for which a former inmate retains the required skill set includes jobs in construction, food service, or other jobs that require only reduced skills or unskilled labour<sup>40</sup>.

As mentioned above, research results can attribute or influence society's perceptions. Therefore, it is necessary to consider employers' different perspectives regarding the employment of people with a criminal record. This information will enable former inmates to cope with reintegration challenges, such as obtaining a job successfully and effectively. Reflecting on the classical sociological concept of the "mirror self", we can conclude that any personal change would go unnoticed without the external forces of social and structural environments.

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<sup>38</sup> Mark T. Berg, Beth Huebner, Reentry and the ties that bind: An examination of social ties, employment, and recidivism. *Justice Quarterly*, 28, 2011, pp. 382-410.

<sup>39</sup> Idem 36.

<sup>40</sup> Amy L. Solomon, Kelly Dedel Johnson, Jeremy Travis, Elizabeth Cincotta McBride, *From Prison to Work: The employment dimensions of prisoner reentry*. A report of the Reentry Roundtable. Washington, DC, Urban Institute Justice Policy Center, 2004.

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# METAMORPHOSIS OF ADMINISTERING VAT IN THE CONTEXT OF IMPROVING THE ECONOMIC INSTRUMENTS OF COUNTERACTING THE HYBRID WAR

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**Abstract:** *Despite the existence of state programs and privileges in Ukraine aimed at supporting veterans, there are a number of obstacles to their implementation. The current state of legislative regulation of charity in Ukraine does not ensure access of people to charitable assistance and does not ensure observance of the right to social protection and support, health care, safe life and health, etc. The purpose of this article is to highlight the peculiarities of taxation by value added tax the transactions for provision (obtaining) of charitable assistance by participants of Anti-Terrorist Operations (Joint Forces Operation), as well as developing directions for improving VAT taxation. The low level of business stimulation for volunteering or targeted charity reflects the lack of such activity at some of Ukraine's largest enterprises. An analysis of the status of provision by material assistance to combatants and members of their families pointed out the need to develop new directions of business stimulation or increase the number of state programs to support citizens who protect the territorial integrity of Ukraine. After examining the norms of the Tax Code of*

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*Ukraine regarding the taxation of VAT transactions, the main areas of economic activity of business entities that are exempt from VAT are established: transactions on supply of rehabilitation equipment and vehicles for persons with disabilities, food supply transactions, provision of property, communal services, etc. in rehabilitation institutions at the expense of state funds, provision of charitable assistance by charitable organization, supply of agricultural products by agricultural producers to labor and war veterans, rehabilitated citizens, disabled persons and others. The directions of improvement of the tax system in the part of VAT are suggested by introducing a number of privileges, such as: allowing to include in the tax credit on VAT amounts paid by business entities to suppliers when purchasing services, which will later be transferred in the form of charitable assistance to ATO (JFO) participants; not to include VAT in the price of goods, works, services purchased by participants ATO (JFO) or members of the families of deceased ATO (JFO) participants.*

**Keywords:** *taxation, value added tax, combatants, tax exemptions, charitable assistance, charitable organizations, charitable activity, Anti-Terrorist Operation (Joint Forces Operation).*

## **Introduction**

From the beginning of the military conflict in eastern Ukraine in 2014, as of June 2019, according to the data of the State Service of Ukraine for War Veterans and Anti-Terrorist Operation Participants ATO (Joint Forces Operation – JFO)<sup>1</sup> the status of the participant in combat operations was already received by 369 294 people. At the legislative level, the state guarantees the ATO participants (JFO) social protection in all spheres, i.e. medical, housing and communal services, cash assistance, labor, etc. However, in spite of the existence of state programs and privileges in Ukraine aimed at supporting veterans, there are a number of obstacles to their implementation: bureaucratic barriers, lack of funding, lack of widespread information on the opportunities that ATO veterans have, etc. In addition, the number of people in need of assistance is extremely high.

In the western countries, the state actively supports the development of charity, creating sufficiently favorable conditions for this. In Belgium and the UK, sponsorship incentives are provided by deducting the amount spent on advertising and marketing operations from the amount of income tax. In Austria and France, sponsorship is treated as a marketing campaign for advertising and is also not taxed. In the United States, charity also has

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<sup>1</sup> *Information on granting the status of a combat participant*, Retrieved from: <http://dsvv.gov.ua/dostup-do-publichnoji-informatsiji/informatsiya-schodo-nadannya-statusu-uchasnyka-bojovyh-dij.html>, (2019)



significant benefits. In this country, the amount of tax deductions as a result of providing charitable assistance is up to 10% of the company's income; In the case of donations in cash, you can receive a tax deduction within 50% of the annual income, in the case of donations not in cash – 20-30%. The total amount of charity in the United States in recent years is about 2% of GDP. In France, a tax system has been introduced, which involves a 60% reduction in enterprises' taxes in the case they provide patronage assistance. Hungary allows to spend on patronage 70% of the profits of enterprises and companies, Greece – 30%, Germany – 33,2%<sup>2</sup>.

The current state of legislative regulation of charity in Ukraine does not provide access to charitable assistance in those cases and amounts that ensure the rights guaranteed by the Constitution and laws of Ukraine, in particular, on social protection and support, health care, safe for life and health environment, sufficient standard of living. The state does not pay attention to this issue at the appropriate level, often the assistance provided is a formality. One of the reasons is the low level of business stimulation, which is also provided by the system of tax exemptions.

### **Theoretical Basis**

Among the scientific works, which research various aspects of the development of the theory of the hybrid war, one should distinguish the work of such foreign and domestic scholars of the present days as Almäng J.<sup>3</sup>, Hoffman F.<sup>4</sup>, Kalyayev A., Efimov G., Motornyy V., Dzianyy R., Akimova L.<sup>5</sup>, Semigina T.<sup>6</sup>, Zhyhlei I.<sup>7</sup>, Zakharov D.<sup>8</sup> and others.

Recently, the issues of the taxation of charitable assistance to ATO participants (JFO) have become more and more relevant and are raised in scientific discussions. Thus, in particular, the general issues of accounting

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<sup>2</sup> A. Venhlovskiy, *Gifts from above*. Business, 43, (2005), pp. 86-90.

<sup>3</sup> J. Almäng, *War, vagueness and hybrid war*. Defence Studies. Vol. 19, Issue 2, (2019). pp. 189-204.

<sup>4</sup> F.G. Hoffman, *Conflict in the 21st Century: The Rise of Hybrid Wars*. Potomac Institute for Policy Studies. Arlington, Virginia, (2007). p. 72. Retrieved from: [http://www.projectwhitehorse.com/pdfs/HybridWar\\_0108.pdf](http://www.projectwhitehorse.com/pdfs/HybridWar_0108.pdf)

<sup>5</sup> A. Kalyayev, G. Efimov, V. Motornyy, R. Dzianyy, L. Akimova, *Global security governance: Conceptual approaches and practical imperatives*. Proceedings of the 33rd International Business Information Management Association Conference, IBIMA 2019: Education Excellence and Innovation Management through Vision 2020, pp. 4484-4494.

<sup>6</sup> T. Semigina, *Frustrations or moving forward? Ukrainian social work within the «hybrid war» context*. European Journal of Social Work. Vol. 22, Issue 3, (2019). pp. 446-457.

<sup>7</sup> I. Zhyhlei, D. Zakharov, *Social Capital of Business in Hybrid War Conditions: Concept, Components, Functions*. Przegląd Wschodnioeuropejski, Vol. 1, (2019). pp. 275-285.

<sup>8</sup> I. Zhyhlei, D. Zakharov, *Theoretical Approaches of Social Capital Measurement*. Cogito: Multidisciplinary Research Journal. Vol. XI, no. 4, (2019). pp. 155-166.

for the accrual and taxation of charitable and material assistance to individuals at the enterprise considered by J.Ya. Kril, N.S. Marushko<sup>9</sup>, I. Tymoshenko<sup>10</sup>, I.O. Yaremchuk<sup>11</sup>, L. Skurka<sup>12</sup>, Gh. Ciobanu<sup>13</sup>, A. Negrea<sup>14</sup> and others. However, the authors state only the current condition of affairs in Ukraine without suggesting improvements to the tax system. In the part of taxation of value added tax (hereinafter referred to as VAT) transactions for the provision of charitable assistance as well as the purchase of goods by ATO participants, there are practically no scientific publications in Ukraine. The vast majority of publications are presented either as comments to the official letters of the State fiscal service of Ukraine, or as consultations of specialized professional publications on accounting and audit firms.

The purpose of this article is to highlight the peculiarities of taxation (VAT) of transactions for the provision (receipt) of charitable assistance to ATO participants, as well as to develop directions for improving the VAT taxation system on this basis.

## Result

By the the Law of Ukraine “On the Status of War Veterans, Guarantees of Their Social Protection” it is stated that participants in combat operations a tax, duty, and other payment benefit is provided in accordance with tax and customs legislation. According to the Tax Code of

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<sup>9</sup> Ya.Ia. Kril, N.S. Marushko, *Accounting for the calculation and taxation of charitable and material assistance to individuals at the enterprise*. Scientific herald of Lviv State University of Internal Affairs, 1, (2016), pp. 219-230.

<sup>10</sup> I. Tymoshenko, *Problems of taxation of charitable activities in the sphere of business in Ukraine*. Bulletin of Dnipropetrovsk University named after Alfred Nobel. Series «Juridical Sciences», 1 (6), (2015). pp. 111-114.

<sup>11</sup> O.I. Yaremchuk, *Taxation of charitable assistance provided to ATO participants*. Retrieved from: <http://ir.nmu.org.ua/bitstream/handle/123456789/149085/133-135.pdf?sequence=1&isAllowed=y>, (2019).

<sup>12</sup> L. Shkurka, *VAT in a nonprofit organization: what you need to know so as not to miss*. Retrieved from: <http://www.kompas.com.ua/images/VAT.pdf>, 2019

<sup>13</sup> Gh. Ciobanu, *The Evaluation of the Undeclared Labour in Romania; Analysis of the Impact of the Taxation Quotas and of the Contribution Quotas at the Obligatory Forms of Social Protection on the Incidence of Undeclared Labour*. Journal of Business Management and Applied Economics, Vol. 1, Issue no. 2, (2012). pp. 61-79. Retrieved from:

[http://jbmae.scientificpapers.org/wp-content/files/o8\\_Ciobanu\\_Ghenadie\\_The\\_Evaluation\\_of\\_the\\_Undeclared\\_Labour\\_in\\_Romania.pdf](http://jbmae.scientificpapers.org/wp-content/files/o8_Ciobanu_Ghenadie_The_Evaluation_of_the_Undeclared_Labour_in_Romania.pdf)

<sup>14</sup> A. Negrea, Gh. Ciobanu, *Troubles of fiscal policy and possibilities to stimulate employment*. Conferința internațională «Dezvoltarea durabilă în condiții de instabilitate economică», Ediția IV-a, 22-23 iunie 2012. Academia Comercială Satu Mare, pp. 495-502. Retrieved from:

[http://calitatea.srac.ro/arhiva/supliment/S3\\_Q-as\\_Contents\\_July\\_2012.pdf](http://calitatea.srac.ro/arhiva/supliment/S3_Q-as_Contents_July_2012.pdf)

Ukraine (hereinafter referred to as the Tax Code), any tax issues are regulated by the Tax Code and can not be established or amended by other laws of Ukraine, except for laws that contain exclusively provisions for amendments to the Tax Code and / or provisions that establish liability for violations of the tax rules legislation.

In Ukraine, at the legislative level in the part of taxation, a duty has been imposed on the calculation and payment of a military levy, which is deducted from the incomes of the working population of Ukraine, but no obligations were imposed for legal entities. Instead, the state at the level of legislation introduced rules on the procedure of taxation of individual taxes on the provision of charitable assistance in tangible and intangible form to ATO participants and members of their families. In particular, as part of the taxation by value added tax, the Transitional Provisions of the Tax Code of Ukraine set special rules<sup>15</sup>: 1) temporary, for the period of the ATO (JFO) and / or the setting of a military state, exemption from taxation of VAT transactions on import into the customs territory of Ukraine and the supply of goods for the ATO (JFO) in the customs territory of Ukraine, including defense purposes; 2) VAT exemption of charitable assistance transactions, in particular free-of-charge supplies of goods / services to charitable organizations. Concerning income tax, the Tax Code of Ukraine permits the expenses of an enterprise incurred during transferring funds / transferring property to military units, their large units, institutions or organizations funded by the state budget for the purposes of providing ATO (JFO), to reduce the object of taxation of income tax in the full amount.

The aforementioned legal norms regarding the taxation of legal entities should contribute to the emergence or increase of the amount of business transactions associated with the provision of charitable assistance, but no significant changes in the areas of economic activity, in particular, the largest enterprises in Ukraine did not occur. A significant number of Ukrainian enterprises agree to spend part of their profits on charity in Ukraine, but there are a number of issues. In particular, they worry about the fact that a significant part of this money, which could be directed to the needs of specific needy people, goes to the state budget for the administration of charity. In addition, Ukraine is one of the few countries in Europe where charitable assistance is taxed on a general basis.

According to experts<sup>16</sup>, 90% of Ukrainian charitable organizations do not publish financial statements because they do not have an independent

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<sup>15</sup> Tax Code of Ukraine, Retrieved from: <https://zakon.rada.gov.ua/laws/show/2755-17> (2010).

<sup>16</sup> *Only 1 of 10 Ukrainian charitable organizations publish financial reports* (2018). Retrieved from: <http://news.finance.ua/ua/~1/0/allo6/>

supervisory board and do not report to the tax inspection; in fact, charity statistics in Ukraine is absent. Most charitable organizations also do not publish their financial statements, since a significant fiscal press prompts that it is more profitable informally or spend beyond 1-4% of the budget that the company has the right to spend for these purposes through marketing or PR expenses. As recipients receive assistance, according to the current Tax Code, charitable givers are required to pay a personal income tax. In addition, according to the law, funds transferred to a charity account are considered as not-targeted and are subject to taxation, and the commission of the bank itself is also added to it.

The low level of business incentives for volunteering or the provision of targeted charitable assistance to JFO participants reflects the practical absence of such activities in some of Ukraine's largest enterprises. Thus, according to the official information provided by the State Fiscal Service of Ukraine<sup>17</sup>, to the top ten largest taxpayers of Ukraine, the fiscal control authority includes JSC "Ukrgezvydobuvannya", NJSC "Naftogaz of Ukraine", PrJSC "V.A.T.-Pryluky Tobacco Company", PJSC "Ukrnafta", PrJSC "Philip Morris Ukraine", PrJSC "JT International Ukraine", PJSC "Ukratnafta", JSC "Imperial Tobacco Production Ukraine", JSC "Ukrtransgaz" and SE "Energhorynok".

The analysis of the official pages of the aforementioned companies, their financial reporting and social reporting showed that only three out of ten companies disclosed information on the provision of charitable assistance, including only one company indicated that the expenses incurred in the form of charitable assistance to ATO participants. Thus, according to official information of JSC "Ukrgezvydobuvannya" [10], during the 2016-2018 period within the framework of social agreements and charitable assistance the enterprise financed and actually implemented projects for a total amount of more than UAH 180 million. However, among the above-mentioned directions of the provision of charitable assistance, there is no help to the JFO participants and members of their families. According to the separate financial statements of PJSC "UKRNAFTA", expenditures on charity, maintenance of social assets and other social expenses in 2017 amounted to UAH 82 451<sup>18</sup>.

The only one of the ten largest taxpayers in Ukraine, which disclosed information on the provision of charity to ATO participants, is NJSC

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<sup>17</sup> *TOP-100 largest taxpayers for* Bulletin «Officially on Taxes». Retrieved from: <http://www.visnuk.com.ua/ru/news/100010708-top-100-naybilshikh-platnikov-podatkov-za-2018-rik>

<sup>18</sup> *Particular financial statements of PJSC UKRNAFTA for IFRS* (2018). Retrieved from:

[https://www.ukrnafta.com/data/Ivestor\\_news/Okrema%20finansova%20zvitnist%202017\\_SKORYGOVANA.pdf](https://www.ukrnafta.com/data/Ivestor_news/Okrema%20finansova%20zvitnist%202017_SKORYGOVANA.pdf)

“Naftogaz of Ukraine”. Thus, according to the Annual Report for 2017<sup>19</sup>, the enterprise in 2017 "was transferred free of charge to the Ministry of Internal Affairs of Ukraine in order to provide housing for ATO participants and their families with 50 apartments with a total market value of almost UAH 35 million. In 2017, the workers of Naftogaz collected UAH 10.1 million of their own funds, of which UAH 5.0 million was sent to help ATO soldiers, and UAH 5.1 million - to medical institutions for the treatment / rehabilitation of soldiers. During the 2014-2017 period, the company assisted in the treatment of 1,145 ATO participants, implants for hospitals were purchased for more than 200 wounded, clothing and equipment were provided for more than 2,300 fighters, material assistance in the amount of UAH 22.7 million was collected, etc.

Consequently, the analysis shows that there is a rather low level of business incentives in Ukraine to provide financial support to ATO participants and their family members, which in turn causes the need to develop new business incentives or increase the number of government programs to support citizens who protect the territorial integrity of Ukraine. Creating favorable conditions for the charitable subjects requires implementing significant changes to the legislative acts of Ukraine, which regulate, in particular, the forms and instruments of charity.

Particular attention needs to be paid to addressing key recipients in Ukraine and the areas of charity provision. If social protection was a priority area of charity in 2015, then in the years to come, funding for healthcare has increased. The greatest support is received for: children and youth, institutions and collectives; people in difficult life circumstances. Such a direction of the charitable activity of organizations as helping the ATO participants and their families is 7.7% (8.1%), displaced persons – 8.1% (9.6%). Women and ethnic minorities remain stable in the most vulnerable categories in terms of charity attention<sup>20</sup>.

For most widespread directions among Corporate Social Responsibility of Ukrainian businesses are: assistance to ATO (JFO) soldiers and residents of the ATO (JFO) zone, as well as to the displaced persons. The allocation of funds to charity remains to be the main direction of assistance to the region of presence and community and accounts for 28% of social investment<sup>21</sup>.

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<sup>19</sup> *Historical victory and the beginning of transformation: 2017 Annual Report of NJSC «NaftoGaz Ukrainy»* (2018). Retrieved from:

[http://www.naftogaz.com/files/Zvity/NAK\\_AnRep2017\\_UA.pdf](http://www.naftogaz.com/files/Zvity/NAK_AnRep2017_UA.pdf)

<sup>20</sup> N.I. Pelivanova (2019). *Development of charity in Ukraine*. National Institute for Strategic Studies. Retrieved from: <https://niss.gov.ua/en/node/191>

<sup>21</sup> *CSR Development in Ukraine: 2010-2018* (2018). Retrieved from: [http://csr-ua.info/csr-ukraine/wp-content/uploads/2018/10/CSR\\_2017\\_research-1.pdf](http://csr-ua.info/csr-ukraine/wp-content/uploads/2018/10/CSR_2017_research-1.pdf)

**It is worth recalling that it is tax deductions for enterprises that provide charitable assistance, which is sometimes a motive for charity. In the EU, the size of the tax rebate for making donations is from 10% to 20% of the taxable profit or the total turnover of the taxpayer. However, in Ukraine there is another situation, the state not only significantly reduces tax rebates for enterprises that provide charitable assistance, but also puts businesses under strict conditions. Therefore, today, in most cases, enterprises provide charitable assistance without reflecting it in accounting.**

Leader of the International Civil Society Center “Joint” Amir Ben-Zvi<sup>22</sup> emphasizes: “In each of the 70 countries in which our organization operates, people receive funds from charities without paying any tax”.

Not less problematic is the payment for treatment and rehabilitation abroad. Charity givers are not entitled to pay for treatment abroad without paying taxes on the income of the beneficent. The mechanism for transferring charity to a clinic abroad involves the conclusion of an international treaty with subsequent currency control, therefore, it is a very long-term process.

Today, the enterprise when provide charitable assistance (in the form of goods and services, funds) may include to tax expenses no more than 4% of the taxable profit of the previous year. Goods and services are not subject to VAT and do not include in the taxable monthly income as targeted assistance in the amount of 2019 - UAH 2690, as defined by the Tax Code of Ukraine<sup>23</sup>, in all other cases such assistance is non-targeted and is subject to taxation on general basis. These rules are applied to cases when an enterprise provides assistance to non-profit organizations. In all other cases, charity is taxed on general basis. In other words, by providing charitable assistance, the company pays taxes, in addition, the Ukrainian legislation provides that an individual is required to submit an annual tax return stating the full amount of such assistance and pay individuals tax at the rate of 18%. If charity is carried out through sms-donations, then the mobile operator who has agreed not to charge for such communications must pay the state a 60% tax on each transferred with sms hryvnia.

Let us consider the peculiarities of VAT taxation of charitable assistance transactions and transactions for purchasing (receiving free of charge) goods by ATO participants. In order to provide social protection and assistance to combatants who protect the independence, sovereignty

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<sup>22</sup> I. Lavrynenko, *Charity in aggravating circumstances*. Retrieved from: <http://ua.racurs.ua/181-dobrochynnist-za> (2019).

<sup>23</sup> *Tax Code of Ukraine* (2010). Retrieved from: <https://zakon.rada.gov.ua/laws/show/2755-17>

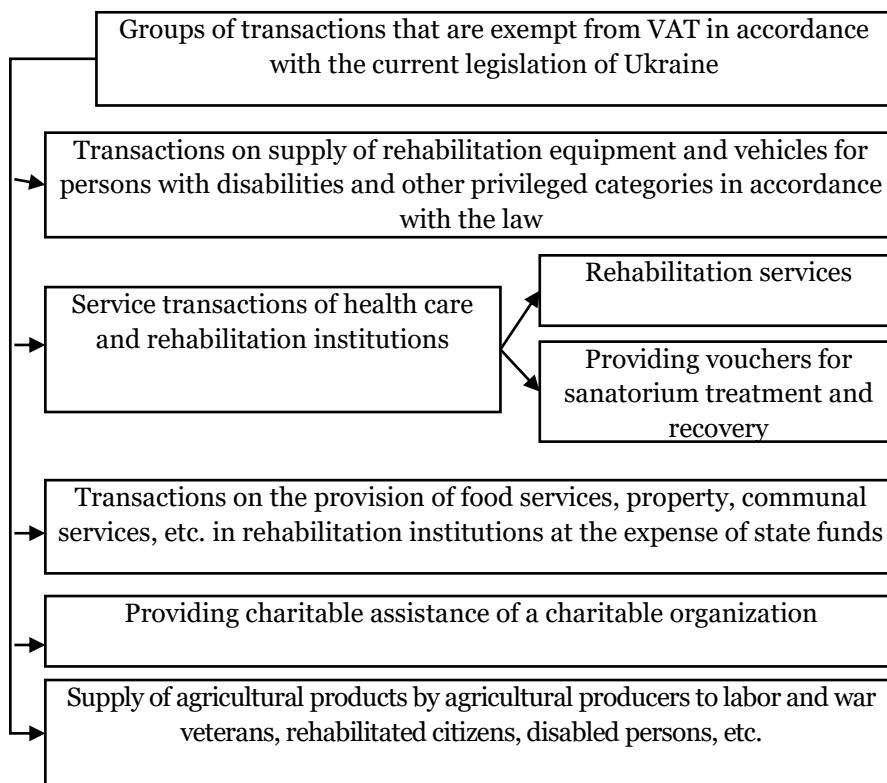
and territorial integrity of Ukraine and take direct part in the anti-terrorist operation, domestic legislation provides a number of benefits, including the payment of taxes and fees. In particular, the provisions of the Tax Code provide the exemption from VAT on the operation of importing into the customs territory of Ukraine and the supply of helmets, bulletproof vests and other special protective equipment, optical devices for weapons, as well as medicines intended for ATO participants in the customs territory of Ukraine, whose health was violated<sup>24</sup>. However, in this case, there are problems with documentary confirmation of the destination of these goods.

Another privilege system introduced in 2018 include the expansion of the list of transactions that are exempt from VAT, in particular operations on import into the customs territory and delivery of medicines and medical materials to the customs territory if they are used to treat injured people, contusions or other damage to health, and protective equipment and materials to it, in the list and in the volumes established by the Cabinet of Ministers of Ukraine. In addition, this provision applies not only to ATO participants, but also to those involved in national security and defense measures, repression and deterrence of armed aggression in the Donetsk and Luhansk oblasts. Similar changes were made to the Customs Code of Ukraine regarding exemption from import duties.

After examining the norms of the TCU regarding the taxation of VAT transactions, it is possible to represent schematically the main areas of economic activity of business entities that are exempt from VAT (fig. 1).

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<sup>24</sup> *Benefits to ATO participants in paying taxes and fees* (2016). Retrieved from: <http://kyiv.sfs.gov.ua/media-ark/news-ark/245578.html>



**Fig. 1. Groups of transactions that are exempt from VAT in accordance with the current legislation of Ukraine**

As can be seen from figure 1, tax exemption for VAT transactions for commercial enterprises is not provided. Basically, preferential VAT taxation is provided for officially registered charitable organizations, rehabilitation institutions and medical institutions of state ownership. In this connection, a situation arises when a commercial enterprise can, at its sole discretion and at its own risk, provide charitable assistance to both charitable organizations and individual combatants (including those who are its employees), but according to the legislation such enterprises are obliged to reduce the amount of VAT refund, which will be calculated in accordance with the value of the donated assets, which, in turn, is disadvantageous for business. In addition, for exemption from VAT, business entities are required to fulfill a number of conditions:

- 1) delivery of goods/services to charitable organizations and beneficiaries of charitable assistance is carried out without any monetary, material or other types of compensation;
- 2) the goods that come in as a charitable assistance from domestic benefactors are the subject to the rules of labeling;



3) legal entities – purchasers of charitable assistance should keep accounting and operational records of the receipt, storage, distribution and use of charitable assistance in the form of goods, works, services, as well as reporting in the prescribed form by the central executive authority, which is sent to the controlling authorities:

- a balance sheet separately reflects the funds (goods, works, services) received as charitable assistance;

- a profit and loss statement separately reflects the value of the charitable assistance received;

- an appendix to the annual report contains explanations regarding the specified performance indicators related to charitable assistance.

4) control over the receiving, storage, distribution of charitable assistance in the form of goods, works, services is carried out by local executive authorities, and control over their targeted use is exercised by local executive authorities and supervisory authorities.

The fulfillment of the above conditions usually leads to the emergence of a number of bureaucratic procedures in practice, which may lead to untimely receiving the necessary charitable help or the inability to receive charity assistance to certain categories of citizens.

To document the charity assistance transactions, the sponsoring enterprise needs to have the following documents: a letter from the recipient requesting charity assistance with a list of specific goods, in case of need for cash assistance – an indication of the bank details; a copy of the decision of the supervisory authority to enter the recipient organization in the Register; issued invoice for the release of goods; power of attorney to receive inventory from the organization – the recipient of charitable assistance, etc.

Let's consider, for instance, the foreign experience of VAT taxation for transactions to provide charitable assistance to combatants on the example of the United Kingdom.

In the United Kingdom there is the so-called concept of “zero VAT rating”. This means that, with respect to the conditions for exemption from VAT for NATO forces, the supplier will be given the opportunity to consider delivery of goods or services as supply at zero cost. That is, the supplier does not pay VAT on goods or services, but may receive a budget refund for any input VAT incurred in such deliveries. This procedure and accounting requirements are regulated by the VAT guide (VAT Notice 700)<sup>25</sup>.

In addition, such transactions may also be exempted from customs duties, excise duties and other taxes. One of the conditions mentioned for

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<sup>25</sup> *The guide to Value Added Tax (VAT) about the rules and procedures* (2014). Retrieved from: <https://www.gov.uk/guidance/vat-guide-notice-700>

these enterprises is that goods that have been transferred without tax are thus not allowed to be sold or provided to a person who does not use such privileges.

To provide services in the form of charitable assistance and without paying VAT, business entities in the United Kingdom need to fulfill a number of conditions<sup>26</sup>:

- to have a written contract or purchase order from an authorized officer;
- to pay with the help of a government procurement card (GPC);
- to pay with the help of a procurement card (PRO), etc.

However, in the United Kingdom business transactions of charitable organizations are not exempted from VAT. In particular, in one of the British publications, it was noted that Secretary of Defense T. Ellwood called for tax exemptions for charitable organizations because one of the military charitable organization sold silhouettes of World War I soldiers throughout the country to mark the 100th anniversary of the end of the war in order to obtain £ 15 million to distribute among six charitable organizations. However, they had to pay about 3 million pounds sterling VAT on this amount<sup>27</sup>.

Relatively directly to military personnel, there is a VAT program in the United Kingdom to support military personnel and civilian personnel to purchase materials and services for personal use. Such categories of persons may make purchases without VAT from suppliers for an amount in excess of £ 100, including VAT. Those who have the right to carry out such transactions must present identification cards and cards and follow the next procedure:

- 1) it is necessary to find out whether the supplier is ready to participate in such a VAT program;
- 2) identify goods and services to be purchased;
- 3) receive an invoice (invoices are valid for 30 days).

During this, one needs to get a check and a certificate that does not include VAT. The white copy of the certificate remains with the supplier, and the yellow copy of the certificate is submitted to the fiscal authorities within 10 days from the moment of purchase<sup>28</sup>.

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<sup>26</sup> *The guide to Value Added Tax (VAT) about the rules and procedures* (2014). Retrieved from: <https://www.gov.uk/guidance/vat-guide-notice-700>

<sup>27</sup> *Minister backs military charity's call for VAT rebate* (2019). Retrieved from: <https://www.civilsociety.co.uk/news/minister-backs-military-charity-s-call-to-be-vat-exempt.html#sthash.KA2SE4bX.5jRwt2Tz.dpuf>

<sup>28</sup> *VAT Relief Program* (2019), Retrieved from: <http://www.100fss.com/more/vat>

Therefore, as we see on the example of the United Kingdom, the Ukrainian participants of the ATO (JFO) do not have such a system of privileges as in the developed countries of the world. However, we believe that the state should support individuals who defended the territorial integrity of the state, as well as members of their families.

We consider it necessary to introduce in the tax system a number of benefits in terms of VAT taxation. In particular, the improvement of the tax system should be carried out for both groups of taxpayers: a business entity that carries out charitable activities for ATO (JFO) participants and separately for these participants.

As part of the improvement of the tax treatment of business entities, we propose to allow the inclusion in VAT refund (tax credit) the amounts paid to suppliers during the purchase of services that will not be used in business in the future in connection with the transfer in the form of charitable assistance to ATO (JFO) participants or specialized rehabilitation institutions. For this, from a technical point of view, it is necessary to provide in TCU such type of transactions that is not subject to adjustment based on the results of the reporting year, and add a separate annex to the VAT declarations. To obtain such a privilege, it is necessary to provide strict accounting of the movement of such commodity-material assets with the obligatory storage of supporting documents for the free transfer of such assets (an agreement with the rehabilitation institution, invoices or acts of receiving and transfer of assets, copies of the conclusions of medical commissions confirming the necessity of passing rehabilitation procedures by ATO (JFO) participants, etc.). If the rehabilitation institution is not specialized, then the expenditure by such an institution of assets received from the enterprise with the preservation of supporting documents should be strictly accounted that such assets were used exclusively for the rehabilitation of ATO (JFO) participants. We propose to agree on a similar procedure for family members of the dead combatants.

The need for strict accounting for the movement of commodity-material assets is necessary in order to prevent the implementation of fake transactions in order to obtain illegal refund of VAT from the state budget.

The next direction of improvement in terms of VAT taxation is seen directly for combatants and family members of the dead participants in the ATO (JFO). At the state level, we propose not to include in the price of goods, work, services the VAT except for excisable goods such as alcoholic beverages, tobacco products, etc. A similar approach should be applied to medicines. To obtain such benefits a combatant or a family member of a deceased combatant should present to the cashier the certificate of combatant or the certificate of the disabled veteran, etc. However, the implementation of such a proposal may be somewhat complex, this is due

to the need for registration of certificates in order to prevent fake transactions without VAT being paid by economic entities. In such a case, at the state level, a single electronic database of such certificates should be developed that would allow the series and the number of the certificate to be read. In addition, for such transactions, it is necessary to set the maximum amounts with the breakdown of groups of goods, as well as the limits of individual transactions (for example, the purchase of a car no more than once every 5 years, etc.). We believe that the introduction of these benefits will be one of the steps towards in terms of moral and social support for this category of people.

## **Conclusion**

Thus, the specifics of VAT taxation and the provision of charitable assistance to ATO (JFO) participants and their family members have been researched. And it is established that the state does not pay attention to this at the proper level, often the assistance provided is formal. The analysis of scientific researches in this area has shown that in Ukraine there are practically no scientific publications on this topic, as well as there is lack of full-scale business stimulation to provide charitable assistance to this category of people or rehabilitation centers.

After examining the norms of the TCU regarding the taxation of VAT transactions, it has been established that the preferential taxation of VAT transactions for commercial enterprises is not regulated, and such taxation is mainly provided for officially registered charitable organizations, rehabilitation institutions and medical institutions of state ownership.

Having studied the foreign experience of VAT taxation on the example of the United Kingdom, the ways to improve the tax system in terms of VAT by introducing a number of benefits have been proposed. In particular, it was proposed to allow including in the tax credit on VAT amounts paid by business entities to suppliers when purchasing services, which will later be transferred in the form of charitable assistance to ATO (JFO) participants. As well, we propose not to include VAT in the price of goods, works, services purchased by participants ATO (JFO) or members of the families of deceased ATO (JFO) participants.

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# DEONTIC MODALITY IN EPIDEICTIC DISCOURSE: SPEECH ACTS FACET (BASED ON COVID-ASSOCIATED TEXTS)

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**Abstract:** *The paper explores a new facet of the “modality-directives pragmatics” correlation in epideictic discourse. It is identified that the strongest degree of directive illocution and obligative modality characterizes direct strong directives, marked by imperative mood and performatives. Direct weak directives, marked by modal verbs of obligation, is the second-leveled on the modality scale. Middle degreed illocutionary force and correlative scope of obligative modality is distinctive for hedged directives, conveyed by modals of obligation in passive, mitigations, conditional structures, inclusive pronouns, introductory “justifications”. Low degreed directive illocution and soft obligative modality is marked by nominalized obligation, encoded by nouns of “prohibition”, “obligation” and “restrictions”, impersonal structures and implicated addressee of directives. The lowest degree illocutionary strength borders on permissive modality. It is characteristic of indirect hedged directives, whose illocution is contextually bound and may rely on discursive implicature. It is implied under the constatives, mitigated by impersonalization, passivation, nominalization and conditionals.*

**Keywords:** *obligative deontic modality, directive speech acts, epideictic discourse, degrees of illocutionary strength, scale-paradigm “obligation”*

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## Introduction

Modality is claimed to be a linguistic universal that denotes different types of relations of the utterance towards the reality, as well as different types of background information concerning the utterance.

For many decades, the category of linguistic modality and modality-associated problems have been of current interest of many researchers around the world (Lakoff<sup>1</sup>, Palmer<sup>2</sup>; von Fintel<sup>3</sup>). However, many issues, such as the scope of modality, its types and subtypes in their correlation with other proper linguistic categories and concepts, as well as the multilevel means of expression still require further investigation.

Practically unexplored is the “modality-pragmatics” interface including the speech acts underpinning of different meanings and types of modality, which determines the scientific relevance of this research.

In the context of the coronavirus pandemic, epideictic speeches of influential people, in particular top state officials, addressed to its nations are of great importance for the formation of a new project collective identity, guided by a high level of normativity, aimed at a behavioral code of “prohibitions and requirements” that are not characteristic of the modern individualistic culture. Correspondingly, the covid-associated epideictic speeches contain a set of obligations, prohibitions, requests, imposition of rules and norms of behavior, etc. with varying degree of deontic obligative modality (from direct to mitigated or hedged) correlating with directive speech acts.

On the other hand, the task of transforming values in societies with a democratic mentality is extremely rarely carried out in the form of direct imposition – only in exceptional cases when the society security and stability are threatened. That is, if we draw a parallel with the pragmatics of politeness, then “face-threatening” direct directives are used by top state officials only as the on record “emergency” strategy. However, in most speeches, the speaker influences the audience in a hedged and mitigating form, which corresponds to different degrees of illocutionary force of directives and a different-scaled directive obligative modality.

With that in mind, the aim of the article is to identify the degrees of obligative deontic modality in their interdependence with the ranged strength of the illocutionary point of directives in epideictic speeches.

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<sup>1</sup> R. Lakoff, *The Pragmatics of Modality. Papers from the Chicago Linguistic Society*. Chicago: Chicago University Press, 1972.

<sup>2</sup> F.R. Palmer, *Mood and Modality*. Second edition. Cambridge: Cambridge University Press, 2001.

<sup>3</sup> K. von Fintel, Modality and Language. In: D. Borchert ed. *Encyclopedia of Philosophy*. Second Edition. Detroit: MacMillan Reference, 2006, pp. 20-27. Available at: <https://philpapers.org/rec/VONMAL>



## Literature review

In the analysis of directives-based modality the paper relies on two basic theoretical premises, including the concept of deontic modality and the possibility of its interface with pragmatics, viewed from its speech acts facet.

The relation of modality to the contexts of social interaction determines the correlative facet of pragmatic and modal meanings and their expressing phenomena – first of all, speech acts, which can, in our opinion, be considered “alternative” or “secondary” modal resources, involved, inter alia, in the practice of modern critical discourse analysis (Dijk<sup>4</sup>, Dunn & Neumann<sup>5</sup>, Fairclough<sup>6</sup> 7). Given that the article focuses on the identification of the directives-based modal meanings, varying in their intensity an attractive for the article is the idea of ranging modal expressions as paradigms organized on a scale – for example, the scale-paradigm “probability” (Halliday & Matthiessen<sup>8</sup>). There is hypothesis in the paper that three degrees of deontic modality of obligation – high, medium and low, correlate with the degrees of strength of the directives illocutionary point.

The theory of speech acts is used in the work mainly in its traditional aspect, proposed by John Searle<sup>9</sup> and John Austin<sup>10</sup>. In determining the type of speech act, we use the typology of John Searle<sup>11</sup> – as the most traditional and established in research in this area. In particular, the article relies on the Searle’s<sup>12</sup> understanding of indirect speech act as an utterance whose form does not correspond to the intended illocutionary force, the latter being performed by means of another literal act. In

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<sup>4</sup> T. van Dijk, *Discourse and context: A sociocognitive approach*. Cambridge: Cambridge University Press, 2008.

<sup>5</sup> K. Dunn & I. Neumann, *Undertaking Discourse Analysis for Social Research*. University of Michigan Press, 2016.

<sup>6</sup> N. Fairclough, *Analysing discourse: Textual analysis for social research*. London. Routledge, 2003.

<sup>7</sup> N. Fairclough, A dialectical-relational approach to critical discourse analysis in social research. In: R. Wodak and M. Meyer, eds. *Methods of critical discourse analysis*. London: Sage, 2009, 162-186.

<sup>8</sup> M.A.K. Halliday & C. Matthiessen, *An introduction to functional grammar*. Third edition. London, UK: Hodder Arnold, 2004.

<sup>9</sup> J.R. Searle, *Speech Acts: an essay in the philosophy of language*. Cambridge: Cambridge University Press, 1969.

<sup>10</sup> J.L. Austin, *How to do Things with Words*, 2<sup>nd</sup> edition. In: J.O. Urmson and M. Sbisá, eds. Cambridge, MA: Harvard University Press, 1962.

<sup>11</sup> J.R. Searle, A classification of illocutionary acts. *Language in Society* vol. 5(1), 1976, pp. 1-23.

<sup>12</sup> J. Searle, A taxonomy of illocutionary acts. In K. Gunderson, ed. *Language, Mind and Knowledge*. Minneapolis, MN: University of Minnesota Press, 1975, pp. 344-369.

determining speech acts illocutionary forces differing along the dimension of their strength the article also relies on the concept of felicity condition, introduced by Austin<sup>13</sup> and further elaborated by Searle, who proposes four felicity conditions, i.e. the condition that must be satisfied for successful performance of different speech acts, i.e., general, content, preparatory, sincerity, and essential conditions (Yule<sup>14</sup>). Preparatory conditions which specify the contextual requirements include ability conditions of: (a) the appropriateness of the speaker authority and circumstances of speech to the successful performance of the act, (b) the hearer ability to perform an action intended by the speaker, as well as (c) the benefit condition: whether the speaker performs his act in the hearer's interest. The researches note that the first two preparatory conditions are particularly important for commissives and some directives (advise, warnings, suggestions, offers, invitations). Propositional content condition refers to the circumstances in which an utterance is produced, primarily to its temporal frame, which should be consistent with the speaker's illocutionary point. In particular, directives propositionally refer to the hearer's future acts. Sincerity condition, ranging in degrees of their intensity, specifies the speaker's psychological state necessary for accomplishment of a speech act. The predominance of markers of the sincerity condition may transform speech acts into indirect expressives. Essential condition is a combination of the utterance content, the contextual requirements and the speakers' intentions (Yule<sup>15</sup>, Searle<sup>16</sup>).

The research is based on several taxonomies of directive speech acts, interpreting them in accordance with the specifics of the data and research objectives. In particular, the paper involves certain elements of the classification by Pablos-Ortega<sup>17</sup> that distributes directive acts into strong direct, weak direct, conventionally indirect 1, conventionally indirect 2, non-conventionally indirect / hints. Due to the fact that not all elements of this classification are identified in the epideictic discourse and, on the contrary, some acts do not fall into any of the selected categories, we also use classification, which distributes the speech acts into idiomatic and inferential, transposed and non-transposed subgroups – depending on their conditionality by the context and correlation with discursive implication.

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<sup>13</sup> J.L. Austin, *How to do Things with Words*, 2<sup>nd</sup> edition. In: J.O. Urmson and M. Sbisá, eds. Cambridge, MA: Harvard University Press, 1962.

<sup>14</sup> G. Yule, *Pragmatics*. Oxford University Press. New York, 1996.

<sup>15</sup> G. Yule, *Pragmatics*. Oxford University Press. New York, 1996, p. 51.

<sup>16</sup> J. Searle, A taxonomy of illocutionary acts. In K. Gunderson, ed. *Language, Mind and Knowledge*. Minneapolis, MN: University of Minnesota Press, 1975, p. 323.

<sup>17</sup> C. Pablos-Ortega, Directive Speech Acts in English and Spanish Filmspeak. *Sociocultural Pragmatics*, vol. 8(1), 2020, pp. 105-125.

Among the various taxonomic categorizations of modality (Coates<sup>18</sup>, Quirk at al.<sup>19</sup>), one of the most detailed is the typology proposed by Palmer<sup>20</sup>, who distinguishes between “proposition modality”, which conveys the speaker’s attitude to the content of the utterance and encompasses epistemic and evidential subtypes, and “event modality” subdivided into “deontic” and “dynamic modality”. In its turn, deontic modality includes permissive, commissive and obligative modality – the latter described as the obligation laid on the addressee on the basis of some authority. That is in deontic uses we come across obligation, prohibition, permission, etc. (Huddleston<sup>21</sup>).

In a broad sense, modality is the realization of the whole utterance, which explicitly or implicitly deals with interpersonal content. Unlike tense and aspect, associated with the nature of the event itself, modality is concerned with the status of the proposition that describes the event (Palmer<sup>22</sup>, Bybee & Fleischman<sup>23</sup>, Frawley<sup>24</sup>). With that, operating above the level of the proposition, modality intersects with the field of pragmatics. In this connection, Matthew<sup>25</sup> defines modality as “a category covering either a kind of speech act or the degree of certainty with which something is said”.

In modern discourse analysis, modality is studied mainly from the perspective of M. Halliday’s functional grammar (Halliday & Matthiessen<sup>26</sup>). According to this approach, the functions of modality are built into the contexts of social interaction. Halliday and Matthiessen<sup>27</sup> avoid the philosophical terms “epistemic” and “deontic” modality, but introduce the categories “modalization” (conveys the meanings of probability and usuality and roughly corresponds to epistemic modality) and “modulation” (the meanings of inclination and obligation that roughly correlate with deontic modality).

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<sup>18</sup> J. Coates, *The Semantics of the Modal Auxiliaries*. London and Canberra: Croom Helm, 1983.

<sup>19</sup> R. Quirk, at al. *A Comprehensive Grammar of the English Language*. London: Longman, 1985.

<sup>20</sup> F.R. Palmer, *Modality and the English Modals*. Second edition. London: Longman, 1990.

<sup>21</sup> R. Huddleston, *English Grammar: an Outline*. New York: Athenaeum Press Ltd, 1988.

<sup>22</sup> F.R. Palmer, *Mood and Modality*. Cambridge: Cambridge University Press, 1986.

<sup>23</sup> J. Bybee & S. Fleischman, Modality in grammar and discourse. An introductory essay. In: J. Bybee, & S. Fleischman, eds. *Modality in grammar and discourse*. Amsterdam-Philadelphia: John Benjamins, 1995, pp. 1-14.

<sup>24</sup> W. Frawley, *Linguistic semantics*. Hillsdale, NJ: Lawrence Erlbaum, 1992.

<sup>25</sup> P.H. Matthews, *The Oxford Concise Dictionary of Linguistics*. Oxford: Oxford University Press, 2005, p. 228.

<sup>26</sup> M.A.K. Halliday & C. Matthiessen, *An introduction to functional grammar*. Third edition. London, UK: Hodder Arnold, 2004.

<sup>27</sup> *Ibidem*.

## Database and methods

The corpus of material involves epideictic speeches of Boris Johnson, the Prime Minister of the United Kingdom, Donald Trump, the ex-President of the United States, and Justin Trudeau, the Prime Minister of Canada addressed to their nations on the COVID-19 pandemic. The number of fragments under analysis is 216.

The main criterion for the selection of material was the presence of either the directive illocutionary forces devices, or other markers of directive illocution, i.e. modal verbs of obligation, explicit or implicit lexical means with the meanings of “obligation”, “necessity”, “recommendation”, or “requirement”, as well as contextual variables referred to the speaker’s status capability to produce a directive act, to propositional content criterion and the addressee’s ability condition to perform the act as the felicity conditions, constitutive of an explicit or direct act.

(a) The integrative method of analysis encompasses (a) pragmatic analysis based on speech acts theory (Austin<sup>28</sup>, Searle<sup>29</sup>, McGowan<sup>30</sup>) and employed from viewpoint of direct acts taxonomy (Pablos-Ortega<sup>31</sup>), their differentiation on the complex criteria of “direct / indirect”, “direct-hedged – direct-unhedged”, “indirect-hedged – indirect-unhedged”, “indirect-idiomatic – indirect inferential” (Searle<sup>32</sup>), added by use of literal force hypothesis (Levinson<sup>33</sup>) of the illocutionary force being built into the utterance surface form as well as elements of Gricean inferential pragmatics, aimed at inferencing of discursive implicatures in the cases of its matching the inferential indirect acts (Grice<sup>34</sup>).

(b) Functional analysis of the category of modality, added by elements of critical discourse analysis at the syntactic and semantic-syntactic levels, to identify the persuasive function of modality, indexed by passive, impersonalization, generalization and other ways to reduce the speakers’ imposition and the addressee’s responsibility for performing actions.

Data analysis has incorporated seven consecutive stages.

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<sup>28</sup> J.L. Austin, *Philosophical Papers*. In: J. Urmson, and G. Warnock, eds. Oxford: Oxford University Press, 1970.

<sup>29</sup> J.R. Searle, *Speech Acts: an essay in the philosophy of language*. Cambridge: Cambridge University Press, 1969.

<sup>30</sup> M.K. McGowan, Oppressive Speech, *Australasian Journal of Philosophy*, 87 (3), 2009. pp. 389-407.

<sup>31</sup> C. Pablos-Ortega, Directive Speech Acts in English and Spanish Filmspeak. *Sociocultural Pragmatics*, vol. 8(1), 2020, pp. 105-125.

<sup>32</sup> J. Searle, A taxonomy of illocutionary acts. In K. Gunderson, *Language, Mind and Knowledge*. Minneapolis, MN: University of Minnesota Press, 1975, pp. 344-369.

<sup>33</sup> S.C. Levinson, *Pragmatics*. Cambridge: Cambridge University Press, 1983.

<sup>34</sup> H.P. Grice, *Studies in the way of words*. Cambridge, MA: Harvard University Press, 1989.

The first stage has involved the identification of the fragments of epideictic speeches, marked by directive illocutionary forces. The second stage has relied on the identification and formula explication of typical structure of the directive speech acts in epideictic covid-associated discourse and its modification depending on the degree of strength of the directive illocutionary point and its corresponding obligative modality.

The third stage has dealt with identification of direct strong directives and their indicating markers of the highest degree of strength of the directive illocutionary point. The fourth stage has revealed the direct weak directives, marked by the high degree of directive illocution and its degree of obligative deontic modality. The fifth, sixth and seventh stages of analysis have involved the identification of hedged direct directives, indirect directives and indirect hedged inferential directives with their semantic and syntactic markers – with a focus on the correlative facets of scales of deontic obligative modality and strength of illocutionary force.

### **The structure of directives in epideictic speeches: deviation from the conventional model**

Yule<sup>35</sup> stated that directive speech acts are those kinds of acts that speakers use to get someone else to do something. The structure of the “ideal” directive speech act comprises (1) a performative part that introduces obligations, requests, advice, warnings, prohibitions, orders, instructions, appeals, etc. using deictic personal pronouns “I” or “we”; the illocutionary verbs or other illocutionary force indicating devices; the nomination of the addressee of the guidelines and norms of behavior, and (2) an informative part that designates the propositional content of the act. Such a structure may be displayed as the performative formula: “I / we + illocutionary verb / illocutionary force indicating device + addressee-destinator of directive act + propositional (informative) part”.

The addresser in the covid-associated epideictic discourse is represented, on the one hand, by explicit deictic markers: “I”, as an essential component of the “performative formula”<sup>1</sup>, where the speaker metonymically equates himself with the power, being institutionally empowered to demand the execution of actions:

- (1) ‘While we’re dealing with this pandemic, I don’t want you – or your parent, or your friend – to take on debt that your government can better shoulder’ (from Trudeau<sup>36</sup>).

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<sup>35</sup> G. Yule, *Pragmatics*. Oxford University Press. New York, 1996, p. 54.

<sup>36</sup> Justin. Trudeau, Prime Minister’s remarks addressing Canadians on the COVID-19 situation, September 23, 2020, Ottawa, Ontario, 2020. Available at: <https://pm.gc.ca/en/news/speeches/2020/09/23/prime-ministers-remarks-addressing-canadians-covid-19-situation>

Such a deictic marker of the canonical directive-performative is at the same time an indicator of the act conformity to the preparatory felicity condition, provided for directives as it foregrounds the speaker's ability and authority to induce the addressee to do certain actions exhibiting "world-to-word direction of fit" inherent to directive illocutionary force.

A similar role is performed by reference to the directive act addresser – a generalized "we" – the government and other authorities designated to monitor the order, welfare and sustainability of society and having the right to demand appropriate actions from others:

- (2) a. '**we** are strongly advising that nursing homes for the elderly suspend all medically unnecessary visits' (from Trump<sup>37</sup>)
- b. '**we** want it to be safe for you to get to work'
- c. '**we** want to encourage' (from Johnson<sup>38</sup>).

The absence or implication of a deictic marker indicating the addresser of a directive reduces the degree of strength of the directive illocutionary point and its corresponding obligative modality. In this case, the structure of the directive act will be represented by the formula: "Addresser (implied) + illocutionary verb / illocutionary force indicating device + addressee-destinator of directive act + propositional (informative) part". For example:

- (3) 'But in the end this is a plan that everyone must make work.' (from Johnson).

As for the "generalized" addresser of directive illocution, this element of the directive structure is usually present in its illocutionary part:

- (4) a. 'And **everybody**, please, download the COVID Alert app.'
- b. 'This is the time for all of us, as **Canadians**, to do our part for our country, as the government does its part for you.' (from Trudeau)
- c. And from this Wednesday, we want to encourage **people** to take more and even unlimited amounts of outdoor exercise" (from Johnson)
- d. '**The elderly population** must be very, very careful'

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<sup>37</sup> Donald Trump, Read President Trump's Speech on Coronavirus Pandemic: Full Transcript, 2020. Available at:

<https://www.nytimes.com/2020/03/11/us/politics/trump-coronavirus-speech.html>

<sup>38</sup> Boris Johnson, Speech: Prime Minister's statement on coronavirus (COVID-19): 10 May 2020. Available at: <https://www.gov.uk/government/speeches/pm-address-to-the-nation-on-coronavirus-10-may-2020>

e. 'For **all Americans**, it is essential that everyone take extra precautions and practice good hygiene.' (from Trump).

The ability of a generalized addressee (everybody, Canadians, people, all Americans, the elderly population, etc.) to ensure the directive act implementation, "fitting" the world to the speaker's words, is implied at the level of pragmatic presupposition and meets the next preliminary felicitous conditions for directives.

If a directive is organized in the syntactic form of an imperative, that is, an illocutionary force indicating devices are represented by a verbal mood and word order, explicitly pointing to a "direct" speech act, the illocutionary part may lack both deictic markers, referred to addresser and addressee. In this case, the structural formula looks like this: "Addresser (implied) + illocutionary force indicating device + addressee-destinator of directive act (implied) + propositional (informative) part". For example:

(5) 'Wash your hands. Keep your distance. Get your flu shot.'  
(from Johnson).

Propositional content of the identified directives, that is, the semantic reference of the content of the directive intention to the future actions of those who are expected to act is also consistent with such acts felicity conditions. In particular, it is marked by future-oriented "should" and "will".

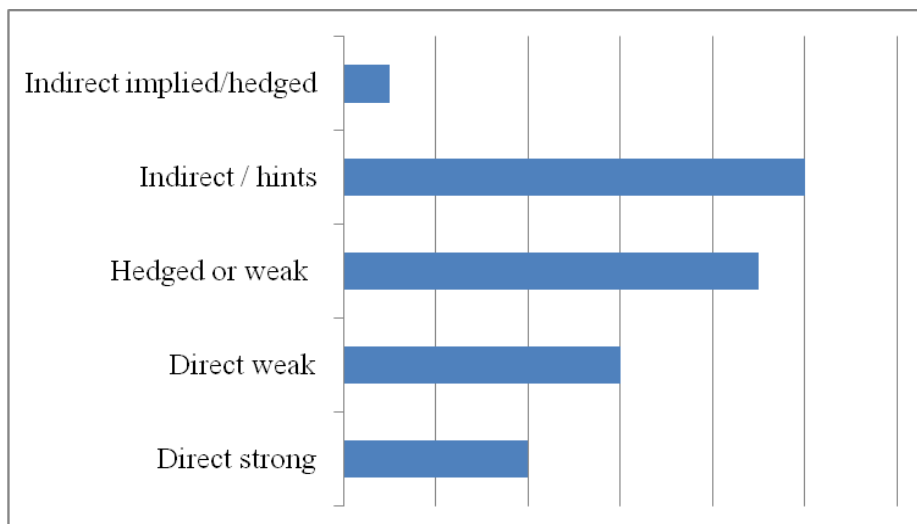
(6) a. 'In general, older Americans **should** also avoid nonessential travel in crowded areas.' (from Trump);

b. 'We said that you **should** work from home if you can.'  
(from Johnson).

### **Taxonomy of directive speech acts within the framework of obligative deontic modality**

The identified directive speech acts are marked by different intensiveness of illocutionary force and fall into direct strong directives, direct weak directives hedged directives, hedged, not hedged, direct, indirect, implied (see Figure 1.). Ultimately, the taxonomy of directives in relation to different intensiveness of illocutionary force and associated degrees of modality of obligation depends on the linguistic characteristics of the second part of the illocutionary formula: "Addresser (implied) + illocutionary force indicating device + addressee-destinator of directive act (implied) + propositional (informative) part". It is this structural component that is mainly 'responsible' for the degree of explicitness and strength of directive illocution - depending on whether the illocutionary point is marked with special formal structural indicators, how explicit or

implicit these indicators are, whether they are mitigated and hedged by other means, etc.



**Figure 1. Frequency directive acts with deontic modality**

Direct strong directives are represented by the utterances containing bare imperatives:

- (7) a. '**Wash** your hands, **clean** often-used surfaces, **cover** your face and mouth if you sneeze or cough.' (from Trump 2020)
- b. '**Wear** a mask – it saves lives.' (from Trudeau).

Such explicit illocutionary force indicating devices are at the same time the markers of the strongest degree of deontic modality of obligation.

The second group of directives identified in the epideictic discourse is taxonomized in the paper as the direct weak directives, incorporating personal pronouns or indefinite pronouns in combination with modal verbs of obligation or their substitutes *must*, *have to*, *be to* – to express strong recommendation:

- (8) a. 'You **must obey** the rules on social distancing'
- b. 'this is a plan that everyone **must make work**'
- c. 'We **must** continue to control the virus and save lives'
- d. 'we **have to** be in our social distancing measures' (from Johnson).

In the last two utterances (8 c-d) the directive modality is partly mitigated by an inclusive pronoun "we", which that way incorporates the speaker of the directive act into the in-group of those who must perform the action. In addition, "save lives" in (8c) serves as a marker of



manipulative technique of appeal to higher values, which simultaneously refers to the topoi “humanism” and “danger and threat” – as part of the causal argumentation scheme (Kienpointer<sup>39</sup>), which in our case implicitly substantiates the imposition.

Another group is constituted by hedged or weak directives, represented by the hedged structures in combination with varied means of mitigation that reduce the degree of compulsion and, hence, directive obligative modality:

- (9) a. ‘you **should** work from home **if you can**’;
- b. ‘you should avoid public transport **if at all possible** – because **we** must and will maintain social distancing’;
- c. ‘And when you **do** go to work, **if possible** do so by car or **even better** by walking or bicycle’ (from Johnson);
- d. ‘In general, older Americans should also avoid nonessential travel in crowded areas’ (from Trump).

In the utterances (9a-b) imposition and its corresponding deontic modality are reduced because of the introductory hedged structures “if you can”, “if at all possible” and the substantiating part – a clause of reason, additionally mitigated by an inclusive pronoun “we”. That is, the imperative modality of the Face threatening act is mitigated by the markers of both positive politeness (inclusive pronoun “we”) and the negative politeness (the introductory construction “if at all possible” combined with structural complication “we must and will maintain” of a directive as a non-preferential act).

In the example (9c.) the degree of compulsion (of direct directive) is reduced by the means of suppositional mood with the inversive (amplifying) particle “do”, mitigated conditional “if possible” and “even better”.

In the utterance (9d.) the mitigation is achieved by introductory hedged structure “In general” that reduces the degree of intensity of the obligatory illocutionary force and thus deescalates the deontic modality.

In addition to hedged or weak direct acts, there are frequently used indirect directives, the number of which exceeds significantly (see Figure 1.).

If to compare the identified directives with the members of the categorization taxonomy of direct speech acts proposed in other studies (Pablos-Ortega<sup>40</sup>, Searle<sup>41</sup>), it is obvious that conventionally indirect

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<sup>39</sup> M. Kienpointer, *Alltagslogik, Struktur und Funktion von Argumentationsmustern*. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1992, p. 194.

<sup>40</sup> C. Pablos-Ortega, Directive Speech Acts in English and Spanish Filmspeak. *Sociocultural Pragmatics*, vol. 8(1), 2020, pp. 105-125.

<sup>41</sup> J. Searle, A taxonomy of illocutionary acts. In K. Gunderson, *Language, Mind and Knowledge*. Minneapolis, MN: University of Minnesota Press, 1975, pp. 344-369.

directives fall out of the taxonomic range identified in epideictic discourse. Perhaps, this is explained by the seriousness of the problematics on which the considered epideictic discourse is focused, which imposes certain genre restrictions on it, including those concerning the use of colloquial constructions – as the idiomatic indirect acts of directives are a characteristic of colloquial, moreover, dialogical speech.

As the data have shown, the most frequent in epideictic discourse are the non-conventional indirect directives or hints, whose illocutionary function is implicated under the structural form of constative speech acts, which function within the framework of a discursive strategy of ‘not imposing’ rules, rather appealing to public consciousness and responsibility:

- (10) a. ‘This is not the time to have parties’;
- b. ‘If you need a test, you should be able to get one, and get it quickly. This is about safety, and it’s about what’s right for Canadians’;
- c. ‘In every sector, all across the country, every one of us is doing our part’ (from Trudeau).

In particular, constatives may incorporate verbs or nouns with the denotative semes of “prohibition”, “obligation”, “restrictions”, etc. in their propositional part, thus acquiring the primarily illocutionary force of obligation, correlating with a low degree of obligatory deontic modality:

- (11) a. ‘There will be exemptions for Americans who have undergone appropriate screenings, and these **prohibitions** will not only apply’;
- b. ‘we instituted sweeping travel **restrictions** on China and put in place the first federally **mandated quarantine**’ (from Trump).

The next subtype on the diminishing scale of deontic modality is represented by hedged indirect directives, conveyed by the utterances containing the obligation in the form of constatives based on impersonal structures. It significantly reduces the addressees’ involvement in the actions that they must perform. Consequently, the degree of responsibility for the (non) implementation of the action is falling.

In the examples given, the seme **need for action** is connoted:

- (12) ‘You have put up with all the hardships of that programme of social distancing. Because you understand that as things stand, and as the experience of every other country has shown, **it’s the only way to defeat the coronavirus** – the

most vicious threat this country has faced in my lifetime.’ (from Johnson).

Here, the constative “it’s the only way to defeat the coronavirus”, expressed by impersonal structure + infinitive, has the illocutionary force of a directive, appealing “to go on putting up with imposed restrictions”.

In contrast to the most indirect directives – both hedged and unhedged, whose illocutionary force is recognizable in epideictic discourses due to its implicit markers, some acts lack even implicit indicators of directive illocution, based on the meanings of “obligation”, “necessity”, “recommendation”, or “requirement”. Such group of directive speech acts is marked with the least intensive directive illocution. However, obligative illocution is inferred from the whole utterance and is contextually conditioned. In such a case, the illocutionary force of the directive correlates (or even coincides) with the discursive implicature (Kravchenko<sup>42, 43</sup>)

(13) a. ‘we will be suspending all travel from Europe to the United States for the next 30 days’ (from Trump);

b. ‘And so I know - you know - that **it would be madness** now **to throw away that achievement** by allowing a second spike’;

c. ‘You can sit in the sun in your local park, you can drive to other destinations, you can even play sports but only with members of your own household’ (from Johnson).

The example (13a.) means “we suspend contacts with Europe, so US residents are prohibited to travel”.

In the example (13b.) the poorly expressed illocution of the directive “not to stop following the rules and restrictions” is disguised with the hypothetical condition, “it would be madness”. The structural complexity of a phrase that incorporates repetition, a hesitation pause, and a conditional mood indicate a disregard of the maxim of the quality of information, which is typical for non-preferential moves, a classic example of which is directive. The maxim flouting triggers the discourse implicature – “it should be obvious to everyone that it is inadmissible to allow a second spike”, on which the directive illocution is based.

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<sup>42</sup> N. Kravchenko, Indirect speech acts’ via conversational implicatures and pragmatic presuppositions. *Cognition, communication, discourse. International on-line journal*, 14, 2017. Available at:

<https://periodicals.karazin.ua/cognitiondiscourse/article/view/9534>

<sup>43</sup> N. Kravchenko, Illocution of direct speech acts via conventional implicature and semantic presupposition, *Lege artis. Language yesterday, today, tomorrow. The journal of University of SS Cyril and Methodius in Trnava*, vol. II, no. 1, 2017, pp. 128-168.

In the utterance (13c.) the element of obligative deontic modality dissimulates under the permissive modality. This is marked by a condition, restricting the freedom of action introduced by “but only”. In such a way the main clause with subordinate condition acts as an implicit ban – that is ‘you cannot perform certain actions with not family members’.

**Table 1. Degrees of illocutionary force of directives and deontic modality**

<b>Types of directives</b>	<b>Degree of strength of directive illocution</b>	<b>Degree of deontic modality</b>	<b>Means of expression</b>
Direct strong directives	The highest degree of strength of directive illocution	The highest degree of obligative deontic modality	Performative verbs; imperatives.
Direct weak directives	High degree of strength of directive illocution	High degree of obligative deontic modality	Deontic modal verbs of obligation: must, have to, be to.
Hedged or weak direct directives	Middle degree of strength of directive illocution	Middle degree of obligative deontic modality	Modal verbs of obligation in passive voice; means of mitigation: suppositional mood, conditional structures; hedging: inclusive pronoun “we”, intensifiers, introductory phrases.
Indirect hedged and unhedged contextually independent directives / hints (in the form of constatives)	Low degree of strength of directive illocution	Low degree of obligative deontic modality	Nouns with the meanings of “prohibition”, “obligation”, “restrictions”, etc.; impersonal structures; implicated addressee – executive of directive actions.
Indirect hedged directives or inferential contextual-bound directives, implicated in the form of constatives	The lowest degree of strength of directive illocution	The lowest degree of obligatory deontic modality (bordering on permissive modality)	Accumulation of mitigation means: impersonal structures, passive voice; nominalization, hedging conditional clauses; absence of explicit or implicit lexical means with the meanings, “obligation”, “necessity”, “recommendation”, or “requirement”; discursive implicatures.

## Conclusions

Based on the modern approaches to the study of modality and speech acts in their relation to the construction of new deontic values of epideictic discourse, this paper explores a new facet of the “modality-pragmatics” interface, identifying the correlation between the high, medium and low scale-paradigm “obligation” and the degrees of strength of the directives illocutionary point. For that purpose, a combination of speech acts method, added by certain elements of Gricean inferential pragmatics, and functional analysis of the category of modality, added by elements of critical discourse analysis has been employed at five consecutive stages of the study.

Typical structures of the directive speech acts in epideictic covid-associated discourse relies on the formula: “I / we + illocutionary verb / illocutionary force indicating device + addressee-destinator of directive act”, “I / we + illocutionary verb / illocutionary force indicating device + addressee-destinator of directive act + propositional (informative) part”, which can be modified with the implication of one or more structural components, influencing the degree of strength of the directive illocutionary point and its corresponding obligative modality.

Ultimately, the taxonomy of directives in relation to different intensiveness of illocutionary force and associated degrees of obligative modality primarily depend on the linguistic characteristics of the second part of the illocutionary formula, which may explicate, implicate, mitigate, generalize, impersonalize, hedge, etc. directive action increasing or reducing its strength.

It is revealed that the strongest degree of directive illocution and its corresponding the highest degree of obligative deontic modality is characteristic of direct strong directives, marked by imperative mood and performative verbs – directive illocutionary force indicating devices. Direct weak directives are still explicit although occupy the second level on the scale of modality with the high strength of directive illocution and the same degree of obligative deontic modality, marked by deontic modal verbs of obligation.

Middle degree of strength of directive illocution and its corresponding scope of obligative modality is distinctive for hedged directives, conveyed by modal verbs of obligation in passive voice, means of mitigation, suppositional mood, conditional structures, inclusive pronoun “we”, intensifiers, introductory “justifying” phrases. Low degree of strength of directive illocutionary point, correlating with soft or low obligative modality is marked by nominalized-generalized expression of obligation due to its encoding by nouns with meanings of “prohibition”, “obligation”,

“restrictions”, etc., in combination with impersonal structures and implicated address – executive of directive actions.

The lowest degree of strength of directive illocution underpins the lowest degree of obligative deontic modality, bordering on permissive modality. It is characteristic of indirect hedged directives, implied under formal-structural markers of constative speech acts, which, in addition, incorporate a set of mitigation means, i.e. impersonal structures, passive voice; nominalization, hedging conditional clauses, etc. Illocutionary force of indirect hedged directives is contextually bound and may rely on discursive implicature.

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# MANIPULATIVE PRAGMATICS OF INTERROGATION

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**Abstract:** *The research focuses on pragmatic and linguistic means of manifesting the communicative roles of interrogators (an investigator and an interrogated person) in interrogation discourse. The paper identifies the characteristics of preferred and dispreferred roles of the communicators from viewpoint of manipulative interactions and interrogation efficiency. Preferred roles are marked by compliance with cooperative maxims, the use of positive and negative politeness strategies. In dispreferred roles, an investigator applies mitigated directives and invectives with the illocutionary force of discrediting an addressee. Dispreferred operative roles of an investigator rely on a set of pragmatic devices, including conversational implicatures, manipulative presuppositions as a means of manipulation, the intended flouting of the maxims of cooperation, acts of "threat" to "the face" of an interrogee. Dispreferred roles of an interrogee are marked with lexical-syntactic forms of negation, adverbs-intensifiers of the degree of negation or ignorance, adverbial deintensifiers of the speaker's confidence in the reported information, elliptical structures, rhetorical questions with illocution of negation that affect the semantic and formal-structural characteristics of the interrogation: preferred roles aimed at achieving the global or local goals of the investigator are supported and encouraged, while dispreferred roles may drastically change the course of interrogation in order to achieve the desired (preferential) speech response.*

**Keywords:** *interrogation, investigator, interrogee, preferred, dispreferred roles.*

## Introduction

An important characteristic of interrogation as an institutional type of discourse is the communicative-role positioning of interactants. The diversity of modern approaches to the study of the problem is due to various research guidelines and research methods. The relevance of the research topic is due to its compliance with modern scientific research concerning pragmatic optimization of institutional interaction, manipulative influence, prevention and overcoming of interaction failures and conflict communication.

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Given the specifics of interrogation as, on the one hand, institutional communication and, on the other, dialogic speech, communicative-role investigation in the paper is conducted within the framework of critical discourse analysis (Fairclough<sup>1</sup>, van Dijk<sup>2</sup>, Wodak<sup>3</sup>), conversational analysis (Heritage<sup>4</sup>; Hester<sup>5</sup>; Sacks, Schegloff, Jefferson<sup>6</sup>; Sacks<sup>7</sup>, Sacks, Schegloff<sup>8</sup>), and narrative analysis in terms of the theory of role positioning of the subjects in interaction (Swan<sup>9</sup>, Wetherell<sup>10</sup>).

### **Purpose of the article**

The study is aimed at identifying the pragmatic and linguistic properties of the roles of an investigator and an interrogee in terms of preference and dispreference of such roles for the course of the interrogation.

### **Data and methods**

The study was based on transcripts of interrogations at the pre-trial stage of investigation in the United States and the United Kingdom which were selected by the method of sampling. Due to the confidentiality of the information, the study was conducted on the basis of transcript materials of interrogations fully or partially published on the Internet. The purpose and objectives of the work necessitated the use of a comprehensive research methodology, which includes the use of general scientific methods of description, observation, systematization, generalization in combination with a number of linguistic methods: pragmatic analysis based on speech acts method and explanatory tools of politeness principle

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<sup>1</sup> N. Fairclough, *Analysing Discourse*, London: Routledge, 2004.

<sup>2</sup> T.A.van Dijk, *Discourse and Context. A Sociocognitive Approach*. New York: Cambridge University Press, 2008.

<sup>3</sup> R. Wodak, *A new agenda in (Critical) Discourse Analysis. Theory, methodology and interdisciplinarity*. Philadelphia, PA: John Benjamins Publishing Company, 2005.

<sup>4</sup> J.C. Heritage, Conversation analysis and institutional talk: analysing data. *Quantitative research: theory, method and practice*. London: Sage, 1997, pp. 161–182.

<sup>5</sup> S. Hester, Membership categorization analysis: an introduction. *Culture in action: studies in membership categorization analysis*. Washington D.C.: University press of America., 1997, pp. 1–24.

<sup>6</sup> H. Sacks, E. Schegloff, G. Jefferson, *Simplest systematics for the organisation of turn-taking for conversation*. *Language*, no. 50, 1974, pp. 696–735.

<sup>7</sup> H. Sacks, Notes on methodology. *Structures of social action: studies in conversation analysis*. Cambridge: Cambridge University Press, 1992, pp. 2–27.

<sup>8</sup> H. Sacks, E. Schegloff, Two preferences in the organization of reference to persons in conversation and their interaction. *Everyday language: studies in ethnomethodology*. NY: Irvington Press, 1979, pp. 15–21.

<sup>9</sup> D. Swan, Positioning as a means of understanding the narrative construction of self: A story of lesbian escorting. *Narrative Inquiry*. № 10 (2), 2001, pp. 403–427.

<sup>10</sup> M. Wetherell, Positioning and interpretative repertoires: Conversation analysis and post-structuralism in dialogue. *Discourse and Society*, Vol. 9, 1998, pp. 387–412.

to identify pragmatic markers of communicative roles; critical discourse analysis to reveal patterns of planning the course of interrogation given the factors of institutional, interpersonal and psychological contexts, and conversational analysis to elucidate the structural potential of changing communicative roles in the development of the interrogation scenario.

### **Manipulative roles of an interrogatee**

In the perspective of the critical discourse analysis, the communicative role is considered as a product of global interactions (Kravchenko<sup>11</sup>), a constructed category related to the institutional identity of the subjects. This approach correlates with the concepts of status-institutional roles applied in this study. Adjusted to local needs (tactics) of interaction, institutional roles emerge in their operational variants

One of the manipulative operational roles of an interrogatee is the role of "investigator" which he / she assumes through the inversion of status roles:

"... I think you will have to offer me some evidence that that money was from the KGB"; "Can you be more specific?"; "What does this thing look like? Because I don't recollect I was strapped up to anything, or ...", "No, I don't know you're right. (...) I, I cannot argue with a case that I don't have in front of me. (...) I think you, you have to bring the evidence forward, not me"; "Well, put the cards on the table. Who is this George then? Is he somebody I should know?" (Smith<sup>12</sup>).

In this role, the respondent can take the lead, intercept the communicative initiative in turn-taking ("Now I think it is my turn to say"), tries to give instructions to the investigator, accuses him explicitly or implicitly of inappropriateness of questions ("You're trying me out, that's what you're doing, isn't it?", "I see no point in beating about the bush on fringe subjects.", No. I said I wasn't going to discuss it, because I didn't know why you were asking that question.", interrupts the interrogation ("I've got a very good explanation for what happened at that time, but I'm not going to discuss it with you at this time").

Instead of the investigator, the interrogated person may interrupt, ask questions, including manipulative ones ("How could you possibly know that, unless George was somebody that you've asked to ring me up"; "I, I presume this is all about the job for Ferranti, isn't it? Is it?"; "I say I do not know Victor, and if I did, well, why should I hold back and not tell you?" (Smith), overlap, demonstrating his / her communicative dominance.

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<sup>11</sup> N.K. Kravchenko, *Discourse and discourse analysis: A brief encyclopedia*. Kyiv: Interservis, 2017b, p. 74.

<sup>12</sup> M.J. Smith, Police interviews, 1992, <http://Cryptome.org/smith-inter.zip>.

Performing such a role occurs if an interrogee (a suspect) evades an answer, tries to hide information, in order to prevent the investigator from conducting the interrogation:

“Smith: If this man said Victor. I mean, I was humouring the guy anyway. You can ask my wife, I mean, the way I was talking was yes, no, yes, no, or something. I, I didn’t know who the guy was. I mean, I told you George means nothing to me. I mean, who is George? Is he one of your men? Is he?”

Police Officer: I will ask you questions.

Smith: Why don’t you answer my questions?

Police Officer: I ask questions here, Mr. Smith.” (Smith<sup>13</sup>)

In this passage, the interrogee performs the operational role of “investigator” with direct unmitigated questions, both special (“Who is George?”), and general, which are “threatening” for the “face” of the interlocutor, manifesting speech aggression. In addition, parallel anaphoric repetition with compression (“Is he one of your men? Is he?”) deprives the interlocutor not only of the freedom to choose the answer, but also of the time to answer. The investigator’s attempt to restore his inverted status role is met with the next provocative question of the interrogated person (Why don’t you answer my questions?), representing an indirect speech act with the illocutionary force of a directive (Answer my questions!).

One of the typical manifestations of communicative dominance by the interrogated is the interruption of the interlocutor and the interception of the communicative course:

1. “MacLeod: Right, Ok if we accept you don’t know who George is ...

Smith: That’s absolutely true. I mean, I do not know who George is.”

2. “MacLeod: Well, I’m putting it to you, that you received a telephone call this morning, from a man called ...

Smith: We’ve discussed that. We’ve discussed that. I’ve, I’ve told you exactly what I can tell you.”

The study showed that one of the common operational roles of a respondent is also the role of “victim of circumstances”:

“My simple walk out to buy a newspaper has turned into something, which you feel has, has got some significance to you, but has no significance to me.” (Smith)

The syntax of the interviewee’s speech in this role corresponds to the structure of a complex sentence with a concessive clause, linked, most often, by the opposite conjunction *but*. At the same time, the interrelated

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<sup>13</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.

parts of such relationship may not have formal communication indices at all:

“I can’t prove I didn’t, no. But I am asserting, there was no reason for anything suspicious about my visit to Portugal.” (Smith)

The initiating remark formulates the state of things (condition), against which a certain circumstance (action) occurs in the main part of the complex speech move. The first part states the impossibility of proving of the interrogated person’s non-involvement, while the main part, typical for the role of “victim of circumstances”, contains assurances, which contradicts the circumstances set out in the initiating reply.

The respondent uses the illocutionary act of the representative which is introduced by the illocutionary verb *assert*, instead of which the verbs *claim*, *state*, *affirm*, *swear*, *insist*, etc. can also be used with a similar assertive function: claiming, the speaker undertakes to be authentic and to reconcile his / her words “in accordance with the world”, to the real state of affairs (Kravchenko<sup>14</sup>).

In the part of the actual “refutation” of his involvement in criminal actions, in addition to the explicit denial, the speaker employs indefinite pronoun *anything*, deintensifying the meaning “suspicious” (there was no reason for anything suspicious about my visit to Portugal).

### **Manipulative roles of an interrogator**

One of the most common manipulative techniques in the discourse of interrogation is employed by the paired roles “good cop” and “bad cop”. No matter how many people are involved in the interrogation, even the same investigator can alternately use the scenario of an “bad cop” (causing an interviewee to feel fear or insecurity) or a “good cop” (who can gain an interviewee’s trust and obtain the necessary evidence), or positions himself/herself in both roles in order to provoke the respective roles of an interviewee.

The role of the “bad cop” is associated with the functions of “accuser” and “exposer of false testimony” marked by corresponding pragmatic and linguistic devices:

(a) acts that “threaten” the “face” of an interviewee, primarily directives expressed by imperative constructions, both unmitigated and mitigated by the introductory word *please* (“Please don’t digress from the point”, “Would you please answer my question?”, “If you didn’t, then will you

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<sup>14</sup> N. Kravchenko, Illocution of direct speech acts via conventional implicature and semantic presupposition. *Lege artis. Language yesterday, today, tomorrow. The Journal of University of SS Cyril and Methodius in Trnava*. Warsaw: De Gruyter Open, 2017, vol. II(1), June. pp. 128–168.

please tell me what route you took to the newsagent's?", "Will you please tell me what route you took." (Smith<sup>15</sup>),

(b) direct unmitigated questions, both general ("(...) Did you knowingly let the beneficiary sign the insurer's name to it?", "Was he given any certain status?", "Can you remember? Did you answer the telephone?"), and special ("What were you doing", "What did he say?", "Where is that at?"), as well as

(c) other "threatening" acts, unhedged ("Listen, I'm asking the questions here"), and hedged ("I think (hedge) it's pointless me wasting my time asking any more questions of you"; "No, but I think there is no point putting off, we've got to really get down to these issues" (Smith)).

The role of "good cop" is aimed to connote the meaning of "defender of the rights of interrogees" and, accordingly, is indexed by means of positive politeness (diminutive names, vocabulary denoting "interest", "understanding", "compassion", etc.). In particular, as a means of such politeness of proximity and in-group identification the interrogator may employ slangisms, colloquialisms, stylistic devices, to increase emotional rapport and phatic interaction.

One of the most common means of manifesting the role of a "good cop" in the discourse of interrogation is slangisms and colloquialisms, which, according to the concept of "face and politeness", are markers of belonging to "close people" (in-group markers) ("And then you are gonna have arrangements to have that shipped out to"); "You know if you think you saw something in the fire, and it is starting to bother you, or you are feelin' bad about it, the only way it is over gonna end is if you talk about it I, gotta believe you did see something in the fire. You wanna know why I believe that?", "As I said, we are not gonna say you did and we are not gonna say you did not, we are not here to...", "What else is botherin' yah?", "You kinda knew better though, don't ya?" (Steven Avery<sup>16</sup>)

The positive politeness on the part of a "good cop" is realized by syntactic and stylistic devices, first of all, by ellipsis, which gives speech a conversational character ("Free legal advice. Free at no cost to yourself" (Smith), "Where in the garage?", "How about any shoes?", "You all right?", "Got away from that nasty snow" (Steven Avery). In particular, the sentence "Got away from that nasty snow", which is formed by grammatical compression due to the omission of the subject, shortens the distance between the investigator and the interrogee, which is lexically amplified by the colloquial phrase *nasty snow* in combination with the deictic indicative pronoun *that*.

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<sup>15</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.

<sup>16</sup> Avery Steven, Trial transcripts and documents, 2005,

<http://www.stevenaverycase.org/police-interviews-and-interrogations/>.

The phatic function typical of the role of a “good cop” is also achieved by means of reference to realities that activate the “common ground” of interactants, implementing a number positive politeness strategies, i.e. “use in-group identity markers”; “presuppose, raise, assert common ground”; “assume or assert reciprocity”. (Brown, Levinson<sup>17</sup>)

1. “- How old are you?

- 23

- 23. I guess I can relate to that. I have kids myself that age and as far as reading the papers, so I guess I can go along with that.”

2. “- I do not remember the date.

- And I understand that, because sometimes I don` t even know that, you know, what day of the week it is, what date it is now.”

3. “Cutty: Boston.

Det. Carrasquillo: Oh...bean town.” (Townsville<sup>18</sup>)

As the above examples show, the investigator tries to establish a relationship of trust with the interviewee through reference to shared experience. In addition, in the second passage, he applies the maxim of generosity (Leech<sup>19</sup>), supporting the interrogee at the expense of own “face”.

Another positive politeness strategy, pertinent to the role of a “good cop” relies on tag questions, which usually perform a contact-establishing function, because “the first part contains the opinion of the speaker about the fact, the second one contains an appeal to the listener to encourage the latter to express his opinion about the statement in the first part” (Levitsky<sup>20</sup>): “this is beautiful, isn’t it?”; “You even tried to access some of the sensitive areas, didn’t you?”; “I mean, this is fairly legible, isn’t it?”; “Well of course it’s true, it’s pretty obvious, isn’t it?”, “As you’ve said though, your mood is slightly different, isn’t it?” (Smith<sup>21</sup>).

The role of a “good cop” is also expressed through markers of negative politeness as politeness of non-imposition and deference (“Why don’t you be candid, and tell us”) primarily marked by the passive voice (“the most important thing is that you are represented” (Smith)), often combined with depersonalization (“When you first met Lisa, were you introduced or was it

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<sup>17</sup> P. Brown, S.C. Levinson, *Politeness: Some Universals in Language Usage*. Cambridge: Cambridge University Press, 1987, p. 102.

<sup>18</sup> Townsville bulletin, 2008,

[http://www.townsvillebulletin.com.au/article/2008/01/23/10038\\_hpnews.html](http://www.townsvillebulletin.com.au/article/2008/01/23/10038_hpnews.html).

<sup>19</sup> G.N. Leech, *Principles of Pragmatics*. L.: Longman, 1983.

<sup>20</sup> A. Levitsky, *The means of the category of mitigation in English and Ukrainian linguistic cultures*, 2011, p. 354.

[http://www.nbuv.gov.ua/portal/Soc\\_Gum/Mikks/2011\\_33/351\\_355.pdf](http://www.nbuv.gov.ua/portal/Soc_Gum/Mikks/2011_33/351_355.pdf).

<sup>21</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.

a chance meeting?” (Lisa<sup>22</sup>)), modal verbs (“That might be of importance” (Lisa), lexical and lexico-syntactic hedges that soften the categoricalness of the message (Brown<sup>23</sup>; Brown, Levinson<sup>24</sup>):

(a) even though, as you say, just: “I would like you just to tell me”; “So, you took, you changed your job, and you got extra money. How much, can you recall just how much more you got for that, in salary terms, substantial, or modest increase?”, “Can I just clarify. This man Victor Lazin, you call him?”),

(b) I suggest: “I suggest it is certainly not that to me”; “Right, we’ll go back to this period when you first suggested interested in communism. I suggest that that was the period that Victor Oshchenko was introduced to you, at one of the meetings?”),

(c) I mean: “I mean, can you just...”, “I mean, I don’t underestimate that this has been a fairly traumatic experience for you and for your wife. I mean, she now understands fully the reason why you’re both detained here at the police station” (Smith).

Other means of negative politeness of “respect and distancing” are the conditionals, the modal verbs *may, might, could, happen to + verb* (“did you happen to know Lisa?” (Lisa). In particular, “Did you happen” softens the impression, reduces straightforwardness and categoricalness by connotating the meaning of “uncertainty”.

Another manifestations of the role of a “good cop” are whimperatives, that is conversational conventions of presenting the imperative in the form of a question or declaration in order to make a request, demand while avoiding “insults” to “face” of the interactant (Sadock<sup>25</sup>): “Please answer my question?”, “Would you please tell me what route you took to the newsagent’s?”, “Why don’t you tell (...)?”, “Could you just...?”, “Why can you not tell me this?”, “I was wondering if you wouldn’t mind”, “Why can’t you answer the simple question?”, “Why can’t you tell me about the trip you made to Vienna?” and the like.

In particular, the speech of a “good cop” in this perspective can be illustrated by the following fragment:

“(...) Let me just say if you only have a suspicion I want you to tell me that, even though you may be wrong.” (Smith<sup>26</sup>)

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<sup>22</sup> The Lisa McPherson Files, Interviews, 1998, <http://www.lisafiles.com/police/interviews/219.html>.

<sup>23</sup> P. Brown, Universals in language usage: politeness phenomena. *Questions and politeness: strategies in social interaction*. Cambridge: UP, 1987, pp. 56–324.

<sup>24</sup> P. Brown, S. Levinson, *Politeness: Some Universals in Language Usage*. Cambridge: Cambridge University Press, 1987, p. 102.

<sup>25</sup> Jerrold M. Sadock, *Whimperatives*. Edmonton: Linguistic Research, 1970, pp. 223–239.

<sup>26</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.



In this example, the utterance is an indirect directive, which includes a number of negative politeness markers: hedging *let me just say*, conditional subjunctive sentence mitigated by the adverb *only* (“if you only have a suspicion”), concession conjunction (*even though*), subjunctive part of a conditional sentence (“if you only have a suspicion”), the modal verb *may*. In addition, *only* and *even though* are triggers of conventional implicatures that activate additional meanings about the importance of even a small, peripheral “degree” of suspicion. Along with the means of politeness of distance, the investigator uses a complex object: “I want you to tell me that” as a means of reducing the distance between him and the interrogatee and, accordingly, a marker of positive politeness.

So, the role of a “good cop” is characterised by a combination of markers of positive politeness of rapprochement with the interviewee and negative politeness of showing respect and not imposing one’s opinion. Markers of positive politeness are slang and colloquialisms as a means of belonging to “close people”, colloquial syntax in the form of elliptic structures and nominative sentences, means of activating “common” interests, phatic means, including disjunctive questions. Negative politeness of non-imposition involves means of hedging, mitigation, modal verbs, imperatives, passive state, conditional way.

In addition to the “good-bad cop” role pair, both the investigator and the interrogated person may perform the manipulative role of the “professional” aimed to increase the objectivity and factuality of their statements:

1. “- (...) There wasn’t any *vital signs*.  
 - Okay. Was she at all *cyanotic* (...) like she had (...) *oxygen deprivation*?  
 - ... it looks like she's got *meningococemia*. . . that she’s septic.  
 - When...when did you rule out that she didn’t have *meningitis*. I guess that’s *meningococemia* ... .” (Lisa<sup>27</sup>)
2. “I am investigating false *CO2 credits*. Have you ever given false *CO2 credits*?” (Case<sup>28</sup>)

The interviewee’s speech in this role includes professional vocabulary to denote concepts specific to a particular field of knowledge or professional activity (vital signs, meningococemia, CO2 credits).

Through the use of professional vocabulary, the investigator adjusts to the professional “register” of the interrogated person (in the above examples, a medical worker) and presents himself in the paired role of

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<sup>27</sup> The Lisa McPherson Files, Interviews, 1998,  
<http://www.lisafiles.com/police/interviews/219.html>.

<sup>28</sup> Case studies, [http://www.reid.com/success\\_reid/r\\_cstudies.html](http://www.reid.com/success_reid/r_cstudies.html).

“professional in medicine”, which is manifested by professionalism *cyanotic, meningitis, meningococemia, oxygen deprivation*.

The investigator’s switching to the interrogatee’s professional register is a manipulative technique, as it serves as a kind of the professional in-group marker, which should inspire confidence in the interlocutor and encourage openness.

Operational role variants correspond to the tactics of the interlocutors, and their sequence forms a scenario of role behaviour. Operational roles do not exclude the personal factor, they are able to reflect the identity of an investigator and an interrogee on psychological or other grounds.

In particular, such operational role positions as “authoritarian”, “unbalanced”, “mocking the interrogee”, are likely to be performed by the “investigator” who belongs to the psychologically-based type of the so-called “dominant communicator” (Kashkin<sup>29</sup>), whose role behaviour is marked by the desire to have the initiative, to be sharp, mocking, intolerant when he is interrupted, and so on. The pragmalinguistic aspect of such role positions will be the use of direct non-mitigated directives (“in that case answer the question”) and other acts that “threaten” the “face” of the interactant. A “dominant communicator” in his / her operative roles will also adhere to cooperative maxims of quality of information (“From somewhere? You tell me?”), style (speaking laconically, clearly and transparently: “You are obliged to answer all the questions, Mr Smith.” and relevance (logical, coherent in the expression of opinions: “They told me not to discuss it with anybody, and that’s what I’m doing. You can take it from me, I am perfectly entitled to put these questions to you.” (Smith<sup>30</sup>).

From the linguistic viewpoint, operative roles of the dominant investigator employ, as the research material revealed, the imperatives (as a means of expressing direct directive acts), direct general questions that restrict the interlocutor’s freedom to alternative speech move, provocative questions (“Are you saying that it’s not true?” (Smith)), invective speech acts with the illocutionary force of discrediting the addressee.

Among other common means of expressing the operational roles of the “dominant investigator” is the anaphoric repetition of the imperative: “Let’s come back to the central question”; “Just, let me finish. Let me finish.” (Smith)

A less common means of manifesting this role is picking up the phrase of the respondent (stylistic technique of anadiplosis) in order to discredit it:

“Smith: It wouldn’t surprise me, no, but I’m not aware of it.

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<sup>29</sup> V.B. Kashkin, *Introduction in the theory of communication*. Voronezh: VGTU Publishing house, 2000.

<sup>30</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.

MacLeod: And it wouldn't surprise you either, that..." (Smith) (operational position "mocking").

Similarly, it is logical to assume that the operational roles of a positive-minded police officer in the role of "investigator", such as "tactful", "sustained", "correct", are likely to be typical for the other psychotype of communicators, such as introverts (unwilling to have a communicative initiative) or "mobile" (which are easy to talk to and happy to communicate (Kashkin<sup>31</sup>).

As the analysis of the material showed, pragmalinguistic characteristics of these roles will be the avoidance of acts that "threaten" the "face" of the interlocutor, the use of negative politeness strategies that minimize pressure on the listener and do not limit his personal autonomy, as well as indirect acts, implementing the negative politeness of non-imposition, distancing and respect. Among the indirect acts, the prevailing ones are "idiomatic" (conventional) indirect acts of quesitives with the illocutionary force of directives (Sadock<sup>32</sup>; Lakoff<sup>33</sup>; Gordon, Lakoff<sup>34</sup>; Morgan<sup>35</sup>), as well as representatives / statements with directive illocution:

1. "Can you tell me?"; "Could we talk about your personal account. Could you, sort of, run through the average month? You get paid, how often?"; "Could you explain what that work deals with?"; "Can you just explain to me what you did this morning" (conventional indirect acts of the directive "tell me" in the form of a quesitive).

2. "I am giving you the opportunity to tell me" (Smith) (indirect representative with directive illocutionary force *tell me*).

Implementing negative politeness, the "investigator" in the "polite" roles may flout certain cooperative maxims. In particular, the investigator's speech is complicated by repetitions, lexical and lexical-grammatical hedges, which attract redundant information (i.e. the investigator is not as specific in expressing his assumptions as his institutional status and interrogation situation require), flouting the maxim of quality of information: "But it seems to me, to be highly

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<sup>31</sup> V.B. Kashkin, *Introduction in the theory of communication*. Voroniez: VGTU Publishing house, 2000.

<sup>32</sup> J.M. Sadock, Toward a realistic typology of speech acts. Available at: Jerrold M. Sadock, *Speech act idioms. Papers from the Eighth Regional Meeting of the Chicago Linguistic Society*, 2004, pp. 329–339.

<sup>33</sup> G. Lakoff, Pragmatics in Natural Logic. In E. Keenan (Ed.). *Formal Semantics of Natural Language*. Cambridge: Cambridge University Press, 1975, pp. 253–286.

<sup>34</sup> D. Gordon, & G. Lakoff, Conversational Postulates. In P. Cole & J. L. Morgan (Eds.), *Syntax and Semantics 3: Speech acts*. New York: Academic Press, 1975, pp. 83–106.

<sup>35</sup> J. Morgan, Two types of convention in indirect speech acts. In Peter Cole (Ed.), *Syntax and semantics 9: Pragmatics*. New York: Academic Press, 1978, pp. 261–281.

illogical”, “You probably remember the time that you went to pick up a massage from a DLB, or a dead letter box as it’s known, yeah?”, “There may be, it may be, that some of the detail is perhaps not quite accurate, but the substance of it is correct, that he met you in Kingston.”

It is typical for a “positive investigator” to use passive voice (“Was he given any certain status?”, conditional structures to mitigate the statement, *would* in different meanings, i.e. in assumptions (“Would it surprise you”); as a modal verb (“Would you tell me”; “Would you be willing to talk about...”; “You think it would be damaging. You think?”; “I’d like to answer that, but”; “It would be crucial.”, “Yes, but you were looking, I would suggest, to getting into another company involved on government contract work”) and in the construction *I would have thought*: “I would have thought, you say that’s not a matter that would excite your interest?” (Smith<sup>36</sup>).

The use of the form “past conditional” (*I would have thought*) in polite, positive-minded roles deserves special attention. On the one hand, such a construction functions as a means of preserving the “face” not only of an interrogee, but also of an investigator if his statement is incorrect. At the same time, “*I would have thought*” takes the speaker “away” from the context, directing the communication to a more formal and polite level. Such a construction is a means of “modal” mitigation at the level of the propositional content, through the emphasis on the subjectivity of the communicant’s opinion (Levitsky<sup>37</sup>). Along with this construction, the following means of modal mitigation were identified: inactive verbs in the inversions *I guess, I believe, I think* (“I think it’s pointless me wasting my time asking any more questions of you”; “I guess that meningococemia ...”; the use of words with an obscure reference, diminutives, as well as semantic operators, reducing the accuracy of formulations (Levitsky<sup>38</sup>).

Among other operational roles, we have identified such role positions such as “analyst / insightful” and “suspect of insincerity” / “giving false testimony” (“I feel the reason that you are not coming up front with the answer is because you feel at the back of your mind, you have got something to hide” (Smith).

Opposite in terms of evaluative characteristics are such operational role positions as “sincere” (“I am a father who has kid of your age, I want to be here with you”), “benevolent”, “trustful”, “help-seeker”: “I promise we will not let you high and dry, we are gonna talk to your mom and we will deal with this, the best we can for your good, OK? I will stand behind

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<sup>36</sup> M.J. Smith, *Police interviews*, 1992, <http://Cryptome.org/smith-inter.zip>.

<sup>37</sup> A. Levitsky, The means of the category of mitigation in English and Ukrainian linguistic cultures, 2011, p. 353, [http://www.nbuv.gov.ua/portal/Soc\\_Gum/Mikks/2011\\_33/351\\_355.pdf](http://www.nbuv.gov.ua/portal/Soc_Gum/Mikks/2011_33/351_355.pdf).

<sup>38</sup> *Ibid.*, p. 354.

you. We both will, Brendan. We are here to help ya.” (Steven Avery<sup>39</sup>), “We have to make sure that your rights are respected”. (Markoff<sup>40</sup>).

The operational role of “sincere” presupposes the use by investigators of lexical units, connoting the meaning “sincerity” (“I want you to tell me frankly, and honestly, the nature of the call from this man George”, “I’m not asking you to say anything else than the truth”, “Because I expect you, I expect you to be honest and truthful”).

In some cases, the investigator performs the roles of a “confused” and “the one who loses self-control”:

1. “But you have just told me, you have just told me, that he told... (...) You are a liar. You are a liar”. (Smith)

2. “Concerning this investigation ... umm... like to ask you a couple of questions about Lisa... uh ... with regard to her umm ... past medical history” (code change – from formal to conversational). “Was she at all cyanotic when... when she arrived at the hospital like she had...you know... oxygen deprivation....” (Lisa<sup>41</sup>)

The role of “confused” is marked by:

a) syntactic parallelism (1);

b) ellipse (“like to ask you...” (2);

c) stylistic apotheopethis, graphically foregrounded with three dots indicating the interruption of the speech caused by the inability or unwillingness of the speaker to finish his speech due to uncertainty, suspicion, excitement, overflow of feelings;

d) repetition in combination with the aposiopesis “when... when” (2);

e) pauses of hesitation – to buy time to formulate a statement.

According to researchers, hesitation pauses can be expressed in speech as “filled pauses”: vocalization, prolongation of sounds, “empty words” and parasitic words, coughing, sighing, and unfilled pauses. (Belitskaya<sup>42</sup>)

For the operative role “confused”, it is typical to use different types of hesitation pauses, both unfilled (“she had... You know... Oxygen deprivation...”) and “filled pauses”. In the function of “fillers” the investigator uses two types of means:

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<sup>39</sup> Avery Steven, Trial transcripts and documents, 2005,  
<http://www.stevenaverycase.org/police-interviews-and-interrogations/>.

<sup>40</sup> Transcript of interview of Ph. Markoff, 2009,  
<http://murderpedia.org/male.M/images/markoff-philip/philip-markoff-police-interview.pdf>.

<sup>41</sup> The Lisa McPherson Files, Interviews, 1998,  
<http://www.lisafiles.com/police/interviews/219.html>,

<sup>42</sup> A. A. Belitskaya, Hesitation pauses in the oral speech of Englishmen. *Filolohiya i literaturovedennyya*, 2014, <http://philology.snauka.ru/2014/02/698>.

a) vocalizations, namely the exclamations *uh* and *umm* (the latter occurs twice in one speech move), which expresses uncertainty, doubt and indecision;

b) the lexical phrase *you know*, which belongs to the most frequent in English “empty words” or words-parasites.

*Like* in the last speech move also serves as a filler, because it is relatively autonomous (both lexically and syntactically) in the structure of the statement and does not affect the conditions of its truthfulness. At the same time, *like* and *you know* are discursive markers (Schiffrin<sup>43</sup>), which are able to perform certain functions at the level of discursive connectivity. In particular, *like* signals in this context about the possibility of reformulating the information, and *you know* performs the phatic function of establishing contact with the respondent and appealing to the background knowledge shared with him.

## Conclusions

The article provides a linguistic analysis of the pragmatic features of the modern English-language interrogation discourse. A set of the identified operative roles are hierarchically subordinated to the status-institutional role pair “investigator-interrogated person”.

The operative roles differ in certain patterns of distribution, coordination and change in the process of interaction. They form correlative pairs, contributing to the optimal development of the interrogation scenario.

Preferred roles are marked by compliance with cooperative maxims, and the combination of positive politeness strategies that are manifested by lexical means denoting or connoting the meanings of “understanding” and “cooperation”, elliptical and nominative constructions, connecting questions with a phatic function, ingroup markers and other means of reducing the distance between an investigator and an interrogee. Negative politeness, aimed at reducing the imposition on the interrogated person, is expressed by the passive voice, nominalizations, modal verbs, etc.

In dispreferred roles, an investigator applies the mitigated directives and invectives with the illocution of discrediting an addressee, as well as stylistic markers of emotional tension. Dispreferred operative roles rely on a set of pragmatic devices, including conversational implicatures, presuppositions as a means of manipulation, the intended flouting of the maxims of cooperation, acts of “threat” to “the face” of an interrogee.

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<sup>43</sup> D. Schiffrin, Everyday argument: The organization of diversity in talk. *Handbook of Discourse Analysis*, 1985, Vol. 3, pp. 35–46.

Dispreferred roles of an interrogee are marked by lexical-syntactic forms of negation, adverbs-intensifiers of the degree of negation or ignorance, adverbial deintensifiers of the speaker's confidence in the reported information, elliptical structures, rhetorical questions.

Changing roles affects the content and formal-structural characteristics of the interrogation: preferred roles are supported and encouraged, while dispreferred roles may drastically change the course of interrogation in order to achieve the desired (preferential) speech response.

The results of study open up prospects for further research of pragmatic and strategic-tactical parameters in judicial discourses.

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# TOWARDS A CULTURAL SPECIFICITY OF HUMOUR IN LITERARY TEXTS ZUR KULTURSPEZIFIK DES HUMORISTISCHEN IN DER SCHÖNEN LITERATUR

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**Abstract:** *The article investigates the humorous potential of cultural words, names, and linguistic innovations in German-language literary text. These three varieties of linguistic means are presented as important tools for humour creation in the German literature and indicators of linguistic changes. The article analyses the key trends of humorous innovations in literary texts. The study of the cultural and social marked language features of the humour world gives the opportunity to expand the linguistic and interdisciplinary understanding of humorous specificity of their literature presentation.*

**Keywords:** *humour, cultural words, names, linguistic innovations, literary texts*

In den letzten Jahren hat das Interesse an den kulturellen und pragmatischen Besonderheiten des Humoristischen stark zugenommen. Eine wichtige Rolle spielen dabei die Sprachmitteln zur Wiedergabe der humoristischen Inhalte, die reiche Potentiale der Sprache aufzeigen und neue Weltauffassungen über die Referenzobjekte zum Ausdruck bringen. Die wissenschaftlichen Grundlagen der Forschung dieses Phänomens bildeten sich noch in der Antike. Als Platon in "Philebos" die ethische Bewertung der Lust betrachtete, betonte er die Wichtigkeit der Komödie in den fiktiven Dialogen von Sokrates mit seinen Schülern Philebos und Protarchos. Er behauptete: das Publikum lache, verspüre also Lust, aber das Vergnügen beruhe auf Missgunst, einer negativen Emotion, die eine Form von Unlust darstelle. Es handele sich dabei um Freude über ein Übel. Man freue sich darüber, dass die Theaterfiguren lächerlich sind und ihrer Unwissenheit und Unfähigkeit zum Opfer fallen. So mischen sich Lust und Unlust<sup>1</sup>. Aufgrund dieser Humorvorstellung wurde dann von

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<sup>1</sup> Platon, *Philebos* 45e–50d. Vgl. Stefan Büttner: *Die Literaturtheorie bei Platon und ihre anthropologische Begründung*, Tübingen 2000, p. 96–100.

Plato und Aristoteles die erste Überlegenheitstheorie zur Erklärung des Humors entwickelt.

Im Laufe der langen Rezeptionsgeschichte dieses Phänomens wurden zahlreiche Humorthorien unter den interdisziplinären Perspektiven ausgearbeitet. Das Humoristische lässt sich nicht nur wie in der Antike als eine rhetorische Kategorie betrachtet, sondern auch als ein gnoseologisches Model, z.B. für die Entlarvung der ideologischen Realitäten. So diente scherzhafte Literaturdarstellung in der ehemaligen UdSSR zur Persiflage auf die damalige Ideologie. Vor diesem Hintergrund zeigt sich das Humoristische als ein wichtiges Ausdrucksmittel zur Wiedergabe der außersprachlichen Realität, die gegenwärtige Schriftsteller immer wieder in Anspruch nehmen.

Das Humoristische realisiert sich häufig durch Polysemie, Homonymie, Homophonie, Wortspiele oder Fremdwörter. Sie lösen eine unbewusste Wirkung aus und beeinflussen die Rezipienten auf eine besondere Art und Weise, als ob sie das menschliche Bewusstsein mit einem Rauschgefühl versehen würden. Diese Effekte lassen sich besonders in der schönen Literatur zeigen. Um eine höhere Wirksamkeit zu erreichen, greifen die Schriftsteller bei der Wiedergabe des Humoristischen auch zu den kulturmarkierten Mitteln wie Kulturwörter, Eigennamen und Sprachinnovationen. In der heutigen Zeit wird ein großer Wert auf eine erhöhte Emotionalität gelegt. Die gegenwärtigen Literaturdiskurse übermitteln eine Menge der Sprachbilder und zeichnen sich durch das Wuchern der Sprachkreationen aus, die kulturelle und ideologische Konzepte ausdrücken. Einer der wichtigsten Aufgaben der Sprachkreationen in der gegenwärtigen Literatur ist es, die Wahrnehmung der gesellschaftlichen Phänomene zu sensibilisieren. Dazu bringen im Wesentlichen gerade Kulturwörter, Eigennamen und Sprachinnovationen. Sie können beschwichtigend oder aggressiv, abstrakt oder schlagfertig verwendet werden, wenn es darum geht, einen Konkurrenten zu verdrängen oder Gesprächspartner von einer aufgesetzten Lösung zu überzeugen.

Der Begriff "Kulturwort" hat noch keine scharfe wissenschaftliche Definition. Darunter versteht man nach "benennende/n thematische/n Identitätsmarker einer bestimmten Kultur", die damit die kulturelle Identität auf bestimmten Gebieten widerspiegeln<sup>2</sup>.

In den literarischen Texten verwendet man zur Wiedergabe des Humoristischen neben den Kulturwörtern auch Phraseologismen. In den folgenden Beispielen treten Phraseologismen in Form der redensartlichen

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<sup>2</sup> H. Kittel, (Hrsg.), *Handbücher zur Sprach- und Kommunikationswissenschaft*. Bd. 26. Übersetzung. Teilbd. 1. Berlin: de Gruyter, (2011), p. 928.

Bezeichnung „jemandem den schwarzen Peter schieben“ und der Kulturwörter „Erlaucht“, „Gevatter“ auf und geben damit einen Anreiz bei den Rezipienten zum humorvollen Verständnis des Gedankens:

*“Die Reihenfolge, in der das einer auf den anderen schiebt, ist natürlich nicht immer die gleiche, aber jedesmal hat es etwas vom Schwarzen Peter, wenn Erlaucht das kennen oder vom Gevatter, leih mir die Scher an sich...”*<sup>3</sup>

*“Weißt du, was du da sagst? Fortwursteln! Du bist einfach ein Österreicher. Du lehrst Staatsphilosophie des Fortwurstelns!”*<sup>4</sup>

In der gegenwärtigen deutschsprachigen Literatur gelten die Phraseologismen als wichtige Kulturtransfermittel zur Wiedergabe des Humoristischen. Viele von ihnen stammen aus den “engeren” nationalen oder religiösen Kreisen mit den bestimmten thematischen Kontexten.

Eine weitere Gruppe der kulturmarkierten Sprachmittel des Humoristischen in den literarischen Diskursen stellen die Eigennamen dar. Als Forschungsobjekte wurden sie innerhalb der Sprachphilosophie anhand der literarischen Diskurse bereits im 19. Jahrhundert untersucht. Dem bekannten Universalgelehrten Pawel Florenskij zufolge habe ein Name “seine eigenartige und in sich geschlossene Welt”, in dem seine “Krümmungen und Dialektik mit ihren Widersprüchen und Dynamik” erscheinen.<sup>5</sup> Aber eine intensive philologische und interdisziplinäre Aufmerksamkeit auf die Namenforschung kam erst in den letzten Jahrzehnten. Hohe Prioritäten haben dabei diachronische Perspektiven der Onomastik, kontrastive Onomastik, onomastische Studien der Idiolekte in literarischen Texten, sozio- und funktional- onomastische Untersuchungen, Probleme der Onomastik in der Fachkommunikation. Auch in den zahlreichen interdisziplinären Studien betont man ein großes pragmatisches Potenzial der Eigennamen. Man betrachtet sie als “gesellschaftlich unabdingbares Kommunikationsmittel” zwischen onymischen und appellativischen Systemen<sup>6</sup>.

Die Funktion eines Eigennamens beruht auf der Konvention, ein Wort für eine bestimmte Person, Gegenstand, Ereignis als Name zu akzeptieren. Die Namenskonventionen realisieren sich in einem Benennungsakt erst durch eine Person oder eine Personengruppe. Dann verbreiten sie sich in der Gesellschaft. Wenn diese Bedingungen nicht erfüllt sind, dann erlischt

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<sup>3</sup> Robert Musil, *Der Mann ohne Eigenschaften*. Band 1. Hrsg. von Adolf Frisé. Reinbek bei Hamburg 1978, Corino 2003, p. 314.

<sup>4</sup> Idem, *Der Mann ohne Eigenschaften*. Band 1. Hrsg. Von Adolf Frisé. Reinbek bei Hamburg 1978, Corino 2003, p. 507.

<sup>5</sup> P. Florenskij, *Imena*. Moskva, Kupina, 1993. Available at: <http://www.magister.msk.ru/library/philos/florensk/floren03.htm>

<sup>6</sup> A. Brendler, (Hrsg.), *Namenforschung morgen: Ideen, Perspektiven, Visionen*. Hamburg: Baar, at: (2005) p. 34.

auch die Namensfunktion des Wortes.<sup>7</sup> Dieser Mechanismus der Etablierung der neuen Eigennamen auch bei der Wiedergabe des Humoristischen zeigt sich sehr verbreitet anhand der literarischen Texte:

*“Dieser Ulrich wurde damals in dem vornehmen Gymnasium der Theresianischen Ritterakademie erzogen, das die edelsten Stützen des Staates lieferte, und sein Vater, erbost über die Beschämung, die ihm sein weit vom Stamme gefallener Apfel bereitete, schickte Ulrich in die Fremde fort, in ein kleines belgisches Erziehungsinstitut.”<sup>8</sup>*

Zu einem weiteren Vorteil der Eigennamen gehört auch die Markierung kultureller Inhalte von den einzelnen Bezeichnungen. Ihre linguistische Analyse ermöglicht das Verständnis der in den literarischen Texten verbreiteten Namenskreation, Klassifikationen der Forschungsobjekte nach motivierten und nicht-motivierten Modellen, der kulturspezifischen Inhalte von Eigennamen und ihrer gattungsspezifischen Rolle.

Aus der Sicht des sprachlichen Systems bilden die Eigennamen einen Neuzugang zu den Kreativitätsressourcen der gegenwärtigen deutschen Sprache. So lässt sich im Zuge des Vordringens der kreativen Eigennamen eine reiche Neugewichtung der Sprachinnovationen im onymischen System des Deutschen feststellen. Die erfolgreichen Eigennamen können sich auch aus den lustigen Klängen zusammensetzen:

*“Sehr geehrter Herr Gemeindedirektor,  
ich hoffe, daß Sie für die oben aufgeführten Gemeinden zuständig sind, denn sie liegen ja alle in unmittelbarer Nähe von Bederkesa. Es sind die Ortschaften in Ihrer Nähe, die sie so peinlich berührt haben. Mein Finger drohte zum Zeigestock für unsere Kinder zu werden. Ich habe sie anschließend wieder etwas beruhigen können, denn man ist ja schließlich schon zwanzig Jahre verheiratet. Wenn es nach mir ginge, würde ich gern bei Ihnen Urlaub machen, zumahl mich das Reizklima der See ungemein reizt. Meine Frau meint aber, daß wir wegen der Kinder schon allein nicht kommen können. Außerdem könne man ja auch keine Ansichtskarten verschicken: 'Schöne Grüße aus Fickmühlen. Wir haben gerade in Flögeln Kaffee getrunken und wollen anschließend noch die Kirche in Hymendorf besuchen.' Sie meint, das könne man der christlichen Verwandtschaft nicht zumuten. Ich bin da viel freier und unverklemmter, zumal ich mir vorstellen kann, daß wegen dieser Vorurteile der Touristen sicher noch günstige Zimmer zu kriegen sind...*

*Mit vorurteilsfreien Gruß”<sup>9</sup>*

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<sup>7</sup> Ibidem, p. 25.

<sup>8</sup> R. Musil, *Der Mann ohne Eigenschaften*. Band 1. Hrsg. von Adolf Frisé. Reinbek bei Hamburg 1978, Corino 2003, p. 217.

<sup>9</sup> W. Bornemann, *Bornemanns Briefmacken*, Fackelträger Verlag, Hannover 1982.

Die Mechanismen der Humorkreation mittels der Eigennamen in den literarischen Texten sind selbstverständlich breiter und können mit den weiteren Untersuchungen vertieft werden.

Zu der anderen Gruppe der kulturmarkierten Sprachmittel zur Wiedergabe des Humoristischen in den literarischen Texten gehören die Sprachinnovationen. Sie widerspiegeln humoristische Inhalte in den folgenden Bereichen:

- mediales Leben (Zoom-Room, Bezahlfernsehen, Dailysoap, Multiplexkino);
- soziales/Gesellschaft (Infodemie, Bürgergeld);
- Wirtschaft (Globalplayer, Outsourcing).
- Arbeitswelt und Bildung (Assessmentcenter, Mobilzeit, Telelearning),
- Mode (Basecap, Outdoorjacke, piercen)<sup>10</sup>.

Die Sprachinnovationen bilden sich aufgrund der bekannten oder unbekannten Wörter, die ihre Bedeutungen geändert haben, und dadurch zeigen:

- eine vollständige Bedeutungsveränderung (fundamental steht für super, klasse, prima; Gripsräver – für einen schnellen Denker, der geistig außerordentlich flexibel ist);
- eine Bedeutungserweiterung (fett steht für voll in Ordnung, hämmern – für hart arbeiten, Message – für konkrete Aussage und ein spezielles Anliegen<sup>11</sup>).
- eine Bedeutungsverengung (Lotter steht für Spaßvogel, tricky – für eine durchtriebene, trickreiche Person, Poli – für Polizei, Proggi-Programm – für Anleihe aus dem Internet)<sup>12</sup>;
- ein Lügner-Paradox (Mondegreen steht für ein tragisches Schicksal eines Liebespaares, Schnitzelwagen – für einen riskanten Schritt);
- eine pure Sprachphantasie (labundig steht für lebendig, hoppeldihopp – für schnell);
- eine semantische Internationalisierung (Corona-Babys steht für ein von einer mit Covid-19 infizierten Mutter geborenes gesundes Kind, Supporter – für die Eltern, Matsche – für kurzzeitige Schwächephase).

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<sup>10</sup> D. Herberg, *Neologismen in der deutschen Gegenwartssprache. Probleme ihrer Erfassung und Beschreibung. Deutsch als Fremdsprache Jg. 39/4*. Available at: [https://ids-https://ids-pub.bszbw.de/frontdoor/deliver/index/docId/5744/file/Herberg\\_Neologismen\\_in\\_der\\_deutschen\\_Gegenwartssprache\\_2002.pdf](https://ids-https://ids-pub.bszbw.de/frontdoor/deliver/index/docId/5744/file/Herberg_Neologismen_in_der_deutschen_Gegenwartssprache_2002.pdf)

<sup>11</sup> H. Helmut (Hrsg.), *Reichtum der Sprache: Studien zur Germanistik und Linguistik*. Tübingen: Niemeyer, 2006.

<sup>12</sup> C. Niegel, (Hrsg.), *Hä???: Jugendsprache unplugged: Deutsch, Englisch, Spanisch, Französisch, Italienisch*. Berlin [u.a.]: Langenscheidt(2010).

Ein produktives Feld zeigen die Metapher mit den sprachkreativen Komponenten, nämlich in:

- der Medienwelt (abkratzen wollen, ereignisbezogene Mundmische, keine 4 Wände zusammenbleiben lassen, zur Linux-Fraktion gehören);
- dem Bereich der IT-Technologien (die iPhone-User wie die Mantafahrer des neuen Millenniums, sich eine neue Fotze kaufen, wie ein Apfel-Tampon aussehen);
- dem Gesellschaftsleben (alles können – außer Flughafen, Baden-Underberg heißen, jede Woche eine neue Sau durchs Dorf treiben, kleine nationale Lockerungsübung, neue deutsche Linksschreibung anwenden, ökophiler Kuh-Pups-Ignorant, wenn's Hartz auf Hartz kommt, wir sind die 99 %, Zonimaus aus den neuen Bundesländern);
- dem Sport (Eineurofünfzigjoker spielen);
- der Mode (Augenschmuck tragen, Fashionista sein, popmuslimische Mode, Reschick tragen, wie eine Rezessionista aussehen, aussehen wie halbverdaut, den alten Adam ertränken, Großer Moneytu).

Die angeführten Bemerkungen zum Thema über die Sprachmittel des Humoristischen und ihre Potentiale in den literarischen Texten und zur Darstellung einiger praktischer Forschungsergebnisse gelten hier als Anregungen zu den weiteren Diskussionen über die sprachkulturelle Natur des Humoristischen. Zu den Perspektiven dieser Untersuchung gehören auch interdisziplinäre Forschungen der kulturellen und pragmatischen Potentiale der humoristischen Aussagen in Hinblick auf die sprachlichen Bedingungen ihrer Funktionsweise in den gegenwärtigen Literaturdiskursen.

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